

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 24 August 2010 at 7:00pm.

PRESENT

His Worship the Mayor	A K Rollond
Deputy Mayor	R A Clancy
Councillor	R D Beh
Councillor	R M Bouchée
Councillor	L R Fisk
Councillor	P D H Heysen
Councillor	J D Huckstepp
Councillor	S C Lonie
Councillor	T D Looker
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 7:00pm.

2. Kurna Acknowledgement

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

We acknowledge Kurna 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 Kurna 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 N Crutchett, Councillor J L Deakin and Councillor A C Norton
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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

C240810/980

Councillor Huckstepp moved and Councillor van Camp seconded that the minutes of the Ordinary Meeting of Council held on 10 August 2010 be taken as read and confirmed.

CARRIED

8. Questions by Members

8.1 Without Notice Nil

8.2 With Notice Nil

9. Member's Activity Reports

9.1 Mayoral Report (Report No: 413/10)

10. Public Presentations

10.1 Petitions

10.1.1 River Red Gum Tree located between 591 and 593 Anzac Highway, Glenelg North

A petition has been received from 5 residents regarding the River Red Gum Tree located between 591 and 593 Anzac Highway, Glenelg North.

The petition states as follows:

"We the undersigned owners of property in Holdfast Bay Council do hereby sign this petition against the 'River Red Gum' tree planted on council property between 591 and 593 Anzac Highway, Glenelg North.

This tree constantly pelts our property with leaves, twigs, branches small (and some quite large) all year our gutters are blocked our garden paths and driveways are continually littered with debris.

We want this tree removed, our properties are 'Local Heritage Listed' many have spent thousands of dollars on renovations i.e. new rooves, gutters etc, and are trying our best to preserve the heritage this is left at Glenelg."

Attached for the information of Elected Members is the petition.

Administration has verified that the number of signatures attached is 5.

C240810/981

Councillor Looker moved and Councillor Bouchée seconded:

- 1. That the petition be received by Council.**
- 2. That the petitioner be advised of Council's decision to not remove the tree.**
- 3. That Council prepare a generic flier to explain the tree policy to the community.**

CARRIED

10.2 Presentations

10.2.1 Glenelg Foreshore Building

Mr David D'Cruz made a five minute presentation to Council regarding the Glenelg Foreshore building proposal.

10.3 Deputations Nil

11. Motions on Notice Nil

12. Adjourned Matters Nil

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

13.1 Minutes – Glenelg Community Centre Property Advisory Committee, 2 August 2010 (Report No: 404/10)

The Glenelg Community Centre Advisory Committee was established to manage the Glenelg Community Centre.

The minutes of this committee held 2 August 2010 are attached and submitted to Council for information and endorsement.

C240810/982

Councillor Heysen moved and Councillor Lonie seconded that the minutes of the Glenelg Community Centre Advisory Committee meeting held 2 August 2010 be received and noted.

CARRIED

13.2 Minutes – Audit Committee Meeting, 4 August 2010 (Report No: 405/10)

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

C240810/983

Councillor Looker moved and Councillor Fisk seconded that the minutes of the Audit Committee meeting held 4 August 2010 be received and recommendations numbered 1 - 8 endorsed by Council:

8.2 Standing Items (Report No: 376/10)

- 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**

8.3 Budget Review 3 (Report No: 377/10)

- 2. That the Committee advises Council that it has considered Budget Review 3 for 2009/10.**

8.4 Significant Accounting Policies – Annual Financial Statements (Report No: 378/10)

- 3. That the Committee recommends that Council adopt the updated significant accounting policies contained within Report No: 378/10 as a basis for preparing the annual financial statements for 2009/10.**

8.5 Update on Risk Management (Report No: 379/10)

- 4. That the Committee notes the 2010 Risk Management Review undertaken by the Local Government Association Mutual Liability Scheme.**

8.6 2010/11 Annual Business Plan and Budget (Report No: 380/10)

- 5. That the Committee advises Council that it notes Council's adoption of the 2010/11 Annual Business Plan and Budget.**

8.7 Interim Audit Response (Report No: 381/10)

- 6. That the Committee advises Council that it has received and considered correspondence from the external auditor following the interim audit in March 2010 and Council's response.**

8.8 Internal Audit Plan (Report No: 382/10)

- 7. That the Committee advises Council that it has received and considered the Internal Audit Plan for the period 10 May 2010 to 30 June 2010.**

8.9 Update – Local Government Association – Occupational Health Safety and Welfare Action Plan (Report No: 383/10)

- 8. That the Committee advises Council that it has received a report on Council's Occupational Health Safety and Welfare Key Performance Indicator (KPI) Audit Response Plan.**

CARRIED**13.3 Minutes – Development Assessment Panel (Report No: 406/10)**

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 28 July 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.

C240810/984

Councillor Clancy moved and Councillor Huckstepp seconded that the minutes of the Development Assessment Panel meeting held on 28 July 2010 be noted.

CARRIED**13.4 Minutes – Alwyndor Management Committee (Report No: 411/10)**

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 20 July 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.

C240810/985

Councillor Heysen moved and Councillor Clancy seconded that the Minutes of the Alwyndor Aged Care Management Committee meeting held 20 July 2010 and the Comparison Budget for June 2010 be received and noted by Council.

CARRIED

14. Reports by Officers

14.1 Items in Brief (Report No: 407/10)

Report No: 407/10 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

C240810/986

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

CARRIED

14.2 Alwyndor

14.2.1 Project Update (4) – Alwyndor Redevelopment (Report No: 409/10)

Presented for the information of Members is an update on the progress of the Alwyndor Redevelopment Capital Works Project.

