

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 14 October 2008 at 7:06pm.

PRESENT

His Worship the Mayor
Councillors

A K Rollond
R D Beh
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
R T Donaldson
I S Walker
S G Hodge
R A Thomas

Chief Executive Officer
General Manager Corporate Services
General Manager City Assets
General Manager City Services

1. OPENING

His Worship the Mayor, declared the meeting open with prayer and an acknowledgement of Kaurna Traditional Owners at 7:06pm.

2. APOLOGIES

2.1 For Absence Councillors R A Clancy, P N Crutchett and J L Deakin

2.2 Leave of Absence

3. PRESENTATION Nil

4. CONFIRMATION OF MINUTES

C141008/435 Councillor Heysen moved and Councillor Looker seconded that the minutes of the Ordinary Meeting of Council held on 23 September 2008 be taken as read and confirmed.

CARRIED

5. CHIEF EXECUTIVE OFFICER'S ACTIVITIES REPORT

From 1 September 2008 to 30 September 2008.

C141008/436 Councillor Huckstepp moved and Councillor Heysen 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 Holdfast Shores Stage 2B

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

6.2.1.1 What progress has been made on the rectification of the warranty issues relating to the Council underground car park in the Holdfast Shores 2B area, including the damp showing through the ceiling and walls?

General Manager City Services Response

In correspondence to the developer dated 13 November 2007, regarding outstanding defects associated with Holdfast Shores Stage 2B (HS2B), Council advised that a number of defect items remained unresolved, those being:

- **Water penetrating the ground floor(carpark ceiling) slab;**
- **Water ponding on Car Park (basement) slab; and**
- **Surface water leakage from The Beachouse Mini Golf area over the western external pavement area.**

Council advised that until such time as these defects were rectified, Council intended to retain the bank guarantee, previously provided by the developer, for security.

Between November 2007 and May 2008 it is understood that the developer undertook various remedial works and regular monitoring in an attempt to resolve some of the outstanding issues.

In response to Councils November 2007 correspondence, the developer wrote to Council on 18 August 2008 advising that they considered the previously identified defects to be fixed and sought the return of the outstanding bank guarantee.

In mid September 2008, Administration undertook an inspection of the defects together with Mr Fowlie, Principal Structural Engineer from KBR, previously engaged by Council to assist with the HS2B and Glenelg Town Hall engineering issues. Notwithstanding there appears to be improvement in the water penetration and leakage issues, and there is evidence of repair work having been undertaken, there remains concern that further monitoring is necessary, together with detail on exactly what type of repair has been carried out.

Administration is seeking further clarification from the developer on these matters and will not release the bank guarantee until such time as the defects have been adequately rectified.

- 6.2.1.2 What measures has the Beach House operator taken to prevent water from the Beach House underground plant room flooding or leaking into the council underground car park in Holdfast Shores 2B?

General Manager City Assets Response

Following the recent overflow of water from the water slide storage tank located in a basement room to the east of Council's basement carpark, The Beachouse Operations Manager advised that they have replaced the automatic level sensor in the storage tank and they will be installing an alarm system should the sensor ever fail in the future. It is also proposed that the overflow be plumbed directly into the sewer (as it should have been originally).

- 6.2.1.3 Is the maintenance of the Council underground car park solely council responsibility or shared through a body corporate (what's council contribution)?

General Manager City Services Response:

The area known as Holdfast Shores Stage 2B, comprising The Beachouse, associated basement carpark, Glenelg Surf Life Saving Club, Holdfast Walk retail tenancies and associated external public space areas, is owned by a number of parties, in a tiered Community Corporation structure.

In addition to the Primary Corporation, which is made up of representatives of the large land parcels mentioned above, there are various Secondary Community Corporations with the structure. Council, as owner of 20 basement car parking spaces and a storage area, is one title holder (Lot 61) within the *Secondary Community Corporation No. 023681 Inc* together with 21 other owners. Councillor Bouchee is Council's nominated representative to this Secondary Community Corporation when it meets annually.

Corporation No. 023681, managed by Whittles Body Corporate Management, has established a sinking fund, where quarterly contributions are made by each lot owner towards non-recurrent maintenance expenses. It is understood that the sinking fund should collect approximately \$16,000 each quarter, of which Council's contribution is approximately \$2,300. The annual meeting of Community Corporation No. 023681 is scheduled to be held in November or December 2008 whereby up to date financial figures will be provided.

