

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 8 February 2011 at 7:00pm.

PRESENT

His Worship the Mayor	A K Rollond
Deputy Mayor	R A Clancy
Councillor	R M Bouchée
Councillor	P W Dixon
Councillor	K M Donaldson
Councillor	L R Fisk
Councillor	J D Huckstepp
Councillor	S C Lonie
Councillor	T D Looker
Councillor	S Patterson
Councillor	R C Patton
Councillor	A P Roe
Councillor	L J Yates
Chief Executive Officer	J P Lynch
General Manager Alwyndor Aged Care	G Potter
General Manager City Assets	S G Hodge
Acting General Manager City Services	P E Aukett
General Manager Corporate Services	I S Walker
Acting Manager Governance & Policy	G Nankervis
Manager Development Assessment	A Marroncelli

1. Opening

His Worship the Mayor declared the meeting open at 7:03pm.

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 Nil

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

C080211/072

Councillor Huckstepp moved and Councillor Lonie seconded that the minutes of the Ordinary Meeting of Council held on 18 January 2011 be taken as read and confirmed.

CARRIED**8. Questions by Members**

8.1 Without Notice

8.1.1 Proposed Development by Makris Group at Glenelg North.

Councillor Bouchée asked a question regarding a proposed development by the Makris Group in Glenelg North.

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

8.2 With Notice Nil

9. Member's Activity Reports Nil**10. Public Presentations**

10.1 Petitions Nil

10.2 Presentations

10.2.1 Bay Bar Dos Restaurant

Mr Tony Bobridge did not make a presentation.

10.2.2 Glenelg Oval Lighting Upgrade

Mr John Luker, representing concerned residence regarding the proposed lighting upgrade to Glenelg Oval.

Debra Panizzon representing concerned residence west of Brighton Road regarding the proposed lighting upgrade to Glenelg Oval.

10.3 Deputations Nil

11. Motions on Notice

11.1 Line Marking – Boundary Road

In accordance with his notice:

C080211/073

Councillor Looker moved and Council Patterson seconded that the line marking in Boundary Road west of Walkers Road be amended to effectively shift one car park space from the southern side to the northern side.

CARRIED

Background

Council approved line marking in Boundary Road to ensure there were no choke points. An error in line marking has resulted in the possibility of two cars being parked opposite each other causing a road blockage.

This can be simply rectified by extending the yellow line on the southern side to remove that car park space and relocating the car park space to the northern side. This would clear the choke point caused by the error and double an existing car park space on the north side.

11.2 Elected Member Training and Development Policy – Inclusion of new Clause

In accordance with her notice:

Councillor Yates moved and Councillor Dixon seconded that effective immediately, the “Elected Member Training and Development Policy” be amended to include after clause 2.1.7.a, an additional clause that states "Council may approve attendance at further conferences during the period in accordance with 2.1.7.a, above, if satisfied that the conference is of direct relevance to Council".

LOST

Background

During the year a number of conferences are offered that may be of relevance to Council. By restricting attendance to one conference every two years Council may miss opportunity to gain beneficial information for our future. The addition of this clause will provide Council with necessary flexibility of its policy. It is especially relevant when an Elected Member is also acting as a representative for Council on an External Body such as the Murray Darling Association that regularly holds interstate conferences. It would allow attendance to be selected not by the date of the conference but by whether its content is relevant to Council interests.

12. Adjourned Matters

Nil

The Chairman referred the meeting to Item 14.2 in the Council agenda and the item was considered immediately.

14.2 Proposed Upgrade of Lighting Towers at Glenelg Oval (Report No: 42/11)

Councillor Patterson declared a perceived conflict of interest due to his employment and left chamber at 7:27pm

Council has been approached by the Glenelg Football Club with a proposal to upgrade the lighting towers at Glenelg Oval to a standard which will allow the SANFL to program night games of Australian Rules football at the ground. The current lights are suitable for night training, but inadequate for night games.

Under the terms of the lease/licence agreement, Council's consent as landowner must be sought.

