

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 May 2014 at 7:01pm.

MEMBERS PRESENT

His Worship the Mayor, AK Rollond
Deputy Mayor, S Patterson
Councillor RM Bouchée
Councillor PW Dixon
Councillor KM Donaldson
Councillor LR Fisk
Councillor JD Huckstepp
Councillor SC Lonie
Councillor TD Looker
Councillor RA Clancy
Councillor RC Patton
Councillor AP Roe
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 7.01pm.

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 - Nil

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. COUNCIL MEETING ADJOURNMENT – 7.23pm

Motion

CL270514/1107

That the Council Meeting be adjourned so that the Strategic Planning and Development Policy Committee can meet at this time.

Moved Councillor Looker, Seconded Councillor Lonie

Carried

8. RESUMPTION OF COUNCIL MEETING – 7.53pm

Motion

CL270514/1108

That the Council Meeting be resumed.

Moved Councillor Bouchee, Seconded Councillor Lonie

Carried

9. CONFIRMATION OF STRATEGIC PLANNING & DEVELOPMENT POLICY COMMITTEE RESOLUTION

9.1 Brighton and Hove District DPA (Report No: 132/14)

This report responds to the resolution of the Strategic Planning and Development Policy Committee of 25 March 2014 (minutes endorsed at meeting of 8 April 2014) at which the Committee considered a report summarising the outcomes of the public consultation process and review of submissions in relation to the draft Brighton and Hove District Centre Development Plan Amendment (DPA).

This report recommends that Council endorses a revised Summary of Consultation and Proposed Amendments (SCPA) and a revised DPA.

Motion

CL270514/1109

That Council adopts the recommendations of the Strategic Planning and Development Policy Committee being:

- 1. Considers the matters raised in public and agency submissions received during public consultation and proposed responses as located in the Summary of Consultation and Proposed Amendments in Attachment 1**

2. **Endorses the revised ‘Summary of Consultation and Proposed Amendments Report’, located at Attachment 1 to Report No: 132/14 for submission to the Minister for Planning, pursuant to clause 13 (a) of section 25 of the Development Act 1993 amended to retain properties at 1 and 2 Rutland Avenue Brighton and 10 Edward Street Brighton within the Residential zone including any consequential changes.**

3. **Endorses the attached revised ‘Brighton and Hove District Centre DPA Development Plan Amendment – The Amendment - For Approval’ located in Attachment 2 to Report No: 132/14 amended to retain properties at 1 and 2 Rutland Avenue Brighton and 10 Edward Street Brighton within the Residential zone for submission to the Minister for Planning for approval;**

4. **Authorises the CEO to:**
 - (a) **sign the CEO Certificate 4B located in Attachment 1 (at Attachment E), pursuant to clause 14 of section 25 of the Development Act 1993;**

 - (b) **undertake any adjustments of a technical or editorial nature to the Summary of Consultation and Proposed Amendments Report and the draft Development Plan Amendment for Approval (in Attachments 1 and 2), including those necessary to satisfy the Department of Planning, Transport and Infrastructure guidelines or legal requirements; and**

 - (c) **submit the revised Development Plan Amendment (in Attachment 2) to the Minister for Planning for Approval;**

Moved Councillor Lonie, Seconded Councillor Yates

Carried

A division was called:

Those voting for: Councillors Bouchee, Fisk, Patterson, Dixon, Donaldson, Lonie, Roe, Huckstepp and Yates (9)

Those voting against: Councillors Looker, Clancy and Patton (3).

His Worship the Mayor declared the motion

Carried

10. CONFIRMATION OF MINUTES

Motion

CL270514/1110

That the minutes of the Ordinary Meeting of Council held on 27 May 2014 be taken as read and confirmed.

Moved by Councillor Clancy, Seconded by Councillor Lonie

Carried

11. PUBLIC PRESENTATIONS

11.1 **Petitions** - Nil

11.2 **Presentation** - Nil

11.3 **Deputations**

11.3.1 **Colin Saraity**

Mayor Rollond approved a deputation from Colin Saraity with regard to the Brighton and Hove District Centre Development Plan Amendment.