Administration is not aware that any Lot holder has sought to draw on the sinking fund for any maintenance works, and to date any works undertaken to Council's car parking area have been carried out by the HS2B developer, having been linked to existing defects as outlined above.

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| 7. | REPORTS BY DELEGATES OR REPRESENTATIVES | Nil |
| 8. | PETITIONS AND DEPUTATIONS | Nil |

9. NOTICES OF MOTION**9.1 Benchmarking kerb and gutter costs**

In accordance with Councillor Crutchett's notice:

- C141008/437 Councillor Heysen moved and Councillor Looker seconded that Administration prepare a report benchmarking, the cost of installing kerbs and gutters and new footpaths in the City of Holdfast Bay against other metropolitan councils.**

CARRIED**Background**

A significant proportion of their budget goes towards the renewal of kerbs and gutters and footpaths.

I have observed that some council's like ourselves use external contractors, whilst other councils employ their own staff to carry out this work.

Assuming that the external contractors are making a profit on the work that is carried out, there may be savings to Council in employing our own staff or using the services of trained staff and resources from an adjoining council to do this work on a shared services basis.

9.2 Metropolitan Seaside Council's Committee

In accordance with his notice:

- C141008/438 Councillor Looker moved and Councillor Huckstepp seconded that resolution EE270508/05**

1. *That the City of Holdfast Bay endorse the proposal to reconstitute the Metropolitan Seaside Councils Committee as a Coastal Management Sub-committee to the Metropolitan Local Government Group (MLGG)*
2. *That Administration notify the Local Government Association of Council's decision by Monday 30 June 2008.*

be rescinded.

CARRIED

- C141008/439 Councillor Looker moved and Councillor Huckstepp seconded:**

1. **That the City of Holdfast Bay not endorse the proposal to reconstitute the Metropolitan Seaside Councils Committee as a Coastal Management Sub-committee to the Metropolitan Local Government Group (MLGG)**
2. **That the Administration notify the Local Government Association.**

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

- C141008/440 Councillor Beh moved and Councillor Fisk seconded that Council stand adjourned to enable the permanent Social and Organisation and Strategy and Development Committees to meet.**

CARRIED

11. RESUMPTION

C141008/441 Councillor van Camp moved and Councillor Looker seconded that Council resume at 8:23pm.

CARRIED

12. COMMITTEE RECOMMENDATIONS FOR CONSIDERATION**12.1 Social and Organisation Committee**

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

C141008/442 Councillor Looker moved and Councillor Heysen seconded:

- 1. That the report of the Chairman of the Social and Organisation Committee, and the Committee agenda documents together with Administration recommendations be received.**
- 2. That the recommendations of the Social and Organisation Committee be adopted.**

CARRIED

12.2 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.

C141008/443 Councillor Looker moved and Councillor van Camp 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.**

CARRIED

13. DEVELOPMENT ASSESSMENT PANEL

C141008/444 Councillor van Camp moved and Councillor Huckstepp seconded that the minutes of the Development Assessment Panel meeting held on Wednesday, 24 September 2008 be received.

CARRIED

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

Councillor van Camp left the meeting at 8:25pm.

14.1 Bay Discovery Centre Advisory Committee Meeting

Minutes of the Bay Discovery Centre Advisory Committee meeting held 11 September 2008.

- C141008/445 Councillor Looker moved and Councillor Fisk seconded that the minutes of the Bay Discovery Centre Advisory Committee meeting held 11 September 2008 be received and recommendations adopted.**

CARRIED

Councillor van Camp rejoined the meeting at 8:26pm.

14.2 Executive Committee Meeting

Minutes of the Executive Committee meeting held 25 September 2008.

- C141008/446 Councillor Looker moved and Councillor Fisk seconded that the minutes of the Executive Committee meeting held on 25 September 2008 be received and the recommendations adopted.**

CARRIED

15. REPORTS OF REGIONAL SUBSIDIARIES

Nil

16. REPORTS BY OFFICERS**16.1 Adjourned Item – [Report No: 445/08] Draft Strategic Plan 2009-2014 for Consultation (Report No: 470/08)**

Council at its meeting held on 23 September 2008 resolved to adjourn consideration of Report Number 455/08 until its meeting to be held on 14 October 2008, to endorse release of the draft Strategic Plan 2009-2014 for consultation.

The purpose of this report is to clarify further input made by Members, Administration's response to that input and consequent amendments made to the draft Plan, and to again seek Council's endorsement to release the Plan for consultation.

