

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 July 2012 at 7:00pm.

MEMBERS PRESENT

His Worship the Mayor, AK Rollond
Deputy Mayor, RA Clancy
Councillor RM Bouchée
Councillor PW Dixon
Councillor KM Donaldson
Councillor LR Fisk
Councillor JD Huckstepp
Councillor SC Lonie
Councillor TD Looker
Councillor S Patterson
Councillor RC Patton
Councillor AP Roe
Councillor LJ Yates

STAFF IN ATTENDANCE

Chief Executive Officer - JP Lynch
General Manager City Assets - SG Hodge
General Manager City Services - RA Cooper
General Manager Corporate Services - IS Walker
Manager Organisational Sustainability – PE Aukett

APOLOGIES

Apologies Received - Nil
Absent - Nil

1. OPENING

His Worship the Mayor declared the meeting open at 7.00pm.

2. KAURNA 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.

5. ITEMS PRESENTED TO COUNCIL

5.1 City - Bay Fun Run Image

To celebrate the 40th Anniversary of the City-Bay Fun Run, a painting to recognise this significant milestone was commissioned and a copy was presented to Council in recognition of our continued sponsorship.

6. DECLARATION OF INTEREST

Members were reminded to declare their interest before each item.

7. CONFIRMATION OF MINUTES

Motion

C240712/590

That the minutes of the Ordinary Meeting of Council held on 10 July 2012 be taken as read and confirmed.

Moved by Councillor Clancy, Seconded by Councillor Yates

Carried

8. QUESTIONS BY MEMBERS

8.1 Without Notice

8.1.1 Loop Bus – Councillor Bouchée

Councillor Bouchée asked questions regarding the Blue Loop Bus Service.

The General Manager City Services, Ms R Cooper provided a response.

8.1.2 Tree Plantings – Councillor Clancy

Councillor Clancy asked questions regarding the four gum trees planted on Prior Road Somerton Park which have died.

The General Manager City Assets, Mr S Hodge provided a response.

8.1.3 Proposed Development – Glenelg Foreshore – Councillor Fisk

Councillor Fisk asked a question regarding the proposed development on the Glenelg Foreshore and if Council had been informed prior to publication in the Guardian Messenger.

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

8.2 With Notice - Nil

9. MEMBER'S ACTIVITY REPORTS

9.1 Holdfast Bay Community Centre Board Meeting

Councillor Donaldson reported that shed had attended City of Holdfast Bay Community Centre Board meeting.

10. PUBLIC PRESENTATIONS10.1 **Petitions** - Nil10.2 **Presentations** - Nil10.3 **Deputations** - Nil**11. MOTIONS ON NOTICE** - Nil**12. ADJOURNED MATTER** - Nil**13. REPORTS OF MANAGEMENT COMMITTEES, SUBSIDIARIES AND THE DEVELOPMENT ASSESSMENT PANEL** - Nil**14. REPORTS BY OFFICERS**

14.1 Items in Brief (Report No: 260/12)

These items are presented for the information of Members.

After noting the report any items of interest can be discussed and, if required, further motions proposed.

Motion**C240712/591****That the report be noted and items of interest discussed.**

Moved Councillor Dixon, Seconded Councillor Lonie

Carried

14.2 2011-12 Budgets Carried Forward (Report No: 245/12)

As at 30 June 2012, a number of programs in Council's 2011/12 annual business plan and budget are incomplete as a result of delays arising from external factors, or where the project spans more than one budget year. Completion will require an allocation of funds in the form of a 'carry forward' from 2011/12 to the 2012/13 budget.

Motion**C240712/592****That capital expenditure of up to \$3,105,499 and net operating expenditure of up to \$158,080 from the 2011/12 budget be carried forward for expenditure in 2012/13.**

Moved Councillor Looker, Seconded Councillor Huckstepp

Carried

14.3 Debenture Loan 147 Rollover - Somerton Bowling Club (Report No: 254/12)

The sporting club debenture loan 147 referring to the Somerton Bowling Club will be eligible for rollover on 17 August 2012. The club has been left a bequest and has requested that the majority of the amount, being \$200,000, be applied to reducing the principal outstanding on this loan. The club has requested that the remaining principal outstanding of \$27,552, be rolled over for the remaining loan term with a further opportunity to review the loan in 2 years.

Motion

C240712/593

That:

- 1. Council accepts \$200,000 additional repayment of loan principal from the Somerton Bowling Club.**
- 2. Council borrows the remaining sum of \$27,552 for a term of 2 years on a 10 year repayment basis in accordance with Council's borrowing policy, for the purpose of meeting the remaining rollover funding required on Debenture loan 147.**

Moved Councillor Clancy, Seconded Councillor Donaldson

Carried

14.4 Request to Fund an Appeal before the Environment, Resources and Development Court for a Pair of Single Storey Semi-Detached Dwellings at 6 Devon Street, South Brighton (Report No: 258/12)

This report seeks Council's permission to engage legal assistance to defend an appeal lodged with the Environment, Resources and Development Court against a decision of the Development Assessment Panel made on 26 April 2012 to refuse approval for a pair of single storey semi-detached dwellings at 6 Devon Street, South Brighton.