Councillor Huckstepp moved and Councillor Donaldson seconded:

1. **That Council, in its capacity as land-owner, provides its consent to the Glenelg Football Club and Glenelg Footballers Club to replace the existing light towers with 4 new towers, subject to any necessary Development Act consents or appeal rights, and on the condition that:**
 - (a) **The Clubs are responsible for all insurance, indemnities, maintenance and repair costs associated with the lights/towers and associated infrastructure;**
 - (b) **The Clubs are required to remove the towers and make good at the expiry of the lease term, if so required by Council;**
 - (c) **Contractors undertaking the works must be able to satisfy Council's contracting policies, procedures and guidelines;**
 - (d) **The Clubs provide copies of the final building plans, indicating where any buried infrastructure lies and copies of any applicable manuals;**
 - (e) **Certificate of Compliance documentation in relation to the works undertaken is to be provided to Council once the works have been completed;**
2. **Further, a Deed of Variation be prepared by Council's solicitors, at the cost of the Glenelg Football Club and Glenelg Footballers Club, to vary the terms of the existing lease/licence agreement to give effect to the following:**
 - (a) **SANFL night matches which are programmed to be played at Glenelg Oval must conclude no later than 10.10pm, at which time the illumination from the light towers is to be reduced to ensure that light spill on the surrounding neighbourhood is minimised (and does not exceed the relevant Australian Standard after this time);**
 - (b) **The Glenelg Football Club develops and implements a Security Management Plan specific to night football, including the deployment of additional security personnel on those occasions when night matches have been programmed, to the satisfaction of the City of Holdfast Bay and in accordance with its liquor licence conditions**

- (c) The Glenelg Football Club bears the costs of any temporary, or other long term/permanent, controls installed by the City of Holdfast Bay aimed at limiting the impacts to residents (including, but not limited to, measures or controls to limit and enforce the amount of on-street parking in residential streets on those nights that SANFL night matches are programmed to occur); and
- (d) The Glenelg Football Club develops and implements a litter management plan for the surrounding neighbourhood on those occasions when night matches have been programmed to the satisfaction of the City of Holdfast Bay.
- (e) That the laneway onto Williams Avenue and Short Avenue include improved lighting from the Club

AMENDMENT

C080211/074

Councillor Looker moved and Councillor Roe seconded

1. That Council, in its capacity as land-owner, provides its consent to the Glenelg Football Club and Glenelg Footballers Club to replace the existing light towers with 4 new towers, subject to any necessary Development Act consents or appeal rights, and on the condition that:
 - (a) The Clubs are responsible for all insurance, indemnities, maintenance and repair costs associated with the lights/towers and associated infrastructure;
 - (b) The Clubs are required to remove the towers and make good at the expiry of the lease term, if so required by Council;
 - (c) Contractors undertaking the works must be able to satisfy Council's contracting policies, procedures and guidelines;
 - (d) The Clubs provide copies of the final building plans, indicating where any buried infrastructure lies and copies of any applicable manuals;
 - (e) Certificate of Compliance documentation in relation to the works undertaken is to be provided to Council once the works have been completed;
- 2 Further, a Deed of Variation be prepared by Council's solicitors, at the cost of the Glenelg Football Club and Glenelg Footballers Club, to vary the terms of the existing lease/licence agreement to give effect to the following:
 - (a) SANFL night matches which are programmed to be played at Glenelg Oval must conclude no later than 10.10pm, at which time the illumination from the light towers is to be reduced to ensure that light spill on the surrounding neighbourhood is minimised (and does not exceed the relevant Australian Standard after this time);

- (b) **The Glenelg Football Club develops and implements a Security Management Plan specific to night football, including the deployment of additional security personnel on those occasions when night matches have been programmed, to the satisfaction of the City of Holdfast Bay and in accordance with its liquor licence conditions**
- (c) **The Glenelg Football Club bears the costs of any temporary, or other long term/permanent, controls installed by the City of Holdfast Bay aimed at limiting the impacts to residents (including , but not limited to, measures or controls to limit and enforce the amount of on-street parking in residential streets on those nights that SANFL night matches are programmed to occur); and**
- (d) **That the Glenelg Football Club develops and implements a litter management plan for the oval and surrounding neighbourhood at the cost of the club on those occasions when SANFL matches have been programmed to the satisfaction of the City of Holdfast Bay.**
- (e) **That the laneway onto Williams Avenue and Short Avenue include improved lighting from the Club**
- (f) **That the Glenelg Footballers Club obtains a variation from the Office of the Liquor and Gambling Commissioner amending its license conditions so ‘that ALL external points of sale bar areas cease serving alcohol by 10:10pm or final siren which ever is the earliest.**