The matter is now present for further consideration.

- C141008/447 Councillor Looker moved and Councillor Heysen seconded that the report be received and the adjourned item [Report No: 445/08] Draft Strategic Plan 2009-2014 for Consultation be reconsidered.**

CARRIED

C141008/448 Councillor Looker moved and Councillor Fisk seconded:

1. That the draft City of Holdfast Bay Strategic Plan 2009-2014 located at Attachment 3 to Report Number 470/08 be released for consultation.
2. That Council endorses the Community Engagement program included at Attachment 2 to previous Report Number 445/08, based on and incorporating techniques suitable for, the 'consult' level of engagement as defined by the IAP2 framework.
3. That Administration review the consultation outcomes and prepare a final draft of the revised City of Holdfast Bay Strategic Plan 2009-2014 and report back to Council for final adoption.

CARRIED**16.2 Undergrounding of Powerlines – North Esplanade, Glenelg North (Report No: 311/08)**

Plans have been completed for the undergrounding of powerlines in North Esplanade, Glenelg North, from King Street to Anderson Avenue. This is a joint Power Line Environment Committee and Council funded project. Plans of the proposed undergrounding are attached to this report. This report recommends that Administration conduct a public consultation process with affected residents, and that subject to resolution of any public consultation concerns, Administration proceed to implement the project.

C141008/449 Councillor Fisk moved and Councillor Beh seconded:

1. That Report No: 311/08 be received.
2. That Administration conduct a community engagement process with affected residents (approximately 60 households) informing them of the proposed undergrounding of powerlines project and inviting residents to comment on the project and plans over a period of not less than 21 days, including the formative Glenelg North Peninsula Residents Group.
3. That detailed plans be placed on display at Glenelg Library, Brighton Library and Brighton Civic Centre 6 weeks prior to the commencement of the project.
4. That subject to resolution of any public consultation concerns, Administration proceed to implement the project.

CARRIED**16.3 Local Government Boundary Realignment – 116 Diagonal Road, Somerton Park (Report No: 474/08)**

Pursuant to section 27 of the Local Government Act, a joint submission to the Local Government Boundary Adjustment Facilitation Panel has been prepared to realign the boundary with the City of Marion in respect of the property at 116 Diagonal Road, Somerton Park.

C141008/450 Councillor Lonie moved and Councillor Norton seconded that Council, approves the joint submission with the City of Marion to the Boundary Adjustment Facilitation Panel to realign the boundary at 116 Diagonal Road, Somerton Park, included as Attachment 1 to Report No:474/08 and authorises the Chief Executive Officer to lodge the submission.**CARRIED**

17. 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.

18. URGENT BUSINESS**18.1 Leave of Absence**

C141008/451 Councillor Bouchée moved and Councillor Fisk seconded that Councillor Crutchett be granted leave of absence for the Council Meeting to be held on Tuesday 28 October 2008.

CARRIED

C141008/452 Councillor Beh moved and Councillor Heysen seconded that Councillor van Camp be granted leave of absence for the Council Meeting to be held on Tuesday 28 October 2008.

CARRIED

18.2 Nomination to the Adelaide Cemeteries Board

C141008/453 Councillor Norton moved and Councillor van Camp seconded that the City of Holdfast Bay nominate Councillor Lonie to the Adelaide Cemeteries Authority Board.

CARRIED

18.3 Local Government Association Annual General Meeting

The Chief Executive Officer reminded members that the Local Government Association Annual General Meeting will be held on Thursday 23 and Friday 24 October 2008.

18.4 Open Day at the Former Trinity Church, 25 Moseley Street, Glenelg

General Manager City Services reminded Members of the Open Day being held at the Former Trinity Church, 25 Moseley Street Glenelg on Saturday 18 October 2008.

18.5 Nomination to the South Australian Heritage Council

C141008/454 Councillor Lonie moved and Councillor van Camp seconded that the City of Holdfast Bay nominate the Chief Executive Officer, Mr Rob Donaldson to the South Australian Heritage Council.

CARRIED

18.6 Natural Resource Management Council

Councillor Bouchée informed members of her role with the Natural Resource Management Council and liaison work with the North Yorke Natural Resource Management Board.

19. ITEMS IN CONFIDENCE**19.2 Notice of Motion – Executive Committee (Report No: 475/08)**

C141008/455 Councillor Looker moved and Councillor Heysen seconded that this item not be considered in confidence.

