

## 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 24 November 2009 at 7:04 pm.**

### PRESENT

His Worship the Mayor	A K Rollond
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
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
General Manager Alwyndor Aged Care	G Potter
Manager Governance and Policy	P E Aukett

### 1. Opening

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

### 2. Kurna Acknowledgement

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

We acknowledge Kurna 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 Kurna 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                      Councillors R D Beh and R A Clancy

4.2 Absent Nil

5. **Items Presented to Council** Nil

6. **Declaration of Interest**

Members were reminded to declare their interest before each item.

7. **Confirmation of Minutes**

C241109/615

**Councillor Fisk moved and Councillor Huckstepp seconded that the minutes of the Ordinary Meeting of Council held on 10 November 2009 be taken as read and confirmed.**

**CARRIED**

8. **Questions by Members**

8.1 Without Notice

8.1.1 Buffalo Restaurant, Wigley Reserve

Councillor Fisk asked a question regarding the condition of the Buffalo Restaurant.

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

8.2 With Notice Nil

9. **Member's Activity Reports**

9.1 Mayoral Report (Report No: 528/09)

Presented for the Information of Members is a summary of my activities for the Month of October 2009.

9.2 Late Item – Members Activity Reports – Good Decision Making – Six of the Best Consolidated Conference

Following Councillor Looker's attendance at the "Good Decision Making – Six of the Best Consolidated Program" presented by Local Government Managers Australia and Wallmans Lawyers on 12 and 13 November 2009, his Member's report is presented below for Members information.

C241109/616

**Councillor Fisk moved and Councillor Heysen seconded that the report be received and noted.**

**CARRIED**

C241109/617

**Councillor Looker moved and Councillor Bouchée seconded that attendance at the Good Decision Making – Six of the Best Consolidated Program be brought to the attention of all new Councillors following the November 2010 Council Election.**

**CARRIED**

9.3 Minister's Supported Residential Facilities Committee

Councillor Heysen reported that he attended the Minister's Supported Residential Facilities Advisory Committee as a representative of the Local Government Association of South Australia.

#### 9.4 Holdfast Bay Chamber of Commerce 60<sup>th</sup> Anniversary Dinner

Councillor Looker reported that he attended the Holdfast Bay Chamber of Commerce 60<sup>th</sup> Anniversary Dinner.

### 10. Public Presentations

10.1 Petitions Nil

10.2 Presentations

10.2.1 First Class Cricket at Glenelg Oval

Mr Jamie Cox representing the South Australian Cricket Association made a presentation to Council regarding the opportunity to develop the Glenelg Oval to a standard suitable to host first class cricket.

10.3 Deputations Nil

### 11. Motions on Notice

11.1 Rescission of Council Resolution C101109/588 - Whaling

**His Worship the Mayor refused to accept the motion, as in his opinion, it is beyond the power of the Council, as the decision has been 'perfected' by the sending of the letter so there is no need to revoke or amend the resolution.**

In accordance with his notice, Councillor Looker will move:

#### **That resolution**

***"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."***

**be rescinded.**

#### **Background**

Council needs to reconsider resolution C101109/588 regarding writing to the Mayor of Hayama protesting whaling as the debate prior to this decision did not address the core question issue and that being, "What positive benefit will be gained from taking this action compared to resulting negative consequences?"

In simple terms will any benefit outweigh any negative consequences?

Debate in the chamber centred on the understandable personal fondness for whales by elected members not the merits or otherwise of this particular course of action. It was universally agreed that all were opposed to the annual whale kill. That position is in line with the Australian Government's already stated international position that is being strongly prosecuted in the appropriate international forums.

Council must show to the community good reasons for a decision and no evidence was provided that by writing to the Mayor of Hayama the anti whaling cause would be progressed in any way.

In all probability such a letter would have a negative impact on the sister city relationship and put in jeopardy the excellent 10 year programme of high school visits that do have a positive influence on cultural understanding. It is just too valuable to jeopardise.

