

## 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 14 April 2009 at 7:07pm.**

### PRESENT

His Worship the Mayor	A K Rollond
Deputy Mayor	R A Clancy
Councillors	R D Beh
	P N Crutchett
	J L Deakin
	P D H Heysen
	J D Huckstepp
	S C Lonie - 7:08pm.
	T D Looker
	A C Norton
Chief Executive Officer	R T Donaldson
General Manager City Assets	S G Hodge
General Manager City Services	R A Thomas
General Manager Corporate Services	I S Walker
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 7:07pm.

### 2. APOLOGIES

- |     |                    |                                     |
|-----|--------------------|-------------------------------------|
| 2.1 | Apologies received | Councillors L R Fisk and L van Camp |
| 2.2 | Absent             | Councillor R M Bouchée              |

### 3. ITEMS PRESENTED TO COUNCIL

Nil

### 4. CONFIRMATION OF MINUTES

- C140409/198** Councillor Clancy moved and Councillor Looker seconded that the minutes of the Special Meeting of Council held 23 March 2009 and the Ordinary Meeting of Council held on 24 March 2009 be taken as read and confirmed.

**CARRIED**

### 5. CHIEF EXECUTIVE OFFICER'S ACTIVITIES REPORT

From 1 March 2009 to 31 March 2009

- C140409/199** Councillor Clancy moved and Councillor Beh seconded that the report be received and noted.

**CARRIED**

Councillor Lonie joined the meeting at 7:08pm.

**6. QUESTIONS BY MEMBERS****6.1 Without Notice****6.1.1 Dwelling with two driveways**

Councillor Clancy asked a question regarding a dwelling with two driveways.

**The General Manager City Assets, Mr S Hodge took the question on notice.**

**6.1.2 Proposed National Broadband Network**

Councillor Crutchett asked a question regarding the proposed National Broadband Network and whether there are any issues likely in the overhead cabling.

**The General Manager City Assets, Mr S Hodge provided a response.**

**6.1.3 King Street Bridge**

Councillor Beh asked a question regarding the status of the Council's funding applications.

**The General Manager City Assets, Mr S Hodge provided a response.**

**6.1.4 Tram 361**

Councillor Beh asked a question why that the Strategy and Development Committee meeting be held prior to the Social and Organisation Committee meeting, for the benefit of a member of the gallery.

**His Worship the Mayor provided a response.**

**6.2 With Notice** Nil

**7. REPORTS BY DELEGATES OR REPRESENTATIVES** Nil

**8. PETITIONS, DEPUTATIONS AND PRESENTATIONS** Nil

**9. NOTICES OF MOTION****9.1 Know Your Council Day**

In accordance with his notice:

**C140409/200**

**Councillor Looker moved and Councillor Clancy seconded that the Chief Executive Officer conveys Council's appreciation for the effort and attendance of staff at the "Know Your Council Day" and Loop Bus Launch on Saturday 28 March 2009.**

**CARRIED**

**Background**

For "Know your Council Day" staff organised a display in Moseley Square where each department of Council had a staffed display showing the services and facilities. This attracted a steady stream of interested community members and provided a positive contact with our community. The new Blue Loop bus was officially opened by Mayor Rollond to applause from the gathered crowd. The efforts and enthusiasm of Council staff assisted by community volunteers is worthy of note.

## 9.2 Invitation to Audit Committee Members to Attend Council Workshop

In accordance with his notice:

- C140409/201** Councillor Looker moved and Councillor Deakin seconded that Council invite the independent members of the Audit Committee to attend the Workshop on Thursday 16 April 2009 at 7:00pm "Capital Renewal Program, Draft Annual Business Plan. Draft Budget and new initiatives."

**CARRIED**

### Background

In 2008 Council extended an invitation to the independent members of the Audit Committee to attend the finance workshop. The information provided is highly relevant to the governance function of the audit committee.

## 9.3 Community Bus Service

In accordance with his notice:

- C140409/202** Councillor Huckstepp moved and Councillor Deakin seconded that Administration prepare a report on the feasibility of the recently purchased Community Bus to provide a trial loop service to the Southern Wards of Holdfast Bay utilising free times weekdays currently not utilised by the bus.