Motion

C240712/594

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 to refuse an application for a pair of single storey semi-detached dwellings at 6 Devon Street, South Brighton.

Moved Councillor Yates, Seconded Councillor Lonie

Carried

Division called

A division was called and the previous decision was set aside

Those voting for: Councillors Patton, Dixon, Bouchée, Patterson, Looker, Donaldson, Lonie, Roe, Huckstepp and Yates (11)

Those voting against: Councillors Fisk (1).

His Worship the Mayor declared the motion**Carried**

14.5 Relocation of the Kitty Whyte Memorial Fountain (Report No: 259/12)

The purpose of this report is to seek Council's approval to relocate the Kitty Whyte fountain from its current location at the entrance to the Brighton Jetty to a site along the Esplanade at the end of Dunluce Ave, Brighton. The recommendation is consistent with the Artscape Corridor Masterplan.

Motion

That Council approves the relocation of the Kitty Whyte Memorial fountain to the Esplanade at the end of Dunluce Ave, Brighton.

Moved Councillor Yates, Seconded Councillor Bouchee

Lost**Division called**

A division was called and the previous decision was set aside

Those voting for: Nil

Those voting against: Councillors Fisk, Patton, Dixon, Bouchée, Patterson, Looker, Donaldson, Lonie, Roe, Huckstepp and Yates (12).

His Worship the Mayor declared the motion**Lost**

14.6 Seacliff Surf Lifesaving Club – Liquor Licence Area (Report No: 255/12)

This item was withdrawn.

14.7 Signage Upgrade and/or Replacement (Report No: 261/12)

The purpose of this report is to seek Councils support to implement a signage strategy across the City, with a gradual approach to replace signage as it reaches the end of its asset life or is damaged. This covers all signage across Councils assets including:

- Access signage (boundary signage)
- Reserves and open space
- Sporting facilities
- Civic buildings
- Community buildings (community centres, Meals on Wheels etc)
- Street and suburb signage
- Beach/coastal signage
- Tourism/information signage
- Special project signage
- Information signage for art or other cultural displays

This report seeks endorsement to implement a gradual staged approach to signage across the City in line with the Asset Management Plan. As there are a

number of existing Council assets that do not identify ownership and/or carry signage, such as sports or community buildings, there will be a planned rollout to these assets that will be reflected in budgets in coming years and will not add additional cost to Council's operational or capital budget.

Motion

C240712/595

That Council supports the upgrade or replacement of signage as it reaches the end of its asset life or is damaged and endorses the design style presented.

Councillor Bouchee left the Chamber 7.41pm

Councillor Bouchee returned to the Chamber 7.42pm

Moved Councillor Looker, Seconded Councillor Lonie

Carried

Division called

A division was called and the previous decision was set aside

Those voting for: Councillors Patton, Dixon, Patterson, Looker, Donaldson, Lonie, Roe, Huckstepp and Yates (10)

Those voting against: Councillors Fisk and Bouchée, (2).

His Worship the Mayor declared the motion

Carried

14.8 Public Convenience Plan (Report No: 262/12)

The City of Holdfast Bay's beaches, parks and shopping precincts attract both local and tourists to the area in significant numbers. To service this influx of people the City provides a number of services to cater for the expectations of people. One of these services is the 26 public conveniences that Council owns and maintains. This report consolidates existing information on the management of these facilities and provides direction in respect to replacement or construction of new public conveniences across the City in the form of a public convenience plan.

Motion

C240712/596

That Council:

- 1. Endorses the Public Convenience Plan as its guiding document for the management and operations of its public conveniences and that this be reflected in the Buildings Asset Plan and the draft Long Term Financial Plan to reflect current and future service levels.**
- 2. Endorse the reallocation of funds from the 2011/12 budget for the replacement of Angus Neill conveniences to fund the construction of replacement toilets in Hindmarsh Lane.**

3. **Be provided with a further report once a location and design has been completed for the replacement of public conveniences in Hindmarsh Lane.**
4. **A report be prepared for the redesign of toilets in Angus Neill reserve and presented to Council urgently.**

Councillor Dixon left the Chamber 8.00pm

Councillor Dixon returned to the Chamber 8.01pm

Moved Councillor Clancy, Seconded Councillor Fisk

Carried

14.9 Amendment of Council's Street Tree Management Policy (Report No: 263/12)

Council is requested to endorse a revised Street Tree Management Policy due to recent amendments to the Development Act in relation to regulated and significant trees. It is noteworthy that Council had previously implemented an offset planting program following the removal of significant trees, before these offset plantings were now required by amendments to the Development Act.

