

## 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 9 February 2010 at 7:00pm.**

### PRESENT

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 – 7:06pm
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
Acting General Manager City Services	A Marroncelli
General Manager Corporate Services	I S Walker

### 1. Opening

The Deputy Mayor, Councillor Clancy declared the meeting open at 7.00 pm.

### 2. Kurna Acknowledgement

With the opening of the meeting the Deputy 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

The Deputy 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

His Worship the Mayor A K Rollond and Councillor R D Beh

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**

C090210/697

**Councillor Looker moved and Councillor Huckstepp seconded that the minutes of the Ordinary Meeting of Council held on 19 January 2010 be taken as read and confirmed.**

**CARRIED**

**Councillor Lonie joined the meeting at 7:06pm.**

**8. Questions by Members**

8.1 Without Notice Nil

8.2 With Notice

**8.2.1 Questions Regarding Development Assessment Panel**

In accordance with his notice, Councillor Fisk asked the following questions:

8.2.1.1 Mr Ian Walker, General Manager Corporate Services, recently wrote to me (email 18 January 2010) about the Bayside Junction shopping Centre approval and I quote "... the Development Assessment Panel (DAP) was the relevant authority for approving the development which saw the canopy encroach over Council land, not the Council Administration. Council Administration has therefore acted without autonomy in this matter, in neither allowing the encroachment nor approving payment via the issue of a permit." Would the Chief Executive Officer therefore please inform Council under which Section of the Local Government Act 1999 does the DAP have the power to fetter the Council's decision making processes in relation to resource allocation (including real property assets) and its expenditure (including alienation of, or sterilization of, real property assets) and what gives the DAP power to remove the Council's "autonomy" in relation to the management, disposal, or otherwise use its real property assets?

**The Acting General Manager City Services, Mr A Marroncelli's response**

**The power to grant authorisation for an encroachment over Council land under Sections 221 and 222 of the Local Government Act is delegated by Council to the Chief Executive Officer who in turn sub-delegates the power to Administration. An Encroachments Policy, endorsed by Council on 9 November 2004, provides Administration with the parameters for exercising delegation with respect to encroachments.**

**In circumstances where an encroachment forms part of a broader development application for which the Council's Development Assessment Panel is the relevant planning authority, then the Development Assessment Panel can consider whether the proposal, encroachment included, has merit when assessed against the relevant provisions of the Development Plan, without going so far as to**

**authorise the encroachment under the Local Government Act (being a process delegated to Administration). Under its Encroachments Policy, the Council permits encroachments over public land once a Development Approval has been issued.**

**Once the Development Assessment Panel considers that a proposal displays sufficient merit to warrant its consent, then the encroachment itself is no longer a 'hypothetical' proposition and can be approved under delegation, whether commensurately or in time.**

**The Council has delegated its authority both with respect to the Development Application and the encroachment, and also provided guidance for when the delegation can be exercised through the Encroachments Policy.**

8.2.1.2 Since the Development Assessment Panel (DAP) is a creature of the Council, albeit a creature dictated on the Council by State statute, but under the Development Act 1993 not the Local Government Act 1999, and a creature with powers limited by Section 56A of the Development Act 1993, and is explicitly precluded from formulating policy (Section 56A(2)(c), how could it be interpreted that the DAP could have the power to reduce the Council's "autonomy" in relation to policy formulation or decisions in relation to the management of Council's financial resources including return from real property assets?

