

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 23 June 2009 at 7:05pm.

PRESENT

His Worship the Mayor	A K Rollond
Councillor	R D Beh
Councillor	R M Bouchée
Councillor	P N Crutchett
Councillor	J L Deakin
Councillor	L R Fisk
Councillor	P D H Heysen
Councillor	J D Huckstepp
Councillor	T D Looker
Councillor	L van Camp – 7:08pm
Chief Executive Officer	J P Lynch
General Manager City Assets	S G Hodge
General Manager City Services	R A Thomas
General Manager Corporate Services	I S Walker

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 Apologies received Councillors Clancy, Norton and Lonie

2.2 Absent

Councillor van Camp joined the Chamber at 7:08pm.

3. ITEMS PRESENTED TO COUNCIL Nil

4. DECLARATION OF INTEREST

Members were reminded to declare their interest before each item.

5. CONFIRMATION OF MINUTES

C230609/360

Councillor Beh moved and Councillor Deakin seconded that the minutes of the Ordinary Meeting of Council held on 9 June 2009 be taken as read and confirmed.

CARRIED

6. MAYORAL REPORT

6.1 Mayoral Report for the Month of May 2009 (Report No: 281/09)

Presented for the Information of Members is a summary of my activities for the Month of May 2009.

C230609/361

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

CARRIED

7. QUESTIONS BY MEMBERS

7.1 Without Notice

Councillor Crutchett asked a question regarding the list of Outstanding Motions.

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

7.2 With Notice

7.2.1 Community Event Forum

At the Council Meeting held 9 June 2009, Councillor Crutchett asked the following question.

Why the City of Holdfast Bay is not using its own facilities for the community consultation?

The General Manager City Services, Ms R Thomas at the meeting took the Question on Notice and the answer is presented below.

The General Manager City Services, Ms R Thomas's response.

The Community Events Forum is scheduled for Thursday 25 June at the Glenelg Surf Life Saving Club at 2:00pm. The Surf Life Saving Club was selected as it is was considered the most suitable venue for the forum (easily identifiable location, disabled access, large open space suitable for activity proposed, and quality catering facilities). Furthermore, hire of the venue was provided free of charge. The Glenelg Community Centre was considered but was unavailable for day hire as the Glenelg Community Club Inc has structured daily recreational and social activities.

7.2.2 Outstanding Action List

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

- 7.2.2.1 What motions passed by this council since the 28 November 2006 that have not been actioned by the administration or have been partially actioned:

Motion Number	Wording of Motion	Expected date for action to be completed	Comments (if needed)

7.2.2.2 What measures could be put in place to ensure elected members and stakeholders can easily review outstanding motion without having to open every set of minutes to review the motions?

The Chief Executive Officer, Mr J Lynch's response.

7.2.2.1 Presented for the information of Elected Members under separate cover, as it contains confidential information, is a listing of all outstanding resolutions since 28 November 2006 to 9 June 2009.

7.2.2.2 Administration has recently implemented a spreadsheet which is intended to capture all resolutions of council. Its intent is to ensure resolutions are actioned in a timely way and to act as an internal monitoring tool. This spreadsheet could be made available to Elected Members as part of a report on a quarterly or six monthly basis.

8. REPORTS BY DELEGATES OR REPRESENTATIVES

Councillor Bouchée reported on the budget allocation of the Adelaide and Mt Lofty Ranges NRM Board.

Councillor Heysen reported that he had attended a meeting of the Supported Residential Facilities Advisory Committee, as a Local Government Representative.

Councillor Huckstepp reported that he had attended a Seaside Councils Committee Meeting.

9. PETITIONS AND DEPUTATIONS

Nil

10. MOTIONS ON NOTICE

10.1 Letter of Thanks to President of the Friends of Holdfast Bay Library Service

In accordance with the notice:

C230609/362

Councillor Deakin moved and Councillor Bouchée seconded that Council write and thank Mrs Lyn Magee for her success and service as President of the Friends of Holdfast Bay Library Service.

