

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 11 October 2016 at 7:00pm.

MEMBERS PRESENT

His Worship the Mayor, S Patterson
Deputy Mayor M 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 A Wilson
Councillor L Yates

STAFF IN ATTENDANCE

Acting Chief Executive Officer - PE Aukett
General Manager City Assets & Services - SG Hodge
Acting General Manager Business Services – P Jackson

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 - Nil**6. DECLARATION OF INTEREST**

Members were reminded to declare their interest before each item.

7. CONFIRMATION OF MINUTES**Motion****C111016/530**

That the minutes of the Ordinary Meeting of Council held on 27 September 2016 be taken as read and confirmed.

Moved by Councillor Yates, Seconded by Councillor Aust

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 Roller Shutters– Councillor Bouchee**

Councillor Bouchee asked a question regarding Roller Shutters on Commercial premises on Jetty Road, Glenelg.

The Acting Chief Executive Officer, Ms T Aukett took the question on notice.

9.1.2 Brighton and Seacliff Yacht Club Sheds – Councillor Lonie

Councillor Lonie asked a question regarding the completion date for the Brighton and Seacliff Yacht Club Sheds.

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

9.2 With Notice

9.2.1 Brighton Road Petrol Station (Report No. 252/16)

Councillor Yates asked the following question:

“What are Council’s powers in relation to eight cars that have been parked for sale at the petrol station.”

ANSWER – General Manager, City Assets & Services

The placement of motor vehicles on private land (whether registered or unregistered) does not require approval under the *Development Act 1993*, unless there are pre-existing conditions preventing such use. Furthermore, there is no limit as to the number of vehicles that can occupy a site either, unless the amenity of the site is compromised and the circumstances give rise to the land becoming ‘unsightly’, in which case an Order can be issued pursuant to Section 254 of the *Local Government Act 1999*. It is unlikely that such an Order can be justified in the case of roadworthy vehicles, irrespective of their number.

Turning to the activity itself, the display of motor vehicles for sale on private land, *per se*, does not constitute a change of land use under the *Development Act 1993*. As the vehicles are simply displayed with an invitation to purchase, there are no negotiations or transactions occurring on the site. The site is effectively dormant of business activity. The only recourse available to council would be to allege that the display of vehicles on the site results in a change of land use to ‘*service trade premises*’, which are defined by the *Development Regulations 2008* as premises used primarily for the sale, rental or display of motor vehicles. However, the council would be hard pressed to argue before the Environment, Resources and Development Court that the occasional or random display of motor vehicles for sale would constitute the ‘primary’ land use for a site that is otherwise vacant during a seven-day cycle.

9.2.2 Girl Guides Hall 41 Kauri Parade (Report No: 253/16)

Councillor Bouchee asked the following question:

“1. Can Administration provide Condition Rating reports on the building both internally and externally, with associated costings for planned upgrades in accordance with Councils adopted Asset Management plans as well as replacement costs at the end of life of the building?”

2. When is this building due for replacement as per our Asset Management Plan?”

3. ***Can administration also provide maintenance costs over the past 5 years and what offset was provided for these costs by the Girl Guides Association?***
4. ***When the building was subleased to Montessori did the Girl Guides Association notify council, and if so was a change of use application processed by council Development Assessment team and what was the outcome of that assessment?***
5. ***Can Administration also provide an assessment on whether this building is fit for purpose as an "Early Childhood Learning" facility?"***

ANSWER – General Manager, City Assets & Services

1. There are no planned upgrades for the building, however there are some asset component renewals – “like for like” or in reality “like for modern equivalent”. The condition rating data allows for the cyclic renewal of “standard components” and leaves the “residual part” or shell of the structure. The structure does have an end of life in buildings but it is usually something like 50 to 80 years depending on materials and maintenance practices.

The current replacement cost in 2012 dollars is \$612,168.
2. The structure is not due for replacement in our current plan, it just has components that are due for renewal on the schedule. The decision to replace the structure would be based on other factors that drive the replacement i.e. – condition, utilisation, functionality, needs, budget and value for money etc. The Seacliff Scout Hall is an example of a facility that is in average condition and components can be renewed continuously but that will not necessarily address any “fit for purpose”, functionality, DDA needs. However the end of life for the structure is currently pitched at 2052.
3. With these low paying rentals council does minimal maintenance outside of structure renewal. Council has spent \$12,371 (ex. GST) over the last 5 years on repair and maintenance i.e. painting external timbers, roof repairs and some stormwater drainage improvements. Under our current programs are that we do not get information back from tenants on what maintenance they undertake. The tenants could be doing major maintenance or in most cases, none at all. The main conclusion from this is that over time and with minimal maintenance all the issues become structural which then falls back to the landlord.

The lease agreement to Girl Guides SA does not require that they must advise the Lessor, City of Holdfast Bay, on what maintenance, or cost of, that is undertaken. The lease generally provides the Lessee must maintain the premises to a safe and useable condition at all times.

There is also significant amounts of asbestos within the building. The current asbestos register suggests that to replace the asbestos with an approved material would cost in the order of \$60,000.

4. A new lease entered into in 2007 specifically provided for a sub-lease arrangements with the proprietor of the Montessori Kindergarten School. Records indicate that this arrangement has been in place between Girl Guides SA since 1996 when a Memorandum of Understanding was signed between the then City of Brighton and Guides SA which contained the following clause: "Guides South Australia Incorporated does ,under clause 2j headed "subletting", have the right to sublet to the Children's House Pty Ltd for the purpose of conducting a Montessori Kindergarten on Monday to Friday under the terms and condition agreed by the Management Committee of the said premises".

