

CITY OF HOLDFAST BAY

Minutes of the Ordinary Meeting of Council of the City of Holdfast Bay held in the Kingston Room, Civic Centre, 24 Jetty Road, Brighton, on Tuesday 8 May 2007 at 7:00pm.

PRESENT

His Worship the Mayor
Deputy Mayor
Councillors

A K Rollond
R A Clancy
R D Beh – 7:05pm
R M Bouchée
P N Crutchett
J L Deakin
L R Fisk
J D Huckstepp
S C Lonie – 7:11pm
T D Looker
A C Norton
L van Camp
C E Umaphysivam
C A Sheffield
R A Thomas
I S Walker

Acting Chief Executive Officer
General Manager Environment and Engineering
General Manager Strategy and Development
Executive Manager Finance and Corporate

1. OPENING

His Worship the Mayor, declared the meeting open with prayer and an acknowledgement of Kaurna Traditional Owners at 7:00pm.

2. APOLOGIES**2.1 For Absence**

2.2 Leave of Absence Councillor P D H Heysen

3. PRESENTATION**4. CONFIRMATION OF MINUTES**

Councillor Clancy moved and Councillor Crutchett seconded that the minutes of the Ordinary Meeting of Council held on 24 April 2007 be taken as read and confirmed.

CARRIED

5. QUESTIONS BY MEMBERS**5.1 Without Notice****5.1.1 Letter to Manson Towers**

Councillor Crutchett asked a question regarding the letter to Manson Towers and the Council contribution to the boundary fence.

General Manager Environment and Engineering provided a response.

5.1.2 Tanked Up

Councillor Crutchett asked a question about the launch/celebration of the Water Tank, noting it has already received advertising and media coverage. Why are we outlaying funds for a further event located in the rear car park of the Brighton Civic Centre?

Acting Chief Executive Officer took this question on notice.

5.1.3 New Year's Eve Sponsorship

Councillor Crutchett asked a question on the progress regarding sponsorship for the New Year's Eve celebrations.

General Manager Strategy and Development provided a response.

Councillor Bouchée asked a question regarding the 2007/2008 Budget being finalised and the impact the failure to find a sponsor will have on it. Councillor Bouchée also asked about a timeframe for the provision of further information.

General Manager Strategy and Development provided a response.

5.1.4 Itemised breakdown of expenditure – Contracts/Consultants

Councillor Bouchée asked a question about the provision of the answer to the question requesting the itemised breakdown of expenditure – Contracts/Consultants as the answer was distributed as a memo rather than being included in the Council Agenda for public record.

Executive Manager Finance and Corporate provided a response.

5.2 With Notice

5.2.1 Location of Delegations

In accordance with her notice Councillor Bouchée asked the following question:

Could Administration please locate or guide me to the following delegations:

- Delegation to request Legal Advice in relation to Planning Issues
- Delegation to request Legal Advice in relation to Regulatory Services and
- Delegation to request Legal Advice on other issues (i.e. Council motions/staff issues/Administration issues/leases etc)

Chief Executive Officer response.

The seeking of legal advice by the CEO or other staff occurs through the exercise of the delegated and sub-delegated powers to expend budget funds in the fulfilment of those officers' Local Government Act Section 99(1) duties.

In the recently issued draft Delegations to Chief Executive Officer document, due for Council consideration on 8 May, Delegation No. 34 located at Appendix 12, page 17, confirms authority to expend approved budget funds. An equivalent delegation exists in the current Delegations Manual (Section 1, Number 32).

Section 99(1) of the Local Government Act sets out the role of the Chief Executive Officer (CEO), including ensuring lawful decisions are implemented, responsibility for day to day operations and affairs, advice and reports on the exercise and performance of the Council's powers and functions, and management of assets and resources. Through Position Descriptions these duties are also the responsibility of other staff employed by the Council.

The CEO sub-delegates (as one of many sub-delegations) the power to expend funds, aligned with budget provisions, to various officers, by both sub-delegation "instrument" (held in a sub-delegations manual), and by separate delegation using a 'schedule' of maximum expenditure authorisation. Those sub-delegations are generally limited to the General Managers and (with limitations) most of the Business Unit Managers, and they are considered carefully before renewal each year as part of the delegations review cycle.

The combination of Local Government Act provisions, budget provisions and the delegations of power hierarchy enables relevant staff to obtain legal advice as and when required.

5.2.2 Fringe Benefit Tax liability per Employee

In accordance with his notice Councillor Fisk asked the following question:

Can Administration please provide a spreadsheet of the Fringe Benefit Tax liability per employee stating the FBT amount and the reason, on a monthly basis for the last 18 months.

