

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 25 March 2008 at 7:02pm.

PRESENT

| | |
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| <p>His Worship the Mayor Deputy Mayor Councillors</p> | <p>A K Rollond R A Clancy R M Bouchée 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 G Hodge C E Umapathysivam R A Thomas I S Walker</p> |
| <p>Chief Executive Officer Acting General Manager Environment and Engineering General Manager Social and Organisation General Manager Strategy and Development Executive Manager Finance and Corporate</p> | |

1. OPENING

His Worship the Mayor, declared the meeting open with prayer and acknowledgement of Kaurna Traditional Owners at 7:02pm.

2. APOLOGIES

- | | | |
|------------|-------------------------|--------------------------|
| 2.1 | For Absence | Councillor R D Beh |
| 2.2 | Leave of Absence | Councillor P N Crutchett |

3. PRESENTATION Nil

4. CONFIRMATION OF MINUTES

Councillor Looker moved and Councillor Huckstepp seconded that the minutes of the Ordinary Meeting of Council held on 11 March 2008, the Special Meetings held on 12 March 2008 and 18 March 2008 to be taken as read and confirmed.

CARRIED

5. MAYORAL REPORT

Councillor Lonie joined the meeting at 7:04pm.

From 1 February 2008 to 29 February 2008

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

CARRIED

6. QUESTIONS BY MEMBERS**6.1 Without Notice****6.1.1 SWATCH International Beach Volleyball Event**

Councillor Heysen asked a question regarding Administration's awareness of proposed "food outlets" at the Beach Volleyball venue.

General Manager Strategy and Development provided a response.

6.1.2 Glenelg Access Strategy Fund

Councillor Deakin asked a question regarding the current balance of the Glenelg Access Strategy fund.

Executive Manager Finance and Corporate provided a response.

6.2 With Notice**6.2.1 Council Debt**

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

1. What is the current size and composition of Council's debt?

Executive Manager Finance and Corporate response

Current (as at today) principal outstanding on all loans is \$16.451million. Current sporting club loan principal component is \$2.82 million and car parking site loans \$1.72 million. Debt repaid from rates is thus \$11.9 million. Councillors budgeted for further borrowings this financial year totalling \$750,000 capital works, and \$629,890 for RSL Brighton property purchase, which are yet to be drawn down.

2. What is the approximate current monthly interest cost of this debt?

Executive Manager Finance and Corporate response

Budgeted approximate monthly interest cost \$94,100. Weighted average interest rate on all loans approximately 6.84%.

7. REPORTS BY DELEGATES OR REPRESENTATIVES

Councillor Huckstepp reported that he attended the Seaside Councils Committee meeting held on 20 March 2008.

8. PETITIONS AND DEPUTATIONS

Nil

9. NOTICES OF MOTION**9.1 Proposed Council Policy**

His Worship the Mayor drew Members' attention to the Chief Executive Officer's comment distributed via Memorandum dated 20 March 2008.

According to her notice:

Councillor Bouchée moved that the Management Team prepare a policy that “no individual who resigns their employment with the City of Holdfast Bay be re-engaged as a Consultant or by way of a contract within two years of the employment end date”.

**HIS WORSHIP THE MAYOR REFERRED TO LEGAL ADVICE
AND RULED THE MOTION OUT OF ORDER**

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

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

CARRIED

11. RESUMPTION

Councillor Deakin moved and Councillor Looker seconded that Council resume at 9:11pm.

CARRIED

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

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

Councillor Fisk moved and Councillor Huckstepp 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

Acting General Manager Environment and Engineering declared an interest in item 8.4 on the Environment and Engineering Committee agenda and left the meeting at 9:12pm.

12.2 Environment and Engineering Committee

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

Councillor Huckstepp moved and Councillor Looker 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

Acting General Manager Environment and Engineering rejoined the meeting at 9:13pm.

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

Jetty Road Mainstreet Management Committee Meeting held 12 March 2008

C250308/094 Councillor Clancy moved and Councillor Bouchée seconded that the minutes of this committee be received.

CARRIED

Councillor Huckstepp left the meeting at 9:13pm.

14. REPORTS OF REGIONAL SUBSIDIARIES Nil

15. REPORTS BY OFFICERS**15.1 Items in Brief (Report No: 140/08)**

Report No: 140/08 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

C250308/095 Councillor Bouchée moved and Councillor Fisk seconded that the report be noted and items of interest be discussed.

CARRIED

Councillor Huckstepp rejoined the meeting at 9:14pm.