**The Acting General Manager City Services, Mr A Marroncelli's response**

**The Development Assessment Panel is the relevant authority empowered to make decisions pursuant to Section 32 of the Development Act. The subsequent Section 33 of the Development Act prescribes the 'matters against which development must be assessed.' Part 1(e) of Section 33 reads as follows:**

***"A development is an approved development if, and only if, a relevant authority has assessed the development against, and granted a consent in respect of the requirement that any encroachment of a building over, under, across or on a public place has been dealt with in a satisfactory manner."***

**The Council had delegated the power to allow certain encroachments to Administration, also providing guidance for when the delegation can be exercised through the Encroachments Policy. The Development Assessment Panel was therefore entitled both under the Development Act and Council's own Encroachments Policy to make a decision with respect to the development as a whole, leaving the landowner's authorisation to the delegated authority, being Administration in this instance.**

8.2.1.3 If the answer to any of the above indicates that the DAP does have powers to fetter the Council's management and use of its real property assets, including any issues concerning encroachments, does it have similar powers in relation to any other landowner, and if not, why, and under what laws is the Council singled out for disadvantageous treatment as a land owner concerning the management of its assets, including finances and real property?

**The Acting General Manager City Services, Mr A Marroncelli's response**

**In the legislative framework, encroachments over public land (i.e. Council land) are treated differently with respect to encroachments over private land.**

Specifically, Section 33(1)(e) of the Development Act only empowers the Development Assessment Panel to make decisions with respect to an “*encroachment of a building over, under, across or on a public place*”. This of course only enables the Development Assessment Panel to determine the merits of the encroachment in the context of the Development Plan, leaving the authority to encroach, whether in principle or formally, to the delegated authority (Administration).

Similar parameters do not exist to make decisions on other forms of encroachments (i.e. over private land).

8.2.1.4 Did the application for Development Consent for the Bayside Junction specify that parts of properties that would be built over by the proposal were not owned by the proponent and list the owners as is required under the Development Act 1993?

Did the application accurately reflect the site boundaries and that the development proposal was partly outside those boundaries?

**The Acting General Manager City Services, Mr A Marroncelli’s response**

The plans accompanying the application for the development illustrate the structural components which encroach over the road reserve (plans available upon request).

The application form accompanying the development proposal does not include the City of Holdfast Bay as a landowner. Details of the landowner are not a requirement pursuant to Section 39(1) of the Development Act, or Part 15(1) and Schedule 5 of the Development Regulations 2008. Council is only required to seek the name and address of the applicant for its register of applications pursuant to Section 98(2)(a) of the Development Act, which was provided as part of the development application.

The development application documentation shows the verandah which encroaches over the road reserve, delineating the private from public land (plans available upon request).

8.2.1.5 Did the reports to the Development Assessment Panel in relation to the Bayside Junction Development application note that the application, if approved would create an encroachment over Council owned land? Was this report created by an employee of the Holdfast Bay Council?

**The Acting General Manager City Services, Mr A Marroncelli’s response**

Yes. The officer’s report describes the encroachments in the section of the report which deals specifically with the description of the development. The following is an extract from the report:

*“The office building is proposed to be setback 6.0 metres from Brighton Road and to the Jetty Road boundary with verandahs extending over the footpath.”*

*(Page 5 - 26 March 2008 - Development Assessment Panel – Item 6.5 Report No. 122/08)*

Further into his report, the officer proceeds to assess the encroachment against the relevant provisions of the Development Plan by stating:

*“The built form to Jetty Road will reinforce the shopping strip character of Jetty Road with a continuation of street verandahs.”*

*(Page 18 - 26 March 2008 - Development Assessment Panel – Item 6.5  
Report No. 122/08)*

***“Complies in terms of street verandahs over footpaths..”***

*(Page 24 - 26 March 2008 - Development Assessment Panel – Item 6.5  
Report No. 122/08)*

***“Pedestrian access is provided along Jetty Road and promotes the continuity of built form alignment to the boundary and at street level where verandahs extend over the footpath...”***

*(Page 25 - 26 March 2008 - Development Assessment Panel – Item 6.5  
Report No. 122/08)*

***Building bulk has been minimised through design techniques that include façade articulation...***

*(Page 25 - 26 March 2008 - Development Assessment Panel – Item 6.5  
Report No. 122/08)*

The author of the report was contracted by the City of Holdfast Bay to perform work on its behalf. The Fair Work Act 1994 defines an ‘employee’ as “a person employed for remuneration under a contract of employment and includes a public employee.” As such, the author of the report was considered by law to be an employee of the City of Holdfast Bay, albeit in a temporary capacity.

