

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 8 November 2016 at 7:00pm.

MEMBERS PRESENT

His Worship the Mayor, S Patterson
Councillor A Bradshaw
Councillor R Clancy
Councillor K Donaldson
Councillor S Lonie
Councillor J Smedley
Councillor A Wilson
Councillor L Yates – 7.02pm

STAFF IN ATTENDANCE

Chief Executive Officer - JP Lynch
General Manager Business Services - IS Walker
General Manager City Assets & Services - SG Hodge
General Manager Community Services - 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 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 - Deputy Mayor M Bouchée, Councillor R Snewin, Councillor R Patton, Councillor R Aust and Councillor S Charlick

Councillor Yates joined the meeting at 7.02pm

4.2 Absent – Nil

5. PRESENTATION TO MEMBER OF COUNCIL**5.1 Councillor Lonie**

In recognition of her 10 years of service to the City of Holdfast Bay, His Worship the Mayor made a presentation to Councillor Lonie.

6. DECLARATION OF INTEREST

Members were reminded to declare their interest before each item.

7. CONFIRMATION OF MINUTES**Motion****C081116/563**

That the minutes of the Ordinary Meeting of Council held on 25 October 2016 be taken as read and confirmed.

Moved by Councillor Lonie, Seconded by Councillor Clancy

Carried**8. PUBLIC PRESENTATIONS****8.1 Petitions****8.1.1 *Petition – Dogs on Leashes on the Beach* (Report No: 280/16)**

A petition has been received from 147 signatories requesting that Council:

“Petition to Change Council Laws Regarding Dogs on Leashes during Daylight Saving Hours on Local Beaches.

Animal behaviour studies and responsible dog owners know that our canine family members are better socialised with humans and other canines when opportunities are provided for unrestricted exercise and interaction on a regular basis. Limited access to areas in which dogs can exercise can result in increased antisocial behaviour by community dogs. We believe that better compromises can be successfully structured to provide more access to beaches for dogs during daylight saving hours whilst still leaving beaches dog-free during periods when family activities take place. Local beaches are very sparsely populated, often deserted after 10 am on weekdays. The current Daylight Saving requirement for dogs to be on leads between 10am and 8pm every day is counter-productive to ensuring acceptable dog behaviour and is under-utilising a valuable community resource. As responsible dog owners and community members we call upon Holdfast Bay Council to lift current restrictions on weekdays leaving public holidays, weekends and school holidays subject to the existing restrictions.”

Motion**C081116/564**

That the petition be received, noted and referred to Administration for response to the Head Petitioner.

Moved Councillor Lonie, Seconded Councillor Yates

Carried**8.1.2 Big Wedgie Colley Reserve Glenelg** (Report No: 281/16)

A petition has been received from a total of 59 signatories requesting that Council:

“I, Garry Springford and the undersigned, request that the City of Holdfast Bay Council and Events committee reconsider allowing the placement of the Big Wedgie on Colley Reserve, as it will negatively affect Colley residents, cause long term damage to Colley Reserve, prevent locals and visitors from freely using this beautiful community open space and may pose a danger to the public i.e. storm damage.

- *Families, wedding parties, community groups and free events such as New Year's Eve celebrations, will not be able to freely use this community reserve. Hundreds of people use Colley Reserve every week but they will be denied access due to the unsightly fenced off area that houses this 4 storey inflatable commercial venture.*
- *The Reserve will suffer long term damage and flooding from the continual overflow of water from the slide.*
- *Lawn will be destroyed under the placement of the plastic structure for a long period due to heat and lack of sunlight resulting in a long rejuvenation period afterwards.*
- *The proposed period is much too long as an "event" and excessive noise will be a major disturbance for residents from 9.00am —9.00pm 7 days a week, due to the amphitheatre created by the buildings surrounding the Reserve.”*

Motion**C081116/565**

That the petition be received, noted and referred to Administration for response.

Moved Councillor Clancy, Seconded Councillor Smedley

Carried**8.2 Presentation - Nil****8.3 Deputations - Nil**

9. QUESTIONS BY MEMBERS**9.1 Without Notice****9.1.1 Petitions – Councillor Yates**

Councillor Yates asked a question regarding petitions to council.

