

## 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 9 October 2007 at 7:00pm.**

### PRESENT

His Worship the Mayor	A K Rollond
Deputy Mayor	R A Clancy
Councillors	R M Bouchée
	P N Crutchett
	J L Deakin
	L R Fisk
	P D H Heysen
	J D Huckstepp
	S C Lonie – 7:06pm
	T D Looker
	A C Norton
	L van Camp
Chief Executive Officer	R T Donaldson
Acting General Manager Environment and Engineering	S Hodge
General Manager Social and Organisation	C E Umapathysivam
General Manager Strategy and Development	R A Thomas
Executive Manager Finance and Corporate	I S Walker

### 1. OPENING

His Worship the Mayor, declared the meeting open with prayer and an acknowledgement of Kaurna Traditional Owners at 7:00pm.

### 2. APOLOGIES

2.1 For Absence Councillor R D Beh

2.2 Leave of Absence Nil

3. PRESENTATION Nil

### 4. CONFIRMATION OF MINUTES

Councillor Looker moved and Councillor Clancy seconded that the minutes of the Ordinary Meeting of Council held on 25 September 2007 be taken as read and confirmed.

**CARRIED**

### 5. QUESTIONS BY MEMBERS

5.1 Without Notice Nil

5.2 With Notice Nil

Councillor Lonie joined the meeting at 7:06pm.

## 6. REPORTS BY DELEGATES OR REPRESENTATIVES

Councillor Clancy reported that she represented His Worship the Mayor at the Holdfast Ring Bowls Club presentation evening on 5 October 2007 and at the Brighton and Seacliff Yacht Club season opening on 6 October 2007.

Councillors Looker, Lonie and **Huckstepp** reported that they attended the Glenelg Cricket Club Centenary year launch.

Councillor Norton reported that he represented His Worship the Mayor at the Somerton Yacht Club's opening of their 50<sup>th</sup> year.

Councillor Bouchée reported that she had attended the "Life after Landfill" conference and will be attending a conference interstate on waste management.

His Worship the Mayor reported that he attended the naming ceremony of the 14<sup>th</sup> Armidale Class Patrol Boat for the Royal Australian Navy NUSHIP Glenelg. The commissioning of the vessel is scheduled for February 2008.

## 7. PETITIONS AND DEPUTATIONS

### 7.1 Deputation by the Australian Services Union

Katrine Hilyard from the Australian Services Union made a presentation to Council regarding the Council's Industrial Relations policy setting.

**His Worship the Mayor left the meeting at 7:25pm and Councillor Clancy assumed the chair.**

### 7.2 Deputation by Mr Nick Tridente representing The Beachouse

Mr Nick Tridente will made a presentation to Council regarding a variation to the Glenelg Ferris Wheel site lease.

**His Worship the Mayor rejoined the meeting at 7:31pm and assumed the chair.**

## 8. NOTICES OF MOTION

### 8.1 Elected Members approval of Holdfast Views prior to publication

In accordance with his notice:

**C091007/323 Councillor Looker moved and Councillor Bouchée seconded that a draft copy of "Holdfast Bay Views" be provided to the Mayor for approval, prior to publication.**  
**CARRIED**

#### Background

The "Bay Views" is a major communication vehicle for Council and it is appropriate that the community's Elected Members and leading citizen have some oversight of this key publication.

#### Executive Manager Finance and Corporate comment

Administration is of the view that it is neither appropriate nor practical for Elected Members to be involved in editing 'Holdfast Bay Views'.

'Holdfast Bay Views' was introduced in 1997, shortly after the establishment of the City of Holdfast Bay, aimed at keeping our community informed of the City's activities, services and programs. It is presently being published each quarter and consists of 8-

12 pages comprising 'good news' articles collated from staff across the organisation, up to a page of community material, messages from His Worship the Mayor and the Chief Executive Officer, plus a listing a contact details for Elected Members and key Council services.

The role of Elected Members is to set and review Council's policies, objectives and strategic direction, whereas it is the role of the Chief Executive Officer to ensure that policies and decisions of Council are implemented, and to undertake responsibility for the day-to-day operations and affairs of the Council. It is appropriate for Elected Members to set Council's strategic policies, including communications. While Council does not have an adopted "communications policy", Administration is currently working on a proposed policy for Council's consideration. Such a policy would, amongst other things, confirm the framework for the content and production of 'Holdfast Bay Views'.

