

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 22 January 2013 at 7:00pm.

MEMBERS PRESENT

His Worship the Mayor, AK Rollond
Deputy Mayor, RA Clancy
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

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 Kaurna 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 Kaurna 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 RM Bouchée

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**Motion****C220113/779**

That the minutes of the Ordinary Meeting of Council held on 11 December 2012 be taken as read and confirmed.

Moved by Councillor Clancy, Seconded by Councillor Huckstepp

Carried**Notice of Motion - foreshadowed**

Councillor Clancy foreshadowed to rescind Council's motion (C111212/771) regarding the lease on the Buffalo Restaurant for the next meeting of Council.

8. QUESTIONS BY MEMBERS**8.1 Without Notice****8.1.1 Blessing of the Waters– Councillor Looker**

Councillor Looked asked a question regarding arrangements for the day's events.

His Worship, the Mayor provided a response.

8.2 With Notice –Nil**9. MEMBER'S ACTIVITY REPORTS**

9.1 Nil

10. PUBLIC PRESENTATIONS

10.1 Petitions - Nil

10.2 Presentation - Nil

10.3 **Deputations - Nil**

11. MOTIONS ON NOTICE

11.1 **Motion on Notice - Provision of Legal Advice – Councillor Bouchee** (Report No: 30/13)

Motion

That information obtained by the administration (such as legal opinions or accounting advice) not be selectively shared with only some members of Council, but must be circulated to all members at the same time, if outside of a formal and full Council meeting, or, alternatively, any information or advice must only be provided to Members by being laid on the table at a formal meeting of the full Council, and therefore equally and coincidentally available to all Members.

The motion lapsed for want of a seconder.

Motion

C230113/780

That the background information relating to Item 11.1 not be included in the minutes.

Moved Councillor Looker, Seconded Councillor Donaldson

Carried

Division called:

A division was called:

Those voting for: Councillors Clancy, Dixon, Donaldson, Huckstepp, Lonie, Looker, Patton, Roe (8)

Those voting against: Councillors Fisk, Patterson, Yates (3).

His Worship the Mayor declared the motion

Carried

11.2 **Motion on Notice – Community Facility Register – Councillor Looker** (Report No: 31/13)

Motion

C220113/781

That Council compile a Community Facility register to be publicly available on the City's website as a downloadable PDF spreadsheet detailing Council's properties and lease arrangements for community/sport/recreation groups. Headings would include property address/site; lessee; approved use; lease commencement and time; annual rental/license fee; valuation; annual holding cost to council including depreciation opportunity cost on investment, other incidental costs to council. Updates should be made annually in line with renewed leases and revaluations.

Moved Councillor Looker, Seconded Councillor Donaldson

Carried

Councillor Dixon left the chamber at 7.29pm
Councillor Dixon rejoined the chamber at 7.30pm

12. ADJOURNED MATTER - Nil

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

13.1 Audit Committee Minutes – 5 December 2012 (Report No: 03/13)

Motion

C220113/782

That the minutes of the Audit Committee meeting held on 5 December 2012 be received.

Moved Councillor Looker, Seconded Councillor Roe

Carried

13.2 Alwyndor Management Committee Minutes – 18 December 2012 (Report No: 04/13)

Motion

C220113/783

That the minutes of Alwyndor Management Committee meeting held on 18 December 2012 be received.

Moved Councillor Clancy, Seconded Councillor Yates

Carried

13.3 Development Assessment Panel Minutes – 12 December 2012 (Report No: 502/12)

Motion

C220113/784

That the minutes of the Development Assessment Panel meetings held on 12 December 2012 be received.

Moved Councillor Looker, Seconded Councillor Fisk

Carried

13.4 Jetty Road Mainstreet Management Committee (Report No: 29/13)

Motion

C220113/785

That the minutes of the Jetty Road Mainstreet Management Committee held 5 December 2012 is received.

Moved Councillor Patton, Seconded Councillor Fisk

Carried

14. REPORTS BY OFFICERS14.1 **Items in Brief** (Report No: 12/13)**Motion****C220113/786****That the report be noted and items of interest discussed.**

Moved Councillor Looker, Seconded Councillor Fisk

Carried14.2 **2012-13 Long Term Financial Plan – Consultation and Adoption** (Report No: 01/13))**Motion****C220113/787**

1. **That the 2012/13 – 2031/32 Long Term Financial Plan be adopted.**
2. **That the submissions received as a result of community consultation on the Long Term Financial Plan be noted.**

