

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 27 November 2007 at 7:05pm.

PRESENT

His Worship the Mayor
Deputy Mayor
Councillors

A K Rollond
R A Clancy
R D Beh
R M Bouchée
P N Crutchett
J L Deakin
L R Fisk
P D H Heysen
J D Huckstepp
S C Lonie
T D Looker
A C Norton
L van Camp
R T Donaldson
S Hodge
C E Umapathysivam
R A Thomas
I S Walker

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

1. OPENING

His Worship the Mayor, declared the meeting open with prayer and acknowledgement of Kaurna Traditional Owners at 7:05pm.

2. APOLOGIES

2.1 For Absence Nil

2.2 Leave of Absence Nil

3. PRESENTATION

3.1 Gift from Chinese Mayoral Delegation

The Chief Executive Officer received on behalf of Council a gift from visiting Chinese Mayors, after giving a presentation on the Holdfast Shores Development.

4. CONFIRMATION OF MINUTES

Councillor Crutchett moved and Councillor Beh seconded that the minutes of the Ordinary Meeting of Council held on 13 November 2007 be taken as read and confirmed.

CARRIED

5. MAYORAL REPORT

From 1 October 2007 to 31 October 2007

Councillor Clancy moved and Councillor Huckstepp seconded that the report be received and noted.

CARRIED

6. QUESTIONS BY MEMBERS

6.1 Without Notice Nil

6.2 With Notice

6.2.1 Broadway Kiosk Official Opening

In accordance with his notice Councillor Crutchett asked the following questions:

1. Was the western footpath near the Broadway Kiosk Fenced off to prevent pedestrian access along the esplanade on Tuesday 20th November 2007 and for what purpose?

Chief Executive Officer's response

Yes. Purpose to be confirmed.

2. What was the function security person and who engaged the security person on Tuesday 20th November 2007?

Chief Executive Officer's response

Yes, understood to have been engaged by the Kiosk Operator and/or launch event organiser.

3. Was entertainment of any type provided to invited guests?

Chief Executive Officer's response

Yes, one person playing electronic keyboard.

4. Did consumption of Liquor occur on the outdoor veranda and footpath area on the western side of the Broadway Kiosk South of the supposedly fenced off area?

Chief Executive Officer's response

Consumption of alcohol was inside the premises and on the covered verandah area between the northern kiosk door and the toilets.

7. REPORTS BY DELEGATES OR REPRESENTATIVES Nil

8. PETITIONS AND DEPUTATIONS**8.1 Deputation by Mission Australia**

Ms Robyn Faulkner, Service Manager, Mission Australia and Mr Daniel Clements made a short presentation to Council regarding the community programs conducted by Mission Australia.

8.2 Deputation by Drug Arm Australia

Ms Carol Gannon, SA Treatment Manager, Drug Arm Australasia made a short presentation to Council regarding the community programs conducted by Drug Arm Australasia.

8.3 Australian Services Union Petition

His Worship the Mayor presented a petition received from the Australian Services Union, on behalf of fifty eight (58) staff members from the City of Holdfast Bay, regarding the negotiations for a new Enterprise Bargaining agreement.

Our petition is:

"We the undersigned indicate our disappointment regarding the position the CEO has adopted throughout the "negotiations" for our Enterprise Agreement.

We believe the CEO's wage offer of 2.1% grossly undervalues staff employed at the City of Holdfast Bay and is nowhere near the industry standard wage increase (4%).

As Mayor of Holdfast Bay City Council we highlight our concerns to you about the difference in staff wages compared to other councils and the impact this will have when recruiting and retaining skilled people at the City of Holdfast Bay. We ask for your support in being given the opportunity to negotiate and secure a fair wage increase."

C271107/376 Councillor Beh moved and Councillor Looker seconded that the Australian Services Union petition be received by Council.