8.2.1.6 The Council is the executive policy making body charged with the proper management of the resources and effective and efficient management including proper and adequate returns from use of its assets, therefore did the Council Administration share with the Council the knowledge of which it had thus become aware, that the Council's real property assets were going to be affected and sterilized by the lodged Bayside Junction development proposals - if so, on what date was this drawn to the Council's attention; and if not, why was this not drawn to the attention of the Council ?

**The Acting General Manager City Services, Mr A Marroncelli’s response**

**To reiterate, the power to grant authorisation for an encroachment over Council land under Sections 221 and 222 of the Local Government Act is delegated by Council to the Chief Executive Officer who in turn sub-delegates the power to Administration. The Council has also provided guidance for when the delegation can be applied through the Encroachments Policy adopted on 9 November 2004.**

**As such, certain decisions regarding encroachments are currently made by Administration, not Council as a body. Administration has not been provided with direction regarding which encroachments Council would or would not like ‘drawn to its attention’, but for encroachments which fall outside the prescribed parameters in the Encroachments Policy, which are brought before Council for a decision.**

**As discussed, the encroachments were drawn to the attention of the Development Assessment Panel as early as 26 March 2008, which is an extension of the Council within the legislative framework of the Development Act. Elected Members are represented on the Development Assessment Panel and the Agenda for the Development Assessment Panel is available to all members of the public, including the Elected Members.**

### 8.2.2 Gym Equipment – Future Funding Opportunities

In accordance with his notice, Councillor Looker asked the following question:

Given the popularity of the fixed Gym equipment in Wigley reserve what opportunities exist for funding more installations in appropriate areas of Holdfast Bay?

**The Acting General Manager City Services, Mr A Marroncelli's response.**

**The community gym equipment located on Wigley Reserve, Glenelg, has proven to be a very popular form of community recreation to many residents of Holdfast Bay and consideration has been given to duplicating the provision of this community resource at various parks and reserves within the Council area.**

**Currently Council staff are in the process of developing future draft Master Plans for a number of Council reserves, including John Miller Park, Brighton Oval and John Mathwin Reserve, before community consultation on any Master Plans it is intended to include into discussion for these conceptual master plans the possible inclusion of a community gym in each location.**

**Council has also recently begun community consultation for the development of a draft Master Plan for the future Coast Park to be constructed between North Brighton and Kingston Park. As part of that planning process there will be an opportunity to consider the inclusion into coastal reserves such as Wattle Reserve, Hove and Angus Neill Park, Seacliff the provision of community gyms similar to the Wigley Reserve facility to complement the community use of the Coast Park walking/exercise trail.**

**Funding opportunities do exist through the Office of Recreation and Sport to negotiate a grant program to establish a Community Gym Fitness Trail along our coastline with links throughout the Council area and Council Officers will pursue the availability of these grant opportunities at the appropriate time.**

**C090210/698**

**Councillor Norton moved and Councillor Heysen seconded that the answers provided to the Questions on Notice be accepted.**

**CARRIED**

## **9. Member's Activity Reports**

### **9.1 Attendance at Former Councillor Peter Holt's Funeral**

Councillors Huckstepp and Lonie reported that they represented Council at the funeral of former Councillor Peter Holt.

### **9.2 Adelaide Airport Classic Brighton Sculpture Exhibition and Brighton Jetty Classic Swim**

Councillor Huckstepp reported that he attended the Adelaide Airport Classic Brighton Sculpture exhibition and Brighton Jetty Classic Swim, stating that both events were outstanding and that a letter of commendation to the organisers be sent on behalf of Council.