Moved Councillor Huckstepp, Seconded Councillor Looker

Carried14.3 **Annual Review of Investments 2011-12** (Report No: 02/13)**Motion****C220113/788****That this report comprising an annual review of its investments in accordance with section 140 of the Local Government Act, is received and noted.**

Moved Councillor Fisk, Seconded Councillor Patterson

Carried14.4 **Brighton Over 50s Club - Lease** (Report No: 05/13)**Motion****C220113/789****That the report be adjourned subject to receiving a copy of the Club's constitution, copy of minutes for 2012 or 2013 AGM whichever is the latest and a copy of the latest audited financial report for 2012 or 2013.**

Moved Councillor Clancy, Seconded Councillor Yates

Carried

14.5 **Debenture Loan 145 Rollover – Glenelg Football Club** (Report No: 06/13)

Motion

C220113/790

That Council borrows the remaining sum of \$104,343 for an interest only term of 2 years on a 14 year repayment basis in accordance with Council's borrowing policy, for the purpose of meeting the remaining rollover funding required on debenture loan 145.

Moved Councillor Fisk, Seconded Councillor Patton

Carried

14.6 **Glenelg Town Hall – Bay Bar Dos - Lease** (Report No: 09/13)

Motion

C220113/791

That a new lease for a period of three years from 1 October 2012 to 30 September 2015 be granted to Bay Bar Dos Pty Ltd over portion of the ground floor of the Glenelg Town Hall known as "Tenancy 1".

Moved Councillor Fisk, Seconded Councillor Looker

Carried

14.7 **Helmsdale Tennis Club - Lease** (Report No: 10/13)

Motion

C220113/792

That the report be adjourned subject to receiving a copy of the Club's constitution, copy of minutes for 2012 or 2013 AGM whichever is the latest and a copy of the latest audited financial report for 2012 or 2013.

Moved Councillor Clancy, Seconded Councillor Yates

Carried

14.8 **Glenelg Pigeon Club Inc - Lease** (Report No: 13/13)

Motion

C220113/793

That the report be adjourned subject to receiving a copy of the Club's constitution, copy of minutes for 2012 or 2013 AGM whichever is the latest and a copy of the latest audited financial report for 2012 or 2013.

Moved Councillor Clancy, Seconded Councillor Yates

Carried

14.9 **Holdfast Bay Dog Owners Club Inc - Lease (Report No: 15/13)****Motion****C220113/794**

That the report be adjourned subject to receiving a copy of the Club's constitution with the inclusion of an amendment to remove reference to City of Brighton and replace with City of Holdfast Bay, copy of minutes for 2012 and 2013 AGM which ever is the latest and a copy of the latest audited financial report for 2012 and 2013.

Moved Councillor Clancy, Seconded Councillor Yates

Carried14.10 **Restaurant Licence Application – H&A Coffee House (Report No: 27/13)****Motion****C220113/795**

That Council advise the Office of the Liquor and Gambling Commissioner that it supports the approval of a Restaurant Licence to sell and/or supply liquor in accordance with section 34(1)(a),(b) & (c) of the Liquor Licensing Act 1997 subject to the following conditions:

Restaurant Liquor Licence

1. That the sought section 34(1)(c) exemption be restricted to:
 - a. Monday to Saturday between the hours of 8:00am and 10:00pm
 - b. Sunday between the hours of 11:00am and 8:00pm
2. That the restaurant's capacity be restricted to an overall maximum capacity of 18 patrons;

General

3. The proposal be subject to a standard trial period of twelve (12) months from the date of the licence grant, which at the end of this period an assessment and review will be made;
4. The City of Holdfast Bay, the Commissioner of Police and the licensee are granted liberty to apply to the Liquor and Gambling Commissioner to review the interim licence and associated conditions prior to the conclusion of the twelve (12) month trial period.

Moved Councillor Patton, Seconded Councillor Fisk

Carried

14.11 Smoking Exclusion Zone Trial Period – Moseley Square (Report No: 28/13)**Motion****C220113/796**

That Council applies to the State Government for the enactment of a trial smoking exclusion zone for Moseley Square Glenelg between 1 July 2013 and 30 June 2014.

Moved Councillor Looker, Seconded Councillor Yates

Carried**14.12 Audit Committee Terms of Reference (Report No: 32/13)****Motion****C220113/797**

That Council adopt the amended Audit Committee Terms of Reference contained in Attachment 1 to this report.