Background

We are approaching budget deliberations time and this report would be helpful to establish some of the standard FBT costs.

This report should already be available as it is required for payment of the FBT liability.

Executive Manager Finance and Corporate response.

This information will be provided as part of the 2007/08 budget deliberations.

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| 6. | REPORTS BY DELEGATES OR REPRESENTATIVES | Nil |
| 7. | PETITIONS AND DEPUTATIONS | Nil |
| 8. | NOTICES OF MOTION | |

8.1.1 Low cost initiatives to benefit residents of Holdfast Bay

In accordance with his notice:

C080507/146 Councillor Deakin moved and Councillor Norton seconded that Council canvas its Members and Staff in order to prepare a report for deliberation on possible low cost initiatives that might deliver benefits to the residents of Holdfast Bay that exceed those enjoyed by non-residents of the City.

CARRIED

Background

This motion flows from the indications of support received at the last meeting when Council discussed a parking issue in Cedar Ave.

- Possible benefits that could be investigated might be?
- Ratepayer exemptions from parking restrictions.
- Possible extensions of paid parking times for residents.
- Discounts on the use of Council infrastructure for residents.
- Accelerated development assessment for residents.

9. ADJOURNMENT (TO ENABLE PERMANENT COMMITTEES TO MEET) (7:13PM)

Councillor Clancy moved and Councillor Fisk seconded that Council stand adjourned to enable the permanent Social and Organisation and Strategy and Development Committees to meet.

CARRIED

10. RESUMPTION

Councillor Fisk moved and Councillor Beh seconded that Council resume at 8:48pm.

CARRIED

11. COMMITTEE RECOMMENDATIONS FOR CONSIDERATION**11.1 Social and Organisation Committee**

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

Councillor Clancy moved and Councillor Crutchett seconded that the report of the Social and Organisation Committee be received, and the agenda documents and approved recommendations be received and tabled, together with the additional recommendations from the meeting, and the recommendations be adopted.

CARRIED

11.2 Strategy and Development Committee

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

Councillor Crutchett moved and Councillor Bouchée seconded that the report of the Strategy and Development Committee be received, and the agenda documents and approved recommendations be received and tabled, together with the additional recommendations from the meeting, and the recommendations be adopted.

CARRIED

12. REPORTS OF ADVISORY COMMITTEES AND/OR SUB-COMMITTEES

Jetty Road Mainstreet Board Meeting held 11 April 2007.

C080507/147 Councillor Clancy moved and Councillor Deakin seconded that the minutes of this committee be received.

CARRIED

13. REPORTS OF REGIONAL SUBSIDIARIES

Nil

14. REPORTS BY OFFICERS**14.1 Items in Brief (Report No: 213/07)**

Report No: 213/07 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

C080507/148 Councillor Crutchett moved and Councillor Bouchée seconded that the report be noted and items of interest be discussed.

CARRIED

14.1.1 The establishment of uniform State Government Regions

C080507/149 Councillor Crutchett moved and Councillor Bouchée seconded that Council write to the State Government objecting to the imposition of regional groupings which do not recognise the:

- **Economic;**
- **Social;**
- **Income; and**
- **Environmental**

features of the City of Holdfast Bay.

CARRIED

14.2 Maintaining Salary Cost Increases at CPI Indexation (Report No: 192/07)

This report, sought by Council, presents a discussion of facts, trends and issues, addressing the implications of increasing Council's wage and salary costs at CPI indexation. Neither recent patterns nor future trends suggest that indexation of wage and salary costs at CPI is realistically achievable without major changes to the capacity, quality and/or nature of Council's services and projects delivery strategies.

It is appropriate that the concept of shared services be investigated as a means of reducing the impact of wage and salary pressures on Council's operating costs.

C080507/150 Councillor Deakin moved and Councillor Fisk seconded:

- 1. That Report Number 192/07 be received.**
- 2. That Administration report further on the relevance and implications of the shared services approach to service and project delivery for the City of Holdfast Bay.**

CARRIED

Councillor Lonie left the meeting at 8:56pm.

Councillor Lonie rejoined the meeting at 9:00pm.

Councillor Beh left the meeting at 9:04pm.

Councillor Beh rejoined the meeting at 9:06pm.

**14.3 Community Consultation on 2007/08 Annual Business Plan
(Report No: 200/07)**

Council is required to consult with the community in relation to its Annual Business Plan. This report recommends a strategy to engage with its community in a meaningful and productive manner.

