

CITY OF HOLDFAST BAY

Minutes of the Ordinary Meeting of Council of the City of Holdfast Bay held in the Council Chamber, Glenelg Town Hall, Moseley Square, Glenelg, on Tuesday 12 May 2009 at 7:02pm.

PRESENT

His Worship the Mayor	A K Rollond
Deputy Mayor	R A Clancy
Councillors	R D Beh – 7:34pm.
	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
Acting Chief Executive Officer	R A Thomas
General Manager City Assets	S G Hodge
General Manager Corporate Services	I S Walker

1. OPENING

His Worship the Mayor, declared the meeting open with prayer and an acknowledgement of Kaurna Traditional Owners at 7:02pm.

2. APOLOGIES

- | | |
|------------------------|-------------------------|
| 2.1 Apologies received | Councillor P D H Heysen |
| 2.2 Absent | Nil |

3. ITEMS PRESENTED TO COUNCIL Nil

3.1 Thank You for Support

Councillor Bouchée thanked Council for its support and beautiful flowers she received. Councillor Bouchée also thanked the community for its support.

4. CONFIRMATION OF MINUTES

C120509/266 Councillor Clancy moved and Councillor Looker seconded that the minutes of the Ordinary Meeting of Council held on 28 April 2009 be taken as read and confirmed. **CARRIED**

5. CHIEF EXECUTIVE OFFICER'S ACTIVITIES REPORT

From 1 April 2009 to 30 April 2009

C120509/267 Councillor Huckstepp moved and Councillor Clancy 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** Nil**8. PETITIONS, DEPUTATIONS AND PRESENTATIONS** Nil**9. NOTICES OF MOTION****9.1 Memorial Sculpture**

In accordance with his notice:

C120509/268 Councillor Norton moved and Councillor Clancy seconded that Administration commission the Brighton Classic Sculptures Committee to approach local sculptors to design a memorial sculpture incorporating a drinking fountain that can relate the story of Kitty Whyte who was taken by a shark at Brighton in 1926.

Councillor Looker moved that this matter be adjourned until the Arts Advisory Committee have considered this matter.

LAPSED FOR WANT OF A SECONDER

A Division was called.

Voted For

R A Clancy
R M Bouchée
P N Crutchett
J L Deakin
L R Fisk
J D Huckstepp
S C Lonie
A C Norton
L van Camp

Voted Against

T D Looker

HIS WORSHIP THE MAYOR DECLARED THE SUBSTANTIVE MOTION CARRIED

Background

The current inscription on the now outdated drinking fountain simply tells people that the fountain is in memory of Mrs Primrose Whyte and was erected by the women of Brighton in 1926 but doesn't actual chronicle the life of Kitty Whyte as such.

There needs to be a plaque that says something along the lines of:

WHYTE Kathleen Duncan Campbell

Died 1926 aged 35 years

Known as Kitty. Daughter of Rev. Alexander Macully, rector of St Judes (1905 – 1908).

Married Primrose Whyte of Yadlamulka Station, north of Port Augusta. Returned to Brighton for the summer and for years taught the children of

Brighton to swim. At the conclusion of one of her classes in 1926, she dived from the Brighton jetty and was fatally attacked by a shark. The memorial fountain which stands near the entrance to the jetty was erected to her memory by the women of Brighton. She is buried with her father at Brighton Cemetery.

She was an expert swimmer, having gained the Grand Diploma of the Royal Life Saving Society in 1919.

**10. ADJOURNMENT (TO ENABLE PERMANENT COMMITTEES TO MEET)
(7:15PM)**

C120509/269 Councillor Deakin 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

C120509/270 Councillor Clancy moved and Councillor Lonie seconded that Council resume at 7:30pm.