### 9.3 Glenelg Tourism Forum

Councillor Looker reported that he attended with Councillor Clancy and the Chief Executive Officer, Mr J Lynch the Glenelg Tourism Forum, which was addressed by Minister Lomax-Smith.

### 9.4 Supported Residential Facilities Advisory Committee

Councillor Heysen reported that he attended a meeting of the Supported Residential Facilities Advisory Committee as a representative of the Local Government Association.

## 10. Public Presentations

10.1	Petitions	Nil
10.2	Presentations	Nil
10.3	Deputations	Nil

## 11. Motions on Notice

### 11.1 Recision of Delegations Regarding Encroachments Upon, Over or Under Council Land

In accordance with his notice:

**C090210/699**

**Councillor Fisk moved and Councillor Deakin seconded that Council rescind all delegations previously given to Council Administration to approve or license encroachments, upon, over or under, Council owned land and that the Council itself be the decision making body for encroachment decisions until a further decision on the appropriate location for such decisions is made by Council.**

**CARRIED**

### Background

At this time of financial constraint with the Global Financial Crisis it is important that the Council retain active oversight of resource allocation and its efficiency and effectiveness, especially the returns Council can gain from its real property assets.

Recent correspondence suggests that there is confusion within Administration, and uncertainty in the minds of the Elected Members, over its roles under the Local Government Act and the Development Act.

It appears that a perception exists within the Administration that a development approval by the Development Assessment Panel under one act can fetter the Council's powers under another separate Act and reduce the Administration's "autonomy" with regards management of Council's real property assets, including the consideration that should be obtained to compensate for encroachment upon a Council real property asset.

The compensation for an encroachment should, as a matter of principle, be applied with an annual licence, at the absolute pleasure of the Council, and for an annual amount recommended by an independent valuer.

Further, another part of the Administration has suggested to me that the compensation is subject to the commercial use to which the asset is put by the encroacher.

Since the compensation is sought because of the diminished value of the asset caused by the encroachment it is wholly independent of whether it is used for commercial or non-commercial purposes, but related to the cost of the diminished opportunity for Council to otherwise gain from the asset. This would suggest that inadequate return is being sought for some encroachments based on the encroacher's use rather than change in value of the asset to the owner (the Council) and that inconsistent policies are being applied.

As the role of Elected Members under section 59(1)(a)(iii) of the *Local Government Act 1999* is "to keep the council's resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review", it is appropriate that this delegation concerning encroachments be rescinded until these confusions are rectified and a consistent policy seeking to maximise the return on the use of assets is developed and in the first instance applied by decisions by the Council establishing the precedents. This is a requisite to enable Members to properly undertake their legal fiduciary obligations under the Act.

#### 11.2 Report on Library Operations

In accordance with her notice:

**Councillor Bouchée moved and Councillor Looker seconded that the Chief Executive Officer engage a suitably qualified person who understands modern library trends to report on the operation of our library so that it can inform the budget process, and include the following:**

- **implications of new information technologies (Kindle/E-Book etc) on resources required for the library to service the community;**
- **changing patterns of information technologies use by different demographics to ensure that the Library continues to serve the broadest possible needs of differing community groups;**
- **efficiencies that can be achieved and opportunities from the adoption of new technologies;**
- **inter-library linkages that can save on HB resources by avoiding unnecessary duplications;**
- **cost implications of alternative stock purchasing, for example, accessing state-wide licensing of e-books etc;**
- **mechanisms to ensure that the library remains an information resource for the community and visitors; and does not become effectively a Council subsidised internet cafe and gaming, or social networking venue in competition with private sector service providers;**
- **supplementation and co-operation with local school information resources;**
- **a rolling five year strategic plan for the library's use and capital**



**expenditure.**

**C090210/700**

**Councillor Deakin moved and Councillor Huckstepp seconded that the motion be adjourned for one month subject to a report on the matter, with reference to the recommendations from the previous Library Report.**

**CARRIED**

**The Acting General Manager City Services, Mr A Marroncelli's comment.**

The Library's inclusion of new devices and technology has in the past been achieved slowly, mindful of both budgetary constraints and the potential impact on provision of traditional resources (i.e. books, periodicals, audio visual etc). The demographics of our membership suggest that demand for some traditional services provided by the Glenelg and Brighton libraries will continue. There has been caution in being a front-runner with respect to the uptake of technology. Financial considerations and accommodation limitations have dominated thinking as has maintaining the current levels of traditional services.