CARRIED

Background

Mrs Lyn Magee will end her term as the President of the Friends of Holdfast Bay Library Service at the Annual General Meeting being held on 1 July 2009.

Mrs Magee has been President since July 2006, under which the Library has had some wonderful triumphs, particularly the Palindrome Festival. The Libraries are still undergoing significant review, and I know that Lyn will continue to have and provide a valuable relationship and contribution to the Friends Service.

10.2 Budget 2010-2011 Formulation

In accordance with his notice:

C230609/363

Councillor Crutchett moved and Councillor Bouchée seconded:

1. **That Administration commences work on the 2010-2011 Budget based of a revenue rate increase of 4% as outlined in the City of Holdfast Bay Long Term Financial Plan.**
2. **That Administration continues to budget to maintain the community's assets in accordance with the Asset Management Plans to ensure we are not placing excessive burden on future generations.**
3. **That Administration report on establishing an auditable "Efficiency improvement program" that can deliver a sustainable 2% or greater efficiency gains on the operational budget. (*This process has been adopted by some councils.*)**

CARRIED

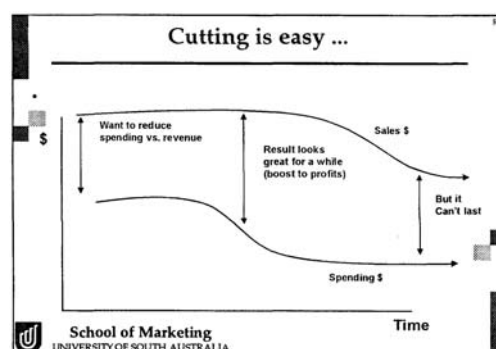
Background

The object of this motion is to reinforce for our ratepayers that we have a clear direction that will enable council to have sustainable revenue increases that will enable maintenance of services.

It is irresponsible to put off essential maintenance expenditure for future generations to pick up. The State Government has been very critical of Council over the maintenance issues on the King Street Bridge (some undeserved) however they have legislated to ensure councils manage their assets responsibly.

We must look for **sustainable** efficiency gains, Many of our private companies are suffering from short term CEO's making unsustainable cuts to their business models.

The same analogy can be projected to service industries, like a council.



11. ADJOURNMENT (TO ENABLE PERMANENT COMMITTEES TO MEET) (7.15 PM)**C230609/364**

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

CARRIED**12. RESUMPTION****C230609/365**

Councillor Bouchée moved and Councillor Fisk seconded that Council resume at 8.27pm

CARRIED**13. COMMITTEE RECOMMENDATIONS FOR CONSIDERATION****13.1 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.

C230609/366

Councillor Fisk moved and Councillor Looker 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 as follows:**

QUESTIONS BY MEMBERS - With Notice, Differential Rate**C230609/366.1**

That the document be received.

Annual Business Plan 2009-2010**C230609/366.2**

That the Committee recommends that Council continues its support for the City of Holdfast Bay Long Term Financial strategy and recommends to council that it supports the City of Holdfast Bay Annual Business Plan 2009-2010 as presented to the community for consultation.

Statement of Receipts and Payments – May 2009 (Report No: 256/09)

The City of Holdfast Bay produces standard monthly reports for receipts, payments and bank reconciliation as well as balances of investments and reserves. The production of these reports is an important internal control mechanism that ensures all transactions are accounted for and allocated correctly in the accounting system.

The statements for the month of May 2009 are submitted for information.

C230609/366.3

That the Committee recommends that Report No: 256/09 be received.

Adjourned Item – [Notice of Motion] Statement of Receipts and Payments

(Report No: 279/09)

At its meeting held on 23 October 2007, the Economic and Corporate Committee resolved to adjourn consideration of a motion moved by Councillor Deakin and seconded by Councillor Fisk until further information was provided.

The matter is now presented for further consideration.

