

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 12 May 2015 at 7:02pm.

MEMBERS PRESENT

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

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 7.02pm.

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 R Aust

4.2 Absent - Nil

5. ITEMS PRESENTED TO COUNCIL

5.1 Local Government Professionals SA Award

At the 2015 Leadership Excellence Awards hosted by the Local Government Professional Australia SA the City of Holdfast Bay received the 2015 Excellence in Water Security Award.

This award recognised a dedication to water security as evidenced by the implementation of corporate process improvements, projects or initiatives that demonstrate significant real or potential benefit to the security of water and can be shown to be applicable and transferable to other councils.

6. DECLARATION OF INTEREST

Members were reminded to declare their interest before each item.

7. CONFIRMATION OF MINUTES

Motion

C120515/088

That the minutes of the Ordinary Meeting of Council held on 28 April 2015 be taken as read and confirmed.

Moved by Councillor Clancy, Seconded by Councillor Lonie

Carried

8. PUBLIC PRESENTATIONS

8.1 **Petitions** - Nil

8.2 **Presentations** - Nil

8.3 **Deputations** Nil

9. COUNCIL MEETING ADJOURNMENT

Motion

C120515/089

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

Moved Councillor Lonie, Seconded Councillor Yates

Carried

10. RESUMPTION OF COUNCIL MEETING – 7.09 pm

11. CONFIRMATION OF STRATEGIC PLANNING & DEVELOPMENT POLICY COMMITTEE RESOLUTIONS

Motion**C120515/090**

That Council confirms the following resolution from the Strategic Planning and Development Policy Committee:

- 1. *Endorse the enclosed Development Plan Amendment (refer Attachment 1) and submit to the Minister for Planning for approval to proceed to public consultation.***
- 2. *Proceed to public consultation upon receipt of approval to do so from the Minister for Planning.***
- 3. *Appoint a Committee, comprising of four (4) Councillors Yates, Bradshaw, Donaldson, and Lonie, to be part of a joint committee with the City of Marion to hear submissions at a public hearing following the conclusion of the receipt of written submissions.***

Moved Councillor Lonie, Seconded Councillor Bouchee

Carried

12. QUESTIONS BY MEMBERS**12.1 Without Notice -****12.1.1 DaCosta Reserve– Councillor Wilson**

Councillor Wilson asked a question regarding the budget allocation for toilets in DaCosta reserve.

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

12.2 With Notice - Nil**13. MEMBER'S ACTIVITY REPORTS****13.1 Brighton Croquet Club Centenary Book Launch**

Councillor Bradshaw reported that she attended the Brighton Croquet Club Centenary Book Launch.

13.2 Official Opening Glenelg North Community Garden

Councillors Bradshaw, Bouchee, Wilson and Smedley reported that they attended the Official Opening of the Glenelg North Community Garden.

13.3 Penguin Club

Councillor Bouchee reported that she represented the Mayor at a Penguin Club meeting.

13.4 Glenelg Brass Band Concert

Councillor Bouchee reported that she had attended a Glenelg Brass Band Concert.

13.4 **Official Opening of the Glenelg Visitor Information Centre**

Councillors Wilson, Yates, Lonie, Donaldson and Patton reported that they had attended the Official Opening of the Glenelg Visitor Information Centre.

14. **MOTIONS ON NOTICE - Nil**

15. **ADJOURNED MATTERS - Nil**

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

16.1 **Minutes – Alwyndor Management Committee – 21 April 2015** (Report No: 138/15)

The minutes of the Alwyndor Management Committee for 21 April 2015 are provided for information.

Motion

C120515/091

That the minutes of the Alwyndor Management Committee for 21 April 2015 be noted.

Moved Councillor Lonie, Seconded Councillor Clancy

Carried

16.2 **Minutes – Development Assessment Panel – 25 March 2015** (Report No: 105/15)

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

The minutes of the Development Assessment Panel meeting held 25 March 2015 are presented to Council for information.

Motion

C120515/092

That the minutes of the Development Assessment Panel meetings held on 25 March 2015 be received.

Moved Councillor Bradshaw, Seconded Councillor Charlick

Carried

16.3 **Minutes – Jetty Road Mainstreet Management Committee – 1 April 2015** (Report No: 116/15)

The Minutes of the Jetty Road Mainstreet Management Committee meeting held 1 April 2015 are attached and presented for Council's information.

Motion

C120515/093

That the minutes of the Jetty Road Mainstreet Management Committee held on 1 April 2015 be received.