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

Councillor Bouchée called for a division

Voting For

Councillor Dixon
Councillor Patton
Councillor Looker
Councillor Clancy
Councillor Donaldson
Councillor Lonie
Councillor Roe
Councillor Huckstepp
Councillor Yates

Voting Against

Councillor Bouchée
Councillor Looker
Councillor Fisk

THE CHAIRPERSON DECLARED THE MOTION CARRIED

FURTHER AMENDMENT

Councillor Bouchée moved

- 1 **That Council, in its capacity as land-owner, provides its consent to the Glenelg Football Club and Glenelg Footballers Club to replace the existing light towers with 4 new towers, subject to any necessary Development Act consents or appeal rights, and on the condition that:**

- (a) The Clubs are responsible for all insurance, indemnities, maintenance and repair costs associated with the lights/towers and associated infrastructure;
 - (b) The Clubs are required to remove the towers and make good at the expiry of the lease term, if so required by Council;
 - (c) Contractors undertaking the works must be able to satisfy Councils contracting policies, procedures and guidelines;
 - (d) The Clubs provide copies of the final building plans, indicating where any buried infrastructure lies and copies of any applicable manuals;
 - (e) Certificate of Compliance documentation in relation to the works undertaken is to be provided to Council once the works have been completed;
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- (a) SANFL night matches which are programmed to be played at Glenelg Oval must conclude no later than 10.10pm, at which time the illumination from the light towers is to be reduced to ensure that light spill on the surrounding neighbourhood is minimised (and does not exceed the relevant Australian Standard after this time);
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 - (c) The Glenelg Football Club bears the costs of any temporary, or other long term/permanent, controls installed by the City of Holdfast Bay aimed at limiting the impacts to residents (including , but not limited to, measures or controls to limit and enforce the amount of on-street parking in residential streets on those nights that SANFL night matches are programmed to occur); and
 - (d) That the Glenelg Football Club develops and implements a litter management plan for the oval and surrounding neighbourhood at the cost of the club on those occasions when SANFL matches have been programmed to the satisfaction of the City of Holdfast Bay.
 - (e) That the laneway onto Williams Avenue and Short Avenue include improved lighting from the Club

- (f) That the Glenelg Footballers Club obtains a variation from the Office of the Liquor and Gambling Commissioner amending its license conditions so 'that ALL external points of sale bar areas cease serving alcohol by 10:10pm or final siren which ever is the earliest.
- (g) That the Development Assessment Panel conditions 7, 8 and 10 as follows be included in the Deed of Variation:
- 7 That the lights operate at training mode only during all night training times.
 - 8 That the lights are not operated greater than training mode more than five (5) nights per calendar year.
 - 9 That a Certificate of Compliance with AS2560.2.3. and AS 4282 are provided to Council prior to operation.

THE MOTION LAPSED THROUGH WANT OF A SECONDER

FURTHER MOTION

Councillor Bouchée moved and Councillor Yates seconded that after a period of 12 months from the commencement of the operation of lights a review be undertaken associated with the budget, infrastructure and operations in relation to residents and the football club.

LOST 5/6

Councillor Patterson returned to the chamber at 8:01pm

13. Reports of Management Committees, Subsidiaries and the Development Assessment Panel

13.1 Minutes – Jetty Road Mainstreet Management Committee (Report No: 38/11)

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

The Minutes of the Jetty Road Mainstreet Management Committee meeting held 12 January 2011, are attached and presented for Council's information.

C080211/075

Councillor Fisk moved and Councillor Patton seconded that the following minutes of the Jetty Road Mainstreet Management Committee held 12 January 2011 be received and the following recommendations numbered 1 - 6 be noted.

Election of Chairman

1. That Bruce Grindlay be elected as Chairman of the Jetty Road Mainstreet Management Committee.
2. That Greg Digance be elected as Deputy Chairman of the Jetty Road Mainstreet Management Committee.

