

CITY OF HOLDFAST BAY

Minutes of the Ordinary Meeting of Council of the City of Holdfast Bay held in the Kingston Room, Civic Centre, 24 Jetty Road, Brighton, on Tuesday 14 February 2006 at 7:01pm.

PRESENT

Deputy Mayor	R D C Edwards
Councillors	R M Bouchée
	P N Crutchett
	J L Deakin
	P W Dixon
	P L Holt
	C J Lush
	P L Macaskill
	S K Tilley
Chief Executive Officer	R T Donaldson
General Manager Economic and Corporate	D G Chamberlain
General Manager Environment and Engineering	C A Sheffield
General Manager Social and Organisation	C E Umaphysivam
Executive Manager Strategy and Development	S L Ditter

1. OPENING

Deputy Mayor, Councillor R D C Edwards declared the meeting open with prayer at 7:01pm.

2. PRESENTATION Nil

3. APOLOGIES

3.1 **For Absence** Councillors A C Norton and D J Swiderczuk

3.2 **Leave of Absence** Mayor A K Rollond and Councillor J Donaldson

4. CONFIRMATION OF MINUTES

Councillor Holt moved and Councillor Deakin seconded that the minutes of the Ordinary Meeting of Council held on Tuesday 24 January 2006 be taken as read and confirmed.

CARRIED

5. QUESTIONS BY MEMBERS**5.1 Without Notice****5.1.1 Meeting Protocol question**

Councillor Holt questioned whether it was necessary to stand when speaking, considering the absence of the Mayor.

The Deputy Mayor provided an answer.

5.1.2 Cars on Vacant Land

Councillor Bouchée asked whether Council has any capacity through its by-laws to control cars being offered for sale on vacant land.

The Executive Manager Strategy and Development took the question on notice.

5.1.3 Notice of Meeting

Councillor Crutchett asked whether there was any reason for a Notice of Meeting not being publicly displayed.

The Chief Executive Officer provided an answer.

5.1.4 Vacant Land

Councillor Tilley asked if Council had control over vacant land being used as a car park.

The Executive Manager Strategy and Development provided an answer.

5.2 With Notice

Questions on Notice presented by Councillor Tilley were contained in Item 17.1 of the agenda papers.

6. REPORTS BY DELEGATES OR REPRESENTATIVES	Nil
7. PETITIONS AND DEPUTATIONS	Nil
8. NOTICES OF MOTION	NI

**9. ADJOURNMENT (TO ENABLE PERMANENT COMMITTEES TO MEET)
(7:08 PM)**

Councillor Deakin moved and Councillor Tilley seconded that Council stand adjourned to enable the permanent Social and Organisation and Strategy and Development Committees to meet.

CARRIED

10. RESUMPTION

Councillor Holt moved and Councillor Lush seconded that Council resume at 8:40pm.

CARRIED

11. COMMITTEE RECOMMENDATIONS FOR CONSIDERATION

11.1 Social and Organisation Committee

The Chairperson, Councillor Lush reported that the Social and Organisation Committee had met this evening and had processed the business contained in the agenda documents.

Councillor Lush moved and Councillor Tilley seconded that the report of the Social and Organisation Committee be received, and the agenda documents and approved recommendations be received and tabled, together with the additional recommendations from the meeting, and the recommendations be adopted.

CARRIED

11.2 Strategy and Development Committee

The Chairperson, Councillor Edwards reported that the Strategy and Development Committee had met this evening and had processed the business contained in the agenda documents.

Councillor Lush moved and Councillor Holt seconded that the report of the Strategy and Development Committee be received, and the agenda documents and approved recommendations be received and tabled, together with the additional recommendations from the meeting, and the recommendations be adopted.

CARRIED

Councillor Bouchée left the meeting at 8:41 pm.

12. DEVELOPMENT ASSESSMENT PANEL

C140206/038 Councillor Tilley moved and Councillor Deakin seconded that the minutes of the Development Assessment Panel meeting held on Wednesday 25 January 2006 be received.

CARRIED

13. REPORTS OF ADVISORY COMMITTEES AND/OR SUB-COMMITTEES

13.1 Alwyndor Aged Care Board of Management held Monday 12 December 2005.

Councillor Macaskill moved and Councillor Lush seconded that the minutes of the Alwyndor Aged Care Board of Management meeting held on Monday 12 December 2005 be received.

