

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 28 May 2013 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 TD Looker
Councillor S Patterson – 7.01pm.
Councillor RC Patton
Councillor AP Roe
Councillor LJ Yates – 7.03pm.

STAFF IN ATTENDANCE

Chief Executive Officer - JP Lynch
General Manager City Assets - SG Hodge
General Manager Corporate Services - IS Walker
Manager Development Services – A Marroncelli
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 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.

4. APOLOGIES

- 4.1 Apologies Received - Councillor SC Lonie
- 4.2 Absent - Nil

Councillor Patterson joined the chamber at 7.01pm.

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****C280513/926**

That the minutes of the Ordinary Meeting of Council held on 23 April 2013 and 14 May 2013 be taken as read and confirmed.

Moved by Councillor Looker, Seconded by Councillor Fisk

Carried**8. QUESTIONS BY MEMBERS****8.1 Without Notice****8.1.1 Depreciation – Partridge House - Councillor Bouchee**

Councillor Bouchee asked a question regarding the amounts of depreciation which have been budgeted since 2008 and why these funds can't be used for the refurbishment.

The General Manager Corporate Services, Mr I Walker provided a response.

Councillor Yates joined the chamber at 7.03pm.

Councillor Bouchee asked a further question regarding depreciation.

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

8.2 With Notice**8.2.1 Patawalonga Marina Rates – Councillor Fisk (Report No: 177/13)**

Councillor Fisk asked the following questions:

- “1. Will the CEO please advise council of the rationale for the Glenelg Council’s introduction of a minimum rate.**
- 2. Was the introduction to ensure the rate per property covered the cost of providing basic public good services such as:**

 - (1) Storm water drainage**
 - (2) Road paving**
 - (3) Kerbing and water table**
 - (4) Street lighting**
 - (5) Street landscaping and trees**
 - (6) Rubbish removal**
 - (7) Libraries etc?**
- 3. What are the independent estimates (done by non Council staff) of the cost per berth of the consumption of services by boating berth lessees in the Patawalonga?**
- 4. Were the original figures that were used to justify the development quoting that the WHOLE development was to be cost neutral to council, and this figure should be taken including the rates collected from Marina Pier, Lights Landing, Marina East apartments and the development along Cygnet Court?**
- 5. Which members of Council voted for the Council assuming responsibility and therefore the operating costs and maintenance of the lock?**
- 6. Was the Council advised at the time by any person that the design of the lock was fundamentally flawed and the maintenance costs to Council would be excessive?**
- 7. Is there any liability remaining with the State Government for the fundamentally flawed design installed by the developers on behalf of the state?**
- 8. Has any attempt been made to determine if the Council can require the State to rectify the flawed design that was constructed?**
- 9. How many and what other sporting and recreational facilities are rated at the minimum rate AND how many of these are provided with a concession or grant to nullify the rate?**
- 10. Is there any other class of property within Holdfast Bay that attracts both the minimum rate AND an additional levy, if so which class, the number of properties and what is the rate of the additional levy and what is the levy for?**

11. ***If, as suggested would be preferable, that all boat berths became vacant is there a legal impediment to ceasing to operate and maintain the lock system?***
12. ***Does the boating community and recreational boating and fishing create any employment in the City? How many jobs are created? What is the indirect contribution to the economy of Holdfast Bay (including the purchase of food and beverages consumed) by the boat users?***
13. ***What are the economic multipliers from boating?***
14. ***What is the total direct and indirect contribution to the economy of Holdfast Bay from boating in the Patawalonga basin?***
15. ***What other sporting or recreational activity in Holdfast Bay must pay all the depreciation of a city asset from their own funds? If so who and how much. Football, soccer, bowling, sailing, Life saving, tennis, cycling, athletics are all using city assets and how much do they pay towards the depreciation of the assets they have access to?"***

ANSWER – General Manager Corporate Services

1. It is assumed the question relates to the application of the minimum rate to the berths in the Patawalonga. The minimum rate was applied to marina berths as from the 2007/08 year. The matter was first considered by Council's Rating Review Committee in April 2007 which received legal advice that the practice of treating marina berths as having common occupation was incorrect. At its meeting on 24 April 2007, Council resolved as follows:

Councillor Crutchett moved and Councillor Fisk seconded:

