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 10 November 2009 at 7:04pm.

PRESENT

His Worship the Mayor	A K Rollond
Deputy Mayor	R A Clancy
Councillor	R M Bouchée
Councillor	P N Crutchett
Councillor	J L Deakin
Councillor	L R Fisk
Councillor	P D H Heysen
Councillor	J D Huckstepp
Councillor	S C Lonie – 7:05pm
Councillor	T D Looker
Councillor	A C Norton
Councillor	L van Camp
Chief Executive Officer	J P Lynch
General Manager City Assets	S G Hodge
General Manager City Services	R A Thomas
General Manager Corporate Services	I S Walker

1. Opening

His Worship the Mayor declared the meeting open at 7:04pm.

2. Kaurna Acknowledgement

With the opening of the meeting His Worship the Mayor stated:

We acknowledge Kaurna people as the traditional owners and custodians of this land.

We respect their spiritual relationship with country that has developed over thousands of years, and the cultural heritage and beliefs that remain important to Kaurna People today.

3. Prayer

His Worship the Mayor requested all present to pray and read the following Prayer:

Heavenly Father, we pray for your presence and guidance at our Council Meeting.

Grant us your wisdom and protect our integrity as we carry out the powers and responsibilities entrusted to us on behalf of the community that we serve.

4. Apologies

- 4.1 Apologies Received Councillor R D Beh
- 4.2 Absent
- 5. Items Presented to Council Nil

6. Declaration of Interest

Members were reminded to declare their interest before each item.

Nil

7. Confirmation of Minutes

C101109/587 Councillor Deakin moved and Councillor Bouchée seconded that the minutes of the Ordinary Meeting of Council held on 25 October 2009 be taken as read and confirmed.

CARRIED

8. Questions by Members

- 8.1 Without Notice
- 8.1.1 Glenelg Post Office

Councillor Bouchée asked the following questions:

- 1. Is Administration aware that the Glenelg Post Office is to be closed and moved to the Bay Junction Shopping Centre. What actions have been taken regarding this?
- 2. Has Administration considered the Glenelg Post Office in a commercial sense?
- 3. Is it possible to put our concerns to Australia Post regarding the relocation of the Glenelg Post Office?

The Chief Executive Officer, Mr J Lynch provided a response, and took parts 2 and 3 of the question on notice.

8.1.2 Liquor Licensing

Councillor Bouchée asked the following question:

Can Administration advise if we licence venues and they are changing a specific restaurant liquor licence to a general facilities licences. Is Council notified?

The Chief Executive Officer, Mr J Lynch provided a response.

The General Manager City Assets, Ms R Thomas provided a response.

- 8.2 With Notice Nil
- 9. Member's Activity Reports Nil

COUNCIL	

- 10. Public Presentations
- 10.1 Petitions Nil
- 10.2 Presentations Nil
- 10.3 Deputations Nil
- 11. Motions on Notice
- 11.1 Whaling

In accordance with his notice:

C101109/588 Councillor Norton moved and Councillor Bouchée seconded that the Mayor, on behalf of Council, write to Mayor Mori of Hayama, emphasizing that while we value our Sister City relationship, we, none the less, add our voice to those expressing support for the conservation of whales, including the Southern Right and Humpback Whales of the Southern Ocean, and our concern that Japan continues to hunt these mammals, albeit for scientific purposes.

CARRIED

12. Adjournment for Permanent Committees to meet

C101109/589 Councillor Deakin moved and Councillor Huckstepp seconded that Council stand adjourned to enable the following committees to meet:

Social and Organisation Committee; and
 Strategy and Development Committee

CARRIED

- 13. Social and Organisation Committee
- 14. Strategy and Development Committee
- 15. Resumption

C101109/590 Councillor Clancy moved and Councillor Lonie seconded that Council resume at 7.48pm.

CARRIED

16. Minutes - 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.

C101109/591 Councillor Lonie moved and Councillor Bouchée 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.

