

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 26 May 2015 at 7:02pm.

MEMBERS PRESENT

His Worship the Mayor, S Patterson
Deputy Mayor R Patton
Councillor R Aust
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 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 - Nil
- 4.2 Absent - Nil

5. ANNUAL BUSINESS PLAN CONSULTATION

Under Section 123 (4)(a)(i)(B) of the Local Government Act 1999, Council will provide a period of at least one hour for members of the public to ask questions and make submissions in relation to the 2015/16 Annual Business Plan and Budget.

Representations were received from:

- Mr Jack Messenger
- Mr David Bishop

Members of the community asked questions.

6. DECLARATION OF INTEREST

Members were reminded to declare their interest before each item.

7. CONFIRMATION OF MINUTES

Motion

C260515/106

That the minutes of the Ordinary Meeting of Council held on 12 May 2015 be taken as read and confirmed.

Moved by Councillor Donaldson, Seconded by Councillor Clancy

Carried

8. PUBLIC PRESENTATIONS

- 8.1 **Petitions** - Nil
- 8.2 **Presentation** - Nil
- 8.3 **Deputations**

8.3.1 **Brighton Sports and Social Club**

His Worship the Mayor, Mr S Patterson approved a ten minute delegation from Mr Dan Lunniss, a Board Member of the Brighton Sports and Social Club.

9. QUESTIONS BY MEMBERS

9.1 **Without Notice**

9.1.1 **Marketing for the Expressions of Interest on the Former Brighton Town Hall**

Councillor Bradshaw asked a question regarding the marketing plan for the Expressions of Interest on the Former Brighton Town Hall.

The Manager Organisational Sustainability, Ms T Aukett provided a response from the Agent.

9.1.2 **Glenelg Cinema Development**

Councillor Bouchee asked a question regarding the cinema development.

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

9.1.3 **Brighton Sports and Social Club**

Councillor Snewin asked a question about the Brighton Sports and Social Club.

His Worship the Mayor ruled that this was not a question and asked Councillor Snewin to bring this matter up in the debate on that agenda item.

9.1.4 **Sand Erosion at Seacliff**

Councillor Yates asked a question regarding the sand erosion at Seacliff.

His Worship the Mayor advised Councillor Yates that a Question on Notice should be submitted to get a full answer on this matter.

The General Manager City Assets, Mr S Hodge agreed to distribute an email to Members.

9.2 **With Notice - Nil**

10. MEMBER'S ACTIVITY REPORTS

10.1 **Mayoral Report** (Report No: 171/15)

Presented for the information of Members is the Activity Report for the Mayor for February 2015 - April 2015.

Motion

C260515/107

That the Mayor's Activity Report for February 2015 - April 2015 be received and noted.

Moved Councillor Clancy, Seconded Councillor Lonie

Carried

10.2 **Councillor Clancy**

Councillor Clancy reported that she attended the Somerton Surf Life Saving Club Presentation.

Councillor Clancy reported that she and Councillors Yates, Bradshaw, Patton, Snewin and the Mayor attended the Opening of the Veterans Shed at Kibby Reserve.

10.3 Councillor Bouchee

Councillor Bouchee reported that she had represented the Mayor at the Do It Now Foundation conference and attended the PatWatch meeting.

10.4 Councillor Patton

Councillor Patton reported that he had attended a briefing on Local Government and Tourism hosted by the South Australian Tourism Commission.

Councillor Patton attended on behalf of the Mayor the birthday lunch of the Holdfast Bay Legacy Club.

Councillor Patton reported that he attended the Glenelg Surf Life Saving Club Presentation evening.

10.5 Councillor Yates

Councillor Yates reported that she attended the Somerton Yacht Club end of Season with the Mayor.

Councillor Yates reported that she attended a meeting of the Murray Darling Association and the Brighton and Seacliff Yacht Club Committee.

10.6 Mayor Patterson

His Worship the Mayor, Stephen Patterson informed members of the Prime Minister of Australia, the Hon Tony Abbot MP's visit to Moseley Square.

11. MOTIONS ON NOTICE

11.1 Motion on Notice – Street Tree Planting – Councillor Yates (Report No: 170/15)

BACKGROUND

The Street Tree Planting Guide was developed some time ago and continuing experience with how trees perform once planted out in our city plus the availability of new improved cultivars means it is out-of-date in some respects. The streetscape may also have altered since the selection of tree species was made so that it is no longer suitable. Other issues are that the specified tree for a street may be difficult or expensive to source, the arborist may consider it will not perform well or will be less successful than another available tree species or will cause other issues eg with infrastructure. Because of the iconic standing

Norfolk Island Pines have in Holdfast Bay, Council would like to be consulted when this species is involved.