1. *That the minutes of the Rating Review Committee held on 3 April 2007 be received and noted;*
2. *That the correct General Differential Rate be applied to the Patawalonga Marina Berths from 2007/08;*
3. *That a rate rebate to the affected ratepayers of 80% be granted in 2007/08, reducing by 20% each year to a zero rebate in 2011/12; and*
4. *That the occupiers of the marina berths be advised of Council's decision.*

2. No. The minimum rate ensures that all ratepayers pay a minimum amount towards the cost of Council's services.
3. Council has not sought such estimates.
4. Clause 4.2 of the 1997 development agreement between the Minister for State Development, the Boulderstone 'consortium' and Council '*anticipated that the implementation of the Master Plan will result in a net increase in rate revenue to the Council of at least \$300,000 after allowing for additional maintenance and operational expenses...*'
5. Council was obliged to assume ownership of the lock pursuant to the development agreement with the Minister for State Development.
6. No. Council was not involved in the design, tender or construction of the lock.
7. No.
8. Council has received advice that it has no claim against the State Government.
9. None. All other properties that are used for sporting or recreational purposes are rated in accordance with Council's policy and pay a rate in excess of the minimum rate.
10. Commercial properties in the Jetty Road Glenelg precinct are subject to a general differential rate and a separate rate. Revenue from the separate rate is applied to '*to support and improve the activity of promoting and enhancing business viability, profitability and trade, commerce and industry in Jetty Road Glenelg*'.
11. The suggestion as to what is 'preferable' is not Council's position, however, in the event that there were no berths in the Patawalonga, there would not be a need to install and maintain the lock.
12. Council does not have this information.
13. Council does not have this information.
14. Council does not have this information.
15. Lessees of Council property, including sporting and recreational organisations, pay a rent to Council and, under their lease,

assume an obligation to maintain the property. A full list of Council's property leases is available as a register of facilities on its website at

<http://www.holdfast.sa.gov.au/webdata/resources/files/Facilities%20Register%201-2.pdf>

9. MEMBER'S ACTIVITY REPORTS

9.1 Holdfast Bay Community Centre Board Meeting

Councillor Looker reported that he had attended a Holdfast Bay Community Centre Board Meeting.

9.2 St Mary's Memorial School Board Meeting

Councillor Patterson reported that he had attended a St Mary's Memorial School Board meeting.

9.3 Murray Darling Association Meeting

Councillor Yates reported that she had attended a Murray Darling Association Meeting.

10. PUBLIC PRESENTATIONS

10.1 Petitions

10.1.1 **Petition – High Street Traffic Between Moseley Street and Partridge Street, Glenelg** (Report No: 189/13)

A petition has been received from 36 residents of High Street and Partridge Street, Glenelg requesting that Council provide “*support and assistance to make our **High Street** a safe and serene street with which we are all proud of and cherish.*”

The petition states as follows:

“To the Council of the City of Holdfast Bay

We, the undersigned residents of High Street, Glenelg, petition the Council and ask that action and or special consideration be given to our strong concerns regarding the issues arising from the excessive bus traffic along High Street between Moseley Street and Partridge Street, Glenelg.

For quite some time now, we the residents of High Street have been enduring the many problems associated with the busses travelling through High Street. These problems include:

- *High Street is a relative narrow street. It is structured with angle parking permitted on the Northern side of the street, and parallel parking on the opposite Southern side. This in effect reduces the width of the street even further than is desirable for heavy vehicular traffic.*
- *Severe heavy noise/vibrations are emitted from the busses affecting the surrounds of those who live on High Street. Please appreciate that this constant and continuous unpleasant noise is having a severe and detrimental effect on the residents of High Street, with the majority of them being elderly.*
- *Excessive traffic restrictions which are created when oncoming traffic is passed by busses while the side parking spaces are utilised. Often the oncoming vehicles need to slow down to a walking pace or even stop to allow the busses to proceed forward. On some occasions, vehicular traffic must cease in order to allow some residents to enter their house drives off High Street.*
- *The high risk for accidents predominantly around the ST Mary's Church and School Crossing due to the number of busses and the speed at which they are permitted to travel in this confined area. This problem is exacerbated when the congregational masses are held, which attracts a large number of church goes and vehicles. Children from the adjacent St Mary's school are also placed in a high risk environment during school days.*

*We, the undersigned rate paying residents of High Street are proud of our location within in the beautiful city of Glenelg and seek council support and assistance the make our **High Street** a safe and serene street with which we are all proud of and cherish."*

Motion

C280513/927

That the petition be received by Council and referred to the appropriate department for a response.