**CARRIED**

### Background

Residents of the Southern Wards in particular the Seacliff Ward express concern that they feel disenfranchised from the remainder of the City due to the distance from Glenelg with very little extra services provided, except for normal council services (i.e. garbage collection, road works etc).

The Southern Wards of Brighton and Seacliff would have just as many Senior Citizens as the Glenelg area, it seems unfair to provide a bus service only in the Glenelg Area for 3 days a week and no such service further south in Brighton or Seacliff.

The Community Bus service evaluation report adopted by Council in 2007 suggested a number of additional loops in Holdfast Bay value adding to the existing Loop Bus Service. Adding to the existing (the southern loop) provides an additional loop service to the Southern and Central Holdfast Bay area.

There would be many Senior Citizens that would appreciate a community bus service from Seacliff ward through Brighton's local shopping centre in particular. The service would be low cost with volunteer bus drivers and being a diesel vehicle use very little fuel.

### The Chief Executive Officer, Mr R Donaldson's comment.

The purchase of the new Community Loop Bus asset has been funded entirely from the Glenelg Access Strategy Reserve Fund, with the service operating extensively across Glenelg central, North, South and East. The whole of Council's annual community bus coordination costs are also met from the Glenelg Access Strategy 'Reserve' Fund, although not all of the community bus coordination and administration functions have a nexus with the 'Glenelg accessibility' purpose of the Reserve Fund.

Careful consideration should be given to the use of the new bus asset and further use of the coordination resources for 'non-Glenelg' purposes, having regard to Council's ultimate accountability for the use of Glenelg Access

**Strategy funds for the purposes intended when the Reserve Fund was created (consisting of nett proceeds of car parking fee revenues at Glenelg).**

**10. ADJOURNMENT (TO ENABLE PERMANENT COMMITTEES TO MEET)  
(7:16PM)**

**C140409/203 Councillor Clancy moved and Councillor Deakin seconded that Council stand adjourned to enable the permanent Social and Organisation and Strategy and Development Committees to meet.**

**CARRIED**

**11. RESUMPTION**

**C140409/204 Councillor Clancy moved and Councillor Huckstepp seconded that Council resume at 7:53pm.**

**CARRIED**

**12. COMMITTEE RECOMMENDATIONS FOR CONSIDERATION**

**12.1 Social and Organisation Committee**

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

**C140409/205 Councillor Deakin moved and Councillor Beh 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 as follows:**

**Library Group**

**C140409/205.1 That the Committee recommends that Administration establish a Library group comprising staff and members of friends of the Library to review Metropolitan Libraries in other Council areas to investigate if there is a number of Library options that may be suitable for cloning in the City of Holdfast Bay.**

**If suitable Library layouts can be determined in accord with Committee's Library Services Review Report and NSW "People Places" Libraries guide, the options be reported to Council for consideration.**

**Background**

Much of the federal governments stimulus package are based on the cloning of existing buildings to ensure building work can be commenced almost immediately.

Should funding become available in future stimulus we should be in a position to act swiftly in order to take advantage of any funding?

**Bowker Street Oval – AFL Football Goal Posts Petition (Report No: 148/09)**

Bowker Street Oval is the property of the Department of Education and Children's Services (DECS), and is leased to the City of Holdfast Bay who then licences the property to the Southern Districts Little Athletics Club and Southern Districts Soccer Association Incorporated.

Recently a petition was received from a local resident Mr Corey Wingard for permanent AFL football goal posts to be returned to Bowker Street Oval.