11.3.2 **Garth Heynen**

Mayor Rollond approved a deputation from Garth Heynen with regard to the Brighton and Hove District Centre Development Plan Amendment

11.3.3 **Rebecca Thomas**

Mayor Rollond approved a deputation from Rebecca Thomas on behalf of Tim Rugless with regard to the Brighton and Hove District Centre Development Plan Amendment.

12. QUESTIONS BY MEMBERS

12.1 **Without Notice**

12.1.1 **Caravan Park – Councillor Clancy**

Administration to enquire and advise Council on the appropriateness for an employee of a Senator to advise plaintiffs in a court case.

Mayor Rollond refused to accept the question.

12.1.2 **Recording Council Meetings - Cr Looker**

Would like to know progress of Council's resolution to investigate audio recording of Council meetings.

Chief Executive Officer provided a response.

12.2 **With Notice**

12.2.1 **Update on Performance of New Customer Service Functions – Councillor Looker (Report No: 151/14)**

“Will the CEO please provide council with an update on the performance of the improved ‘customer service’ functions?”

Background

In June 2013 Council implemented a new Customer Contact Centre model (comprising a front counter and back of house phone centre) with a key goal to improve customer service by resolving 85% of routine enquiries on first contact.

ANSWER – GENERAL MANAGER CITY SERVICES

The new contact centre has been well received by our community and is performing well with 84% of routine enquiries being resolved on first contact. A key area for continued improvement is the reduction of the call abandonment rate. We regularly receive positive feedback from the community, including:

“Great speaking with a person and not a machine”

“Only 1 place to visit now, we do not need to go to separate areas”

“Great to see smiley faces and better use of space”

The following table provides actual performance against agreed key performance indicators:

Telephone Enquiries¹		
KPI	Actual	Target
Total calls in reporting period	43,987	n/a
Average Speed of Answer	38 seconds	20 seconds
Average Call Handling Time	2 minutes 14 seconds	2 minutes
Abandoned Calls	7.6%	<3%
First contact resolution	84%	85%
Face-to-Face Enquiries²		
Average enquiries per week	700 (peak periods) 350 (off peak periods)	n/a
Average wait period	5 minutes (peak periods) 2 minutes (off peak periods)	Max. 5 minutes
Average Queue Size	2 people (peak periods) 1 person (off peak periods)	Max. 2 people per service point

¹ Telephone data extracted from Mitel phone system database for 1 July 2013 to 30 April 2014

² Face-to-Face data manually captured during the period 24 June to 4 October 2013

13. MEMBER'S ACTIVITY REPORTS**13.1 Mayoral Report – February 2014 to April 2014** (Report No: 150/14)

Presented for the information of Members is the Activity Report for the Mayor for February 2014 – April 2014

Motion**CL270514/1111**

That the Mayor's Activity Report for February 2014 – April 2014 report be received and noted.

Moved Councillor Lonie, Seconded Councillor Yates

Carried**13.2 Deputy Mayor's Activity Report****Motion****CL270514/1112**

That the Deputy Mayor's Activity report from November 2013 to April 2014 be received.

Moved Councillor Lonie, Seconded Councillor Clancy Bouchee

Carried

13.3 Councillor Bouchee and the Mayor attended a concert by the Glenelg Brass Band attended by the Australian Girls' Choir.

13.4 Councillors Bouchee, Yates and Dixon attended presentation regarding Glenelg Trams.

13.5 Councillor Clancy attended the Dog & Cat Management Board. Councillor Clancy has tendered her resignation for the Board effective 30 June 2014.

13.6 Councillor Lonie attended the Public Health Committee and attended the Anzac Day ceremony at Brighton.

13.7 Councillors Donaldson and Looker attended the monthly Holdfast Bay Community Centre Meeting.

13.8 Councillor Patton a meeting of the Glenelg Brass Band meeting.

13.9 Councillor Yates attended a Murray Darling Association at Playford and a meeting at the Somerton Yacht Club.

13.10 Councillor Patterson attended Glenelg Surf Life Saving Club presentation and Somerton Yacht Club.

14. MOTIONS ON NOTICE**14.1 Motion on Notice – Kingston Park Kiosk – Councillor Yates (Report No: 140/14)**

The new kiosk will again be positioned at Kingston Park as a separate structure with toilets nearby. The kitchen will be compliant for preparation of simple meals, snacks and drinks but with mainly outdoor seating so as to accommodate people with dogs in an informal setting. A draft business plan should also be prepared to ensure the revenue return will cover the construction costs and servicing of the borrowed sum. Operation of the kiosk could be as a community cooperative which can channel money into community centres and/or other community ventures.

