

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 28 October 2008 at 7:03pm.

PRESENT

His Worship the Mayor
Councillors

A K Rollond
R D Beh
R M Bouchée
J L Deakin
L R Fisk
P D H Heysen
J D Huckstepp
S C Lonie
T D Looker
A C Norton
R T Donaldson
I S Walker
R A Thomas
S G Hodge

Chief Executive Officer
General Manager Corporate Services
General Manager City Services
General Manager City Assets

1. OPENING

His Worship the Mayor, declared the meeting open with prayer and acknowledgement of Kaurua Traditional Owners at 7:03pm.

2. APOLOGIES**2.1 For Absence**

2.2 Leave of Absence Councillors P N Crutchett
and L van Camp

2.3 Absent Without Apology or Leave Councillor R A Clancy

3. PRESENTATION**3.1 St Jude's Players 60th Anniversary Image**

His Worship the Mayor presented to Council a framed image received at the Civic Reception held for St Jude's Players in recognition of their 60th Anniversary.

4. CONFIRMATION OF MINUTES

C281008/467 Councillor Looker moved and Councillor Beh econded that the minutes of the Ordinary Meeting of Council held on 14 October 2008 be taken as read and confirmed.

CARRIED

5. MAYORAL REPORT

From 1 September 2008 to 30 September 2008

C281008/468 Councillor Fisk moved and Councillor Looker seconded that the report be received and noted.

CARRIED

6. QUESTIONS BY MEMBERS**6.1 Without Notice****6.1.1 Advice of Councillors' absence**

Councillor Bouchée asked a question regarding recent absences of Councillors Clancy and Deakin.

The Chief Executive Officer provided a response.

6.1.2 The Beachouse, Glenelg – planning controls

Councillor Fisk asked a question regarding planning controls for The Beachouse in the event of further development.

The Chief Executive Officer provided a response.

6.2 With Notice**6.2.1 Managers Contracts**

In accordance with her notice, Councillor Bouchée asked the following questions:

6.2.1.1 Please advise the contract terms for Managers and General Managers within Council? (2 years, 3 years etc)

6.2.1.2 When do these contracts expire? (meaning eg 5 contracts (manager) 2 years expire 2010,)

Background

As per Section 59 1A, and the possible future change to the CEO position, I believe it is necessary for Council to understand and realise how fettered the incumbent will be in relation to any organisational changes that he/she will or may wish to change.

Chief Executive Officer's response.

General Manager City Assets - five year contract, expiring June 2013
General Manager City Services - five year contract, expiring June 2013
General Manager Corporate Services - five year contract, expiring June 2013
General Manager Alwyndor Aged Care - five year contract, expiring January 2012

Of the 17 positions with the title of Manager within the organisation, only two are on fixed term contract:

- **Manager Bay Discovery Centre - five year contract, expiring October 2013**
- **Jetty Road Precinct Manager - five year (AWA-based) contract, expiring July 2012**

In the event of any organisational change, normal human resource management practices will apply

7. REPORTS BY DELEGATES OR REPRESENTATIVES

7.1 Ducati Turismo 2008 Event Start

Councillor Heysen reported that he represented His Worship the Mayor at the Ducati Turismo 2008 event start on Monday 20 October 2008.

7.2 St Jude's Players 60th Anniversary Civic Reception

Mayor Rollond and Councillors Huckstepp, Looker and Lonie reported that they attended the Civic Reception held on 17 October 2008.

7.3 Southern Holdfast Bay Residents Association Annual General Meeting

Mayor Rollond and Councillors Huckstepp and Looker reported that they attended the Southern Holdfast Bay Residents Association Annual General Meeting held on Wednesday 15 October 2008.

7.4 Community Cabinet Meeting

Councillor Looker reported that he represented His Worship the Mayor at the Community Cabinet meeting held 20 October 2008.

Councillors Huckstepp, Looker and Lonie reported that they attended the Community Cabinet Morning Tea held on 20 October 2008.

8. PETITIONS AND DEPUTATIONS Nil

9. NOTICES OF MOTION

9.1 Apologies for Council Meetings

In accordance with his notice:

C281008/469 Councillor Looker moved and Councillor Fisk seconded that when a member is absent from Council or a Council Committee without leave or without putting an apology then the absence is recorded in the minutes as "absent without apology or leave".

CARRIED

Background

As Elected Members representing the community Elected Members are accountable to the community and the community need to know the attendance of the Member. Respect for the office as well as common courtesy demand advice of non attendance.