Duplicating what is provided in better funded libraries may serve to broaden the membership base, however the demand from our ratepayers is an unknown. Administration is keen to find new pathways, technological or otherwise, to facilitate a better and more efficient service to library members. Partnerships with other municipal libraries can be strengthened so as to provide access to resources without duplicating stock. The opportunities to form partnerships with local schools has potential but remains a difficult process due to exclusivity of school libraries (both with respect to access and catalogue of publications). Partnerships with tertiary institutions (i.e. Flinders University Library, the Barr Smith Library, TAFE etc) should be examined.

Efficiencies will be explored, but Administration is mindful that the 'full library experience' needs consideration, with many visitors enjoying the interaction, browsing, and a pleasant atmosphere. We would welcome the opportunity to explore further the important questions raised in this motion and report back on current trends and our ability to be more innovative.

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

**C090210/701**

**Councillor van Camp moved and Councillor Fisk seconded that Council stand adjourned to enable the Strategy and Development Committee to meet.**

**CARRIED**

**13. Strategy and Development Committee**

**14. Resumption**

**C090210/702**

**Councillor van Camp moved and Councillor Lonie seconded that Council resume at 7:37pm.**

**CARRIED**

**15. Minutes – Strategy and Development Committee**

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

**C090210/703**

**Councillor van Camp 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:**

*13.7.1 Items in Brief (Report No: 36/10)*

Report No: 36/10 was presented detailing items which were presented for the information of Members.

**C090210/703.1**

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

*13.7.2 Residential Coastal and Foreshore Zones Development Plan Amendment- Nomination of Public Meeting Committee (Report No: 38/10)*

Public consultation on the Residential Coastal and Residential Foreshore Zones and Miscellaneous Amendments Development Plan Amendment commenced on 29 January 2010 and will conclude on 9 April 2010. At the conclusion of the consultation process, Council is required to hold a public meeting to give any person who lodged a written submission the opportunity to make a personal submission. The purpose of this report is to seek nominations and endorsement of five (5) Elected Members to form a panel at a public meeting, including a chairperson.

**C090210/703.2**

**That:**

- 1. At the conclusion of the consultation period on the Residential Coastal and Residential Foreshore Zones and Miscellaneous Amendments Development Plan Amendment, Administration invite all persons who have provided a written submission on the draft Amendment requesting to be heard to appear personally before a panel at a public meeting on Wednesday 21 April 2010.**
- 2. Council nominate members to a panel for a public meeting in accordance with Section 25(11)(c) of the Development Act 1993 for the purposes of hearing personal submissions on the Residential Coastal and Residential Foreshore Zones and Miscellaneous Amendments Development Plan Amendment, consisting of a Chairperson and four (4) additional Elected Members representing each Ward.**
- 3. The panel for the public meeting be comprised of the following Members [Council to nominate]:**  
**Councillor van Camp as Chairperson;**  
**Councillor Fisk representing the Glenelg Ward;**  
**Councillor Bouchée representing the Somerton Ward;**  
**Councillor Norton representing the Brighton Ward; and**  
**Councillor Huckstepp representing the Seacliff Ward.**
- 4. Persons wishing to be heard by the panel at the public meeting be allowed five (5) minutes to make a personal submission before the**

**panel.***13.7.3 Request for Funds to Defend Appeals Before the Environment, Resources and Development Court (Report No: 39/10)*

Council has received notice of two appeals lodged with the Environment, Resources and Development Court against decisions of the Development Assessment Panel made on 28 October 2009 and 25 November 2009. In accordance with a previous Council resolution, prior permission is sought for the expenditure of funds to resource a proper defence of each decision.