Motion

That Administration investigate and report on the cost of a basic kiosk that will function in a similar manner to the existing one at Kingston Park.

Moved Councillor Yates, Seconded Councillor Patterson

Lost

14.2 Motion on Notice – Breach of Code of Conduct – Councillor Clancy (Report No: 148/14)

Council has resolved certain matters in confidence relating to the legal proceedings concerning people with annual agreements at the Brighton Caravan Park. The Mayor has consistently declared a conflict of interest in relation to these proceedings, citing his support for the 'permanent residents.'

Council had also resolved that in this matter the Mayor should not act as spokesperson for Council. Despite this, the Mayor has continued to provide extensive media comment on Council's decision to no longer offer long term agreements; has consistently and publicly stated his view that Council's decision was wrong; and has acted in a way which has failed to generate community trust and confidence in Council. Further, his numerous public comments have failed to maintain a respectful relationship with all Council members, regardless of difference of views and opinions.

Most recently, following a confidential briefing to Council, the Mayor gave interviews to Channels 7 and 9, Radio Station 5AA and to the Advertiser in the week following Council's meeting, failing to acknowledge that these were his personal views, provided information which he knew to be inaccurate, and which did not comply with Council's policies and resolutions.

These repeated and sustained breaches of the Elected Member Code of Conduct, leave no choice other than for Council to resolve to report the matter to the Ombudsman SA pursuant to clause 2.23 of the Code *Repeated or sustained breaches of this Part by the same Council member may be referred, by resolution of the Council to the relevant authority as a breach of Part 3.*

Conflict of Interest:

His Worship the Mayor declared an interest in the matter as the item concerned himself and left the meeting at 8.24 pm.

Councillor Patterson assumed the Chair.

Motion**CL270514/1113**

That Administration prepares a report to the Ombudsman SA regarding Mayor Ken Rollond's repeated and sustained breaches of Part 2 of the Elected Member Code of Conduct, as they may constitute a breach of Part 3 of the Code.

Moved Councillor Clancy, Seconded Councillor Roe

Point of Order

Councillor Looker called a Point of Order under Regulation 28 of the Local Government (Procedures at Meetings) Regulations 2013, objecting to the language of Councillor Bouchee.

Councillor Bouchee withdrew her comment.

Amendment

- 1. That Administration prepares a report to the Ombudsman SA regarding Mayor Ken Rollond's repeated and sustained breaches of Part 2 of the Elected Member Code of Conduct, as they may constitute a breach of Part 3 of the Code.**
- 2. Effective immediately, that the Mayor be suspended as Council's principal spokesman pending the conclusion of any investigation and the Deputy Mayor be appointed as Council's principal spokesman.**

Moved Councillor Looker

Lapsed through want of a seconder

The motion was put and was Carried

Point of Order

Councillor Fisk called a Point of Order under Regulation 28 of the Local Government (Procedures at Meetings) Regulations 2013, as Councillor Roe had already had spoken to the motion when seconding the motion.

Deputy Mayor ruled that there was no Point of Order as under City of Holdfast Bay provisions the seconder may speak later in the debate.

Councillor Bouchee left the chamber at 8.47pm

Division called

Those voting for: Councillors Patterson, Dixon, Donaldson, Lonie, Roe, Huckstepp Looker, Clancy, Patton and Yates (10)

Those voting against: Councillors Bouchee and Fisk (2).

The Deputy Mayor declared the motion

Carried

His Worship the Mayor rejoined the chamber at 8.50pm and resumed the Chair.

15. ADJOURNED MATTER - Nil**16. REPORTS OF MANAGEMENT COMMITTEES, SUBSIDIARIES AND THE DEVELOPMENT ASSESSMENT PANEL****16.1 Minutes – Development Assessment Panel – 23 April 2014** (Report No: 125/14)

Council's Development Assessment Panel is established under the Development Act 1993.