Moved Councillor Bouchee, Seconded Councillor Donaldson

Carried

10.2 Presentation

10.2.1 Somerton Yacht Club as Part of the Process of Discussing the Renewal of its Lease

Somerton Yacht Club made a presentation to Council.

10.2.2 Proposed Bus Service Changes – Glenelg

Michelle Spagnoletti and Andrew Every, from Public Transport Services, DTEI made a presentation to Council on the proposed Bus Service Changes in Glenelg.

10.3 Deputations

10.3.1 Mr Frank Salerno

Mr Frank Salerno spoke on behalf of residents regarding Glenelg Bus Route Changes/High Street needs.

11. MOTIONS ON NOTICE**11.1 Maintenance Levy for Patawalonga Marina – Councillor Fisk (Report No: 178/13)****Motion****C280513/928**

The special maintenance levy for the Patawalonga marina Berth holders be set at 75% of the current maintenance levy (which is \$65,500) from the 2013/2014 financial year. This would equate to a total income from the marina berth holders (which is the total of the Minimum rate plus the Maintenance Levy) being reduced by only 8.2% for this year.

Moved Councillor Fisk, Seconded Councillor Patton

Carried**Division called**

A division was called:

Those voting for: Councillors Fisk, Patton, Dixon, Bouchee, Clancy, Donaldson, Roe, Huckstepp and Yates (9)

Those voting against: Councillors Patterson and Looker (2).

His Worship the Mayor declared the motion

Carried**Background from Councillor Fisk**

The Holdfast Shores marina development was constructed as a whole and the value of all the rates from Marina Pier, Lights Landing and Marina East are as a result of the marina being in existence. This total figure should be taken into consideration when working out whether the marina is paying its way.

The marina berth users ARE subsidising Council NOT the other way round. If as suggested, the boats are all removed and it becomes a useless lake then the general ratepayers of the city will be paying the FULL maintenance amount of the gates on their own, and when the gates need to be replaced the multi millions of dollars will be paid out of general revenue.

My motion is complimentary with the intent of the motion : ‘Maintenance of Patawalonga Lock’ Report No 165/13 that was passed at the meeting 14/5/2013.

It also is consistent with points 1 and 2 of the passed motion. The reasons my motion is consistent are:

- It fits in with the original intent of being revenue neutral as the total income from the Holdfast Shores concept development plus income from marina berth rates and a special levee far outweighs ALL expenses of the development, and is well within the revenue neutral requirement.
- It is consistent with the first item as the majority of maintenance call outs are as a result of pedestrians damaging the mechanism and jumping fences.
- It is very consistent with the second item, as my motion means that the special levee reduction will give berth holders predictability over the coming years. It will also make them feel more part of the community than just a revenue stream with few redeeming qualities, and is equitable when compared to other sporting groups.

There are a couple points about the marina that are conveniently overlooked in the whole discussion.

The Holdfast Shores development was constructed as a single whole concept and the value of all the additional rates from Marina Pier, Lights Landing and Marina East are received as a result of that complete concept including the marina being constructed. This total figure should be taken into consideration when working out whether the marina is paying its way.

It would be a very bold and arguably illogical person who would attempt to suggest that this integrated development in its entirety has not added to the amenity of the Holdfast Bay community and to the Council's rate revenue.

It could therefore be argued that the marina berth users, being required to provide full cost recovery of maintenance on part of that integrated development are actually subsidizing Council NOT the other way around. If as has been illogically suggested, the boats from the public moorings are all removed and the area becomes a simple lake, then the general ratepayers of the City will be required to bear the FULL maintenance cost of the gates, because the properties along Cygnet Court have multiple marina berths as part of their titles and do have right to access these berths. It is a part of the deed of planning approval that Council must maintain this access just as Government must dredge the outside channel.

I would like to put forward further arguments supporting boating in Holdfast Bay.