**C090210/703.3**

**That the Committee recommends that Council Administration is permitted to expend funds to resource the proper defence of the appeals described in Attachment 1 to this report lodged with the Environment, Resources and Development Court against decisions of the City of Holdfast Bay Development Assessment Panel.**

*13.7.4 R Building Fire Safety Committee – Appointment of Member (Report No: 40/10)*

Council's current Building Fire Safety Committee was re-appointed by Council on 12 August 2008 for a period of three years until 12 December 2011. This report seeks Council's endorsement for the appointment of a new member to the City of Holdfast Bay Building Fire Safety Committee in the form of an new appointee of the Chief Officer of the SA Metropolitan Fire Service, Mr Andy Sharrad, to replace the current appointee, Mr Adrian Wellman.

**C090210/703.4**

**That the Committee recommends to Council that Mr Andy Sharrad being a person who is nominated by the Chief Officer of the SA Metropolitan Fire Service be appointed as a member to the City of Holdfast Bay Building Fire Safety Committee pursuant to Section 71(19)(d) of the Development Act 1993.**

**CARRIED****16. Reports of Committees, Subsidiaries and Development Assessment Panel****16.1 Minutes – Development Assessment Panel (Report No: 44/10)**

Council's Development Assessment Panel is established under the Development Act 1993.

The purpose of the panel is to:

- act as a delegate of Council and make decisions on development applications in accordance with the requirements of the Development Act;
- provide advice to Council on trends, issues and other matters relating to planning or development that have become apparent during the assessment of development applications;
- perform other roles, except policy formulation, as assigned by Council;
- consider and report on matters before the Environment, Resources and Development Court as a means to resolving judicial appeals.

The minutes of the Development Assessment Panel meetings held 22 December 2009 and 27 January 2010, are presented to Council for information.

In accordance with its resolution on 27 November 2009, Council is also asked to determine the future of any planning appeal matters should they

eventuate. Elected Members requiring a copy of the Development Assessment Panel Agenda, including reports and/or access to the Development Application files, are asked to contact Council Administration prior to the Council Meeting.

**C090210/704**

**Councillor Lonie moved and Councillor van Camp seconded:**

- 1. That the minutes of the Development Assessment Panel meeting held on 22 December 2009 and 27 January 2010 be received.**
- 2. That should an appeal be lodged with the Environment, Resources and Development Court against the Development Assessment Panel's decision with respect to any of the matters considered by the Panel on 22 December 2009 and 27 January 2010, that Council Administration engages legal assistance to defend the matter.**

**CARRIED**

**Councillor van Camp left the chamber at 7:41pm.**

16.2 Minutes – Jetty Road Mainstreet Management Committee (Report No: 45/10)

The Jetty Road Mainstreet Management Committee (JRMMC) 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 committee's 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 13 January 2010, are attached and presented for Councils' information.

**Councillor van Camp rejoined the chamber at 7:43pm.**

**C090210/705**

**Councillor Lonie moved and Councillor Heysen seconded that the following minutes of the Jetty Road Mainstreet Management Committee held 13 January 2010 be received and the following recommendations numbers 1-13 be noted:**

*Council Street Parking*

- 1. That Council consider changing the loading zones in Cowper Street to exclude Saturdays Sundays and Public Holidays.**

*FOD*

- 2. That the JRMMC were satisfied with the proposed logo designs being presented to the Traders at the information session to be held on 18 January 2010.**

*Manager's Report*

- 3. That the Manager's Report be received and noted.**

**Jetty Road Tree Lighting**

- 4. That the Manager contact both the contractor and the supplier of the tree lighting to ascertain the availability of modifications or additional fittings to the current lights that will enhance the effect of the lighting in the trees .**

