

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 14 September 2010 at 7:00pm.

PRESENT

His Worship the Mayor	A K Rollond
Deputy Mayor	R A Clancy
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
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
Acting General Manager Corporate Services	P E Aukett

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 R M Bouchée and
Councillor J L Deakin

- 4.2 Absent Councillor R D Beh and
Councillor P N Crutchett

5. Items Presented to Council

5.1 Meals on Wheels

His Worship the Mayor presented to Council an appreciation certificate received from Meals on Wheels.

5.2 Brighton Secondary School Music Program

His Worship the Mayor presented to Council a thank you gift received from the Brighton Secondary School Music Program.

6. Declaration of Interest

Members were reminded to declare their interest before each item.

7. Confirmation of Minutes

C140910/993

Councillor Huckstepp moved and Councillor Heysen seconded that the minutes of the Ordinary Meeting of Council held on 24 August 2010 be taken as read and confirmed.

CARRIED

8. Questions by Members

- 8.1 Without Notice Nil

8.2 With Notice

8.2.1 Jetty Road Car Parking

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

1. Has administration or the Main Street Board received any submissions in relation to car parking options following the passing of

'C080610/892 ... that Council investigates within the strategic property review the construction of a council owned, or joint council/private owned multi-storey car park to service the Jetty Road precinct at Glenelg, with the aim to begin construction within a reasonable, appropriate time frame.'

or the car parking forum arranged in the Glenelg Community Centre?

2. Has administration or any elected officials of the City of Holdfast Bay met with any proponents in relation to car parking in the Jetty Road area following the passing of the above motion and who attended any meetings?

Please provide a copy of any written submissions made following the passing of the above motion and meeting?

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

1. **Yes. A written proposal to redevelop a deck car park on the existing Partridge Street East Car Park site was received by**

Taplin Management P/L on the 18 June 2010. A revised submission was submitted in writing on the 2 July 2010.

2. **Yes. Representative from Taplin Management P/L met with His Worship the Mayor and Council's Chief Executive Officer on the 18 June 2010 at which the above mentioned proposal was presented, and detail of which subsequently emailed to Elected Members.**
3. **A copy of the initial and revised submission from Taplin Management P/L was presented to Members in confidence, along with a letter from Council to Taplin Management P/L. Members will recall that these submissions were distributed in confidence to all Elected Members via email soon after receipt. The reasons for confidentiality remain valid.**

8.2.2 Council Net Debt Position

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

1. What is council net debt position for the financial years from 1999 to 2010. Please indicate on a table as shown below.

Year	Council Operational Net Debt \$	Alwyndor Net Debt \$	Self Funding Net debt for Sporting Clubs \$	Total City of Holdfast Bay Consolidated Net Debt \$
1999-2000				
2000-2001				
2001-2002				
2002-2003				
2003-2004				
2004-2005				
2005-2006				
2006-2007				
2007-2008				
2008-2009				
2009-2010				

2. What sporting clubs make up the Self Funding Net debt for Sporting Clubs and what is the outstanding loan amount for each?

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

The answer to these questions on notice are unavailable due the high volume of motions received prior to the publication of the agenda and limited resources available, the answer to these questions will be reported to a future Council meeting once the answer has been completed.

8.2.3 Privatisation of Council Assets since May 2003

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

1. Following the May 2003 election has council privatised any council assets or services.
2. If Yes, Has any privatisation of any council assets or services reduce the risk or cost to council/ratepayers?

Background

In government circles privatisation is defined as the process of moving from a government-controlled system to a privately run, for-profit system.

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

The answer to these questions on notice are unavailable due the high volume of motions received prior to the publication of the agenda and

limited resources available, the answer to these questions will be reported to a future Council meeting once the answer has been completed.

8.2.4 Budgeted Deficit/Surplus Comparison

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

How does the City of Holdfast Bay budgeted deficit/surplus compare with our surrounding councils?