- What seems to have been widely overlooked in recent debates that the Boats in the Patawalonga are viewed as the most likely source of rescue facilities should there be an unfortunate ditching of a passenger aircraft taking off from Adelaide Airport. For example, the staff from Glenelg Marine would be able to get boats to sea within moments of the ditching and potentially save lives. If the unthinkable happens and a plane does ditch, does this Council want to be known as the reason why fewer ditched passengers were saved.
- Boating is a recreational activity

- Fishing is an activity carried out by boat, and the bait is purchased from shops in Holdfast Bay, the same as jetty and beach fishing supplies are. The same applies to the sandwiches and other food and drink etc.
- Scuba Diving is a recreational past time that is carried out with the use of boats, and there are a number of diving clubs and marine organisations that operate in our city.
- Boating is an internationally recognised sport – power boating and offshore racing are international sports. Where do we think that Sir James Hardy, one of Australia’s most famous yachtsmen got his boating experience that enabled him to skipper the America’s Cup challenge? It was off Holdfast Bay. Where does he moor his boat – in the Patawalonga marina.
- Holdfast Bay has 2 sailing clubs, Somerton and Seacliff and the City supports and subsidizes these sporting facilities but penalizes yachts in the Patawalonga.
- We, as a Council subsidize many sporting and recreational activities like:
 - Football (Glenelg Oval, Brighton Oval) and we arrange low interest loans to these sports.
 - Tennis (many tennis clubs in the city are subsidized for court resurfacing etc)
 - We are discussing spending close to \$1m for tennis and netball courts in Seacliff
 - Rugby, lacrosse, athletics, baseball, basketball, volleyball are all in receipt of Council subsidies
 - Lawn bowls, and we have even arranged finance with the LGA for some clubs
 - Cycling has funding for paths, line marking on roads, cycle racks around the City along the coast park, and Jimmy Melrose Park
 - Surf Lifesaving is heavily subsidised by Council and emergency services levy, as it should be as it reduces risk to lives from using the beautiful Holdfast Bay water, but it is also a sport with beach sprinting and surf boat and ski racing honing the skills used to protect the beaches
- Boating is a sport , a recreational activity and a tool for other recreational ventures
- The boating fraternity in the Patawalonga, unlike the sporting and other recreational activity participants get no subsidies.

Boating deserves equitable treatment.

Councillor Dixon left the chamber at 8.21pm.

11.2 **Recording of Council Meetings – Councillor Looker** (Report No: 179/13)

Motion

C280513/929

That administration report on the practical measures required and cost, to make audio recordings of each council meeting.

Councillor Dixon rejoined the chamber at 8.23pm.

Moved Councillor Looker, Seconded Councillor Bouchee

Carried

Background from Councillor Looker

The starting point for the proper conduct of Council meetings is the Meeting Regulations and in particular the guiding principles.

“Procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting.”

“Procedures should be sufficiently certain to give the community and decision makers confidence in the deliberations undertaken at the meeting”

At its meeting of 14 May Council refused to endorse the minutes of the meeting held on 23 April and events surrounding that meeting have now been accepted by the Ombudsman for investigation. This is the second investigation by the Ombudsman in 2 years and in his report of August 2012 warned that “meeting procedures are not discretionary.”

Breaches of meeting regulation are common during Holdfast Bay Council meetings with most being low level non compliances such as members speaking more than once, interruptions by other members and points of order being either dismissed or accepted without reference to regulations. Some more serious breaches also occur as do inappropriate comments on businesses and individuals.

Recording Council meetings is not new and has been done in the old Glenelg Council. Having an audio recording will provide clarity as to exactly what happened at a particular meeting and may be an incentive to encourage all to participate appropriately in proceedings to ensure that meetings are conducted the a manner expected from a level of Government.

11.3 **Rescission Motion – Brighton Caravan Park – Section 270 Review – Councillor Roe**
(Report No: 188/13)

Motion

C280513/930

That Resolution C230413/903 from the council meeting held on 23 April 2013 be rescinded.

His Worship the Mayor granted Councillor Bouchee leave to make a personal explanation and she presented the following correspondence from Senator Nick Xenophon.



Moved Councillor Roe, Seconded Councillor Huckstepp

Carried

Division called

A division was called:

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

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

His Worship the Mayor declared the motion

Carried

And if successful I will move, the original motion from Report No: 151/13, Brighton Caravan Park – Section 270 Review.

