

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 15 January 2008 at 7:00pm.**

PRESENT

His Worship the Mayor
Deputy Mayor
Councillors

A K Rollond
R A Clancy
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
R T Donaldson
C A Sheffield
C E Umapathysivam
R A Thomas
I S Walker
G Potter

Chief Executive Officer
General Manager Environment and Engineering
General Manager Social and Organisation
General Manager Strategy and Development
Executive Manager Finance and Corporate
General Manager Alwyndor Aged Care

1. OPENING

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

2. APOLOGIES

2.1 For Absence Nil

2.2 Leave of Absence Nil

3. PRESENTATION**4. CONFIRMATION OF MINUTES**

Councillor Councillor Beh moved and Councillor Heysen seconded that the minutes of the Ordinary Meeting of Council held on 18 December 2007 be taken as read and confirmed.

CARRIED

5. CHIEF EXECUTIVE OFFICER'S ACTIVITIES REPORT

From 1 December 2007 to 31 December 2007

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

CARRIED

6. MAYORAL REPORT

From 1 December 2007 to 31 December 2007

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

CARRIED

7. QUESTIONS BY MEMBERS

7.1 Without Notice Nil

7.2 With Notice Nil

8. REPORTS BY DELEGATES OR REPRESENTATIVES Nil

9. PETITIONS AND DEPUTATIONS

Mr Peter Bijok a resident of Glenelg North, made a presentation to Council outlining concerns regarding recent change to bus services in the Glenelg North area.

10. NOTICES OF MOTION**10.1 Proclamation Day Invitation to Deputy Prime Minister**

In accordance with her notice:

C150108/001 Councillor Bouchée moved and Councillor Looker seconded that the Mayor send an Invitation to Ms Julia Gillard, Deputy Prime Minister to be a guest for Proclamation Day 2008.

CARRIED

Background

In a quote from Mark Kenny, Political Editor, Canberra, November 30, 2007 01:15am

"Julia Gillard has emerged as one of the most powerful ministers in federal political history in Kevin Rudd's first Cabinet named yesterday.

Ms Gillard, in addition to her responsibilities as Deputy Prime Minister, has been allocated what is being seen as a super-ministry of key portfolios.

This includes the politically pivotal industrial relations role, around which Labor's election victory was built, and the other key pillar of Labor's campaign for office, education."

South Australia has been the place of many extraordinary firsts in not only the Nation but in the World , e.g.

- 1895 - This State was the first State to grant women the vote and the first in the World to allow women to stand for Parliament,
- 1915 - Women were appointed to the Police Department in South Australia on equal terms as male officers – a first in the British Empire
- 1919 - Brighton Council (prior amalgamation) had the first woman to enter Local Government

As Proclamation Day is a celebration of the declaration of the Government of South Australia, I believe it would be a privilege to have as our guest the first female Deputy Prime Minister it was in part, the amazing work and drive of the women and their supporters in this State that paved the way for this great achievement to take place.

Councillor Beh left the meeting at 7.23pm.

Councillor Bouchée left the meeting at 7.24pm.

Councillor Beh and Councillor Bouchée returned to the meeting at 7.25pm.

**11. ADJOURNMENT (TO ENABLE PERMANENT COMMITTEES TO MEET)
(7.20 PM)**

Councillor Deakin moved and Councillor Fisk seconded that Council stand adjourned to enable the permanent Committees to meet, commencing with the Environment and Engineering Committee.

CARRIED

11.1 Environment and Engineering Committee

11.2 Social and Organisation Committee

11.3 Strategy and Development Committee

11.4 Economic and Corporate Committee

12. RESUMPTION

Councillor Clancy moved and Councillor Lonie seconded that Council resume at 10.29pm.

CARRIED

13. COMMITTEE RECOMMENDATIONS FOR CONSIDERATION

13.1 Environment and Engineering Committee

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

Councillor Huckstepp moved and Councillor Deakin seconded:

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

CARRIED

13.2 Social and Organisation Committee

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

Councillor Beh 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

13.3 Strategy and Development Committee

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

Councillor Fisk moved and Councillor van Camp 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

13.4 Economic and Corporate Committee

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

Councillor Fisk moved and Councillor Heysen seconded:

1. That the report of the Chairman of the Economic and Corporate Committee and the Committee agenda documents together with Administration recommendations be received.
2. That the recommendations of the Economic and Corporate Committee be adopted with the exception of Item 8.6.