CARRIED

12. COMMITTEE RECOMMENDATIONS FOR CONSIDERATION

12.1 Social and Organisation Committee

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

C120509/271 Councillor Looker moved and Councillor Fisk 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:**

Elected Member Training – Request to Attend LGA Training Courses (Report No: 198/09)

Elected Members have expressed an interest in attending the Policy Development for Council Members session to be held on 19 June 2009 and Public Speaking Skills for Council Members to be held on 17 October 2009

C120509/271.1 **That:**

- 1. Council approves the attendance of those members who wish to do so at the Policy Development for Council Members training to be held on 19 June 2009.**
- 2. Council approves the attendance of those members who wish to do so at the Public Speaking Skills for Council Members training to be held on 17 October 2009.**

Australian Local Government Association Conference (ALGA) – Canberra 21 -24 June 2009

C120509/271.2 **That two Members attend the ALGA Conference in Canberra on 21 – 24 June 2009 and that members provide a report back to the Committee.**

- C120509/271.3 That the Deputy Mayor, Councillor Clancy and Councillor Lonie attend the ALGA Conference in Canberra on 21 -24 June 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.

- C120509/272 Councillor Deakin 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.**

Items in Brief (Report No: 196/09)

Report No: 196/09 was presented detailing items which were presented for the information of Members.

- C120509/272.1 That the Committee recommends that the report be noted and items of interest be discussed.**

Restaurant Licence – Outback Jack’s Bar & Grill – R11, 12 Holdfast Promenade, Glenelg (Report No: 197/09)

An application has been made to the Liquor and Gambling Commissioner for a Restaurant Licence by Outback Jacks Bar & Grill at R11, 12 Holdfast Promenade, Glenelg.

The purpose of this report is to seek Council’s comments to the Office of the Liquor and Gambling Commissioner before a decision is made on the application.

- C120509/272.2 That Council advise the Office of the Liquor and Gambling Commissioner that it does not object to the application by Outback Jacks Bar & Grill for a Restaurant Licence at R11, 12 Holdfast Promenade, Glenelg subject to the following conditions:-**

- 1. That the hours of the Restaurant Licence be in accordance with the hours proposed in the details submitted by the applicant, that being from:**
 - Monday to Saturday (except on Good Friday and Christmas Day) 11:00am – 12:00am.**
 - Sunday 11:00am – 11:30pm**
- 2. That any proposed changes to the trading hours in the future will require further consideration and comments by Council before a decision is made by the Office of the Liquor and Gambling Commissioner.**
- 3. That, although entertainment does not form part of this application for a Restaurant Licence, any future proposal for entertainment will require careful consideration by Council with regard to potential impacts to neighbouring properties before providing comments to the Commission.**

CARRIED

13. DEVELOPMENT ASSESSMENT PANEL

C120509/273 Councillor Looker moved and Councillor Clancy seconded that the minutes of the Development Assessment Panel meeting held on Wednesday, 22 April 2009 be received and the following recommendation numbered 1 be endorsed by Council:

- 1. That Council adopt the City of Holdfast Bay Development Assessment Panel amended Terms of Reference provided as Attachment 1 to the report.**

CARRIED

14. REPORTS OF ADVISORY COMMITTEES AND/OR SUB-COMMITTEES**14.1 Minutes – Alwyndor Aged Care Management Committee, 17 March and 21 April 2009 (Report No: 200/09)**

The Alwyndor Aged Care Management Committee was established to manage the affairs of Alwyndor Aged Care Facility. The Council has endorsed the Committee's Terms of Reference and given the Committee delegated authority to manage the business of Alwyndor Aged Care Facility.

The Minutes of the Alwyndor Aged Care Management Committee for the meetings held on 17 March 2009 and 21 April 2009 are attached and submitted to Council for information.

A further report will be presented to the 26 May 2009 Council Meeting regarding the proposed 2009/10 Alwyndor Aged Care Facility Budget.

C120509/274 Councillor Clancy moved and Councillor Norton seconded that the Minutes of Alwyndor Aged Care Management Committee be received and the following recommendations numbered 1 and 2 noted by Council:

- 1. The AMC adopt the budget 2009/2010 as recommended by the Finance Sub-Committee and forward it to Council for their action.**
- 2. The Chairman write to Mr Donaldson on behalf of the AMC, expressing their appreciation of his support and assistance to the Committee, over the past five years. The General Manager to arrange the purchase of a suitable gift in recognition of his tenure as CEO of the City of Holdfast Bay.**

CARRIED

14.2 Minutes – Brighton Precinct Committee, 14 April 2009 (Report No: 201/09)

The Brighton Precinct Advisory Committee is established to assist Administration with:

- The planning and development of the Brighton Precinct (including Brighton Oval);
- Cemetery development (Brighton and St Judes);
- Landscaping on Brighton Road;
- The planning and development of the Jetty Road Festival;
- Oversight of the Mawson Oval Lease.

