

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 23 February 2016 at 7:00pm.

MEMBERS PRESENT

His Worship the Mayor, S Patterson
Deputy Mayor R Bouchée
Councillor R Aust
Councillor A Bradshaw
Councillor S Charlick
Councillor R Clancy
Councillor K Donaldson
Councillor S Lonie
Councillor R Patton
Councillor J Smedley
Councillor R Snewin
Councillor L Yates
Councillor A Wilson

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 - Nil
- 4.2 Absent - Nil

5. ITEMS PRESENTED TO COUNCIL

- 5.1 Book from the Town of Hayama

The Mayor of Hayama, our sister city in Japan, has presented Council with a book on the Town of Hayama

6. DECLARATION OF INTEREST

Members were reminded to declare their interest before each item.

7. CONFIRMATION OF MINUTES**Motion****C230216/311**

That the minutes of the Ordinary Meeting of Council held on 9 February 2016 be taken as read and confirmed.

Moved by Councillor Lonie, Seconded by Councillor Yates

Carried**8. PUBLIC PRESENTATIONS****8.1 Petitions****8.1.1 *Petition – Proposed Bike Pump Track* (Report No: 42/16)**

A petition has been received from a total of 237 signatories requesting that Council:

The petition states as follows:

“To the City of Holdfast Bay

We, the undersigned residents of Brighton and surrounding areas petition the Council and ask that the proposed Bike Pump track not proceed due to a number of concerns detailed on the attached document.

Dated: 10 February 2016”

Motion**C230216/312**

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

Moved Councillor Yates, Seconded Councillor Aust

Carried

8.2 Presentation

- 8.2.1 **Purchase of Section of Road and Footpath – Rutland Avenue, Brighton**
Andrew McIntyre of MRS Property Managers made a presentation to Council for 5 minutes.

8.3 Deputations

- 8.3.1 **Bike Pump Track**
Mayor Patterson has approved a five minute deputation from Erica Noble regarding the proposed Bike Pump Track.

Leave of the Meeting

His Worship the Mayor sought leave of the meeting to consider Item 14.5, at this time.

Leave of the Meeting was granted.

14.5 Brighton Oval Master Plan – Revised Concept Plan – Request for Funding (Report No: 25/16)

In 2011, Council partnered with One Eighty Sport and Leisure Solutions (180sls), to develop a Master Plan for the Brighton Oval Complex. Brighton Oval is one of the three sporting hubs within the City of Holdfast Bay that provides for a wide range of sport and recreational pursuits.

The Brighton Oval clubs have been working together over the past 12 months to develop a mutually agreed concept for the Brighton Oval Complex.

Motion

C230216/313

- 1. That Council approves expenditure up to \$20,000 in the 2015/16 financial year to prepare the detailed concept plan for the Brighton Oval Complex.**
- 2. The clubs (Lacrosse Club, cricket club, dog club, croquet club, Brighton Sporting and Social Club and the Brighton Rugby Club) contribute 20% towards the cost of developing a detailed concept plan for the Brighton Oval Complex.**

Moved Councillor Donaldson, Seconded Councillor Lonie

Carried

Division called

A division was called:

Those voting for: Councillors Smedley, Wilson, Bouchee, Charlick, Patton, Aust, Yates, Bradshaw, Lonie, Clancy, Snewin and Donaldson (12)

Those voting against: Nil.

His Worship the Mayor declared the motion

Carried

9. QUESTIONS BY MEMBERS

9.1 Without Notice

9.1.1 Leases Update

Councillor Bouchee asked a question regarding leases.

The General Manager Business Services, Mr I Walker provided a response.

Councillor Clancy asked a question regarding the inclusion of water and electricity charges in leases.

The General Manager Business Services, Mr I Walker provided a response.

Councillor Clancy asked a question regarding the requirement for lessees to undertake maintenance.

The General Manager Business Services, Mr I Walker provided a response.

9.1.2 Partridge House – Councillor Bouchee

Councillor Bouchee asked a question regarding a further report on the operations of Partridge House.

The General Manager Business Services, Mr I Walker provided a response.

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

9.1.3 Works by SA Water – Councillor Yates

Councillor Yates asked a question regarding the requirement of SA Water to repair roads after they undertake repair works.