13.7.1 Items in Brief (Report No: 483/09)

	3602		
COUNCIL	10.11.2009		
	Report No: 483/09 was presented detailing items which were presented for the information of Members.		
C101109/591.1	That the Committee recommends to Council that the report be noted and items of interest be discussed.		
	CARRIED		
	17. Minutes – 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.		
C101109/592	01109/592 Councillor Lonie moved and Councillor Bouchée 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.		
	14.7.1 Items in Brief (Report No: 490/09)		
	Report No: 490/09 was presented detailing items which were presented for the information of Members.		
C101109/592.1	That the Committee recommends to Council that the report be noted and items of interest be discussed.		
	14.7.2 Excessive Noise Emanating From Non-Residential Policy Areas (Report No: 491/09)		
	This report responds to a recent Council resolution which sought information on how Development Plan policy can assist in resolving noise issues between residential and non-residential areas. In summary, existing commercial land uses cannot be retrospectively assessed against the noise provisions found in the current Development Plan.		
C101109/592.2	That the Committee recommends that Report No. 491/09 is noted and that future opportunities to strengthen Development Plan provisions relating to noise are pursued through, in particular, the 'Better Development Plan' process.		
	14.7.3 Development Assessment Panel Appointments (Report No: 492/09)		
	The current term for Elected Members serving on the City of Holdfast Bay Development Assessment Panel expires on 31 December 2009, and on 31 December 2010 for Independent Members. It is therefore recommended that Council appoint three Elected Members to the Panel from 1 January 2010 to 13 November 2010 (being the date of the Local Government Election).		
	The vote for this matter was tied and the Chairman referred this matter to		

3602

14.7.4 Brighton and Hove District Centre Development Plan Amendment – Revised Statement of Intent (Report No: 493/09)

Council for further consideration.

In response to an approach by the owners of the Brighton Shopping Centre regarding its future planned expansion and redevelopment, Council considered and endorsed a draft Statement of Intent on 11 August 2009 to undertake a comprehensive review of the planning policies of the District Centre A and B Zones in Brighton and Hove in order to amend the Development Plan to ensure

that the centre remains competitive and its status as a District Centre is reinforced.

Following consideration of the Statement of Intent, the Department of Planning and Local Government has requested some amendments to the document prior to being formally considered by the Minister.

C101109/592.3 That the Committee recommends that:

- 1. That the revised draft Statement of Intent for preparation of investigations into a Brighton and Hove District Centre Development Plan Amendment, as detailed in Attachment 2 to Report 493/09, be endorsed by Council, signed by the Chief Executive Officer and forwarded to the Minister for Urban Development and Planning for further consideration and approval.
- 2. That in re-submitting the revised draft Statement of Intent to the Minister, Administration clarify Council's position regarding the Brighton Railway Station as outlined in Report Number 493/09, in particular, that this matter is considered beyond the scope and budget of the proposed Brighton and Hove District Centre Development Plan Amendment and should be subject to separate investigation.

CARRIED

18. Reports of Committees, Subsidiaries and Development Assessment Panel

18.1 Minutes – Glenelg Community Centre Property Management Committee, 19 October 2009 (Report No: 503/09)

The Glenelg Community Centre Property Management Committee was established to manage the Glenelg Community Centre.

The minutes of the Glenelg Community Centre Property Management Committee meeting held 18 October 2009 are attached and submitted to Council for information and endorsement.

C101109/593 Councillor Clancy moved and Councillor Heysen seconded that the minutes of the Glenelg Community Centre Property Management Committee be received and noted.

CARRIED

18.2 Minutes – Holdfast Bay History Centre Advisory Committee, 21
 October 2009 (Report No: 504/09)

The Holdfast Bay History Centre was established to assist Administration in the management of the Holdfast Bay History Centre at Ringwood House, Brighton.

The Minutes of the Holdfast Bay History Centre Advisory Committee Meeting held 21 October 2009, are attached and submitted to Council for information and endorsement noting in particular the Committee's recommendations

C101109/594 Councillor Bouchée moved and Councillor Huckstepp seconded that the minutes of the Holdfast Bay History Centre Advisory Committee be received and endorsed.

CARRIED

18.3 Minutes – Audit Committee, 21 October 2009 (Report No: 508/09)

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 form 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 21 October 2009, are presented and submitted for Council for information and endorsement, noting in particular the Committee's recommendations presented below for endorsement.

C101109/595 Councillor Looker moved and Councillor Bouchée seconded that the minutes of the Audit Committee meeting held 21 October 2009 be received and recommendations numbered 1 - 6 endorsed by Council:

1. Standing Items (Report No: 472/09)

That the Committee advises Council it has received and considered a Standing Items Report addressing:

- Monthly financial statements
- Internal control
- Risk management
- Whistle blowing
- Internal audit
- 2. Item in Brief (Report No: 473/09)

That the Committee advises Council that the report be noted and items of interest be discussed.

