

## 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 22 June 2010 at 7:05pm.**

### PRESENT

His Worship the Mayor	A K Rollond
Deputy Mayor	R A Clancy
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	S C Lonie
Councillor	T D Looker
Councillor	A C Norton – 7:06pm
Councillor	L van Camp
Chief Executive Officer	J P Lynch
General Manager Alwyndor Aged Care	G Potter
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 at 7:05pm.

### 2. Kaurna Acknowledgement

With the opening of the meeting His Worship the Mayor stated:

We acknowledge Kaurna people as the traditional owners and custodians of this land.

We respect their spiritual relationship with country that has developed over thousands of years, and the cultural heritage and beliefs that remain important to Kaurna People today.

### 3. Prayer

His Worship the Mayor requested all present to pray and read the following Prayer:

Heavenly Father, we pray for your presence and guidance at our Council Meeting.

Grant us your wisdom and protect our integrity as we carry out the powers and responsibilities entrusted to us on behalf of the community that we serve.

### 4. Apologies

4.1 Apologies Received Councillor P D H Heysen

4.2 Absent Nil

**5. Items Presented to Council Nil**

**6. Declaration of Interest**

Members were reminded to declare their interest before each item.

**7. Confirmation of Minutes**

C220610/910

**Councillor Deakin moved and Councillor Clancy seconded that the minutes of the Ordinary Meeting of Council held on 8 June 2010 be taken as read and confirmed.**

**CARRIED**

**8. Questions by Members**

8.1 Without Notice

**Councillor Norton joined the Chamber at 7:06pm.**

8.1.1 Dry Zone, Glenelg Submission

Councillor Bouchée asked a question regarding when the submission regarding the dry zone will be ready.

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

Councillor Bouchée asked a question regarding the submission's consultation and if it will include Neighbourhood Watch.

Councillor Bouchée asked a question if Administration is able to use extra resources to complete this submission.

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

8.1.2 Timetable for the Safety Audits

Councillor Bouchée asked a question regarding the timetable for the CPTED safety audits.

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

8.2 With Notice

8.2.1 Adelaide Living Beaches Sand Pumping Pipeline Project

In accordance with his notice, Councillor Looker asked the following question:

What is the current status of the "Adelaide's Living Beaches" sand pumping pipeline project and when might we see a commencement of works?

**The General Manager City Assets, Mr S Hodge's response.**

**The Coast Protection Board have called a tender for the Living Beaches Project the tenders have been evaluated and the information and a recommendation has been forwarded to Cabinet for sign off and approval. It is expected that there will be an answer back from Cabinet in the next 2 to 3 months then if funding is approved the project will probably start towards the end of the year.**

**8.2.2 Acceptable Rates of Return**

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

Would Administration seek advice from an asset management specialist (it could be our bank) on what are considered within the industry to be the acceptable rates of return (hurdle rates) on assets.

**Background**

This should provide a clear indication of the returns that the City derives from its assets including real property and should provide a measure of the 'community benefit' factor in such assets such as the Town Halls and libraries so that the returns on the Council continuing to own these assets rather than selling them (could be a 99 year lease with lease back to Council) can be considered. In particular, commercial ventures which the Council operates in competition with the private sector should be able to demonstrate a commercial rate of return on the asset value or the asset value should be realised and the money spent on essential infrastructure like the King Street Bridge.

This information needs to be provided so that Council is in a position to judge asset purchases and sales in light of proper cost/benefit analyses and not be making decisions on whims or emotional attachments independent of the value to the ratepayers.

**The General Manager Corporate Services, Mr I Walker's response.**

**This is a very pertinent question and raises a number of issues in relation to Council's objectives and financial expectations.**

**Investors in property assets seek a rate of return that covers their cost of capital plus a margin for risk. The return on a property is commonly measured in terms of a 'yield', being the rent expressed as a percentage of the value of the property. Current market yields are broadly in the range of 7-10% however this is subject to a variety of factors including the risk free rate (ie. government bonds), cost of capital, tax rates (including depreciation provisions), property location and risk, property age and condition, and expectation of capital appreciation.**

**Unlike private property owners, Council may also consider community objectives which may result in seeking lower yields.**

## **9. Member's Activity Reports**

- 9.1 Mayoral Report (Report No: 301/10)
- 9.2 Holdfast Bay Community Centre

Councillor Looker reported that he had attended a Holdfast Bay Community Centre meeting and provided a brief update of their activities.