Motion

C260515/108

That Council administration may use their discretion to select a different tree species for planting to that listed in the Street Tree Strategy Planting Guide, except in the case of Norfolk Island Pines where Council should be consulted. Otherwise, Council should be informed of the change in time to respond if they so wish.

Councillor Snewin left the chamber at 8.07pm.

Councillor Snewin rejoined the chamber at 8.08pm.

Moved Councillor Yates, Seconded Councillor Clancy

Carried

12. ADJOURNED MATTERS - Nil

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

14. REPORTS BY OFFICERS

14.1 Monthly Financial Report – April 2015 (Report No: 169/15)

Attached are financial reports as at 30 April 2015. They comprise a Funds Statement and a Capital Expenditure Report for Council's municipal activities and Alwyndor Aged Care. They include the March budget adjustments adopted by Council on 28 April 2015 as detailed in report 121/15.

At this point in time there is no reason to amend the current forecast considered by Council at its meeting on 28 April 2015, although the following items are likely to affect the forecast. Net revenue from the Caravan Park to the end of April appears to be below the current forecast as bookings are unpredictable whilst the redevelopment of the park occurs. Interest on borrowings and investments are varying to the revised forecast due to cash flow requirements prior to the June rates instalment period. Cemetery, food inspection and dog fine income in tracking behind forecast, while waste management disposal costs are tracking marginally higher than forecast.

Motion

C260515/109

That Council receives the financial reports for the 10 months to 30 April 2015 and notes that there has been no change to the forecast for 2014/15:

Municipal Activities

- a projected operating deficit for 2014/15 of \$746,167
- a projected capital expenditure for 2014/15 of \$18.605 million
- a projected funding requirement for 2014/15 of \$6.665 million

Alwyndor Aged Care

- a projected operating deficit for 2014/15 of \$9,941
- a projected capital expenditure for 2014/15 of \$2.183 million
- a projected funding requirement for 2014/15 of \$1.376 million

Moved Councillor Donaldson, Seconded Councillor Bouchee

Carried

14.2 **Request to Rescind a Land Management Agreement for 167C Brighton Road, Somerton Park (Report No: 157/15)**

Council has received a request to rescind a Land Management Agreement between the former City of Brighton and Doysal Pty Ltd, imposing a minimum age requirement for persons occupying premises at 167C Brighton Road, Somerton Park. The affixing of Council's seal is required to execute the documentation consenting to the rescission.

Motion

That His Worship the Mayor and the Chief Executive Officer be authorised to sign and seal the document, provided as Attachment 2 to this report, to rescind a Land Management Agreement between the former City of Brighton and Doysal Pty Ltd, that imposes a minimum age requirement for persons occupying premises at 167C Brighton Road, Somerton Park.

Moved Councillor Lonie, Seconded Councillor Yates

Adjournment

C260515/110

That Report No: 157/15 "Request to Rescind a Land Management Agreement for 167C Brighton Road, Somerton Park" be adjourned to allow further consultation with 2 adjoining property owners.

Moved Councillor Charlick, Seconded Councillor Senwin

Carried

14.3 **Brighton District Table Tennis Club Inc – Renewal of Lease (Report No: 166/15)**

The Brighton District Table Tennis Club Inc. has been leasing the property located at 3 Grantham Road Somerton Park for a number of years, with the existing lease expiring on 30 June 2015, with no option to renew.

Subject to the approval of Council, a new lease for a period of five years from 1 July 2015 has been negotiated with the Brighton District Table Tennis Club Inc.

Motion

C260515/111

1. **That approval be granted to enter into a new lease with the Brighton District Table Tennis Club Inc. for a term of five years from 1 July 2015 over the land in portion of allotment 518 contained within Certificate of Title Volume 5719 Folio 136, as detailed in Attachment 1.**

2. **That the Chief Executive Officer and Mayor be authorised to execute the Lease document giving effect to this lease for 5 years from 1 July 2015.**

Moved Councillor Clancy, Seconded Councillor Yates

Carried

14.4 **Brighton Sports and Social Club – Request for Rental Relief** (Report No: 167/15)

The Brighton Sports and Social Club Inc. currently leases a portion of the Brighton Oval Precinct for a period of 5 years from 1 July 2011 to 30 June 2016.

The Brighton Sports and Social Club Inc has written to the City of Holdfast Bay seeking the following;

“That the council members vote to recind the entire 2014/15 lease amount in recognition of the financial state of the club and the inequity of the amount and state of the facilities relative to other sporting organisations”.