C230609/366.4 That the Committee recommends that the adjourned Notice of Motion be reconsidered.

- C230609/366.5 That:**
- 1. The monthly statements of receipts and payments no longer be presented in the agenda of the Economic and Corporate Committee, but be acknowledged under the Items in Brief, with comment if appropriate.**
 - 2. The report be made available to those Elected Members and members of the Audit Committee who notify Administration of their desire to receive the report.**
 - 3. Should members of the public request access to it, the report be made available for inspection at the municipal offices, free of charge**
 - 4. That an amendment that the Statement of Receipts and Payments be posted on Council's website as a pdf document.**

Financial Reporting Update to 31 May 2009 (Report No: 257/09)

This report provides Council with the monthly update on the current status of the 2008/09 Budget, including resolutions of Council which have budget implications, but which have not yet been incorporated into Council's formal Budget Review process.

C230609/366.6 That the Committee recommends that Committee recommends that Report No: 257/09 be noted.

Monthly Financial Reports - May 2009 (Report No: 258/09)

This report provides Elected Members with monthly financial reports. It comprises a Funds Statement and a Capital Expenditure Statement for the year-to-date compared with the 2008/09 budget.

C230609/366.7 That the Committee recommends that the Committee recommends that Report No: 258/09 be received and noted.

Item in Brief (Report No: 265/09)

This item is presented for the information of Members and does not require a separate resolution.

C230609/366.8 That the Committee recommends that the report be noted.

Community Bonds (Report No: 260/09)

Administration has reviewed the opportunities to issue community bonds and

bequest schemes and recommends that they not be pursued.

- C230609/366.9** That the Committee advises Council that it has considered the issues of community or municipal bonds, bequest and foundations schemes and recommends that they not be pursued.

2009/10 Annual Business Plan (Report No: 267/09)

Council has referred consideration of its Draft 2009/10 Annual Business Plan to the Economic and Corporate Committee.

- C230609/366.10** That we move to the next item on the agenda.

Budget Review 3 - Period 1 February 2009 to 30 April 2009 (Report No: 283/09)

This report covers the third review of Council's budgeted and actual performance for the 2008/2009 financial year.

- C230609/366.11** That the Committee recommends that Council amends the 2008/09 adopted budget arising from a budget review as at 30 April 2009 as outlined in Report No: 283/09, resulting in:

- an increase in the operating deficit by \$118,058 to a total of \$688,383 against an original budget deficit of \$700,434
- an increase in amounts received for new or upgraded assets of \$387,459
- a reduction in capital expenditure of \$445,420
- a reduction in proceeds received on disposal of assets of \$535,560 a net decrease in cash of \$3,803.

CARRIED

13.2 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.

- C230609/367** That:

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 as follows.

Bus Tour on the Management of the City's Assets

- C230609/367.1** Councillor Crutchett moved and Councillor Bouchée seconded that Administration organise a single day or two half day bus tours of the top twenty community building/assets with the view of:

- Briefing elected members on the asset management issues / maintenance required at each site as identified in the asset management plan.

- **Enabling elected members to understand the high cost to the community of maintaining multi use assets and the needs of these assets.**
- **Workshop any opportunities that may allow the rate burden to be reduced by asset consolidation and refurbishment.**

Background

I have had the opportunity to benefit from similar excursions around Glenelg Oval and the Brighton Caravan Park.

Some people are suggesting the community has reached its capacity to pay and it is time we worked smarter and not harder in our management of assets. It will give the new Chief Executive Officer an opportunity to view these sites with Elected Members and help develop opportunities to reduce costs.

Items in Brief (Report No: 263/09)

Report No: 263/09 was presented detailing items which were presented for the information of Members.

- C230609/367.2 That the Committee recommends that the report be noted and items of interest be discussed.**

Outdoor Dining Urban Design Guidelines (Report No: 264/09)

City Assets (Regulatory Services) and City Services (Strategic Planning) have developed City Wide Outdoor Dining Urban Design Guidelines.