Please complete the table below:

Council Area	Budgeted Deficit/Surplus 2009/2010	Budgeted Deficit/Surplus 2010/2011
City of Holdfast Bay		
City of Onkaparinga		
City of Mitcham		
City of Marion		
City Of West Torrens		
City of Unley		

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

The answer to these questions on notice are unavailable due the high volume of motions received prior to the publication of the agenda and limited resources available, the answer to this question will be reported to a future Council meeting once the answer has been completed.

8.2.5 Costs of Servicing Jetty Road, Glenelg

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

What is the cost/estimated cost for council in servicing and providing resources to the Glenelg Jetty Road Shopping precinct (excluding the Jetty Road main street levy)?

Background

I have noted that the City of Mitcham has carried out some details analysis of the cost of providing service to their commercial sectors.

Council spends a considerable amount of time focusing on the Jetty Road, Glenelg precinct.

I am interested in the projected costs of serving this commercial sector with the many services council provides.

Acting General Manager Corporate Services, Ms T Aukett's answer.

- 1. In 2009/10 Council raised \$519,000 in Separate Rates to be applied by the Jetty Road Mainstreet Management Committee to promote the precinct. This funding includes salaries paid to the manager and a portion of support staff.**
- 2. Council also spent \$158,000 on cleaning Jetty Road precinct (comprising wages, contractual services and plant usage).**
- 3. In addition, Council spent \$265,000 maintaining Moseley Square (comprising contractors, wages and materials)**

4. Street Litter Bin collection costs were not separately recorded from general litter bin collection. The 2010-11 budget for Street Litter Bin Collection (contractual costs) includes \$45,000 related to Jetty Road Mainstreet.

8.2.6 Council Residential Rate Revenue

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

What is council's residential rate revenue from 1999 to 2011, Please indicate on a table as shown below:

Year	Council residential Rate Revenue (excluding growth)	Percentage increase in councils residential rate revenue from the proceeding year (excluding growth) %	The residential rate in the dollars for the financial year	Percentage increase/decrease in The residential rate in the dollars from the proceeding financial year %
1999-2000				
2000-2001				
2001-2002				
2002-2003				
2003-2004				
2004-2005				
2005-2006				
2006-2007				
2007-2008				
2008-2009				
2009-2010				
2010-2011				

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

The answer to these questions on notice are unavailable due the high volume of motions received prior to the publication of the agenda and limited resources available, the answer to this question will be reported to a future Council meeting once the answer has been completed.

9. Member's Activity Reports

9.1 Glenelg Tourism Forum and Chamber of Commerce

Councillor Looker reported that he attended monthly meeting of the Glenelg Tourism Forum and Chamber of Commerce

9.2 Supported Residential Facilities Advisory Committee

Councillor Heysen reported that he had attended a meeting of the Supported Residential Facilities Advisory Committee as Local Government Association representative with the Minister.

10. Public Presentations

10.1 Petitions

10.1.1 Glenelg Ozone Cinema

A petition has been received from the Art Deco and Modernism Society, Adelaide Chapter regarding the demolition order (110-00279-100) approved for the Glenelg Ozone Cinema on Jetty Road, Glenelg and attaching a petition and social media memberships received in protest at the demolition of the Glenelg Cinema – an art deco gem.

The petition is addressed to Minister for Environment and Conservation, the Hon Paul Caica MP states as follows:

"We the undersigned respectfully request that in view of the demolition approval (110-00279-100) to demolish the Glenelg Ozone Cinema you ask

the Heritage Council to reconsider the heritage value of this building and place an emergency stop order to prevent demolition (under s30 of the Heritage Places Act 1993) while this occurs. We believe that the cinema is of both cultural and architectural significance, is an outstanding example of the Art Deco style and possibly the earliest remaining air-conditioned, fully Art Deco designed cinema, an iconic symbol of Glenelg's 20th century history, and integral to the retention of Jetty Road's character. Faced in Basket Range freestone, featuring horizontal fins and a prominent vertical signage element(both originally neon lit) it is the only Art Deco theatre in Australia constructed with a stone front. It was designed in 1936 by F. Kenneth Milne, a prominent interwar architect, after visiting in the United Kingdom in the early 1930's. Milne rose to President of the South Australian Institute of Architects from 1937 - 1939."

