

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 23 September 2008 at 7:06pm.

PRESENT

His Worship the Mayor
Deputy Mayor
Councillors

A K Rollond
R A Clancy
R M Bouchée
L R Fisk
P D H Heysen
J D Huckstepp
S C Lonie
T D Looker
A C Norton
L van Camp
R A Thomas
I S Walker
S G Hodge
P E Aukett

Acting Chief Executive Officer
General Manager Corporate Services
General Manager City Assets
Manager Governance and Policy

1. OPENING

His Worship the Mayor, declared the meeting open with prayer and acknowledgement of Kaurna Traditional Owners at 7:06pm.

2. APOLOGIES

2.1 For Absence Councillors J L Deakin, P N Crutchett,
and R D Beh

2.2 Leave of Absence

3. PRESENTATION**3.1 EPA Noise Briefing**

In accordance with Resolution EE260808/089 *"That Administration arranges a briefing workshop on the Environment Protection (Noise) Policy for Elected Members with representatives from the Environment Protection Authority."* Mr Keith Bilsborough, Principal Adviser, Local Government Support, from the Environmental Protection Authority made a 10 minute presentation on the Environment Protection (Noise) Policy for the information of Elected Members.

4. CONFIRMATION OF MINUTES

C230908/404 Councillor Huckstepp moved and Councillor Looker seconded that the minutes of the Ordinary Meeting of Council held on 9 September 2008 be taken as read and confirmed.

CARRIED

5. MAYORAL REPORT

From 1 August 2008 to 31 August 2008

C230908/405 Councillor Clancy moved and Councillor Heysen seconded that the report be received and noted.

CARRIED

6. QUESTIONS BY MEMBERS

- | | | |
|------------|-----------------------|-----|
| 6.1 | Without Notice | Nil |
| 6.2 | With Notice | Nil |

7. REPORTS BY DELEGATES OR REPRESENTATIVES**7.1 Activities Report – Councillor Looker**

Councillor Looker reported to Council on his and other Elected Member attendance at the Official Opening of the Kellara Centre and his attendance representing the Mayor at the Season Opening day of the Glenelg Bowling Club.

7.2 Brighton Rugby Club

Councillor Lonie informed members of the Brighton Rugby Club's win in the Grand Finals over the weekend.

8. PETITIONS AND DEPUTATIONS**8.1 Bay Discovery Centre – maintaining the current location**

A further two pages of the "Keep the Bay Discovery Centre where it is!" petition have been received from a further 24 citizens of South Australia regarding the location of the Bay Discovery Centre.

The petition states as follows:

"We the undersigned request that the City of Holdfast Bay Council keeps the Bay Discovery Centre in the Glenelg Town Hall, Moseley Square, Glenelg. We feel that the Bay Discovery Centre is a major cultural asset in the community and needs to be kept in the iconic State Heritage listed building, the Glenelg Town Hall, so that the community and visitors to the area can experience the history and heritage value of both. They complement each other."

Presented for the information of Elected Members was the new pages of the petition. Administration has verified that the number of signatures attached is 24.

C230908/406 Councillor Clancy moved and Councillor Heysen seconded that the additional pages of the petition be received by Council and that the issues raised in the petitions be referred to the newly formed 'Bay Discovery Centre Review Advisory Committee' for consideration.

CARRIED

9. NOTICES OF MOTION**9.1 175th Anniversary Celebrations for Proclamation Day**

In accordance with Councillor Crutchett's notice:

C230908/407 Councillor Bouchée moved and Councillor Norton seconded:

1. That His Worship the Mayor, write on behalf of Council to the Australian Federal Minister for Customs and also to the Australian Federal Minister for defence, to ask whether their respective vessels. Australian Customs vessel Holdfast Bay and HMAS Glenelg, could be in South Australian waters on 28 December 2011 to help celebrate the one hundred and seventy fifth (175) year since the Proclamation of South Australia.
2. That His Worship the Mayor, also write on behalf of Council to the Premier of South Australia, asking for his support to encourage these two vessels to be in South Australian waters on this special occasion.
3. That Council consider in its preparation for this event, using these vessels for the re-enactment of the arrival of the HMS Buffalo.

CARRIED

Background**PROCLAMATION DAY.**

About two o'clock on the 28th December, 1836, Capt. Hindmarsh, with his family, attended by Messrs. Stevenson, Fisher, O. Gilles, and the Rev. Mr. Howard, and their families, proceeded to the shore in three boats, escorted by a party of marines. On landing, they were met by the Colonial Secretary, R. Gouger; Emigration Agent, Jno. Brown; Deputy-Surveyor, G. S. Kingston; Storekeeper, Thos. Gilbert; and Messrs. John Morphett and Robert Thomas.

