

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 September 2016 at 7:00pm.

MEMBERS PRESENT

His Worship the Mayor, S Patterson
Deputy Mayor M Bouchée
Councillor R Aust
Councillor A Bradshaw
Councillor S Charlick
Councillor R Clancy
Councillor S Lonie
Councillor R Patton
Councillor R Snewin
Councillor L Yates

STAFF IN ATTENDANCE

A/Chief Executive Officer - SG Hodge
General Manager Community Services - PE Aukett
General Manager Business Services - IS Walker

1. OPENING

His Worship the Mayor declared the meeting open at 7.05pm.

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 - Councillors J Smedley, K Donaldson and A Wilson

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

C160913/510

That the minutes of the Ordinary Meeting of Council held on 13 September 2016 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**

8.2.1 Girl Guides SA

Mayor Patterson approved a deputation from Sandra Turner, CEO of Girl Guides SA regarding 41 Kauri Parade, Seacliff lease.

8.3 **Deputations** - Nil

9. QUESTIONS BY MEMBERS

9.1 **Without Notice**

9.1.1 **Beachhouse Underground Carpark – Councillor Bouchee**

Councillor Bouchee asked that an inspection be carried out on the underground carpark at the Beachhouse after the storm event to check for any damage.

The A/Chief Executive Officer provided a response.

9.1.2 **Removal of Tree on Oaklands Road – Councillor Clancy**

Councillor Clancy asked what action has been taken in relation to the removal of a River Redgum tree in front of a property on Oaklands Road.

The A/Chief Executive Officer provided a response.

9.1.3 Roller Shutters – Councillor Bouchee

Councillor Bouchee asked that Administration review the Development Plan regarding the prevention of shop premises from installing roller shutters which impacts on the visual appearance of the street scape.

His Worship the Mayor asked that this question be taken on notice for the next meeting of Council.

9.2 With Notice - Nil**10. MEMBER'S ACTIVITY REPORTS****10.1 Councillor Bouchee**

Councillor Bouchee reported that she had attended:

- Western Region Audit
- Events Committee
- Glenelg Rotary
- Somerton Bowling Club
- Mainstreet Board Awards Event.

10.2 Councillor Yates

Councillor Yates reported that she had attended:

- Murray Darling Association
- Southern Region Waste Resource Authority Annual General Meeting
- Heritage Forum
- Kingston House opening of season
- Waste Management Association Conference
- Jetty Road Traders Awards Event
- Glenelg Bowling Club

10.3 Councillor Lonie

Councillor Lonie reported that she had attended the Glenelg foreshore playground to launch Active Aging Group.

10.4 Councillor Bradshaw

Councillor Bradshaw reported that she had attended the State finals for the Brighton Lacrosse Club.

10.5 Mayor Patterson

His Worship the Mayor reported that he had attended:

- The Metro Local Government Group

- Met with the CEO of SANFL and other Mayors from Councils with SANFL clubs.
- The South Australian Medical Specialists opening.

Councillor Charlick left the chamber at 7.45pm

Councillor Charlick rejoined the chamber at 7.48pm

11. MOTIONS ON NOTICE - Nil

12. ADJOURNED MATTER

12.1 Adjourned Report – Minutes – Audit Committee – 24 August 2016 (Report No: 233/16)

At its meeting on 13 September 2016, Council resolved to adjourn Report No: 215/16 until the Audit Committee had confirmed the minutes.

A special meeting of the Audit Committee was held on 20 September 2016 to review, amend and confirm the minutes of the meeting held on 24 August 2016.

Motion

C160913/511

That Council receives and notes the confirmed minutes, including advice, of the Audit Committee meeting of 24 August 2016.

Moved Councillor Bouchee, Seconded Councillor Snewin

Carried

His Worship the Mayor proposed to receive the confidential attachment at the end of the meeting in confidence.

12.2 Adjourned Report – Confidential – Chief Executive Officer’s Performance Appraisal (Report No: 232/16)

At its meeting on 13 September 2016, Council resolved to adjourn Report No: 222/16 until the next meeting of Council.

It is presented for Council’s consideration.

His Worship the Mayor proposed to consider the confidential report at the end of the meeting in confidence.

12.3 Adjourned Report – 41 Kauri Parade, Seacliff – Lease (Report No: 234/16)

At its meeting on 13 September 2016, Council resolved to adjourn Report No: 220/16 until the next meeting of Council to enable discussions with the Girl Guides Association.

It is presented for Council’s consideration.