Following a Council resolution to prepare a report on the matter Administration has been further investigating this issue, and has reviewed the lease and licence agreements and has consulted with the user groups. It is recommended by Administration that permanent AFL football goal posts are not returned to Bowker Street Oval at this present time. The key reasons include:

- Risk management implications
- Potential liability for Council and user groups
- Further deterioration to the current poor condition of Bowker Street Oval
- Justified concerns by the licence holders
- Licence holders do not have permanent goal posts or equipment
- Permanent AFL football goal posts are located down the street at Paringa Park Primary School and are available for the community who just want to “have a kick”
- Consultation with the South Western region Auskick Coordinator has determined that it is not essential to have permanent AFL football goal posts to conduct Auskick activities
- The Paringa Park Primary School and Department of Education and Children’s Services (DECS) currently have no opinion on this issue

**C140409/205.2 That:**

1. **permanent AFL football goal posts are not returned to Bowker Street Oval at this time**
2. **if the Paringa Park Primary School - Out Of School Sports Committee of Governing Council determines that permanent AFL football goal posts should be returned to Bowker Street Oval, the issue then be referred to the property owner, Department of Education and Children’s Services (DECS) for a final decision.**

**Elected Member Training – Request to Attend the 2009 LGA conference and General Meeting (Report No: 149/09)**

Elected Members have expressed an interest in attending the “2009 Local Government Association (LGA) Conference and General Meeting – Nation Building: the Local Foundations” being held at the Adelaide Convention Centre on 23 and 24 April 2009.

**C140409/205.3 That the Committee recommends that Council approves the attendance of Councillors Deakin, Clancy, Crutchett and Lonie to attend the 2009 Local Government Association Conference and General Meeting – Nation Building: the Local Foundations on 23 and 24 April 2009.**

**CARRIED**

**12.2 Strategy and Development Committee**

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

**C140409/206 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 as follows:**

**Items in Brief (Report No: 144/09)**

Report No: 144/09 was presented detailing items which were presented for the information of Members.

**C140409/206.1 That the report be noted and items of interest be discussed.****Glenelg Tram Memorabilia Project – Request From The City of Port Adelaide Enfield (Report No: 145/09)**

Council has received advice from the City of Port Adelaide Enfield expressing interest in the transfer of ownership of Council's historic H Class Tram (Tram No. 361) for restoration and donation to National Railway Museum based at Port Adelaide. The purpose of this report is to seek Council's response to the City of Port Adelaide Enfield's proposal.

**That the question be adjourned for consideration by the Glenelg Town Hall and Community Services Advisory Committee and to enable Administration to seek information from Department of Transport, Energy and Infrastructure regarding the fate of the remaining 'H Class' trams.**

**CARRIED****13. DEVELOPMENT ASSESSMENT PANEL****C140409/207 Councillor Looker moved and Councillor Clancy seconded that the minutes of the Development Assessment Panel meeting held on Wednesday, 25 March 2009 be received.****CARRIED****14. REPORTS OF ADVISORY COMMITTEES AND/OR SUB-COMMITTEES****14.1 Minutes – Caravan Park Advisory Committee (Report No: 152/09)**

The Caravan Park Advisory Committee was established to investigate a range of issues and opportunities for the Brighton Caravan Park at Kingston Park to ensure its future viability in the context of the Kingston Park Urban Design Framework, including:

- Optimal layout of the facility, access arrangements, signage and future redevelopment;
- Integration with surrounding environment, land uses and movement routes;
- Environmental performance and initiatives,
- Design and/or performance of permanent and non-permanent buildings and structures;
- Marketing and 'point of difference';
- Policy development (eg future planning, management and tenure policies); and
- Developing a self-sustaining business model for ongoing improvements and operations based on sound asset management principles.

The Minutes of the Caravan Park Advisory Committee meeting held 24 March 2009, were presented and submitted to Council for information and endorsement, noting in particular the Committee's recommendations presented below for endorsement.

Presented for Council's information and endorsement at attachment 2 was the draft Terms of Reference for the Caravan Park Advisory Committee.

**Councillor Lonie left the meeting at 7:55pm.**

- C140409/208** Councillor Deakin moved and Councillor Clancy seconded that the minutes of the Caravan Park Advisory Committee be received and the recommendations numbered 1 - 3 endorsed by Council:

**Draft Terms of Reference**

- C140409/208.1** 1. That the draft Terms of Reference be recommended to Council for endorsement subject to the following amendments:
1. That Item 1 "Background/Preamble" also include the following information
    - a. General details of the caravan park site itself in terms of location, importance, scale, etc.
    - b. The recent Development Plan changes affecting the caravan park implemented by the Minister for Urban Development and Planning.
    - c. Details regarding the community land status of the site.
  2. That Item 6 "Membership" be amended to reflect an opportunity for invitees to the Committee to elect a "nominee" representative to attend on their behalf.