## **10. Public Presentations**

- 10.1 Petitions Nil
- 10.2 Presentations Nil
- 10.3 Deputations Nil

## **11. Motions on Notice Nil**

## **12. Adjourned Matters**

- 12.1 Adjourned Item: Review of Council Policies (Report No: 302/10)

A report was presented to the Social and Organisation Committee in April this year, making recommendations on adopting a number of policies which had been reviewed by the Governance and Policy business unit. This report was adjourned to provide Elected Members opportunity for further detailed review of these policies. A small working party of Elected Members was formed and each of these policies were reconsidered by the working party and they are now put to Council for adoption.

**Councillor Looker moved and Councillor Fisk seconded that:**

### **1. The following policies, as amended, be adopted by Council:**

- a. Access and Equity
- b. Caretaker Period
- c. Civic Events, Awards and Ceremonies
- d. Elected Member Benefits and Entitlements
- e. Elected Member Training and Development
- f. Election Signs
- g. Internal Review of Council Decisions
- h. International Relations
- i. Football Tickets – Community Guests
- j. Recognition of Elected Member Long Service
- k. Whistleblower

### **2. The following policy, which has not been amended, be endorsed:**

- a. Community Consultation and Engagement

### **3. The following policies be revoked:**

- a. Elected Member – Communication with Employees

**b. Reimbursement of Elected Member Legal Costs**

**AMENDMENT**

**Councillor Crutchett moved and Councillor Deakin seconded that the caretaker policy be amended that the relevant provisions regarding bribes are included in the policy.**

**C220610/911**

**Councillor Clancy moved and Councillor van Camp seconded that the matter be adjourned until Urgent Business so that the relevant legislation being discussed can be presented to members.**

**CARRIED**

**13. Reports of Management Committees, Subsidiaries and the Development Assessment Panel**

**13.1 Minutes - Development Assessment Panel (Report No: 303/10)**

Council's Development Assessment Panel is established under the Development Act 1993.

The purpose of the panel is to:

- act as a delegate of Council and make decisions on development applications in accordance with the requirements of the Development Act;
- provide advice to Council on trends, issues and other matters relating to planning or development that have become apparent during the assessment of development applications;
- perform other roles, except policy formulation, as assigned by Council;
- consider and report on matters before the Environment, Resources and Development Court as a means to resolving judicial appeals.

The minutes of the Development Assessment Panel meetings held 26 May 2010 is presented to Council for information.

In accordance with its resolution on 27 November 2009, Council is also asked to determine the future of any planning appeal matters should they eventuate. Elected Members requiring a copy of the Development Assessment Panel Agenda, including reports and/or access to the Development Application files, are asked to contact Council Administration prior to the Council Meeting.

**Councillor Lonie moved and Councillor Clancy seconded:**

- 1. That the minutes of the Development Assessment Panel meeting held on 26 May 2010 be received.**
- 2. That should an appeal be lodged with the Environment, Resources and Development Court against the Development Assessment Panel's decision with respect to any of the matters considered by the Panel on 26 May 2010 that Council Administration engages legal assistance to defend the matter.**

**AMENDMENT**

**C220610/912** Councillor Fisk moved and Councillor Deakin seconded that the recommendation be split into two parts.

**CARRIED**

**C220610/913** Councillor Fisk moved and Councillor Deakin seconded that the minutes of the Development Assessment Panel meeting held on 26 May 2010 be received.

**CARRIED**

**Councillor Fisk moved and Councillor Bouchée seconded that all appeals to the ERD Court come before council for consideration.**

**C220610/914** Councillor Deakin moved and Councillor Huckstepp seconded that Council proceed to the next item of business.

**CARRIED**

**Councillor van Camp left the Chamber at 7:28pm**

13.2 Minutes - Alwyndor Management Committee (Report No: 304/10)

**Councillor van Camp rejoined the Chamber at 7:29pm.**

**Councillor Beh left the Chamber at 7:29pm.**

The Alwyndor Aged Care Management Committee was established to manage the affairs of Alwyndor Aged Care Facility. The Council has endorsed the Committee's Terms of Reference and given the Committee delegated authority to manage the business of Alwyndor Aged Care Facility.

The Minutes of the Alwyndor Aged Care Management Committee for the meeting held on 18 May 2010 are attached.

The Comparison Budget presenting their year to date financial position is also distributed to Members under separate cover for Council information.

We are currently reviewing the confidential nature of the meeting and changes are forthcoming.