3. Financial Statements (Report No: 459/09)

That the Committee advise Council that:

- 1. The Audit Committee informs Council that it met with Council's external auditor and received a verbal report in relation to the audit of the 2008/09 financial statements.
- 2. In accordance with paragraph (a) of sub-section 126(4) of the Local Government Act 1999, the Committee confirms that it has reviewed the financial statements for the year ended 30 June

2009 included at Attachment 3 to Report: 459/09 and is satisfied that they present fairly the state of affairs of Council.

3. in accordance with sub-regulation 16A(2) of the Local Government (Financial Management) Regulations, the Committee recommends that the Presiding Member of the Audit Committee co-sign with the Chief Executive Officer the following statement to be included with the financial statements for the year ended 30 June 2009:

"To the best of our knowledge and belief, we confirm that, for the purpose of the audit the City of Holdfast Bay for the year ended 30 June 2009, the Council's Auditor, Dean Newbery and Partners, Chartered Accountants, has maintained its independence in accordance with the requirements of the Local Government Act 1999 and the Local Government (Financial Management) Regulations 1999 made under that Act."

- 4. The Committee recommends that Council adopts the financial statements for the year ended 30 June 2009 included at Attachment 3 to Report No: 459/09.
- 5. In response to the external auditor's briefing, the Audit Committee recommends that the Alwyndor Management Committee consider allocating funds from its 2009/10 budget towards engaging an internal auditor in conjunction with Council.
- 4. Budget Review 4 (Report No: 460/09)

That the Committee advise Council that it has considered Budget Review 4 for 2008/09.

- 5. 2010 Work Program (Report No: 474/09)
 - 1. The Committee adopts the following meeting schedule (subject to additional meetings being called if required):
 - Wednesday 18 November 2009
 - Wednesday 17 February 2010
 - Wednesday 14 April 2010
 - Wednesday 19 May 2010
 - Wednesday 4 August 2010
 - Wednesday 20 October 2010
 - 2. The work program outlined in Report No: 474/09 be adopted.

Breaches of Internal Controls (Report No: 458/09)

6. That the Committee notes the breaches of procedure and the implementation of improved procedures to strengthen internal controls.

CARRIED

19. Reports by Officers

19.1 Annual Review of Elected Member Allowances (Report No: 476/09)

Elected Member allowances are required to be reviewed on an annual basis. There have been no changes to the maximum setting of allowances as prescribed by the Local Government Act 1999.

C101109/596 Councillor Heysen moved and Councillor Bouchée seconded that Council continues to set the allowances received by Elected Members, pursuant to Section 76 of the Local Government Act 1999; at the following rates:

- 1. Councillors \$15,000 per annum.
- 2. Deputy Mayor \$18,750 per annum.
- 3. Mayor \$60,000 per annum.

CARRIED

19.2 Council and Standing Committee 2010 Meeting Dates (Report No: 478/09)

Council last adopted its meeting schedule for 2009 at the Council Meeting held 28 October 2008.

Council is asked to determine the Council and Standing Committee meeting schedule for the period between January 2010 and November 2010. As elections are scheduled for Local Government for the second Saturday in November 2010 only one meeting is scheduled prior to the election being held.

C101109/597 Councillor Looker moved and Councillor Clancy seconded that the Council and Standing Committee meeting schedule from January to November 2010 be as follows:

- Tuesday 19 January
- Tuesday 9 February
- Tuesday 23 February
- Tuesday 9 March (Tuesday after the Adelaide Cup Day)
- Tuesday 23 March
- Tuesday 13 April
- Tuesday 27 April
- Tuesday 11 May
- Tuesday 25 May
- Tuesday 8 June
- Tuesday 22 June
- Tuesday 13 July
- Tuesday 27 July
- Tuesday 10 August
- Tuesday 24 August
- Tuesday 14 September
- Tuesday 28 September
- Tuesday 12 October

- Tuesday 26 October
- Tuesday 9 November

CARRIED

19.3 2008/09 Financial Statements (Report No: 499/09)

The audited financial statements for the year ended 30 June 2009 are presented for adoption by Council.

