

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 11 November 2008 at 7:22pm.

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
	J D Huckstepp
	S C Lonie
	T D Looker
	A C Norton
	L van Camp
Chief Executive Officer	R T Donaldson
General Manager Corporate Services	I S Walker
General Manager City Services	R A Thomas
General Manager City Assets	S G Hodge
Manager Governance and Policy	P E Aukett

1. OPENING

His Worship the Mayor, declared the meeting open with prayer and an acknowledgement of Kaurna Traditional Owners at 7:22pm.

2. APOLOGIES

2.1	For Absence	Nil
2.2	Leave of Absence	Councillor P D H Heysen
2.3	Absent Without Apology or Leave	Nil

3. ITEMS PRESENTED TO COUNCIL Nil

4. CONFIRMATION OF MINUTES

C111108/496 Councillor Looker moved and Councillor Beh seconded that the minutes of the Ordinary Meeting of Council held on 28 October 2008 be taken as read and confirmed.

CARRIED

5. CHIEF EXECUTIVE OFFICER'S ACTIVITIES REPORT

From 1 October 2008 to 31 October 2008.

C111108/497 Councillor Clancy moved and Councillor Huckstepp 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 Unveiling of Memorial Plaque at St Jude's Cemetery**

His Worship the Mayor and Councillors Huckstepp, Looker and Lonie reported that they attended the unveiling of the memorial plaque for Sir Douglas Mawson at the St Jude's Cemetery Site on 2 November 2008.

8. PETITIONS AND DEPUTATIONS**8.1 Presentation by the Director of the State Recovery Office**

The Director of the State Recovery Office, Mrs Ronnie Faggotter, made a presentation on her role as Director and on the functions of her office.

8.2 Presentation by Organisers of the Overflow at the Bay Event

Ms Carol Evdokiou, the organiser of "Overflow at the Bay", made a presentation to Council regarding the proposed event, to be held on Colley Reserve on 25 January 2009.

9. NOTICES OF MOTION Nil

10. ADJOURNMENT (TO ENABLE PERMANENT COMMITTEES TO MEET) (7:37PM)

C111108/498 Councillor Beh moved and Councillor Clancy seconded that Council stand adjourned to enable the permanent Social and Organisation and Strategy and Development Committees to meet.

CARRIED

11. RESUMPTION

C111108/499 Councillor Clancy moved and Councillor Beh seconded that Council resume at 7:50pm.

CARRIED

12. COMMITTEE RECOMMENDATIONS FOR CONSIDERATION**12.1 Social and Organisation Committee**

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

C111108/500 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 van Camp reported that the Strategy and Development Committee had met this evening and had processed the business contained in the agenda documents.

C111108/501 Councillor Beh moved and Councillor Huckstepp 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

C111108/502 Councillor Clancy moved and Councillor van Camp seconded that the minutes of the Development Assessment Panel meeting held on Wednesday, 22 October 2008 be received.

CARRIED

14. REPORTS OF ADVISORY COMMITTEES AND/OR SUB-COMMITTEES**14.1 Audit Committee Minutes**

Presented were the Minutes of the Meeting held 22 October 2008.

C111108/503 Councillor Norton moved and Councillor Huckstepp seconded that the minutes of the Audit Committee meeting held 22 October 2008 be received and the recommendations adopted.

CARRIED

14.2 Events Advisory Committee Minutes

Presented were the Minutes of the Meeting held 16 October 2008.

- C111108/504 Councillor Fisk moved and Councillor Clancy seconded that the minutes of the Events Advisory Committee meeting held 16 October 2008 be received and the recommendations adopted, with the exception of the recommendations in relation to Items 6.6 and 6.7.**

CARRIED

- C111108/505 Councillor Crutchett moved and Councillor Clancy seconded that Council endorses the recommendations of the Events Advisory Committee in relation to the "Overflow at the Bay" event, in Item 6.7 of the 16 October 2008 Events Advisory Committee minutes, subject to the confirmation of the final satisfaction of SA Police and Council's Events Management staff with all event arrangements.**

A division was called.

