

**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 13 May 2014 at 7:02pm.**

**MEMBERS PRESENT**

His Worship the Mayor, AK Rollond  
Deputy Mayor, S Patterson  
Councillor RM Bouchée  
Councillor PW Dixon  
Councillor KM Donaldson  
Councillor LR Fisk  
Councillor JD Huckstepp  
Councillor SC Lonie – 7.08pm.  
Councillor TD Looker  
Councillor RA Clancy  
Councillor RC Patton  
Councillor AP Roe  
Councillor LJ Yates – 7.07pm.

**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 7.02pm.

**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 - Nil
- 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****C130514/1097**

**That the minutes of the Ordinary Meeting of Council held on 22 April 2014 be taken as read and confirmed.**

Moved by Councillor Clancy, Seconded by Councillor Donaldson

**Carried**

His Worship the Mayor made a personal explanation regarding the minutes of the Council Meeting held on 22 April 2014, regarding Item 8.1.2 *Declaration of Interest – Development Assessment Panel Members*.

**8. PUBLIC PRESENTATIONS**

Councillor Yates joined the chamber at 7.07pm.

Councillor Lonie joined the chamber at 7.08pm.

**8.3 Deputations****8.3.1 Des DeCean – Kingston Park Kiosk**

*Mayor Rollond approved a deputation from Des DeCean with regard to reopening the Kingston Park Kiosk.*

**8.1 Petitions****8.1.1 Petition – Kingston Park Kiosk (Report No: 126/14)**

A petition has been received from 140 signatories requesting that Council does not include a café in the refurbishment of the Brighton Caravan Park and allows private enterprise to run the existing kiosk/café .

The petition states as follows:

*“We the undersigned urge the City of Holdfast Bay Council to reconsider its plans to remove the existing Kingston Park Beach kiosk/café.*

*We ask that you listen to local residents (whom you represent) and visitors, in asking that the current facility, a much frequented and necessary hub, be retained.*

*We ask that Council does not include a café in the refurbishment of the Brighton Caravan Park and allows private enterprise to run the existing kiosk/cafe .”*

**Motion**

**C130514/1098**

**That the petition be received by Council.**

Moved Councillor Donaldson, Seconded Councillor Yates

**Carried**

8.2 **Presentation - Nil**

8.3 **Deputations**

8.3.2 **Short Term Suspension of Proceedings – Annual Business Plan**

*The Mayor will seek the approval of two-thirds of the members present to suspended the meeting procedures pursuant to Regulation 20(1) of the Local Government (Procedures at Meetings) Regulations 2013, for a period sufficient to facilitate informal discussion in relation to the 2014/2015 draft Annual Business Plan and will resume at the discretion of the Mayor at the end of the consultation.*

Mayor sought leave of the chamber and leave was granted.

*The suspension commenced at 7.28pm.*

Councillor Donaldson left the chamber at 7.29pm.

Councillor Donaldson rejoined the chamber at 7.31pm.

Members of the community were asked to make presentations and ask questions of Council relating to the 2014/15 draft Annual Business Plan.

*His Worship the Mayor resumed the meeting procedures at 7.52pm.*

**9. QUESTIONS BY MEMBERS**

9.1 **Without Notice**

9.1.1 **Somerton Yacht Club Report– Councillor Donaldson**

Councillor Donaldson asked a question regarding the report on the Somerton Yacht Club and if she could obtain a copy.

The Manager Organisational Sustainability, Ms T Aukett provided a response.

**9.1.2 Kingston Park Kiosk – Councillor Bouchee**

Councillor Bouchee asked a question regarding the costs of the Architect's quotation presented in the deputation by Mr Des DeCean.

The Manager Organisational Sustainability, Ms T Aukett provided a response.

Councillor Bouchee asked if Mr DeCean was informed about the idea of a temporary kiosk.

The Manager Organisational Sustainability, Ms T Aukett provided a response.

**9.1.3 Buffalo – Councillor Bouchee**

Councillor Bouchee asked a question regarding when Elected Members would receive an update on the Buffalo.

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

**9.1.4 Audit Committee Oversight on Sporting Club Liabilities**

Councillor Bouchee asked a question regarding the Audit Committee's role in providing oversight on risk management and liabilities of sporting clubs.