5. **That the Committee view a prototype of any future infrastructure prior to purchase.**  
*Mosaic Community Art Project*
6. **That Councillor Heysen representing the Arts Advisory Committee, Ms S McKenzie Mainstreet Manager, Mr G Millar Manager Community Development and Ms S Jones, JRMMC develop a project brief, timeline and budget taking into account any modifications of the design for the purpose of seeking expressions of interest for the overall project management of this Community Arts Project.**
7. **That Ms S McKenzie Mainstreet Manager, Ms S Jones and Ms S Tilley research companies with expertise in streetscape greening and approach them for advice and options on greening the Jetty Road Precinct.**  
*Finance Report*
8. **That the Finance Report be received and noted.**  
*2009 Glenelg Christmas Pageant Debrief Report*
9. **That the Debrief Report prepared by Big Fish Your Pond for the 2009 Glenelg Christmas Pageant be received and noted and that the Manager call a meeting of interested JRMMC Board members to discuss the recommendations made by Big Fish Your Pond for the 2010 Pageant and provide a report at the February Committee meeting.**
10. **The provision of incentives/information to encourage visitors to travel on the Tourist Tram – Mayor Rollond**
11. **That the Manager speak to The Kingdom Advertising for any suggestions they may have regarding the promotion of the Tourist Tram for recommendation at the February meeting.**  
*Review of Parking in Jetty Road*
12. **That Councillor Heysen, Mr J Casburn and Ms S Jones meet with Mr S Hodge to develop a parking plan to present to the JRMMC for approval at the February meeting and subsequently arrange a meeting for the Traders to present this plan for comment and ideas in March.**  
*Sound System along Jetty Road*
13. **That the Manager source three (3) quotes for a new sound system along Jetty Road for the purpose of playing seasonal music with a further option of using it as a PA for Events, the Pageant and Trader promotion and present this information at the February Committee meeting.**

**CARRIED**

## **17. Reports by Officers**

### 17.1 Items in Brief (Report No: 41/10)

Report No: 41/10 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

**C090210/706**

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

**CARRIED**

**17.2 Light Towers – Brighton Football Oval (Report No: 42/10)**

The Brighton Sports and Social Club has lodged plans with Council seeking to replace the four light towers at the Brighton Oval complex. Under the terms of the lease agreement Council's consent as landowner must be sought.

**Councillor Deakin moved and Councillor Huckstepp seconded:**

- 1. That Council, in its capacity as landowner, provides its consent to the Brighton Sports and Social Club to replace the existing light towers with 4 new towers, subject to any necessary Development Act consents, and on the proviso that:
 
  - (a) the Club be responsible for all insurance, indemnities, maintenance and repair costs associated with the lights/towers and associated infrastructure;**
  - (b) the Club be required to remove the towers and make good at the expiry of the lease term, if so required by Council;**
  - (c) contractors/persons undertaking the works must be able to satisfy Council's contracting policies, procedures and guidelines;**
  - (d) the Club and/or their contractors provide copies of the final building plans, indicating where any buried infrastructure lies and copies of any applicable manuals;**
  - (e) that (a) Certificate of Compliance document(s) in relation to the works (to be) undertaken be provided to Council once the works have been completed.****
- 2. That the Club's request for a Council contribution of \$20,000 towards the cost of the towers be included in the 2010/2011 budget.**

**AMENDMENT**

**C090210/707**

**Councillor Looker moved and Councillor Fisk seconded:**

- 1. That Council, in its capacity as landowner, provides its consent to the Brighton Sports and Social Club to replace the existing light towers with 4 new towers, subject to any necessary Development Act consents, and on the proviso that:
 
  - (a) the Club be responsible for all insurance, indemnities, maintenance and repair costs associated with the lights/towers and associated infrastructure;**
  - (b) the Club be required to remove the towers and make good at the expiry of the lease term, if so required by Council;**
  - (c) contractors/persons undertaking the works must be able to satisfy Council's contracting policies, procedures and guidelines;**
  - (d) the Club and/or their contractors provide copies of the final building plans, indicating where any buried infrastructure lies and copies of any applicable manuals;****

- (e) that (a) Certificate of Compliance document(s) in relation to the works (to be) undertaken be provided to Council once the works have been completed.
2. That the Club's request for a Council contribution of \$20,000 towards the cost of the towers be provided from the 2009/10 budget.