9.2 Operation of the Moseley Square Water Feature

In accordance with his notice:

C281008/470 Councillor Heysen moved and Councillor Huckstepp seconded that resolution CO90107/007:

"That Administration work with SA Water and the Jetty Road Mainstreet Board to develop an operational plan to ensure that the Moseley Square Water Feature is operational during the current water restrictions (including not on Mondays, being "Save the Murray" days, and having regard to the key visitation times of the year, the week and the day) to achieve a water saving of 40% on the average daily usage during November and December 2006, and proceed to implement that plan forthwith."
be rescinded.

CARRIED

C281008/471 Councillor Heysen moved and Councillor Bouchée seconded under the following flexible guidelines:

- That the Moseley Square water feature operate every day from 1 November through to 31 March inclusive from 10am to 9 pm (11 hours a day).
- That in April, May, September & October, Wednesday to Sunday, inclusive, 5 days per week from 10am to 5.30pm (7.5 hours per day).
- That no operation in June, July and August.
- That the feature should also be turned off during periods of high wind or during periods of persistent rainfall.

CARRIED

9.4 Whistleblowers Policy**C281008/472 Councillor Deakin moved and Councillor Bouchée seconded that the tabled revision of Councillor Looker's Notice of Motion be received.**

CARRIED

In accordance with his notice:

C281008/473 Councillor Looker moved and Councillor Bouchée seconded:

1. That the Whistleblowers Policy be amended to delete the reference to the General Manager Social and Organisation and replace with:
"The Chief Executive Officer must appoint a responsible officer."
2. That a Responsible Officer under the Whistleblowers Policy be determined as soon as possible.

CARRIED

Background

The Whistleblowers' policy adopted by Council needs to be altered to change the nominated responsible officer. The Chief Executive Officer must appoint a responsible officer. The audit committee has recommended that this be amended as soon as practical.

The current Whistleblowers Policy states this:

"Responsible Officers:

Disclosures must be made to the Responsible Officer of the Council, The Chief Executive Officer has appointed the General Manager Social and Organisation as the Responsible Officer."

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

C281008/474 Councillor Beh moved and Councillor Deakin seconded that Council stand adjourned to enable the permanent Economic and Corporate and Environment and Engineering Committees to meet.

CARRIED

11. RESUMPTION

C281008/475 Councillor Heysen moved and Councillor Beh seconded that Council resume at 8:03pm.

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.

C281008/476 Councillor Beh moved and Councillor Looker 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.

C281008/477 Councillor Beh 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 Glenelg Community Centre Advisory Committee Minutes

The Minutes of the Meeting held 13 October 2008 were presented.

C281008/478 Councillor Heysen moved and Councillor Beh seconded that the minutes of these committees be received and the recommendations adopted.

CARRIED

14. REPORTS OF REGIONAL SUBSIDIARIES

Nil

15. REPORTS BY OFFICERS**15.1 Items in Brief (Report No: 514/08)**

Report No: 514/08 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

C281008/479 Councillor Heysen moved and Councillor Fisk seconded that the report be noted and items of interest be discussed.

CARRIED

15.2 Nominations to the West Beach Trust Board (Report No: 505/08)

The Hon Paul Holloway MLC, Minister for Urban Development and Planning has requested that the City of Holdfast Bay nominate a panel of three (3) persons for his consideration for appointment to the West Beach Trust Board. This report outlines the criteria for nomination and seeks Council's nominees for consideration for the Board.

C281008/480 Councillor Fisk moved and Councillor Heysen seconded that Council nominate the following panel of three (3) persons to the Minister for Urban Development and Planning for consideration for appointment to the West Beach Trust Board with nominations to be received by Friday 31 October 2008:

- 1. Councillor Bouchée**
- 2. Councillor Deakin**
- 3. Mayor Rollond**

CARRIED

15.3 Letters from Jetty Road Mainstreet Management Committee (Report No: 507/08)

Council has received three (3) letters from the Jetty Road Mainstreet Management Committee (JRMMC) seeking Council's response in relation to the advancement of outcomes of the Glenelg Car Parking Study, operation of the Moseley Square water feature and opportunities to increase use of the historic H Class heritage tram services at the Bay.

The purpose of this report is to present draft responses to JRMMC for Council's consideration and endorsement.

C281008/481 Councillor Fisk moved and Councillor Heysen seconded that the draft responses to the Jetty Road Mainstreet Management Committee located at Attachment 2 to Report Number 507/08 be signed by the Mayor and forwarded to the Management Committee as Council's response to its letters dated 7 October 2008.

CARRIED

15.4 Council and Standing Committee Meeting Dates – January 2009 to December 2009 (Report No: 516/08)

Council last adopted its meeting schedule for 2007/08 at the Social and Organisation Committee Meeting held 9 October 2007.