15.2 Liquor Licence Policy Review – Closed Forum with Key Stakeholders (Report No: 116/08)

On 18 December 2007, Council resolved that Administration arrange an Elected Member workshop in February 2008 to identify all relevant and key issues associated with liquor licence premises in Holdfast Bay in order to determine appropriate future policy direction. This workshop was subsequently held on 19 February 2008 and a number of key issues and potential policy directions were identified.

A Notice of Motion was also previously passed by Council at its meeting held on 27 November 2007 which resolved (Resolution No. C271107/377) that a closed forum be arranged by Administration with a number of key stakeholders associated with liquor licence matters.

The purpose of this report is to seek Council's endorsement of the attendees to the forum and a preliminary policy statement that would outline Council's position on liquor license matters in order to initiate dialogue with key stakeholders.

C250308/096 Councillor Clancy moved and Councillor Deakin seconded:

1. That the previous resolution C271107/377 be amended as follows:
 - 1.1 That Council Administration arranges a closed forum between the Elected Members and representatives from SA Police, Drug Arm Centre, Mission Australia, all licensed hotels and clubs as identified by Elected Members, Liquor Licensing Commission, State and Federal MPs and other stakeholders to discuss current and emerging issues associated with liquor licensing in Holdfast Bay and consider possible future policy directions and associated actions.
2. That Administration writes to all key stakeholders identified in Attachment 2 to Report No. 116/08 to invite their attendance at the closed forum with Council subject to inviting "Licensee and/or nominee" in place of "managers" of hotels.
3. That the closed forum be conducted in an informal venue outside Council's Civic Centre, which can appropriately accommodate the expected number of attendees, with the preferred options including the Glenelg Community Centre, the Glenelg Surf Life Saving Club, the Seacliff Yacht Club, and the Glenelg Beachouse.
4. That the closed forum be conducted by an independent facilitator engaged by Administration on behalf of Council.
5. That the discussions with key stakeholders through the closed forum commence with the introduction of Council's draft preliminary policy statement set out at Attachment 1 to Report No. 116/08, in order to initiate discussion.
6. That the outcome of the closed forum be used in conjunction with the outcomes of the 19 February 2008 Elected Member workshop to develop a draft revision of Council's Liquor Licence Policy with associated strategies for future action and draft liquor licensing guidelines.
7. That Administration report back to Council after the closed forum with a revised draft Liquor Licensing Policy and associated strategies for future action and draft liquor license guidelines for endorsement prior to commencing public consultation.

CARRIED

15.3 Audit Committee Recommendations (Report No: 105/08)

The Audit Committee has made several recommendations to Council in relation to Council's Whistleblower Policy, the financial reports received by Council and a review of Council's internal controls.

C250308/097 Councillor Looker moved and Councillor Deakin seconded:

1. **That the Whistleblower Policy and/or Procedure be amended to include a requirement to report to the Audit Committee to ensure that Council and the Audit Committee is informed, in confidence, of any incident arising and the follow-up action taken in relation to any whistle blowing incident.**
2. **That the Monthly Financial Reports provided to Council be amended to comprise a new report as contained in Attachment 3 of Report No: 66/08 and the existing Capital Expenditure Report, with variance analysis and explanation of significant issues.**
3. **That the Budget Review provided to Council continues to include a balance sheet.**
4. **That Council engage a suitably qualified person to undertake a review of Council's internal controls in relation to financial integrity before 30 June 2008.**

CARRIED

15.4 Blue Community Loop Bus – Future Directions (Report No: 141/08)

Councillor Looker moved and Councillor Deakin seconded that the late report on the Blue Community Loop Bus – Future Directions be received.

CARRIED

The Blue Community Loop Bus Service (BCLBS) has been operating on a trial basis over the past

10 months allowing Council to evaluate the service, its future requirements and the demand for the service. Initially the bus service operated two days per week but as of September 2007 this was increased to 3 days per week.

The BCLBS provides transport from residential areas to the Glenelg retail precinct and replaced the Bay City Roller service when it was concluded in May 2007.

The Community Based Transport Needs Advisory Committee considered an evaluation report of the BCLBS over the past ten months on Thursday 13 March 2008 and made a number of recommendations for Council's consideration.

Councillor Clancy declared a Conflict of Interest due to her employment and left the meeting at 9:17pm.