Each edition of 'Holdfast Bay Views' requires considerable administrative effort (including writing, layout, design, photographic, editing and printing), within tight timeframes. The inclusion of up to 13 additional editors would render the content management process extremely difficult, if not impossible and would increase the lead times, in turn making the inclusion of relatively current content more difficult. Suggestions from Elected Members for articles or topics are always welcome and genuinely considered. Administration is not aware of any other council in metropolitan Adelaide where elected members have editorial oversight for the council's regular publication. Some councils, like Holdfast Bay, provide for a column from the mayor and others also provide shorter columns for individual elected members.

## 8.2 Costs of the Broadway Kiosk Development

In accordance with his notice:

**C091007/324 Councillor Looker moved and Councillor Bouchée seconded that Administration prepare a report for Council detailing every expense relating to the Broadway Kiosk and associated earthworks/landscaping from the conclusion of the previous lease to completion and opening of the new facility. Such a report will cover administration time, demolition and site works, consultancy fees, architectural fees, legal fees, installation of toilets and every other cost that Council has incurred in relation to this project.**

**CARRIED**

### Background

The Broadway Kiosk project has rated high in community interest. As it is now nearing completion it is appropriate that a summary of the cost be available for the public record.

### Chief Executive Officer's comment

Whilst Council is entitled to call for such information, Members should consider the value that is expected to be derived by Council and the broader community from a retrospective compilation of costs. Responding to such resolutions requires a material deployment of Administration's finite resources which might otherwise be invested in the many strategic and operational challenges facing the City and the delivery of services to the community.

## 9. ADJOURNMENT (TO ENABLE PERMANENT COMMITTEES TO MEET) (7:48PM)

**Councillor Bouchée moved and Councillor Crutchett seconded that Council stand adjourned to enable the permanent Social and Organisation and Strategy and Development Committees to meet.**

**CARRIED**

**10. RESUMPTION**

**Councillor Clancy moved and Councillor Fisk seconded that Council resume at 9:15pm.**

**CARRIED**

**11. COMMITTEE RECOMMENDATIONS FOR CONSIDERATION****11.1 Social and Organisation Committee**

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

**Councillor Clancy moved and Councillor Heysen seconded:**

- 1. That the report of the Chairman of the Social and Organisation Committee, and the Committee agenda documents together with Administration recommendations be received.**
- 2. That the recommendations of the Social and Organisation Committee be adopted.**

**CARRIED**

**11.2 Strategy and Development Committee**

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

**Councillor Crutchett moved and Councillor Bouchée seconded:**

- 1. That the report of the Chairman of the Strategy and Development Committee, and the Committee agenda documents together with Administration recommendations be received, excluding Item 8.5 Application to the Liquor and Gambling Commissioner for a variation to the area of an existing Hotel Licence by the Watermark Hotel (Report No:462/07).**
- 2. That the recommendations of the Strategy and Development Committee be adopted.**

**CARRIED**

**Referred to Council from Strategy and Development Committee Meeting.**

**8.5 Application to the Liquor and Gambling Commissioner for a variation to the area of an existing Hotel Licence by the Watermark Hotel (Report No:462/07)**

Effective from 1 November 2007, all enclosed areas within liquor licensed premises must be 100% smoke free. In order to comply with this new legal requirement, the Watermark Hotel has gained Development Plan Consent to establish three (3) unenclosed smoking areas within the hotel site and now seeks Council's comments on the variation of their existing liquor licence to include one (1) of these smoking areas. No changes are proposed to the trading hours or conditions of the existing licence.

