

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 28 October 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 – 7.02pm.

STAFF IN ATTENDANCE

Chief Executive Officer - JP Lynch
General Manager City Assets - SG Hodge
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 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 - Nil

4.2 Absent - Nil

Councillor Yates joined the chamber at 7.02pm.

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

C281014/1269

That the minutes of the Ordinary Meeting of Council held on 14 October 2014 be taken as read and confirmed.

Moved by Councillor Looker, Seconded by Councillor Huckstepp

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 Brighton and Hove District Centre Development Plan Amendment–
Councillor Bouchee**

Councillor Bouchee asked the following questions:

9.1.1.1 Did the letter from Minister Rau request the matter be dealt with in confidence.

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

9.1.1.2 Why weren't the Elected Members advised when the correspondence was received.

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

9.1.1.3 Was there was no opportunity to send this information out prior to the Elected Members.

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

9.1.1.4 Did Administration consider the electoral impact of the correspondence.

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

- 9.1.1.5 Does the Caretaker Period impact on this decision as this has an impact on the community.

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

- 9.1.1.6 Will further consultation be conducted as this has been significantly changed.

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

- 9.1.1.7 Is the Chief Executive Officer aware of any lobbying of the Project Officer or Minister regarding this DPA

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

9.1.2 **SAPOL and Glenelg Surf Life Saving Club Emergency Response – Councillor Fisk**

Councillor Fisk asked if the Chief Executive Officer could write a letter of thanks to SAPOL and the Glenelg Surf Life Saving Club for their recent rescue activities at Glenelg.

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

9.1.3 **Brighton and Hove District Centre Development Plan Amendment– Councillor Yates**

Councillor Yates asked a question regarding planning applications waiting for the Brighton and Hove District Centre Development Plan Amendment.

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

9.1.4 **Brighton and Hove District Centre Development Plan Amendment Public Meeting– Councillor Clancy**

Councillor Clancy asked a question regarding the expectations on Elected Members and Candidates if they attend the public meeting being held on Wednesday 29 October 2014.

Manager Organisational Sustainability, Ms T Aukett provided a response.

9.1.5 **Development Plan Amendment Process – His Worship the Mayor Dr K Rollond**

His Worship the Mayor asked a question regarding the Development Plan Amendment process.

Manager Organisational Sustainability, Ms T Aukett provided a response.

9.1.6 **Need for an Open Mind when Making a Decision – Councillor Bouchee**

Councillor Bouchee asked a question regarding the need for Elected Members to have an open mind when debating issues.

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

9.2 **With Notice - Nil**

10. MEMBER'S ACTIVITY REPORTS

10.1 **Mayoral Report** (Report No: 446/14)

Presented for the information of Members is the Activity Report for the Mayor for August 2014 – October 2014.

Motion

C281014/1270

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

Moved by Councillor Lonie, Seconded by Councillor Yates

Carried

10.2 **Holdfast Bay Community Centre**

Councillor Looker provided an update on the Holdfast Bay Community Centre's operation since the retirement of their Manager.

10.3 **Walk to Cure Diabetes**

Councillor Patton reported that he, Councillor Yates and His Worship the Mayor attended the Walk to Cure Diabetes.

10.4 **Immanuel College Leaving Ceremony**

Councillor Patterson reported that he had represented Council at the Immanuel College Leaving Ceremony.

11. MOTIONS ON NOTICE - Nil

12. ADJOURNED MATTERS - Nil

13. REPORTS OF MANAGEMENT COMMITTEES, SUBSIDIARIES AND THE DEVELOPMENT ASSESSMENT PANEL**13.1 Minutes – Development Assessment Panel – 24 September 2014** (Report No: 317/14)

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

The minutes of the Development Assessment Panel meeting held 24 September 2014 are presented to Council for information.

Motion**C281014/1271**

That the minutes of the Development Assessment Panel meetings held on 24 September 2014 be received.

Moved Councillor Clancy, Seconded Councillor Looker

Carried**13.2 Minutes – Audit Committee – 15 October 2014** (Report No: 450/14)

The minutes of the last Audit Committee meeting for 2014 held on 15 October 2014 are presented to Council for information and endorsement.