CARRIED

9. NOTICES OF MOTION

9.1 Liquor Licensing Forum

In accordance with his motion:

C271107/377 Councillor Crutchett moved and Councillor Bouchée seconded that Council Management Team arrange a closed forum between the Elected Members and representatives from SA Police, Drug Arm Centre, all licensed Hotels and clubs as identified by Elected Members in the City, Liquor Licensing Commission, State and Federal MP's to be held in late February 2008.

CARRIED

Background

A late February date should allow the Police sufficient time to debrief after the summer period and New Years Eve.

If alcohol and drugs are fuelling anti social behaviour in the city it is important we hear from those organisations who are tasked to handle these issues and not go off on some tangent, unsupported by those in the industry.

The police have previously warned Council that they do not support a non-organised New Years Eve in Glenelg.

9.2 Staff Collective Agreement negotiations

Councillor Looker has given notice that he will move:

Councillor Looker moved and Councillor Bouchée:

- 1. That the Chief Executive Officer note Council's concern about his continuing insistence on staff accepting a "Workchoices" agreement despite them voting against this by a large majority.**
- 2. That the Chief Executive Officer also note that the Council budget provides for pay increases for employees and it expects that the budgeted amount is expended as intended and not withheld.**

Background

While it is recognised that the Chief Executive Officer has authority over staff matters it is appropriate that Council ask the Chief Executive Officer to quickly resolve matters that may undermine morale and possibly affect services. This matter has been going on too long.

It is also appropriate for Council to comment on budgeted expenditure and ensure that savings are not made by failing to pass on budgeted rises to our workers.

C271107/378 Councillor Crutchett moved and Councillor Deakin seconded that the meeting proceed to the next business.

CARRIED

**10. ADJOURNMENT (TO ENABLE PERMANENT COMMITTEES TO MEET)
(7:46PM)**

Councillor Crutchett moved and Councillor Beh seconded that Council stand adjourned to enable the permanent Economic and Corporate and Environment and Engineering Committees to meet.

CARRIED

11. RESUMPTION

Councillor Clancy moved and Councillor Heysen seconded that Council resume at 8:58pm.

CARRIED

12. COMMITTEE RECOMMENDATIONS FOR CONSIDERATION**12.1 Economic and Corporate Committee**

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

Councillor Beh moved and Councillor Fisk 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.**

CARRIED

12.2 Environment and Engineering Committee

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

Councillor Bouchée moved and Councillor Huckstepp 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.**

CARRIED

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

Rating Review Committee Meeting held 14 November 2007

C271107/379 Councillor Crutchett moved and Councillor Bouchée seconded:

1. **That the minutes of the Rating Review Committee be received; and**
2. **That the recommendations of the Rating Review Committee be adopted with the exception that the rebate on the commercial car parks not be granted.**

A division was called.

Voted For

R D Beh

R M Bouchée

P N Crutchett

J L Deakin

L R Fisk

P D H Heysen

J D Huckstepp

T D Looker

A C Norton

Voted Against

R A Clancy

S C Lonie

L van Camp

HIS WORSHIP THE MAYOR DECLARED THE MOTION CARRIED

Councillor Norton left the meeting at 9:00pm.

Councillor Huckstepp left the meeting at 9:00pm.

Councillor Norton rejoined the meeting at 9:04pm.

Councillor Huckstepp rejoined the meeting at 9:04pm.

14. REPORTS OF REGIONAL SUBSIDIARIES

Nil

15. REPORTS BY OFFICERS**15.1 Western Region Waste Management Authority – Garden Island Land Fill Remediation (Report No: 540/07)**

The City of Holdfast Bay is a constituent member of the Western Region Waste Management Authority (WRWMA), which has ceased landfill operations and is engaged in remediating the former Garden Island landfill facility.

The projected costs for the major contract works involved in the remediation are both large and subject to some uncertainty, reflecting the risks associated with work of this nature. As a consequence it is important that the constituent Councils be aware of and make provisions for any projected financial impacts arising from the remediation works.