**THE AMENDMENT ON BEING PUT WAS CARRIED**

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

#### **18. 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.

#### **19. Urgent Business – Subject to the Leave of the Meeting**

##### 19.1 Nomination in the Channel 9 Young Achievers Awards

Councillor van Camp commended Mr J Tyndall, Coast and Biodiversity Projects Officer, on his nomination in the Channel 9 Young Achievers Award for an Environmental Activity.

##### 19.2 Carter House Garden, Kingston Park

Councillor van Camp also noted that the Carter House Garden, Kingston Park has received national recognition and an award for its sustainable garden and commended Councillor Bouchée's chairing of the community group responsible for the work.

##### 19.3 Management of Real Assets

**C090210/708**

**Councillor Fisk moved and Councillor Heysen seconded that Administration prepare a report on the recommended processes dealing with managing real asset matters and disposal of property rights, presenting options for Council's consideration.**

**CARRIED**

##### 19.4 Purchase of Sculpture

**C090210/709**

**Councillor Norton moved and Councillor Bouchée seconded that Council purchase a sculpture from the Adelaide Airport Brighton Jetty Sculpture Exhibition at the cost of \$6,500 on the basis of paying a deposit of \$1,000 now, with the remainder paid after 1 July 2010 for display on the Esplanade.**

**CARRIED**

**Councillor Heysen generously offered to purchase "The Great Water Explorer" to the value of \$6,500 for installation in the Coast Park Project. Council agreed to this and in recognition a plaque will acknowledge the generous donation by Councillor Heysen.**

**Councillor Lonie left the chamber at 8:16pm.**

**20. Items in Confidence**

20.1 Council Street Litter Bin Collection (Report No: 46/10)

This item has been withdrawn at the request of Administration.

**Councillor Lonie rejoined the chamber at 8:19pm.**

20.2 Sub Lease – Broadway Kiosk (Report No: 47/10)

Council Officers Remaining: Mr J Lynch, Mr S Hodge, Mr A Marroncelli, Mr I Walker and Ms P Aukett

**C090210/710**

**Councillor van Camp 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**

Sub Lease – Broadway Kiosk (Report No: 47/10)

**ORDER TO RETAIN DOCUMENTS IN CONFIDENCE**

**C090210/712**

**Councillor Lonie moved and Councillor Fisk 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: 47/10 with the exception of Resolution No: C090210/710 for going into confidence be kept confidential and not available for public inspection until the people have been informed and the documents have been executed 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 2011 by the Council.**

**CARRIED**

20.3 Matters concerning the operation of ISBEC – verbal report



Council Officers Remaining: Mr J Lynch, Mr S Hodge, Mr A Marroncelli, Mr I Walker and Ms P Aukett

**C090210/713**

**Councillor Crutchett moved and Councillor Bouchée 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**

Matters concerning the operation of ISBEC – Verbal Report

**ORDER TO RETAIN DOCUMENTS IN CONFIDENCE**

**C090210/714**

**Councillor Crutchett moved and Councillor Heysen 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 Matters concerning the operation of ISBEC – Verbal Report with the exception of Resolution No: C090210/714 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 2011 by the Council.**

**CARRIED**

**21. Resumption**

**C090210/715**

**Councillor Lonie moved and Councillor van Camp seconded that Council resume as an open meeting of Council at 8:36pm.**

**CARRIED**

**22. Closure**

The Meeting closed at 8:36pm.

**CONFIRMED      Tuesday 23 February 2010**

**MAYOR**