**Councillor Beh rejoined the Chamber at 7:30pm.**

**C220610/915** Councillor Clancy moved and Councillor Lonie seconded that the Minutes of the Alwyndor Aged Care Management Committee meeting held 18 May 2010 and the Comparison Budget for April 2010 be received and noted by Council.

**CARRIED**

13.3 Minutes – Holdfast Bay History Centre (Report No: 305/10)

The Holdfast Bay History Centre was established to assist Administration in the management of the Holdfast Bay History Centre at Ringwood House, Brighton.

The Minutes of the Holdfast Bay History Centre Advisory Committee Meeting held 12 May 2010, are attached and submitted to Council for information and endorsement noting in particular the Committee's recommendations presented below.

**C220610/916**

**Councillor Huckstepp moved and Councillor Lonie seconded that the following minutes of the Holdfast Bay History Centre Advisory Committee held 12 May 2010 be received and the following recommendations numbered 1 and 2 be noted:**

*5.1 Local History Officer's Report (Report No: 220/10)*

- 1. That the Holdfast Bay History Centre Advisory Committee receive and note the Local History Officer's Report.**

*7.1 Review of Council and Committee Structure*

- 2. That the previously known Holdfast Bay History Centre Advisory Committee wishes to keep meetings quarterly but under a more informal structure to be called the Holdfast Bay History Centre Consultancy Group, with the first meeting to take place on 18 August 2010.**

**CARRIED**

#### 13.4 Minutes – Audit Committee (Report No: 306/10)

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 12 May 2010, are presented and submitted for Council for information and endorsement, noting in particular the Committee's recommendations presented below for endorsement.

**C220610/917**

**Councillor Looker moved and Councillor Fisk seconded that the minutes of the Audit Committee meeting held 12 May 2010 be received and recommendations numbered 1 - 3 endorsed by Council:**

*7.1 Risk Management Framework Update (Report No: 223/10)*

- 1. That the Audit Committee recommends to Council that it has received and noted a report on the recent review of its risk**

**management framework and procurement framework.**

7.5 *Draft 2010/11 Annual Business Plan (Report No: 224/10)*

- 2. That the Audit Committee recommends to Council that it has reviewed the Draft 2010/11 Annual Business Plan and Budget and makes the following comments:**

- 1. That it re-affirms its concerns with the projected operating deficit in the Draft 2010/11 Annual Business Plan and that continued operating deficits are not financially sustainable.**
- 2. That it re-affirms its recommendation to Council to continue examining opportunities to address the projected operating deficit.**

7.6 *Local Government Association Review of Audit Committee Operations (Report No: 225/10)*

- 3. That the Audit Committee recommends to Council that it has considered the “Draft Final Report of the Operations of Council Audit Committees” commissioned by the Local Government Association and recommends that Council advises the Local Government Association that it supports the recommendations in the report.**

**CARRIED**

### 13.5 Minutes – Events Advisory Committee (Report No: 312/10)

The Events Advisory Committee was established to:

- Advise Council on recommendations for Council Expenditure prior to the annual budget cycle.
- Foster and encourage resident focussed events.
- Seek partnerships to develop new community events.
- Provide advice when required regarding Council’s major Civic Events.
- Evaluate events at their completion and make recommendations to Council if required.

The minutes of the Events Advisory Committee meeting held 10 June 2010, are attached and submitted to Council for information and endorsement, noting in particular the Committee’s recommendations presented below for endorsement.

**Councillor Looker moved and Councillor Fisk seconded:**

- 1. That the minutes of the Events Advisory Committee be received and the recommendations numbered 1, 2 and 3 below be endorsed by Council:**

5.1 *Draft Events Strategy*

- 1.1 That the update on the Draft Events Strategy be noted and that the document be circulated to the community for consultation prior to final adoption by Council.**

5.3 *The Future of the Events Advisory Committee*

- 1.2 That the recommendation to Council is that the Events Advisory Committee be dissolved and that future issues related to the events be reported to the newly formed Community and Visitors Committee.**

6 *Discussion on Event Workshops*



- 1.3 That the Events Advisory Committee recommends to Council that any future considerations for major events be referred to an appropriate Council workshop (or reference group) and that Administration develop a set of guidelines as to how these workshops will be conducted. This may require a Council discussion or workshop to confirm the procedure.
2. That recommendation numbered 2.4 below not be endorsed by Council:
  - 5.2 *Mayoral Garden Party*
- 2.4 That the Committee recommends to Council that the Mayoral Garden Party remains the same format that is currently in place on the grounds of Partridge House on Friday 29 October 2010 at 2:00pm.
3. That given the proximity of the Mayoral Garden Party to the November Local Government election, the recent changes to the Local Government (Elections) Act 1999 and the difficulty in rescheduling the event, that the Mayoral Garden Party not be held in 2010.