Moved Councillor Patton, Seconded Councillor Wilson

Carried

17. REPORTS BY OFFICERS

17.1 Items in Brief (Report No: 135/15)

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

C120515/094

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

- **Feedback Sought by the Local Government Association on the Local Government (Accountability and Governance) Amendment Bill 2015**
- **Proposed Amendments to the Dog and Cat Management Act**
- **2015 Kingston Park Tree Planting**

Moved Councillor Clancy, Seconded Councillor Lonie

Carried

17.2 Request for Funds to Defend Three Appeals before the Environment, Resources & Development Court (Report No: 128/15)

This report seeks Council's endorsement to engage legal assistance to defend three appeals lodged with the Environment, Resources and Development Court against three decisions of the Development Assessment Panel (the Panel). The intention of this report is to defend the decision made by the Panel rather than comment on the merit of the development applications, which is the role of the Panel.

Without exception, Councils have historically engaged legal representation to defend matters brought before the Environment, Resources and Development Court. It is considered that the decision made by the Development Assessment Panel is entitled to similar defence. It is recommended that Council Administration is permitted to expend funds to resource the proper defence of the appeal.

The estimated cost of each appeal is outlined in the report and ranges from \$21,000 to \$24,000 per appeal.

Motion

C120515/095

That Council Administration is permitted to expend funds to resource the proper defence of the appeal described in Attachment 1 to this report lodged

with the Environment, Resources and Development Court against a decision of the City of Holdfast Bay Development Assessment Panel to:

1. **refuse a medium density redevelopment involving the division of a single allotment in two, and construction of one single-storey and one two-storey dwelling at 14 Kingston Crescent, Kingston Park.**
2. **refuse the redevelopment of the Caltex petrol filling station and increasing its operating times to 24-hours at 323 Brighton Road, North Brighton.**
3. **approve the conversion of an existing dwelling into a supported residential facility housing 8 persons at 45 Gordon Street, Glenelg.**

Moved Councillor Clancy, Seconded Councillor Lonie

Carried

17.3 **Community Donations Program (Report No: 102/15)**

Council provides annual financial assistance through the Community Donations Program to support local clubs, groups and organisations in a range of areas. This includes sport and recreational activities, environmental sustainability, community development, art, and culture. The program is designed to support and encourage community initiatives and projects within the City of Holdfast Bay, which will positively influence the community.

At the meeting on 26 August 2014, Council resolved to exclude clubs with licenced premises and/or paid players. Further investigation has shown that this will exclude a large number of groups from participating in the Community Donations Program. A full list of groups affected is included in this report.

The report is seeking Council's consent to continue with the previous policy for the community donation program which includes groups who have licensed premises and/or paid players.

Motion

C120515/096

That Council continues with the previous policy for the Community Donations Program which includes groups who have a licenced premises and/or paid players.

Conflict of Interest:

Councillor Snewin declared an interest in the item as he is the President of the Glenelg Cricket Club and left the chamber at 7.51pm.

Moved Councillor Clancy, Seconded Councillor Lonie

Carried

Councillor Snewin rejoined the chamber at 7.52pm.

17.4 **Development Assessment Panel Appointments (Report No: 132/15)**

The current term for Independent Members serving on Council's Development Assessment Panel (the Panel) is set to expire on 30 April 2015. This report

recommends that Council appoint four Independent Members to the Panel, one being the Presiding Member, based on the recommendations of a working group comprising Mayor Patterson and Councillors Bouchee, Clancy and Bradshaw, being the three Elected Members currently serving on the Panel.

Motion

C120515/097

1. **That Jenny Newman, Graham Goss, Peter Dinning and David Bailey be appointed to serve as Independent Members of 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 18 May 2015 and ending 30 April 2017.**
2. **That Jenny Newman be appointed to serve as Presiding Independent Member of 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 18 May 2015 and ending 30 April 2017.**

Conflict of Interest:

Councillor Bouchee declared an interest in the matter as she was a member of the interviewing panel and did not agree with the process undertaken and left the chamber at 7.52pm.

Conflict of Interest:

Councillor Bradshaw informed members that she was a member of the interview panel.

Moved Councillor Clancy, Seconded Councillor Snewin

Carried

Councillor Bouchee rejoined the chamber at 8.02pm.

- 17.5 **Street Tree Strategy Planting Guide – Seaforth Avenue, Somerton Park** (Report No: 125/15)

Council is requested to consider amending the Street Tree Strategy Planting Guide for Seaforth Avenue in Somerton Park, from *Pyrus calleryana* (Ornamental Pear) to *Jacaranda mimosifolia*.

Motion

C120515/098

That the Street Tree Strategy Planting Guide be amended to allow the planting of *Jacaranda mimosifolia* on Seaforth Avenue in Somerton Park on both sides of the road.