Motion**C280513/931**

1. That the Section 270 Review be received and noted.
2. That the decision made by Council at its meeting on 22 January 2013 in relation to not continuing with annual rentals at the Brighton Caravan Park from 1 July 2013 was made in full compliance with the Local Government Act 1999 and based on all relevant information that was available to the Council at that time.
3. That Council, after considering the report and submissions reaffirms its decision to disallow annual rentals in the Park consequent on the proposed upgrade.
4. That Ms Marilyn Pearson be advised of Council's decision regarding this review.

Moved Councillor Roe, Seconded Councillor Looker

Carried**Division called**

A division was called:

Those voting for: Councillors Fisk, Patton, Dixon, Patterson, Looker, Clancy, Donaldson, Roe and Huckstepp (9)

Those voting against: Councillors Bouchee and Yates (2).

His Worship the Mayor declared the motion

Carried**Background from Councillor Roe**

The motion should have been dealt with differently, separating the 270 review, from the matter of the lease extensions.

Report No: 151/13, Brighton Caravan Park – Section 270 Review, was not intended to reopen debate about the status of the annual leaseholders, the report was simply meant to determine if council's decision was lawfully made in accordance with the Local Government Act 1999.

If the rescission motion is successful I will move that the 270 review of the Brighton Caravan Park is accepted.

The matter of the extension of time for annual leases was not the subject of the report.

Original Motion

Second Amendment

C230413/903

1. That the Section 270 Review be received and noted.
2. That the decision made by Council at its meeting on 22 January 2013 in relation to not continuing with annual rentals at the Brighton Caravan Park from 1 July 2013 was made in full compliance with the Local Government Act 1999 and based on all relevant information that was available to the Council at that time.
3. That Council, after considering the report and submissions and agrees to:
 - (a) set aside a specific area on a short term basis within the park for caravans to be relocated; and
 - (b) a staged redevelopment of the caravan park, in such a way that the area for the annual agreement holders is the last to be developed, if practicable;
 - (c) that the people with current annual agreements are given a further nine months, (on a temporary basis) from 30 June 2013 to seek alternative accommodation.
4. That Ms Marilyn Pearson be advised of Council's decision regarding this review.

Moved Councillor Bouchee, Seconded Councillor Fisk

The second amendment on being put was

Carried

Division called

A division was called:

Those voting for: Councillors Fisk, Patton, Dixon, Bouchee, Patterson and Yates (6)

Those voting against: Councillors Looker, Clancy, Donaldson, Lonie and Huckstepp (5).

His Worship the Mayor declared the Second Amendment

Carried

The motion, as amended, on being put was

Carried

Division called

A division was called:

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

Those voting against: Nil

His Worship the Mayor declared the motion

Carried

11.4 Diversion of Expenditure – Councillor Bouchee (Report No: 191/13)

His Worship the Mayor left the meeting at 9.10pm and the Deputy Mayor, Councillor Clancy assumed the chair.

Motion

That the Chief Executive Officer ensure that any expenditure diversion of the Depreciation Budget of more than \$100K be identified and noted in the Finance Report which is presented to Council each month.

His Worship the Mayor rejoined the meeting at 9.12pm and assumed the chair.

Councillor Huckstepp left the chamber at 9.14pm

Councillor Yates left the chamber at 9.14pm.

Councillor Huckstepp rejoined the chamber at 9.16pm.

Councillor Donaldson left the chamber at 9.16pm.

Moved Councillor Bouchee, Seconded Councillor Fisk

Lost

Division called

A division was called:

Those voting for: Councillors Fisk, Dixon and Bouchee (3).

Those voting against: Councillors Patton, Patterson, Looker, Clancy, Donaldson, Roe, Huckstepp and Yates (8)

His Worship the Mayor declared the motion

Lost

Administration Comment

All Income and Expenditure variations, including depreciation changes, are identified, reported on and considered by Council on a quarterly basis as part of a budget update process. Any forecast changes to the budget including depreciation are already noted in the monthly finance report.

12. ADJOURNED MATTER - Nil

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

Councillor Donaldson rejoined the chamber at 9.19pm.

13.1 Minutes – Development Assessment Panel – 24 April 2013 (Report No: 161/13))

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

The minutes of the Development Assessment Panel meeting held 24 April 2013 are presented to Council for information.

