

## 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 25 July 2006 at 7:01pm.**

### PRESENT

His Worship the Mayor	A K Rollond
Deputy Mayor	R D C Edwards
Councillors	R M Bouchée
	P N Crutchett
	J L Deakin
	P W Dixon
	J Donaldson
	C J Lush
	P L Macaskill
	A C Norton
	D J Swiderczuk
	S K Tilley (7:07pm)
	R T Donaldson
Chief Executive Officer	I S Walker
Executive Manager Finance and Corporate	C A Sheffield
General Manager Environment and Engineering	C E Umapathysivam
General Manager Social and Organisation	R A Thomas
Acting General Manager Strategy and Development	C M Bates
Manager Information Services	

### 1. OPENING

His Worship the Mayor, declared the meeting open with prayer at 7:01pm.

2. PRESENTATION Nil

### 3. APOLOGIES

3.1 For Absence Nil

3.2 Leave of Absence Councillor P L Holt

### 4. CONFIRMATION OF MINUTES

**Councillor Dixon moved and Councillor Macaskill seconded that the minutes of the Ordinary Meeting of Council held on 11 July 2006 be taken as read and confirmed.**

**CARRIED**

**5. MAYORAL REPORT**

From 17 June 2006 to 14 July 2006.

Councillor Bouchèe moved and Councillor Donaldson seconded that the report be received and noted with the addition of the Bay Sports Festival Committee Meeting held on 5 July 2006.

**CARRIED**

**6. QUESTIONS BY MEMBERS****6.1 Without Notice**

Councillor Bouchèe asked about car parking on the area east of the Beachouse at Glenelg.

**The Chief Executive Officer provided a response.**

Councillor Crutchett asked about the distribution of passes for Council's new Stage 2B parking area.

**The Chief Executive Officer provided a response**

**6.2 With Notice Nil****7. REPORTS BY DELEGATES OR REPRESENTATIVES Nil****8. PETITIONS AND DEPUTATIONS****8.1 Request for Deputation before Council re 11 Burnham Road, Kingston Park**

Mr R Pavan had requested to be heard as a deputation, in relation to a planning appeal matter at 11 Burnham Road, Kingston Park (Refers to Item 18.2 in these Agenda Papers).

**The Mayor granted permission for Mr Pavan to make a deputation to Council. Mr Pavan addressed the meeting for five minutes and answered Members' questions.**

**Councillor Tilley entered the meeting at 7:07pm**

**9. NOTICES OF MOTION Nil****10. ADJOURNMENT (TO ENABLE PERMANENT COMMITTEES TO MEET) (7:16PM)**

Councillor Lush moved and Councillor Macaskill seconded that Council stand adjourned to enable the permanent Economic and Corporate and Environment and Engineering Committees to meet.

**CARRIED**

**11. RESUMPTION**

Councillor Deakin moved and Councillor Swiderczuk seconded that Council resume at 8:16pm.

**CARRIED**

**12. COMMITTEE RECOMMENDATIONS FOR CONSIDERATION****12.1 Economic and Corporate Committee**

The Chairperson, Councillor Deakin reported that the Economic and Corporate Committee had met this evening and had processed the business contained in the agenda documents.

**Councillor Deakin moved and Councillor Tilley seconded that the report of the Economic and Corporate Committee, the agenda documents and approved recommendations, together with the additional recommendations from the meeting be adopted.**

**CARRIED****12.2 Environment and Engineering Committee**

The Chairperson, Councillor Dixon reported that the Environment and Engineering Committee had met this evening and had processed the business contained in the agenda documents.

**Councillor Dixon moved and Councillor Macaskill seconded that the report of the Environment and Engineering Committee, the agenda documents and approved recommendations, together with the additional recommendations from the meeting be adopted.**

**CARRIED****13. DEVELOPMENT ASSESSMENT PANEL**

**13.1 Councillor Tilley moved and Councillor Deakin seconded that the minutes of the Development Assessment Panel held on 12 July 2006 be received.**

**CARRIED****14. REPORTS OF ADVISORY COMMITTEES AND/OR SUB-COMMITTEES**

**Jetty Road Mainstreet Board Meeting held 14 June 2006**

**Alwyndor Aged Care Board of Management Meeting held 19 June 2006**

**Councillor Norton moved and Councillor Tilley seconded that the minutes of these committees be received.**

**CARRIED**

**Councillor Donaldson rejoined the meeting at 8:20pm.**

**15. REPORTS OF REGIONAL SUBSIDIARIES Nil****16. REPORTS BY OFFICERS****16.1 Items in Brief (Report No: 360/06)**

Report No: 360/06 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

**C250706/196 Councillor Deakin moved and Councillor Macaskill seconded that the report be noted and items of interest be discussed.**

**CARRIED**

**16.2 City of Marion – Possible Boundary Adjustment (Report No: 380/06)**

Responding to the recent publicity regarding the resealing of Bells Road, Glengowrie, correspondence has been received from the City of Marion, confirming its desire to develop systems to ensure more satisfactory community outcomes when joint infrastructure maintenance projects are undertaken on the Council boundaries, and requesting that Council consider investigating a boundary adjustment as a possible solution to these kinds of situations.