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

**9.1.5 Street Tree Planting – Councillor Patton**

Councillor Patton asked a question regarding the street tree planting strategy as members of the Glenelg Ward have received a complaint from a resident who does not wish to have a street tree.

GM City Assets

**9.2 With Notice - Nil**

**10. MEMBER'S ACTIVITY REPORTS - Nil**

**11. MOTIONS ON NOTICE - Nil**

**12. ADJOURNED MATTER - Nil**

**13. REPORTS OF MANAGEMENT COMMITTEES, SUBSIDIARIES AND THE DEVELOPMENT ASSESSMENT PANEL****13.1 Minutes – Jetty Road Mainstreet Management Committee – 2 April 2014 (Report No: 118/14)**

The Minutes of the Jetty Road Mainstreet Management Committee meeting held 2 April 2014 are attached and presented for Council's information.

**Motion****C130514/1099**

**That the minutes of the Jetty Road Mainstreet Management Committee held on 5 February 2014 be received.**

Moved Councillor Patton, Seconded Councillor Looker

**Carried****14. REPORTS BY OFFICERS****14.1 Items in Brief (Report No: 121/14)**

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****C130514/1100**

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

Moved Councillor Looker, Seconded Councillor Donaldson

**Carried****14.2 Community Land Revocation – Corner Kauri Parade and Portland Street Seacliff (Report No: 123/14)**

To allow the disposal of land on the corner of Kauri Parade and Portland Streets Seacliff, Council first needs to revoke the Community Land status of this land in accordance with the Local Government Act, 1999.

The purpose of this report is for Council to endorse the Section 194(2)(a) report that is used as the basis for community consultation. The Section 194 report details the description of the land, purpose for which the land was acquired, reason for the proposal, the effect on the community and intention of Council after revocation has occurred.

Council authorisation is also sought to undertake public consultation required under Section 194(2)(b) of the Local Government Act, 1999, with the Section 194 report attached, being the basis of the information to be released.

**Motion****C130514/1101**

1. That Council endorses the Section 194(2)(a) report prepared in accordance with the Local Government Act, 1999, Attachment 1.
2. That Council authorise the report contained in attachment 1, be submitted for public consultation in accordance with Section 194(2)(b) of the Local Government Act, 1999, and Council's Community Consultation and Engagement Policy.

Moved Councillor Yates, Seconded Councillor Roe

**Carried****14.3 Budget Update – as at 31 March 2014 (Report No: 121/14)**

This report covers the third update of Council's 2013/14 budget conducted as at 31 March 2014.

It has resulted in a decrease in the projected consolidated operating surplus of \$336,958 to a consolidated forecast operating deficit of \$284,323. For municipal operations the major reason is a continued reduction in parking fines and ticket machine income \$190,000 offset by additional grants \$46,000 and the SRWRA distribution \$37,500. For Alwyndor operations additional accreditation costs and client numbers offset in part by grants and subsidies have contributed to an increase in net operational costs of \$242,415.

Council's consolidated net financial liabilities at 30 June 2014 are projected to increase by \$537,273 to \$29.6 million (comprising \$16.7 million for municipal operations and \$12.9 million for Alwyndor). The major reasons include the consolidated operating deficit result \$336,958 and an increase in projected net capital costs \$200,315. The net financial liabilities ratio for municipal operations remains unchanged at 43%, and the interest cover ratio remains comfortably at 2%, below the adopted target ceiling of 5%.

**Motion****C130514/1102**

1. That Council notes the third 2013/14 budget update for Council's municipal operations including:
  - (a) an increase of \$94,543 in the projected operating deficit from \$558,996 to \$653,539 deficit (compared to an operating surplus of \$309,327 in the original budget);
  - (b) an increase in the projected capital expenditure of \$270,740 to \$16.56 million (compared with \$11.6 million in the original budget);
  - (c) a decrease in projected net financial liabilities at 30 June 2014 of \$67,942 from \$16.76 million to \$16.69 million (compared to a net financial liabilities amount of \$14.96 million in the original budget).

