

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 27 October 2015 at 7:03pm.

MEMBERS PRESENT

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

STAFF IN ATTENDANCE

Chief Executive Officer - JP Lynch
General Manager City Services & Assets - SG Hodge
General Manager Business Services - IS Walker

1. OPENING

His Worship the Mayor declared the meeting open at 7.03pm.

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 Aust
- 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

C271015/227

That the minutes of the Ordinary Meeting of Council held on 13 October 2015 be taken as read and confirmed.

Moved by Councillor Lonie, Seconded by Councillor Clancy

Carried

8. PUBLIC PRESENTATIONS

- 8.1 **Petitions** - Nil
- 8.2 **Presentation** - Nil
- 8.3 **Deputations** - Nil

9. QUESTIONS BY MEMBERS

9.1 Without Notice

9.1.1 Development Plan Amendment– Councillor Bouchee

Councillor Bouchee asked a question regarding the resolution last year about the feasibility of a Development Plan Amendment to prohibit adult services etc. in Glenelg.

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

9.2 With Notice - Nil

10. MEMBER'S ACTIVITY REPORTS

10.1 Councillor Wilson

Councillor Wilson reported that she attended the 2015 Adelaide Fashion Festival on Glenelg Jetty.

10.2 Councillor Yates

Councillor Yates reported that she had attended:

- Metro Seaside Councils Meeting
- Murray Darling Association Meeting
- Chittleborough Lane – viewed artwork and market
- Brighton and Seacliff Yacht Club Meeting

10.3 **Councillor Bouchee**

Represented the Mayor at Seniors function at the Glenelg Community Centre.

10.4 **Councillor Patton**

Councillor Patton reported that he had attended:

- 100 years Thanksgiving Service at the Lighthouse Community Church, Brighton
- Immanuel College Graduation

10.5 **Councillor Smedley**

Councillor Smedley reported that he had attended:

- Glenelg Oval Advisory Committee with Councillor Snewin and Mayor Patterson.
- Community Alliance meeting on Planning Reforms with Councillor Bouchee.

10.6 **Mayor Patterson**

His Worship the Mayor reported that he attended an Economic Development Forum hosted by the Local Government Association.

11. MOTIONS ON NOTICE

11.1 **Motion on Notice – Under-Utilisation of Community Assets – Councillor Snewin**
(Report No: 323/15)

Motion

That Administration report on any opportunities in relation to the under-utilisation of community assets, e.g. Community Centres, buildings etc. and include information on who constructed the buildings.

Moved Councillor Snewin, Seconded Councillor Lonie

Amendment

That Administration report on any opportunities in relation to the under-utilisation of community assets.

Councillor Bouchee left the chamber at 7.34pm.

Councillor Bouchee rejoined the chamber at 7.36pm.

Moved Councillor Charlick, Seconded Councillor Smedley

The amendment on being put was

Lost

The Substantive motion was put and

Lost

Moved Councillor Snewin, Seconded Councillor Lonie

11.2 **Motion on Notice – Expansion of Small Venue Licence Outside Adelaide CBD – Councillor Patton** (Report No: 325/15)

BACKGROUND

In 2013, the South Australian Government introduced small venue licences as part of its overall strategy to increase vibrancy in the city and make Adelaide "a better place to live, work and visit". Currently, small venue licences are limited to the Adelaide CBD.

The small venue licences have made it easier for businesses to open small venues and has changed the drinking scene in Adelaide's CBD and has fostered a different drinking culture which is more low key, such as wine bars.

Expanding the small venue licenses into Holdfast Bay will allow for streamlined licences for venues with a capacity of up to 120 people and will encourage entrepreneurs to open small bars and create a new vibrancy and dynamic in Holdfast Bay while at the same time providing an economic stimulus to the area and local jobs.

Holdfast Bay is a significant tourism precinct in the state and has the annual visitations (165 000 international/interstate visitors and 814 000 day trip in 2014-15) to create the demand for this model to be successful.

Currently small venues can operate until midnight, or 2am with an extension, and offer live entertainment but not gaming.

On 2 October 2015 the Attorney General's department issued a liquor licensing discussion paper which may lead into policy decisions relating to liquor licensing and it is important that the council reaffirms its commitment to small venue licenses so that this can be acted upon by the government.

Motion

C271015/228

That Council writes to the Premier, Hon Jay Weatherill, and the Attorney General, Hon John Rau, reaffirming Council's long standing commitment to expanding the Small Venue Licence outside the Adelaide CBD to allow such venues to operate in suburban council areas and for the government to fast track this change to provide an economic stimulus to Holdfast Bay and that the information tabled at the Council meeting be accepted.