C080507/151 Councillor Crutchett moved and Councillor Deakin seconded:

That Council adopt the following community consultation on the 2007/08 Draft Annual Business Plan:

- a. **A community information session to be held at the Brighton Civic Centre on the evening of Wednesday 6 June 2007;**
- b. **An opportunity for members of the community to provide written submissions when advertised on or before 12 June 2007; and**
- c. **An opportunity for members of the community to make a representation to Council at its meeting on 12 June 2007.**

The notification of the community consultation program for the 2007/08 Draft Annual Business Plan be undertaken as follows:

- a. **Notices published in the Guardian Messenger newspaper on 16 and 23 May 2007;**
- b. **A media release from His Worship the Mayor;**
- c. **Notices on display at the Brighton Civic Centre, and the Brighton and Glenelg Libraries; and**
- d. **On Council's website including the 2007/08 Draft Annual Business Plan for download.**

CARRIED

14.4 Assignment of Lease – La Vecchia Roma Restaurant (Report No: 203/07)

Correspondence has been received from the operator of La Vecchia Roma Restaurant advising that the business has been sold, subject to Council's consent to assign the lease to the purchaser. The proposed date of settlement is 21 May 2007.

C080507/152 Councillor Fisk moved and Councillor Clancy seconded:

1. That Council notes the sale of the business (conditional upon the assignment of the current lease) to the new operator, Artron International Pty Ltd as Trustee of The Helyard Family Trust.
2. That all outstanding debts and obligations relating to the tenancy are met, at, or prior to, the time of settlement on the sale of the business.
3. That a Deed of Assignment be entered into in terms acceptable to Council which would include provision that the existing tenant and its Guarantors would remain liable for performance of the Lessee's obligations under the Lease for the balance of the term.
4. That Mr & Mrs Helyard enter into a Deed of Guarantee and Indemnity with Council in relation to the due performance by Artron International Pty Ltd of its obligations as Lessee.
5. That His Worship the Mayor and the Chief Executive Officer be authorised to sign and seal any necessary documentation relating to these transactions.

CARRIED**14.5 Glenelg Oval Signage (Report No: 212/07)**

The Economic and Corporate Committee at its meeting held on 27 February 2007 resolved the following:

EC270207/008 That the Committee recommends that Report No: 59/07 be adjourned until other issues are resolved.

This report provides Elected Members with further information in relation to Council's legal obligation to supply and erect informational signage (2 externally illuminated signs) on the Brighton Road frontage to the Glenelg Oval.

C080507/153 Councillor Crutchett moved and Councillor Bouchée seconded that the question lie on the table.**CARRIED****15. URGENT BUSINESS****15.1 Leave of Absence****C080507/154 Councillor Clancy moved and Councillor Beh seconded that Councillors Norton and van Camp be granted a leave of absence for the meeting to be held on Tuesday 22 May 2007.****CARRIED**

15.2 Permission for the Chairman and Manager of the Jetty Road Mainstreet Board to remain for Confidential Item 16.1

C080507/155 Councillor Deakin and Councillor Crutchett seconded that the Manager and Chairperson of Jetty Road Mainstreet Board be allowed to remain for Item 16.1; Considerations to establish Deck Car Parking Facility and additional Toilet Facilities in Glenelg (Report No: 183/07), should this be considered in confidence.
CARRIED

16. ITEMS IN CONFIDENCE

16.1 Considerations to establish Deck Car Parking Facility and additional Toilet Facilities in Glenelg (Report No: 183/07)

C080507/156 Councillor Deakin moved and Councillor Crutchett seconded that Report No: 183/07 be considered in public with the exception of the attached Memorandum dated 27 April 2007 which shall remain confidential on the basis that it deals 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

This resolution will be reviewed on or before 30 June 2008 by the Council.

CARRIED

Considerations to establish Deck Car Parking Facility and additional Toilet Facilities in Glenelg (Report No: 183/07)

On 13 March 2007, Council considered a report outlining issues and budget implications relating to implementation of key strategies arising out of the Jetty Road Urban Design Framework and requested that Administration prepare a further report outlining the range of key strategic and budget considerations involved in building a decked car park to address the parking needs of Jetty Road, Glenelg and a public toilet facility with associated facilities. This report was requested in time for the 2007/08 budget deliberations.

Council also considered a report on 27 February 2007 regarding the sub-lease of the "Coles" toilet facilities in Hindmarsh Street and requested that Administration report on alternate locations for public toilets within the Jetty Road precinct, in conjunction with the Jetty Road Mainstreet Board.