2. That Council notes the third 2013/14 budget update for Alwyndor operations including:
- (a) a decrease of \$242,415 in the projected operating surplus from \$611,361 surplus to \$369,216 surplus (compared to \$612,000 surplus in the original budget);
  - (b) an increase in the projected capital expenditure of \$362,800 to \$2.99 million (compared with \$2.63 million in the original budget);
  - (c) an increase in the projected net financial liabilities as at 30 June 2014 of \$605,215 to \$12.91 million (compared to a net financial liabilities amount of \$12.3 million in the original budget).

Councillor Patton left the chamber at 8.07pm.

Councillor Bouchee left the chamber at 8.08pm.

Moved Councillor Looker, Seconded Councillor Patterson

**Carried**

Councillor Bouchee rejoined the chamber at 8.09pm.

Councillor Patton rejoined the chamber at 8.09pm.

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

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

Councillor Roe left the chamber at 8.12pm.

**16.1 Personal Explanation**

Leave of the meeting was not requested for a personal statement by the Mayor so Cr Looker raised a point of order on which the Mayor did not rule.

His Worship the Mayor, Dr K Rollond made a personal explanation and requested that Councillor Clancy apologise for her statements regarding *Item 8.1.2 Declaration of Interest – Development Assessment Panel Members* at the Council Meeting 22 April 2014.

Councillor Clancy refused to provide an apology to the Mayor regarding the statements made at the 22 April 2014 Council Meeting and asserted her perspective on what had transpired.

**Motion**

**C130514/1103**

**That the meeting proceed to the next business.**

Moved Councillor Looker, Seconded Councillor Clancy

**Carried**





Councillor Roe rejoined the chamber at 8.15pm.

### **Division called**

A division was called:

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

Those voting against: Councillors Fisk, Bouchee, Patterson and Yates (4).

His Worship the Mayor declared the motion

**Carried**

### **16.2 Question regarding Personal Explanation**

Councillor Bouchee asked a question regarding the participation of Development Assessment Panel members when considering Development Policy issues.

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

Point of Order

Councillor Looker called a point of Order under Regulation 29(1)(a) and (b) of the Local Government (Procedures at Meetings) Regulations 2013, alleging Councillor Bouchee was behaving in an improper and disorderly manner and was interrupting another member who was speaking.

His Worship the Mayor, Dr K Rollond upheld the Point of Order and asked Councillor Bouchee to apologise for her behaviour.

Councillor Donaldson left the chamber at 8.18pm.

Councillor Yates left the chamber at 8.19pm.

## **17. ITEMS IN CONFIDENCE**

### **17.1 Brighton Caravan Park Update**

#### **Motion**

**C130514/1104**

- 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:**
  - g. matters that must be considered in confidence in order to ensure that the council does not breach any law, order or**

**direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.**

**and**

**h. legal advice.**

Moved Councillor Clancy, Seconded Councillor Lonie

**Carried**

Councillor Donaldson rejoined the chamber at 8.19pm.

Councillor Yates rejoined the chamber at 8.20pm.

Councillor Lonie left the chamber at 8.20pm.

His Worship the Mayor, Dr K Rollond declared an interest in the matter, due to his advocacy and support for the Brighton Caravan Park Residents and left the chamber at 8.21pm.

Councillor Lonie rejoined the chamber at 8.21pm

The Deputy Mayor, Councillor Patterson commenced chairing the meeting at 8.21pm.

Mr Andrew Harris QC provided members with an update on the Brighton Caravan Park legal matter.

**Motion**

**C130514/1105**

**That the Elected Members reconfirm that all media enquiries and comments on the Brighton Caravan Park legal matter are directed exclusively to the Deputy Mayor and Chief Executive Officer for comment, and that no other Elected Member will make any public comment on this topic.**

Moved Councillor Clancy, Seconded Councillor Bouchee

**Carried**

**Order to Retain Documents in Confidence**

**Motion**

**C130514/1106**

- 1. That an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the discussion of the subject matter, 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)(g and h).**
- 2. This resolution will be reviewed within 12 months by the Council.**

Moved Councillor Clancy, Seconded Councillor Donaldson

**Carried**

**CLOSURE**

The Meeting closed at 9.19 pm.

**CONFIRMED      27 May 2014**

**MAYOR**