While administrative co-ordination is certainly a common objective, it is not recommended that boundary adjustment be pursued in this case as an effective or efficient solution to the Bells Road road re-seal (or similar) near boundary issues.

**C250706/197 Councillor Macaskill moved and Councillor Edwards seconded that:**

- 1. That Council thanks the City of Marion for the opportunity of considering the potential of local government boundary adjustment as a solution to better co-ordination of works at locations such as Bells Road, Glengowrie, and advises that it does not consider that a boundary review of the type suggested would provide a solution to the issues of shared Council boundary works.**
- 2. That Administration works actively with the relevant staff of the City of Marion and other adjoining Council/s to discuss the works and maintenance programs proposed for streets and areas that form part of a shared boundary.**

**CARRIED**

**16.3 Indigenous Dual Naming of Brian Nadilo Reserve (Report No: 381/06)**

**Councillor Lush and Councillor Deakin seconded that the late report Item 16.3 be received.**

**CARRIED**

The Kurna Language Group have provided the name of Ngutinilla pronounced “nut-inilla” meaning “Ngutinai’s Place” named in honour of the Kurna man invited aboard ship on 1 January 1837 and therefore the new open space area will be called Brian Nadilo Reserve – Ngutinilla.

**Councillor Crutchett moved and Councillor Bouchèe seconded that Council endorses the Kurna name of Ngutinilla to be used in the joint official naming of the Ngutinilla-Brian Nadilo Reserve to be held on Sunday 24 September 2006.**

A division was called.

Voted For  
Councillor Crutchett  
Councillor Tilley  
Councillor Bouchèe

Voted Against  
Councillor Dixon  
Councillor Norton  
Councillor Macaskill  
Councillor Swiderczuk  
Councillor Deakin  
Councillor Donaldson  
Councillor Lush  
Councillor Edwards

**HIS WORSHIP THE MAYOR DECLARED THE MOTION LOST**

**Councillor Bouchèe left the meeting at 8:35pm.**

**C250706/198 Councillor Norton moved and Councillor Lush seconded that Council endorses the Kaurna name of Ngutinilla to be used in the joint official naming of the Brian Nadilo Reserve - Ngutinilla to be held on Sunday 24 September 2006.**

A division was called.

Voted For  
Councillor Dixon  
Councillor Norton  
Councillor Macaskill  
Councillor Swiderczuk  
Councillor Deakin  
Councillor Donaldson  
Councillor Lush  
Councillor Edwards

Voted Against  
Councillor Crutchett  
Councillor Tilley

**HIS WORSHIP THE MAYOR DECLARED THE MOTION CARRIED**

**17. URGENT BUSINESS**

**Councillor Macaskill moved and Councillor Lush seconded that Council extends to Councillor Tilley leave of absence for the month of August.**

**CARRIED**

**The Chief Executive Officer declared his intention to make a verbal report to Council regarding an aspect of the Holdfast Shores Stage 2B project, in confidence in accordance with using Section 90(3) (b) of the Local Government Act 1999.**

**18. ITEMS IN CONFIDENCE****18.1 Residential Coastal and Foreshore Zones Policies Review  
(Report No: 358/06)**

**C250706/199** Councillor Lush moved and Councillor Donaldson seconded that, pursuant to Section 90(2) and 90(3)(k) 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 tenders for the supply of goods, the provision of services or the carrying out of works.

**CARRIED**

**Residential Coastal and Foreshore Zones Policy Review (Report No: 358/06)**

**ORDER TO RETAIN DOCUMENTS IN CONFIDENCE**

**C250705/201** Councillor Macaskill moved and Councillor Swiderczuk seconded that pursuant to Section 90(2), 90(3)(k) and 91(7) of the Local Government Act 1999:

1. The Council orders that the documents and minutes relating to Report No: 358/06 with the exception of Resolution No: C250706/199 for going into confidence be kept confidential and not available for public inspection on the basis that they deal with information relating to tenders for the supply of goods, the provision of services or the carrying out of works, under Section 90 (2) and 90(3)(k) of the Act and be released and available for public inspection immediately after the signing of the relevant contract/s.

Councillor Bouch e rejoined the meeting at 8:39pm.