Motion

C280513/932

That the minutes of the Development Assessment Panel meetings held on 24 April 2013 be received.

Moved Councillor Clancy, Seconded Councillor Looker

Carried

13.2 **Minutes – Audit Committee – 8 May 2013** (Report No: 174/13)

The minutes of the Audit Committee meeting held 8 May 2013 are presented to Council for information and endorsement.

Motion

C280513/933

That the minutes of the Audit Committee meeting held 8 May 2013 be received and noted.

Moved Councillor Looker, Seconded Councillor Huckstepp

Carried

14. REPORTS BY OFFICERS

14.1 **Items in Brief** (Report No: 167/13)

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

C280513/934

That the report be noted and items of interest discussed.

Moved Councillor Bouchee, Seconded Councillor Clancy

Carried

Councillor Yates rejoined the chamber at 9.21pm.

Councillor Patterson left the chamber at 9.25pm.

14.3 **Information Report – Southern Region Waste Resource Authority – 6 May 2013** (Report No: 175/13)

Southern Region Waste Resource Authority (SRWRA) is a regional subsidiary established by the Cities of Onkaparinga, Marion and Holdfast Bay (the “constituent councils”), pursuant to Section 43 of the Local Government Act, 1999.

Under its charter, SRWRA is responsible for providing and operating waste management services on behalf of the constituent councils and ensuring that a long term waste management strategy exists in the southern region of Adelaide.

Motion

C280513/935

That the information report of the Southern Region Waste Resource Authority for its meeting held 6 May 2012 be received and noted.

Moved Councillor Clancy, Seconded Councillor Huckstepp

Carried

14.4 **Monthly Financial Report – April 2013** (Report No: 169/13)

Attached are financial reports as at 30 April 2013. They comprise a Funds Statement and a Capital Expenditure Report for Council's municipal activities and Alwyndor Aged Care.

There has been no change to the current forecast since the budget update adopted by Council on 23 April 2013.

Motion

C280513/936

That Council receives the financial reports to 30 April 2013 and notes:

1. Municipal Activities

- a projected operating deficit for 2012/13 of \$0.958 million (compared to an operating surplus of \$29,000 in the original budget)
- a projected capital expenditure for 2012/13 of \$10.617 million (compared to \$5.938 million in the original budget)
- a projected funding requirement for 2012/13 of \$19,000 (compared to \$2.312 million surplus in the original budget)

2. Alwyndor Aged Care

- a projected operating surplus for 2012/13 of \$552,000 (compared to an operating surplus of \$409,000 in the original budget)
- a projected capital expenditure for 2012/13 of \$6.069 million (compared to \$6.411 million in the original budget)
- a projected funding requirement for 2012/13 of \$4.892 million (compared to \$5.377 million in the original budget)

Councillor Patton left the chamber at 9.29pm

Councillor Patton rejoined the chamber at 9.30pm

Moved Councillor Looker, Seconded Councillor Donaldson

Carried

14.5 **Review of Items Held in Confidence** (Report No: 168/13)

Council's practice is to review documents held in confidence every 12 months and this practice has continued with a formal review occurring in June 2012.

Motion

C280513/937

1. **That the Confidential Items presented at Attachment 1 to Report No: 168/13 be released from Confidence.**
2. **That the Confidential Items presented at Attachment 2 to Report No: 168/13 be retained in confidence until 30 June 2013 and a further review conducted.**

Moved Councillor Fisk, Seconded Councillor Bouchee

Carried

Councillor Roe left the chamber at 9.29pm.

14.6 **Old Gum Tree Reserve Community Consultation Report** (Report No: 164/13)

The purpose of this report is to seek Council's final endorsement on the proposed Concept Plan for Old Gum Tree Reserve following the conclusion of the Community Engagement process.

Motion

C280513/938

Following the recent Community Engagement, it is recommended that Council endorses the Concept Plan developed for Old Gum Tree Reserve and commences the implementation of the plan.

Councillor Patton rejoined the chamber at 9.32pm.

Councillor Roe rejoined the chamber at 9.33pm.

Councillor Fisk left the chamber at 9.33pm.

Moved Councillor Dixon, Seconded Councillor Fisk

Carried

14.7 **2013-14 Property Valuations Rate Parameter Setting** (Report No: 170/13)

In setting the rates for each financial year, Council reviews its property valuations and policies in relation to minimum rates, differential rates, concessions, and rate capping.