CARRIED

14. REPORTS OF REGIONAL SUBSIDIARIES

Southern Region Waste Resource Authority Meeting held Monday 16 January 2006.

Councillor Deakin moved and Councillor Lush seconded that the minutes of the Southern Region Waste Resource Authority meeting held on Monday 16 January 2006 be received.

CARRIED

15. REPORTS BY OFFICERS

15.1 Items in Brief (Report No: 82/06)

Report No: 82/06 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

C140206/039 Councillor Deakin moved and Councillor Macaskill seconded that the report be noted and items of interest be discussed.

CARRIED

Councillor Bouchée returned to the meeting at 8:43 pm.

15.2 Bay Discovery Centre – Air Conditioning Upgrade (Report No: 83/06)

Report No: 83/06 was presented advising that the Bay Discovery Centre air-conditioning plant has been an issue of concern since the initial creation of the Centre five and a half years ago. In 2003 a quotation to upgrade the air conditioning plant within the Glenelg Town Hall complex was obtained and Stage 1, being the upgrading of air conditioning to the Mayor's Parlour and Council Chamber was approved. Further stages of that renewal program have not been funded in the subsequent years budgets.

This report recommends that Council allocates the net amount of \$41,200 towards the urgent replacement of the Bay Discovery Centre air-conditioning plant.

Councillor Tilley left the meeting at 8:46 pm.

Councillor Tilley returned to the meeting at 8:48 pm.

C140206/040 Councillor Lush moved and Councillor Deakin seconded:

- 1. That a consultant be engaged to scope the extent of the required mechanical and technical works required for the urgent replacement of reverse cycle air-conditioning for the purposes of creating a public tender.**
- 2. That the amount of \$5,000, being provision for the consultant's fee be brought to account as part of Budget Review No3 as at 30 April 2006.**
- 3. That Administration provides a further report on the outcome of the tender process including the cost of a replacement reverse cycle air-conditioning system and how the cost could be funded through appropriately timed capital and maintenance budget allocations together with recurrent cost savings, and taking into account environmental outcomes.**

CARRIED

16. URGENT BUSINESS**16.1 Bay Discovery Centre – donations**

Councillor Crutchett moved and Councillor Tilley seconded that the Administration survey the Bay Discovery Centre volunteers to ascertain their views on best way to increase “donations through the door”.

A division was called.

Voted For

Councillor Bouchée
Councillor Crutchett
Councillor Tilley

Voted Against

Councillor Dixon
Councillor Macaskill
Councillor Deakin
Councillor Lush
Councillor Holt

THE DEPUTY MAYOR DECLARED THE MOTION LOST.

16.2 Shark Fishing from Jetties

The Chief Executive Officer, Mr Donaldson, drew Members' attention to recent media coverage and community concerns about alleged shark fishing activities from Brighton Jetty.

C140206/041 Councillor Lush moved and Councillor Macaskill seconded:-

- 1. That recent media coverage suggesting that people fishing from the Brighton Jetty may be deliberately fishing for sharks be noted.**
- 2. That community concerns about the implications of shark fishing activity for the safety of swimmers at Holdfast Bay beaches be noted.**
- 3. That the lack of City of Holdfast Bay jurisdiction over jetty fishing activities be noted.**
- 4. That further information be sought from the SA Fisheries Department and SA Surf Life Saving Association of South Australia Inc. to confirm the extent of any shark fishing activity, any assessment of resultant increase in risk to public safety and any measures that the State Government proposes to take in relation to this issue.**
- 5. That Council further consider its position on this matter after the receipt of responses from the State Government to both (4) above and Council's previous correspondence on the issue of shark nets or barriers.**

CARRIED

16.3 Public Notice of Council Meeting

Further to the question without notice from Councillor Crutchett in this meeting, relating to the display of Public Notice of Council Meeting, the Chief Executive Officer confirmed that Section 84(2) of the Local Government Act 1999 has been complied with.

17. ITEMS IN CONFIDENCE**17.1 QUESTION ON NOTICE – REGARDING BROADWAY KIOSK**

C140206/042 Councillor Macaskill moved and Councillor Lush seconded that, pursuant to Section 90(2) and 90(3)(g) of the Local Government Act 1999 the Council order that the public with the exception of Council officers and any other visitors permitted to remain, be excluded from attendance at the meeting, after taking into account the relevant considerations under Section 90(3), on the basis that it will receive, discuss or consider the following:

- information or matters that must be considered in confidence in order to ensure that the Council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.