Council is now required to determine the Council and Standing Committee meeting schedule for the period between January 2009 and December 2009.

C281008/482 Councillor Bouchée moved and Councillor Heysen seconded that the Council and Standing Committee meeting schedule from January to December 2009 be as follows:

- **Tuesday 20 January**
- **Tuesday 10 February**
- **Tuesday 24 February**
- **Tuesday 10 March** (Tuesday after the Adelaide Cup Day)
- **Tuesday 24 March**
- **Tuesday 14 April** (Tuesday after Easter)
- **Tuesday 28 April**
- **Tuesday 12 May**
- **Tuesday 26 May**
- **Tuesday 9 June** (Tuesday after Queens Birthday)
- **Tuesday 23 June**
- **Tuesday 14 July**
- **Tuesday 28 July**
- **Tuesday 11 August**
- **Tuesday 25 August**
- **Tuesday 8 September**
- **Tuesday 22 September**
- **Tuesday 13 October**
- **Tuesday 27 October**
- **Tuesday 10 November**
- **Tuesday 24 November**
- **Tuesday 15 December**

CARRIED

15.5 Changes to Terms of Reference for Advisory Committees (Report No: 515/08)

Council endorsed Terms of Reference for the Volunteer Advisory Committee and the Arts Advisory Committee at its meeting of 13 May 2008 and 22 July respectively. Both committees have since recommended minor changes to their terms of reference; and are presented to Council for further endorsement.

At its meeting on 11 August, the Environment Advisory Committee recommended the draft Terms of Reference for Council's endorsement.

C281008/483 Councillor Fisk moved and Councillor Looker seconded:

- 1. That the amended Volunteer Advisory Committee Terms of Reference included at Attachment 1 be endorsed by Council.**
- 2. That the amended Arts Advisory Committee Terms of Reference included at Attachment 2 be endorsed by Council, subject to 5.1.1 including 6 Community Arts Patrons.**
- 3. That the draft Terms of Reference for the Environmental Advisory Committee included at Attachment 3 be endorsed by Council.**

CARRIED

15.6 Annual Appointments of Deputy Mayor and Chairmen of Council Standing Committees (Report No: 517/08)

Council resolved the appointment of the positions of Deputy Mayor, Standing Committee Chairmen and Deputy Chairmen at its meeting held 9 October 2007 for a period of twelve (12) months. These appointments expire on 30 November 2008.

Council determined at its meeting held on 28 November 2006 to make these appointments for twelve months. Under Section 51 of the Local Government Act 1999 the Council may appoint a Deputy Mayor and Council Chairperson for a term not exceeding 4 years. This Council has previously determined that appointments be for one (1) year.

C281008/484 Councillor Heysen moved and Councillor Bouchée seconded:

1. That Council chooses the Deputy Mayor, Committee Chairman and Committee Deputy Chairmen by taking indicative votes to determine the preferred person for each position, followed by a motion and resolution to appoint those preferred persons to those respective positions.
2. That in the event of more than one candidate for any position, the indicative vote be conducted using the 'first past the post' method based on a secret ballot, with a second indicative vote to be conducted in the event of equal highest vote numbers and a name to be drawn at random from the tied candidates by the Chief Executive Officer in the event of a second tied indicative vote.
3. That Mr Ian Walker and Mrs Rebecca Thomas be appointed as returning officers for the purposes of the indicative vote process.

CARRIED

With the approval of at least two-thirds of the Members present, Mayor Rollond suspended the prescribed meeting procedures in order to conduct the indicative votes for the positions of Deputy Mayor, Committee Chairmen and Committee Deputy Chairman.

The indicative process was conducted.

C281008/485 Councillor Fisk moved and Councillor Deakin seconded:

- 1 That Councillor Looker be appointed Deputy Mayor for the period of 1 December 2008 to 30 November 2009.
- 2 That Councillor Beh be appointed Chairperson and Councillor Lonie be appointed Deputy Chairperson of the Social and Organisation Committee from 1 December 2008 to 30 November 2009.
- 3 That Councillor Deakin be appointed Chairperson and Councillor van Camp be appointed Deputy Chairperson of the Strategy and Development Committee from 1 December 2008 to 30 November 2009.
- 4 That Councillor Huckstepp be appointed Chairperson and Councillor Crutchett be appointed Deputy Chairperson of the Environment and Engineering Committee from 1 December 2008 to 30 November 2009.
- 5 That Councillor Fisk be appointed Chairperson and Councillor Looker be appointed Deputy Chairperson of the Economic and Corporate Committee from 1 December 2008 to 30 November 2009.

