

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 13 November 2007 at 7:03pm.

PRESENT

His Worship the Mayor	A K Rollond
Deputy Mayor	R A Clancy
Councillors	R D Beh
	R M Bouchée
	P N Crutchett
	J L Deakin
	L R Fisk
	P D H Heysen
	J D Huckstepp
	S C Lonie
	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 Umaphysivam
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 7:03pm.

2. APOLOGIES

2.1 For Absence	Nil
2.2 Leave of Absence	Nil

3. PRESENTATION

Councillor Clancy presented to Council the award received by the "Singing Magpies", part of the Lifelinks program, in the 2007 Every Generation Positive Ageing Awards.

His Worship the Mayor presented a commemorative poster celebrating the 20th Anniversary of the Annual "Down Under" London to Brighton Run.

4. CONFIRMATION OF MINUTES

Councillor Beh moved and Councillor Heysen seconded that the minutes of the Ordinary Meeting of Council held on 23 October 2007 be taken as read and confirmed.

CARRIED

5. CHIEF EXECUTIVE OFFICER'S ACTIVITIES REPORT

From 1 October 2007 to 31 October 2007.

Councillor Bouchée moved and Councillor Heysen seconded that the report be received and noted.

CARRIED

6. QUESTIONS BY MEMBERS**6.1 Without Notice****6.1.1 Glenelg Town Hall Damage Update**

Councillor Bouchée asked a question regarding an update on the Glenelg Town Hall damage.

General Manager Strategy and Development provided a response.

6.2 With Notice**6.2.1 Policing Bay Junction Shopping Centre Parking Limit**

In accordance with his notice Councillor Crutchett asked the following question:

How many years has council had a written agreement to police the 2 hour parking limit at the Bay Junction Shopping Centre?

Acting General Manager Environment and Engineering response

Council has had a written agreement with the Bay Junction Shopping Centre for four years.

6.2.2 Issuing Parking Fines at Bay Junction Shopping Centre

In accordance with his notice Councillor Crutchett asked the following question:

Can Administration confirm that Council parking inspectors issue a \$35.00 fine for exceeding the 2 hour limit at the Bay Junction Shop[ping Centre on a regular basis?

Acting General Manager Environment and Engineering response

Administration can confirm that Council parking inspectors issue fines for exceeding the 2 hour limit being breached at the Bay Junction Shopping Centre on a regular basis.

6.2.3 Fines Issued on a Weekly Basis at Bay Junction Shopping Centre

In accordance with his notice Councillor Crutchett asked the following question:

Do Council records indicate how many people have been fined for exceeding the 2 hour limit at the Bay Junction Shopping Centre on a weekly basis?

Acting General Manager Environment and Engineering response

Council records indicate that on average 14 fines a week are issued for exceeding the 2 hour parking limit in the Bay Junction Shopping Centre.

6.2.4 Parking Tickets Issued at Bay Junction Shopping Centre

In accordance with his notice Councillor Crutchett asked the following question:

Can Administration confirm that the property managers/owners of the Bay Junction Shopping Centre have issued over 100 parking tickets for the site being for staff and other commuter parkers?

Acting General Manager Environment and Engineering response

Council records indicate that the Bay Junction Shopping Centre only have 5 staff parking permits and Coles car park have approximately 100 staff parking permits.

6.2.5 Transparency Whilst Engaging with External Consultants

In accordance with his notice Councillor Crutchett asked the following question:

How can we ensure openness and transparency to the community whilst engaging external planning consultants to write the planning reports for Council DAP i.e. are we provided with a list of their other clients?

General Manager Strategy and Development response

On occasion external consultants are engaged to assist in providing Council with specialist advice relating to planning related matters. Examples include:

- **Acoustic Engineers**
- **Traffic Engineers**
- **Arborists/Horticulturists**
- **Heritage/Conservation Architects**

In addition, qualified planning consultants are sometimes engaged to assist in addressing the backlog of planning applications and provide assistance in drafting Development Assessment Panel reports.

Consultants are engaged in accordance with Council's Contracts and Tenders Policy. Some frequently used consultants have a standing contractual arrangement with Council and have been selected following a tender process. For more significant projects, however, an open tender or select tender process is adopted.

Considerations such as the consultant's background knowledge, appreciation of or expertise on local issues are often a key consideration in the selection process. Potential conflicts are also considered during selection of the consultant and the contract will require that the consultant not accept work from clients where a conflict may arise (i.e. owners of property in Holdfast Bay). There is also an expectation that consultants declare any potential conflict of interest in accordance with their professional code of ethics.