Motion

C240712/597

That Council:

1. **Endorses the Street Tree Management Policy, as at July 2012.**
2. **Notes that the requirement for offset tree plantings for removal of 'regulated' and 'significant' trees necessitates the establishment of a dedicated open space tree planting budget from the 2013-14 budget onwards.**

Councillor Donaldson left the Chamber 8.16pm

Councillor Bouchee left the Chamber 8.18pm

Councillor Donaldson returned to the Chamber at 8.18pm

Moved Councillor Lonie, Seconded Councillor Bouchee

Carried

Councillor Bouchee returned to the Chamber at 8.20pm

15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil

16. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING - Nil

16.1 Meeting procedures – Councillor Looker

Councillor Looker drew to the Mayor's attention to the City of Holdfast Bay Procedures of Meetings Code of Practice which outlines when the Mayor should speak.

Councillor Paterson left the Chamber at 8.20pm

Councillor Paterson returned to the Chamber at 8.27pm

17. ITEMS IN CONFIDENCE

17.1 Broadway Kiosk (Report No: 247/12)

Council Staff in Attendance: Chief Executive Officer - JP Lynch, General Manager City Assets - SG Hodge, General Manager City Services - RA Cooper, General Manager Corporate Services - IS Walker, Manager Organisational Sustainability – PE Aukett, Governance Officer - W Matthews and Team Leader Development Assessment - A Elliott

Motion

C240712/598

- 1. That under provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer, General Managers and administrative staff in attendance in order to consider in confidence this item.**
- 2. That the Chief Executive Officer is satisfied that it is necessary that the public be excluded to enable the Council to discuss and to consider the matter at the meeting on the following grounds:**
 - i. information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council.**

Moved Councillor Lonie, Seconded Councillor Clancy

Carried

Councillor Patton left the Chamber at 8.36pm

Broadway Kiosk (Report No: 247/12)

Councillor Patton returned to the Chamber at 8.38pm

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

Motion

C240712/600

- 1. That an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the documents relating to Report No: 247/12 including:**
 - Minutes**
 - Report**
 - Attachment****relating to discussion of the subject matter of that document, having been dealt with on a confidential basis under Section 90 of the Act,**

should be kept confidential on the grounds of information contained in 90(3)(i).

- 2. This resolution will be reviewed within 12 months by the Council.**

Moved Councillor Lonie, Seconded Councillor Clancy

Carried

His Worship the Mayor declared an interest in the matter, due to his involvement in the Code of Conduct Complaint considered by the Executive Committee and left the Chamber at 8.45pm

Councillor Clancy, Deputy Mayor assumed the Chair at 8.46pm

Councillor Roe left the Chamber at 8.46pm

17.2 Minutes – Executive Committee Meeting – 19 July 2012 (Report No: 264/12)

Council Staff in Attendance: Chief Executive Officer - JP Lynch, General Manager City Assets - SG Hodge, General Manager City Services - RA Cooper, General Manager Corporate Services - IS Walker, Manager Organisational Sustainability – PE Aukett, Governance Officer - W Matthews and Team Leader Development Assessment - A Elliott

Motion

C240712/601

- 1. That under provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer, General Managers and administrative staff in attendance in order to consider in confidence this item.**
- 2. That the Chief Executive Officer is satisfied that it is necessary that the public be excluded to enable the Council to discuss and to consider the matter at the meeting on the following grounds:**
 - a. information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person or persons (living or dead) in the matter of/in regards to Minutes – Executive Committee Meeting – 19 July 2012.**

and

 - g. matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.**

Moved Councillor Lonie, Seconded Councillor Looker

Carried

Minutes – Executive Committee Meeting – 19 July 2012 (Report No: 264/12)

Councillor Roe returned to the Chamber at 8.48pm

The Chief Executive Officer - JP Lynch, General Manager City Assets - SG Hodge, General Manager City Services - RA Cooper, General Manager Corporate Services - IS Walker, Manager Organisational Sustainability – PE Aukett and Team Leader Development Assessment - A Elliott left the meeting at 9.06pm so that the Council could discuss the Executive Committee’s recommendation.

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

Motion

C240712/604

1. **That an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the documents relating to Report No: 264/12 including:**
 - **Minutes**
 - **Report**
 - **Attachment****relating to discussion of the subject matter of that document, having been dealt with on a confidential basis under Section 90 of the Act, should be kept confidential on the grounds of information contained in 90(3)(a) and (g).**

2. **This resolution will be reviewed within 12 months by the Council.**

Moved Councillor Lonie, Seconded Councillor Looker

Carried

CLOSURE

The Meeting closed at 9.22pm.

CONFIRMED Tuesday 14 August 2012

MAYOR