#### AMENDMENT

C220610/918

Councillor Crutchett moved and Councillor Norton seconded:

1. That the minutes of the Events Advisory Committee be received and the recommendations numbered 1.1, 1.2 and 1.3 below be endorsed by Council:
  - 5.1 *Draft Events Strategy*
- 1.1 That the update on the Draft Events Strategy be noted and that the document be circulated to the community for consultation prior to final adoption by Council.
  - 5.3 *The Future of the Events Advisory Committee*
- 1.2 That the recommendation to Council is that the Events Advisory Committee be dissolved and that future issues related to the events be reported to the newly formed Community and Visitors Committee.
  - 6 *Discussion on Event Workshops*
- 1.3 That the Events Advisory Committee recommends to Council that any future considerations for major events be referred to an appropriate Council workshop (or reference group) and that Administration develop a set of guidelines as to how these workshops will be conducted. This may require a Council discussion or workshop to confirm the procedure.
2. That recommendation numbered 2.4 below not be endorsed by Council:
  - 5.2 *Mayoral Garden Party*
- 2.4 That the Events Advisory Committee recommends to Council that any future considerations for major events be referred to an appropriate Council workshop (or reference group) and that Administration develop a set of guidelines as to how these workshops will be conducted. This may require a Council discussion or workshop to confirm the procedure.
3. That the Mayoral Garden Party be held in November 2010 following the conclusion of the Caretaker period.

THE AMENDMENT ON BEING PUT WAS CARRIED

**THE MOTION, AS AMENDED, ON BEING PUT WAS CARRIED****FURTHER AMENDMENT**

**Councillor Clancy moved that the Mayoral Garden Party be called the Holdfast Garden Party and be held in October as part of the Every Generation Festival.**

**LAPSED FOR WANT OF A SECONDER**

**14. Reports by Officers****14.1 Items in Brief (Report No: 300/10)**

Report No: 300/10 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

**C220610/919**

**Councillor Beh moved and Councillor Lonie seconded that the report be noted and items of interest be discussed.**

**CARRIED**

14.2 Alwyndor Nil

14.3 Civic Nil

14.4 Corporate Development Nil

14.5 Finance

**14.5.1 2010-11 Annual Business Plan Adoption (Report No: 307/10)**

The Annual Business Plan for 2010/11 is presented for adoption by Council.

**C220610/920**

**Councillor Lonie moved and Councillor Beh seconded that the 2010/11 Annual Business Plan included as Attachment 1 to Report No: 307/10 be adopted.**

**CARRIED**

**14.5.2 2010-11 Budget Adoption and Rate Declaration (Report No: 299/10)**

The 2010/11 Budget is presented for adoption following adoption of the Annual Business Plan. Further, general, differential and separate rates have been identified to fund Council's activities together with other levies as contained within the budget document. Council's rate revenue in 2010/11 will increase 4% on the previous year, excluding separate rates, new developments and the State Government's NRM Levy. Council is now in a position to formally adopt the Budget and declare the rates for the 2010/11 financial year.

**C220610/921**

**Councillor Lonie moved and Councillor Huckstepp seconded that in respect of the financial year ended 30 June 2011:**

- 1. That the fees and charges incorporated in the Annual Business Plan and contained as Attachment 1 be adopted and that the relevant policies be updated accordingly.**
- 2. Adoption of the 2010/11 Budget**

The Budget for the year as laid before the Council at the meeting held on 22 June 2010, which consists of:

- a) the Budgeted Income Statement; and
- b) the Budgeted Balance Sheet; and
- c) the Budgeted Statement of Changes in Equity; and
- d) the Budgeted Statement of Cash Flow; and
- e) *the Budgeted Uniform Presentation of Finances*

be adopted, such Budget involving;

- (1) a total estimated operating expenditure (including depreciation) of \$45,363,819.
- (2) a total estimated operating income from sources other than rates of \$20,488,359.
- (3) a total net amount required to be raised from the differential general rate of \$24,094,090.
- (4) a total amount required to be raised from separate rates of \$640,258.
- (5) a total net amount required to be raised for the NRM Levy of \$768,133.
- (6) a total estimated operating surplus before capital income of \$627,021.

