

**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 August 2012 at 7:00pm.**

**MEMBERS PRESENT**

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

**6. DECLARATION OF INTEREST**

Members were reminded to declare their interest before each item.

**7. CONFIRMATION OF MINUTES**

**Motion**

**140812/605**

**That the minutes of the Ordinary Meeting of Council held on Tuesday 24 July 2012 be taken as read and confirmed.**

Moved by Councillor Lonie, Seconded by Councillor Clancy

**Carried**

**8. QUESTIONS BY MEMBERS**

**8.1 Without Notice**

**8.1.1 What is the Financial treatment of assets that are disposed – Councillor Bouchee**

General Manager Corporate Services provided a response.

**8.1.2 What steps will Council take regarding trees in Prior Road – Councillor Clancy**

General Manager City Assets provided a response.

**8.1.3 Do we notify Police in relation to the vandalism - Councillor Lonie**

General Manager City Assets provided a response.

**8.1.4 Is there a development being undertaken in Prior Road - Councillor Bouchee**

General Manager City Assets provided a response.

## 8.2 With Notice

### 8.2.1 Councillor Bouchee – Glenelg Access Strategy (Report No: 297/12)

Councillor Bouchee asked the following question:

**Could the CEO and Chairman of Audit Committee confirm that when the crediting/debiting of funds involving the Glenelg Access Strategy procedure was changed that all due diligence and Governance was completed in relation to the Local Government Act in light of the response by the then CEO of City of Holdfast Bay?**

#### **ANSWER – Councillor Looker, Presiding Member, Audit Committee**

The primary role of the Audit Committee pursuant to Section 126 of the Act is to provide suggestions and recommendations to Council about actions in relation to financial governance.

It is to review Council's annual financial statements to ensure that they present fairly the state of affairs of the Council, monitor the integrity of the financial statements of Council, including its annual report, reviewing significant financial reporting issues and judgements which they contain. Review the consistency of, and/or any changes to, accounting policies; the application of accounting standards and appropriate estimates and judgements, taking into account the views of the external auditor; the clarity of disclosure in the Council's financial reports and the context in which statements are made and all material information presented with the financial statements, such as the operating and financial review and the corporate governance statement pursuant to section 126 of the Act, review the adequacy of the accounting, internal control, reporting and other financial management systems and practices of the Council on a regular basis; pursuant to section 129 of the Act, receive the external auditor's audit opinion with respect to Council's audited financial statements and the external auditor's report on particular matters arising from the audit.

The audit committee meets with the external auditor at least once per year, without management being present, to discuss the external auditor's report and any issues arising from the audit. The audit committee also oversees the internal audit function initially undertaken by independent consultant Cleve Coyle and associates but now performed internally and reported back at Audit committee meetings.

On the recommendation of the Audit committee council introduced a best practice "Treasury management policy" where Council would wind up cash backed reserves and reduce borrowings. This was included in the

Audit committee 2010 annual report with the recommendation *“That Council move towards a more contemporary treasury management framework rather than the current practice of using cash backed reserves. (14.04.10)”*

One such cash backed reserve to go was the Glenelg Access Strategy which funded the now terminated Blue Loop Bus. In the latter period following the winding up of the Glenelg Access Strategy the Blue Loop bus was funded from general revenue.

In conducting its work the audit committee has found that Corporate Governance at the City of Holdfast Bay is of the highest standard a fact recorded in the External Auditor correspondence. The Audit committee has been satisfied that, using the criteria of its terms of reference, that the governance of the City is done with efficiency and integrity according to current accounting standards.

The Blue Loop Bus service was discontinued by council with evidence that it was inefficient and not achieving its intended purpose of addressing parking issues. With the audit committee having already, according to its terms of reference, signed off on the accounts for that period, and in the light of its role to seek efficiencies, it would be considered a misuse of resources to divert precious staff time to further investigate this matter in the absence of any evidence of malpractice.

#### **ANSWER – General Manager Corporate Services, Mr I Walker**

Council approved a change in its Treasury Policy in April 2011 following a recommendation from the Audit Committee. The new policy adopted contemporary treasury management principles supported by financial targets and robust long-term management and financial plans.