Presented for the information of Elected Members is correspondence from the Art Deco and Modernism Society- Adelaide Chapter and the first two pages of the petition. Administration has verified that the number of signatures attached, including social media memberships is 1,578.

C140910/994

Councillor Fisk moved and Councillor Looker seconded:

1. **That the petition be received by Council.**
2. **That Council notes and commends the action taken by the Art Deco and Modernism Society to protect the Glenelg Cinema building.**
3. **That the head petitioner be advised of Council's decision.**

CARRIED

10.1.2 Football Lights, Glenelg Oval

A petition has been received from Mr Paul Rayner regarding the proposal to install additional lights at Glenelg Oval

The petition states as follows:

"We the undersigned are opposed to additional lighting at Glenelg Oval suitable for night football and other functions on the oval."

Presented for the information of Elected Members is correspondence from Mr Paul Rayner and the petition. Administration has verified that the number of signatures attached is 46.

C140910/995

Councillor Looker moved and Councillor Heysen seconded:

1. **That the petition be received by Council.**
2. **That Administration write to Mr Rayner thanking him for his interest in the matter and advising of Council's current investigations into the feasibility and implications of upgraded lighting on the oval.**
3. **That the head petitioner be advised of Council's decision.**

CARRIED

10.2 Presentations Nil

10.3 Deputations Nil

11. Motions on Notice

11.1 Appointment to the Alwyndor Management Committee

In accordance with her notice:

C140910/996

Councillor Clancy moved and Councillor Huckstepp seconded that Council endorses the appointment of Ms Claire Cotton to the Alwyndor Management Committee for a two year term commencing from 1 July 2010 to 30 June 2012.

CARRIED

Background

Administration omitted the appointment of Ms Claire Cotton to the Alwyndor Management Committee in Report No: 368/10 presented to Council on 27 July 2010. The Alwyndor Board had recommended that Ms Cotton be reappointed as previously shown in Report No: 304/10 presented to Council on 22 June 2010.

This motion corrects this omission and confirms Ms Claire Cotton as a member of the Alwyndor Management Committee.

11.2 Elected Member Appearances in Court

In accordance with his notice:

C140910/997

Councillor Looker moved and Councillor Heysen seconded that Council requests administration to develop a policy concerning the appearance of Elected Members in Court, such a policy may include reference to the points:

- **that Council approves the attendance of an Elected Member as a Council witness/spokesperson to give evidence on Councils behalf**
- **that should council approve an individual elected member to be a council witness, then that mandates Council's legal representative to provide a briefing or legal advice**
- **that individual elected member who wish to make personal representation as a private citizen be requested to advise they are clearly distinguished as a separate person and not on behalf of council.**

CARRIED

Background

Council engages in legal action which at times interests Elected Members who may wish to make representation. Currently there are no guidelines for this. A recent court judgement was highly critical of evidence provided by an individual clearly distinguished as a Holdfast Bay Councillor. While in this case no harm was done to the case, some legal guidance may have assisted in providing evidence that could have helped. As part of the council case and with proper legal advice, an Elected Member could offer valuable testimony or be persuaded otherwise, but this needs to be guided by a policy. Any Elected Member is free to act as a private citizen but that needs to be clearly stated and does not form part of the Council case.

11.3 Palms, Whyte Street, Somerton Park

In accordance with Councillor Crutchett's notice:

C140910/998

Councillor Norton moved and Councillor Clancy seconded that Administration approach the owner of the palms located on the vacant block in Whyte Street, Somerton Park to see if they may wish to have council relocate them to the John Miller Reserve to provide shade for the children's playground.