The Minutes of the Brighton Precinct Advisory Committee meeting held 14 April 2009, are attached and submitted to Council for information and endorsement.

C120509/275 Councillor Huckstepp moved and Councillor Norton seconded that the minutes of the Brighton Precinct Advisory Committee be received and the following recommendations numbered 1 – 2 be endorsed:

- 1. That Administration report to the committee on annexing the rear bowling green**

portion of the site and developing or sell off in an effort to reduce debt to allow retaining of the remainder of the site for community use.

2. That:
 2. The former RSL land not be used for Community Garden project.
 3. Council assist in forming a garden club in a suitable site, provide appropriate assistance and identify suitable locations and report back to Council on this.

CARRIED

Councillor Beh joined the meeting at 7:34pm.

Councillor Huckstepp moved and Councillor Looker seconded that Administration negotiate further with the Brighton Masonic Lodge regarding the terms of the Car Park Lease in the basis that the lease reflects the original functions of the car park being to service the activities located immediately adjacent to the car park.

C120509/276 Councillor Crutchett moved and Councillor Beh seconded that this matter be adjourned so that Administration can prepare a report to Council on this matter.

CARRIED

14.3 Minutes – Environmental Advisory Committee, 20 April 2009 (Report No: 202/09)

The Environmental Advisory Committee was established to assist Administration to advise Council on environmental issues.

The Minutes of the Environmental Advisory Committee meeting held 20 April 2009, are attached and submitted to Council for information and endorsement.

C120509/277 Councillor van Camp moved and Councillor Lonie seconded that the minutes of the Environmental Advisory Committee be received and endorsed.

CARRIED

15. REPORTS OF REGIONAL SUBSIDIARIES

Nil

16. REPORTS BY OFFICERS

16.1 Items in Brief (Report No: 203/09)

Report No: 203/09 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

C120509/278 Councillor Looker moved and Councillor Deakin seconded that the report be noted and items of interest be discussed.

CARRIED

16.1.1 Local Government Association - Minister for Regional Development

C120509/279 Councillor Deakin moved and Councillor Lonie seconded that in writing to the Local Government Association to endorse the proposed Regional Development Australia Memorandum of Understanding, Council raise its concerns that the economic development needs of smaller metropolitan Councils would be best met

by the establishment of an tripartite (Local Government, State, Federal) organisation, to coordinate the implementation of economic development initiatives across metropolitan Adelaide.

CARRIED

16.1.2 Invitation from Southern Adelaide Region Transport Advisory Group

C120509/280

Councillor Bouchée moved and Councillor Deakin seconded that Councillor Lonie (with Councillor Clancy as proxy) be appointed to represent the City of Holdfast Bay on the Southern Adelaide Region Transport Advisory Group.

CARRIED

16.2 Draft 2009/2010 Annual Business Plan (Report No: 199/09)

The Draft 2009/10 Annual Business Plan is presented for endorsement and release for community consultation.

C120509/281

Councillor Deakin moved and Councillor Looker seconded:

- 1. That the Draft 2009/10 Annual Business Plan received by the Council at its meeting on 28 April 2009 be endorsed for community consultation.**
- 2. That the following process for community consultation on the Draft 2009/10 Annual Business Plan be adopted:**
 - a. A community information session to be held at the Brighton Civic Centre on the evening of 20 May 2009;**
 - b. An opportunity for members of the community to provide written submissions on or before 29 May 2009; and**
 - c. An opportunity for members of the community to make representations to Council at its meeting on 26 May 2009.**

CARRIED

16.3 Seacliff Surf Life Saving Club Inc. Future Development Concept Plans (Report No: 218/09)

The Seacliff Surf Life Saving Club (SLSC) has been in the planning stage of the redevelopment of its existing clubrooms. In October 2008, an initial concept plan developed by the Seacliff Surf Lifesaving Club was presented to Council for in-principal support subject to community engagement and statutory approvals.