Such a letter, written in a context of ill-informed moral superiority, will only serve to highlight our own environmental inconsistencies and damage this Council's standing. With the refusal of Mayor Rollond to sign, the standing of the letter and its intended effect is seriously diminished if not completely negated.

Separate from the emotion surrounding our own love of whales this resolution is flawed, will not progress the anti whaling case, is probably damaging and thus cannot be justified. It must be rescinded.

#### 11.2 Approval of Legal Fees for the defence of DAP Decisions

In accordance with his notice:

**C241109/618**

**Councillor Fisk moved and Councillor Bouchée seconded that expenditure of any resources supporting decisions of the City of Holdfast Bay Development Assessment Panel require prior Council approval.**

**CARRIED**

#### **Background**

Before any action is taken to defend any decision of the City of Holdfast Bay DAP a decision of full Council is required giving approval for any resources to be used on lawyers, expert witnesses and any other fees to defend that DAP decision. The default position will be that no ratepayers resources, including staff resources, are to be expended in defending a decision without the prior approval of the full Council of Holdfast Bay.

The State Government has legislated that all councils have a Development Assessment Panel to make decisions over development applications that fall within its remit including discussing and receive information and representations regarding those development applications.

In the Government's wisdom it has decided that the Panel will consist of a majority of non-elected members (Councillors) who are not accountable to the ratepayers of Holdfast Bay, and a decision of the panel could result in an appeal to the ERDC with the resultant expenditure of funds to defend a decision of the DAP that is not necessarily consistent with the views of the majority of the elected members of Council.

The motion requires that any decision of the DAP that is subject to any further action including action in the ERDC be brought before Council before any resources are expended that endorse that expenditure to defend that decision.

It is not uncommon for a decision of the DAP to be passed by the non-elected members overriding the views of the elected Councilors.

In at least one case I am aware of I believe that the DAP decision has been arguably wrong in fact and possibly as a result of improper interference. When this decision was appealed the resources of Council, including lawyers and expert witnesses were expended to defend a questionable decision that was at best morally unsound. The Council then added insult to injustice by adding its seemingly bottomless resources to the procedural unfairness of the decision.

This Motion accords with the requirements of Members as laid down in the *Local Government Act 1999 section 59(1)(a)(iii)* requiring that the Elected Members maintain oversight of the expenditure of resources and the efficient and effective operation of the Council.

**General Manager City Services, Ms R Thomas's comment.**

**It is recognised that through the introduction of Council Development Assessment Panels, with their majority Independent Membership, that the gradual exclusion of elected council representatives from planning assessment and decision making duties has limited the opportunity for Elected Members to negotiate development outcomes in their Council area. Changes to the Development Act 1993 over the last 10 years have placed the accountability for local development with Council Development Assessment Panel's (DAP).**

**In relation to the City of Holdfast Bay, decisions of the DAP in the 08/09 year resulted in 29 appeals at a cost of approximately \$328,967. Of these, 18 matters were resolved at Conference stage through compromise without proceeding to a Hearing. Of the 11 remaining matters which did proceed to a Hearing, The Environment, Resources and Development (ERD) Court upheld the DAP's decision on 10 occasions, or expressed another way, the Court concluded that the DAP had made the correct decision in over 90% appeal matters. This infers that in a majority of matters the City of Holdfast Bay DAP is accurately assessing development applications based on the relevant provisions of the Development Plan and overall is performing very well.**

**In relation to planning appeals, Councils have limited options other than to defend matters brought before the ERD Court. Decisions of the DAP cannot be rescinded under the Development Act (as distinct from decisions made under the Local Government Act), and therefore the only means by which an applicant or resident can challenge a decision is via an appeal. Councils cannot choose whether to defend an appeal or not, as any attempt to withdraw from an appeal will simply result in a summons to appear before the Court. Councils can, however, choose to appear unrepresented before the Court, however it is considered that this would be negligent as the Council would not be fulfilling its duty to its community, for example by failing to properly challenge poor development proposals or to defend vexatious claims brought against the Council.**