C101109/598 Councillor Looker moved and Councillor Fisk seconded:

- 1. That the financial statements for the City of Holdfast Bay for the year ended 30 June 2009 as contained in Attachment 1 to Report No: 499/09 be adopted.
- 2. That the audit report from Council's auditor, Dean Newbery & Partners, contained at Attachment 3 to Report No: 499/09 be received and noted.

CARRIED

19.4 Air Conditioning and Solar Panels – Brighton Table Tennis Club (report No: 505/09)

The Somerton Kindergarten and Brighton Table Tennis Club have written to Council seeking to install solar panels and air-conditioning plant on the roof of the Brighton Table Tennis Club. Council's consent as lessor is required for the proposed works under the terms of the lease.

C101109/599 Councillor Clancy moved and Councillor Bouchée seconded that

- 1. That Council provides its consent as landlord (subject to any necessary Development Act consents), to the:
 - Brighton Table Tennis Club's proposal to install air-conditioning plant; and
 - Somerton Kindergarten's proposals to install solar panels
 - on the roof of the Brighton Table Tennis Clubrooms and
- 2. The tenants be advised in writing that they remain liable for any maintenance associated with the proposed works and that they will be required to rectify any damage to the premises that may occur as a result of the installation, placement or removal of such plant.
- 3. That a policy be developed to incorporate the highest energy efficiency rating air conditioning for all future air conditioning installations.

CARRIED

19.5 Signage – Rotary Club of Brighton (Report No: 506/09)

The Rotary Club of Brighton has written to Council seeking to erect a sign on the premises. Council's consent as lessor is required under the terms of the lease.

C101109/600 Councillor Fisk moved and Councillor Bouchée seconded that the Rotary Club of Brighton be advised that Council provides its consent, as landlord, to the Club's signage proposal subject to the following conditions:

The signage must be removed at the cost of the lessee on the expiry

of the lease term;

- The signage must prominently feature the logo of the City of Holdfast Bay; and
- Compliance with any necessary consents under the Development Act.

CARRIED

19.6 Annual Appointments of Deputy Mayor and Chairpersons of Council Standing Committees (Report No: 477/09)

Council resolved the appointment of the positions of Deputy Mayor, Standing Committee Chairpersons and Deputy Chairpersons at its meeting held 28 October 2008 for a period of twelve (12) months until 30 November 2009.

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.

C101109/601 Councillor Looker moved and Councillor Bouchée seconded that Council appoints the Deputy Mayor, Chair and Deputy Chairs of Committees by taking an indicative vote to determine the preferred person, followed by a resolution to appoint that person to the position. The indicative vote will be by secret ballot.

CARRIED

- C101109/602 Councillor Clancy moved and Councillor Looker seconded:
 - 1. That Councillor Clancy be appointed Deputy Mayor for the period from 1 December 2009 to 13 November 2010.
 - 2. That Councillor Councillor Lonie be appointed Chairperson and Councillor Heysen be appointed Deputy Chairperson of the Social and Organisation Committee from 1 December 2009 to 13 November 2010.
 - 3. That Councillor van Camp be appointed Chairperson and Councillor Deakin be appointed Deputy Chairperson of the Strategy and Development Committee from 1 December 2009 to 13 November 2010.
 - 4. That Councillor Huckstepp be appointed Chairperson and Councillor Looker be appointed Deputy Chairperson of the Engineering and Environment Committee from 1 December 2009 to 13 November 2010.
 - 5. That Councillor Fisk be appointed Chairperson and Councillor Deakin be appointed Deputy Chairperson of the Economic and Corporate Committee from 1 December 2009 to 13 November 2010. CARRIED
 - Item 7.3 Development Assessment Panel Appointments (Report No: 492/09) Referred to Council for Consideration by the Strategy and Development Committee.