### 3. Adoption of Valuations

The most recent valuations of the State Valuation Office available to the Council of the capital value of land within Council's area, be adopted for rating purposes, totaling \$10,286,857,140;

### 4. Attribution of Land Uses

- (1) The numbers indicated against the various categories of land use prescribed by Regulation 10 of the Local Government (General) Regulations, 1999 (the "Regulations") be used to designate land uses in the Assessment Record;
- (2) The use indicated by those numbers in respect of each separate assessment of land described in the Assessment Record on this date be attributed to each such assessment respectively; and
- (3) Reference in this resolution to land being of a certain category use means the use indicated by that category number in the Regulations;

### 5. Declaration of Differential General Rates

In order to raise the amount specified in paragraph 2(3) above:

- (1) In respect of rateable land which is used for Commercial-Shop (Category 2), Commercial-Office (Category 3), Commercial-Other (Category 4), Industrial-Light (Category 5), Industrial-Other (Category 6), and Vacant Land (Category 8) uses and classified as such in the Assessment Record of the Council at the date of this declaration, a Differential General Rate of 0.33494 cents in the dollar for the assessed capital value of such property;
- (2) In respect of rateable land which is used for Residential (Category

1) and Other Land (Category 9) uses and classified as such in the Assessment Record of the Council at the date of this declaration, a Differential General Rate of 0.223816 cents in the dollar for the assessed capital value of such property;

- (3) Pursuant to Section 158 of the *Local Government Act 1999* a minimum amount payable by way of the General Rate be fixed at \$785;
- (4) Pursuant to Section 153(3) and (4) of the *Local Government Act 1999* the Council has determined that it will fix a maximum increase of 10% in the general rate charged on rateable land that is used for Residential purposes and constitutes the principal place of residence of a principal ratepayer; and
- (5) In exercise of the powers in Section 166(1)(i) of the *Local Government Act 1999* and to provide relief against what would otherwise amount to a substantial change in rates payable due to a redistribution of the rates burden by a change to the structure of the Council's rates through the imposition of general rates on the owners of marina berths with the Patawalonga, the Council will provide to the principal ratepayer of such marina berths, a transitional rebate of the general rates for the 2010/11 financial year of 20% of the total General Rates payable.

#### 6. Declaration of Separate Rates

##### Differential Separate Rate – Jetty Road Mainstreet

- (1) In exercise of the powers contained in Section 154 of the *Local Government Act 1999* and in order to support and improve the activity of promoting and enhancing business viability, profitability and trade, commerce and industry in Jetty Road Glenelg, the Council declares a Differential Separate Rate of 0.137298 cents in the dollar on the capital value of all rateable land:
- with a frontage to Jetty Road or Moseley Square; and
  - within the side streets that intersect with Jetty Road between High Street and Augusta street; and
  - the entire site referred to as the Holdfast Shores 2B Entertainment Centre; and
  - with a land use of Category 2 (Commercial – Shop), Category 3 (Commercial – Office) and Category 4 (Commercial –Other)

##### Patawalonga Marina

- (2) (a) In exercise of the powers contained in Section 154 of the *Local Government Act 1999* and in order to carry out the activity of the maintenance and upkeep of the Boat Lock in the Patawalonga basin, a Separate Rate of 1.7503 cents in the dollar of the capital value of land, be declared on all rateable land within the Patawalonga basin bounded by the high water mark;
- (b) In exercise of the powers contained in Section 158(1)(b) of the *Local Government Act 1999* the amount that would otherwise be payable by way of rates in respect of this separate rate is altered by fixing the maximum amount of the separate rate payable for assessments within the area to which this separate

rate applies where the capital values of which exceed \$99,583 at \$1,743.00;

**7. Imposition of Regional NRM Levy**

*In exercise of the powers contained in Section 95 of the Natural Resources Management Act 2004 and Section 154 of the Local Government Act 1999, in order to reimburse the Council for the amount contributed to the Adelaide and Mount Lofty Ranges Natural Resources Management Board, being \$768,133, a separate rate of 0.0077552 cents in the dollar of the capital value of all rateable land in the Council's area;*

**8. Payment**

(1) That in accordance with Section 181(1) of the *Local Government Act 1999*, all rates are payable in four equal (or approximately equal) instalments, the due dates being:

3 September 2010;

3 December 2010;

3 March 2011; and

3 June 2011;

Provided that in cases where the initial account requiring payment of rates is not sent by the time set by the *Local Government Act 1999* (the "Act"), or an amended account is required to be sent, authority to fix the date by which rates must be paid in respect of those assessments affected is hereby delegated, pursuant to Section 44 of the Act, to the Manager Finance;

(2) Pursuant to Sections 44 and 181 (4)(b) of the *Local Government Act 1999*, the Manager Finance is delegated power to enter into agreements with ratepayers relating to the payment of rates in any case of hardship or financial difficulty, or where it is considered in the best interests of Council so to do.