**Adelaide Shores Site Visit**

- C140409/208.2** 2. That Administration coordinate a half-day tour for the Committee of Adelaide Shores, the Brighton Caravan Park and other identified caravan park facilities

**2009/10 Budget**

- C140409/208.3** 3. That the Committee recommend that Council retains a budget of \$200,000 from caravan park revenue in 2009/10 for capital improvements to the caravan park.  
**CARRIED**

**14.2 Minutes – Jetty Road Mainstreet Management Committee (Report No: 150/09)**

The Jetty Road Mainstreet Management Committee has been established to undertake work to benefit the traders on Jetty Road, Glenelg, using the levy raised for this purpose. The Council has endorsed the committees Terms of Reference and given the committee delegated authority to manage the business of the committee.

The Minutes of the Jetty Road Mainstreet Management Committee of its meeting held 11 March 2009, are attached and presented for Council's information.

**Councillor Lonie rejoined the meeting at 7:57pm.**

- C140409/209** Councillor Crutchett moved and Councillor Clancy seconded that the minutes of the Jetty Road Mainstreet Management Committee of 11 March 2009 be received.  
**CARRIED**

**14.3 Minutes – Bay Discovery Centre Advisory Committee (Report No: 151/09)**

The Bay Discovery Centre Advisory Committee was established to advise Council on matters relating to the operation of the Bay Discovery Centre

The Minutes of the Bay Discovery Centre Advisory Committee meeting held 19 March 2009, are presented and submitted to Council for information and endorsement, noting in particular the Committee's recommendations presented below for endorsement.

Councillor Beh left the meeting at 7:59pm.  
Councillor Beh rejoined the meeting at 8:01pm.

**C140409/210 Councillor Clancy moved and Councillor Huckstepp seconded:**

1. That the minutes of the Bay Discovery Centre Advisory Committee be received and the recommendations numbered 1 - 4 endorsed by Council:

**Draft 2009/2010 Bay Discovery Centre Budget**

**C140409/210.1 1. That the Draft 2009/2010 Bay Discovery Centre Budget be endorsed.**

**New Cleaning Regime – Bay Discovery Centre**

**C140409/210.2 2. That:**

1. the new cleaning regime be acknowledged as the minimum level of cleaning required for the Bay Discovery Centre to maintain a clean and presentable facility for the public, staff and volunteers.
2. it be continued for the remainder of the calendar year.
3. the draft budget for 2009/2010 incorporate the estimated cost savings of \$13,000 combined with any additional cost savings that result from the budget re-allocation of relevant Glenelg Town Hall cleaning costs.

**Trial of Gold Coin on Entry System**

**C140409/210.3 3. That:**

1. the Gold Coin Donation on Entry System at the Bay Discovery Centre be formally adopted.
2. that the draft 2009-2010 budget incorporate a conservative estimate of the expected income to be generated.
3. that the BDC Manager facilitate improvements to the existing donations boxes and associated signage that results in a system that is of a high standard that is also durable and legible for the public and volunteers.

**Advertising and Marketing**

**C140409/210.4 4. That the Manager, Bay Discovery approach Council Administration to investigate having the Bay Discovery Centre added to the street signs on Colley Terrace and other entry points to Glenelg.**

**C140409/210.5 2. That the cost savings in the Bay Discovery Centre cleaning costs and increased Bay Discovery Centre revenue be considered in the 2009/10 budget for allocation to additional works that need to be undertaken in the Bay Discovery Centre facility.**

**CARRIED**



**14.4 Minutes – Audit Committee (Report No: 155/09)**

The Audit Committee is established under Section 41 of the *Local Government Act 1999*, and Section 126 of the *Local Government Act 1999* defines the functions of the Audit Committee to include:

- reviewing annual financial statements to ensure that they present fairly the state of affairs of the council; and
- proposing, and providing information relevant to, a review of the council's strategic management plans or annual business plan; and
- proposing, and reviewing, the exercise of powers under section 130 A; and
- if the council has exempted a subsidiary from the requirement to have an audit committee, the functions that would, apart from the exemption, have been performed by the subsidiary's audit committee; and
- liaising with the council's auditor; and
- reviewing the adequacy of the accounting, internal control, reporting and other financial management systems and practices of the council on a regular basis.

