

**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 9 April 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 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****C090413/902**

**That the minutes of the Ordinary Meeting of Council held on 26 March 2013 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 Adelaide Living Beaches Project, Pumping Station – Councillor Patterson**

Councillor Patterson asked a question regarding the Shade cloth structures on the Pumping Station Structures.

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

**8.1.2 Cinema Proposal – Mayor Rollond**

His Worship the Mayor asked the following questions regarding the cinema proposal:

1. Now revocation has been approved is the offer by Mr Taplin final and non negotiable?
2. What is the final cost to the rate payers in both real estate devaluation and financial contribution.
3. Will Council do a preliminary determination whether the project complies with the Development Plan or will that be left entirely to the Development Assessment Commission?
4. Can the discussion of the DAC be appealed to the ERD Court?

**The Chief Executive Officer, Mr J Lynch took the questions on notice.**

## 8.2 With Notice

### 8.2.1 Proposed Cinema Development – Councillor Bouchee (Report No: 134/13)

Councillor Bouchee asked the following question:

- “1. Has CEO/Administration had any discussions with Mr Taplin/Developer/Government in the last 5 months in relation to the proposed Cinema Development?”*
- 2. Has CEO/Administration had any discussions with Mr Taplin/ Developer/Government in the last 5 months in relation to Cowper/Milton Street Car Park site?”*
- 3. Has CEO/Administration had any discussions with Mr Taplin/Developer/Government in the last 5 months in relation to the Partridge St Car Park Site?”*

The Chief Executive Officer, Mr J Lynch provided the following responses to the Questions on Notice from Councillor Bouchee.

1. No, however a letter was sent to Mr Taplin advising of the Minister’s approval to revoke the Cowper Street land. A request was also made for a meeting last week on initial principles for the heads of agreement.
2. No.
3. No, only to follow up when a response would be received from the Minister.

## 9. MEMBER’S ACTIVITY REPORTS

### 9.1 Mayoral Report - Nil

## 10. PUBLIC PRESENTATIONS

- 10.1 Petitions - Nil
- 10.2 Presentation - Nil
- 10.3 Deputations - Nil

**11. MOTIONS ON NOTICE****11.1 Recreational Fishing – Councillor Looker (Report No: 125/13)****Background**

Recreational fishing from our jetties, beaches and boat ramps is a significant attraction to both resident and visitor. Many businesses cater for this activity through fishing supplies, bait and tackle as well as food drink, fuel and so on. For a place to remain attractive, those who fish do not like to head home empty handed and anticipate catching something. This year the catch of blue swimmer crabs has collapsed and this has been attributed to commercial fishing with hundreds of pots used to plunder the local stocks. This has upset recreational fishers and had an effect on local business. Paul the proprietor of Bitewell, a local tackle shop advises me that his sales of crab catching equipment has dropped by 90% this season, a noticeable effect on his business. It is appropriate that this council seek the help of the Government to ensure that fish stocks, in this case the population of blue swimmer crabs, are managed to ensure recreational fishers are not disappointed.

**Motion**

**That Council write to the Minister for Agriculture, Food and Fisheries and the Minister for Sustainability, Environment and Conservation to express our concern with the apparent collapse of the stock of blue swimmer crabs available to recreational fishers using our jetties, beaches and boat ramps.**

Moved Councillor Looker, Seconded Councillor Yates

**Amendment**

**That Council write to the Minister for Agriculture, Food and Fisheries and the Minister for Sustainability, Environment and Conservation to investigate the apparent collapse of the stock of blue swimmer crabs available to recreational fishers using our jetties, beaches and boat ramps in light of the poor catches September 2012 to April 2013.**

Moved Councillor Clancy, Seconded Councillor Lonie

The amendment on being put was

**Lost**

**Motion**

**C090413/903**

**That Council write to the Minister for Agriculture, Food and Fisheries and the Minister for Sustainability, Environment and Conservation to express our concern with the apparent collapse of the stock of blue swimmer crabs available to recreational fishers using our jetties, beaches and boat ramps.**

Moved Councillor Looker, Seconded Councillor Yates

**Carried**

## 11.2 Maintenance of the Patawalonga Lock – Councillor Looker (Report No: 131/13)

### Background

The intent of the original agreement was that the lock maintenance would be revenue neutral to council. That is previously confirmed in Council report 475/09 *“The cost to operate and maintain this facility through agreement with the marina berth holders is a revenue neutral arrangement to council.”*

Over the years maintenance has consumed all the maintenance levy plus revenue raised from the minimum rate and no funds have been placed into the sinking fund for lock replacement as was originally planned.