Recent information provided by the WRWMA allows Council to confirm the appropriateness of its Long Term Financial Plan provisions for costs associated with the Garden Island remediation. This report provides Members with a summary of the remediation status, including projected financial impact, and highlights the key factors that will affect the successful achievement of the planned project outcomes.

C271107/380 Councillor Bouchée moved and Councillor Huckstepp seconded that Report No: 540/07 be received and Council's provisions for future costs related to the remediation of the Garden Island site by the Western Region Waste Management Authority be reviewed following receipt of advice on the outcomes of an actuarial review of the remediation works status and forecast financial impacts.

CARRIED

15.2 Annual Report 2006 – 2007 (Report No: 514/07)

This report presents the draft City of Holdfast Bay Annual Report for the year ending 30 June 2007, and seeks Council's endorsement before presentation to Parliament.

C271107/381 Councillor Clancy moved and Councillor Looker seconded:

- 1. That the draft Annual Report 2006-2007, as circulated separately to Elected Members as Attachment 1, be adopted and a copy of the final document, including financial statements, forwarded to the Presiding Members of both Houses of Parliament, and to the SA Local Government Grants Commission by 31 December 2007.**
- 2. That a community snapshot of the City of Holdfast Bay Annual Report 2006-2007 be published in the December 2007 edition of the Holdfast Bay Views.**

CARRIED

16. RESOLUTIONS SUBJECT TO FORMAL MOTIONS

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 were presented in the Agenda.

17. URGENT BUSINESS

Councillor Crutchett left the meeting at 9:35pm.

Councillor Crutchett rejoined the meeting at 9:40pm.

17.1 Staff Collective Agreement negotiations

Councillor Looker moved and Councillor Bouchée:

- 1. That the Chief Executive Officer note Council's concern about his continuing insistence on staff accepting a "Workchoices" agreement despite them voting against this by a large majority.**
- 2. That the Chief Executive Officer also note that the Council budget provides for pay increases for employees and it expects that the budgeted amount is expended as intended and not withheld.**

Background

While it is recognised that the Chief Executive Officer has authority over staff matters it is appropriate that Council ask the Chief Executive Officer to quickly resolve matters that may undermine morale and possibly affect services. This matter has been going on too long.

It is also appropriate for Council to comment on budgeted expenditure and ensure that savings are not made by failing to pass on budgeted rises to our workers.

Councillor Crutchett moved and Councillor Beh seconded that the meeting proceed to the next business.

LOST

The substantive motion was put.

A division was called.

Voted For
R M Bouchée
R A Clancy
P D H Heysen
T D Looker
S C Lonie

Voted Against
R D Beh
P N Crutchett
J L Deakin
L R Fisk
J D Huckstepp
A C Norton
L van Camp

HIS WORSHIP THE MAYOR DECLARED THE MOTION LOST

18. ITEMS IN CONFIDENCE**18.1 Items in Brief (Report No: 541/07)**

Council officers remaining: Mr Donaldson, Mrs Umapathysivam, Mr Hodge, Mr Walker and Ms Thomas

C271107/382 Councillor Bouchée moved and Councillor Heysen seconded that, pursuant to Section 90(2) and 90(3)(f) 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:

- information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial.**

CARRIED

Items in Brief (Report No: 541/07)

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C271107/384 Councillor Beh moved and Councillor Huckstepp seconded that pursuant to Section 90(2), 90(3)(f) and 91(7) of the Local Government Act 1999:

- 1. The Council orders that the documents and minutes relating to Report No: 541/07 with the exception of Resolution No:C271107/382 for going into confidence be kept confidential and not available for public inspection on the basis that they deal with information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial under Section 90(2) and 90(3)(f) of the Act.**
- 2. This resolution will be reviewed on or before 30 June 2008 by the Council.**

CARRIED

19. RESUMPTION

Councillor Bouchée moved and Councillor Clancy seconded that Council resume as an open meeting of Council at 9:49pm.

CARRIED

20. CLOSURE

The Meeting closed at 9:49pm.

CONFIRMED

Tuesday 18 December 2007

MAYOR