Motion**C281014/1272**

That the minutes of the Audit Committee meeting held 15 October 2014 be received and noted.

Moved Councillor Looker, Seconded Councillor Roe

Carried**14. REPORTS BY OFFICERS****14.1 Items in Brief** (Report No: 447/14)

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**C281014/1273**

That the following items:

- **Jetty Road Green Rooms**
- **Recycling Compact Fluorescent Lamps**

be noted and items of interest discussed.

Moved Councillor Patterson, Seconded Councillor Lonie

Carried

14.2 Dublin Irish Pub/The Moseley – Licensing Court Variation (Report No: 445/14)

On 19 August 2014 the licensee of the Dublin Irish Pub (MHM Unley No 34 Pty Ltd) appeared in the Licensing Court of South Australia subject to disciplinary action under s 120 of the *Liquor Licensing Act 1997*. MHM Unley No 34 Pty Ltd was reprimanded for a licence condition breach that occurred on 27 April 2013. The breach related to licence condition 4 which requires the licensee to ensure that all doors and windows remain closed when any music is played within the premises.

As a subsequent aspect of this hearing, His Honour Judge BP Gilchrist reviewed the licence and recommended that condition 4 be amended as it was deemed to be too strict and unreasonable in its current state. Judge Gilchrist has recommended that condition 4 be amended to impose the close of doors and windows only after 12:00 midnight.

Prior to enforcing an order on Consumer and Business Services to vary the licence, the Licensing Court of South Australia has now offered Council the opportunity to comment on this matter.

Motion**C281014/1274**

That Council advises the Licensing Court of South Australia and Consumer and Business Services that it supports the Court's recommendation to vary existing Liquor Licence [50107802] condition 4 to state:

"All doors and windows at the premises are to be closed (other than when required for immediate access) when any music is played within the premises after midnight on any day".

Moved Councillor Dixon, Seconded Councillor Looker

Carried**14.3 Brighton and Hove District Centre Development Plan Amendment – Correspondence from Minister for Planning (Report No: 449/14)**

Council has received correspondence from the Minister for Planning advising that he has given consideration to the Brighton and Hove District Centre DPA adopted by Council on 27 May 2014. The Minister has advised that he has a number of concerns with the DPA and has requested several amendments prior to considering the DPA for approval. Council has the opportunity to provide a response within a prescribed period, after which time the Minister will determine what further action he takes on the DPA.

The purpose of this report is to provide an update to Council on the DPA and seek endorsement on a response to the Minister.

Motion**C281014/1275**

- 1. That Council notes the changes proposed by the Minister for Planning to the Brighton and Hove Development Plan Amendment as**

outlined in his letter dated 24 September 2014 and located at Attachment 1 to Report Number 449/14.

2. That Council endorses the draft comparison response table and letter to the Minister located at Attachments 3 and 4 to Report Number 449/14 in response to the Minister's proposed changes to the Brighton and Hove Development Plan Amendment with *we request an extension of three months for council to undertake community consultation from 5 November 2014*

Moved Councillor Lonie, Seconded Councillor Yates

Carried

14.4 **2013-14 Annual Report** (Report No: 448/14)

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 2013-14 Annual Report has been prepared to meet all statutory requirements and will be made available in electronic form by the end of December 2014.

Motion

C281014/1276

That Council adopts the 2013-14 Annual Report, subject to minor formatting corrections and the inclusion of the audited financial statements.

Moved Councillor Looker, Seconded Councillor Patterson

Carried

14.5 **Budget Update – as at 30 September 2014** (Report No: 451/14)

This report covers the first update of Council's 2014/15 budget conducted as at 30 September 2014.

It has resulted in a decrease in the projected consolidated operating surplus of \$275,670 to a consolidated forecast operating surplus of \$132,654. For municipal operations the major reasons are an increase in depreciation expense of \$151,000, funding for the Tour Down Under \$40,000, increased insurance premiums of \$45,000 and Emergency Services Levy of \$45,000, increase in Elected Member Allowances of \$36,000, reduction in on street parking revenue of \$40,000 offset by increased rate revenue due to savings on rebates of \$33,000. For Alwyndor operations, there have been no changes.

