

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 23 June 2015 at 7:00pm.

MEMBERS PRESENT

His Worship the Mayor, S Patterson
Deputy Mayor R Patton
Councillor R Aust
Councillor A Bradshaw
Councillor S Charlick
Councillor R Clancy
Councillor K Donaldson
Councillor S Lonie – 7.10pm
Councillor J Smedley
Councillor R Snewin
Councillor L Yates
Councillor A Wilson

STAFF IN ATTENDANCE

Chief Executive Officer - JP Lynch
General Manager City Assets - SG Hodge
Acting General Manager City Services – PE Aukett
General Manager Corporate Services - IS Walker

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 R 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****C230615/134**

That the minutes of the Ordinary Meeting of Council held on 9 June 2015 be taken as read and confirmed.

Moved by Councillor Clancy, Seconded by Councillor Aust

Carried**8. PUBLIC PRESENTATIONS****8.1 Petitions****8.1.1 Petition – Purchase of Section of Road and Footpath (Report No: 204/15)**

A petition has been received from a total of 286 signatories requesting that Council:

“To the City of Holdfast Bay

We, the undersigned residents of the City of Holdfast Bay and surrounding areas, petition the Council and ask that:

1. *Council close the section of roadway and associated verges and footpaths at the eastern end of Rutland Avenue, Brighton, adjacent to No’s 1 and 2 Rutland Avenue with the land to be proclaimed a public park, and*
2. *The park be landscaped and vegetated so that it provides enjoyment and amenity for local residents and others who visit or transit the area, and*
3. *It is designed to provide a buffer zone and visual enjoyment adjacent the newly proclaimed Commercial Zone next to the Foodland Shopping Complex.*

Dated: 8/6/15"

Motion

C230615/135

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

Moved Councillor Snewin, Seconded Councillor Yates

Carried

8.2 **Presentation** - Nil

8.3 **Deputations** - Nil

9. QUESTIONS BY MEMBERS

9.1 **Without Notice**

9.1.1 **Holdfast Bay Community Centre– Councillor Donaldson**

Councillor Donaldson asked a question regarding the Holdfast Bay Community Centre.

His Worship the Mayor, S Patterson asked Councillor Clancy a Holdfast Bay Community Centre Committee Member to provide a response.

9.1.2 **Update on Update on Development Activities in Glenelg**

Councillor Yates asked for an update on Development Activities in Glenelg.

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

9.1.3 **Briefing on Outdoor Staff Enterprise Bargaining Agreement**

Councillor Smedley requested a briefing on Outdoor Staff Enterprise Bargaining Agreement

The Chief Executive Officer, Mr J Lynch agreed to provide a summary to members.

9.2 **With Notice** - Nil

10. MEMBER'S ACTIVITY REPORTS

10.1 **Australian Local Government Association General Meeting – Canberra 13 – 16 June 2015**

Councillor Charlick reported that he and Mayor Patterson attended the Australian Local Government Association General Meeting in Canberra.

10.2 Councillor Yates

Councillor Lonie joined the chamber at 7.10pm.

Councillor Yates reported that she had attended meetings of the Metro Seaside Council Meeting and Brighton and Seacliff Yacht Club.

10.3 Mayor Patterson

His Worship the Mayor, S Patterson provided members with an update on his activities.

11. MOTIONS ON NOTICE - Nil**12. ADJOURNED MATTERS****12.1 Adjourned Report – Request to Rescind a Land Management Agreement for 167C Brighton Road, Somerton Park (Report No: 192/15)**

Council at its meeting held on 26 May 2015, resolved to adjourn Report No. 157/15 to allow further consultation with 2 adjoining property owners.

This report represents Report No. 157/15 for Council's consideration.

Motion**C230615/136**

- 1. That Report No. 192/15 is received and noted.**
- 2. That Council notes the contents of this report and authorises His Worship the Mayor and the Chief Executive Officer to sign and seal the documentation to rescind the Land Management Agreement (No. 6937566) between the former city of Brighton and Doysal Pty Ltd, that imposes a minimum age requirement for persons occupying premises at 167C, 167B and 167A Brighton Road, Somerton Park.**
- 3. That Council writes to the owners of the affected properties advising them of Council's decision to rescind the Land Management Agreement (No. 6937566).**

Moved Councillor Smedley, Seconded Councillor Clancy

Carried

13. REPORTS OF MANAGEMENT COMMITTEES, SUBSIDIARIES AND THE DEVELOPMENT ASSESSMENT PANEL**13.1 Minutes – Jetty Road Mainstreet Management Committee – 3 June 2015** (Report No: 193/15)

The Minutes of the Jetty Road Mainstreet Management Committee meeting held 3 June 2015 are attached and presented for Council's information.