Managers Report

3. That the Manager's Report (Report No: 01/11) be received and noted.

*Finance Report***4. That the Finance Report be received and noted.**

2010 Beachouse Glenelg Christmas Pageant Debrief report from Big Fish Your Pond.

5. That a focus group be formed to analyse the Pageant Debrief and provide recommendations at the February/March 2011 JRMMC meeting. The Focus Group to consist of Mayor Rollond, Mr D Foy, Mrs G Higgins the JRMMC Manager and JRMMC Administrative Assistant.

8th National Mainstreet Conference 1 – 4 May 2011 Sponsorship Report (Report No: 05/11)

6. That the Jetty Road Mainstreet Management Committee sponsor the Conference Dinner of the 8th National Mainstreet Conference at a cost of \$5000 subject to the two additional Conference Packages being included.

CARRIED

13.2 Minutes – Audit Committee (Report No: 39/11)

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

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

The minutes of the Audit Committee meeting held 19 January 2011, are presented and submitted for Council for information and endorsement, noting in particular the Committee's recommendations presented below for endorsement.

C080211/076

Councillor Looker moved and Councillor Roe seconded that the minutes of the Audit Committee meeting held 19 January 2011 be received and recommendations numbered 1 - 8 endorsed by Council:

Standing Items (Report No:23 /11)

- 1. 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**
 - **Economy and efficiency audits**

Budget Review 1 – For 2010/11 (Report No: 24/11)

2. **That the Committee advise Council that it has considered Budget Review 1 for 2010/11.**

Actions Arising from Audit of 2009/10 Financial Statements (Report No: 25/11)

3. **That the minutes record that:**
 1. **The external auditor, in its letter to the Mayor dated 21 October 2010, stated “[we] are satisfied that Council’s Audit Committee has addressed all of its prescribed functions as outlined in Section 126(4) of the [Local Government] Act.”**
 2. **Administration will address the item raised in the external auditor’s letter to the Mayor dated 6 December 2010, namely the “trend within the industry for additional and consistently applied processes of independent checking of transactions between Council employees and the Council itself”.**

Long Term Financial Plan Revision (Report No: 26/11)

4. **That the Audit Committee advise Council that it has considered the process for revising the current long term financial plan and asset management plan.**

External Audit (Report No: 28/11)

5. **That:**
 1. **The Audit Committee notes that, consistent with the principle of good governance, it is contemporary practice for organisations to periodically change external auditor**
 2. **The Audit Committee recommends that Council adopts the tender process outlined in Report No: 28/11 to appoint an external auditor for a 5-year term as from 1 July 2011 (noting the change in tender date from 18 February 2011 to 11 March 2011 through inviting tenders from the following selected auditors:**
 - a. **Bentleys**
 - b. **Deloitte Touche Tohmatsu**
 - c. **Edwards Marshall**
 - d. **Galpin, Engler, Bruins & Dempsey**
 - e. **HLB Mann Judd**
 - f. **Ian McDonald**
 - g. **KPMG**
 - h. **PKF**
 - i. **UHY Haines Norton**

Internal Audit Update (Report No: 29/11)

6. **That Administration provide a report on actions being undertaken in relation to recommendations raised by the internal auditor in respect of the Brighton Caravan Park.**

2011 Committee Work Program (Report No: 30/11)

7. **That:**

1. **the Committee adopts the following meeting schedule (subject to additional meetings being called if required):**

- **Wednesday 16 March 2011**
- **Wednesday 27 April 2011**
- **Wednesday 15 June 2011**
- **Wednesday 17 August 2011**
- **Wednesday 5 October 2011**
- **Wednesday 7 December 2011**

the work program outlined in Report No:30/11 be adopted.

Operations of the Audit Committee for the Year 2010 (Report No: 27/11)

8. **That the Committee's annual report for 2010 as contained in Report No: 27/11 be presented to Council with minor agreed amendments.**

CARRIED

- 13.3 Minutes – Western Region Waste Management Authority Ordinary Board Meeting, 16 September 2010 (Report No: 40/11)

The Western Region Waste Management Authority (WRWMA) is a regional subsidiary under Section 43 the Local Government Act 1999 by the Constituent Councils (Cities of Charles Sturt, West Torrens, Port Adelaide Enfield and Holdfast Bay).