CARRIED

Councillor Lonie left the meeting at 8:42pm.

Councillor Lonie rejoined the meeting at 8:45pm.

Notice of Motion – Executive Committee (Report No: 475/08)

In accordance with his notice:

C141008/456 Councillor Fisk moved and Councillor Looker seconded that the decision of 12 August 2008 (C120808/349)

“Councillor Looker moved and Councillor Bouchée seconded:

- 1. That Administration obtains quotations from the companies listed in the report for the provision of consulting services for engagement of a new Chief Executive Officer.*
- 2. That the Council Executive Committee considers the quotation/interviews the principle consultants if deemed necessary and provide a short list of three (3) to Council for consideration.*
- 3. That following selection of the Employment Consultant the Council Executive Committee be tasked to prepare the necessary documentation for the advertising and selection criteria for the candidate and this be submitted to Council for approval.*
- 4. That the Council Executive Committee and the consultant review the applicants and prepare a short list of 8 to 10 to be interviewed by the Council Executive Committee in order to present a final five (5) candidates to Council for final selection. The final selection process is to include a maximum of 10 minute presentation on what they would bring to the City of Holdfast Bay followed by a predetermined set of questions for each applicant.”*

be rescinded.

A division was called.

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

HIS WORSHIP THE MAYOR DECLARED THE MOTION CARRIED

C141008/457 Councillor Fisk moved and Councillor Looker seconded that the Executive Committee manage the recruitment process for the new Chief Executive Officer to the point of developing a list of suitable candidates for Council's consideration.

A division was called.

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

HIS WORSHIP THE MAYOR DECLARED THE MOTION CARRIED

Chief Executive Officer's comment:

Council may wish to consider whether the matter continues to be discussed in confidence given the likely community interest in the recruitment and appointment process of a new Chief Executive Officer.

Council will need to ensure that the Executive Committee has been properly delegated the necessary powers of Council to undertake all of the required decision making, up to but not including the appointment of a new Chief Executive Officer.

The Executive Committee will need to consider and implement strategies to ensure that the 'self-managed' process does not diminish the field of candidates and that the probity and independence of the recruitment process is maintained.

The Executive Committee will also need to carefully consider the necessary timelines required for each part of the process, taking into account the need for formal meetings.

Lastly, given the sensitivities involved the Administration would limit its administrative support functions to the following (to be provided by the General Manager Corporate Services and the Executive Assistant to the CEO):-

- word processing of relevant documents, as directed.
- placement of advertisements as directed.
- processing of order forms, invoices and the like, as directed and/or consistent with the decisions of the Executive Committee.
- preparation of meeting notices, papers, minutes and the like, as directed.
- receipt and preparation of correspondence as directed.

19.1 Vacant Tenancy – Glenelg Town Hall - Archer's Arcadia – Just for Fun (Report No: 469/08)

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

Councillor van Camp left the meeting at 8:53pm.

C141008/458 Councillor Heysen 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

Councillor van Camp rejoined the meeting at 8:54pm.

Vacant Tenancy – Glenelg Town Hall Archer's Arcadia – Just for Fun (Report No: 469/08)

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C141008/460 Councillor Heysen moved and Councillor Beh 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: 469/08 with the exception of Resolution No: C141008/458 for going into confidence be kept confidential and not available for public inspection until Mr Archer has been advised 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 31 December 2009 by the Council.

CARRIED

19.3 Endorsement of Executive Committee Minutes (Report No: 476/08)

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

C141008/461 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

Endorsement of Executive Committee Minutes (Report No: 476/08)

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C141008/463 Councillor Beh moved and Councillor Fisk 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: 476/08 with the exception of Resolution No: C141008/461 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 2009 by the Council.

CARRIED**19.4 Staff Matter**

C141008/464 Councillor Bouchée moved and Councillor Beh 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**Staff Matter****ORDER TO RETAIN DOCUMENTS IN CONFIDENCE**

C141008/465 Councillor Bouchée 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 minutes relating to Item 19.4 Staff Matter with the exception of Resolution No: C141008/464 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 31 December 2009 by the Council.

CARRIED**20. RESUMPTION**

C141008/466 Councillor van Camp moved and Councillor Heysen seconded that Council resume as an open meeting of Council at 9:02pm.

CARRIED

COUNCIL

14.10.2008

21. CLOSURE

The Meeting closed at 9:03pm.

CONFIRMED

Tuesday 28 October 2008

MAYOR