The new policy removed a multiplicity of cash-backed reserves which were used to fund specific projects and programs, or had been used to construct a complex suite of ‘internal loans’. Importantly, the new policy simplified funds management and reduced cost and risk to Council.

Cash-backed reserves that Council is required by statute or third-party agreement to maintain have been retained, such as a fund to receive developer contributions for carparks spaces and a prudential reserve for Alwyndor.

## **9. MEMBER’S ACTIVITY REPORTS**

### **9.1 Glenelg North Community Garden Open Day**

Councillors Clancy, Bouchee, Patton and the Mayor attended the open day at Glenelg North Community Garden.

**10. PUBLIC PRESENTATIONS****10.1 Petitions****10.1.1 Petition – CCTV Cameras in the Glenelg and Glenelg South Areas** (Report No: 283/12)

A petition has been received from 3,059 residents requesting Council allocate a minimum of 75% of the funding from the Safer Suburb Scheme to provide CCTV cameras in the Glenelg and Glenelg South areas.

The petition states as follows:

*“The petition of the undersigned residents of South Australia notes that the City of Holdfast Bay has received grant funding from the Federal Government of \$350,000.00 under the Safer Suburb Scheme. For the Glenelg & Glenelg South Area.*

*Your petitioners therefore respectfully request that your Honourable Council will allocate a minimum of 75% of this funding for the provision and placement of closed circuit television cameras in these areas with the remainder to be spent on associated lighting requirements.”*

**Motion****140812/606****That the petition be received by Council.**

Moved Councillor Lonie, Seconded Councillor Patterson

**Carried**

Councillor Bouchee left the Chamber at 7.23pm

Councillor Bouchee returned to the Chamber at 7.24pm

**11. MOTIONS ON NOTICE****11.1 Protecting Our Waterways – Councillor Looker****Motion****140812/607**

**That Council promote an education campaign, using existing resources, by distributing the flyer ‘Protecting our waterways’ to those mobile dog wash operators who continue to drain soapy water into gutters and roadways and advise that failure to comply carries a \$315 on the spot fine. Correspondence be forwarded to franchise head offices.**

Moved Councillor Looker, Seconded Councillor Fisk

**Carried**

**Background**

Any pollutants put into our roadways and gutters are carried directly into sea on the nearby beaches. Oil, builders washing concrete items and the increasing number of mobile dog washes all add to the pollution load. Lately some operators have been observed not doing the right thing and allowing polluted water to run down the gutters. This is an offence under section 235 (1) of the act and fines apply. It is time for a reminder to those in the community that this conduct is not acceptable and is damaging to our environment.

**11.2 Resident/Ratepayer Parking Permit Scheme – Councillor Bouchee****Motion****140812/608**

**That the CEO implement a Resident/ratepayer Parking Permit Scheme:**

- (a) one permit per rateable property within the City of Holdfast Bay;**
- (b) up to 4 hours free parking at Cowper/Milton Street/Partridge Street Car parks only.”**

**Background from Councillor Bouchee**

Many local residents now regularly do their weekly shopping outside of Holdfast Bay because of the perceived difficulty of parking near to Jetty Road and needing to hurry due to parking time restraints. These shoppers need to be enticed back to Jetty Rd by making parking available for genuine shopping for all year round shopping and with less emphasis on the short 3 month summer season.

I believe this motion will re-invigorate Residential/Ratepayer visitation to Jetty Road, Glenelg.

As has been indicated by the CEO/Mr Taplin and Jetty Rd Retailers, we need to encourage local Residents to return to Jetty Road for their shopping.

This proposed exemption is similar to that operating in large shopping malls and other interstate Councils

The Glenelg shopping strip is not able to compete with the large shopping centres such as Marion/West Lakes and Harbour Town... these 2 car parks are central, short walking distance to adjacent to shopping/Entertainment Precinct.