Formal Motion

That this item is adjourned until a policy is presented to Council.

Moved Councillor Bouchee, Seconded Councillor Donaldson **Lost**

The Substantive motion was put

Moved Councillor Patton, Seconded Councillor Lonie **Carried**

Division called:

A division was called.

Those voting for: Councillors Patton, Charlick, Wilson, Snewin, Clancy, Lonie and Yates (7)

Those voting against: Councillors Smedley, Bouchee, Donaldson and Bradshaw (4).

His Worship the Mayor declared the motion **Carried**

Councillor Wilson left the chamber at 7.51pm.

11.3 Motion on Notice – Review of Bike Lanes on Local Road Network – Councillor Patton (Report No: 326/15)

BACKGROUND

From 25 October 2015 South Australian road users will be required to leave at least one metre when overtaking cyclists on roads with speed limits up to and including 60km/hr. On roads with higher speed limits, the minimum passing distance will be 1.5 metres. The Government's new rules will also allow all cyclists to ride on footpaths.

A review of the current bike lanes in Holdfast Bay's local road network will identify any issues that may result from the new legislation. In turn, this will allow Holdfast Bay to continue to provide a safe environment for all road users and encourage safe cycling throughout the council area.

Motion

That Council reviews all bike lanes on the local road network and determine any modifications that may be required as a result of the upcoming changes to the State's Road Rules to enforce a minimum passing distance for cyclists.

Moved Councillor Patton, Seconded Councillor Clancy

Councillor Wilson rejoined the chamber at 7.52pm.

Formal Motion

C271015/229

That this matter is adjourned until the matters being considered by State Parliament are resolved.

Moved Councillor Charlick, Seconded Councillor Wilson

Carried

12. ADJOURNED MATTER - Nil

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

13.1 Minutes – Audit Committee – 14 October 2015 (Report No: 319/15)

The minutes of the Audit Committee meeting for 14 October 2015 are presented to Council for information and endorsement.

Motion

C271015/230

- 1. That the minutes of the Audit Committee meeting held 14 October 2015 be received.**
- 2. That Council notes the following advice from the Audit Committee:**
 - It met with Council's external auditor, BDO, and received a report in relation to the audit of Council's 2014-15 financial statements.**
 - In accordance with paragraph (a) of sub-section 126(4) of the Local Government Act 1999, the Committee confirms that it has reviewed the financial statements for the year ended 30 June 2015 included at Attachment 1 to Report: 304/15 and is satisfied that they present fairly the state of affairs of Council given that nothing has come to the attention of the Committee that would cause it to think otherwise.**
 - In accordance with regulation 22(3) of the Local Government (Financial Management) Regulations 2011, the Committee recommends that the Presiding Member of the Audit Committee co-sign with the Chief Executive Officer the**

following statement to be included with the financial statements for the year ended 30 June 2015:

“To the best of our knowledge and belief, we confirm that, for the purpose of the audit of the City of Holdfast Bay for the year ended 30 June 2015, the Council’s Auditor, BDO, has maintained its independence in accordance with the requirements of the Local Government Act 1999 and the Local Government (Financial Management) Regulations 2011 made under that Act.”

- During the 2014-15 year, it has received regular reports on internal controls from the Internal Auditor and is satisfied that the internal controls provide a reasonable assurance that Council’s financial records are complete, accurate and reliable and were effective throughout the financial year.

3. That it has received and considered:

- Monthly financial statements
- Internal control
- Risk management
- Whistleblowing
- Internal audit
- Economy and efficiency audits

4. That the Audit Committee advises Council that it has received and considered the Internal Audit Update Report of October 2015.

Moved Councillor Smedley, Seconded Councillor Snewin

Carried

14. **REPORTS BY OFFICERS**

14.1 **Items in Brief** (Report No: 296/15)

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

C271015/231

That the following item be noted and items of interest discussed:

- **Russell Street – Emu Crossing Adjacent to St Leonards Primary School**

Moved Councillor Lonie, Seconded Councillor Clancy

Carried

14.2 Community Donations Program 2015/15 (Report No: 302/15)

Council provides annual financial support of up to \$25,000 through the Community Donations Program to support local clubs, groups and organisations in a range of areas. The program is designed to support and encourage community initiatives and projects within the City of Holdfast Bay, which will positively influence the community. Twelve (12) eligible applications were received for the 2015/2016 Community Donations Program totalling \$25,252.93. Two applications were withdrawn after the closing date bringing the total request funds down to \$19,752.93. The applications were considered in accordance with the program guidelines and 10 applications have been recommended for approval.

This report seeks Council's endorsement for the successful applicants of the 2015/2016 Community Donations Program.