Year	Rate Revenue	Maintenance Levy	Maintenance Expenditure	Surplus / Deficit
2000/01	\$15,373	\$14,146	\$19,245	\$10,274
2001/02	\$14,724	\$27,283	\$19,697	\$22,310
2002/03	\$13,278	\$29,195	\$54,261	-\$11,788
2003/04	\$12,892	\$33,473	\$90,373	-\$44,008
2004/05	\$11,476	\$32,345	\$49,640	-\$5,819
2005/06	\$11,633	\$44,326	\$38,969	\$16,990
2006/07	\$11,858	\$43,189	\$35,986	\$19,061
2007/08	\$21,252	\$32,575	\$41,100	\$12,727
2008/09	\$44,822	\$33,497	\$41,910	\$36,409
2009/10	\$71,826	\$33,702	\$325,955	-\$220,427
2010/11	\$101,108	\$120,700	\$76,716	\$145,092
2011/12	\$133,952	\$60,570	\$52,165	\$142,357
2012/13	\$133,952	\$63,600	\$100,000	\$97,552
<b>Total.</b>	<b>\$598,146</b>	<b>\$568,601</b>	<b>\$946,017</b>	<b>\$220,730</b>

In 2013/14 The scheduled dewatering maintenance as per 2009/2010 will happen and seems to be required every 5 years. The cost is an extra \$205,000. That will consume any accumulated surplus. When this occurred in the past the added cost was spread over 3 years to ease the burden on berth lease holders. That is why the predictability of charges is important.

Council also needs to be aware that the lock is scheduled for replacement in 2026 and the cost may be between \$2 and \$3 million. No funds have been accumulated for that purpose.

**Motion**

**That council reaffirm the original intent that the maintenance of the Patawalonga Lock be revenue neutral to Council subject to the following conditions.**

- 1. That Council make an annual budget allocation to assist to maintain the pedestrian walkway**
- 2. That the separate marina maintenance levy be structured in such a way as to aim to provide predictability to berth holders.**

Moved Councillor Looker, Seconded Councillor Patterson

**Motion****C090413/904**

**That the matter be deferred for discussion as part of the budget process.**

Moved Councillor Huckstepp, Seconded Councillor Patton

**Carried****12. ADJOURNED MATTERS - Nil****13. REPORTS OF MANAGEMENT COMMITTEES, SUBSIDIARIES AND THE DEVELOPMENT ASSESSMENT PANEL****13.1 Jetty Road Main Street Management Committee Special Meeting – 13 March 2013 (Report No: 110/13)****Summary**

The Minutes of the Special Meeting of the Jetty Road Mainstreet Management Committee meeting held 13 March 2013 are attached and presented for Council's information.

**Motion****C090413/905**

**That the minutes of the Special Meeting of the Jetty Road Mainstreet Management Committee held 13 March 2013 is received.**

Moved Councillor Looker, Seconded Councillor Lonie

**Carried****14. REPORTS BY OFFICERS****14.1 Items in Brief (Report No: 127/13)****Summary**

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**

**C090413/906**

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

Moved Councillor Patterson, Seconded Councillor Yates

**Carried**

**14.2 Lease to Goodna Pty Ltd over Portion of the Patawalonga (Report No: 126/13)**

**Summary**

This report seeks to extend the term of lease to Goodna Pty Ltd over portion of the Patawalonga so that it expires on 31 December 2022 instead of 17 May 2021. The option to extend for 5 years would be retained but it would commence on 1 January 2023 instead of 18 May 2021.