The minutes of the Audit Committee meeting held 1 April 2009, are presented and submitted for Council for information and endorsement, noting in particular the Committee's recommendations presented below for endorsement.

**Councillor Looker moved and Councillor Deakin seconded that the minutes of the Audit Committee be received and the recommendations numbered 1 – 6 endorsed by Council:**

**Standing Items (Report No: 139/09)**

1. That the Report No: 139/09 be received and discussed.
2. That the Committee supports Administration's new initiative budget submission for enhancing the internal audit function and corporate governance, and that this be given a high priority in budget deliberations.

**Budget Review 2 (Report No: 140/09)**

3. That the Committee advise Council that it has considered Budget Review 2 for 2008/09.

**Home and Community Care – Cash Handling Internal Controls (Report No: 141/09)**

4. That the Committee notes Report No: 141/09 including the resulting review, and implementation of new cash handling procedures.

**Update on Risk Management (Report No: 142/09)**

5. That the Committee notes the actions being taken by Administration in relation to risk management.
6. That a further report be submitted to the Committee advising how and when the risk registers, action plans and other Risk Management Committee reviews will be reported to the Audit Committee.

**AMENDMENT**

**C140409/211** Councillor Crutchett moved and Councillor Norton seconded that the minutes of the Audit Committee be received and the recommendations numbered 1, 3 – 6 and amended recommendation 2 be endorsed by Council:

**Standing Items (Report No: 139/09)**

**C140409/211.1** 1. That the Report No: 139/09 be received and discussed.

**C140409/211.2** 2. That the Committee supports Administration's new initiative budget submission for enhancing the internal audit function and corporate governance, and that this be considered in Council's in budget deliberations.

**Budget Review 2 (Report No: 140/09)**

**C140409/211.3** 3. That the Committee advise Council that it has considered Budget Review 2 for 2008/09.

**Home and Community Care – Cash Handling Internal Controls (Report No: 141/09)**

**C140409/211.4** 4. That the Committee notes Report No: 141/09 including the resulting review, and implementation of new cash handling procedures.

**Update on Risk Management (Report No: 142/09)**

**C140409/211.5** 5. That the Committee notes the actions being taken by Administration in relation to risk management.

**C140409/211.6** 6. That a further report be submitted to the Committee advising how and when the risk registers, action plans and other Risk Management Committee reviews will be reported to the Audit Committee.

**THE AMENDMENT ON BEING PUT WAS CARRIED**

**THE MOTION, AS AMENDED, ON BEING PUT WAS CARRIED**

**14.5 Revised Minutes – Volunteer Advisory Committee (Report No: 160/09)**

The Volunteer Advisory Committee was established to assist Administration in achieving an approach to Volunteer programs that is consistent with the national standards and meets best practice.

The Revised Minutes of the Volunteer Advisory Committee meeting held 12 February 2009, are presented and submitted to Council for information and endorsement noting in particular the committee's recommendations presented below for endorsement.

The recommendations below were previously omitted from the previous Minutes, the Revised Minutes are attached.

**C140409/212** Councillor Clancy moved and Councillor Lonie seconded that the minutes of the Volunteer Advisory Committee be received and recommendations numbered 1 and 2 endorsed by Council.

**C140409/212.1** 1. That:

1. the Committee recommends to Council that the Volunteering Development Officer prepare a report for the next meeting of the VAC providing a framework for providing a City of Holdfast Bay Volunteer Information Package.
2. the Committee recommends to Council that the report be noted.