Motion**C271015/232**

That Council endorses the successful applicants totalling \$19,096 for the Community Donations Program 2015/2016 as outlined in this report.

Moved Councillor Lonie, Seconded Councillor Bouchee

Carried**14.3 Moseley Bar & Kitchen – Application for Variation of Liquor Licence (Report No: 322/15)**

The licensee of the Moseley Bar & Kitchen (RDJones Group) has lodged an application with Consumer and Business Services seeking to amend the licensed hours for Hotel Licence 50107802 to Monday to Sunday 8:00am and 2:00am the following day. This proposal will increase the trading rights of the licensed premises by one (1) hour Monday to Wednesday, 30 minutes on Thursdays, and 30 minutes on Sundays.

The application also seeks the removal of a 'lock out' condition that currently restricts patrons from gaining admission to the premises after 12:30 am Monday mornings. This condition has now been superseded by the 2014 State Government legislative lock out.

By supporting this application the Moseley Bar & Kitchen will be brought into line with other major licensed premises within Holdfast Bay. This application will create uniform trading hours resulting in the minimisation of patron migration between different licensed premises in the early hours of the morning, and create a consistent approach to the operation of the individual business.

Motion**C271015/233**

That Council advise both the applicant and Consumer and Business Services that it supports the variation of the existing extended trading authorisation for Hotel Licence 50107802 to amend the licensed hours to Monday to Sunday 8:00 am to

2:00 am the following day, and the removal of conditions restricting patron admission after 12:30 am Monday mornings.

Moved Councillor Charlick, Seconded Councillor Patton

Carried

14.4 **Kingston Park Foreshore Draft Master Plan Consultation Results** (Report No: 317/15)

On 23 June 2015, Council endorsed the Draft Kingston Park Foreshore Master Plan for wider community and State Government agency consultation.

This report summarises the outcomes of the community consultation and engagement and recommend changes to the draft Master Plan as a result of this consultation and anticipated project staging priorities prior to undertaking further detailed design work.

Motion

1. **That Council notes the results from the consultation and engagement on the Kingston Park Foreshore Draft Master Plan, summarised in Attachment 1, 2 and 3 to Report Number 317/15.**
3. **That a revised Staging Priorities Plan and final 'Kingston Park Foreshore Master Plan' be prepared based upon the recommended changes outlined in Report Number 317/15 and a copy be provided to the relevant State Government agencies prior to undertaking detailed design works.**
4. **That future detailed design documentation for the Kingston Park Foreshore Master Plan be staged and subject to future funding.**

Councillor Charlick left the chamber at 8.08pm.

Councillor Charlick rejoined the chamber at 8.10pm.

Moved Councillor Yates

Lapsed for want of a seconder

Motion

C271015/234

1. **That Council notes the results from the consultation and engagement on the Kingston Park Foreshore Draft Master Plan, summarised in Attachment 1, 2 and 3 to Report Number 317/15.**
2. **That an updated Design Estimate costing be obtained from Rider Levett Bucknall (RLB) based upon the recommended changes and options to the Master Plan outlined in Report Number 317/15.**
3. **That a revised Staging Priorities Plan and final 'Kingston Park Foreshore Master Plan' be prepared based upon the recommended changes**

outlined in Report Number 317/15 and a copy be provided to the relevant State Government agencies prior to undertaking detailed design works.

4. That future detailed design documentation for the Kingston Park Foreshore Master Plan be staged and subject to future funding.

Moved Councillor Lonie, Seconded Councillor Clancy

Carried

14.5 **2014-15 Financial Statements** (Report No: 318/15)

The completed financial statements for the year ended 30 June 2015 have been reviewed by the Audit Committee and audited by Council's external auditors, BDO. They are presented to Council to be received, noted and authorised.

The audited financial statements encapsulate a successful year and present a sound financial performance and position, underpinning a sustainable approach to delivering services and improvements to our community.

Motion

C271015/235

1. That the financial statements for the City of Holdfast Bay for the year ended 30 June 2015 as contained in Attachment 1 to Report No: 318/15 be received and noted.
2. That the Mayor and the Chief Executive Officer be authorised to sign the following certification of the financial statements;

In our opinion:

- (a) the accompanying (2014/15) financial statements comply with the *Local Government Act 1999, Local Government (Financial Management) Regulations 2011* and Australian Accounting Standards.
- (b) the financial statements present a true and fair view of the Council's financial position at 30 June 2015 and the results of its operations and cash flows for the financial year.
- (c) internal controls implemented by Council provide a reasonable assurance that the Council's financial records are complete, accurate and reliable and were effective throughout the financial year.
- (d) the financial statements accurately reflect the Council's accounting and other records.