The General Manager City Assets and Services, Mr S Hodge provided a response.

9.2 With Notice - Nil

10. MEMBER'S ACTIVITY REPORTS

10.1 Banka Memorial Service – Councillor Bouchee

Councillor Bouchee reported that she attended on behalf of the Mayor the Banka Day Memorial service.

10.2 **Special Meeting of Jetty Road Traders**

Councillors Wilson, Bradshaw, Patton, Yates, Bouchee, Snewin and Mayor Patterson attended a Special Meeting of Jetty Road Traders.

Councillor Bouchee left the chamber at 8.05pm.

10.3 **Aged Friendly Communities**

Councillors Yates, Donaldson and Mayor Patterson reported that they attended a workshop on partnering to create Aged Friendly Communities.

Councillor Bouchee rejoined the chamber at 8.06pm.

11. **MOTIONS ON NOTICE**

11.1 **Motion on Notice – Partridge Street Car Parking Fees – Councillor Wilson** (Report No: 37/16)

On Wednesday 10 February 2016 Council held a meeting with traders to consult them in relation to views on the proposed car parking rates for the new Partridge Street facility. The above proposal is considered a fair and reasonable compromise which balances all the competing interests and needs. Fines will be eliminated in this area (unless illegally parked) which will be a major on-going benefit to visitors.

Motion

1. **That the hours of operation be 9am to 9pm and the initial parking rates be set at:**
 - **free for the first 2 hours**
 - **third hour - \$2**
 - **fourth hour - \$3**
 - **\$5 per hour thereafter to a maximum of \$30**
2. **That future operational matters be delegated to Administration to enable the on-going responsive management of the car park.**

Moved Councillor Wilson, Seconded Councillor Patton

Amendment

C230216/314

1. **That the hours of operation be 9am to 9pm and the initial public parking rates be set at:**
 - **free for the first 2 hours**

- **third hour - \$2**
 - **fourth hour - \$3**
 - **\$5 per hour thereafter to a maximum of \$30**
2. **Council review the above fee structure in Part 1 within 12 calendar months from commencement of operation of the equipment or earlier as council may determine**
 3. **That Administration provides council quarterly updates for the carpark operations for 12 calendar months from the start of operations.**

Moved Councillor Bouchee, Seconded Councillor Smedley

The amendment on being put was **Carried**

The motion, as amended, on being put was **Carried**

11.2 **Motion on Notice - Review of Quarterly Budget Reviews By Audit Committee – Councillor Smedley** (Report No: 47/16)

Pursuant to Item 2.2 contained in Audit Committee Minutes dated 8 December 2015, submitted and accepted by Council under item 16.1 in Council Agenda and Reports dated 19 January 2016, the above recommendation was made.

This recommendation is now proposed for formal acceptance and implementation.

Elected members will recall discussion surrounding Item 2 of the said minutes on 19 January 2016.

While an amendment, seeking to vary acceptance of the Minutes, by removing Item 2, was moved and defeated on the night; it came to my attention in the last few days, that it the recommendation itself had no effect as the wording of the preface contained in the minutes recommended that the item be “noted” rather than “accepted” by Council. The result was that the recommendation had no effect for Administration.

On behalf of Audit Committee, I am now formally moving for the recommendation’s acceptance.

To reiterate comments on the night, the Audit Committee in making its recommendation is not seeking in any way to influence or supplant the financial decision making of Council.

Rather, it is merely seeking to better fulfil its Terms of Reference in providing timely suggestions and recommendations to Council about matters in relation to financial governance.

The Audit Committee feels that the process till now, i.e. commenting on financial reports that have already been accepted by Council, often some weeks previously;

renders any potential guidance and/or suggestions, largely redundant or at the least untimely.

The committee hopes that the change will enable it to positively assist elected members in review in quarterly review of Council's performance.

Motion

That the Audit Committee recommends to Council that quarterly budget reviews (including the mid-year budget update) be reviewed by the Audit Committee prior to consideration by Council so that the Committee can provide comments and advice to Council for its consideration.

Councillor Patton left the chamber at 8.33pm.

Councillor Patton rejoined the chamber at 8.35pm.