The current term for Elected Members serving on the City of Holdfast Bay Development Assessment Panel expires on 31 December 2009, and on 31

COUNCIL	3609	10.11.2009
	December 2010 for Independent Members Council appoint three Elected Members to 13 November 2010 (being the date of the	the Panel from 1 January 2010 to
C101109/603	Councillor Bouchée moved and Council Committee recommends that Councillo appointed to serve as Council Members Development Assessment Panel in accouncil and Terms of Reference for the Panel for 2010 and ending 13 November 2010.	rs Clancy, Looker and Norton be s of the City of Holdfast Bay ordance with the Code of Conduct
C101109/604	Councillor Clancy moved and Councillor Huckstepp seconded that any Councillors who wished to serve on the City of Holdfast Bay Developm Assessment Panel be allowed to put their names forward and a prefere	
	vote be undertaken	CARRIED
	 The following Councillors indicated that the Development Assessment Panel: Councillor Clancy Councillor Deakin Councillor Looker Councillor Norton Councillor van Camp A preferential ballot was undertaken. 	ey wished to be considered on the
C101109/605		
	19.7 Appointments to the Southern Regio Committee (Report No: 511/09)	on Waste Resource Authority Audit
	Southern Region Waste Resource Authori subsidiary established by the Cities of On- Bay (the "constituent councils"), pursuant to Government Act, 1999.	aparinga, Marion and Holdfast
	Under its charter, SRWRA is responsible f management services on behalf of the cor a long term waste management strategy e Adelaide.	nstituent councils and ensuring that
	SRWRA has sought Council's endorsement members to its Audit Committee. SRWRA September 2009 approved the establishm the terms of reference for the committee. So independent members of the constituent of they were interested in being considered for Committee.	at its Board Meeting held 7 ent of an Audit Committee and set SRWRA has approached the Council's Audit Committees to see if

COUNCIL

C101109/606 Councillor Bouchée moved and Councillor Fisk seconded that the appointments of:

- Mr Bill Cossey (City of Marion's Audit Committee);
- Ms Vicki Brown (City of Holdfast Bay's Audit Committee);
- Mr Allen Bolaffi (City of Onkaparinga's Audit Committee) and
- Mr Mark Booth (SRWRA Board Member)

to the Southern Region Waste Resource Authority Audit Committee be endorsed by the City of Holdfast Bay.

CARRIED

20. Resolutions subject to formal motions

Presented for the information of Members is 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.

21. Urgent Business – Subject to the Leave of the Meeting

21.1 Whaling

C101109/607 Councillor Crutchett moved and Councillor Bouchée seconded that the Deputy Mayor be authorised to sign the Whaling letter, to Mayor Mori of Hayama, on behalf of Council.

CARRIED

- 22. Items in Confidence
- 22.1 Glenelg Football Club (Report No: 507/09)

Council Officers Remaining: Mr J Lynch, Mr S Hodge, Ms R Thomas, Mr I Walker and Miss W Matthews

C101109/608 Councillor Lonie 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.

Glenelg Football Club Sponsorship Signage (Report No: 470/09)

Councillor Lonie left the chamber at 8.22pm.

Councillor Lonie rejoined the chamber at 8.25pm.

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C101109/610 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 documents and minutes relating to Report No: 470/09 with the exception of Resolution No: C101109/608 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:
 - 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

22.2 Minutes – Executive Committee, 4 November 2009 (Report No: 512/09)

Council Officers Remaining: Mr I Walker and Miss W Matthews

- C101109/611 Councillor Bouchée moved and Councillor Lonie 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

The Chief Executive Officer, Mr J Lynch declared an interest in the matter and left the chamber at 8:38pm.

The General Manager City Assets, Mr Steve Hodge and the General Manager City Services, Ms R Thomas left the chamber at 8:38pm.

Minutes – Executive Committee, 4 November 2009 (Report No: 512/09)

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C101109/613 Councillor Bouchée moved and Councillor Clancy 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 relating to Report No: 512/09 with the exception of Resolution No: C101109/611 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. The Council orders that the minutes relating to Report No: 512/09 be kept confidential and not available for public inspection until the Chief Executive Officer has been formally advised of the outcome by the Mayor.
- 2. This resolution will be reviewed on or before 30 June 2010 by the Council.

CARRIED

- 23. Resumption
- C101109/614 Councillor Clancy moved and Councillor Huckstepp seconded that Council resume as an open meeting of Council at 8.46pm.

CARRIED

The Chief Executive Officer, Mr J Lynch rejoined the chamber at 8:45pm.

The General Manager City Services, Ms R Thomas rejoined the chamber at 8:45pm.

24. Closure

The Meeting closed at 8:46pm

CONFIRMED Tuesday 24 November 2009

MAYOR