Council's net financial liabilities at 30 June 2015 are projected to increase marginally by \$128,670 to \$34.68 million (comprising \$21.62 million for municipal operations and \$13.06 million for Alwyndor). The net financial liabilities ratio for municipal operations remains unchanged at 53%, and the interest cover ratio remains comfortably at 2%, which is below the adopted target ceiling of 5%.

Motion

C281014/1277

1. That Council notes the first 2014/15 budget update for Council's municipal operations including:
 - (a) a decrease of \$275,670 in the operating surplus of \$26,055 to a projected operating deficit of \$344,615 (compared to an operating surplus of \$4,282 in the original budget);
 - (b) an increase in the projected capital expenditure of \$104,714 to \$22.32 million (compared with \$15.97 million in the original budget);
 - (c) an increase in projected net financial liabilities of \$128,670 at 30 June 2015 from \$21.49 million to \$21.62 million (compared to a net financial liabilities amount of \$17.78 million in the original budget).

2. That Council notes the first 2014/15 budget update for Alwyndor operations including:
 - (a) no change to the projected operating surplus of \$477,269 (compared to \$477,269 in the original budget);
 - (b) no change to the projected capital expenditure of \$1.849 million (compared with \$1.849 million in the original budget);
 - (c) no change in projected net financial liabilities of \$13.06 million at 30 June 2015 (compared to a net financial liabilities amount of \$13.06 million in the original budget).

Moved Councillor Looker, Seconded Councillor Lonie

Carried

14.6 **Glenelg Town Hall – Visitor Information Centre Licence** (Report No: 454/14)

The Glenelg Visitor Information Centre (VIC) is proposed to move from its current location at the Marina Pier to a portion of the ground floor of the Glenelg Town Hall to operate from 17 November 2014. It is proposed that the Glenelg VIC will begin operating in the Glenelg Town Hall's current facilities until new facilities have been constructed, which is expected to be built in January 2015.

The proposed Licence will be for a period of 12 months, commencing on 17 November 2014, with no option to renew.

Motion

C281014/1278

That approval be granted to enter into a licence agreement with Glenelg Tourism Pty Ltd and Temptation Sailing Pty Ltd over a portion of the ground floor of the Glenelg Town Hall, contained in Allot 106 in DP 7400, within Certificate of Title Volume 6054 Folio 3. The licence will be for a period of 12 months commencing 17 November 2014.

Moved Councillor Patton, Seconded Councillor Fisk

Carried

14.7 **Sommerton Tennis Club Inc - Licence** (Report No: 453/14)

The Somerton Tennis Club Inc. has been occupying portion of the premises located on 28-40 Wilton Street Somerton Park under a licence that expired on 6 March 2013. Since that time the Somerton Tennis Club Inc. has been occupying the facility under the holding over provisions of the existing lease.

Subject to the approval of Council, a new licence for a period of five years from 1 March 2014 was offered to and accepted by the Somerton Tennis Club Inc.

Motion

C281014/1279

That approval be granted to enter into a new licence with the Somerton Tennis Club Inc. for a term of five years from 1 March 2014 to 28 February 2019 over portion of the land contained in portion of piece 568 in FP9994 in Certificate of Title Volume 5658 Folio 902.

Moved Councillor Clancy, Seconded Councillor Lonie

Carried

14.8 **2013-14 Financial Statements** (Report No: 454/14)

The completed financial statements for the year ended 30 June 2014 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.

Council's consolidated operating result, including Alwyndor, is a deficit of \$2.208m compared with a surplus of \$920,000 in the original budget. Although this is a significant variation, the factors driving this have been reported to Council during the year and primarily reflect timing issues, economic conditions and a variety of external factors. Summary details of these factors are contained within this report. Notwithstanding the operating deficit, Council has delivered a significant capital works program, including the Alwyndor re-development and remains financially healthy.

Motion

C281014/1280

1. **That the financial statements for the City of Holdfast Bay for the year ended 30 June 2014 as contained in Attachment 1 to Report No: 454/14 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 (2012/13) 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 2014 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 Looker, Seconded Councillor Roe

Carried

14.9 **Glenelg – Moseley Square – Moseley Hotel (Formerly Dublin Irish Pub) (Report No: 457/14)**

Studio Nine, on behalf of the owners of the Moseley Hotel, located at Moseley Square Glenelg, have submitted a revised development Application to extend the facility into Moseley Square.