Moved Councillor Smedley, Seconded Councillor Snewin

Amendment

That council receives the quarterly budget reviews, (including the mid-year budget update) for review at the same time as the audit committee and review in 12 months' time

Moved Councillor Clancy

His Worship the Mayor did not accept the amendment as it was contrary to the motion.

Amendment

That the Audit Committee recommends to Council that quarterly budget reviews (including the mid-year budget update) be reviewed by the Audit Committee prior to consideration by Council so that the Committee can provide comments and advice to Council for its consideration and that this be reviewed in 12 months' time.

Moved Councillor Clancy, Seconded Councillor Charlick

The amendment on being put was

Carried

Further Amendment

C230216/315

- 1. Councillors and Audit Committee members receive the quarterly budget reports at the same time and the audit committee provides advice to council for consideration at the following council meeting (or first opportunity) and**
- 2. That this process be reviewed in 12 months' time.**

Moved Councillor Aust, Seconded Councillor Yates

The further amendment on being put was **Carried**

The motion, as further amended, on being put was **Carried**

11.3 **Motion on Notice – “Love Locks” on Glenelg Jetty – Councillor Wilson** (Report No: 48/16)

The possibility exists to promote to Jetty Road and Moseley Square as a place for couples to get engaged. Love locks are gaining popularity and Council should investigate if this is a cost efficient way of promoting the precinct.

Motion **C230216/316**

That Council investigates the possibility of establishing a designated area on the Glenelg Jetty for the placement of engraved "love locks".

Moved Councillor Wilson, Seconded Councillor Aust **Carried**

12. ADJOURNED MATTER - Nil

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

13.1 **Alwyndor Management Committee – 18 August 2015, 15 September 2015, 17 November 2015 and 15 December 2015** (Report No: 44/16)

The Minutes of the Alwyndor Management Committee meetings on 18 August 2015, 15 September 2015, 17 November 2015 and 15 December 2015 are provided for information.

Motion **C230216/317**

That the minutes of the Alwyndor Management Committee meetings on 18 August 2015, 15 September 2015, 20 October 2016, 17 November 2015 and 15 December 2015 be noted.

Councillor Wilson left the chamber at 9.06pm.

Councillor Lonie left the chamber at 9.06pm.

Moved Councillor Bouchee, Seconded Councillor Smedley **Carried**

14. REPORTS BY OFFICERS

14.1 **Items in Brief** (Report No: 39/16)

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

C230216/318

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

- **Ministerial Minda Brighton Campus and General Section Amendments Development Plan Amendment – Conclusion of Parliamentary Scrutiny Process.**
- **Correspondence from Hon Kelly Vincent MLC requesting Council to consider implementing an accessible business grant for disability access.**
- **Letter from Jetty Road Mainstreet Management Committee.**

Moved Councillor Charlick, Seconded Councillor Aust

Carried

Councillor Lonie rejoined the chamber at 9.09pm.

Councillor Wilson rejoined the chamber at 9.09pm.

Councillor Smedley left the chamber at 9.10pm.

Councillor Smedley rejoined the chamber at 9.11pm.

14.2 Southern Region Waste Resource Authority – Information Report and Charter Review (Report No: 38/16)

Southern Region Waste Resource Authority (SRWRA) is a regional subsidiary established by the Cities of Onkaparinga, Marion and Holdfast Bay (the “constituent councils”), pursuant to Section 43 of the Local Government Act, 1999.

SRWRA has reviewed its Charter and is proposing a variety of amendments for consideration by the constituent councils.

Motion

- 1. That the information report of the Southern Region Waste Resource Authority for its meeting held 1 February 2016 be received and noted.**
- 2. The Council approve the proposed amendments to the Southern Region Waste Resource Authority Charter set out in Attachment 2 to Report 38/16.**

Councillor Bouchee left the chamber at 9.12pm.

Councillor Bouchee rejoined the chamber at 9.14pm.

Councillor Clancy left the chamber at 9.14pm.

Councillor Clancy rejoined the chamber at 9.16pm.

Councillor Donaldson left the chamber at 9.16pm.

Councillor Donaldson rejoined the chamber at 9.19pm.