Motion**C230615/137**

That the minutes of the Jetty Road Mainstreet Management Committee held on 3 June 2015 be noted.

Moved Councillor Patton, Seconded Councillor Wilson

Carried**13.2 Minutes – Alwyndor Management Committee – 19 May 2015** (Report No: 200/15)

The Minutes of the Alwyndor Management Committee for 19 May 2015 are provided for information.

Motion**C230615/138**

That the minutes of the Alwyndor Management Committee for 19 May 2015 be noted.

Moved Councillor Lonie, Seconded Councillor Aust

Carried**14. REPORTS BY OFFICERS****14.1 Broadway Kiosk – Proposal to Change Permitted Use Clause** (Report No: 177/15)

The Lessee of the Broadway Kiosk is seeking Council approval, as landlord, to apply for a 12 month trial liquor licence. The proposed times for the 12 month trial liquor licence are from Monday to Saturday 8:00am to 10:00pm, and Sunday 11:00am to 10:00pm.

Item 9 of the Schedule in the current lease 'Permitted Use' prohibits a liquor licence for the premises as it includes the words '...not being a restaurant or licenced under the Liquor Licensing Act 1997 or similar legislation'.

On 24 March 2015 Council resolved to undertake community consultation before considering the matter any further.

The public consultation concluded in favour to change the lease to allow for the application of a liquor licence, however Council should consider if changes in operation will have a detrimental effect on the adjoining residents and make its decision accordingly.

Motion**C230615/139**

1. **That Council notes the outcomes of the community consultation on the proposal to amend the lease to allow the Broadway Kiosk to apply for a 12 month trial liquor licence contained in the attached report; and**
2. **That the lease be amended for a 12 month trial with the serving of alcohol only permitted between the hours of 8.00am and 10.00pm Monday to Saturday and Sunday 11.00am to 10.00pm Sunday.**

Moved Councillor Patton, Seconded Councillor Charlick

Carried**14.2 Information Report – Southern Region Waste Resource Authority (Report No: 197/15)**

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**C230615/140**

That the information report of the Southern Region Waste Resource Authority for its meeting held 1 June 2015 be received and noted.

Moved Councillor Yates, Seconded Councillor Lonie

Carried**14.3 Draft Kingston Park Coastal Reserve Master Plan (Report No: 205/15)**

On 9 December 2014, Council was provided with an update on the draft Kingston Park Coastal Reserve Master Plan (Report Number 476/14 – Item 14.1.1).

Administration has facilitated development of an updated draft Master Plan which was based on the previously endorsed 2011 concept plan. This has been prepared in consultation with relevant internal and external stakeholders.

The design allows for both the protection and enhancement of the sacred Tjilbruke Spring site while still enabling the Kingston Park Coastal Reserve to provide opportunities for recreation and areas for native plantings. The design incorporates the Coast Park shared pathway through to Council’s southern boundary with the City of Marion and details its location with respect to the Brighton Caravan Park with linkages through to key nodes and access ways.

The draft Kingston Park Coastal Reserve Master Plan is now presented to the Council for endorsement prior to formal community and agency consultation.

Motion

C230615/141

1. **That Council endorses the draft Kingston Park Coastal Reserve Master Plan located at Attachment 1 for wider community and State Government agency consultation.**
2. **That Council endorses the Draft Master Plan Report located at Attachment 2 to accompany the draft Kingston Park Coastal Reserve Master Plan (Attachment 1) for wider community and State Government agency consultation.**
3. **Following the conclusion of the consultation period, Administration prepare a final 'Kingston Park Coastal Reserve Master Plan' for Council endorsement prior to undertaking detailed design of Stages 3-7 as noted in the Project Staging in the Draft Master Plan Report.**

Moved Councillor Lonie, Seconded Councillor Yates

Carried

14.4 **Monthly Financial Statements – May 2015** (Report No: 199/15)

Attached are financial reports as at 31 May 2015. They comprise a Funds Statement and a Capital Expenditure Report for Council's municipal activities and Alwyndor Aged Care. They include the latest forecasts adopted by Council on 28 April 2015 as detailed in report 121/15.