CARRIED

Councillor Norton declared a conflict of interest related to Item 8.6 as contained in the Economic and Corporate Committee Agenda due to his work with American Express and left the meeting at 9.54pm.

Councillor Fisk moved and Councillor Heysen seconded:

1. That the recommendations of the Economic and Corporate Committee in relation to Item 8.6 be adopted.

CARRIED

Councillor Norton returned to the meeting at 9.55pm.

14. DEVELOPMENT ASSESSMENT PANEL

Councillor Clancy moved and Councillor Heysen seconded that the minutes of the Development Assessment Panel meeting held on Wednesday 19 December 2007 be received.

CARRIED

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

Somerton Coast Park Sub-Committee Meeting held 27 November 2007.

C150108/002 Councillor Clancy moved and Councillor Bouchée seconded that the minutes of this committee be received.

CARRIED

16. REPORTS OF REGIONAL SUBSIDIARIES

Nil

17. REPORTS BY OFFICERS

17.1 Items in Brief (Report No: 21/08)

Report No: 21/08 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

C150108/003 Councillor Fisk moved and Councillor Clancy seconded that the report be noted and items of interest be discussed.

CARRIED

17.2 Metropolitan Council representative being sought for the LGA State Executive Committee (Report No: 04/08)

Council has received correspondence from the Local Government Association (LGA) informing of an available vacancy for a Metropolitan Council representative on the LGA State Executive Committee.

The report outlines the specifics of the role and calls for a nomination if appropriate.

C150108/004 Councillor Crutchett moved and Councillor Beh seconded that the meeting proceed to the next item of business.

CARRIED

**17.3 Freedom of Entry to the City of Holdfast Bay for HMAS Glenelg
Report No: 33/08)**

On 22 February 2008, the HMAS Glenelg will be commissioned in Port Adelaide, (part of the celebrations associated with naming a new Armidale Class Patrol Boat in honour of Glenelg). It is proposed that a Freedom of Entry ceremony occur in Moseley Square on Saturday 23 February 2008.

This report seeks Council's authorisation for the use of the seal on documents relating to the Freedom of Entry ceremony.

C150108/005 Councillor Crutchett moved and Councillor Lonie seconded that the late item be received.

CARRIED

C150108/006 Councillor Crutchett moved and Councillor Lonie seconded:

- 1. That the Council acknowledges that the ceremony granting Freedom of Entry to the City of Holdfast Bay to the HMAS Glenelg and it's crew will be held on Saturday 23 February 2008.**
- 2. That in appreciation of loyal and devoted service to the defence of Australia and outstanding achievements in the pursuit of world peace and in recognition of a close association with the City of Holdfast Bay, the Council confer on HMAS Glenelg by this deed and in perpetuity, the privilege, honour and distinction of Freedom of Entry to the City of Holdfast Bay on all ceremonial occasions with swords drawn, bayonets fixed, drums beating, bands playing, colours flying and in full panoply or regalia.**
- 3. That the Mayor and Chief Executive be authorised to sign and seal the Deed of Freedom of Entry prior to the ceremony.**

CARRIED

18. 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.

19. URGENT BUSINESS**19.1 Leave of Absence – Councillor Heysen**

Councillor Heysen has applied for a leave of absence for the Council Meetings to be held from 4 February 2008 until 29 February 2008.

C150108/007 Councillor Clancy moved and Councillor Lonie seconded that Councillor Heysen be granted leave of absence for the Council meetings to be held from 4 February 2008 until 29 February 2008.

CARRIED**19.2 Leave of Absence – Councillor Fisk**

Councillor Fisk has applied for a leave of absence for the Council Meetings to be held from 13 February 2008 until 2 March 2008.

C150108/008 Councillor Heysen moved and Councillor Beh seconded that Councillor Fisk be granted leave of absence for the Council meetings to be held from 13 February 2008 until 2 March 2008.

CARRIED**19.3 Leave of Absence – Mayor Rollond**

Mayor Rollond has applied for a leave of absence from 2 February 2008 to 17 February 2008.

C150108/009 Councillor Heysen moved and Councillor Clancy seconded that Mayor Rollond be granted leave of absence from 2 February 2008 to 17 February 2008.