Moved Councillor Smedley, Seconded Councillor Snewin

Carried

14.6 **Budget Update – as at 30 September 2015** (Report No: 320/15)

This report covers the first update of Council's 2015/16 budget conducted as at 30 September 2015.

For Municipal funds it has resulted in a decrease in projected operating expenditure of \$57,400 and a decrease in borrowing requirements of \$434,000. This has resulted in a modest operating surplus forecast of \$29,289. Forecast savings have been identified in waste management costs which are offset by reduced investment interest income from Council's Glenelg Access Strategy (GAS) reserve fund which were utilised earlier than forecast to meet Council's commitment towards the new decked carpark on Partridge Street. Reduced forecast capital expenditure and revenue has also been accounted for due to the unsuccessful application for coast park grant funding. For Alwyndor operations there are no changes to the forecast.

Motion

C271015/236

1. **That Council notes the first 2015/16 budget update for Council's municipal operations including:**
 - (a) **a change of \$57,400 in the projected final operating position from a deficit of \$28,111 to a surplus of \$29,289 (compared to an operating surplus of \$124,671 in the original budget);**
 - (b) **a decrease in the projected capital expenditure of \$1.43 million from \$28.39 million to \$26.96 million (compared with \$22.62 million in the original budget);**
 - (c) **a decrease in the projected capital revenue of \$1 million from \$8.78 million to \$7.78 million (compared with \$8.13 million in the original budget);**
 - (d) **a decrease in projected net financial liabilities of \$434,000 at 30 June 2016 from \$26.7 million to \$26.3 million (compared to a net financial liabilities amount of \$27.48 million in the original budget).**

2. **That Council notes the first 2015/16 budget update for Alwyndor operations including:**
 - (a) **a projected operating surplus for 2015/16 of \$341,455 (unchanged from the original budget);**
 - (b) **a projected capital expenditure for 2015/16 of \$367,077 (unchanged from the original budget);**
 - (c) **a projected funding requirement for 2015/16 of \$787,001 (unchanged from the original budget).**

Moved Councillor Smedley, Seconded Councillor Yates

Carried/Lost

14.7 **2014-15 Annual Report** (Report No: 321/15)

Council's Annual Report is an important document providing legislators and the community with assurance that the City of Holdfast Bay is meeting all its strategic

and governance requirements. The 2014-15 Annual Report has been prepared to meet all statutory requirements and will be made available in electronic form by the end of December 2015. It shows that Council has continued to deliver quality and improved services and facilities to its community.

Motion

C271015/237

That Council adopts the 2014-15 Annual Report, subject to design and minor alterations, and the inclusion of the audited financial statements.

Moved Councillor Clancy, Seconded Councillor Patton

Carried

15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil

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

16.1 Sale of the Former Brighton Town Hall

Councillor Donaldson left the chamber at 8.22pm.

Motion

C271015/238

- 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 *Sale of the Former Brighton Town Hall* outweighs the public interest at this time.**

Moved Councillor Lonie, Seconded Councillor Clancy

Carried

Councillor Lonie left the chamber at 8.23pm.

Councillor Lonie rejoined the chamber at 8.24pm.

Councillor Donaldson rejoined the chamber at 8.24pm.

Short Term Suspension of Proceedings

Motion

C271015/239

That a Short Term Suspension of Proceedings occur to discuss this item for 20 minutes

Moved Councillor Bouchee, Seconded Councillor Bradshaw Carried Unanimously

The Mayor, with approval of two-thirds of the members present suspended the meeting procedures pursuant to Regulation 20(1) of the *Local Government (Procedures at Meetings) Regulations 2013*, for a period of 20 minutes to facilitate informal discussion in relation to Sale of the Former Brighton Town Hall.

Short term suspension of proceedings commenced at 8.30pm.

The Mayor, with approval of two-thirds of the members present suspended the meeting procedures pursuant to Regulation 20(1) of the *Local Government (Procedures at Meetings) Regulations 2013*, for a further period of 10 minutes to facilitate informal discussion in relation to Sale of the Former Brighton Town Hall.

Councillor Donaldson left the chamber at 9.00pm.

Order to Retain Documents in Confidence

Motion

C271015/241

- 1. That an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the minutes relating to Sale of the Former Brighton Town Hall 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. That the Chief Executive Officer be authorized to release these minutes when the contract becomes unconditional.**

Moved Councillor Lonie, Seconded Councillor Clancy

Carried

17. ITEMS IN CONFIDENCE - Nil

CLOSURE

The Meeting closed at 9.06pm.

CONFIRMED Tuesday 10 November 2015

MAYOR