**CARRIED**

**18.2 Environment and Resources and Development Court Appeal – 11  
Burnham Road, Kingston Park (Report No: 359/06)**

**C250706/202** Councillor Macaskill moved and Councillor Donaldson 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**

**Environment and Resources and Development Court Appeal – 11 Burnham Road, Kingston Park (Report No: 359/06)**

**ORDER TO RETAIN DOCUMENTS IN CONFIDENCE**

**C250706/203 Councillor Macaskill 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 documents and minutes relating to Report No: 359/06 with the exception of Resolution No:C250706/201 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 July 2007 by the Council.**

**CARRIED**

**18.3 Buffalo Family Restaurant – Assignment of Licence (Report No: 343/06)**

**C250706/204 Councillor Macaskill moved and Councillor Lush seconded that, pursuant to Section 90(2) and 90(3)(a) 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 the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person or persons (living or dead).**

**CARRIED**

**Buffalo Family Restaurant – Assignment of Licence (Report No: 343/06)**

**ORDER TO RETAIN DOCUMENTS IN CONFIDENCE**

**C250706/206 Councillor Lush moved and Councillor Dixon seconded that pursuant to Section 90(2), 90(3)(a) and 91(7) of the Local Government Act 1999:**

- 1. The Council orders that the documents and minutes relating to Report No: 343/06 with the exception of Resolution No: C250706/204 for going into confidence be kept confidential and not available for public inspection on the basis that they deal with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person or persons (living or dead) under Section 90 (2) and 90(3)(a) of the Act.**
- 2. This resolution will be reviewed on or before 31 July 2007 by the Council.**

**CARRIED**

**18.4 Broadway Kiosk Update (Report No: 375/06)**

**C250706/207** Councillor Macaskill moved and Councillor Donaldson seconded that, pursuant to Section 90(2) and 90(3)(b) 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)(b), on the basis that it will receive, discuss or consider the following:

- information or matter the disclosure of which –
  - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
  - (ii) would, on balance, be contrary to the public interest.

**CARRIED****Broadway Kiosk Update (Report No: 375/06)****ORDER TO RETAIN DOCUMENTS IN CONFIDENCE**

**C250706/209** Councillor Lush moved and Councillor Macaskill seconded that pursuant to Section 90(2), 90(3)(b) and 91(7) of the Local Government Act 1999:

1. The Council orders that the documents and minutes relating to Report No: 375/06 with the exception of Resolution No: C250706/207 for going into confidence be kept confidential and not available for public inspection on the basis that they deal with information the disclosure of which:
  - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
  - (ii) would, on balance, be contrary to the public interest

under Section 90(2) and 90(3)(b) of the Act

2. This resolution will be reviewed on or before 31 July 2007 by the Council.

**CARRIED****18.5 Naming Rights Update – Glenelg Oval (Report No: 379/06)**

**C250706/210** Councillor Macaskill moved and Councillor Donaldson seconded that, pursuant to Section 90(2) and 90(3)(d) 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:

- commercial information of a confidential nature (not being a trade secret) the disclosure of which:
  - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party, and
  - (ii) would, on balance, be contrary to the public interest.

**CARRIED**



**Naming Rights Update – Glenelg Oval (Report No: 379/06)****ORDER TO RETAIN DOCUMENTS IN CONFIDENCE**

**C250706/212** Councillor Swiderczuk moved and Councillor Lush seconded that pursuant to Section 90(2), 90(3)(d) and 91(7) of the Local Government Act 1999:

1. The Council orders that the documents and minutes relating to Report No: 379/06 with the exception of Resolution No: C250706/210 for going into confidence be kept confidential and not available for public inspection on the basis that they deal with information the disclosure of which:
  - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party, and
  - (ii) would, on balance, be contrary to the public interestunder Section 90(2) and 90(3)(d) of the Act.
2. This resolution will be reviewed on or before 31 July 2007 by the Council.

**CARRIED**

**18.6 Lighting for Beach Volleyball Courts, Holdfast Shores Stage 2B**

**C250706/213** Councillor Macaskill moved and Councillor Lush seconded that, pursuant to Section 90(2) and 90(3)(b) 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)(b), on the basis that it will receive, discuss or consider the following:

- information or matter the disclosure of which –
  - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
  - (ii) would, on balance, be contrary to the public interest.

**CARRIED**

**Lighting for Beach Volleyball Courts****ORDER TO RETAIN DOCUMENTS IN CONFIDENCE**

**C250706/215** Councillor Lush moved and Councillor Macaskill seconded that pursuant to Section 90(2), 90(3)(b) and 91(7) of the Local Government Act 1999:

1. The Council orders that the documents and minutes relating to Lighting for Beach Volleyball Courts with the exception of Resolution No:C250706/213 for going into confidence be kept confidential and not available for public inspection on the basis that they deal with information the disclosure of which:
  - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
  - (ii) would, on balance, be contrary to the public interestunder Section 90(2) and 90(3)(b) of the Act
2. This resolution will be reviewed on or before 31 July 2007 by the Council.

**CARRIED**

**19. RESUMPTION**

Councillor Macaskill moved and Councillor Tilley seconded that Council resume as an open meeting of Council at 9:45 pm.

**CARRIED**

**20. CLOSURE**

The Meeting closed at 9:45pm.

**CONFIRMED**

**Tuesday 8 August 2006.**

**MAYOR**