**Recognition of VAC past membership**

C140409/212.2 2. That:

1. **the Committee recommends to Council that the retiring members of the VAC be thanked in writing for their commitment and contribution to the Holdfast Bay Volunteer Program and the residents they serve.**

**CARRIED****15. REPORTS OF REGIONAL SUBSIDIARIES**

Nil

**16. REPORTS BY OFFICERS****16.1 Brighton Jetty Lease (Report No: 168/09)**

Since the destruction of the old Brighton Jetty during a storm event in May 1994, there have been ongoing (albeit in recent times infrequent) discussions between Council, the Department of Transport, Energy and Infrastructure (DTEI) and Telstra in regards to the degree of ownership or control that the parties seek and/or agree in relation to the jetty.

DTEI and Telstra's property managers have recently contacted Council prompted by the need for upgrades to Telstra's telecommunications plant located on the jetty.

It is clear to all parties that Telstra needs to hold some form of lease or licence over at least a portion of the jetty which authorises its infrastructure to be located on (and under) it and which grants Telstra rights of access to that infrastructure for the purpose of upgrading, maintaining and repairing it.

Although the City of Brighton previously resolved to accept a transfer of ownership from the State Government for the jetty, the State Government subsequently reversed its commitment on the basis that the jetty was a "public asset" with wider metropolitan community interests to fulfil.

To this point in time there have been no formal agreements executed between the parties.

Administration recommends that Council does not enter into any formal agreements in relation to the Brighton Jetty that may result in any transference of any liabilities to Council, as the liabilities associated with the jetty have the potential to be significant.

C140409/213

**Councillor Clancy moved and Councillor Heysen seconded:**

1. **That Council agrees with and supports the rationale of the then Minister of Transport and Urban Planning in 1996 that "given the nature of the (Brighton) jetty as a public asset, it was (is) not considered prudent to transfer a freehold title of the seabed and the structures upon it."**
2. **That Council, whilst acknowledging the decisions of the City of Brighton made at its meetings of 11 July 1994 and 13 May 1996 to accept ownership of the Brighton Jetty, resolves that it does not wish to assume ownership of the jetty.**
3. **That the Department of Transport, Energy and Infrastructure (DTEI) and Telstra be advised that Council does not wish to be a party to a lease for the Brighton Jetty but that Council agrees to grant a right of access to Telstra and DTEI over the land at the eastern end of the jetty which is owned by, or under the care and control of, Council for the purpose of DTEI and Telstra accessing the jetty, on the condition that:**
  - (a) **the public is permitted to access the jetty at times other than when**

- repairs to the jetty and/or Telstra infrastructure are required to be undertaken (unless there are reasonable concerns regarding public safety in allowing access to/on the jetty or it has been determined that the jetty is unsafe);
- (b) Council is permitted to access, undertake maintenance/make repairs and/or replace or remove the artworks which are fixed to, or upon, the jetty;
  - (c) DTEI and Telstra indemnify Council in respect of any damage to Council infrastructure, or injury which may result to any person(s), or damage to their property, which may occur on this land, as a result of the access being granted; and
  - (d) Council receives reasonable advance notification (unless there is an emergency or similar) from the party proposing to undertake works (DTEI and/or Telstra) on the jetty and advice as to whether such works will impinge on public access to the jetty.
  - (e) His Worship the Mayor and the Chief Executive Officer be authorised to sign and seal any agreement(s) or documentation which are required in accordance with this resolution.

**CARRIED**

#### **16.2 Naming of the King Street Bridge (Report No: 146/09)**

At its meeting of 20 January 2009, a Notice of Motion was presented to Council *“that in the event of the construction of a new bridge across the Patawalonga, the bridge be named “The Kibby Bridge” in honour of SGT Bill Kibby VC.”* Resolution No: C200109/011, Council resolved: *“that the question be adjourned pending receipt of a report from Administration outlining Council’s policy and procedure on naming local reserves, streets and facilities.”*

This report outlines the adopted Policy and Procedure for the naming of local reserves, streets and facilities.

- C140409/214** Councillor Clancy moved and Councillor Huckstepp seconded that the report be noted and that a further report be presented for Council’s consideration following the compilation of potentially suitable names by the Holdfast Bay History Society, Kaurna Heritage Board and Glenelg Residents Association.