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

HIS WORSHIP THE MAYOR DECLARED THE MOTION CARRIED

Councillor Deakin left the meeting at 8:05pm.

Councillor Deakin rejoined the meeting at 8:07pm.

- C111108/506 Councillor Looker moved and Councillor Huckstepp seconded that Administration no longer investigate the feasibility of the proposed Chocolate Indulgence Festival referred to in Item 6.6 of the 16 October 2008 Events Advisory Committee minutes.**

A division was called.

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

HIS WORSHIP THE MAYOR DECLARED THE MOTION LOST

- C111108/509 Councillor Clancy moved and Councillor Lonie seconded that the recommendation regarding Item 6.6 of the 16 October 2008 Events Advisory Committee meeting be endorsed.**

AMENDMENT

- C111108/507** Councillor Looker moved that the recommendation regarding Item 6.6 of the 16 October 2008 Events Advisory Committee meeting be endorsed, subject however to the ultimate agreement of the Jetty Road Mainstreet Management Committee to the event proceeding.

LAPSED FOR WANT OF A SECONDER

AMENDMENT

- C111108/508** Councillor Crutchett moved and Councillor Norton seconded that the recommendation regarding Item 6.6 of the 16 October 2008 Events Advisory Committee meeting be endorsed without reference to "social justice and community awareness".

LOST

THE SUBSTANTIVE MOTION WAS PUT.

A division was called.

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

HIS WORSHIP THE MAYOR DECLARED THE MOTION CARRIED

14.3 Jetty Road Mainstreet Management Committee

Presented were the Minutes of the Meeting held 15 October 2008.

- C111108/510** Councillor Norton moved and Councillor Huckstepp seconded that the minutes of the Jetty Road Mainstreet Management Committee meeting held 15 October 2008 be received and the recommendations adopted.

CARRIED

14.4 Environmental Advisory Committee

Presented were the Minutes of the Meeting held 13 October 2008

- C111108/511** Councillor Crutchett moved and Councillor Huckstepp seconded that the minutes of the Environmental Advisory Committee meeting held 13 October 2008 be received and recommendations adopted excluding the recommendation in Item 7.5, which is to be referred to the Environment and Engineering Committee for consideration in the context of Council's future footpath network strategy.

CARRIED

General Manager City Assets Comment

Whilst the Minutes of the Environmental Advisory Committee are presented as the record and recommendations of the Committee meeting, it is noted that Item 7.5 regarding Council's Footpath Program, as it stands, would require in a change to Council's current Footpath Strategy. There will be a further report to the Environment and Engineering Committee in the near future, which will canvas potential policy options with a Footpath Strategy. It may be appropriate that Item 7.5 of the Environmental Advisory Committee Minutes be noted and referred for future

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consideration at the same time as the strategy deliberations, rather than endorsed "as is" at this time.

14.5 Arts Advisory Committee

Presented were the Minutes of the Meeting held 21 October 2008

- C111108/512 Councillor Norton moved and Councillor Huckstepp seconded that the minutes of the Arts Advisory Committee meeting held 21 October 2008 be received and the recommendations adopted.**

CARRIED

14.6 Executive Committee

Presented were the Minutes of the Meeting held 3 November 2008

- C111108/513 Councillor Norton moved and Councillor Huckstepp seconded that the minutes of the Executive Committee meeting held 3 November 2008 be received and the recommendations adopted.**

CARRIED

15. REPORTS OF REGIONAL SUBSIDIARIES

Nil

16. REPORTS BY OFFICERS

16.1 Items in Brief (Report No: 533/08)

Councillor Crutchett left the meeting at 8:25pm.

Councillor Bouchée left the meeting at 8:25pm.

Councillor Bouchée rejoined the meeting at 8:26pm.

Councillor Crutchett rejoined the meeting at 8:27pm.