Consultants that may be required infrequently or as a 'one-off' are engaged on an as-needs basis and are still subject to contractual arrangements drafted for the specific project in question. Again, the potential for conflict is a consideration in this selection.

7. REPORTS BY DELEGATES OR REPRESENTATIVES

Councillor Looker reported that he attended the Partnerships in Tourism conference hosted by South Australian Tourism Commission.

Councillor Bouchée informed members that she has been nominated by the Local Government Association for two other representative roles on environmental issues, and reported on the Environment Advisory Committee's recognition of staff achievements in grant funding for planting and water re-use projects.

8. PETITIONS AND DEPUTATIONS

Nil

9. NOTICES OF MOTION**9.1 Bay Discovery Centre Advisory Committee**

In accordance with his notice:

C131107/355 Councillor Crutchett moved and Councillor Heysen seconded that the terms of reference of the advisory committee be changed:

- **To include 3 councillors as full members of the committee (thus deleting a councillor as Proxy).**
- **The chair may not of necessity be a councillor.**
- **The Chairman of the Jetty Road Mainstreet Management Committee or the Mainstreet Management Committee nominate a landlord/trader board member to be asked to join the Bay Discovery Centre Advisory committee**

CARRIED**Background**

The Bay Discovery Centre is a focal point within the Jetty Road Main Street area and I feel expanding the working relationship between the two committees on an official basis would be beneficial.

General Manager Strategy and Development Comment

For the information of Elected Members, the current membership of the Bay Discovery Centre Advisory Committee comprises the following:

Ex Officio	Mayor Rollond
Two (2) Councillors	Councillor Crutchett (Chair)
	Councillor Huckstepp
One (1) Proxy (Councillor)	Councillor Looker
Two (2) Community Representatives	Jim Blake
	Jill Golley
One (1) Bay Discovery Centre Volunteer Representative	Robin Mulholland

Total of six (6) participant members at any one meeting.

It is understood the motion seeks to have the Committee amended to the following:

Ex Officio
 Three (3) Councillors
 Two (2) Community Representatives
 One (1) Bay Discovery Centre Volunteer Representative
 Jetty Road Mainstreet Management Committee Landlord/Trader

This would result in a total of eight (8) participant members at any one meeting.

The meetings are currently held quarterly on a Thursday morning between 8:30am and 10:30am.

C131107/356 Councillor Crutchett moved and Councillor Bouchée seconded that Councillor Looker be appointed to the Bay Discovery Committee, as a full member. **CARRIED**

9.2 Glenelg Oval Car Park

In accordance with his notice:

C131107/357 Councillor Crutchett moved and Councillor Bouchée seconded:

- 1. That Administration work with the developer and construction company for the Bay Junction site to encourage on site workers, during the construction process to park at the Glenelg Oval Car Park.** **CARRIED**

Councillor Crutchett moved:

- 2. That Administration arrange to resurface the Old section of the Glenelg Oval Car park and bring it up to Australian Standards prior to commencement of construction of the Bay Junction site.**
- 3. That funding for the resurfacing of the Old section of the Glenelg oval Car park: to come from the Glenelg Jetty Road car park funds.** **LAPSED FOR WANT OF A SECONDER**

Background

Car parking around the Bay Junction site is at a premium following the introduction of the new tram. Council has already line marked adjoining streets to allow some residential amenity.

Some years ago it was envisaged by Council that following the Glenelg oval car park expansion that this area could be used for overflow parking.

I think about \$180,000 was transferred from the Glenelg Jetty Road car park funds to surface the Northern car park and therefore using this fund to do the additional resurfacing would not be an unusual use of the fund.

Construction workers usually start work prior to most tram users which means of a first come first in basis tram user cars will end up in the surrounding residential areas.

Chief Executive Officer's comment

Council in October 2001 considered Report Number 509/01 addressing car parking development opportunities in the Jetty Road Glenelg precinct, and amongst other things resolved to-

"retain all of the proceeds of the "Irish Pub site" sale in the Car Park Reserve Fund, with the exception that the funding allocation of \$185,000 expected to be made towards the Glenelg Oval project, be treated as the nett proceeds of the sale of that site which are attributable to general community interest."

Thus the use of the "Glenelg Oval project" portion of the Irish Pub (11 Moseley Square) land sale proceeds for Glenelg Oval works was specifically identified as NOT the use of car parking Reserve Fund monies, rather monies "owed to the community generally" as a result of the sale of the Moseley Square site. Ie, Council decided to use portion of the proceeds for car parking purposes, via the Reserve Fund, and portion for community purposes, by allocating the identified sum direct from the proceeds to Glenelg Oval works, not via the Reserve Fund.