Motion

C280513/939

1. That the minimum rate for 2013/14 be maintained at \$832.
2. That the differential general rate for Commercial, Industrial and Vacant land be set such that the amount of rate revenue raised be in the same proportion as in the current 2012/13 budget (i.e. 13.8% of general rate revenue).
3. That the rate capping percentage applying to residential properties for 2013/14 be 10%;
4. That the additional concession for eligible pensioners and self funded retirees be set as a minimum of \$45 and an additional \$1 for every \$10,000 in property valuation above \$370,000.
5. That the current rating policy, 2013/14 draft annual business plan and budget be updated to include the above recommendations.

Moved Councillor Looker, Seconded Councillor Yates

Carried

14.8 **Glenelg Cricket Club** (Report No: 171/13)

The Glenelg District Cricket Club has submitted an application for a loan of \$30,000 from Council to provide funds to upgrade the toilets, air conditioning and supply new carpet and is also seeking the consent of Council, as land owner to carry out this work.

Motion

C280513/940

1. That Land Owners consent be granted for the proposed works subject to the following:
 - All costs to be borne by the Glenelg District Cricket Club.
 - All work to be undertaken by qualified trades persons and in a workman like manner.
 - The Glenelg District Cricket Club to indemnify the City of Holdfast Bay against any claims, losses, suits etc. that may arise from this project.
 - The Glenelg District Cricket Club be responsible for the on-going maintenance of this storm water.
 - The City of Holdfast Bay is permitted to inspect the works at any time during construction.

- **No part of the work is to cause a nuisance or disturbance to any neighbours or visitors to adjoining properties.**
 - **All works to comply with the Building Code of Australia and relevant legislation.**
 - **Development approval, if required, be sought and obtained and all conditions of such approval being adhered to.**
2. **That Council provides an amount of \$30,000 for a sporting club loan amortised on a principal plus interest basis over nine years, on a 6 month repayment basis in accordance with Council's borrowing policy, for the purpose of the Glenelg District Cricket Club upgrading the toilets, air conditioning and carpets.**
3. **That the Glenelg District Cricket Club signs a loan agreement prior to any monies being transferred.**

Councillor Fisk rejoined the chamber at 9.35pm.

Moved Councillor Donaldson, Seconded Councillor Looker

Carried

14.9 **Rimhart Nominees Pty Ltd – Extension of Lease** (Report No: 172/13)

Rimhart Nominees Pty Ltd has written to Council advising that it wishes to enact the renewal provision contained within its current lease agreement to renew the lease over portion of Colley Reserve, Colley Terrace Glenelg, for a period of five years from 1 July 2013. The exercising of the option to renew is at the option of Rimhart Nominees Pty Ltd.

Motion

C280513/941

That Council acknowledge the exercising of the option to renew for five years from 1 July 2013 by Rimhart Nominees Pty Ltd.

Moved Councillor Looker, Seconded Councillor Patton

Carried

14.10 **Brighton and Hove District Centre Development Plan Amendment (DPA)** (Report No: 183/13)

A draft Development Plan Amendment (DPA) prepared for the Brighton Shopping Precinct is currently on public and agency consultation. The proposed amendments will provide greater guidance for future investment and enable the expansion of shopping opportunities in key positions within the precinct. This Report seeks Council to appoint a committee to hear Public Submissions at the statutory public meeting to be held 4 July 2013.

Motion

C280513/942

That Council appoint four members to a Committee being, Councillors Fisk, Roe, Clancy and Yates and appoint a chair being Councillor Clancy to hear deputations at a public meeting on 4 July 2013 to be held following the close of consultation and to provide advice to Council regarding the outcomes of consultation.

Moved Councillor Huckstepp, Seconded Councillor Donaldson

Carried

- 14.11 **Draft 2013-14 Annual Business Plan Consultation Outcomes Report** (Report No: 184/13)

Council has received submissions in response to its Draft 2013-14 Annual Business Plan community consultation.

Motion

C280513/943

That the submissions arising from community consultation on the Draft 2013-14 Annual Business Plan be received and noted.

Moved Councillor Yates, 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 - Nil**

CLOSURE

The Meeting closed at 9.40pm.

CONFIRMED Tuesday 11 June 2013

MAYOR