Report No: 533/08 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

- C111108/514 Councillor Beh moved and Councillor Lonie seconded that the report be noted and items of interest be discussed.**

CARRIED

16.2 2007/08 Financial Statements (Report No: 522/08)

The audited financial statements for the year ended 30 June 2008 are presented for adoption by Council.

- C111108/515 Councillor Looker moved and Councillor Fisk seconded:**

1. That the financial statements for the year ended 30 June 2008 as contained in Attachment 1 to Report No: 522/08 be adopted.
2. That the audit report from Council's auditor, Dean Newbery & Partners, contained at Attachment 3 to Report No: 522/08 be received and noted.

CARRIED

16.3 Lease Assignment and Beach Hire (Report No: 528/08)

The operator of the Beach Hire business (Mr Nicholas Pay) has written to Council advising that, in accordance with Council's resolution of 12 June 2007, he seeks an extension of the existing lease agreement/new lease agreement from 1 December 2009 until 30 November 2019.

The operator has also advised that he has sold the business to Ms Amanda Lane and seeks Council consent to assignment of the lease to that party.

C111108/516 Councillor Fisk moved and Councillor Clancy seconded that the operator be advised:

1. That Council consents to his request for additional lease terms and that the following additional lease terms be offered – a term of 5 years commencing on 1 December 2009 with an option of a renewal for a further term of 5 years commencing on 1 December 2014 and expiring on 30 November 2019. Such terms to be offered on the basis that the lessee acknowledges that:
 - Council intends to demolish the building after 30 November 2019; and
 - if Council is required, due to legislative or judicial requirements or other complaint, to undertake renovations, refurbishment or upgrade of the building, Council in its absolute discretion, shall have the right to terminate the lease upon giving 3 months notice to the Lessee.
2. That the Commencing rental for both additional lease terms to be determined to market by a suitably qualified valuer.
3. That Council consents to his request for an assignment of the lease to Ms Amanda Lane on the basis that there are no breaches or amounts outstanding on his account as at the date of assignment and that Council's legal costs associated with the assignment are met by him.
4. That His Worship the Mayor and the Chief Executive Officer be authorised to sign and seal any documentation in relation to the additional lease terms and the assignment.
5. That the Chief Executive Officer be authorised to sign any documentation relating to the grant of permit for the lockers and that the commencing permit fee from the date of assignment be \$570 pa plus GST.

CARRIED

16.4 Kingston Park Kiosk (Report No: 527/08)

The licensee and operator of the Kingston Park Kiosk, Mr Michael Kingston, has approached Council seeking to secure a new licence for a term of a further 5 years.

C111108/517 Councillor Huckstepp moved that the operator be advised that, subject to a satisfactory public consultation outcome, Council is prepared to enter into a new licence for the Kingston Park Kiosk premises for a period of 4 years, commencing on 1 June 2009, with the commencing rental to be determined to market by a suitably qualified valuer.

C111108/518 Councillor Crutchett moved and Councillor Norton seconded that the question be adjourned to allow staff to discuss possible future alternative Kiosk designs and redevelopment with Mr Kingston before further consideration by Council.

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 Glenelg Town Hall Repairs**

Councillor Bouchée asked a question regarding the progress of the repairs to the Glenelg Town Hall Council chamber.

General Manager City Services provided a response.

Councillor Norton asked a question regarding the quality of the repairs to the Glenelg Town Hall.

General Manager City Services provided a response.

19. ITEMS IN CONFIDENCE**19.1 Conservation Management Plan for Former Brighton Town Hall (Report No: 526/08)**

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

C111108/519 Councillor Looker moved and Councillor Beh seconded that Report No: 526/08 not be considered in confidence.

CARRIED

Conservation Management Plan for Former Brighton Town Hall (Report No: 526/08)

On 12 August 2008, Council considered "in confidence" a number of recommendations of the Brighton Precinct Committee on issues associated with the Brighton Precinct. A key resolution was that Administration prepare a report to consider options for the conservation and protection of the former Brighton Town Hall. Preliminary advice has now been sought from a qualified heritage consultant on the process involved. Notwithstanding the original resolution was considered in confidence, it is recommended that Council consider this report in public.