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

9.2 With Notice - Nil**10. MEMBER'S ACTIVITY REPORTS****10.1 Mayor's Activity Report – August 2016 – October 2016 (Report No: 286/16)**

Presented for the information of Members is the Activity Report for the Mayor for August 2016 – October 2016.

Motion**C081116/566**

That the Mayor's Activity Report for August 2016 – October 2016 be received and noted.

Moved Councillor Lonie, Seconded Councillor Clancy

Carried**10.2 Councillor Wilson**

Councillor Wilson reported that she attended with Councillor Lonie the Mainstreet Awards.

10.3 Councillor Yates

Councillor Yates reported that on behalf of Mayor she attended the Brighton Secondary School Valedictory evening and Environment Pillar meetings, SRWRA meeting and the Annual General Meeting of the Glenelg Historical Society.

10.4 Mayor Patterson

Mayor Patterson updated members on the Staff Meeting at the Depot which he attended.

11. MOTIONS ON NOTICE - Nil**12. ADJOURNED MATTERS - Nil****13. REPORTS OF MANAGEMENT COMMITTEES, SUBSIDIARIES AND THE DEVELOPMENT ASSESSMENT PANEL****13.1 Minutes – Audit Committee – 31 October 2016 (Report No: 282/16)**

The minutes of the Audit Committee meeting for 31 October 2016 are presented to Council for information and endorsement.

Motion**C081116/567**

That Council receives and notes the minutes of the Audit Committee meeting of 31 October 2016.

Moved Councillor Smedley, Seconded Councillor Lonie

Carried**14. REPORTS BY OFFICERS****14.1 Items in Brief (Report No: 277/16)**

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**C081116/568**

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

- Zoos South Australia
- New Regulations - Informal Gatherings and Conflict of Interest Provisions
- Australian Civic Trust Merit Award – Seacliff Station Rail Revitalisation Project
- Murray Darling Association Minutes

Moved Councillor Lonie, Seconded Councillor Clancy

Carried**14.2 Appointments to the Development Assessment Panel (Report No: 283/16)**

The minutes of the Audit Committee meeting for 31 October 2016 are presented to Council for information and endorsement.

Motion**C081116/569**

That Councillors Patton, Clancy and Yates be appointed to serve on the City of Holdfast Bay Development Assessment Panel in accordance with the Code of Conduct and Terms of Reference for the Panel for the period commencing 1 December 2016 and ending 30 November 2017.

Moved Councillor Lonie, Seconded Councillor Donaldson

Carried**14.3 Moseley Bar and Kitchen – Outdoor Dining Development Proposal (Report No: 275/16)**

At its meeting held Tuesday 25 August 2015 Council resolved to enter into a formal Deed of Encroachment with John Upman Holding Pty Ltd to grant the Moseley Bar & Kitchen exclusive use of a portion of the community land in Moseley Square (approximately 26.74m²) for the purpose of extending their alfresco area.

Coinciding with this, a Development Application was lodged which sought to construct a raised deck, glass balustrading and other structures in and around the area. However, due to the high annual total cost of this encroachment, the Licensee opted not to continue with either the Deed or Development Application.

On 6 September 2016, Administration received a subsequent Development Application from the RDJones Group which seeks to implement similar structures in the alfresco area (to those outlined in the previous development application) through the less formal, less expensive Outdoor Dining Permit system.

Though small scale structures can be approved for outdoor dining areas via development approval without a Deed of Encroachment, due to the nature and scale of this new proposal, Council is required to give Land Owner's Consent prior to the development application assessment proceeding.