The minutes of the Development Assessment Panel meeting held 23 April 2014 are presented to Council for information.

Motion**CL270514/1114**

That the minutes of the Development Assessment Panel meetings held on 23 April 2014 be received.

Moved Councillor Clancy, Seconded Councillor Huckstepp

Carried

17. REPORTS BY OFFICERS**17.1 Items in Brief** (Report No: 133/14)

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**CL270514/1115**

That the report be noted and items of interest discussed.

Moved Councillor Lonie, Seconded Councillor Donaldson

Carried

17.2 **Small Venue Licences – Liquor Licensing Act 1997 Pending Amendment** (Report No: 145/14)

In an attempt to promote vibrancy within the Adelaide Central Business District (CBD), and provide a more stream-lined approach for small businesses to obtain liquor licenses, in 2013 the State Government introduced a Small Venue Licence under section 40A of the Liquor Licensing Act 1997 (“the Act”).

Small Venue Licences (SVL) were introduced for an interim twelve (12) month trial period during the 2013/14 financial year for the Adelaide CBD (only). Now that the trial period draws to a close the Liquor and Gambling Commissioner has advised that the intention is to permit SVL’s to operate only in those areas identified by Local Council Authorities as ‘suitable’ for this category of licence; for example entertainment precincts or local business districts, main streets etc.

Under the Act, an SVL allows the licensee to have a venue capacity of up to 120 people (m² permitting), provide entertainment, and operate between the hours of 11:00am and 12:00 midnight on any day (and up to 2:00am on any day if an extended trading authorisation is approved). The licence also removes food service and kitchen requirements imposed under similar licence categories, and further minimises Council and Police rights of intervention; generally limiting them to ‘use rights’ and ‘fit and proper person requirements’.

The Commissioner is now requesting comment from local authorities in relation to any identified areas that may be appropriate for the operation of these licenses. If consented to, the areas will be included into the relevant legislation, thus limiting the areas in which these licenses can operate in metropolitan areas. However, Should Council fail to identify a location for SVL’s, the Commissioner may add an area in to the legislation without any further notice.

Motion

CL270514/1116

That Council endorses the Glenelg Commercial and Entertainment Precinct as an appropriate location for the operation of Small Venue Licences, suitable for inclusion into the relevant legislation.

Moved Councillor Looker, Seconded Councillor Donaldson

Carried

Councillor Roe left the chamber at 9.00pm

Councillor Roe rejoined the chamber at 9.01pm

17.3 **Resilient South Update – Integrated Vulnerability Assessment** (Report No: 147/14)

This report is for information and provides an update on the Resilient South Climate Change Adaptation Project. The report provides a summary of the key outcomes of the second stage of the project and the “Climate Change Risks, Opportunities and Vulnerabilities in the Southern Region” report and outlines the final stages in the project.

Motion**CL270514/1117**

That the expected climate change impacts as identified in the Resilient South report "Climate Change Risks, Opportunities and Vulnerabilities in the Southern Region" (Refer Attachment 1) and its accompanying "Technical Report Climate Change Risks, Opportunities and Vulnerabilities in the Southern Region" (Refer Attachment 2) be noted.

Moved Councillor Yates, Seconded Councillor Lonie

Carried**17.4 2014/15 Property Valuations, Rate Parameter Setting (Report No: 139/14)**

In setting the rates for each financial year, Council reviews its property valuations and policies in relation to minimum rates, differential rates, concessions, and rate capping.

Motion**CL270514/1118**

- 1. That the minimum rate for 2014/15 be \$864.**
- 2. That the differential general rate for Commercial, Industrial and Vacant land be set such that the amount of rate revenue raised be in the same proportion as in the current 2013/14 budget (ie 13.8% of general rate revenue).**
- 3. That the rate capping percentage applying to residential properties for 2014/15 be 8%.**
- 4. That the additional concession for eligible pensioners and self funded retirees be set as a minimum of \$46 and an additional \$1 for every \$10,000 in property valuation above \$380,000.**
- 5. That the current rating policy, 2014/15 draft annual business plan and budget be updated to include the above recommendations.**

Moved Councillor Bouchee, Seconded Councillor Huckstepp

Carried**17.5 Brighton Oval – Rugby Club Proposal (Report No: 122/14)**

Council has recently received a proposal from the Brighton Rugby Club wanting to upgrade the facilities the Club utilises. The proposal does not address how the proposed upgrade would integrate with the Council endorsed Master Plan. A workshop was undertaken with Elected Members on 8 April 2014 to present the club's proposal.