The Guidelines do not apply to Moseley Square, Glenelg. Moseley Square has its own set of Outdoor Dining Urban Design Guidelines approved by the Strategy and Development Committee on 11 October 2005.

The City Wide Outdoor Dining Urban Design Guidelines (excluding Moseley Square) is attached for Councils endorsement.

- C230609/367.3 Councillor Fisk moved and Councillor Bouchée seconded that the Committee recommends that:**

1. **Council endorses the City Wide Outdoor Dining Urban Design Guidelines (excluding Moseley Square) including provision to require full restoration of the area should the permit cease.**
2. **All new applicants for an Outdoor Dining Permit be provided a copy of City Wide Outdoor Dining Urban Design Guidelines (excluding Moseley Square) to comply with.**

Street Tree Removal – Corner Bandon Terrace and Singleton Road, Kingston Park (Report No: 287/09)

Council is requested to consider removal of one non-significant street tree at the corner of Bandon Terrace and Singleton Road, Kingston Park to facilitate a new footpath. The 16m high *Pinus halepensis* Aleppo Pine is not significant under the Development Act 1993.

- C230609/367.4 That the Committee recommends that the *Pinus halepensis* (Aleppo Pine)**

on the corner of Bandon Terrace and Singleton Road, Kingston Park be removed and replaced in a different location on the advice of the Administration.

RSL Bowling Club – Car Parking Options (Report No: 288/09)

This report provides options for the creation of additional RSL Bowling Club car parking spaces. Options 3 and 4 are low cost options that should be investigated firstly with a follow up report back to the Environment and Engineering Committee on the findings.

C230609/367.5

That:

- 1. That Administration commence consultation with affected stakeholders in regard to Options 1 (\$200,000), 2 (\$175,000) and 3 (\$350) as outlined in Report No: 288/09.**
- 2. That both groups be advised that the proposed car parking changes and removal of the vegetation may impact on the ambience of the Bowling Green and council requests they acknowledge acceptance of the possible environmental change on the greens prior to council proceeding with any changes.**

Scholefield Road, Seacliff – Koala Crossing (Report No: 289/09)

Upon request from the Principal of Seacliff Primary School, Mr Greg Miller, Administration looked into the possibility of removing the Koala Crossing on Scholefield Road, Seacliff. A Traffic Impact Statement has been conducted by QED, with their recommendation to remove the Koala Crossing as it no longer meets the Department for Transport, Energy & Infrastructure, Code of Technical Requirements.

C230609/367.6

That the Committee recommends that Council endorses QED's proposal to remove the Koala Crossing on Scholefield Road, Seacliff.

Street Tree Strategy – New Species (Report No: 290/09)

A working party was established by Council – Resolution EE220708/073 – to identify additional species to be used as street trees in the City of Holdfast Bay. The working party was subsequently tasked with nine other responsibilities to be considered as part of the review of the current Street Tree Strategy. Recommendations are presented for consideration, including amendments to the Street Tree Strategy Planting Guide for specific streets.

C230609/367.7

That:

Resolution EE220708/073:

- 1. The following species be added to the planting list as street tree species, with residents to be notified of new street tree species and reasons for selection as required –**
 - ***Banksia Integrifolia* – Coastal Banksia**
 - ***Banksia Marginata* – Silver Banksia**
 - ***Cupaniopsis Anacardioides* – Tuckeroo**
 - ***Geijera parviflora* – Australian Wilga**
 - ***Lagerstroemeia indica x fauriei* 'Natchez' – Crepe Myrtle, and**
 - ***Platanus acerifolia* – London Plane**