**Councillor Bouchée moved and Councillor Heysen seconded that Council not support the application and Administration advise the Liquor and Gaming Commission that Council objects.**

A division was called

Voted For	Voted Against
R M Bouchée	R A Clancy
P N Crutchett	J L Deakin
L R Fisk	J D Huckstepp
P D H Heysen	S C Lonie
T D Looker	A C Norton
	L van Camp

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

**C091007/325 Councillor van Camp moved and Councillor Deakin seconded that Council advise the Watermark Hotel and the Office of the Liquor and Gambling Commissioner that it does not object to the proposal by the Watermark Hotel to amend the area of their existing Special Circumstances Licence at 631 Anzac Highway, Glenelg North subject to the following conditions:**

- 1. That the trading hours of the Watermark Hotel shall be in accordance with the existing Special Circumstances Licence 51203481 unless varied by any of the following conditions.**
- 2. That any proposed changes to the trading hours in the future will require further consideration and comments by Council before a decision is made by the Office of the Liquor and Gambling Commissioner.**
- 3. That the hotel will at all times use its best endeavors, including the closing of doors and windows, to ensure that any events conducted at the premises do not generate excessive noise that unduly disturbs, annoys, or inconveniences, nearby residents.**
- 4. That there shall be no live or amplified music in the outdoor smoking area.**
- 5. That the extended trading authorisation in respect of the outdoor smoking area adjoining Adelphi Terrace (western side of premises) shall on Monday to Saturday apply to 12:00 midnight and not thereafter; on Sunday apply to 10:00pm and not thereafter; and in instances where a public holiday is on a Monday apply to 12:00 midnight on the preceding Sunday and not thereafter. These hours shall be reviewed following a period of twelve (12) months from the date of approval.**

A division was called

Voted For	Voted Against
R A Clancy	R M Bouchée
J L Deakin	P N Crutchett
J D Huckstepp	L R Fisk
S C Lonie	P D H Heysen
A C Norton	T D Looker
L van Camp	

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

## **12. DEVELOPMENT ASSESSMENT PANEL**

**Councillor Crutchett moved and Councillor Heysen seconded that the minutes of the Development Assessment Panel meeting held on Wednesday 26 September be received.**

**CARRIED**

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

**Residential Coastal and Foreshore Zone Plan Amendment Report Committee held 28 August 2007.**

**Alwyndor Aged Care Board of Management Meeting held 17 September 2007.**

**Councillor Crutchett moved and Councillor Fisk seconded that the minutes of these committees be received.**

**CARRIED**

**14. REPORTS OF REGIONAL SUBSIDIARIES**

Nil

**15. REPORTS BY OFFICERS****15.1 Ferris Wheel Leased Area – Amendment (Report No: 465/07)**

This report provides Elected Members with further information in relation to the operator's request for extension of the leased area for the ferris wheel and seeks Council approval to the extension of the proposed leased area, subject to public consultation and other statutory requirements.

**C091007/326 Councillor Crutchett moved and Councillor Bouchée seconded:**

- 1. That the operator of the Glenelg Ferris Wheel be advised that Council will consult the community regrading the additional leased area (as specified in the plan attached to the report) for the use of the Glenelg Ferris Wheel.**
- 2. That the following processes be implemented by Administration:**
  - 2.1 As the land is Community Land, further public consultation in accordance with the Local Government Act be undertaken (in relation to the amended area now being sought);**
  - 2.2 That any necessary procedures pursuant to the Development Act 1993 be undertaken to accommodate the amendment of the lease;**
  - 2.3 An amended plan be drafted and lodged by the operator with the Lands Titles Office and a new plan number assigned;**
  - 2.4 Subject to all necessary consents, the leasing documentation be amended to take account of the amended plan; and**
  - 2.5 The operator be advised that the new commencing rental for the total area, subject to all necessary consents, is \$49,582.00 pa plus GST. Based on the previous decision of Council to make Council Land in the vicinity of Moseley Square available at the rate of \$260 per square metre representing 20% of the average property rental.**
- 3 That any additional costs in relation to this proposed initiative are to be borne by the operator of the Glenelg Ferris Wheel.**

**CARRIED**

**15.2 Elected Member Training – Request to attend Emergency Management Seminar ( Report No: 466/07)**

An Elected Member has expressed interest in attending the “Emergency Management Residential Seminar” being provided by the Local Government Association on 1 and 2 November 2007.

**C091007/327 Councillor Deakin moved and Councillor Fisk seconded that Council approves the attendance of any interested Elected Members at the “Emergency Management Residential Seminar” to be conducted on 1 and 2 November 2007 by the Local Government Association of South Australia.**

**CARRIED**

**16. RESOLUTIONS SUBJECT TO FORMAL MOTIONS**

A listing of resolutions subject to formal resolutions to adjourn or lay on the table items of Council business, for the current term of Council were presented in the Agenda.