C250308/098 Councillor Bouchée moved and Councillor Fisk seconded:

- 1. That the following recommendations be endorsed:**
 - 1.1 That a Mercedes Benz Sprinter 315 MWB, 12 seater bus be purchased for use in the delivery of the Blue Community Loop Bus Service and that this purchase be funded from the Glenelg Access Strategy Reserve Fund;**
 - 1.2 That the Blue Community Loop Bus Service be expanded to operate over five days a week as soon as practically possible (depending on available resources);**
 - 1.3 That a Community Transport Coordinator be employed on a part time basis (up to 32 hours per week) to coordinate and manage the Blue Community Loop Bus Service and to coordinate all of the community based transport services offered by the City of Holdfast Bay.**
 - 1.4 That the position of Community Transport Coordinator be initially funded by the Glenelg Access Strategy Reserve Fund but that once further external funding is obtained, that this position be jointly funded by the Glenelg Access Strategy Reserve Fund and Home and Community Care grant funds.**
 - 1.5 That further consultation be undertaken with bus service users regarding the development of other routes and the rationalisation of community based transport within the City of Holdfast Bay.**
- 2. That Administration develops a policy regarding the placement of commercial advertising on all community based transport vehicles owned by the City of Holdfast Bay with a view to offsetting the running costs of these vehicles.**
- 3. That the existing Blue Community Loop Bus Service continue in its present form (i.e. 3 days per week) until the provision of additional resources to increase the service to five days a week or until Council makes a decision to alter the terms of the current service.**

A division was called.

Voted For
R M Bouchée
L R Fisk
P D H Heysen
J D Huckstepp
S C Lonie
T D Looker
A C Norton
L van Camp

Voted Against
J L Deakin

HIS WORSHIP THE MAYOR DECLARED THE MOTION CARRIED

Councillor Clancy rejoined the meeting at 9:28pm.

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**17.1 General Manager Social and Organisation resignation**

The Chief Executive Officer noted the resignation of the General Manager Social and Organisation, and thanked her for her contribution to the City of Holdfast Bay over the past 7 years.

17.2 SWATCH International Beach Volleyball Event

His Worship the Mayor informed Members of a request from the Australian Volleyball Federation regarding financial assistance with the costs of procuring sand for the International Beach Volleyball venue.

18. ITEMS IN CONFIDENCE**18.1 Minutes of the Southern Region Waste Resource Authority Meeting (Report No: 114/08)**

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

C250308/099 Councillor Heysen moved and Councillor Looker seconded that, pursuant to Section 90(2) and 90(3)(d) of the Local Government Act 1999 the Council order that the public with the exception of Council officers and any other visitors permitted to remain, be excluded from attendance at the meeting, after taking into account the relevant considerations under Section 90(3), on the basis that it will receive, discuss or consider the following:

- **commercial information of a confidential nature (not being a trade secret) the disclosure of which:**
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party, and**
 - (ii) would, on balance, be contrary to the public interest.**

CARRIED

Councillor Bouchée left the meeting at 9:30pm.

Councillor Norton left the meeting at 9:30pm.

Councillor Bouchée rejoined the meeting at 9:32pm.

Minutes of the Southern Region Waste Resource Authority Meeting (Report No: 114/08)

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C250308/101 Councillor Clancy moved and Councillor Heysen seconded that pursuant to Section 90(2), 90(3)(d) and 91(7) of the Local Government Act 1999:

1. The Council orders that the documents and minutes relating to Report No: 114/08 with the exception of Resolution No:C250308/99 for going into confidence be kept confidential and not available for public inspection on the basis that they deal with information the disclosure of which:
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party, and
 - (ii) would, on balance, be contrary to the public interest under Section 90(2) and 90(3)(d) of the Act.
2. This resolution will be reviewed on or before 31 December 2008 by the Council.

CARRIED**18.2 Development Proposal Matter (Report No: 139/08)**

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

C250308/102 Councillor Heysen moved and Councillor Clancy seconded that, pursuant to Section 90(2) and 90(3)(i) 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 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.

CARRIED**Development Proposal Matter (Report No: 139/08)**

Woods Bagot Pty Ltd on behalf of owners Urban Construct have submitted an application to construct a twelve (12) storey apartment building on land known as 3 St Johns Row and 1, 1A, 3 and 5 College Street, Glenelg. The application, initially lodged with Council, is now being assessed by the Development Assessment Commission as Council has a potential conflict of interest as an adjoining land owner. As an affected land owner, Council has chosen to exercise its rights under the Development Act 1993 and submit a representation during the public notification period. This report seeks Council's endorsement of the submission prepared on behalf of Council by Ms Wendy Bell, a highly qualified professional with planning, urban design and heritage experience.

Councillor Norton rejoined the meeting at 9:35pm.