Council acknowledges that the facilities are ageing and in need of re-development to provide up to date facilities and broader community use and this should be done in conjunction with other clubs, as outlined in the Master Plan. The purpose of this report is to provide a temporary solution.

Motion**CL270514/1119**

That Council advise the Brighton Rugby Union Club that due to tight financial constraints Council is unable to assist them at this time. That Council further consider the matter in 2015/16.

Moved Councillor Looker, Seconded Bouchee

Carried

Councillor Patterson left the chamber at 9.17pm

17.6 Development Assessment Panel 2013 Annual Report (Report No: 141/14)

Council's Development Assessment Panel ('the Panel') is charged with the function of reporting to Council in respect of development trends, issues and other matters. This provides important feedback from the Panel to Council as part of its policy making role. A range of statistical data in relation to the Panel's activities during 2013 is provided as part of this report for the information of Members. In addition, a report from the Presiding Member of the Panel is also provided, representing the Panel's observations in relation to various development issues of note.

Motion**CL270514/1120**

- 1. That Council note the information provided as Attachment 1 to this report.**
- 2. That Council receive the report from the Presiding Member of the Panel provided as Attachment 2 for information.**
- 3. That the advice from the Presiding Member of the Development Assessment Panel addressing Development Plan policy and provided as Attachment 2, be referred to the Chief Executive Officer for consideration for inclusion in future suitable Development Plan Amendments and/or the general review of the Holdfast Bay (City) Development Plan under Section 30 of the Development Act.**

Moved Councillor Looker, Seconded Councillor Huckstepp

Carried**17.7 Monthly Financial Report (Report No: 152/14)**

Attached are financial reports as at 30 April 2014. They comprise a Funds Statement and a Capital Expenditure Report for Council's municipal activities and Alwyndor Aged Care. The municipal funds 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**CL270514/1121**

That Council receives the financial reports to 30 April 2014 and notes no changes to the 2013/14 budget:

1. Municipal Activities

- a projected operating deficit for 2013/14 of \$691k
- a projected capital expenditure for 2013/14 of \$16.6 million
- a projected funding requirement for 2013/14 of \$4.2 million

2. Alwyndor Aged Care

- a projected operating surplus for 2013/14 of \$369k
- a projected capital expenditure for 2013/14 of \$3.0 million
- a projected funding requirement for 2013/14 of \$2.1 million

Moved Councillor Looker, Seconded Councillor Bouchee

Carried

17.8 Kauri Parade Sporting Complex – Prudential Report (Report No: 149/14)

The Local Government Act 1999 requires that councils undertake a prudential review for any project with a value above \$4 million. JAC Comrie Pty Ltd was engaged by the City of Holdfast Bay to provide a Prudential Review of the Kauri Parade Sporting & Community Precinct development.

Motion**CL270514/1122**

That Council receives the Kauri Parade Sporting and Community Precinct Prudential Report.

Moved Councillor Yates, Seconded Councillor Lonie

Carried

18. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil**19. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING**

Councillor Clancy asked if concessions for seniors have been cut in the Federal Budget?

General Manager Corporate Services responded.

Councillor Patterson rejoined the chamber at 9.20pm

20. ITEMS IN CONFIDENCE

20.1 Special Event Proposal (Report No: 143/14)

Motion

CL270514/1123

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:
 - j. information the disclosure of which-
 - (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the Council); and
 - (ii) would, on balance, be contrary to the public interest.

Moved Councillor Clancy, Seconded Councillor Yates

Carried

Special Event Proposal (Report No: 143/14)

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

Motion

CL270514/1124

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: 143/14) including:
 - Minutes
 - 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)(j) until after the public announcement is made.
2. This resolution will be reviewed within 12 months by the Council.

Moved Councillor Lonie, Seconded Councillor Huckstepp

Carried

CLOSURE

The Meeting closed at 9.34pm.

CONFIRMED Tuesday 10 June 2014

MAYOR