**It is considered that the process of seeking permission from Council prior to engaging legal counsel for each individual planning appeal would be both inefficient and unworkable, as the Court sets timeframes**

**for matters to be heard in a timely manner, and the planning for such matters must commence as soon as an appeal is lodged.**

**It should be noted that Councils are rarely the instigators of action before the Environment, Resources and Development Court and furthermore Councils do not actively pursue matters in the Court, and nor do they intentionally expend funds for that purpose.**

**Councillor Bouchée left the chamber at 7:50pm.**

11.3 Recreational Fishing

**Councillor Bouchée rejoined the chamber at 7:53pm.**

In accordance with his notice:

**C241109/619**

**Councillor Looker moved and Councillor Heysen seconded that Administration prepares a brief report on ways to increase the profile and attractiveness of Holdfast Bay as a destination for recreational fishing. Such a report would examine the prospect of stocking the Patawalonga with a suitable fish, such as black bream, and offer suggestions of other options that may be worth exploring to encourage anglers to the area.**

**CARRIED**

### **Background**

Recreational fishing is a popular activity that has the potential to bring visitors to Holdfast Bay if anglers have a chance of catching a fish.

A number of local businesses service "fisher folk" through providing bait, boat maintenance and equipment. For families our jetties and the banks of the Pat offer opportunities for those who do not have access or can afford a boat.

The Perth River estuary in WA was restocked successfully with bream and it may be possible for our own Patawalonga to be stocked at low cost and then provide an attractive destination for visitors to come and fish from its banks. It is envisioned that the report would be a simple comment following contact with SARDI and PIRSA but may offer further information on opportunities to explore which may encourage fishing visitors.

11.4 Glenelg Post Office

Councillor Bouchée asked that her Motion on Notice relating to the Glenelg Post Office be considered in confidence.

### **12. Adjournment for Permanent Committees to meet**

**C241109/620**

**Councillor Looker moved and Councillor Heysen seconded that Council stand adjourned to enable the following committees to meet:**

- **Economic and Corporate Committee; and**
- **Environment and Engineering Committee**

**CARRIED**

**13. Economic and Corporate Committee****14. Environment and Engineering Committee****15. Resumption**

**C241109/621** Councillor Looker moved and Councillor Lonie seconded that Council resume at 8:58 pm.

**CARRIED**

**16. Minutes - Economic and Corporate Committee**

The Chairperson, Councillor Fisk reported that the Economic and Corporate Committee had met this evening and had processed the business contained in the agenda documents.

**C241109/622** Councillor Fisk moved and Councillor Looker seconded:

- 1. That the report of the Chairman of the Economic and Corporate Committee, and the Committee agenda documents together with Administration recommendations be received.**
- 2. That the recommendations of the Economic and Corporate Committee be adopted as follows:**

*13.7.1 Item in Brief (Report No: 529/09)*

These items are presented for the information of Members and do not require a decision.

**C241109/622.1** **That the Committee recommends that Report No 529/09 be noted and items of interest discussed.**

*13.7.2 Monthly Financial Reports – October 2009 (Report No: 530/09)*

This report provides Elected Members with monthly financial reports. It comprises a Funds Statement and a Capital Expenditure Statement for the year-to-date compared with the 2009/10 budget.

**C241109/622.2** **That the Committee recommends that Report No: 530/09 be received and noted.**

*13.7.3 Local Super Defined Benefit Scheme (Report No: 532/09)*

Local Super has recently undertaken an actuarial review specifically examining the strategic direction of the defined benefit arrangements of the Scheme.