C080507/157 Councillor Crutchett moved and Councillor Bouchée seconded:

- 1. That the attached memo be received.**
- 2. That the report be received in preparation for the 2007/08 financial year.**

3. That Council notes the views of the Jetty Road Glenelg Mainstreet Board in relation to preferred sites for additional public toilet facilities in Glenelg and the Board's proposed funding contribution of \$10,000 for additional facilities in the 2007/08 financial year.
4. That Council consider allocation of funds in the order of \$140,000 for the 2007/08 financial year for new or upgraded public toilet facilities in the Jetty Road Glenelg precinct.
5. That Administration investigate Hindmarsh Lane as a possible location for a new public toilet facility.
6. That, in relation to the potential development of a decked multi storey car parking facility in Glenelg, Council:
 - 6.1 Confirms the need and possible locations for such a facility, based on the outcome of the Stage 1 report of the Car Parking Strategy for Partridge Street and wider Glenelg when available; and
 - 6.2 Confirms as soon as possible whether Stage 2 of the Car Parking Strategy for Partridge Street and wider Glenelg will proceed.
7. That in the event of positive outcomes from 5.1 and 5.2 above, Council considers the allocation of additional funds to secure additional staff or professional resources to project manage and coordinate the future procurement and development process for a multi-deck parking facility in Glenelg.

CARRIED

Councillor Crutchett moved and Councillor Clancy seconded that Council now consider, Items 16.3 and 16.4, as it is proposed that these items will not be dealt with in confidence.

CARRIED

C080507/158 Councillor Crutchett moved and Councillor Bouchée seconded that Report No: 204/07 be considered in public.

CARRIED

16.3 Durham Street Carpark (Report No: 204/07)

This report provides Elected Members with further information in relation to the former Durham Street carpark, as requested at the Council meeting of 10 April 2007 and advises that the owner of the land (Karidis Corporation) has no obligation to provide ongoing carparking at this site.

C080507/159 Councillor Crutchett moved and Councillor Bouchée seconded that the Report No: 204/07 be noted and no further action be taken.

CARRIED

16.4 Broadway Kiosk – Footing Redesign (Report No: 205/07)

This report is provided in response to questions raised by Elected Members concerning the redesign of the footings for the Broadway Kiosk.

- C080507/160** Councillor Crutchett moved and Councillor Bouchée seconded that Report No: 205/07 be considered in public with the exception that Attachment 1 will remain confidential on the basis that it deals with information relating to actual litigation, or litigation that the Council or Council Committee believes on reasonable grounds will take place, involving the Council or an employee of the Council, under Section 90 (2) and 90(3)(i) of the Act.

This resolution will be reviewed on or before 30 June 2008 by the Council.

CARRIED

- C080507/161** Councillor Crutchett moved and Councillor Huckstepp seconded that Report No: 205/07 be noted and Council engage a qualified surveyor to measure the as constructed AHD levels of the footings of the kiosk.

CARRIED

Councillor Beh left the meeting at 9:47pm.

Councillor Bouchée left the meeting at 9:48pm.

Councillor Bouchée rejoined the meeting at 9:48pm.

Councillor Beh rejoined the meeting at 9:49pm.

16.2 Major Event Decision (Report No: 184/07)

Council officers remaining: Mrs Umapathysivam, Mr Walker, Ms Thomas, Mr Millar, Mr Sheffield and Mr Trowbridge.

- C080507/162** Councillor Crutchett moved and Councillor Beh seconded that, pursuant to Section 90(2) and 90(3)(b) of the Local Government Act 1999 the Council order that the public be excluded from attendance at the meeting, with the exception of Council officers and any other visitors permitted to remain, after taking into account the relevant considerations under Section 90(3)(b), on the basis that it will receive, discuss or consider the following:

- information or matter the disclosure of which –
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest.

CARRIED

Councillor Bouchée left the meeting at 9:51pm.

Councillor Bouchée rejoined the meeting at 9:56pm.

Major Event Decision (Report No: 184/07)

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C080507/164 Councillor Clancy moved and Councillor Lonie 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: 184/07 with the exception of Resolution No: C080507/162 for going into confidence be kept confidential and not available for public inspection on the basis that they deal with information the disclosure of which:**
 - (i) **could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and**
 - (ii) **would, on balance, be contrary to the public interest**
under Section 90(2) and 90(3)(b) of the Act
2. **This resolution will be reviewed on or before 30 June 2008 by the Council.**
CARRIED

17. RESUMPTION

Councillor Clancy moved and Councillor Fisk seconded that Council resume as an open meeting of Council at 10:37pm.

CARRIED

18. CLOSURE

The Meeting closed at 10:37pm.

CONFIRMED

Tuesday 22 May 2007

MAYOR