**CARRIED**

#### **16.3 Resignation of Chief Executive Officer (Report No: 156/09)**

The Chief Executive Officer, Mr Rob Donaldson has tendered his resignation effective from the close of business on 8 May 2009.

- C140409/215** Councillor Clancy moved and Councillor Heysen seconded that the advice of resignation of the Chief Executive Officer, Mr R T Donaldson be received.

**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 – SUBJECT TO THE LEAVE OF THE MEETING****18.1 Glenelg North Community Centre**

**C140409/216** Councillor Heysen moved and Councillor Looker seconded that the Council allows the Computer Club to meet at the Glenelg North Community Centre on Saturday night 18 April 2009 noting an anticipated closure time of 3:00am on the following Sunday, pending future clear resolution of longer term solutions for this group's use of the Centre.

**CARRIED****19. ITEMS IN CONFIDENCE****19.1 Items in Brief (Report No: 153/09)**

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

**C140409/217** Councillor Clancy 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****19.1 Items in Brief (Report No: 153/09)****ORDER TO RETAIN DOCUMENTS IN CONFIDENCE**

**C140409/219** Councillor Clancy moved and Councillor Heysen 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:153/09 with the exception of Resolution No: C140409/217 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 30 June 2010 by the Council.

**CARRIED**

**19.2 Southern Region Waste Management Authority (Report No: 143/09)**

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

**C140409/220** Councillor Clancy 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 a commercial advantage on a third party, and
  - (ii) would, on balance, be contrary to the public interest.

**CARRIED**

**Southern Region Waste Management Authority (Report No: 143/09)**

The Southern Region Waste Resource Authority ('SRWRA') is a regional subsidiary established by the cities of Onkaparinga, Marion and Holdfast Bay pursuant to Section 43 of the Local Government Act. The City of Holdfast Bay has a 15% ownership interest. SRWRA is responsible for providing and operating waste management services on behalf of its constituent councils, including the landfill operation at McLaren Vale.

**C140409/221** Councillor Clancy moved and Councillor Heysen seconded that the Southern Region Waste Resource Authority information report be received.

**CARRIED**

**ORDER TO RETAIN DOCUMENTS IN CONFIDENCE**

**C140409/223** Councillor Clancy 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 minutes relating to Resolution No: C140409/222 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 2010 by the Council.

**CARRIED**

**19.3 Pumping of A Class Water (Glenelg – Kingston Park) (Report No: 154/09)**

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

**C140409/224** Councillor Beh moved and Councillor Clancy 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**

**Pumping of A Class Water (Glenelg – Kingston Park) (Report No: 154/09)****ORDER TO RETAIN DOCUMENTS IN CONFIDENCE**

**C140409/226** Councillor Beh 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: 154/09 with the exception of Resolution No: C140409/224 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 2010 by the Council.

**CARRIED**

**19.4 Leave of Absence (Report No: 169/09)**

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

**C140409/227** Councillor Beh moved and Councillor Clancy 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**

**Leave of Absence (Report No: 169/09)**

**ORDER TO RETAIN DOCUMENTS IN CONFIDENCE**

**C140409/229** Councillor Beh 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: 169/09 with the exception of Resolution No: C140409/227 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 30 June 2009 by the Council.  
**CARRIED**

**19.5 Verbal Report – Broadway Kiosk Tenancy**

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

**C140409/230** Councillor Heysen moved and Councillor Clancy 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**

**Verbal Report – Broadway Kiosk Tenancy****ORDER TO RETAIN DOCUMENTS IN CONFIDENCE**

**C140409/231** Councillor Lonie 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 minutes relating to Verbal Report – Broadway Kiosk Tenancy with the exception of Resolution No: C140409/230 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 2010 by the Council.  
**CARRIED**



**20. RESUMPTION**

**C140409/232** Councillor Clancy moved and Councillor Lonie seconded that Council resume as an open meeting of Council at 8:52pm.

**CARRIED**

**21. CLOSURE**

**The Meeting closed at 8:52pm.**

**CONFIRMED**

**Tuesday 28 April 2009**

**MAYOR**