Moved Councillor Clancy, Seconded Councillor Bouchee

Formal Motion

C230216/319

That this matter be adjourned to a future meeting so that Council can receive further information regarding the Southern Region Waste Resource Authority Charter.

Moved Councillor Lonie, Seconded Councillor Patton

Carried

Point of Order

His Worship the Mayor called a Point of Order under S29(2)(a) due to the continual interruptions being made by Councillor Bouchee. Councillor Bouchee

Councillor Bouchee left the chamber at 9.20pm.

14.3 Monthly Financial Report – January 2016 (Report No: 40/16)

Attached are financial reports as at 31 January 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.

There is a variety of timing variances and it is not proposed to amend the current forecast, although the receipt of the first instalment of the 2015/16 Financial Assistance Grant in June 2015 means that the actuals received to date this year are under budget. It is not known whether the Commonwealth Government will continue to prepay this grant this financial year so it is unknown whether this is a permanent variance.

Motion

C230216/320

That Council receives the financial reports for the 7 months to 31 January 2016 and notes the forecast for 2015/16 is:

Municipal Activities

- **A projected operating surplus for 2015/16 of \$331,215 (compared to an operating surplus of \$124,671 in the original budget);**
- **Projected capital expenditure for 2015/16 of \$27.715 million (compared with \$22.616 million in the original budget);**

- A projected funding requirement for 2015/16 of \$11.679 million (compared with \$6.245 million in the original budget).

Alwyndor Aged Care

- A projected operating surplus for 2015/16 of \$362,455 (compared to an operating surplus of \$341,455 in the original budget);
- Projected capital expenditure for 2015/16 of \$367,077 (unchanged from the original budget);
- A projected funding requirement for 2015/16 of \$885,501 (compared with \$787,001 in the original budget).

Councillor Bouchee rejoined the chamber at 9.21pm.

Moved Councillor Smedley, Seconded Councillor Snewin

Carried

14.4 **Winter Wonderland – Request for Funding 2016** (Report No: 26/16)

At the request of the Chief Executive Officer, Mr J Lynch this item was withdrawn from the Council agenda.

14.6 **Community Home Support Program (Formerly HACC) Fees Policy** (Report No: 28/16)

In line with the terms and conditions of the Commonwealth Home Support Program (CHSP) grant, the City of Holdfast Bay is required to implement a fees policy to establish client contributions arrangements that align to the 'National Guide to the CHSP Client Contribution Framework' released October 2015.

A new draft policy has been developed that defines Council's responsibilities and obligations in relation to the establishment, implementation and reporting of fees and charges associated with the grant funded Commonwealth Home Support Program (CHSP). This policy is attached for Council endorsement.

Motion

C230216/321

That Council endorses the new Commonwealth Home Support Program Fees Policy attached to Report No: 28/16.

Moved Councillor Bouchee, Seconded Councillor Lonie

Carried

14.7 **Proposed Emu Crossing – Whyte Street Somerton Park** (Report No: 36/16)

Sacred Heart College is seeking to install a school crossing, namely Emu Crossing facility at Whyte Street, Somerton Park. The purpose is to provide a safe crossing point for students walking several times throughout the day, to and from upgraded hospitality and home economics facility at the corner of Fairfield Avenue and College Road.

Motion

C230216/322

1. Council endorses Administration to consult with residents who may be affected by the Emu crossing and seek their agreement to install the crossing at Whyte Street.
2. Council endorses that all costs associated with construction of the Emu crossing be borne by Sacred Heart College

Moved Councillor Donaldson, Seconded Councillor Yates

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 Seacliff – Corner Kauri Parade and Portland Street - Sale (Report No: 41/16)

Motion

C230216/323

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:
 - 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.

Moved Councillor Clancy, Seconded Councillor Yates

Carried

Seacliff – Corner Kauri Parade and Portland Street – Sale (Report No: 41/16)

Order to Retain Documents in Confidence

Motion

C230216/326

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: 41/16 including:

- Minutes
- Report
- Attachment

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)(b).

2. That the Chief Executive Officer be authorized to release this matter from confidence when the contract is signed and unconditional.

Moved Councillor Yates, Seconded Councillor Lonie

Carried

CLOSURE

The Meeting closed at 9.53 pm.

CONFIRMED Tuesday 8 March 2016

MAYOR