

**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 8 April 2014 at 7:04pm.**

**MEMBERS PRESENT**

His Worship the Mayor, AK Rollond  
Deputy Mayor, S Patterson  
Councillor RM Bouchée  
Councillor RA Clancy  
Councillor PW Dixon  
Councillor LR Fisk  
Councillor JD Huckstepp  
Councillor SC Lonie  
Councillor TD Looker  
Councillor RC Patton  
Councillor LJ Yates

**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 7.04pm.

**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 Donaldson and Councillor AP Roe

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**

**C080414/1076**

**That the minutes of the Ordinary Meeting of Council held on 25 March 2014 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**

8.3.1 **Greg Smith**

*Mr Smith contacted Council to request that his deputation be withdrawn.*

**9. QUESTIONS BY MEMBERS**

9.1 **Without Notice**

9.1.1 **Community Centres Review– Councillor Bouchee**

Councillor Bouchee asked a question regarding the Community Centres Review Outcomes, and their presentation to council prior to the budget consideration regarding a Coordinator Position.

Councillor Bouchee asked a question regarding the consultation which has occurred with the community centres in the area, as the Manager of the Glenelg North Community Centre was unaware of the review.

The General Manager City Services, Ms R Cooper provided a response.

9.1.2 **Community Centres Funding – Councillor Bouchee**

Councillor Bouchee asked a question regarding a funding grant of \$30,000 to the Holdfast Bay Community Centre was from either Council, State or Federal Government.

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

Councillor Looker, as Chairman of the Holdfast Bay Community Centre was unable to provide a definitive answer to the question.

## 9.2 With Notice

### 9.2.1 Questions On Notice – Question On Notice Questions – Councillor Looker

Councillor Looker asked the following question:

***“Would administration clarify the rules applying to Regulation 9, in particular who should answer a question without notice by a member?”***

#### **Background**

*Meeting regulations are formal and lawful guidelines in place to ensure that Council meetings are fair, transparent and have the best information available to ensure the community can have confidence in a council's deliberations.*

*Regulation 9 allows a member to ask a question either by written notice prior to the meeting, or without notice during a council meeting. Regulation 9 is silent as to who, in the event the presiding member allows the question, should provide the answer.*

*It is clear from Regulation 4 a that ‘informed’ decision making is desired and on that basis it is suggested that in the event a question without noticed is asked, then the most qualified person present should answer it or the question be taken ‘on notice’. It could be that refusal to allow a qualified person present to provide and answer, may be a point of order under Regulation 4.*

*The purpose of this question is to seek further explanation as to who is the most appropriate person to provide an answer to a question without notice.*

#### **ANSWER – Manager Organisational Sustainability**

**That whilst the *Local Government (Procedures at Meetings) Regulations 2013* are silent on who answers questions with or without notice, it**

should always be the most appropriately qualified person who is armed with the necessary knowledge/information who should provide the answer to the question.

This approach is consistent with Regulation 4(a) of the Meeting Regulations. The fact that the Meeting Regulations are silent is likely to be a deliberate omission because the most appropriate person to answer the question will vary depending upon the nature of the question. More often than not it will either be the Presiding Member, the Chief Executive Officer or a Council staff member through the Chief Executive Officer who will be best placed to answer the question.

If there is no basis upon which the Presiding Member can rule that the question is vague, irrelevant, insulting or improper, the question should be answered, unless it is a question without notice where the Presiding Member has allowed the reply is to be given at the next meeting (Regulation 9(4)).

**10. MEMBER'S ACTIVITY REPORTS**

**10.1 Glenelg Baseball Club**

Councillor Clancy reported that she had presented an award at the Glenelg Baseball Club on behalf of the West Beach Trust.

**10.2 Rugby Club Function**

Councillor Yates reported that she, the Mayor, Councillors Huckstepp and Patterson attended a rugby club function.

**11. MOTIONS ON NOTICE - Nil**

**12. ADJOURNED MATTER - Nil**

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

**13.1 Minutes – Alwyndor Management committee – 18 February and 18 March 2014 (Report No: 98/14)**

**Motion**

**C080414/1077**

**That the minutes of the Alwyndor Management Committee for 18 February 2014 and 18 March 2014 be noted.**

Moved Councillor Lonie, Seconded Councillor Clancy

**Carried**

13.2 **Minutes – Strategic Planning and Development Policy Committee – 12 March 2013 and 25 March 2014** (Report No: 107/14)

**Motion**

**C080414/1078**

**That the minutes of the Strategic Planning and Development Policy Committee for 12 March 2013 and 25 March 2014 be endorsed by Council.**

Moved Councillor Bouchee, Seconded Councillor Yates

**Carried**

**14. REPORTS BY OFFICERS**

14.1 **Items in Brief** (Report No: 97/14)

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**

**C080414/1079**

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

Moved Councillor Bouchee, Seconded Councillor Lonie

**Carried**

14.2 **Monthly Financial Report – February 2014** (Report No: 99/14)

Attached are financial reports as at 28 February 2014. They comprise a Funds Statement and a Capital Expenditure Report for Council's municipal activities and Alwyndor Aged Care. The municipal funds surplus forecast is affected by the prepayment in the prior year of the Financial Assistance Grant which contributed to the prior year municipal funds surplus result.