2. The Street Tree Strategy Planting Guide be amended to allow for the planting of:
- Augusta Street, Glenelg East (North of Sandison Reserve) – *Geijera parviflora* – Australian Wilga
 - Bath Street, Glenelg South –
 - Under ETSA Utilities – *Lagerstroemeia indica x fauriei* ‘Natchez’ – Crepe Myrtle
 - Non Utilities - *Banksia Integrifolia* – Coastal Banksia
 - Eton Road, Somerton Park –
 - Under ETSA Utilities – *Angophora hispida*¹ – Dwarf Apple Tree
 - Non Utilities – *Metrosideros excelsa*² – New Zealand Christmas Tree
 - Hulbert Street, Hove –
 - Under ETSA Utilities – *Lagerstroemeia indica x fauriei* ‘Natchez’ – Crepe Myrtle
 - Non Utilities - *Banksia Integrifolia* – Coastal Banksia
 - Macpherson Street, Hove –
 - Under ETSA Utilities – *Lagerstroemeia indica x fauriei* ‘Natchez’ – Crepe Myrtle
 - Non Utilities - *Banksia Integrifolia* – Coastal Banksia
 - Oleander Street East, South Brighton –
 - Under ETSA Utilities – *Callistemon ‘Harkness’* – Gawler Bottlebrush
 - Non Utilities - *Cupaniopsis Anacardioides* – Tuckeroo
 - Oleander Street West, South Brighton - *Metrosideros excelsa* - New Zealand Christmas Tree
 - Smith Avenue, Hove - *Cupaniopsis Anacardioides* – Tuckeroo

Resolutions EE240407/047 and C090908/380 and EE260208/030:

3. The Street Tree Strategy Planting Guide be amended to allow for the planting of –
- Whyte Street, Somerton Park – targeted removal and replacement of Oleanders -
 - Under ETSA Utilities (and non-utilities from Tarlton Street to Esplanade) – *Angophora hispida* – Dwarf Apple Tree,
 - Non Utilities (from Brighton Road to Tarlton Street) - *Platanus acerifolia* – London Plane
4. The Street Tree Strategy Planting Guide be amended to allow for the planting of:
- Moseley Street, Glenelg and Glenelg South –
 - Under ETSA Utilities – *Angophora hispida* – Dwarf Apple Tree,
 - Non Utilities - *Platanus acerifolia* – London Plane
 - Tarlton Street, Somerton Park –
 - Under ETSA Utilities – *Angophora hispida* – Dwarf Apple Tree, with alternative of *Banksia Integrifolia* – Coastal Banksia if required
 - Non Utilities - *Platanus acerifolia* – London Plane
5. Plantings of *Angophora hispida* – Dwarf Apple Tree and *Banksia Integrifolia* – Coastal Banksia be extended around the northern and western perimeter of John Miller Reserve.

¹ Also known as *Angophora cordifolia*

² Also known as *Metrosideros tomentosa*

Resolutions EE260208/020 and EE240106/007 and C090908/380:

6. The Street Tree Strategy Planting Guide be amended to allow for the planting of –
- Mattner Avenue, Glenelg North – targeted removal and replacement of *Eucalyptus platypus* with - *Lagerstroemeia indica x fauriei* 'Natchez' – Crepe Myrtle
 - Noting that the current street tree species will be used for all other streets in the agreed pilot suburbs of Glenelg North, Brighton and Seacliff for staged removal of *Eucalyptus platypus*, totalling 59 replacement trees,
7. The replacement species for the *Langenaria Patersoni* – Norfolk Island Hibiscus³ removal and replacement program along the banks of the Patawalonga, be *Allocasuarina verticillata* -Drooping she-oak.

Resolution EE200109/010:

8. The current street tree species *Callistemon Harkness* – Gawler Bottlebrush be planted at 42 Folkestone Road, South Brighton, as a replacement for the removed significant tree,

Resolution EE200109/011:

9. The current street tree species *Metrosideros excelsa* –New Zealand Christmas Tree be planted at 40 Gladstone Road, North Brighton, as a replacement for the removed significant tree,

Resolution EE240309/160.3:

10. *Banksia Integrifolia* – Coastal Banksia be adopted as the agreed street tree species for Cygnet Court, Glenelg North,

Resolution EE260208/029:

11. Barricading of trees adjacent to development sites be referred to Council's Development Services area, for inclusion in the recently established Bond Retention Scheme for developers under the Development Amendment Act,

Resolution C180308/090:

12. Strategy for engendering community engagement and action on street tree planting be referred to the Environment Advisory Committee, and

Resolutions EE220708/071 and EE280409/242.1:

13. Significant tree replacement policy and greening policy – large trees, be referred to Council's Strategic Planning area.