At this point in time there is no reason to amend the current forecast considered by Council at its meeting on 28 April 2015, although a number of major items are likely to affect the forecast. Net revenue from the Caravan Park is below the current forecast whilst the redevelopment of the park occurs. Interest on borrowings and investments are likely to vary due to cash flow requirements and timing of new borrowings. The Glenelg Cinema project has resulted in the write-off of buildings and car park infrastructure reflecting a non-cash loss on disposal. Open space and kerbing assets have been reviewed resulting in a comparatively small write-off.

Motion

C230615/142

That Council receives the financial reports for the 11 months to 31 May 2015 and notes that there has been no change to the forecast for 2014/15:

Municipal Activities

- **a projected operating deficit for 2014/15 of \$746,167 (compared to an operating surplus of \$4,282 in the original budget);**

- a projected capital expenditure for 2014/15 of \$18.60 million (compared with \$15.97 million in the original budget);
- a projected funding requirement for 2014/15 of \$6.66 million (compared with \$563,000 in the original budget).

Alwyndor Aged Care

- a projected operating deficit for 2014/15 of \$9,941 (compared to an operating surplus of \$477,219 in the original budget);
- a projected capital expenditure for 2014/15 of \$2.18 million (compared with \$1.85 million in the original budget):
- a projected funding requirement for 2014/15 of \$1.38 million (compared with \$1.31 million in the original budget).

Moved Councillor Smedley, Seconded Councillor Snewin

Carried

14.5 **2015-16 Annual Business Plan** (Report No: 201/15)

The 2015-16 Annual Business Plan is presented for consideration and adoption by Council following community consultation on a Draft Annual Business Plan.

Motion

C230615/143

That Council adopts the 2015-16 Annual Business Plan, including the amendments detailed in this report and subject to final design.

Moved Councillor Lonie, Seconded Councillor Yates

Carried

14.6 **2015-16 Budget Adoption** (Report No: 202/15)

The 2015-16 Budget is presented for adoption following adoption of the Annual Business Plan.

His Worship the Mayor agreed to consider the following motion in two parts.

Motion

C230615/144

That in respect of the financial year ended 30 June 2016:

1. **That the fees and charges incorporated in the Annual Business Plan and contained as Attachment 1 be adopted and that the relevant policies be updated accordingly.**
2. **That the 2015-16 Budget which consists of:**

- (a) the Budgeted Income Statement;
- (b) the Budgeted Balance Sheet;
- (c) the Budgeted Statement of Changes in Equity;
- (d) the Budgeted Statement of Cash Flow;
- (e) the Budgeted Uniform Presentation of Finances; and
- (f) the Budgeted Financial Indicators

be adopted subject to the following amendments:

That any budget changes arising from Council's consideration of the 2015-16 Annual Business Plan be included in the budgeted financial statements and relevant documents.

3. That Council approves total loan borrowings of up to \$24.93 million in accordance with Council's treasury policy to meet projected funding requirements through to June 2016 as required.

Moved Councillor Smedley, Seconded Councillor Aust

Carried

Division called

A division was called:

Those voting for: Councillors Aust, Patton, Charlick, Smedley, Wilson, Donaldson, Snewin, Clancy, Lonie, Bradshaw and Yates (11)

Those voting against: Nil.

His Worship the Mayor declared the motion

Carried

Motion

C230615/145

That Council increases its ceiling for net financial liabilities ratio consistent with the 2015/16 budget (excluding Alwyndor) from 35% to 75%.

Moved Councillor Smedley, Seconded Councillor Aust

Carried

Division called

A division was called:

Those voting for: Councillors Aust, Patton, Charlick, Smedley, Wilson, Snewin, Clancy and Lonie (8)

Those voting against: Councillors Donaldson, Bradshaw and Yates (3).

His Worship the Mayor declared the motion

Carried

14.7 Summary 2015-16 Annual Business Plan (Report No: 203/15)

On adoption of the 2015-16 Annual Business Plan and Budget a summary document is prepared to accompany the first rates notice providing an overview of Council's plans for 2015-16.

Motion**C230615/146**

That the Summary of the 2015-16 Annual Business Plan included as Attachment 1 be endorsed for inclusion in Council's first rates notice for 2015-16.

Moved Councillor Patton, Seconded Councillor Wilson

Carried**14.8 2015-16 Rate Declaration** (Report No: 198/15)

General, differential and separate rates have been identified to fund Council's activities together with the NRM levy as contained within the budget document. Council is now in a position to formally declare the rates for the 2015/16 financial year.