Motion

C081116/570

That Council provides land owner's consent to enter into a Deed of Encroachment with the applicant on condition that the plans provided as part of the proposal and contained in the Attachments 1 to 3 of this report (along being plans pertaining to Development Application 110/00742/16) are amended in accordance with the following instructions as a means to reduce the scale of the proposal, maintain adequate public access, and provide unrestricted access for maintenance of public infrastructure in Moseley Square:

- a. **That the glass partitioning/balustrade follows, and is restricted to, each relevant property line (ONLY), and does not encroach into adjacent outdoor dining areas;**
- b. **That a central entry/access point (as originally proposed in Development Application 110/00011/14) is maintained through the outdoor dining area from Moseley Square (in a north/south direction) to ensure a safe pedestrian thoroughfare;**
- c. **That no bench seating and/or structures are built around the base of the date palm trees located within the area (for the purpose of allowing Council maintenance staff unrestricted access);**
- d. **That the proposed building façade bench seating is removed; and**
- e. **That the size of the proposed roof structure and associated support beams be significantly reduced (for the purpose of allowing Council maintenance staff unrestricted access to the date palm trees).**

Moved Councillor Lonie, Seconded Councillor Yates

Carried

14.4 **Sale by Council of Section of Road and Footpath at the East End of Rutland Avenue, Brighton** (Report No: 276/16)

The owner of Foodland, MRS approached Council with a request to purchase a portion of the east end of Rutland Avenue. This represents an opportunity for additional parking area for the shopping centre. Council at its meeting of 10 May 2016 resolved to sell the land.

Council's conveyancer has undertaken the formal notifications in accordance with the Roads Opening and Closing Act 1991. Responses have been received from Telstra and SA Water. There are no reasons presented for the sale not to proceed. This report recommends that the sale and road closure process be proceeded with.

Motion

C081116/571

1. **That Council resolves to sell the land at the valuation received of \$210,000 plus GST.**
2. **That the sale is subject to an encumbrance being placed on the land which would allow single storey development only on the land (portion of Rutland Ave including air space) and also precluding any development with the exception of driveway, carparking and garden within (5) metres of the western boundary of the land**
3. **That all transfer costs to be borne by the purchaser.**
4. **That Council's Mayor and Chief Executive Officer be authorised to sign the conveyancing documents with the Council seal affixed thereto as is required.**

Moved Councillor Lonie, Seconded Councillor Wilson

Carried

A division was called:

Those voting for: Councillors Bradshaw, Clancy, Donaldson, Lonie, Smedley, Wilson and Yates (7)

Those voting against: Nil (0).

His Worship the Mayor declared the motion

Carried

14.5 **2015-16 Financial Statements** (Report No: 278/16)

The completed financial statements for the year ended 30 June 2016 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 result is a consolidated surplus of \$601,000 comprising \$373,000 surplus from Municipal operations and \$228,000 from Alwyndor operations. The results reflect a successful year and continue to present a sound financial performance and position, while maintaining a sustainable approach to delivering and improving community assets and services.

Motion**C081116/572**

1. **That the financial statements for the City of Holdfast Bay for the year ended 30 June 2016 as contained in Attachment 1 to Report No: 278/16 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 2016 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 Lonie

Carried14.6 **2015-16 Annual Report** (Report No: 284/16)

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 2015–16 Annual Report has been prepared to meet all statutory requirements and will be made available in electronic form by the end of December 2016. It shows that Council has continued to deliver quality and improved services and facilities to its community.

Motion**C081116/573**

That Council adopts the 2015–16 Annual Report, subject to design and minor alterations, and the inclusion of the audited financial statements.

Moved Councillor Smedley, Seconded Councillor Lonie

Carried

A division was called:

Those voting for: Councillors Bradshaw, Donaldson, Lonie, Smedley, Wilson and Yates (6)
Those voting against: Councillor Clancy (1).

His Worship the Mayor declared the motion

Carried14.7 **Budget Update – as at 30 September 2016** (Report No: 279/16)

This report covers the first update of Council's 2016/17 budget conducted as at 30 September 2016.

For Municipal funds it has resulted in an unchanged operating surplus forecast of \$363,852, with increased expenditure being offset by grant and fee income including \$75,000 for the Jetty Road Masterplan. Capital expenditure has increased by \$1.3 million also offset by income grants including \$325,600 for upgrading the Jetty Road, Brighton railway crossing and \$1,031,013 for the continuation of the Coast Park footpath. For Alwyndor operations there are no changes to the forecast.