Local Super offers local government employees the choice of two superannuation benefit schemes:

- 1. Defined Benefit (Salarylink) – where benefits are calculated as a multiple of final average salary at ceasing employment. The multiple is based on years of membership and the level of contributions paid by the employee throughout their membership. Councils are required to pay the balance of the cost of providing the defined benefit.*
- 2. Accumulation Benefit (Markertlink) – where benefits are based on the accumulation of contributions and investment earnings, similar to savings in a bank account.*

The actuary has calculated that the long-term Council contribution for Salarylink members is expected to be 10.9% of salary. The current Council contribution

rate is 9%.

For the Scheme to be in a satisfactory financial position by 30 June 2015 and have Salarylink remain open to *new* local government employees, Local Super is consulting with Council's seeking their preferred direction.

**C241109/622.3 That the City of Holdfast Bay supports the proposal of Local Super to implement Option 3 of its recommendations:**

- **Close Salarylink to new entrants now.**

*13.7.4 Lease - Meals on Wheels, Hove (Report No: 533/09)*

Meals on Wheels (SA Inc) have written to Council seeking a new lease for the premises in Goods Crescent, Hove. Following negotiation between the parties it has been agreed that the date of commencement of the new lease should be 1 July 2009 (the same commencement date as for the Meals on Wheels leased property at Glenelg North). The proposed lease is for a period of 5 years, with a right of renewal for a further 5 years, at a rental of \$10 pa plus GST, payable on demand.

**C241109/622.4 That:**

- 1. Meals on Wheels SA Inc be advised that Council provides its consent to the grant of a new lease for the property at Goods Crescent, Hove commencing on 1 July 2009 with a right of renewal for a further 5 years, at a rental of \$10 pa plus GST.**
- 2. His Worship the Mayor and the Chief Executive Officer be authorised to sign and seal any documentation in regard to this matter.**

*13.7.5 Renewal of Lease for Somerton Tennis Club (Report No: 534/09)*

The Somerton Tennis Club Inc have written to Council requesting that the renewal term (for a period of 5 years from 7 March 2008) contained within their existing licence be granted.

**C241109/622.5 That:**

- 1. The Club be advised that Council provides its consent to the 5 year right of renewal contained within the existing agreement from 7 March 2008 at a commencing rental of \$464.60 pa plus GST**
- 2. His Worship the Mayor and the Chief Executive Officer be authorised to sign and seal any documentation in regard to this matter.**

**CARRIED**

**17. Minutes – Environment and Engineering Committee**

The Chairperson, Councillor Huckstepp reported that the Environment and Engineering Committee had met this evening and had processed the business contained in the agenda documents.

**C241109/623 Councillor Huckstepp moved and Councillor Deakin seconded:**

- 1. That the report of the Chairman of the Environment and Engineering Committee, and the Committee agenda documents together with Administration recommendations be received.**
- 2. That the recommendations of the Environment and Engineering Committee be adopted as follows:**

*14.7.1 Items in Brief (Report No: 536/09)*



Report No: 536/09 was presented detailing items which were presented for the information of Members.

**C241109/623.1**

**That the Committee recommends that the report be noted and items of interest be discussed.**

*14.7.2 First Class Cricket – Glenelg Oval (Report No: 537/09)*

Administration has recently been contacted by the South Australian Cricket Association (SACA) and the Glenelg Cricket Club (GCC) with a view to the SACA developing a second home (away from Adelaide Oval) for first class cricket. Keeping matches at Adelaide Oval is becoming increasingly less viable due to its redevelopment into a 'stadium'.

Of the suburban grounds which currently host grade cricket, Glenelg Oval was targeted by SACA due to its geographic location and the existing infrastructure, both within and in the immediate vicinity surrounding the ground.

SACA is looking to develop a second venue in readiness for the 2010/2011 season onwards. In order to present the Glenelg Oval in a standard appropriate for first class cricket, a substantial amount of redevelopment to the oval surface will be required and on this basis SACA has enlisted the services of their Head Groundsman (Les Burdett) to undertake an inspection and audit of the Glenelg Oval surface and to develop a program of works to enable the necessary rejuvenation project to be rolled out including indicative costs for the various components which totals approximately \$60,000, which is a reduction from the quotation provided allowing for Council to undertake some of the work "in-house".