Moved Councillor Lonie, Seconded Councillor Clancy

Carried

- 17.6 **Alwyndor Management Committee Appointment** (Report No: 136/15)

The Alwyndor Management Committee selection panel has recently completed the interview process to fill two (2) vacancies on the Alwyndor Management

Committee (AMC). The selection panel, comprising Chief Executive Officer Mr Justin Lynch, AMC Chairman Mr Darry Royans and AMC Vice Chairman Ms Clare Cotton were unanimous in their recommendation that Mr Ollie Peters and Ms Leah Wills be endorsed as the successful candidates and appointed for a two year term to expire on 30 June 2017.

Motion

C120515/099

That Council endorses the recommendation of the Alwyndor Management Committee in relation to the appointment of Mr Ollie Peters and Ms Leah Wills to fill the vacancies on the Alwyndor Management Committee for a two year term to expire on 30 June 2017.

Moved Councillor Lonie, Seconded Councillor Clancy

Carried

17.7 **Financial Assistance Grants to Local Government – Australian Local Government Association Campaign** (Report No: 137/15)

The Australian Local Government Association (ALGA) has written to Council regarding the Financial Assistance Grants (FAGs) to Local Government and as part of the nationwide campaign to highlight that the freeze of indexation in the FAGs means this funding is not keeping pace with the demand for services and infrastructure in local communities.

In 2014-15 Council will receive \$1.124 million in FAGs funding through the South Australian Local Government Grants Commission.

ALGA is asking Council to pass a resolution acknowledging the importance of the Commonwealth's Financial Assistance Grants in assisting Council to provide important community infrastructure and to acknowledge the funding in our council publications so that the importance and impact of the funding is more broadly appreciated.

Councillor Patton left the chamber at 8.02pm.

Motion

C120515/100

That the Council:

1. **Acknowledges the importance of Commonwealth funding through the Financial Assistance Grants program for the continued delivery of councils services and infrastructure;**
2. **Acknowledges that Council will receive \$1.124 million in 2014-15; and**
3. **Will ensure that this funding, and other funding provided by the Commonwealth Government under relevant grant programs, is appropriately identified in Council publications, including annual reports.**

Moved Councillor Yates, Seconded Councillor Clancy

Carried

Councillor Patton rejoined the chamber at 8.04pm.

Division called

A division was called:

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

Those voting against: Nil

His Worship the Mayor declared the motion

Carried

18. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil

19. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING

19.1 **Inner and Middle Metropolitan Corridor Infill Development Plan Amendment**

Motion

C120515/101

1. Council receives the letter from the Minister for Planning, the Hon. J Rau and notes the intention to include various locations in Glenelg as part of investigations for the drafting of a Ministerial DPA;
2. A letter and report is prepared in response to the Minister's request for Council comment by 29 May, and that both the report and draft letter be available for Council review and consideration at the next meeting of Council, 26 May 2015.

Moved Councillor Patton, Seconded Councillor Lonie

Carried

Motion

C120515/102

1. That Administration obtain a planning report which will supplement previous which:
 - a. Assess the impact or overshadow caused by 10 storey buildings on both sides of Jetty road and the foreshore in the investigation area;
 - b. Identify what is the optimal height and setback for buildings so that there is no overshadow on jetty road or the foreshore from 10am to 4pm from the winter to summer solstice
 - c. Identify what sites on jetty road (if any) may be suitable for a 10 storey building
2. Assess the general impact on the building of 10 storey buildings on jetty road including the increase of population on traffic and parking.

3. That the council requests the department to engage a geologist and/or wind expert to assess the impact of a 10 storey height allowance in the investigation area and its effect on wind tunnelling and its effect on the micro climate of the beach.

Moved Councillor Wilson, Seconded Councillor Donaldson

Carried

Division called

A division was called:

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

Those voting against: Nil.

His Worship the Mayor declared the motion

Carried

20. ITEMS IN CONFIDENCE

- 20.1 **Contract for the Kauri Parade Tennis Court Construction** (Report No: 140/15)

Motion

C120515/103

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:
 - 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.
 - k. tenders for the supply of goods, the provision of services or the carrying out of works.

Moved Councillor Clancy, Seconded Councillor Charlick

Carried

Conflict of Interest:

Councillor Bradshaw declared an interest in the matter due to a close family member being a tenderer and left the chamber at 8.27pm.

Contract for the Kauri Parade Tennis Court Construction (Report No: 140/15)

Division called

A division was called:

Those voting for: Councillors Patton, Charlick, Smedley, Bouchee, Wilson, Donaldson, Clancy, Lonie, Snewin and Yates (11)

Those voting against: Nil.

His Worship the Mayor declared the motion

Carried

Order to Retain Documents in Confidence

Motion

C120515/105

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: 140/15 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)(d)(i) (ii) and (k).

2. That the Chief Executive Officer is authorised to release the report, minutes and attachments release when contract is signed.

Moved Councillor Lonie, Seconded Councillor Clancy

Carried

CLOSURE

The Meeting closed at 8.49pm.

CONFIRMED Tuesday 26 May 2015

MAYOR