**Motion**

**C090413/907**

**That the expiration date of the initial term of the lease to Goodna Pty Ltd over portion of the land comprised in Certificate of Title Volume 5798 folio 64, marked 'AA' and 'NN' in GRO Plan 255 of 2000 be amended from 17 May 2021 to 31 December 2022.**

Moved Councillor Fisk, Seconded Councillor Looker

**Carried**

**14.3 Elected Member Training Request – Australian Heritage Conference (Report No: 129/13)**

**Summary**

Councillor Lonie has expressed an interest in attending the Australian Heritage Conference to be held on 19 April 2013. The cost of participation in this seminar is \$550.00.

This motion was withdrawn.

**15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil**

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

**17. ITEMS IN CONFIDENCE**

**17.1 Sale of Land (Report No: 128/13)**

**Motion**

**C090413/908**

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 *Sale of Land* outweighs the public interest at this time.

Moved Councillor Lonie, Seconded Councillor Clancy

**Carried**

#### **Sale of Land (Report No: 128/13)**

##### **Summary**

The Master Plan for the redevelopment of the Kauri Parade Sporting Precinct provides for the construction of six tennis courts and six tennis/netball courts and the relocation of the Seacliff Tennis Club from 2 Aboyne Avenue Seacliff Park.

It is proposed that the Seacliff Tennis Club be consolidated to the Kauri Parade Sporting Precinct and the property located at 2 Aboyne Avenue, Seacliff Park be sold with part proceeds used to establish six new tennis courts at the Kauri Parade Sporting Precinct (John Mathwin Reserve).

##### **Motion**

1. **RETAINED IN CONFIDENCE**
2. That a minimum of six courts be constructed, at Kauri Parade Sporting Precinct (John Mathwin Reserve) prior to the settlement of the sale of 2 Aboyne Avenue, Seacliff Park.
3. That part proceeds, from the sale of 2 Aboyne Avenue Seacliff Park be used for the construction of 6 tennis courts at the Kauri Parade Sporting Precinct.



Moved Councillor Clancy, Seconded Councillor Donaldson

**Amendment**

**C090413/909**

- 1        **RETAINED IN CONFIDENCE**
2.        **That a minimum of six courts be constructed, at Kauri Parade Sporting Precinct (John Mathwin Reserve) prior to the settlement of the sale of 2 Aboyne Avenue, Seacliff Park.**
3.        **That full proceeds, from the sale of 2 Aboyne Avenue Seacliff Park be used for the construction in line with the Kauri Parade Sporting Precinct master plan.**
4.        **A report be presented considering the following proposal:**  
  
            **That on completion of the new netball and tennis courts the property on corner of Portland Street and Kauri Parade be sold and the monies be used for the Kauri Parade master plan.**

Moved Councillor Roe, Seconded Councillor Clancy

The amendment on being put was

**Carried**

The motion, as amended, on being put was

**Carried**

A division was called:

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

Those voting against: Nil.

His Worship the Mayor declared the motion

**Carried**

**Order to Retain Documents in Confidence**

**Motion**

**C090413/9010**

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: 128/13 including:**
  - **That Item 1 of Resolution C090413/909 is retained in confidence and all other information contained in the minutes be released from confidence, unless they relate to the valuation of the site and the sale price.**
  - **Report**

- **Attachments**

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)(d).

2. This resolution will be reviewed within 12 months by the Council, or until the sale of the land is completed. The Chief Executive Officer is authorised to release the documents.

Moved Councillor Lonie, Seconded Councillor Clancy

**Carried**

## 17.2 Waste Management Contract (Report No: 133/13)

**Motion**

**C090413/911**

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:
  - b. 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, as the benefit or detriment to Council in not disclosing information relating to *Waste Management Contract* outweighs the public interest at this time.

Moved Councillor Lonie, Seconded Councillor Patton

**Carried**

## Waste Management Contract (Report No: 133/13)

### Order to Retain Documents in Confidence

**Motion**

**C090413/913**

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: 133/13 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)(b).

2. This resolution will be reviewed within 12 months by the Council or until such time as the agreement has been finalized and that the Chief Executive Officer be authorised to release the documents.

Moved Councillor Clancy, Seconded Councillor Huckstepp

Carried

#### **CLOSURE**

The Meeting closed at 8.09 pm.

**CONFIRMED      23 April 2013**

**MAYOR**