CARRIED**15.7 Bay Discovery Centre Review Advisory Committee (Report No: 508/08)**

Council has resolved to form a Committee to review and report to Council on the operation of the Glenelg Town Hall, including the Bay Discovery Centre and other community services. Part of the resolution calling for the creation of the Committee included direction that Administration report to Council on the provision of independent support staff or a consultant to meet the service needs of the Committee. This report explores the option of having persons not employed by the City of Holdfast Bay provide administrative support to the Committee and seeks Council direction on how it wishes to proceed. It also recommends an alternative name for the Committee given the similarities with an existing Council Committee and the 'broader' purpose of the Committee.

C281008/486 Councillor Looker moved and Councillor Beh seconded:

- 1 That the Bay Discovery Centre Review Advisory Committee be re-named the 'Glenelg Town Hall and Community Services Advisory Committee'.**
- 2 That the Glenelg Town Hall and Community Services Advisory Committee be assisted by administrative support in the form of an existing, internal staff member not employed with the City Services Department.**
- 3 That, subject to Council receiving the Committee's minutes and subject to available budget provisions, the Glenelg Town Hall and Community Services Advisory Committee be authorised to engage the assistance of people with appropriate technical/professional experience and knowledge to assist it in considering the issues associated with the future of the Glenelg Town Hall, the Bay Discovery Centre and other community services and building assets on an as need basis.**
- 4 That the Glenelg Town Hall and Community Services Advisory Committee be invited to report to Council's next quarterly budget review in relation to any need for additional budget allocation/s to manage any costs associated with the work of the Glenelg Town Hall and Community Services Advisory Committee.**

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 Leave of Absence – Councillor Heysen

C281008/487 Councillor Beh moved and Councillor Fisk seconded that Councillor Heysen be granted a leave of absence from 9 November 2008 to 10 December 2008.

CARRIED

17.2 Glenelg Christmas Pageant Notices

Councillor Bouchée asked if Administration could investigate the Glenelg Pageant Notices which appear to have been distributed without a date.

17.3 Statutory Declaration – Stamford Grand Hotel, Glenelg – Councillor Fisk

Councillor Fisk presented to Council a Statutory Declaration confirming his statements at the Council Meeting held 14 October 2008.

C281008/488 Councillor Looker moved and Councillor Bouchée seconded that the Statutory Declaration made by Councillor Fisk regarding his statements made at the Council Meeting held 14 October 2008 be noted.

CARRIED

18. ITEMS IN CONFIDENCE

18.1 Notice of Motion – Executive Committee (Report No: 513/08)

Councillor Norton advised of the withdrawal of his motion and foreshadowed his intention to move the motion at a future date.

18.2 Local Heritage Development Plan Amendment - Draft Statement of Intent (Report No: 506/08)

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

C281008/489 Councillor Heysen moved and Councillor Beh seconded that, pursuant to Section 90(2) and 90(3)(m) 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 a proposed amendment to a Development Plan under the *Development Act 1993* before a Plan Amendment Report relating to the amendment is released for public consultation under that Act.**

CARRIED

Local Heritage Development Plan Amendment - Draft Statement of Intent (Report No: 506/08)

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C281008/491 Councillor Heysen moved and Councillor Bouchée seconded that pursuant to Section 90(2), 90(3)(m) and 91(7) of the Local Government Act 1999:

- 1. The Council orders that the documents and minutes relating to Report No: 506/08 with the exception of Resolution No:C281008/488 for going into confidence be kept confidential and not available for public inspection on the basis that they deal with information relating to a proposed amendment to a Development Plan under the *Development Act 1993* before a Plan Amendment Report relating to the amendment is released for public consultation under that Act, under Section 90 (2) and 90(3)(m) of the Act.**
- 2. This resolution will be reviewed on or before 31 December 2009 by the Council.**

CARRIED

18.3 Minutes of the Southern Region Waste Resource Authority Meeting – August and September 2008 (Report No: 487/08)

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

C281008/492 Councillor Heysen 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

Minutes of the Southern Region Waste Resource Authority Meeting – August and September 2008 (Report No: 487/08)

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C281008/494 Councillor Heysen moved and Councillor Deakin 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: 487/08 with the exception of Resolution No: C281008/492 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 2009 by the Council.

CARRIED

19. RESUMPTION

C281008/495 Councillor Heysen moved and Councillor Beh seconded that Council resume as an open meeting of Council at 8:57pm.

CARRIED

20. CLOSURE

The Meeting closed at 8:58pm.

CONFIRMED

Tuesday 11 November 2008

MAYOR