**17. URGENT BUSINESS**

**17.1 Redevelopment Plans – Brighton Secondary School**

**C091007/328 Councillor Clancy moved and Councillor Looker seconded that Administration proceed to lodge an AMACC (Adelaide Metropolitan Area Consultative Committee) funding application in support of the Brighton Secondary School’s proposal to build a new performing arts centre.**

**CARRIED**

**17.2 Media Release – Industrial Relations**

**C091007/329 Councillor Crutchett moved and Councillor Fisk seconded that a media release be issued regarding the City of Holdfast Bay/Australian Services Union Collective Agreement to the effect that the matter is one for the Chief Executive Officer to determine.**

**AMENDMENT**

**Councillor Norton moved and Councillor Looker seconded that a media release be issued regarding the City of Holdfast Bay/Australian Services Union Collective Agreement to the effect that the matter is one for the Chief Executive Officer to determine and the Chief Executive Officer note the vote of 75% of staff against a Work Choices Agreement.**

**THE AMENDMENT WAS LOST**

**THE SUBSTANTIVE MOTION WAS THEN PUT**

A division was called

Voted For  
R A Clancy  
P N Crutchett  
J L Deakin  
L R Fisk  
P D H Heysen  
J D Huckstepp  
S C Lonie  
A C Norton  
L van Camp

Voted Against  
R M Bouchée  
T D Looker

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

**18. ITEMS IN CONFIDENCE****18.1 Confidential Documents – Correspondence to the Minister  
(Report No: 456/07)**

**Council officers remaining: Mr Donaldson, Mrs Umapathysivam, Mr Hodge,  
Mr Walker and Ms Thomas**

**C091007/340 Councillor Crutchett moved and Councillor Huckstepp 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****Confidential Documents – Correspondence to the Minister (Report No: 456/07)**

Following a resolution of Council a number of questions were asked of the Minister for State Local Government Relations, Ms Jennifer Rankine.

The purpose of this report is to table the response from the Mr John Hanlon, Executive Director, Community and Local Government Relations, Office for State/Local Government Relations, for Council's information.

**C091007/341 Councillor Crutchett moved and Councillor Clancy seconded that the correspondence from the Office for State Local Government Relations dated 13 September 2007 be noted.**

**CARRIED****ORDER NOT TO RETAIN DOCUMENTS IN CONFIDENCE**

**C091007/342 Councillor Crutchett moved and Councillor Bouchée seconded that pursuant to Section 90(2), 90(3)(b) and 91(7) of the Local Government Act 1999 the Council orders that the reports, minutes, attachments relating to Report No: 456/07 not be kept in confidence and that earlier reports, minutes and attachments relating to this matter also be released from confidence.**

**CARRIED**



**18.2 Verbal Update on New Year's Eve Sponsorship**

**Council officers remaining: Mr Donaldson, Mrs Umapathysivam, Mr Hodge, Mr Walker and Ms Thomas**

**C091007/343 Councillor Crutchett moved and Councillor Heysen seconded that, pursuant to Section 90(2) and 90(3)(j) 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**
  - (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Council, or a person engaged by the Council); and**
  - (ii) would, on balance, be contrary to the public interest.**

**CARRIED****ORDER TO RETAIN DOCUMENTS IN CONFIDENCE**

**C091007/344 Councillor Crutchett moved and Councillor Bouchée seconded that pursuant to Section 90(2), 90(3)(j) and 91(7) of the Local Government Act 1999:**

- 1. The Council orders that the information relating to Verbal Update on New Year's Eve with the exception of Resolution No: C091007/343 for going into confidence be kept confidential and not available to the public inspection on the basis that they deal with information the disclosure of which:**
  - (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Council, or a person engaged by the Council); and**
  - (ii) would, on balance, be contrary to the public interest**

**under Section 90 (2) and 90(3)(j) of the Act.**

- 2. This information will be retained in confidence until Council receives formal notification from the Government of its position on this matter.**

**CARRIED****19. RESUMPTION**

**Councillor Heysen moved and Councillor Crutchett seconded that Council resume as an open meeting of Council at 10:03pm.**

**CARRIED****20. CLOSURE**

**The Meeting closed at 10:03pm.**

**CONFIRMED****Tuesday 23 October 2007****MAYOR**