**C241109/623.2**

**That the Committee recommends:**

- 1. That Council offer 'in principle', support to the South Australian Cricket Association (SACA) to develop Glenelg Oval for 1<sup>st</sup> class cricket based on conditions set down in 2 and 3 of this recommendation.**
- 2. That final endorsement for the proposal will depend on satisfactory outcomes to:**
  - Continued discussions with South Australian Cricket Association (SACA) with a view to developing Glenelg Oval to a standard to host first class cricket from the commencement of the 2010/2011 cricket season.**
  - Agreement with SACA to offset the cost to the City of Holdfast Bay with assistance from SACA and the Australian Cricket Association and any other stakeholders that may be identified.**
  - Identify areas of the renovation project that could be undertaken in-house in order to reduce the overall cost.**
- 3. That if Council commits to the cost of redevelopment of the oval, that SACA enter into a 1 year agreement with an option to increase this to 3 years, pending negotiation, to host first class cricket at Glenelg Oval.**
- 4. Administration review the licence Agreement between the Glenelg Cricket Club and the Glenelg Football Club to ensure the obligations between the parties are being met.**
- 5. Administration endeavour to secure continual occupancy of the first floor of the Glenelg Cricket Club building by the Glenelg Cricket Club through this negotiation.**

**6. Confirmation that matches will be played during day light hours.****14.7.3 Sale of Portion of Road Reserve at 9 Devon Street, South Brighton (Report No: 538/09)**

Council has received an offer for the purchase of road reserve at 9 Devon Street, South Brighton. The encroachment is on the Tweeddale Avenue side of the property known as Lot 11 of Deposited Plan 3382.

Council is in a position to sell portion of the road reserve. This report recommends that Council obtains another valuation before deciding to sell the portion of road reserve.

**C241109/623.3****That the Committee recommends:**

- 1. That Council obtain its own valuation on the portion of road reserve (36 square metres) adjacent to 9 Devon Street, South Brighton.**
- 2. That the resident be advised that Council is prepared to sell the portion of road reserve, based on the average price of the two valuations received.**
- 3. That any decision to sell the land will be contingent on the purchaser meeting all the costs associated with the sale and transfer of the land.**
- 4. That the Chief Executive Officer be authorised to sign the Deeds of Sale for the transfer of the land.**

**14.7.4 Sale of Portion of Road Reserve at 2 Linwood Terrace, Brighton (Report No: 539/09)**

Council has received a letter enquiring about the purchase of a portion of road reserve at 2 Linwood Terrace, Brighton.

Council is in a position to sell portion of the road reserve. This report recommends that Council obtains a valuation for the portion of road reserve, and offers to sell the land at that valuation plus any costs incurred in the transfer of the land.

**C241109/623.4****That the Committee recommends:**

- 1. That Council obtains a valuation on the portion of road reserve and offers the land for sale at the valuation obtained.**
- 2. That the trees and corner cut-off be maintained.**
- 3. That the resident be advised that Council will sell the portion of road reserve, contingent on the purchaser meeting all the costs of the sale and transfer of the land.**
- 4. That the Chief Executive Officer be authorised to sign the Deeds of Sale for the Transfer of the land.**

**14.7.5 Significant Street Tree Removal – 7 Walkers Road, Somerton Park (Report No: 540/09)**

Council is requested to consider removal of one significant tree at 7 Walkers Road, Somerton Park. The 5m high over-mature *Melaleuca armillaris* is significant under the Development Act 1993 and is not compliant with the Street Tree Strategy.