Motion**C160913/512**

1. **That Report No: 220/16 is received and noted.**
2. **That Council receives the letter from Montessori Children's Centre – Seacliff dated 24 May 2016.**

Moved Councillor Lonie, Seconded Councillor Yates

Carried

His Worship the Mayor proposed to receive the confidential attachment and discuss the report at the end of the meeting in confidence.

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

13.1 Minutes – Audit Committee – 20 September 2016 (Report No: 241/16)

The minutes of the special meeting of the Audit Committee held on 20 September 2016 are presented to Council for information and endorsement.

Motion**C160913/513**

That Council receives and notes the minutes of the special meeting of the Audit Committee of 20 September 2016

Moved Councillor Snewin, Seconded Councillor Patton

Carried

14. REPORTS BY OFFICERS

14.1 Items in Brief (Report No: 229/16)

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**C160913/514**

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

- **Holdfast Bay Community Centre Update**
- **Violet Rowe: A Life of Fashion Exhibition**
- **Jetty Road Mainstreet Committee – Meeting of 7 September 2016**
- **Confirmation of Holdfast Bay Short-Term Dry Areas 2016/17**
- **Brighton Arts Market**
- **Brighton Pump Track Update**

Moved Councillor Lonie, Seconded Councillor Yates

Carried

14.2 Monthly Financial Report – 31 August 2016 (Report No: 236/16)

Attached are financial reports as at 31 August 2016. They comprise a Funds Statement and a Capital Expenditure Report for Council's municipal activities and Alwyndor Aged Care, and a month by month variance report for Council's municipal activities.

Council approved on 10 May 2016 the sale of a portion of laneway at 46 Tod Street for \$40,000 (resolution C100516/386). Further to this Council approved additional operating expenditure on 23 August 2016 of \$3,000 to hold a civic ceremony in honour of Kyle Chalmers (resolution C230816/468), a \$500 contribution to Adelaide Zoo for Glenelg the penguin (resolution C230816/469) and capital expenditure of \$14,900 for the installation of the Reg Sprigg's Diving Chamber at Wigley Reserve (resolution C230816/472). These budget variations have now been included in the attached financial reports and form part of the revised forecast for 2016/17.

At Council's meeting on 13 September 2016 approval was made to carry forward \$105,427 operating expenditure, \$8,429,562 capital expenditure and \$3,179,550 capital income for Municipal activities. These amounts have been included in the updated forecast and account for the majority of the difference between the original and revised forecast. Other year-to-date variances are considered to be timing.

Motion**C160913/515**

That Council receives the financial reports for the 2 months to 31 August 2016 and notes:

Municipal Activities

- a forecast operating surplus for 2016/17 of \$378,635 (compared to an operating surplus of \$472,779 in the original budget);
- forecast capital expenditure for 2016/17 of \$17.030 million (compared with \$8.585 million in the original budget);
- a forecast funding requirement for 2016/17 of \$2.349 million (compared with a funding surplus of \$2.970 million in the original budget).

Alwyndor Aged Care

- a forecast operating surplus for 2016/17 of \$466,362 (unchanged from the original budget);
- forecast capital expenditure for 2016/17 of \$476,260 (unchanged from the original budget);

- **a forecast funding surplus for 2016/17 of \$852,582 (unchanged from the original budget).**

Moved Councillor Bouchee, Seconded Councillor Snewin

Carried

14.3 Nominations to the West Beach Trust (Report No: 235/16)

The Hon John Rau MP, Deputy Premier and Minister for Planning has requested that the City of Holdfast Bay provide proposed nominees to represent the Council on the Board pursuant to section 7 of the *West Beach Recreation Reserve Act 1987* by 28 October 2016.

The term of the current member appointed to the Board, Councillor Clancy, expires on 31 December 2016

Motion

C160913/516

That Council nominate the following three (3) persons to the Minister for Planning for consideration for appointment to the West Beach Trust Board with nominations to be received by 28 October 2016:

- 1. Councillor Bouchee**
- 2. Councillor Patton**
- 3. Councillor Clancy**

Moved Councillor Snewin, Seconded Councillor Charlick

Carried

15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil

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

17. ITEMS IN CONFIDENCE

17.1 Music Concert on Glenelg Beach (Report No: 247/16)

Motion

C160913/517

- 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 Council is satisfied that it is necessary that the public be excluded to enable the Council to discuss and to consider this item, Music Concert on Glenelg Beach, at the meeting on the grounds set out in Section (90(3)(d) of the Local Government Act, namely that:**

- d. **commercial information of a confidential nature (not being a trade secret) the disclosure of which -**
- (i) **could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and**
 - (ii) **would, on balance, be contrary to the public interest.**