Prior to considering this application under the Development Act, the application needs to be considered by Council, as land owner.

From the plan supplied the extension will not extend beyond the top of the stairs as previously resolved by Council on 8 April 2014. The extension will provide for the construction of an alfresco area consisting of a raised timber deck with booth seating, planter boxes and landscaping around the two existing palm trees.

As this proposal constitutes a formal encroachment into Moseley Square Council approval, as land owner is required.

Motion

C281014/1281

1. **That Council endorses the revised application to encroach approximately 5.5m to 8.5m into Moseley Square across the frontage of the existing Moseley Hotel having regard to the concerns raised in this report.**
2. **That Council resolves to either:**
 - (a) **approve, as land owner, the proposed encroachment into Moseley Square Glenelg and the Mayor and Chief Executive Officer be granted approval to execute and seal the required documentation to give effect to this lease;**

Moved Councillor Patton, Seconded Councillor Dixon

Carried

Division called

A division was called:

Those voting for: Councillors Fisk, Bouchee, Patton, Dixon, Patterson, Looker, Clancy and Lonie (8)
 Those voting against: Councillors Donaldson, Roe and Yates (3).

His Worship the Mayor declared the motion

Carried

15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil

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

His Worship the Mayor allowed the following matter to be raised in Urgent Business.

16.1 Incoming Mail – Provision to Elected Members

Motion

That Administration prioritise incoming mail so that important communications from the three tiers of government can be circulated to elected members as quickly as possible. Responses to actions initiated at council meetings from any source should also be forwarded to elected members. Any reports from Council Administration may wish to write can be sent on later.

Moved Councillor Yates, Seconded Councillor Donaldson

Motion

C281014/1282

That Administration review of the processes involved in the provision of mail and communications to Elected Members is prioritised and a report presented to Council.

Moved Councillor Roe, Seconded Councillor Fisk

Tied Vote

His Worship the Mayor, Dr K Rollond used his casting vote in favour of the motion and declared the motion

Carried

17. ITEMS IN CONFIDENCE

Councillors Dixon, Huckstepp, Donaldson, Yates, Lonie, Roe and Looker left the chamber at 8.27pm.

A quorum was not present in the chamber at 8.28pm, and the meeting paused until a quorum was regained at 8.29pm

Councillor Yates rejoined the chamber at 8.28pm.

Councillors Dixon, Roe, Donaldson, Looker and Lonie rejoined the chamber at 8.29pm.

17.1 Glenelg Town Hall – Portion of Ground Floor - Expression of Interest (Report No: 456/14)

Motion

C281014/1283

- 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:**
 - c. information the disclosure of which would reveal a trade secret.**
 - 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 Clancy, Seconded Councillor Bouchee

Carried

Councillor Huckstepp rejoined the chamber at 8.30pm.

Glenelg Town Hall – Portion of Ground Floor - Expression of Interest (Report No: 456/14)

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

Motion

C281014/1285

- 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: 274/14) including:**
 - Minutes**
 - Report**
 - Attachments**

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)(a) and (d).

- 2. This resolution will be reviewed within 12 months or the Chief Executive Officer is authorised by the Council to release the report, minutes and attachments when the lease is signed.**

Moved Councillor Lonie, Seconded Councillor Bouchee

Carried

17.2 Broadway Kiosk – Partial Assignment of Lease (Report No: 455/14)

Motion**C281014/1286**

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:
 - 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).
 - 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 Lonie, Seconded Councillor Donaldson

Carried

Broadway Kiosk – Partial Assignment of Lease (Report No: 455/14)

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE**Motion****C281014/1287**

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: 274/14) including:
 - Minutes
 - Report
 - Attachments

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)(a) and (d).

2. **This resolution will be reviewed within 12 months or the Chief Executive Officer is authorised by the Council to release the report, minutes and attachments at the assignment of the lease.**

Moved Councillor Bouchee, Seconded Councillor Lonie

Carried

CLOSURE

The Meeting closed at 8.34pm.

CONFIRMED Tuesday 25 November 2014

MAYOR