CARRIED**12. Adjourned Matters**

Nil

13. Reports of Management Committees, Subsidiaries and the Development Assessment Panel**13.1 Minutes – Jetty Road Mainstreet Management Committee – 11 August 2010 (Report No: 426/10)**

The Jetty Road Mainstreet Management Committee (JRMMC) has been established to undertake work to benefit the traders on Jetty Road, Glenelg, using the separate rate raised for this purpose. The Council has endorsed the committees Terms of Reference and given the committee delegated authority to manage the business of the committee.

The Minutes of the Jetty Road Mainstreet Management Committee meeting held 11 August 2010, are attached and presented for Councils' information.

C140910/999

Councillor Heysen moved and Councillor Fisk seconded that the following minutes of the Jetty Road Mainstreet Management Committee held 11 August 2010 be received and the following recommendations numbered 1 - 6 be noted.

5.3 Christmas Decorations

- 1. That the Jetty Road Mainstreet Management Committee writes to Clipsal and two (2) electrical wholesalers to offer them the opportunity to decorate Jetty Road with lights, at their own cost, in return for advertising opportunities.**
- 2. That the Jetty Road Mainstreet Management Committee find a suitable fabric to wrap the trees in the Jetty Road Precinct and order it in sufficient time to wrap the trees in the Precinct for Christmas, including the palm trees in Moseley Square at a suitable height to prevent vandalism.**
- 3. That in lieu of a Christmas Tree in the Jetty Road Glenelg Precinct the Jetty Road Mainstreet Management Committee pursue options on decorating palm trees in order to create a statement in Moseley Square.**

5.4 Sponsorship Requests

- 4. That the Jetty Road Mainstreet Management Committee write to the Events Team to inform them that they will not be taking up the option to sponsor the proposed January Fun on Saturdays. Instead the Jetty Road Mainstreet Management Committee will develop a budget and programme for school holiday entertainment.**
- 5. That the Jetty Road Mainstreet Management Committee provide suitable bags, pens and other JRMMC merchandise for the Business Luncheon and that the Manager attend the luncheon on behalf of the Committee.**
- 6. That the Jetty Road Mainstreet Management Committee in principal supports the idea of providing \$20,000 to bid for the International Cities, Towns & Communities Society National Conference providing**

that it can be demonstrated that the Jetty Road Mainstreet traders will receive a significant return on their investment.

CARRIED

13.2 Information Report – Southern Region Waste Resource Authority 2
August 2010 (Report No: 427/10)

Southern Region Waste Resource Authority (SRWRA) is a regional subsidiary established by the Cities of Onkaparinga, Marion and Holdfast Bay (the “constituent councils”), pursuant to Section 43 of the Local Government Act, 1999.

Under its charter, SRWRA is responsible for providing and operating waste management services on behalf of the constituent councils and ensuring that a long term waste management strategy exists in the southern region of Adelaide.

Pursuant to its charter all agendas, reports and minutes remain confidential, unless the Board resolves that the document is to be available to the public. Presented for the information of Elected Members’ is the information which the SRWRA Board has released from its meeting held on 2 August 2010.

C140910/1000

Councillor Clancy moved and Councillor Huckstepp seconded that information report of the Southern Region Waste Resource Authority for its meeting held 2 August 2010 be received and noted.

CARRIED

13.3 Minutes – Development Assessment Panel (Report No: 428/10)

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 25 August 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.

C140910/1001

Councillor Norton moved and Councillor Clancy seconded that the minutes of the Development Assessment Panel meeting held on 25 August 2010 be noted.

CARRIED

14. Reports by Officers

14.1 Items in Brief (Report No: 425/10)

Report No: 425/10 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

C140910/1002

Councillor Looker moved and Councillor Clancy 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

14.4.1 Chief Executive Officer Performance Appraisal (Report No: 429/10)

Council has undertaken the performance appraisal of the Chief Executive Officer, Mr Justin Lynch. The appraisal comprised a '360 degree' appraisal by Elected Members, his direct reports (General Managers) and a self-assessment. Responses were collated by Hender Consulting and presented to the Chief Executive Officer and Elected Members at a workshop immediately prior to the Council meeting on 24 August 2010.