CARRIED

Council Officers remaining: Mr Donaldson, Mr Chamberlain
Mr Sheffield, Mrs Ditter and Mrs Umapathysivam

Question on Notice – regarding Broadway Kiosk

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C140206/043 Councillor Deakin moved and Councillor Lush seconded that pursuant to Section 90(2), 90(3)(g) and 91(7) of the Local Government Act 1999:

1. The Council orders that the documents and minutes relating to Question on Notice regarding Broadway Kiosk with the exception of Resolution No: C140206/042 for going into confidence be kept confidential and not available for public inspection on the basis that they deal with information or matters that must be considered in confidence in order to ensure that the Council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty under Section 90(2) and 90(3)(g) of the Act.
2. This resolution will be reviewed on or before 31 December 2006 by the Council.

CARRIED

17. ITEMS IN CONFIDENCE (Cont'd)**17.2 HOLDFAST SHORES STAGE 2B DEVELOPMENT – VERBAL REPORT**

C140206/044 Councillor Lush moved and Councillor Deakin seconded that, pursuant to Section 90(2) and 90(3)(i) of the Local Government Act 1999 the Council order that the public be excluded from attendance at the meeting, with the exception of Council officers and any other visitors permitted to remain, after taking into account the relevant considerations under Section 90(3), on the basis that it will receive, discuss or consider the following:

- information relating to actual litigation, or litigation that the Council or Council Committee believes on reasonable grounds will take place, involving the Council or an employee of the Council.

CARRIED

Council Officers remaining: Mr Donaldson, Mr Chamberlain
Mr Sheffield, Mrs Ditter and Mrs Umapathysivam

Holdfast Shores Stage 2B Development – Verbal Report

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C140206/045 Councillor Lush moved and Councillor Deakin seconded that pursuant to Section 90(2), 90(3)(i) and 91(7) of the Local Government Act 1999:

1. The Council orders that the minutes relating to the verbal report with the exception of Resolution No C140206/044 for going into confidence be kept confidential and not available for public inspection on the basis that they deal with information relating to actual litigation, or litigation that the Council or Council Committee believes on reasonable grounds will take place, involving the Council or an employee of the Council, under Section 90 (2) and 90(3)(i) of the Act.
2. This resolution will be reviewed on or before 31 December 2006 by the Council.

CARRIED

Councillor Macaskill left the meeting at 9:23pm.
Councillor Macaskill returned to the meeting at 9:25pm.

17. ITEMS IN CONFIDENCE (Cont'd)

17.2 HOLDFAST SHORES STAGE 2B DEVELOPMENT – VERBAL REPORT (Cont'd)

C140206/046 Councillor Lush moved and Councillor Bouchée seconded that, pursuant to Section 90(2) and 90(3)(i) of the Local Government Act 1999 the Council order that the public be excluded from attendance at the meeting, with the exception of Council officers and any other visitors permitted to remain, after taking into account the relevant considerations under Section 90(3), on the basis that it will receive, discuss or consider the following:

- information relating to actual litigation, or litigation that the Council or Council Committee believes on reasonable grounds will take place, involving the Council or an employee of the Council.

CARRIED

Council Officers remaining: Mr Donaldson, Mr Chamberlain
Mr Sheffield, Mrs Ditter and Mrs Umapathysivam

Holdfast Shores Stage 2B Development – Verbal Report

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C140206/047 Councillor Holt moved and Councillor Tilley seconded that pursuant to Section 90(2), 90(3)(i) and 91(7) of the Local Government Act 1999:

1. The Council orders that the minutes relating to the verbal report with the exception of Resolution No C140206/046 for going into confidence be kept confidential and not available for public inspection on the basis that they deal with information relating to actual litigation, or litigation that the Council or Council Committee believes on reasonable grounds will take place, involving the Council or an employee of the Council, under Section 90 (2) and 90(3)(i) of the Act.
2. This resolution will be reviewed on or before 31 December 2006 by the Council.

CARRIED

18. RESUMPTION

Councillor Holt moved and Councillor Macaskill seconded that Council resume as an open meeting of Council at 9:28 pm.

CARRIED

19. CLOSURE

The meeting closed at 9:28 pm.

CONFIRMED

Tuesday 28 February 2006

MAYOR