**C241109/623.5****That the Committee recommends:**

- 1. That subject to all necessary consents, due to potential for trunk failure, the *Melaleuca armillaris* (Bracelet Honey Myrtle) at 7 Walkers Road, Somerton Park be removed with costs to be met by Council.**

2. That a replacement tree, *Pyrus calleryana* Ornamental Pear (the current nominated Street Tree Strategy species) be planted with costs to be met by Council.
3. That an additional replacement tree, *Eucalyptus porosa*, be planted on the nearby traffic calming island.

14.7.6 Street Tree Strategy Planting Guide – *Eucalyptus Cneorifolia* (Report No: 541/09)

Council is requested to consider amendments to the Street Tree Strategy Planting Guide for the streets currently specified as *Eucalyptus cneorifolia* – Kangaroo Island Mallee due to this species not meeting Council's agreed selection criteria on the basis that it cannot be sourced in commercial quantities and there are significant maintenance issues if the tree is to be maintained as a tree rather than a Mallee (or multi stemmed) tree.

C241109/623.6

That the Committee recommends that the streets currently nominated as having *Eucalyptus cneorifolia* – Kangaroo Island Mallee in the Street Tree Strategy Planting Guide be amended to alternative tree species, noting that residents will be advised in writing of the amendment and reasons for the change.

Street Location	Species
Colton Ave, Hove	<i>Callistemon "Harkness"</i>
Townsend Ave, Hove	<i>Geijera parviflora</i> Australian Wilga
Bandon Tce, Kingston Park	<i>Agonis flexuosa</i> Willow Myrtle and <i>Eucalyptus porosa</i>
Singleton Rd, Kingston Park	<i>Banksia integrifolia</i> Coastal Banksia
Barwell Ave, Kingston	<i>Eucalyptus torquata</i> Coral Gum
High St, South Brighton	<i>Callistemon "Harkness"</i> and <i>Cupaniopsis Anacardioides</i> Tuckeroo
Hillview Cres, South Brighton	<i>Cupaniopsis Anacardioides</i> Tuckeroo
Rowe St, South Brighton	<i>Angophora hispida</i> Dwarf Apple Tree and <i>Banksia Integrifolia</i> Coastal Banksia
Seacombe Rd, South Brighton	<i>Metrosideros excelsa</i> NZ Christmas Tree
Surf St, South Brighton	<i>Callistemon "Harkness"</i> and <i>Cupaniopsis Anacardioides</i> Tuckeroo
Tucker St, South Brighton	<i>Callistemon "Harkness"</i> and <i>Cupaniopsis Anacardioides</i> Tuckeroo

14.7.7 Community Land Management Plan – Business Facility, Results Of Community Consultation (Report No: 542/09)

Council has a number of land holdings used primarily for car parking and commercial purposes.

Council now require that these holdings be incorporated as community land, but still predominantly be used for car parking and commercial purposes, which assists Council in generating alternative income sources separate from rates

income and could be an integral part of Councils future financial planning.

This report sets out the results of the Community Consultation process regarding an additional but alternative Community Land Management Plan (CLMP) known as a Business Facility Land Management Plan, which would allow a similar range of commercial activities to occur on this land to those currently in existence, with the added benefit of maintaining a Community Land status for the land. All have been subject to a community consultation process.

The Community Land Management Plan, Business Facility has now been subject to Councils Public Consultation process requirements as prescribed under section 194 (2) of the Local Government Act, without any public comments being received.

**C241109/623.7**

**That the Committee recommends:**

- 1. That the Community Land Management Plan, Business Facilities be adopted by Council.**
- 2. That the properties listed in the schedule in Report No. 542/09 at Attachment 1, are included within this category of Community Land Management Plans.**

*14.7.8 Replacement of Vehicle Access Ramp, Glenelg North Beach (Report No: 543/09)*

The bottom half of the vehicle access ramp onto Glenelg North Beach (north of King Street) has collapsed rendering it unsafe for the public and unusable by large equipment.

