

STATEMENT OF POSITION – BEACH CAFÉ

The Whyalla City Council exists to serve and advance the interests of the Whyalla community.

This commitment is underpinned by decision-making that is ethical, moral and lawful.

The decision to close the Beach Café was a difficult but legally necessary decision in which the Council considered, weighed and discussed the interests of the parties directly involved.

In the end, Council was compelled to close the Café because it does not (and is unable to easily) meet legal requirements for health, food preparation, safety and building regulations. In its current condition, it poses immediate risks to the health and welfare of patrons, the tenant, staff and visitors.

Council, as the owner of the building, is legally liable in the event of a serious illness or adverse incident to any of those persons. This, in turn, exposes Council's ratepayers to potentially significant financial risk.

The Council decision was primarily based upon the fact that, at law and as a responsible public authority acting in the best interests of its ratepayers, it could not allow this risk to continue. It was required to intervene and act.

Part of the totality of Council's considerations was the cost that would be borne by ratepayers to bring the building into compliance with health, food, safety and building codes. It is estimated that this would cost hundreds of thousands of dollars of ratepayer funds. This is prohibitive; particularly for an outdated building in an area that is part of the Foreshore Master Planning considerations for community and public use.

Council is obliged to spend the public money with which it is entrusted wisely, in the interests – and to the benefit – of its community.

Therefore, Council resolved that the Café operation cease because it is in serious breach of health, food, safety and building codes and could not satisfy those codes without substantial and unsustainable expense.

Council also considered that it would be manifestly unfair to expect the current tenant to make a significant financial contribution to works required to enable the Café to continue trading, particularly in a building they lease. There were also potential liabilities for the tenant in continuing to trade in a facility that failed to meet all legal standards.

Council's preference is for all its deliberations to be public. The only information withheld in this instance, therefore, is that which has the potential to compromise the commercial and legal interests of the tenant/operator, Mr Nik Petropoulos. This is recognised in the Local Government Act.

Council accepts and understands that its decision disappoints the operator and some in the community; and acknowledges that many have enjoyed the Beach Café over years past. The decision is, of course, no reflection on Mr Petropoulos.





The Council resolution recognised that it could not in clear conscience fail in its responsibility to safeguard the public interest and uphold health, food, safety and building codes that it regulates and enforces – in accordance with various Acts of Parliament – in establishments throughout Whyalla.

Council's decision is driven solely by these legal obligations and no other considerations.

To explain the rationale and the processes that the Council must follow and to explore future options for the building, Council will convene a community forum for a 'face-to-face' conversation with interested members of the community at the Westland Hotel's Oasis Room from 6pm next Wednesday (13 January).

Council is committed to foreshore amenities that reflect the aspirations and needs of the Whyalla community and visitors to our City. To reflect this, consultation on the Foreshore Master Plan will begin in February and is expected to conclude in April / May. Council invites and welcomes the community's contribution and ideas to this process.

Whyalla City Council

Attachment: Council paper on the detail and background of its decision to close the Beach Café.