The party proceeded to R. Gouger's tent, which was situated a few yards south of the "old gum-tree," where the Governor read aloud the orders of the King, erecting South Australia into a British Province, and appointing the first officers of the Government. His Excellency then read his commission as Governor and Commander-in-chief. The customary oaths were administered. Afterwards the party went outside the tent, and His Excellency's commission was read to the settlers present, about 200. The British flag was unfurled by John Hill, one of the *Buffalo* crew, now residing at Kapunda; a salute of fifteen guns fired from the *Buffalo*, and the marines fired a *feu-de-joie*. A cold collation was laid out *al fresco*, and the first acts of the infant colony—that of eating and drinking—were zealously carried out. Many toasts were given and enthusiastically drunk—"His

**10. ADJOURNMENT (TO ENABLE PERMANENT COMMITTEES TO MEET)
(7:32PM)**

C230908/408 Councillor Clancy moved and Councillor Heysen seconded that Council stand adjourned to enable the permanent Economic and Corporate and Environment and Engineering Committees to meet.

CARRIED

11. RESUMPTION

C230908/409 Councillor Clancy moved and Councillor Lonie seconded that Council resume at 9:06pm.

CARRIED

12. COMMITTEE RECOMMENDATIONS FOR CONSIDERATION

12.1 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.

C230908/410 Councillor Fisk moved and Councillor Lonie 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.**

CARRIED

12.2 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.

C230908/411 Councillor Lonie moved and Councillor Huckstepp 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. REPORTS OF ADVISORY COMMITTEES AND/OR SUB-COMMITTEES

13.1 Events Advisory Committee

Minutes of the Events Advisory Committee meeting held 2 September 2008.

C230908/412 Councillor Bouchée moved and Councillor Norton seconded that the menu for the Proclamation Day Luncheon to include one hot dish.

CARRIED

- C230908/413** Councillor Fisk moved and Councillor Heysen seconded that the minutes, as amended, of the Events Advisory Committee held on 2 September be received and recommendations adopted.

CARRIED

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

Councillor van Camp rejoined the meeting at 9:12pm.

13.2 Jetty Road Mainstreet Management Committee

Minutes of the Jetty Road Mainstreet Management Committee meeting held 13 August 2008.

- C230908/414** Councillor Fisk moved and Councillor Lonie seconded that the minutes of the Jetty Road Mainstreet Management Committee held on 13 August 2008 be received and recommendations adopted.

CARRIED

13.3 Audit Committee

Minutes of the Audit Committee meeting held 3 September 2008.

- C230908/415** Councillor Bouchée moved and Councillor Lonie seconded that the minutes of the Audit Committee held on 3 September 2008 be received and recommendations adopted.

CARRIED

14. REPORTS OF REGIONAL SUBSIDIARIES

Nil

Councillor Heysen left the meeting at 9:23pm.

15. REPORTS BY OFFICERS

Councillor Fisk left the meeting at 9:25pm.

Councillor Huckstepp left the meeting at 9:25pm.

Councillor Heysen rejoined the meeting at 9:27pm.

Councillor Huckstepp rejoined the meeting at 9:29pm.

15.1 Items in Brief (Report No: 455/08)

Report No: 455/08 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

- C230908/416** Councillor Bouchée moved and Councillor Heysen seconded that the report be noted and items of interest be discussed.

CARRIED

C230908/417 Councillor Bouchée moved and Councillor Fisk seconded:

1. That Council support the views of Administration that the requested times are excessive and advise the Office of the Liquor and Gaming Commissioner that the request be curtailed to restrict the serving of alcohol to 1:00am the next day within the club and 12:00 midnight for the Oval. Council also recommends that the staging of live music on the Oval cease at 12:00 midnight.
2. That conditions regarding security in general amenity within Glenelg and Glenelg East, be included as part of Council's comment to the Office of the Liquor and Gaming Commissioner, including security patrols in the surrounding streets.

CARRIED**C230908/418 Councillor Bouchée moved and Councillor Fisk seconded:**

1. The Public Address System and Speakers located on the grandstand not be used after 10:00pm.
2. That the Glenelg Football Club Inc be requested to consult an Acoustic Engineer, so as to contain any amplified sounds within the Oval complex.

A division was called.

Voted For
R M Bouchée
L R Fisk

Voted Against
R A Clancy
P D H Heysen
J D Huckstepp
S C Lonie
T D Looker
A C Norton
L van Camp

HIS WORSHIP THE MAYOR DECLARED THE MOTION LOST**15.2 Draft Strategic Plan 2009-2014 (Report No: 445/08)**

On 8 May 2007, Council endorsed a process to commence a review of its Strategic Plan as required under Section 122 of the Local Government Act 1999. The first stage involved a consultation process undertaken concurrently with Council's Review of its Development Plan (Section 30 of the Development Act 1993) in late 2007.

Following a review of all submissions received during the consultation period, outcomes of Elected Member workshops, an environmental scan process and completion of the Section 30 Development Plan Review in March 2008, a draft Strategic Plan for the City of Holdfast Bay has now been prepared for Council's consideration to release for wider consultation.