Moved Councillor Bouchee, Seconded Councillor Fisk

**Lost**

**Division called**

Those voting for: Councillors Bouchee and Fisk (2)

Those voting against: Councillors Patton, Patterson, Looker, Lonie, Huckstepp, Clancy and Yates (7)

**12. ADJOURNED MATTER****12.1 Adjourned Report - Amendment to the Regional Open Space and Business Facility Community Land Management Plans (Report No: 282/12)**

A report was presented to Council on 12 June 2012 (C120612/534) recommending that Council commences public consultation to amend the Regional Open Space and Business Facility Community Land Management Plans to include the land contained in Certificates of Title Volume 5798 Folio 64 and Volume 5766 Folio 778. This report was adjourned for a further two months, pending further legal advice, which ever is the sooner. The adjournment was to provide the Lessee the opportunity to seek legal advice in regard to the status of the land and its lease.

On 19 June 2012 the City of Holdfast Bay conveyed to Goodna Pty Ltd by letter the legal advice it had received regarding the status of the land and occupation by Goodna Pty Ltd. Goodna Pty Ltd responded on 27 June 2012 advising that it would welcome the City of Holdfast Bay undertaking public consultation with respect to amending the Community Land Management Plans at the same time as undertaking public consultation in respect of the proposed lease.

By letter dated 4 July 2012 the City of Holdfast Bay further responded to Goodna Pty Ltd advising that it would be prepared to enter into a 10 year lease over the subject land.

Goodna Pty Ltd responded by email on 10 July 2012 advising that the only outstanding question was the term of the lease and that it still required a lease term of 21 years. The City of Holdfast Bay is proposing a lease term of 10 years.

This information is presented to allow Council to further consider this report.

**Motion****140812/609**

**Council commences public consultation to amend the Regional Open Space and Business Facility Community Land Management Plans to include the land contained in Certificates of Title Volume 5798 Folio 64 and Volume 5766 Folio 778 as detailed in Attachment 1.**

Moved Councillor Lonie, Seconded Councillor Huckstepp

**Carried**

**13. REPORTS OF MANAGEMENT COMMITTEES, SUBSIDIARIES AND THE DEVELOPMENT ASSESSMENT PANEL**

13.1 **Minutes – Jetty Road Mainstreet Management Committee – Meeting - 1 August 2012** (Report No: 281/12)

The purpose of this report is to bring attention to the two recommendations made to Council by the Jetty Road Mainstreet Management Committee (JRMMC), which are regarding:

1. Item 5.6.3 - Council's contribution to the Glenelg Christmas Pageant, and
2. Item 5.8 - CCTV in the Jetty Road Precinct

Furthermore Council is to note the Minutes of the JRMMC meeting held 1 August 2012 as attached.

**Motion**

**140812/6010**

1. **That the minutes of the Jetty Road Mainstreet Management Committee held on 1 August 2012 are received.**
2. **That Council notes the Committee's recommendation regarding CCTV in the Glenelg precinct.**
3. **That further reports be presented to Council:**
  - (a) **regarding a proposed \$10,000 cash contribution to the Christmas Pageant; and**
  - (b) **in consultation with the Mainstreet Board, on the future of the Glenelg Christmas Pageant**

**Conflict of Interest**

Councillor Clancy declared an interest in the matter and left the meeting at 7.42 pm.

Moved Councillor Bouchee, Seconded Councillor Lonie

**Carried**

Councillor Patterson left the chamber at 7.48pm

Councillor Clancy returned to the chamber at 7.48pm

13.2 **Minutes – Development Assessment Panel – Meetings – 23 May 2012 and 27 June 2012** (Report No: 284/12)

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

The minutes of the Development Assessment Panel meeting held 23 May 2012 and 27 June 2012 are presented to Council for information.