CARRIED**19.4 Leave of Absence – Councillor Bouchée**

Councillor Bouchée has applied for a leave of absence from 8 April 2008 to 25 April 2008.

C150108/010 Councillor Heysen moved and Councillor Fisk seconded that Councillor Bouchée be granted leave of absence from 8 April 2008 to 25 April 2008.

CARRIED**19.5 Communication from the Passenger Transport Division**

C150108/011 Councillor Beh moved and Councillor Heysen seconded that e-mail from Phil Saunders, Passenger Transport Division dated, 15 January 2008, be received.

CARRIED

Councillor Crutchett, Councillor Lonie, and Councillor Beh left the meeting at 10.41pm.

Councillor Lonie returned to the meeting at 10.43pm.

20. ITEMS IN CONFIDENCE**20.1 Possible Land Acquisition (Report No: 12/08)**

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

C150108/012 Councillor van Camp moved and Councillor Lonie 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

Councillor Crutchett returned to the meeting at 10.44pm.

Councillor Beh returned to the meeting at 10.45pm.

Possible Land Acquisition (Report No: 12/08)

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C150108/013 Councillor Crutchett moved and Councillor Clancy 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: 12/08 with the exception of Resolution No: C150108/012 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 December 2008 by the Council.

CARRIED

20.2 Southern Region Waste Resource Authority (Report No: 05/08)

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

C150108/015 Councillor Bouchée moved and Councillor Crutchett 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: 05/08)**ORDER TO RETAIN DOCUMENTS IN CONFIDENCE**

C150108/017 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: 05/08 with the exception of Resolution No: C150108/014. 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 31 December 2008 by the Council.**

CARRIED

20.3 Verbal Update on ASU Collective Agreement Negotiations

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

C150108/018 Councillor Deakin moved and Councillor Crutchett 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

Verbal Update on ASU Collective Agreement Negotiations**ORDER TO RETAIN DOCUMENTS IN CONFIDENCE**

C150108/019 Councillor Crutchett moved and Councillor Heysen 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 minutes relating to the verbal report with the exception of Resolution No: C150108/016 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 December 2008 by the Council.**

CARRIED

20.4 Appointment to Audit Committee (Report No: 31/08)

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

C150108/020 Councillor Crutchett moved and Councillor Beh 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

Appointment to Audit Committee (Report No: 31/08)**ORDER TO RETAIN DOCUMENTS IN CONFIDENCE**

C150108/022 Councillor Looker moved and Councillor Lonie 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: 31/08 with the exception of Resolution No: C150108/018 for going into confidence be kept confidential until the candidates are notified 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 by the Chief Executive Officer after both parties have been advised of the outcome.**

CARRIED

Councillor Looker left the meeting at 11.18pm.

Councillor Lonie left the meeting at 11.19pm.

Councillor Lonie returned to the meeting at 11.20pm.

20.5 Alwyndor Aged Care – Key Issues Update (Report No: 23/08)

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

C150108/023 Councillor Crutchett moved and Councillor Lonie 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

Alwyndor Aged Care – Key Issues Update (Report No: 23/08)**ORDER TO RETAIN DOCUMENTS IN CONFIDENCE**

C150108/025 Councillor Bouchée moved and Councillor Huckstepp 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: 23/08 with the exception of Resolution No: C150108/20 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 December 2008 by the Council.**

CARRIED

20.6 Notice of Motion – Key Issues Update (Report No: 23/08)

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

Councillor Heysen, Councillor van Camp, and Councillor Clancy left the meeting at 11.48pm.

C150108/026 Councillor Crutchett 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

Notice of Motion – Key Issues Update (Report No: 23/08)**ORDER TO RETAIN DOCUMENTS IN CONFIDENCE**

C150108/028 Councillor Crutchett moved and Councillor Bouchée 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: 32/08 with the exception of Resolution No: C150108/022 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 2008 by the Council.**

CARRIED

21. RESUMPTION

Councillor Bouchée moved and Councillor Crutchett seconded that Council resume as an open meeting of Council at 12.02am.

CARRIED

Councillor Clancy, Councillor van Camp and Councillor Heysen returned to the meeting at 12.01am.

22. CLOSURE

The Meeting closed at 12.02am.

CONFIRMED

Tuesday 12 February 2008

MAYOR