**9. That the 2010/2011 detailed Rating Policy contained as Attachment 3 be adopted.**

**CARRIED**

14.5.3 2010-11 Annual Business Plan Summary (Report No: 308/10)

On adoption of the 2010/11 Annual Business Plan and Budget a summary document is prepared to accompany the first rates notice. This gives an overview of the key points of interest in the Annual Business Plan.

**C220610/922**

**Councillor Clancy moved and Councillor Beh seconded that the Summary of the 2010/11 Annual Business Plan included as Attachment 1 to Report No: 308/10 be endorsed for inclusion in Council's first rates notice for 2010/11.**

**CARRIED**

14.5.4 2009-10 External Loan Borrowing Program (Report No: 297/10)

This report discusses the recurrent 2009/10 adopted external loan borrowing program totalling \$750,000 to fund the capital works program.

**C220610/923****Councillor Norton moved and Councillor Beh seconded that:**

- 1. Council borrows an amount up to \$750,000.**
- 2. The General Manager Corporate Services and Manager Finance negotiate the borrowing at the least cost to Council in accordance with Council's borrowing policy and in consideration of sound treasury and fund management practice.**
- 3. His Worship the Mayor and the Chief Executive Officer be authorised to sign and seal the loan documentation.**

**CARRIED**

## 14.5.5 Miscellaneous Debtors – Bad Debt Write Off (Report No: 298/10)

The Local Government Act specifies the conditions under which bad debts can be written off. A review has been conducted of outstanding miscellaneous debts. This report identifies debts over \$1,000 that are considered irrecoverable.

**C220610/924**

**Councillor Huckstepp moved and Councillor Clancy seconded that Council writes off \$4,861.72 in miscellaneous debts and if the parties listed in the report apply for permits in the future, they be asked to pay the amount in full upfront.**

**CARRIED**

**Councillor Clancy left the Chamber at 7:57pm.**

**Councillor Clancy rejoined the Chamber at 7:58pm.**

## 14.5.6 Monthly Financial Reports – May 2010 (Report No: 296/10)

This report provides Elected Members with financial reports at 31 May 2010. It comprises a Funds Statement and a Capital Expenditure Statement for the year-to-date compared with the 2009/10 budget.

Council's year-to-date (YTD) operating surplus is \$479,000 higher than YTD budget due to a mixture of factors, primarily timing variances relating to contractual services. Capital expenditure is \$20,000 higher than YTD budget, largely due to timing variances.

**C220610/925**

**Councillor Lonie moved and Councillor Fisk seconded that the Committee recommends to Council that the financial reports to 31 May 2010 be received and noted.**

**CARRIED**

## 14.6 Governance

## 14.6.1 Release of Confidential Items (Report No: 309/10)

Council's practice is to review documents held in confidence every six months and this practice has continued with a formal review occurring in June 2010.

This report recommends 42 items are released from confidence.

**C220610/926**

**Councillor Clancy moved and Councillor Looker seconded that the**

**Confidential Items presented at Attachment 1 to Report No: 309/10 be released from confidence.**

**CARRIED**

**14.6.2 Development Act 1993 and Development Act Regulations 2008 – Review of Delegations (Report No: 184/10)**

Council is required to review its instrument of delegations for the Development Act 1993 and Regulations 2008 each year. Delegations are the means by which Council can formally pass on its powers and functions to other bodies or individuals in order to efficiently and effectively manage the business of Council.

In the case of the Development Act 1993 and the Development Regulations 2008 certain powers are passed to the Development Assessment Panel (DAP) and/or to the Chief Executive Officer (CEO). Recent changes to the legislation make it appropriate to update these delegations at this time.

As a result of a review of the current delegations by officers, four minor changes to the legislation have been identified, resulting in four changes to the current Schedule of Delegations. It is recommended that Council endorse these changes to the Schedule of Delegations for the Development Act 1993 and the Development Regulations 2008, and that aside from these changes, no other changes be made at this time to the Schedule.

Council will review the Schedule of Delegations to the CEO and to the DAP in 12 months time as required by legislation, unless additional changes to the legislation make an earlier review appropriate.