CARRIED

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

³ ie. colloquially known as itchy pod trees

14.1 Minutes - Rating Review Advisory Committee, 21 May 2009 and 4 June 2009 (Report No: 250/09)

The Rating Review Advisory Committee was established to assist Administration to:

- Review Council's rating policy and make recommendations for any changes to Council no later than 31 May each year.
- Monitor the Local Government Act as it impacts on Council's Rating Policy.
- Investigate the appropriateness of special rates (such as Patawalonga Marina Separate Rate) and any others, from time to time

The Minutes of the Rating Review Advisory Committee meetings held 21 May 2009 and 4 June 2009, are attached and submitted to Council for information and endorsement, noting in particular the committee's recommendations presented below for endorsement.

C230609/368 Councillor Crutchett moved and Councillor Beh moved that the amended report be received.

CARRIED

C230609/369 Councillor Beh moved and Councillor Crutchett seconded that the amendment minutes of the Rating Review Advisory Committee meetings held 21 May 2009 and 4 June 2009 be received and recommendations numbered 1 – 5 endorsed by Council.

2009/10 Rating Policy (Report No: 220/09)

1. That subject to Council declaring its rates for 2009/10 including minimum rate, differential rate, rate capping, the Rating Policy attached to Report No: 220/09 be adopted.

2009/10 Property Valuations, Rate Capping and Minimum Rates (Report No: 221/09)

2. That Administration model the following parameters for 2009/10 rates and report to the next committee meeting:
 - Provide details on two minimum rate scenarios, \$735.00 and \$744.50
 - Maintain the 2008/09 rate distribution between Commercial/ Industrial/ Vacant (13.6%) and Residential (86.4%)
 - Apply a \$40 Council funded pensioner and self funded retiree threshold at a valuation of \$330,000 and increase \$1 for every 10,000 increase in valuation
 - Apply rate capping at 10%

Urgent Business – Communication Document for Staff

3. That Administration develop a communication document for staff and members that provides a clear and positive message supporting Council's 2009/10 rates.

2009/2010 Rate Modelling (Report No: 235/09)

4. That for 2009/10:

- 1. The differential rate for commercial and industrial and vacant land be set at a 48% premium to the rate applying to residential properties.**
- 2. The minimum rate be set at \$744.00.**

Urgent Business

- 5. That Administration contact Wheelchair Sports Association to determine if they are in agreement with the insertion of a "Memories and Milestones – donor paver in Wigley Reserve" brochure with the 2009/10 rate notice at their cost.**

CARRIED**AMENDMENT**

Councillor Looker moved an amendment and Councillor Heysen seconded that Item 5 – Urgent Business, be deleted and not included with the Rate Notice.

LOST**14.2 Minutes - Audit Committee, 3 June 2009 (Report No: 293/09)**

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 3 June 2009, are presented and submitted for Council for information and endorsement, noting in particular the Committee's recommendations presented below for endorsement.

C230609/370

Councillor Looker moved and Councillor Deakin seconded that the minutes of the Audit Committee meeting held 3 June 2009 be received and recommendations numbered 1 – 4 endorsed by Council

Standing Items (Report No: 238/09)

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

Draft 2009/10 Annual Business Plan and Budget (Report No: 240/09)

2. That the Audit Committee notes that Council's external auditor has reported that Council has adopted budget processes that comply with applicable legislations.

Internal Audit (Report No: 244/09)

3. That the Committee notes that Council's Draft 2009/10 Annual Business Plan and Budget includes an amount of \$25,000 for an internal audit program.