Motion**C230615/147****1. Adoption of Valuations**

The most recent valuations of the State Valuation Office available to the Council of the capital value of land within Council's area, be adopted for rating purposes, totaling \$11,202,022,260;

2. Attribution of Land Use Codes

- (a) The numbers indicated against the various categories of land use prescribed by Regulation 10 of the *Local Government (General) Regulations, 1999* (the "Regulations") be used to designate land uses in the Assessment Record;
- (b) The use indicated by those numbers in respect of each separate assessment of land described in the Assessment Record on this date be attributed to each such assessment respectively; and
- (c) Reference in this resolution to land being of a certain category use means the use indicated by that category number in the Regulations;

3. Declaration of Differential General Rates

In order to raise a total net amount of \$30,886,000 from the differential general rate:

- (a) In respect of rateable land which is used for Commercial-Shop (Category 2), Commercial-Office (Category 3), Commercial-

Other (Category 4), Industrial-Light (Category 5), Industrial-Other (Category 6), and Vacant Land (Category 8) uses and classified as such in the Assessment Record of the Council at the date of this declaration, a Differential General Rate of 0.3986 cents in the dollar for the assessed capital value of such property;

- (b) In respect of rateable land which is used for Residential (Category 1) and Other Land (Category 9) uses and classified as such in the Assessment Record of the Council at the date of this declaration, a Differential General Rate of 0.26601 cents in the dollar for the assessed capital value of such property;
- (c) Pursuant to Section 158 of the *Local Government Act 1999* a minimum amount payable by way of the General Rate be fixed at \$897;
- (d) Pursuant to Section 153(3) and (4) of the *Local Government Act 1999* the Council has determined that it will fix a maximum increase of 8% in the general rate charged on rateable land that is used for Residential purposes and constitutes the principal place of residence of a principal ratepayer.

4. Declaration of Separate Rates

Differential Separate Rate – Jetty Road Mainstreet

- (a) In exercise of the powers contained in Section 154 of the *Local Government Act 1999* and in order to support and improve the activity of promoting and enhancing business viability, profitability and trade, commerce and industry in Jetty Road Glenelg, the Council declares a Differential Separate Rate of 0.14536 cents in the dollar on the capital value of all rateable land:
 - with a frontage to Jetty Road or Moseley Square; and
 - within the side streets that intersect with Jetty Road between High Street and Augusta street; and
 - the entire site referred to as the Holdfast Shores 2B Entertainment Centre; and
 - with a land use of Category 2 (Commercial – Shop), Category 3 (Commercial – Office) and Category 4 (Commercial –Other)

Patawalonga Marina

- (b) (i) In exercise of the powers contained in Section 154 of the *Local Government Act 1999* and in order to carry

out the activity of the maintenance and upkeep of the Boat Lock in the Patawalonga basin, a Separate Rate of 0.9265 cents in the dollar of the capital value of land, be declared on all rateable land within the Patawalonga basin bounded by the high water mark;

- (ii) In exercise of the powers contained in Section 158(1)(b) of the *Local Government Act 1999* the amount that would otherwise be payable by way of rates in respect of this separate rate is altered by fixing the maximum amount of the separate rate payable for assessments within the area to which this separate rate applies where the capital values of which exceed \$81,166 at \$752;

5. Imposition of regional NRM Levy

In exercise of the powers contained in Section 95 of the *Natural Resources Management Act 2004* and Section 154 of the *Local Government Act 1999*, in order to reimburse the Council for the amount contributed to the Adelaide and Mount Lofty Ranges Natural Resources Management Board, being \$1,027,394, a separate rate of 0.009389 cents in the dollar of the capital value of all rateable land in the Council's area;

6. Payment

- (a) That in accordance with Section 181(1) of the *Local Government Act 1999*, all rates are payable in four equal (or approximately equal) instalments, the due dates being:

1 September 2015;
1 December 2015;
1 March 2016; and
1 June 2016.

Provided that in cases where the initial account requiring payment of rates is not sent by the time set by the *Local Government Act 1999* (the "Act"), or an amended account is required to be sent, authority to fix the date by which rates must be paid in respect of those assessments affected is hereby delegated, pursuant to Section 44 of the Act, to the Manager Finance;

- (b) Pursuant to Sections 44 and 181 (4)(b) of the *Local Government Act 1999*, the Manager Finance is delegated power to enter into agreements with ratepayers relating to the payment of rates in any case of hardship or financial difficulty, or where it is considered in the best interests of Council so to do.

7. The current rating policy be updated to reflect Council's decision.

Moved Councillor Clancy, Seconded Councillor Lonie

Carried

15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS

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

17. ITEMS IN CONFIDENCE - Nil

CLOSURE

The Meeting closed at 7.58 pm.

CONFIRMED 14 July 2015

MAYOR