Given the unpredicted nature of the collapse this unforeseen emergency works was not budgeted in the 2009/2010 and cost involved in replacing the ramp. This report seeks funding from Council's Infrastructure Reserve Fund to replace the ramp.

**C241109/623.8**

**That the Committee recommends that Council allocates an amount of \$40,000 from the Infrastructure Reserve Fund to fund the replacement of the Glenelg North beach concrete vehicle access ramp.**

*14.7.9 Re-Allocation of Parking in Waterloo Street, Glenelg (Report No: 544/09)*

Administration has conducted a preliminary design of possible parking alterations, taking advantage of the recent resal of Waterloo Street from Jetty Road to Augusta Street, Glenelg.

The design found that by replacing both sides of parallel parking with a section of 45 degree angled parking on the western side, a further 13 parking bays will be achieved while still maintaining 2 way traffic movements.

All affected residents and the Jetty Road Main Street board have been consulted and their comments have been sought. The community consultation process consisted of 20 letters being delivered to all residents and businesses fronting onto Waterloo Street including the Jetty Road Main Street board. Of these letters 9 were received with support to the changes and no responses against the proposal.

**C241109/623.9**

**That the Committee recommends that Council implements the 45 degree angle parking bays as shown in Report No. 544/09 at Attachment 1 which will achieve 13 extra parking bays in Waterloo Street between Jetty Road and Augusta Street, Glenelg, and that this be funded from the Glenelg Access Strategy fund.**

*14.8.1 Short Term Parking, Brighton Road Glenelg*

**C241109/623.10**

**Councillor Crutchett moved and Councillor Bouchée seconded that Administration consider short term parking (3 x 15 minute and 3 x 30 minute) for the area on both sides of the tram line, adjacent to Brighton Road and Jetty Road, Glenelg in Dunbar Terrace and Maxwell Terrace.**

**CARRIED****18. Reports of Committees, Subsidiaries and Development Assessment Panel****18.1 Minutes – Executive Committee, 12 November 2009 (Report No: 525/09)**

The Executive Committee of Council was established to manage Elected Member Code of Conduct complaints and the Chief Executive Officer's Annual Performance Appraisal.

The Minutes of the Executive Committee of its meeting held 12 November 2009, are attached and submitted to Council for information and endorsement, noting in particular the Committee's recommendations presented below for endorsement. The objectives for each Key Result Area referred to in the recommendation was provided as Attachment 1 to Report No: 525/09.

**C241109/624**

**Councillor Bouchée moved and Councillor Looker seconded that the minutes of the Executive Committee be received and the recommendation numbered 1 below be endorsed by Council:**

**1. Chief Executive Officer Performance Appraisal (Report No: 502/09)**

**Councillor Looker moved and Councillor Huckstepp seconded that the Executive Committee recommends that:**

- 1. The Chief Executive Officer's annual performance criteria, commencing in 2010, be reviewed based on the 6 Key Result Areas defined in Schedule 1 to the Employment Contract, namely:
  - a) Strategic planning
  - b) Human resource management
  - c) Financial and asset management
  - d) Operations management and major projects
  - e) Stakeholder management and communication
  - f) Advice to, and relationship with, Council**
- 2. Hender Consulting prepare short statements to reflect the objective for each Key Result Area and that these be presented to Council.**
- 3. The Chief Executive Officer's annual performance appraisal be undertaken by a self-assessment along with an interview or interviews with the Mayor and Councillors.**
- 4. A short 360 degree-style appraisal be done for development purposes with a small selection of staff from each level of the organisation.**

**CARRIED****19. Reports by Officers**

**19.1 Nominations to the West Beach Trust (Report No: 526/09)**

The Hon Paul Holloway MLC, Minister for Urban Development and Planning has requested that the City of Holdfast Bay nominate a panel of three (3) persons for his consideration for appointment to the West Beach Trust Board. The Minister has indicated that he is particularly interested in receiving nominations with experience in the tourism industry. This report outlines the criteria for nomination and seeks Council's nominees for consideration for the Board.