The current rent payable by the Brighton Sports and Social Club Inc for the 2014/15 financial year is \$13,414.38 per annum, (including GST).

After reviewing relevant factors such as leased area, building condition and comparable rents, a partial reduction in rent, from \$13,414.38 to \$7,707.70 including GST, per annum is recommended. It is further recommended that this reduction be continued for the remainder of the lease term.

Adjournment

C260515/112

That Report No: 167/15 “Brighton Sports and Social Club – Request for Rental Relief” be adjourned so that the Brighton Sports and Social Club, the Brighton Bombers Football Club and the Brighton Cricket Club can provide further financial information including information on grants.

Moved Councillor Clancy, Seconded Councillor Aust

Carried

14.5 **Information Report – Southern Region Waste Resource Authority – 4 May 2015** (Report No: 168/15)

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.

Under its charter, SRWRA is responsible for providing and operating waste management services on behalf of the constituent councils and ensuring that a long term waste management strategy exists in the southern region of Adelaide.

Motion

C260515/113

That the information report of the Southern Region Waste Resource Authority for its meeting held 4 May 2015 be received and noted.

Moved Councillor Yates, Seconded Councillor Lonie

Carried

14.6 **Final Report – Complaint to Office of Public Integrity** (Report No: 172/15)

In September 2013 a complaint was made in relation to the conduct of Mayor Rollond to the Office of Public Integrity. This complaint was made up of a number of allegations, some of which were referred to the Ombudsman SA for investigation. This complaint has now been resolved.

Adjournment

C260515/114

That Report No: 172/15 “Final Report – Complaint to Office of Public Integrity” be adjourned so that Members can consider the further information provided to Members from Dr Ken Rollond and be represented to Council at its next meeting.

Moved Councillor Bouchee, Seconded Councillor Yates

Carried

14.7 **Verge Management Policy** (Report No: 173/15)

Council is requested to consider the adoption of the Verge Management Policy. The Verge Management Policy was subject to a public consultation process as requested by Council at the Council meeting of 20 January 2015.

The consultation period extending from 16 February 2015 to 8 March 2015.

This new policy has been created to provide advice and guidance on the process and opportunities residents should note when improving and maintaining the Council Street Verges adjacent to their property.

Motion

C260515/115

That Council endorse the Verge Management Policy as at 14 April 2015 with the following amendments:

- **That Clause 2.4(b) to not include flower stems, native grass stems or annual plantings**
- **To remove all references to synthetic grass from the policy – not retrospective**

Moved Councillor Lonie, Seconded Councillor Donaldson

Carried

Division called

A division was called:

Those voting for: Councillors Bouchee, Wilson, Donaldson, Snewin, Clancy, Lonie, Bradshaw and Yates (8)

Those voting against: Councillors Aust, Charlick, Patton and Smedley (4).

His Worship the Mayor declared the motion

Carried

14.8 **2016 Australia Day Dry Zone – Angus Neill Reserve** (Report No: 162/15)

In the years prior to 2012 Angus Neil Reserve had been a destination for party revellers celebrating on Australia Day. These celebrations not only resulted in multiple fights and police arrests, and general property damage, but a significant degree of rubbish remained to be cleaned up at Council's expense. As such, in a proactive measure, from 2012 Council established Angus Neil Reserve as a regulated dry zone for Australia Day.

As the temporary dry zone has proven to serve as a vital tool for policing since its inaugural enactment, based upon the success, feedback and recommendations from 2015 Australia Day stakeholders debrief Council will once again lodge an application with Consumer and Business Services to enact Angus Neill Reserve [and adjacent beach area] as a Regulated Short-Term Dry Zone for Tuesday 26 January 2016 (as per attached map).

Motion

C260515/116

1. **That Council applies to the Office of Consumer and Business Services to temporarily enact Angus Neill Reserve into Short-Term Dry Zone Legislation for Australia Day Tuesday 26 January 2016.**
2. **That the associated boundaries, conditions and times of the 2016 extension remain the same as in 2015.**

Moved Councillor Lonie, Seconded Councillor Yates

Carried

14.9 **2015 New Years Eve Glenelg Dry Zone Temporary Boundary Extension** (Report No: 163/15)

The City of Holdfast Bay will again lodge an application with Consumer and Business Services to temporarily extend the boundaries of the Glenelg Long-Term Dry Zone for 2015 New Year's Eve celebrations (as per attached map).

The details of the application are based upon the success, feedback and recommendations from 2014 New Year's Eve stakeholders debrief.