The project has now arrived at a significant milestone within the overall Redevelopment Program, with a request to Council to receive and consider a resolution from the Alwyndor Management Committee in regard to the adoption and subsequent signing of the AS 4000 Construction Contract Agreement, enabling Stage 1A site works to commence on 6 September 2010.

The Project Program has been carefully considered and managed to ensure that Council's decision in this matter is concluded prior to the Local Government Election Caretaker Period.

The total approved project budget has been developed and costed accordingly. Any delay in entering the construction contract agreement for Stage 1A will have a compound effect on the commencement date of the remaining two stages programmed for 2011. Current estimates indicate an escalation factor of 5.5% per annum and will therefore add a further \$19,000 per week to the final redevelopment cost or approximately \$200,000 over the Council Caretaker Period (based on a total budget of \$18.39m).

C240810/987

Councillor Heysen moved and Councillor Clancy seconded:

- 1. That Council notes the Report detailing the Construction Contract (AS4000) in regard to Stage 1A of the Alwyndor Aged Care facilities capital redevelopment project, dated 19 August 2010; and**
- 2. That Council approves the terms and conditions detailed within the Construction Contract between the City of Holdfast Bay and the Mossop Group Pty Ltd**
- 3. That Council authorises the Mayor and the Chief Executive Officer to execute the Construction Contract and the affixing of the Council Seal.**

CARRIED

Councillor Bouchée sought and was granted the leave of the meeting to have her concerns regarding the construction contract minuted. In particular the lack of a legal opinion on the contract or comment from Council's project manager.

14.3 Civic

Nil

14.4 Corporate Development Nil

14.5 Encroachments

14.5.1 Encroachments Policy (Report No: 408/10)

The process for dealing with encroachment applications has to date been undertaken based on Council's Encroachments Policy. Council has recently assumed responsibility for assessing all encroachment applications. A Draft Policy is put forward by way of this report to supersede Council's Encroachments Policy to acknowledge the different categories of encroachments and to assign the responsibility for assessing encroachments based on the scale and nature of the encroachment.

C240810/988

Councillor Fisk moved and Councillor Looker seconded that Council endorses the Encroachments Policy provided in Attachment 1 of this report.

CARRIED

14.6 Finance

14.6.1 Preliminary 2009/10 Financial Statements (Report No: 402/10)

This report provides preliminary unaudited financial statements for the 2009/2010 financial year together with final details of budget amounts for incomplete projects and programs as at 30 June 2010 to be carried forward. As consolidated operating surplus of \$374,000 is indicated, comprising an operating surplus of \$659,000 from Alwyndor and an operating deficit of \$285,000 from Council's municipal activities.

C240810/989

Councillor Looker moved and Councillor Huckstepp seconded that Council:

- 1. Notes the preliminary unaudited financial statements for 2009/10.**
- 2. Notes the reduction in budgets carried forward from 2009/10 previously approved.**

CARRIED

14.6.2 Monthly Financial Reports – July 2010 (Report No: 403/10)

This report provides Elected Members with financial reports as at 31 July 2010. It comprises a Funds Statement and a Capital Expenditure Statement for the year to date compared with the 2010/11 budget.

Council's year to date (YTD) operating surplus is \$536,000 higher than YTD budget due primarily to timing variances. Capital expenditure is \$4,000 lower than YTD budget.

C240810/990

Councillor Lonie moved and Councillor Looker seconded that the financial reports to 31 July 2010 be received and noted.

CARRIED

14.7 Governance Nil

14.8 Property Nil

14.8.1 Request for Grant of Sub-Lease – Holdfast Bay Bowls and Croquet Club (Report No: 410/10)

The Holdfast Bay Bowls and Croquet Club has written to with Council advising that they wish to enter into a sublease of portion of the premises (on the corner of Tapleys Hill Road and Anzac Highway) with EFM Health Clubs ('EFM') to allow EFM to conduct fitness classes in the premises. Under the terms of the lease agreement Council's consent must be sought. There are no impediments to Council granting this sublease agreement.

C240810/991

Councillor Fisk moved and Councillor Looker seconded that Council provides its consent to the Holdfast Bay Bowls and Croquet Club to enter into a sublease of portion of the premises to EFM Health Clubs on the proviso that:

- (a) any proposed sub-lease agreement between the Club and EFM be on the same terms and conditions as the existing head lease agreement between Council and the Club;
- (b) the Club provide a copy of the executed copy of the sub-lease to Council within one month of the date of its execution by both parties;
- (c) the Club seek Council's prior consent (as landlord) in regard to any structural works that may be required to allow the activity to occur;
- (d) the Club acknowledges that it is the party responsible for addressing any repairs that may be required resulting from the activities conducted by EFM;
- (e) the Club ensures that it obtains a Certificate of Currency from EFM evidencing that EFM has public liability and professional indemnity coverage prior to entering into, or renewing, any agreement with EFM.

CARRIED

14.9 Regulatory Nil

14.10 Other Matters Nil

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 Items in Confidence

C240810/992

Councillor Looker moved and Councillor Heysen seconded:

1. That Council moves consideration of the Confidential Reports 401/10 - Broadway Kiosk, 412/10 - Former Brighton Town Hall and Surrounds – Expression of Interest Process and 414/10 - Glenelg Foreshore Building Lease Proposal 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 Reports 401/10, 412/10 and 414/10, Council delegates the

Infrastructure, Assets and Environment Committee with the power to make a decision in the matters canvassed by the report.

CARRIED

17. Items in Confidence

These matters have been referred to the Infrastructure, Assets and Environment Committee for consideration.

18. Closure

The Meeting closed at 7:45pm.

Councillor Beh left the chamber at 7:45pm.

CONFIRMED Tuesday 14 September 2010

MAYOR