**C241109/625**

**Councillor Norton moved and Councillor Fisk seconded that Council nominate the following panel of three (3) persons to the Minister for Urban Development and Planning for consideration for appointment to the West Beach Trust Board with nominations to be received by 1 December 2009:**

- 1. Councillor Deakin**
- 2. Councillor Crutchett**
- 3. Councillor Bouchée**

**CARRIED****19.2 Adoption of Annual Report (Report No: 527/09)**

The 2008/2009 Annual Report has been prepared to meet all statutory requirements. Council's Annual Report is an important document providing legislators and the community with assurance that the City of Holdfast Bay is meeting its strategic and legislative requirements. It is intended that the Report will be available in both hard-copy and soft-copy by the end of November 2009.

**C241109/626**

**Councillor Lonie moved and Councillor Huckstepp seconded:**

- 1. That Council approve the content, subject to minor changes, of the 2008/2009 Annual Report.**
- 2. That the 2008/2009 Annual Report be distributed to the relevant statutory bodies as required, with copies made available to the public through its customer service centre and on the web-site.**

**CARRIED****19.3 Items in Brief (Report No: 535/09)**

Report No: 535/09 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

**C241109/627**

**Councillor Lonie moved and Councillor Norton seconded that the report be noted and items of interest be discussed.**

**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 Public Toilets in Glenelg Town Hall Precinct**

Councillor Bouchée asked a question regarding signage for public toilets in Town Hall precinct.

**The General Manager, City Assets provided a response.**

**21.2 Glenelg Town Hall and Bay Discovery Centre Advisory Committee Quorum**

Councillor Norton asked a question regarding Glenelg Town Hall and Bay Discovery Centre Advisory Committee meeting and the issue of maintaining a quorum.

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

**21.3 Signage at the Glenelg Football Club**

Mayor Rollond drew Members attention to the Glenelg Football Club sponsorship signs which have been removed today.

**22. Items in Confidence****22.1 Alwyndor Capital Redevelopment Program (Report No: 547/09)**

**Council Officers Remaining: Mr J Lynch, Mr S Hodge, Ms R Thomas, Mr I Walker, Mr G Potter and Ms P Aukett**

**C241109/628**

**Councillor Heysen moved and Councillor Huckstepp 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**

Alwyndor Capital Redevelopment Program (Report No: 547/09)

**ORDER TO RETAIN DOCUMENTS IN CONFIDENCE****C241109/630**

**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: 547/09 with the exception of Resolution No: C241109/628 for going into confidence be kept confidential for 12 months 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**

#### 22.1 Notice of Motion – Possible Glenelg Post Office Purchase

**C241109/631**

Councillor Bouchée moved and Councillor Fisk 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 – Possible Glenelg Post Office Purchase

#### **ORDER TO RETAIN DOCUMENTS IN CONFIDENCE**

**C241109/633**

Councillor Heysen moved and Councillor Bouchée 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 Notice of Motion – Possible Glenelg Post Office Purchase with the exception of Resolution No: C241109/631 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 2010 by the Council.

**CARRIED**

#### 22.3 Inner Southern Business Enterprise Centre Board Membership



**C241109/634**

Councillor Crutchett moved and Councillor Heysen 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**

Inner Southern Business Enterprise Centre Board Membership

**ORDER TO RETAIN DOCUMENTS IN CONFIDENCE****C241109/635**

Councillor Heysen 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 minutes relating to Inner Southern Business Enterprise Centre Board Membership with the exception of Resolution No: C241109/634 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 2010 by the Council.

**CARRIED****23. Resumption****C241109/636**

Councillor Lonie moved and Councillor Heysen seconded that Council resume as an open meeting of Council at 9:38 pm.

**CARRIED****24. Closure**

The Meeting closed at 9:38pm

**CONFIRMED Tuesday 15 December 2009****MAYOR**