**C220610/927**

**Councillor Beh moved and Councillor Clancy seconded that Council:**

- 1. Notes that staff have conducted their annual review of the Schedule of Delegations for the Development Act 1993 and the Development Regulations 2008 in accordance with the Local Government Act 1999, section 44(6).**
- 2. Approves the following amendments to the existing Schedule of Delegations for the Development Act 1993 and the Development Regulations 2008:**
  - **Replace the current Clause 4, with a new Clause 4 – Strategic Development Plans – as detailed in the amended Schedules of Delegations attached to this report as Attachments 1 and 2.**
  - **Add a new Clause 33.4A - as detailed in the amended Schedules of Delegations attached to this report as Attachments 1 and 2.**
  - **Add two new Clauses 34.6A and 34.6B - as detailed in the amended Schedules of Delegations attached to this report as Attachments 1 and 2.**
- 3. In exercise of its powers contained in Section 20 and 34(23) of the Development Act 1993, jointly delegates to the Chief Executive Officer and the Development Assessment Panel powers and functions contained in the new Clauses, 33.4A, 34.6A and 34.6B – as detailed in the amended Schedule of Delegations attached to this report as Attachments 1 and 2.**
- 4. In exercise of its powers contained in Section 20 and 34(23) of the**

**Development Act 1993, delegates to the Chief Executive Officer the powers and functions contained in the new Clause 4 – as detailed in the amended Schedule of Delegations attached to this report as Attachment 2.**

- 5. Authorises staff to make whatever changes to the current Schedule of Delegations for the Development Act 1993 and the Development Regulations 2008 necessary to reflect these amendments.**

**CARRIED**

14.7 Property Nil

14.8 Regulatory Nil

14.8.1 Application for Extended Trading – Restaurant Licence Lychie Restaurant, R6, 12 Holdfast Promenade Glenelg (Report No: 311/10)

At its meeting held on 9 March 2010, Council resolved to respond to an application for a Restaurant Licence by Lychie Restaurant, R6, 12 Holdfast Promenade, Glenelg. Council advised the Office of the Liquor and Gambling Commissioner that it did not object to the application for trading until 9:00pm from Sunday to Thursday and until 11:00pm from Friday to Sunday.

The Licensee is now requesting to Council for an extension of Trading due to existing Restaurants along the Marina trading until 11.00pm from Sunday to Thursday and until 11:30pm from Friday to Sunday.

The purpose of this report is to provide Council's comments to the Office of the Liquor and Gambling Commissioner before a decision is made on the application.

**C220610/928**

**Councillor Bouchée moved and Councillor Fisk seconded that Council advise the Office of the Liquor and Gambling Commissioner that it does not object to the application by Lychie Restaurant for an extension of trading to the Restaurant Licence at R6, 12 Holdfast Promenade, Glenelg subject to the following conditions:-**

- 1. That the hours of the Extended Restaurant Licence be in accordance with the hours proposed in the details submitted by the applicant, that being from:
 
  - 1. Sunday to Thursday 11:00am –11:00pm**
  - 2. Friday and Saturday 10:00am –11:30pm****
- 2. That any proposed changes to the trading hours in the future will require further consideration and comments by Council before a decision is made by the Office of the Liquor and Gambling Commissioner.**
- 3. That, although entertainment does not form part of this application for an extended Restaurant Licence, any future proposal for entertainment will require careful consideration by Council with regard to potential impacts to neighbouring properties before providing comments to the Commission.**

**CARRIED**

14.9 Encroachments Nil



14.10 Other Matters Nil

14.10.1 Inner Southern Business Enterprise Centre (Report No: 310/10)

The City of Holdfast Bay has provided annual funding to the Inner Southern Business Enterprise Centre (ISBEC) since it was established in 2002 as a means by which small to medium size businesses, either establishing or currently operating a business in Holdfast Bay, can obtain practical business information and support.

Council is committed to fostering sustainable business growth within the City of Holdfast Bay. This report reviews the role ISBEC plays in this economic development and the long-term viability of Council's support.