The following text, included in the most recent Gazette Notices relating to the car parking funds, describes the purpose of the Car Parking Contributions Reserve Fund and the Glenelg Access Strategy Reserve Fund -

"Council's Car Parking Policy Code was developed following Gazettal of the Holdfast Bay Car Parking Contribution Scheme and in the context of Council's previous three year rolling program of investment in the provision of public off-street car parking that was first adopted in 1996. However, Council's adoption of the Glenelg Access Strategy in May 2002 has recognised that the challenge is to provide access to and within the precinct, with car parking and traffic management in Glenelg as a component rather than the entire focus.

Following its adoption of the Glenelg Access Strategy, Council resolved on 12 August 2003 to rename the former Car Park Reserve Fund as the Glenelg Access Strategy Reserve Fund, to fund the progressive implementation of the Glenelg Access Strategy.

The current Car Parking Policy Code also documents the Holdfast Bay Car Parking Contributions Fund whereby cash contributions can be made by proponents of development applications in the Jetty Road District Centre in lieu of providing off-street car parking. Such contributions are then used by Council to construct additional off-street car parking facilities within the District Centre to meet car parking demand. Recent examples include the extension of the Cowper/Milton Street carpark and recent modification of the entry/exit points to the Cowper Street carpark following demolition of the building at 3 Partridge Street. The Holdfast Bay Car Parking Contributions Fund was formally established pursuant to Section 50A of the Development Act 1993 following its Gazettal on 28 February 2002. In establishing the Fund, Council was also required to calculate and Gazette the contribution amounts to be paid into the Fund."

The proposed motion should be considered in the light of the correct factual decision history as set out above, together with the extent of alignment of the proposed use of the funds with the adopted GAS fund purpose.

10. ADJOURNMENT (TO ENABLE PERMANENT COMMITTEES TO MEET) (7:22PM)

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

CARRIED

Councillor Beh left the meeting at 7:23pm.

Councillor Beh rejoined the meeting at 7:25pm.

11. RESUMPTION

Councillor Crutchett moved and Councillor Beh seconded that Council resume at 9:05pm.

CARRIED

Councillor van Camp left the meeting at 9:05pm.

Councillor Lonie left the meeting at 9:05pm.

12. COMMITTEE RECOMMENDATIONS FOR CONSIDERATION

12.1 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 Huckstepp 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

12.2 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.**
- 2. That the recommendations of the Strategy and Development Committee be adopted.**

CARRIED

13. DEVELOPMENT ASSESSMENT PANEL

- C131107/358 Councillor Clancy moved and Councillor Huckstepp seconded that the minutes of the Development Assessment Panel meeting held on Wednesday 24 October 2007 be received.**

CARRIED

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

Bay Discovery Centre Advisory Committee Meeting held 11 October 2007.

Jetty Road Mainstreet Management Committee Meeting held 17 October 2007.

Residential Coastal and Foreshore Zone Plan Amendment Report Committee Meeting held 23 October 2007.

Audit Committee Meeting held 7 November 2007.

- C131107/359 Councillor Crutchett moved and Councillor Heysen seconded that the minutes of these committees be received.**

CARRIED

15. REPORTS OF REGIONAL SUBSIDIARIES

Western Region Waste Management Authority Meeting held 18 October 2007.

Southern Region Waste Resource Authority Annual General Meeting held 29 October 2007.

C131107/360 Councillor Bouchée moved and Councillor Crutchett seconded that the minutes of these committees be received.

CARRIED

16. REPORTS BY OFFICERS**16.1 Items in Brief (Report No: 505/07)**

Report No: 505/07 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

Councillor Lonie rejoined the meeting at 9:10pm.

Councillor van Camp rejoined the meeting at 9:10pm.

C131107/361 Councillor Crutchett moved and Councillor Norton seconded that the report be noted and items of interest be discussed.

CARRIED

16.2 Natural Resource Management Council – Nomination for Local Government Deputy Member (Report No: 513/07)

Councils throughout the State are invited to nominate a Deputy member to the Natural Resource Management (NRM) Council (refer attachment). This report outlines the specific details of the role and calls for a nomination if considered appropriate.

16.3 2006-2007 Financial Statements (Report No: 511/07)

The audited financial statements for the year ended 30 June 2007 are presented for adoption by Council.