Moved Councillor Looker, Seconded Councillor Roe

Carried

Councillor Patterson left the chamber at 7.58pm

Councillor Patterson rejoined the chamber at 8.00pm

14.13 Glenelg Foreshore Building (Report No: 08/13)**Motion****C220113/798**

- 1. That Council receives the responses to the Expression of Interest and notes that proposals received do not meet all of the stated criteria for the future use of this site.**
- 2. That Council provides direction on its desired use of this space so Administration can proceed.**
- 3. That an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the attachments relating to Report No: 08/12, 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)(d) and that this resolution will be reviewed within 12 months by the Council.**

Moved Councillor Fisk, Seconded Councillor Lonie

Carried**Motion****C220113/799**

That a workshop meeting be held to consider options for the Glenelg Foreshore Building to provide Administration with direction.

Moved Councillor Looker, Seconded Councillor Donaldson

Carried

15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil**16. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING - Nil****17. ITEMS IN CONFIDENCE**17.1 **Brighton Caravan Park (Report No: 34/13)****C220113/800****Motion**

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 Brighton Caravan Park.

Moved Councillor Clancy, Seconded Councillor Huckstepp

Carried

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, Strategic Property Officer S Galliford, Research Officer (Strategic Directions) M Terizakis, Manager Community Development K Harding, Corporate Communications & Media Coordinator T Helbers.

Brighton Caravan Park (Report No: 34/13)**Motion****C220113/801**

1. That Council commence an Expression of Interest process for the refurbishment and long term management of the Brighton Caravan Park with an expectation that a new agreement will commence on 1 July 2013.
2. That the current manager be advised immediately that Council will be seeking Expressions of Interest to determine the on-going management of the Park.
3. That the new management of the Park no longer include annual rentals.

4. **That the minutes be released following notification to the Park Manager, with recommendation to the Park Manager that he notify the annual renters as soon as practicable.**

Moved Councillor Clancy, Seconded Councillor Lonie

Carried

Councillor Fisk left the chamber at 8.09pm
Councillor Fisk rejoined the chamber at 8.11pm

Councillor Donaldson left the chamber at 8.15pm
Councillor Donaldson rejoined the chamber at 8.16pm

Councillor Roe left the chamber at 8.19pm
Councillor Roe rejoined the chamber at 8.21pm

Councillor Lonie left the chamber at 8.33pm
Councillor Lonie rejoined the chamber at 8.36pm

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

Motion

C220113/802

1. **That an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the Report No: 34/13 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).**
2. **That Council authorise the Chief Executive Officer to release the report and minutes following notification to the Park Manager.**

Moved Councillor Lonie, Seconded Councillor Huckstepp

Carried

SHORT TERM SUSPENSION OF PROCEEDINGS

Motion

C220113/803

That the meeting procedures be suspended for up to an hour to allow for discussion relating to the Glenelg Foreshore building.

Moved Councillor Looker, Seconded Councillor Lonie

Carried

RESUMPTION OF PROCEEDINGS

Motion

C220113/804

That the period of suspension is concluded and the meeting resumed at 9.50pm.

Moved Councillor Lonie, seconded Councillor Donaldson.

Carried

17.2 **Glenelg Foreshore Building (Report No: 08/13)****Motion****C220113/805**

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:
 - 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 and the benefit or detriment to a third party in the matter of *Glenelg Foreshore Building* outweighs the public interest at this time.**

Moved Councillor Lonie, seconded Councillor Donaldson

Carried

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, Strategic Property Officer S Galliford, Research Officer (Strategic Directions) M Terizakis, Manager Community Development K Harding, Corporate Communications & Media Coordinator T Helbers.

Glenelg Foreshore Building (Report No: 08/13)**Motion****C220113/806**

1. That Council advises the two proponents that it has decided not to accept either proposal.
2. That council receives a detailed report on the following options:
 - (a) **Refurbishment and renovations to the ground floor portion of the building in order to lease it as a café with public toilets; and**
 - (b) **Detailed report on the costs of demolition plus the cost of construction of new toilets and change rooms.**

3. That an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the attachments relating to Report No: 08/12, 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)(d) and that this resolution will be reviewed within 12 months by the Council.

Moved Councillor Lonie, seconded Councillor Donaldson

Carried

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

Motion

C220113/807

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: 08/13 including:
 - Minutes
 - Attachmentsrelating 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)(d).
2. That Council authorise the Chief Executive Officer to release the Minutes relating to Report No: 08/13 following the notification to the proponents.
3. This resolution will be reviewed within 12 months by the Council.

Moved Councillor Lonie, Seconded Councillor Donaldson

Carried

CLOSURE

The Meeting closed at 9.55 pm.

CONFIRMED

Tuesday 13 February 2013

MAYOR