Western Region Waste Management Authority was established to:

- Manage the joint interests of the Constituent Councils in relation to the Garden island landfill site;
- Undertake all manner of things relating to and incidental to the management function of the Authority;
- Provide a forum for the discussion and consideration of issues related to the joint obligations and responsibilities of the Constituent Councils in respect of the Garden Island landfill site.

The minutes of the Western Region Waste Management Authority Ordinary Board Meeting held 20 January 2011, are attached and submitted to Council for information.

C080211/077

Councillor Bouchée moved and Councillor Huckstepp seconded that the minutes of the Western Region Waste Management Authority Board Meeting held 20 January 2011 be received and noted.

CARRIED

14. Reports by Officers

14.1 Items in Brief (Report No: 41/11)

Report No: 41/11 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

C080211/078 Councillor Lonie moved and Councillor Roe seconded that the report be noted and items of interest be discussed.

CARRIED

14.3 Audit Committee Report to Council (Report No: 43/11)

Pursuant to its Terms of Reference the Audit Committee has reviewed its performance and presents its Annual Report to Council.

C080211/079 Councillor Looker moved and Councillor Lonie seconded that the Audit Committee Report to Council for the 2010 year contained at Attachment 1 be received.

CARRIED

14.4 Elected Member Training Request – New Council Members’ Residential Seminar (Report No: 44/11)

Elected Members have expressed an interest in attending the New Council Members’ Residential Seminar course to be held by the Local Government Association on 25 and 26 February 2011.

C080211/080 Councillor Clancy moved and Councillor Lonie seconded that Council approves the attendance of Councillor Yates and Councillor Roe at the New Council Members’ Residential Seminar being held on 25 and 26 February 2011 at the Mawson Lakes Hotel and Function Centre.

CARRIED

15. 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.

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

Nil

17. Items in Confidence

C080211/081 Councillor Yates moved and Councillor Fisk seconded

- 1. That council moves consideration of the Confidential Report No: 45/11 to the Community and Visitors Committee, in order for it to be discussed at the end of the meeting and so minimise inconvenience to any members of the public.**
- 2. For the purposes of resolving the matters considered by the Confidential Report No: 45/11 Council delegates the Community and Visitors Committee with the power to make a decision in the matters canvassed by the report.**

CARRIED

C080211/082**Councillor Yates moved and Councillor Fisk seconded**

1. That council moves consideration of the Confidential Report No: 35/11 to the Community and Visitors Committee, in order for it to be discussed at the end of the meeting and so minimise inconvenience to any members of the public.
2. For the purposes of resolving the matters considered by the Confidential Report No: 35/11 Council delegates the Community and Visitors Committee with the power to make a decision in the matters canvassed by the report.

CARRIED**C080211/083****Councillor Yates moved and Councillor Fisk seconded**

1. That council moves consideration of the Confidential Report No: 36/11 to the Community and Visitors Committee, in order for it to be discussed at the end of the meeting and so minimise inconvenience to any members of the public.
2. For the purposes of resolving the matters considered by the Confidential Report No: 36/11 Council delegates the Community and Visitors Committee with the power to make a decision in the matters canvassed by the report.

CARRIED**C08011/084****Councillor Yates moved and Councillor Fisk seconded**

1. That council moves consideration of the Confidential Report No: 51/11 to the Community and Visitors Committee, in order for it to be discussed at the end of the meeting and so minimise inconvenience to any members of the public.
2. For the purposes of resolving the matters considered by the Confidential Report No: 51/11 Council delegates the Community and Visitors Committee with the power to make a decision in the matters canvassed by the report.

CARRIED**C080211/085****Councillor Yates moved and Councillor Fisk seconded**

1. That council moves consideration of the Confidential Report No: 53/11 to the Community and Visitors Committee, in order for it to be discussed at the end of the meeting and so minimise inconvenience to any members of the public.
2. For the purposes of resolving the matters considered by the Confidential Report No: 53/11 Council delegates the Community and Visitors Committee with the power to make a decision in the matters canvassed by the report.

CARRIED**18. Closure**

The Meeting closed at 8.20pm.

CONFIRMED Tuesday 22 February 2011**MAYOR**