**Motion**

**C080414/1080**

**That Council receives the financial reports to 28 February 2014 and notes no changes to the 2013/14 budget:**

**1. Municipal Activities**

- a projected operating deficit for 2013/14 of \$559k
- a projected capital expenditure for 2013/14 of \$16.285 million
- a projected funding requirement for 2013/14 of \$4.245 million

**2. Alwyndor Aged Care**

- a projected operating surplus for 2013/14 of \$612k
- a projected capital expenditure for 2013/14 of \$2.631 million
- a projected funding requirement for 2013/14 of \$1.451 million

Moved Councillor Looker, Seconded Councillor Huckstepp

**Carried**

14.3 **Glenelg Moseley Square – Dublin Irish Pub** (Report No: 101/14)

The owners of the Dublin Irish Pub, located at Moseley Square Glenelg, have submitted an application to extend the facility into Moseley Square. The extension will be an alfresco area consisting of a raised timber deck with booth seating, planter boxes and landscaping around the two existing palm trees.

This extension will be a formal encroachment into Moseley Square and therefore needs the approval of Council, as land owner to proceed.

**Motion**

**That Council asks the applicant to reconsider the application to encroach approximately 7m to 8.5m into Moseley Square across the frontage of the existing Dublin Hotel having regard to the concerns raised in this report.**

Moved Councillor Patton, Seconded Councillor Bouchee

The mover and seconder agreed to amend the motion to the one shown below.

**Motion**

**C080414/1081**

**That council rejects the application to encroach 7m into Moseley Square and asks the applicant to reconsider a proposal that encroaches no further than the top of the stairs, having regard to the concerns raised in this report.**

Moved Councillor Patton, Seconded Councillor Bouchee

**Carried**

**Division called**

A division was called:

Those voting for: Councillors Fisk, Bouchee, Patton, Dixon, Looker, Clancy and Huckstepp (7)

Those voting against: Councillors Lonie and Yates (2).

His Worship the Mayor declared the motion

**Carried**

14.4 **Kibby Reserve Glenelg North – The William Kibby VC Veterans Shed Inc - Licence** (Report No: 102/14)

Following Council approval The William Kibby VC Veterans Shed Inc. has erected a shed over portion of the land located on the Kibby Reserve Glenelg North and is planning to construct a community garden over another portion of this reserve.

Subject to the approval of Council, a new lease for a period of five years from 1 July 2013 was offered to and accepted by the William Kibby VC Veterans Shed Inc.

**Motion**

**C080414/1082**

**That approval be granted to enter into a new lease with the William Kibby VC Veterans Shed Inc. for a term of five years from 1 July 2013 to 30 June 2018 over portion of the land outlined in red, contained allotment 2 in FP1875 in Certificates of Title Volume 5553 Folio 244.**

Moved Councillor Huckstepp, Seconded Councillor Dixon

**Carried**

14.5 **Somerton Yacht Club - Lease** (Report No: 103/14)

The Somerton Yacht Club Inc. currently leases portion of the John Miller Reserve is due to expire on 31 July 2014, and there is no option of renewal thereafter.

The purpose of this report is to consider an application by the Somerton Yacht Club Inc. to renew this lease for 5 years from 1 August 2014.

**Motion**

**C080414/1083**

**That Council supports the request by the Somerton Yacht Club Inc. to renew its lease over the land described as portion of Certificate of title Volume 5725 Folio 34 for a period of 5 years from 1 August 2014.**

Moved Councillor Bouchee, Seconded Councillor Patterson

**Carried**

**Motion**

**That this question be adjourned to allow further community consultation prior to the expiry to the lease in August 2014 to ensure that the residents concerns raised in 2009 have been addressed.**

Moved Councillor Clancy, Seconded Councillor Looker

**Lost**

14.6 **Elected Member Training Request – 2014 National General Assembly of Local Government** (Report No: 104/14)

The 2014 National General Assembly of Local Government, Getting Down to Business will be hosted by the Australian Local Government Association (ALGA) from 15 - 18 June 2014, in Canberra, ACT.

Councillors Lonie and Roe have expressed an interest in attending the National General Assembly this year.

**Motion**

1. That Council approves the attendance of Mayor Rollond, Councillor Patterson, Councillor Roe and Councillor Lonie at the National General Assembly of Local Government, from 15-18 June 2014.
2. The funds available be split between all members to the conference equally
3. That Council appoints the Mayor to be the voting delegate at the National General Assembly of Local Government
4. That any delegates attending the 2014 National General Assembly of Local Government present a report back to Council.

Moved Councillor Clancy, Seconded Councillor Dixon

**Amendment**

**Motion**

**C080414/1084**

**That Council approves the attendance of Mayor Rollond and Councillor Patterson at the National General Assembly of Local Government, from 15-18 June 2014.**

Moved Councillor Bouchee, Seconded Councillor Fisk

The amendment on being put was

**Carried**

The motion, as amended, on being put was

**Carried**

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

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

**16.1 Median Strip Trees – Letter to DPTI**

**Motion**

**C080414/1085**

**That the Chief Executive Officer write to the appropriate Ministers in support of the letter from the City of Marion dated 11 March 2014 and urge a change of DPTI policy in relation to Median Strip Trees.**

Moved Councillor Looker, Seconded Councillor Bouchee

**Carried**

**17. ITEMS IN CONFIDENCE - Nil**

**CLOSURE**

The Meeting closed at 8.05pm.

**CONFIRMED 22 April 2014**

**MAYOR**