As a result of endorsement by Council a working group was established in December 2008 to further plan for the redevelopment of the Seacliff Surf Life Saving Club. The working group includes representatives from the Seacliff Surf Life Saving Club, local Seacliff community, Council Administration, and Council Elected Members.

After several working group meetings, the Working Group has reached an agreement on the attached concept plans and resolved to advise Council that the Seacliff Surf Life Saving Club redevelopment concept plans (dated 24 April 2009) are supported by the Seacliff Surf Life Saving Club Working Group.

This report presents the agreed concept plans supported by the Seacliff Surf Life Saving Club Working Group and seeks Council endorsement to commence a broader consultation process with residents, stakeholders and other interested parties.

C120509/282

Councillor Deakin moved and Councillor Norton seconded:

- 1. That Council resolves to support in-principle the Seacliff SLSC**

redevelopment concept plans dated 24 April 2009, included as Attachment 1 to Report Number 218/09, having regard to the agreement and support for these plans by the Seacliff Surf Lifesaving Club Working Group, and subject to broader community consultation taking place.

2. That Council Administration conduct a second phase engagement process with the community, stakeholders and other interested parties, at the levels of “inform, consult and involve” as defined by the IAP2 engagement framework and report to Council following this process.

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 Farewell Gift for Departing Chief Executive Officer

- C120509/283** Councillor Bouchée moved and Councillor Clancy seconded that Council approved the expenditure of \$762.00 for the farewell gift for the departing Chief Executive Officer Mr Rob Donaldson.

CARRIED

18.2 Nomination for the Dog and Cat Management Board

Councillor Norton moved and Councillor Deakin seconded that Council nominate Councillor Clancy to the Dog and Cat Management Board.

CARRIED

18.3 Impact of the Economic Downturn on Sections of our Community

Following the article appearing in the Guardian Messenger on 6 May 2009, “Leaders work hard to create jobs” Mayor Rollond sought Council’s endorsement of employing local people disadvantaged by the economic downturn.

- C120509/284** Councillor Clancy moved and Councillor Bouchée seconded that Administration prepare a report on the feasibility of the employment of employing local people disadvantaged by the economic downturn.

CARRIED

19. ITEMS IN CONFIDENCE**19.1 Broadway Kiosk**

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

C120509/285

Councillor Beh 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**Broadway Kiosk**

Councillors Lonie and Norton left the chamber at 8:46pm.

Councillor Lonie and Norton returned to the chamber at 8:48pm.

Councillor Clancy left the chamber at 8:48pm.

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE**C120509/288**

Councillor Fisk moved and Councillor Beh seconded that pursuant to Section 90(2), 90(3)(i) and 91(7) of the Local Government Act 1999:

The Council orders that the documents and minutes relating to Broadway Kiosk with the exception of Resolution No: C120509/285 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 30 June 2010 by the Council.

CARRIED

Councillor Clancy returned to the chamber at 8:50pm.

19.2 Notice of Motion – Wallis Cinemas (Report No: 219/09)

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

C120509/289 Councillor Lonie moved and Councillor Beh 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

Notice of Motion – Wallis Cinemas (Report No: 219/09)

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C120509/291 Councillor Crutchett moved and Councillor Beh 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: 219/09 with the exception of Resolution No: C120509/289 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 interestunder 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

19.3 Wallis Cinema Site

C120509/292 Councillor Crutchett moved and Councillor Bouchée 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 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

Wallis Cinema Site**ORDER TO RETAIN DOCUMENTS IN CONFIDENCE****C120509/294****Councillor Clancy moved and Councillor Beh 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 Wallis Cinema Site with the exception of Resolution No:C120509/292 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 interestunder 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****C120509/295****Councillor Clancy moved and Councillor Bouchée seconded that Council resume as an open meeting of Council at 9:21 pm.****CARRIED****21. CLOSURE****The Meeting closed at 9:21 pm.****CONFIRMED****Tuesday 26 May 2009****MAYOR**