Interim Audit (Report No: 245/09)

4. That the Committee notes receipt of a letter from Council's auditor in relation to the recent interim audit.

CARRIED**15. REPORTS OF REGIONAL SUBSIDIARIES Nil****16. REPORTS BY OFFICERS****16.1 Changes to Legislation – Feedback Sought (Report No: 281/09)**

Mayor Rollond has received correspondence from the Minister for State/Local Government Relations requesting feedback from Council on the draft Local Government (Elections) (Miscellaneous) Amendment Bill. The Local Government Association of SA (LGA) is coordinating the feedback from councils, and is also seeking feedback on proposed changes to the Ombudsman Act 1972.

The changes proposed are in response to the Independent Review of Local Government Elections initiated by the Minister, and to the LGA's review of the Ombudsman Act where it was compared to similar acts in other states.

C230609/371**Councillor Beh moved and Councillor Fisk seconded that**

1. That the report be received; and
2. That Council determine what, if any, feedback is to be provided to the LGA on the proposed legislative changes.

CARRIED

16.2 Code of Practice (Report No: 280/09)

The City of Holdfast Bay's Meeting Procedures Code of Practice is required to be reviewed at least once every financial year. A recent review has amended the Code to reflect the current practice of Council.

Councillor Looker moved and Councillor Huckstepp seconded that Council adopts, by at least two-thirds majority of the members, the draft Code of Practice – Meeting Procedures, attached to this report.

C230609/372

Councillor Crutchett moved and Councillor Deakin seconded that this be adjourned until all members of Council are present, and to include clarification on the ability of a presiding member to speak 'with the leave of the meeting'.

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 – SUBJECT TO THE LEAVE OF THE MEETING**Feedback to the LGA****18.1 Item in Brief - Postponement of Hayama Sister City Exchange Program 2009**

These items are presented for the information of Members and do not require a separate resolution.

Members requiring any items to be withdrawn for discussion should advise the Chief Executive Officer prior to the meeting.

C230609/373

Councillor Deakin moved and Councillor Huckstepp seconded that the Committee recommends that the report be noted and items of interest be discussed.

CARRIED**18.2 Feedback to the LGA****C230609/374**

Councillor Crutchett moved and Councillor Bouchée seconded that the LGA be advised that council does not support the requirement for a complaint to be received by Council before reference to the Ombudsman.

A division was called.

Voted For
R M Bouchée
P N Crutchett
L R Fisk
P D H Heysen

Voted Against
R D Beh
J L Deakin
J D Huckstepp
T D Looker
L van Camp

HIS WORSHIP THE MAYOR DECLARED THE MOTION LOST

18.3 Adelphi Terrace Development – Definition of a Roof-top Living Area

Councillor Bouchée asked a question regarding the Adelphi Terrace development and the definition of roof-top living area.

The General Manager City Services, Ms R Thomas, took the question on notice.

19. ITEMS IN CONFIDENCE

19.1 Coast Park Consult and Design Project – Seacliff to Kingston Park – Tender Evaluation and Budgetary Consideration (Report No: 292/09)

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

Cr van Camp declared a conflict of interest in that she is employed by one of the companies concerned and left the Chamber at 9.09 pm.

C230609/375

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

Coast Park Consult and Design Project – Seacliff to Kingston Park – Tender Evaluation and Budgetary Consideration (Report No: 292/09)

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE**C230609/377**

Councillor Beh moved and Councillor Huckstepp 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: 292/09 with the exception of Resolution No: C230609/375 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 2010 by the Council.**

CARRIED**20. RESUMPTION****C230609/378**

Councillor Looker moved and Councillor Beh seconded that Council resume as an open meeting of Council at 9.09 pm.

CARRIED**21. CLOSURE**

The Meeting closed at 9.10 pm.

CONFIRMED Tuesday 14 July 2009

MAYOR