**Motion****140812/6011**

**That the minutes of the Development Assessment Panel meetings held on 23 May 2012 and 27 June 2012 be received.**

Moved Councillor Huckstepp, Seconded Councillor Clancy

**Carried****14. REPORTS BY OFFICERS****14.1 Items in Brief (Report No: 268/12)**

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****140812/6012**

**That the report be noted and items of interest discussed.**

Moved Councillor Clancy, Seconded Councillor Cr Patton

**Carried**

Councillor Patterson returned to the chamber at 7.52pm

Councillor Patton left the chamber at 7.53pm

Councillor Patton returned to the chamber at 7.54pm

**14.2 Free Bike Hire Program (Report No: 272/12)**

This report provides information to Council of a proposal from Bike SA to enter into a free bike hire scheme. The scheme offers free unlimited bike hire and supports strategies to reduce car use, improve health, well being and mobility for residents, visitors, tourists and people of all ages. Whilst the program is commendable it comes at a cost which is currently unfunded and could be seen to be in conflict with a local trader who currently runs a bike hire initiative as part of his core business.

**Motion****140812/6013**

**That Council advises Bike SA that it does not wish to enter into a bike hire scheme at a cost of \$20,000 per annum for the next 3 years at this time.**

Moved Councillor Looker, Seconded Councillor Lonie

**Carried**

**14.3 Relocation of H Class Tram to Glenelg (Report No: 273/12)**

The report provides Elected Members with a review of the design process to house the H Class tram and seeks direction in respect to construction of this facility following a public tender for construction of the tram structure. If however, Council chooses to not relocate the tram to Glenelg it will need to consider what to do with the tram as its storage at the St Kilda Tram Museum cannot continue.

**Motion****140812/6014**

**That the matter be adjourned until the next meeting so that a report on the costs of the ongoing maintenance can be considered by Council.**

Moved Councillor Clancy, Seconded Councillor Looker

**Carried****14.4 Public Road Declaration – Durham Street, Glenelg (Report No: 275/12)**

During recent discussions regarding encroachments under the footpath in Durham Street, it was revealed that the road was still listed as a private road and in order to rectify this anomaly Durham Street, Glenelg, needs to be declared a public road, to reflect an accurate history of its use.

The adoption of the recommendation within this report, and the publication of the Council's minutes within the Government Gazette and notification of the Registrar General by Council's conveyancer will enable Durham Street to be declared a public road.

**Motion****140812/6015**

**That pursuant to Section 210 of the Local Government Act, 1999 as amended the City of Holdfast Bay resolves that allotment 153 in Filed Plan 3465 being portions of Durham Street, Glenelg, is hereby declared to be a public road.**

Moved Councillor Lonie, Seconded Councillor Clancy

**Carried****14.5 Brighton Metro Hotel – Trial Variation Review (Report No: 279/12)**

In August 2011 the Liquor and Gambling Commissioner granted a temporary trial variation order for Brighton Metro Hotel. The order was granted on an interim basis of twelve (12) months and permitted an amendment to the existing hours of operation to the Gaming Room (inclusive of the sale of alcohol therein) and relevant adjacent areas of the Hotel (as specified by the regulations). The extended trading authorisation increased the hours for Monday nights from midnight until 2:00am in an attempt for the licensee to standardise the daily operational hours for this area.

As the twelve (12) month trial period expires on 24 August 2012, the City of Holdfast Bay has been asked to review the temporary extension to hours by the Liquor and Gambling Commissioner. As no complaints have been received to date, it is suggested that the Office of Liquor and Gambling Commissioner be notified that Council has no objection to the trial period restrictions being removed.

**Motion**

**140812/6016**

**That Council advises the Office of the Liquor and Gambling Commissioner that it does not object to the trial variation (hours of operation) becoming a permanent amendment of Hotel's Liquor & Gaming Licence No.: 50102323.**

Moved Councillor Clancy, Seconded Councillor Lonie

**Carried**

**Division called**

Those voting for: Councillors Clancy, Huckstepp, Lonie, Looker, Patterson, Patton and Yates (7)

Those voting against: Councillors Fisk and Bouchee (2)

**14.6 2012 New Years Eve Glenelg Dry Zone Temporary Boundary Extension (Report No: 277/12)**

The City of Holdfast Bay will lodge an application with the Office of the Liquor and Gambling Commissioner to temporarily extend the boundaries of the Glenelg Long-Term Dry Zone for New Years Eve 2012.

The application is based upon the feedback and responses received from 2011 New Years Eve stakeholder debrief as well as various community feedback. The boundaries and conditions of this extension emulate those from previous years, full details of which are listed below.