C250308/103 Councillor Fisk moved and Councillor Looker seconded:

1. That Council notes the Category 2 public notification submission prepared by Ms Wendy Bell on behalf of Council as effected adjoining land owner in relation to Development Application 110/1135/07, proposal by Woods Bagot Pty Ltd to construct a twelve (12) storey residential flat (apartment) building at 3 St Johns Row and 1, 1A, 3 and 5 College Street, Glenelg; and
2. That Council authorises Administration to submit the representation referred to in part 1 above to the Development Assessment Commission prior to 28 March 2008 together with notice that should the Development Assessment Commission decide to conduct a public hearing for this development, Council wishes to be heard in support of the submission.

CARRIED**ORDER NOT TO RETAIN DOCUMENTS IN CONFIDENCE**

C250308/104 Councillor Bouchée moved and Councillor Fisk seconded that pursuant to Section 90(2), 90(3)(i) and 91(7) of the Local Government Act 1999 that the Council orders that the documents and minutes relating to Report No 139/08 not be kept confidential and be made available for public inspection.

CARRIED**18.3 Organisational Issues and Proposed Changes to Structure (Report No: 138/08)**

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

C250308/105 Councillor Heysen moved and Councillor Huckstepp 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**Organisational Issues and Proposed Changes to Structure (Report No: 138/08)**

Council has previously considered the Chief Executive Officer's report on 2008 organisational issues, in which various changes and additions to the administration organisation were proposed, at an estimated nett cost of \$62,000 per annum. That report in particular recommended changes that would reduce staffing emphasis on tourism and economic development, increase the profile of aged and community care services, add substantially to asset management planning capacity and relocate departmental responsibility for the Regulatory Services Unit. Council initially endorsed the recommendations of that report, but later rescinded the decision.

Separately, Council has received for consultation purposes the Chief executive Officer's proposal for restructuring of the organisation, in the light of the challenges and opportunities presented by the recent resignation of two General Managers. Council has received a briefing from Dr Sam Wells of the University of Adelaide in relation to organisational structure issues and discussed the proposal in further detail with the Chief Executive Officer.

It is now appropriate that Council confirm the endorsement or otherwise of the financial resources required to achieve the administration changes and additions set out in Report Number 44/08, and separately, note the Chief Executive Officer's proposed implementation of a new, revised, organisational structure having taken into account the consultation responses.

- C250308/106** Councillor Bouchée moved and Councillor Huckstepp seconded that Report Number 44/08 together with attachments and all associated minutes be released from confidence and that Report Number 138/08 not be considered in confidence.

CARRIED

- C250308/107** Councillor Bouchée moved and Councillor Fisk seconded that the conclusion of Attachment 1 to Report Number 44/08 be endorsed, with the exception that the Regulatory Services Unit remain within the Environment and Engineering Department and subject to no Tourism and Economic Development Officer being included, and the appropriate expenditure adjustments be included in the 2008/2009 budget and the Long Term Financial Plan.

A division was called.

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|--------------|---------------|
| Voted For | Voted Against |
| R M Bouchée | R A Clancy |
| L R Fisk | J L Deakin |
| P D H Heysen | J D Huckstepp |
| | S C Lonie |
| | T D Looker |
| | A C Norton |
| | L van Camp |

HIS WORSHIP THE MAYOR DECLARED THE MOTION LOST

- C250308/108** Councillor Deakin moved and Councillor Lonie seconded:
1. That the conclusion of Attachment 1 to Report Number 44/08 be endorsed, with the exception that the Regulatory Services Unit remain within the Environment and Engineering Department, and the appropriate expenditure adjustments be included in the 2008/2009 budget and the Long Term Financial Plan.
 2. That the intention of the Chief Executive Officer to implement organisational structure changes as outlined in Attachment 3 to Report Number 138/08 be noted, and Elected Members provide any further feedback on this revised proposal by 5pm on 31 March 2008.

A division was called.

| | |
|---------------|---------------|
| Voted For | Voted Against |
| R A Clancy | R M Bouchée |
| 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 | |

HIS WORSHIP THE MAYOR DECLARED THE MOTION CARRIED

ORDER NOT TO RETAIN DOCUMENTS IN CONFIDENCE

- C250308/109** Councillor Fisk moved and Councillor Heysen seconded that pursuant to Section 90(2), 90(3)(a) and 91(7) of the Local Government Act 1999 that the Council orders that the documents and minutes relating to Report No: 138/08 not be kept confidential and be made available for public inspection.

CARRIED

19. CLOSURE

The Meeting closed at 10:06pm.

CONFIRMED

Tuesday 8 April 2008

MAYOR