**C220610/929**

**Councillor Deakin moved and Councillor Looker seconded:**

- 1. That future funding of the Inner Southern Business Enterprise Centre by Council is subject to the Inner Southern Business Enterprise Centre entering into a Memorandum of Understanding with Council to provide agreed services to businesses within the City of Holdfast Bay.**
- 2. That Council continues its financial support of the Inner Southern Business Enterprise Centre dependent upon an acceptable level of support being provided to businesses within the City of Holdfast Bay.**
- 3. That a review of the level of support provided by the Inner Southern Business Enterprise Centre to businesses within the City of Holdfast Bay be undertaken on an annual basis.**
- 4. That Attachments 6 and 7 presented Under Separate Cover to Report No 310/10 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 and that the status will be reviewed on or before 30 June 2011 by the Council.**

**C220610/930**

**Councillor Crutchett moved and Councillor Beh seconded that this matter be adjourned until a further report is presented to Council on the City of Unley's arrangements with ISBEC**

**CARRIED**

**C220610/931**

**Councillor Looker moved and Councillor Clancy seconded that Attachments 6 and 7 presented Under Separate Cover to Report No 310/10 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 and that the status will be**

reviewed on or before 30 June 2011 by the Council.

**CARRIED**

**15. Resolutions subject to formal motions**

Presented for the information of Members is 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.

**16. Urgent Business – Subject to the Leave of the Meeting**

16.1 Consideration of Tourist Information Building Tenancy Update (Report No: 314/10) in the Infrastructure, Assets and Environment Committee

**C220610/932**

**Councillor Looker moved and Councillor Fisk seconded:**

1. **That council moves consideration of the Confidential Report Number: 314/10 to the Infrastructure Assets and Environment Committee, in order for it to be discussed at the end of the meeting and so minimise inconvenience to any members of the public.**
2. **For the purposes of resolving the matters considered by the Confidential Report no. 314/10 Council delegates the Infrastructure Assets and Environment Committee with the power to make a decision in the matters canvassed by the report.**

**CARRIED**

16.2 Adjourned Item - 12.1 Adjourned Item: Review of Council Policies (Report No: 302/10)

**C220610/933**

**Councillor Looker moved and Councillor Fisk seconded that:**

1. **The following policies, as amended, be adopted by Council:**
  - a. **Access and Equity**
  - b. **Caretaker Period**

**With the inclusion of Section 91A (8) (d) of the *Local Government (Elections) Act 1999.***
  - c. **Civic Events, Awards and Ceremonies**
  - d. **Elected Member Benefits and Entitlements**
  - e. **Elected Member Training and Development**
  - f. **Election Signs**
  - g. **Internal Review of Council Decisions**
  - h. **International Relations**
  - i. **Football Tickets – Community Guests**
  - j. **Recognition of Elected Member Long Service**

**With the change that the definition of eligible member be altered to refer to service at the Brighton, Glenelg and Holdfast Bay Councils.**
  - k. **Whistleblower**
2. **The following policy, which has not been amended, be endorsed:**

**a. Community Consultation and Engagement**

**3. The following policies be revoked:**

**a. Elected Member – Communication with Employees**

**b. Reimbursement of Elected Member Legal Costs**

**CARRIED**

16.3 Nomination to the Public and Environmental Health Council

**C220610/934**

**Councillor Clancy moved and Councillor Beh seconded that Councillor Lonie be nominated for the vacant position on the Public and Environmental Health Council.**

**CARRIED**

16.4 Former Trinity Church, 25 Moseley Street Glenelg – Community Land Status

Advice has been received from the Minister for State/Local Government Relations that the community land status would not be revoked and Administration sought council's direction for the future.

**C220610/935**

**Councillor Crutchett moved and Councillor Fisk seconded that the Memorandum dated 22 June 2010, Hon Gail Gago Declining to Revoke Community Land Classification of 25 Moseley Street, Glenelg, distributed to Elected Members be received and that Administration proceed in accordance with the original motion C270410/829.**

**CARRIED**

**The Chief Executive Officer, Mr J Lynch declared an interest in the following item as it involved his annual performance review and left the meeting at 8:25pm.**

16.5 Chief Executive Officer's Performance Review

**C220610/936**

**Councillor Bouchée moved and Councillor Lonie seconded that Council engage Hender Consulting to assist in the Chief Executive Officer's Performance Review.**

**CARRIED**

16.6 Request to Attend Training – Liquor Licensing the Changing Climate

**C220610/937**

**Councillor Looker moved and Councillor Lonie seconded that Councillor Bouchée's attendance at the Wallman's Liquor Licensing the Changing Climate Seminar.**

**CARRIED**

**17. Items in Confidence**

Consideration of Tourist Information Building Tenancy Update (Report No: 314/10) was moved to the Infrastructure, Assets and Environment Committee

**18. Closure**

The Meeting closed at 8:27pm

**CONFIRMED**      **Tuesday 27 July 2010**

**MAYOR**