Motion

C260515/117

1. **That Council apply to the Office of Consumer and Business Services to temporarily extend the boundaries of the Glenelg Dry Zone for 2015 New Year's Eve celebrations; and**
2. **That the associated boundaries, conditions and times of the 2015 extension remain the same as in 2014.**

Moved Councillor Patton, Seconded Councillor Bouchee

Carried

14.10 **Request to Purchase Unmade Road (Lane) at Glenelg North** (Report No: 164/15)

Council has been approached by a resident that abuts laneway A1 Site 29 in Glenelg North with a view to purchasing a portion of this unmade road. Following initial consultation with surrounding residents there appears to be no major objection to a possible sale of this unmade road and to progress this, a formal process is required to be undertaken as part of the Roads Opening and Closing Act (1991) before Council can resolve to dispose of the road.

Motion

C260515/118

1. **To commence a road closure process pursuant to the *Roads (Opening and Closing) Act 1991(SA)* in respect of the portion of Lane A1, Glenelg North, highlighted on the plan in Attachment 1 to this report.**
2. **To authorise the Chief Executive Officer to undertake all actions required to commence the road closure process and to prepare a report for the Council on the outcome of the public consultation required by section 14 of the Roads opening and Closing Act in order for the Council to consider any applications and objections received to the proposed road closure.**
3. **To authorise the Chief Executive Officer to obtain a valuation of the Subject Road.**
4. **That, having consideration to the relevant parts of the Council's policy on the sale and disposal of surplus land pursuant to section 49 of the *Local Government Act 1999 (SA)*, the Council authorises the Chief Executive Officer or delegate to negotiate the terms of a preliminary agreement with the owner of 7A Munro Street, (potential purchaser), on the basis that if and when the portion of subject road is closed as a public road, the Council will sell, the subject road for the amount identified in the valuation plus costs.**

Councillor Charlick left the chamber at 9.01pm

Moved Councillor Patton, Seconded Councillor Smedley

Carried

Councillor Charlick rejoined the chamber at 9.03pm

Division called

A division was called:

Those voting for: Councillors Aust, Patton, Charlick, Smedley, Wilson, Clancy, Lonie and Yates (8)

Those voting against: Councillors Bouchee, Donaldson, Snewin and Bradshaw (4).

His Worship the Mayor declared the motion

Carried

- 14.11 **Ministerial Inner and Middle Metropolitan Corridor Infill Development Plan Amendment (Report No: 174/15)**

The Minister for Planning has written to Council to advise that he has initiated investigations for the preparation of a Ministerial Development Plan Amendment (DPA) to consider additional transit corridor locations for multi-storey mixed use development in selected locations. Areas proposed for investigation include several locations within Glenelg, including the Jetty Road District Centre, foreshore area and area adjacent to the Patawalonga and along Anzac Highway.

The Minister and State Government are proposing to work jointly with affected councils, including Holdfast Bay, in developing appropriate policy for the affected areas. The Government is seeking initial input from Council to inform the spatial extent of the proposed investigation areas and policy directions.

The purpose of this report is to confirm Council's agreement to be engaged in the DPA process and to formulate and endorse a response to the Minister.

Motion

C260515/119

1. That Council confirms its intention to remain actively engaged in the investigations for the Inner and Middle Metropolitan Corridor Infill Ministerial Development Plan Amendment Report and endorses the letter located at Attachment 4.
2. That Administration provide initial comments and input directly to the Department of Planning, Transport and Infrastructure by 29 May 2015 based on the information presented in Report Number 174/15 and Elected Members Workshop held on 19 May 2015 to inform the directions of the Inner and Middle Metropolitan Corridor Infill Ministerial Development Plan Amendment Report.

Moved Councillor Lonie, Seconded Councillor Charlick

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 Renewal of Adshel Bus Shelter Agreement (Report No: 165/15)

Motion

C260515/120

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 under Section 90(2) and 90(3)(d) of the Act.**

Moved Councillor Yates, seconded Councillor Clancy

Carried

Councillor Donaldson left the chamber at 9.13pm.

Renewal of Adshel Bus Shelter Agreement (Report No: 165/15)

Councillor Donaldson rejoined the chamber at 9.15pm.

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

Motion

C260515/122

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: 165/15 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)(d) (i and ii).

2. **The Chief Executive Officer is authorised by the Council to release the report, minutes and attachments after the contract is executed.**

Moved Councillor Lonie, Seconded Councillor Donaldson

Carried

CLOSURE

The Meeting closed at 9.37pm.

CONFIRMED 9 June 2015

MAYOR