C230908/419 Councillor Looker moved and Councillor Clancy seconded that the question be adjourned until the next meeting of Council, to enable Members a further week to submit comments and meet with Administration on the Draft Strategic Plan prior to consultation.**CARRIED**

Councillor Fisk rejoined the meeting at 9:37pm.

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 Financial Information from the Glenelg Footballers Club**

C230908/420 Councillor Bouchée moved and Councillor Fisk seconded that Administration writes to the Glenelg Football Club Inc (ASIC SA A2149) and their auditors requesting the following financial information as requested by the Audit Committee motion plus the following:

1. How the outstanding loan of approximately \$2.3 million is accounted for in their annual financial statements?
2. How the lease payments to Council are accounted for in their annual financial statements?
3. How the money received from the Glenelg Oval Naming Rights agreement are accounted for in their annual financial statements?
4. A breakdown on projects that the maintenance Reserve Fund of \$15,000 per year plus CPI as specified in clause 12.4 of the lease has been spent?
5. What percentage of this money from the maintenance fund has been spent in the Glenelg District Cricket Club Inc building?

A division was called.

Voted For
R M Bouchée
P D H Heysen
L R Fisk

Voted Against
R A Clancy
J D Huckstepp
S C Lonie
T D Looker
A C Norton
L van Camp

HIS WORSHIP THE MAYOR DECLARED THE MOTION LOST

17.2 Item 7.3 - Oval Cleaning from the Engineering and Environment Committee

C230908/421 Councillor Bouchée moved and Councillor Fisk seconded that the Committee recommends that Administration contact local children/teenage clubs i.e. Scouts/Girl Guides and schools etc to see if they would be interested in cleaning up after sporting groups use the Glenelg Oval with a cash contribution from Council.

LOST

Background

Council currently does not require sporting groups using the Glenelg Oval to clean up after each use. The Oval is often left with litter everywhere, beer cartons, beer cans, chipped cups etc.

It may have been acceptable, leaving the mess for Council staff to clean up on Monday, when the Oval was locked. However, now the Oval is available for public use I feel this is unacceptable. It would also be unacceptable in my view, to pay overtime to Council staff to carry out this cleanup on a Sunday following Saturday use of the Oval.

I feel that if we could find interest in these groups, we could also offer them free tickets from our volunteer's invitation list.

I have observed up to 6 Council paid employees at the Oval on Monday, cleaning up after year weekend use. Council could provide suitable safety equipment, pick up tongs etc . Similar to that provided to employees.

18. ITEMS IN CONFIDENCE

18.1 Confirmation of Minutes from the Events Advisory Committee (Report No: 465/08)

Council officers remaining: Mr Walker, Ms Thomas, Ms Aukett and Mr Hodge

C230908/422 Councillor Heysen moved and Councillor Huckstepp 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 commercial advantage on a third party, and**
 - (ii) would, on balance, be contrary to the public interest.**

CARRIED

**Confirmation of Minutes from the Events Advisory Committee
(Report No: 465/08)**

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C230908/424 Councillor Heysen moved and Councillor Clancy 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: 465/08 with the exception of Resolution No: C230908/422 for going into confidence be kept confidential and not available for public inspection until the event is announced 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 2009 by the Council.**

CARRIED

18.2 Revocation of Community Land Status – Portion of St Judes Cemetery Reserve Land (Report No: 457/08)

Council officers remaining: Mr Walker, Ms Thomas, Ms Aukett and Mr Hodge

C230908/425 Councillor Heysen 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

Revocation of Community Land Status – Portion of St Judes Cemetery Reserve Land (Report No: 457/08)

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C230908/427 Councillor Lonie 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: 457/08 with the exception of Resolution No: C230908/425 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 2009 by the Council.**

CARRIED

**18.3 Patawalonga Lock Maintenance and Operational Review
(Report No: 464/08)**

Council officers remaining: Mr Walker, Ms Thomas, Ms Aukett and Mr Hodge

C230908/428 Councillor Heysen moved and Councillor Clancy 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

Patawalonga Lock Maintenance and Operational Review (Report No: 464/08)

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C230908/430 Councillor Lonie moved and Councillor Heysen 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: 464/08 with the exception of Resolution No: C230908/428 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 2009 by the Council.**

CARRIED

18.4 Verbal Update on The Beachouse

Council officers remaining: Mr Walker, Ms Thomas, Ms Aukett and Mr Hodge

C230908/431 Councillor Huckstepp moved and Councillor Lonie 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

Verbal Update on The Beachouse

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C230908/433 Councillor Heysen moved and Councillor Clancy 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 Verbal update on The Beachouse with the exception of Resolution No: C230908/431 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 December 2009 by the Council.

CARRIED

19. RESUMPTION

C230908/434 Councillor Lonie moved and Councillor Heysen seconded that Council resume as an open meeting of Council at 10:16pm.

CARRIED

20. CLOSURE

The Meeting closed at 10:17pm.

CONFIRMED

Tuesday 14 October 2008

MAYOR