Motion

C081116/574

1. That Council notes the first 2016/17 budget update for Council's municipal operations including:
 - (a) no change in the forecast operating surplus for 2016/17 of \$363,852 (compared to an operating surplus of \$472,779 in the original budget);
 - (b) an increase in the forecast capital expenditure of \$1,356,613 from \$17.030 million to \$18.387 million (compared with \$8.585 million in the original budget);
 - (c) an increase in the forecast capital revenue of \$1,356,613 from \$5.714 million to \$7.071 million (compared with \$2.495 million in the original budget);
 - (d) no change in forecast net financial liabilities of \$25.453m at 30 June 2017 (compared to a net financial liabilities amount of \$26.069 million in the original budget).

2. That Council notes the first 2016/17 budget update for Alwyndor operations including:
 - (a) a projected operating surplus for 2016/17 of \$466,362 (unchanged from the original budget);
 - (b) forecast capital expenditure for 2016/17 \$476,260 (unchanged from the original budget);
 - (c) a forecast funding surplus for 2016/17 of \$852,582 (unchanged

Moved Councillor Smedley, Seconded Councillor Lonie

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 **Glenelg Football Club** (Report No: 285/16)

Exclusion of the Public – Section 90(3)(d) Order**Motion****C081116/575**

- 1 That pursuant to Section 90(2) of the *Local Government Act 1999* Council hereby orders that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and Staff in attendance at the meeting in order to consider Report No: 285/16 Glenelg Football Club in confidence.
2. That in accordance with Section 90(3) of the *Local Government Act 1999* Council is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 285/16 Glenelg Football Club on the following grounds:
 - d. pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, because it relates to the operations of the Glenelg Football Club.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances as the benefit or detriment to Council in not disclosing information relating to Glenelg Football Club outweighs the public interest at this time.

Moved Councillor Lonie, Seconded Councillor Smedley

Carried

- 17.1 **Glenelg Football Club** (Report No: 285/16)

Conflict of Interest

His Worship the Mayor, S Patterson declared a perceived conflict of interest for the item 17.1 Glenelg Football Club (Report No: 285/16). The nature of his perceived conflict of interest (Pursuant to Section 74 of the Local Government Act 1999) was that his company has a business relationship with the Club. His Worship the Mayor dealt with this perceived conflict of interest by making it known to the chamber and if it becomes apparent he would have a Material Conflict of Interest this will be declared.

Short-term Suspension of Proceedings

His Worship the Mayor considered that the conduct of the meeting would benefit from a short-term suspension of the operation of Part 2 of the Regulations for a period of 30 minutes to facilitate informal discussions on 41 Kauri Parade, Seacliff (Report No: 271/16).

The meeting granted consent for the Short-term Suspension of Proceedings and commenced at 7.55pm.

At the end of the Short-term Suspension of Proceedings His Worship the Mayor recommenced the meeting at 8.25pm.

Retain in Confidence - Section 91(7) Order

Motion

C081116/577

That having considered Agenda Item 17.1 Report No: 285/16 Glenelg Football Club in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report, minutes and attachments be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.

Moved Councillor Lonie, Seconded Councillor Clancy

Carried

17.2 Councillor Snewin

Exclusion of the Public – Section 90(3)(a) Order

Motion

C081116/578

- 1 That pursuant to Section 90(2) of the *Local Government Act 1999* Council hereby orders that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and Staff in attendance at the meeting in order to consider this item in confidence.**
- 2. That in accordance with Section 90(3) of the *Local Government Act 1999* Council is satisfied that it is necessary that the public be excluded to consider this item on the following grounds:**
 - a. pursuant to section 90(3)(a) of the Act, the information to be received, discussed or considered in relation 17.2 information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being Councillor Snewin.**
- 3. The Council is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.**

Moved Councillor Donaldson, Seconded Councillor Clancy

Carried

Motion

C081116/579

That having considered 17.2 Councillor Snewin in confidence under section 90(2) and (3)(a) of the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that the minutes be retained in confidence for a period of 12 months.

Moved Councillor Yates, Seconded Councillor Clancy

Carried

CLOSURE

The Meeting closed at 8.32 pm.

CONFIRMED Tuesday 22 November 2016

MAYOR