C131107/362 Councillor Looker moved and Councillor Beh seconded:

- 1. That the financial statements for the year ended 30 June 2007 as contained in Attachment 1 to Report No: 511/07 be adopted.**
- 2. That the audit report from Council's auditor, Dean Newbery & Partners, contained at Attachment 3 to Report No: 511/07 be received and noted.**

CARRIED

17. 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.

18. URGENT BUSINESS**18.1 Broadway Kiosk Temporary Liquor Licence**

C131107/363 Councillor Looker moved and Councillor van Camp seconded that Administration view favourably any request by the operators of the Broadway kiosk to apply for a once only liquor licence for the private opening function on **Tuesday 20 November 2007**.

CARRIED

A division was called

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

HIS WORSHIP THE MAYOR DECLARED THE MOTION CARRIED

Councillor Huckstepp left the meeting at 9:14pm.

Councillor Huckstepp rejoined the meeting at 9:17pm.

18.2 Offices/Libraries closure from 4:00pm on Thursday 15 November 2007 for staff meeting

The Chief Executive Officer advised Members that the Council Offices and Libraries that the Offices will be closing at 4:00pm on Thursday 15 November 2007 to allow for a staff meeting.

18.3 Surf Life Saving Club Completion.

The Chief Executive Officer noted the recent completion of the Brighton Surf Life Saving Club redevelopment and acknowledged the vision, commitment and efforts of Elected Members and staff who had contributed to the successful City of Holdfast Bay Surf Life Saving Clubs' upgrading program over several years.

Councillor Crutchett left the meeting at 9:25pm.

Councillor Crutchett rejoined the meeting at 9:26pm.

Councillor Norton left the meeting at 9:26pm.

Councillor Norton rejoined the meeting at 9:29pm.

18.4 President of LGA, Mayor Joy Baluch

His Worship the Mayor advised Members that the President of the Local Government Association, Mayor Joy Baluch has recently been in hospital and that a card had been forwarded to her.

18.5 Changes to Bus Services in the City of Holdfast Bay – Correspondence from the Department of Transport, Energy and Infrastructure, Public Transport Division

C131107/364 Councillor Bouchée moved and Councillor Beh seconded that the letter dated 2 November 2007 from the Department of Transport, Energy and Infrastructure, Public Transport division as circulated in the Elected Members Bulletin be formally received and noted in the minutes of Council's meeting.

CARRIED

18.6 Training request - Councillor Beh

C131107/365 Councillor Fisk moved and Councillor Bouchée seconded that Council pay half the cost of Councillor Beh's attendance at "Living in the Zone" training, effectiveness in a team environment, subject to Councillor Beh providing a report to Council at the conclusion of his training. Total cost to Council to be \$462.50.

CARRIED

19. ITEMS IN CONFIDENCE

19.1 Southern Region Waste Resource Authority (Report No: 515/07)

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

C131107/366 Councillor Heysen moved and Councillor Clancy 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

Southern Region Waste Resource Authority (Report No: 515/07)

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C131107/368 Councillor Crutchett moved and Councillor Heysen 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: 515/07 with the exception of Resolution No: C131107/366 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 interest under Section 90(2) and 90(3)(d) of the Act.
2. This resolution will be reviewed on or before 30 June 2008 by the Council.

CARRIED

19.2 Notice of Motion – Confidential Land Acquisition

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

C131107/369 Councillor Crutchett moved and Councillor Heysen 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

Notice of Motion – Confidential Land Acquisition**ORDER TO RETAIN DOCUMENTS IN CONFIDENCE**

C131107/372 Councillor Crutchett moved and Councillor Heysen 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 Notice of Motion – Confidential Land Acquisition with the exception of Resolution No: C131107/369 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 30 June 2008 by the Council.**

CARRIED

**19.3 Future Event Opportunity – In Principle Consideration
(Report No. 517/07)**

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

C131107/373 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

Future Event Opportunity – In Principle Consideration (Report No. 517/07)

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C131107/375 Councillor Crutchett moved and Councillor Beh 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 documents and minutes relating to Report No: 518/07 with the exception of Resolution No: C131107/373 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) **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 resolution will be reviewed on or before 30 June 2008 by the Council.**
CARRIED

20. RESUMPTION

Councillor Beh moved and Councillor Heysen seconded that Council resume as an open meeting of Council at 10:02pm.

CARRIED

21. CLOSURE

The Meeting closed at 10:02pm.

CONFIRMED

Tuesday 27 November 2007

MAYOR