Moved Councillor Charlick, Seconded Councillor Bouchee

Carried

Councillor Lonie left the chamber at 8.26pm
Councillor Lonie rejoined the chamber at 8.28pm

Councillor Yates left the chamber at 8.29pm
Councillor Yates rejoined the chamber at 8.30pm

Order to Retain in Confidence

Motion

C160913/519

1. **That the Council, having considered the matter of the Concert on Glenelg Beach in confidence under Section 90(3)(d) of the Local Government Act 1999, makes an order under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the report relating to this matter be kept in confidence for a period of 12 months on the grounds of information contained in Section 90(3)(d) of the Local Government Act 1999.**
2. **That the resolution be released.**

Moved Councillor Lonie, Seconded Councillor Aust

Carried

17.2 **Adjourned Report – Minutes – Audit Committee – 24 August 2016** (Report No: 233/16)

Motion

C160913/520

1. **That under provisions of Section 90(2) of the Local Government Act 1999 an order be made in reliance upon the ground and for the reasons set out in part 2 of this motion that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer, General Managers, administrative staff in order to consider in confidence this item.**
2. **That the Council is satisfied that it is necessary that the public be excluded to enable the Council to discuss and to consider this item, Minutes – Audit Committee – 24 August 2016, at the meeting on the grounds set out in Section 90(3)(b) of the Local Government Act 1999, namely that:**

- 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 Glenelg Football Club outweighs the public interest at this time for the reason that it deals with the financial and business affairs of Glenelg Football Club.

Moved Councillor Snewin, Seconded Councillor Lonie

Carried

Order to Retain in Confidence

Motion

C160927/522

1. That Council, having considered the matter of the Audit Committee's Confidential Minutes in confidence under Section 90(3)(b) of the Local Government Act 1999, makes an order under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the minutes and attachment relating to this matter be kept in confidence for a period of 12 months on the grounds of information contained in Section 90(3)(b) of the Local Government Act 1999.
2. This resolution will be reviewed within 12 months by the Council.

Moved Councillor Lonie, Seconded Councillor Clancy

Carried

- 17.3 **Adjourned Report – Confidential – Chief Executive Officer's Performance Appraisal**
(Report No: 232/16)

Motion

C160927/523

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 set out in 90(3)(a) of the Local Government Act 1999, namely that:

- a. **information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person or persons (living or dead).**

Moved Councillor Snewin, Seconded Councillor Lonie

Carried

Order to Retain in Confidence

Motion

C160927/525

1. **That an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the documents relating to Report No: 222/16 including minutes, report and attachment relating to discussion of the subject matter of the report, 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)(a).**
2. **The minutes, report and attachment will be retained in confidence until the Mayor has advised the Chief Executive Officer.**

Moved Councillor Bouchee, Seconded Councillor Lonie

Carried

17.4 **Adjourned Report – 41 Kauri Parade, Seacliff – Lease (Report No: 234/16)**

Motion

C160927/526

1. **That under provisions of Section 90(2) of the Local Government Act 1999 an order be made in reliance upon the ground and for the reasons set out in part 2 of this motion that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer, General Managers, administrative staff in order to consider in confidence this item.**
2. **That the Council is satisfied that it is necessary that the public be excluded to enable the Council to discuss and to consider this item, 41 Kauri Parade, Seacliff - Lease, at the meeting on the grounds set out in Section 90(3)(b) of the Local Government Act 1999, namely that:**
 - 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 41 Kauri Parade, Seacliff – Lease, outweighs the public interest at this time for the reason that it deals with the financial and business affairs of Council.

Moved Councillor Bouchee, Seconded Councillor Aust

Carried

Order to Retain in Confidence

Motion

C160927/528

- 1. That an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the attachment relating to Report No: 234/16 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. The minutes will be released from confidence once Girl Guides SA and Montessori Children’s Centre, Seacliff have been advised of the Council’s decision.**

Moved Councillor Lonie, Seconded Councillor Yates

Carried

18. VERBAL REPORT

The Acting Chief Executive Officer, Mr Steve Hodge raised a matter concerning the relocation of a transformer on Torrens Square and advised Council of the cost of the relocation.

Motion

C160927/529

That the transformer in Torrens Square not be relocated and that the residents be informed.

Moved Councillor Clancy, Seconded Councillor Bouchee

Carried

Councillor Yates left the chamber at 9.53pm

Councillor Bradshaw left the chamber at 9.53pm

CLOSURE

The Meeting closed at 9.54 pm.

CONFIRMED Tuesday 11 October 2016

MAYOR