As decisions regarding the remuneration of a Chief Executive Officer falls into the category of a 'designated decision' prohibited under Section 91A (8) under the *Local Government (Elections) Act 1999*, this report recommends to the incoming 6th Holdfast Bay Council that they consider the satisfactory performance of the Chief Executive Officer and increase his salary package by 4.7% in accordance with the recommendation made by the Executive Committee on 10 November 2009.

The Chief Executive Officer, Mr J Lynch declared an interest in this matter and left the chamber at 7:20

C140910/1003

Councillor Fisk moved and Councillor Heysen seconded:

- 1. That Council records that the Chief Executive Officer's performance appraisal was completed with a workshop on 24 August 2010 attended by the Chief Executive Officer, Elected Members and Mr Andrew Reed from Hender Consulting.**
- 2. That Council notes the report received from Hender Consulting and endorses the recommendations contained in the report, namely that:**
 - a. the Chief Executive Officer (Mr Justin Lynch):**
 - i. is commended for what appears to be a very good to excellent start in his first 12 months in the position;**
 - ii. is encouraged to focus on the areas where ratings were relatively lower (albeit still generally good);**
 - iii. meets with [Hender Consulting] at a convenient time to review the feedback and identify areas in which further development is warranted;**
 - iv. re-sets a range of strategic objectives for the next 6 months/year;**
 - v. continues to identify and undertake appropriate professional**

development activities;

- vi. identifies criteria where his rating was higher than that of others to ensure this is addressed; and**
 - vii. is comforted by criteria where the general perception was more positive than his own.**
- b. That Council recommends to the incoming 6th City of Holdfast Bay that following the successful completion of the performance appraisal the Chief Executive Officer be granted a 4.7% increase to the remuneration package, effective from his 12 month anniversary date of 18 May 2010.**

CARRIED

The Chief Executive Officer, Mr J Lynch rejoined the chamber at 7:21pm.

14.5	Encroachments	Nil
14.6	Finance	Nil
14.7	Governance	Nil
14.8	Property	Nil
14.9	Regulatory	
14.10	Other Matters	

14.10.1 Request for Funds to Defend Appeals before the Environment, Resources and Development Court (Report No: 418/10)

Council has received notice of an appeal lodged with the Environment, Resources and Development Court against a decision of the Development Assessment Panel made on 28 July 2010. In accordance with a previous Council resolution, prior approval is sought for the expenditure of funds to resource a proper defence of the decision.

C140910/1004

Councillor Fisk moved and Councillor Heysen seconded that Council Administration is permitted to expend funds to resource the proper defence of the appeal described in Attachment 1 to this report lodged with the Environment, Resources and Development Court against a decision of the City of Holdfast Bay Development Assessment Panel.

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 Former Trinity Church, 25 Moseley Street, Glenelg

Councillor Clancy moved and Councillor Looker seconded that the Council investigates the removal of the local heritage listing for the former Trinity Church, 25 Moseley Street, Glenelg and investigate the sale of the property. A resolution motion will be brought at the next meeting of Council regarding this property.

TIED VOTE

HIS WORSHIP THE MAYOR USED HIS CASTING VOTE AGAINST THE MOTION AND DECLARED THE MOTION LOST

A division was called.

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

HIS WORSHIP THE MAYOR DECLARED THE DIVISION TIED AND USED HIS CASTING VOTE AGAINST THE MOTION AND DECLARED THE MOTION LOST

C140910/1005

Councillor Heysen moved and Councillor Huckstepp seconded that the Council spend no further monies on the former Trinity Church site until the next Council .

CARRIED

16.2 Retention of Confidential Attachment in Confidence

C140910/1006

Councillor Clancy 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 Confidential Attachment relating to Question on Notice relating to 8.2.1 Jetty Road Car Parking, 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 2011 by the Council.**

CARRIED

17. Items in Confidence Nil

18. Closure

The Meeting closed at 7:30pm.

CONFIRMED Tuesday 28 September 2010

MAYOR