C111108/520 Councillor Looker moved and Councillor Beh seconded:

- 1. That the previous Confidential Minutes of the Council meeting held on 12 August 2008 including Council Resolution Number C120808/345 be retained in Confidence with the exception of Part 3 ("That Administration report back to Council on the appropriate heritage conservation protection method for the Brighton Town Hall.).**
- 2. That Administration prepare a New Initiatives budget proposal for the 2009/2010 financial year to commence a tender process for the engagement of a suitably qualified heritage consultant to prepare a Conservation Management Plan for the former Brighton Town Hall located at 388 Brighton Road, Hove.**

AMENDMENT

C111108/521 Councillor Deakin moved and Councillor Bouchée seconded:

1. That the previous Confidential Minutes of the Council meeting held on 12 August 2008 including Council Resolution Number C120808/345 be retained in Confidence with the exception of Part 3 (*“That Administration report back to Council on the appropriate heritage conservation protection method for the Brighton Town Hall.”*).
2. That Administration engage a suitably qualified heritage consultant to prepare a Conservation Management Plan for the former Brighton Town Hall located at 388 Brighton Road, Hove, at a cost of \$12,000 - \$15,000 to be included in the next Budget Review.

THE AMENDMENT WAS CARRIED

THE AMENDMENT BECAME THE MOTION

A division was called.

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

Voted Against
J D Huckstepp

HIS WORSHIP THE MAYOR DECLARED THE MOTION CARRIED

19.2 Notice of Motion – Executive Committee (Report No: 530/08)

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

Councillor Clancy left the meeting at 8:44pm.

Councillor Clancy rejoined the meeting at 8:45pm.

Notice of Motion – Executive Committee (Report No: 530/08)

In accordance with his notice:

C111108/522 Councillor Norton moved and Councillor Deakin seconded that the decision of 14 October 2008 (C141008/457):

“Councillor Fisk moved and Councillor Looker seconded that the Executive Committee manage the recruitment process for the new Chief Executive Officer to the point of developing a list of suitable candidates for Council's consideration.”

be rescinded.

C111108/523 Councillor Fisk moved and Councillor Beh seconded that the question be adjourned until all Members of Council are present to participate in the debate.

LOST

C111108/524 Councillor Clancy moved and Councillor van Camp seconded that the question be put.

CARRIED

THE QUESTION WAS PUT

A division was called.

Voted For
R M Bouchée
R A Clancy
P N Crutchett
J L Deakin
S C Lonie
A C Norton
L van Camp

Voted Against
R D Beh
L R Fisk
J D Huckstepp
T D Looker

HIS WORSHIP THE MAYOR DECLARED THE MOTION CARRIED

C111108/525 Councillor Crutchett 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

Notice of Motion – Executive Committee (Report No: 530/08)

Councillor Beh left the meeting at 9:11pm.

Councillor Beh rejoined the meeting at 9:13pm.

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C111108/527 Councillor Deakin moved and Councillor Fisk 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: 513/08 with the exception of Resolution No: C111108/523 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 2009 by the Council.

CARRIED

19.3 Executive Committee Confidential Minutes, 3 November 2008

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

C111108/528 Councillor Fisk moved and Councillor Beh 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**Executive Committee Confidential Minutes - 3 November 2008****ORDER TO RETAIN DOCUMENTS IN CONFIDENCE**

C111108/530 Councillor Deakin moved and Councillor Lonie 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 the Executive Committee Minute of 3 November 2008 with the exception of Resolution No: C111108/528 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 2009 by the Council.**

CARRIED**20. RESUMPTION**

C111108/531 Councillor Clancy moved and Councillor Lonie seconded that Council resume as an open meeting of Council at 9:15pm.

CARRIED**21. CLOSURE**

The Meeting closed at 9:15pm.

CONFIRMED**Tuesday 25 November 2008****MAYOR**