**Motion**

**140812/6017**

**That Council endorse this report and attached plan with the inclusion of Tarniwarra Reserve North Esplanade, subject to Police advice, for the 2012 New Years Eve temporary extension to the Glenelg Dry Zone and as a consequence the Administration lodge an application to the Office of the Liquor and Gambling Commissioner for legislative enactment of this extension.**

Moved Councillor Patton, Seconded Councillor Bouchee

**Carried**

**14.7 Mike Turtur Bikeway and Sturt River Shared Use Path (Report No: 280/12)**

This report seeks to advise Council of the project status for the section of the Mike Turtur Bikeway (formerly known as Tramway Park) between Brighton Road Glenelg East and Morphett Road Glengowrie and the Sturt River Shared Use Path between Maxwell Terrace and Anzac Highway. The projects are to construct a linear park and shared use pathway along the Glenelg Tram corridor (east-west) and the open channel abutting the Sturt River (north-south).

**Motion****140812/6018**

- 1. That Council authorise the Chief Executive Officer and Mayor to sign the Deed of Conditions of Grant between the Minister for Planning and the City of Holdfast Bay.**
- 2. That Council endorse proceeding with the projects subject to a satisfactory response from the community engagement and consultation process.**
- 3. That a further report be submitted to Council advising of outcomes from the Community Engagement process.**

Moved Councillor Yates, Seconded Councillor Looker

**Carried****14.8 Patawalonga Waterway – Lease with Goodna Pty Ltd (Report No: 266/12)**

The land that forms part of the Patawalonga waterway from the Michael Herbert, (Wodlibulto Wadlakatta), Bridge to the lock and barrage gates was transferred to the ownership of the City of Holdfast Bay on 17 May 2011.

Prior to this transfer, Goodna Pty Ltd held a lease with the State Government over portion of the land, for use as a slipway, for a term that expired on 1 June 2010. Goodna Pty Ltd continued in occupation of this site on a monthly basis with the State Government and subsequently the City of Holdfast Bay.

With the land transfer being completed on 17 May 2011, a new lease is required to be negotiated with Goodna Pty Ltd over portion of this land. It is proposed to enter into a lease with Goodna Pty Ltd for a period of 10 years from 18 May 2011. Goodna Pty Ltd is requesting that the City of Holdfast Bay enter into a lease for 21 years from 18 May 2011. All other terms and conditions of the proposed lease have been agreed to.

As the proposed lease term is over 5 years, in accordance with Section 202 of the Local Government Act, public consultation must be undertaken.

**Motion****140812/6019**

Council undertakes public consultation to enter into a lease with Goodna Pty Ltd for 10 years + 5 years from 18 May 2011 over the land contained in Certificate of Title Volume 5798 Folio 64, marked as "AA" and "NN" in GRO Plan 255 of 2000 as detailed in Attachment 1, concurrently with the public consultation required to amend the Regional Open Space and Business Facility Community Land Management Plans.

Moved Councillor Fisk, Seconded Councillor Bouchee

**Carried****15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil****16. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING - Nil****17. ITEMS IN CONFIDENCE**

Staff in Attendance: Mark Buckerfield and Peter Smith

**17.1 Strategic Property Opportunity (Report No: 269/12)****Motion****140812/6020**

Pursuant to Section 83 (5) of the Local Government Act 1999 the Report attached to this agenda and the accompanying documentation is delivered to the Council Members upon the basis that the Council consider the Report and the documents in confidence under Part 3 of the Act, specifically on the basis that Council will receive, discuss or consider:

- d. commercial information of a confidential nature (not being a trade secret) 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.

Moved Councillor Clancy, Seconded Councillor Huckstepp

**Carried**

**18. RESUMPTION**

**Motion**

**140812/6022**

**That Council resume as an open meeting of Council at 9.14pm.**

Moved Councillor Clancy, Seconded Councillor Huckstepp

**Carried**

**CLOSURE**

The Meeting closed at 9.15 pm.

**CONFIRMED      Tuesday 28 August 2012**

**MAYOR**