There was no "Change of Use" application processed by Council's Development Assessment Team. While the building remains leased to the Guides for the purposes of being used as a Meeting Hall an "Existing Use Rights" exist and there is no requirement to apply for a change of use under the Development Act. Should Council lease the hall to a different tenant who intended a different use, then a "Change of Use" application would need to be lodged.

5. The building was last assessed in 1974 when it was approved for use as a Scout Hall however, time has not permitted to have a current assessment carried out by a qualified Building Surveyor in readiness for this report.

10. MEMBER'S ACTIVITY REPORTS

10.1 Councillor Bouchee

Councillor Bouchee reported that she attended the Brighton Meals on Wheels Annual General Meeting representing the Mayor.

10.2 Councillor Patton

Councillor Patton reported on the activities of the Glenelg Commemoration Day Sports Festival.

10.3 Councillor Yates

Councillor Yates reported that she attended:

- The Seacliff Surf Life Saving Club Opening Day, representing the Mayor with Councillors Bouchee and Donaldson
- A meeting of the Murray Darling Association on 5 October 2016
- A meeting regarding the Environmental Pillar of the Councils Strategic Plan
- A meeting regarding the Greening our Community Grant program

10.4 Councillor Lonie

Councillor Lonie reported that she attended the Brighton and Seacliff Yacht Club Season Opening Day, representing the Mayor and the Seacliff Surf Life Saving Club Opening Day.

10.5 Councillor Bradshaw

Councillor Bradshaw reported that she attended the Brighton and Seacliff Yacht Club Season Opening Day.

10.6 Councillor Clancy

Councillor Clancy reported that she attended the Somerton Surf Life Saving Club Opening Day, representing the Mayor.

Councillor Smedley left the chamber at 7.11pm.

10.7 Councillor Donaldson

Councillor Donaldson reported that she attended the Somerton Yacht Club Opening Day, representing the Mayor.

10.8 Mayor Patterson

His Worship the Mayor reported that he attended:

- Bay Sheffield Prize Money Announcement with the Minister for Tourism, the Hon Leon Bignall MP
- Community Forums for the Say September Community Engagement Campaign at Glenelg and Seacliff with Councillors Smedley, Patton, Aust, Bradshaw, Clancy, Yates and Lonie

Councillor Smedley rejoined the chamber at 7.13pm.

11. MOTIONS ON NOTICE**11.1 Alternative Power Supply Plan Strategy (Report No: 254/16)**

Councillor Bouchee proposed the following motion:

BACKGROUND

In light of recent power outages and the fact that weather patterns will become more severe with the onset of climate change, and the State Government recent acknowledgement that 'black outs' show the system is not working as it should, it has become apparent that the occurrences will become more prevalent in the future.

It would appear that we are not in a position to provide 'business as usual' when faced with such circumstances.

Given that our primary business centres ie Brighton Civic Centre, Glenelg Town Hall and the Works Depot can't function during these times, means that we cannot provide services to our community when some of our residents most need it and are at their most vulnerable.

I would advocate that over time that we explore the opportunity to install backup generators to our main business centres and in light of the development of our various community and sporting hubs ie Seacliff Sports and Social Club, the Brighton Oval complex and the Glenelg Oval Precinct, that we build generators into our developing Master Plans for each centre, to future proof for such occasions. These facilities could then also be used to ensure that residents had somewhere to go during any adverse events where they may not feel comfortable in their home.

However I believe in the shorter term we should consider a backup power generator for the Brighton Civic Centre as a starting point.

Motion**C111016/531**

- 1. That Administration put together a medium term plan, plus costings to build into our main business centres and community hubs backup generators in the event we have extreme weather with power outages.**
- 2. That administration consider the feasibility of battery storage options in conjunction with our solar panels.**

Moved Councillor Bouchee, Seconded Councillor Smedley

Carried

12. ADJOURNED MATTERS - Nil**13. REPORTS OF MANAGEMENT COMMITTEES, SUBSIDIARIES AND THE DEVELOPMENT ASSESSMENT PANEL – Nil**

14. REPORTS BY OFFICERS**14.1 Items in Brief (Report No: 230/16)**

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**C111016/532**

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

- **Obesity Prevention and Lifestyle (OPAL) Network**
- **Submission to DPTI on the Local Heritage Discussion Paper – Planning Reforms**

Moved Councillor Lonie, Seconded Councillor Patton

Carried**14.2 Brighton Oval Complex Master Plan – Consultation Findings (Report No: 246/16)**

The purpose of this report is to outline the results and findings from the community consultation undertaken on the Brighton Oval Complex Draft Master Plan. Over the past 12 months, Council has been working with the clubs to develop a mutually agreed concept for the Brighton Oval Complex. This master plan aims to provide a coordinated and strategic planning approach to the provision of the community, sport and recreation infrastructure at the site

At its meeting on 28 June 2016 (Resolution No. C280616/429), council gave in-principle support of the Brighton Oval Draft Master Plan so community consultation could be undertaken on the draft master plan.

A 21 day community consultation process ran from 9 August to 30 August 2016. A drop in session was also held on 17 August 2016 where the community could come and view the plans and ask questions of council.

At the conclusion of the consultation, Council received 55 submissions. Results from the consultation support the proposal with 88% of respondents in favour.

Adjournment**C111016/533**

That this matter be adjourned until research (investigations on whether the plan will be funded) is conducted if funding bodies will support the project and staged progress plan is prepared and presented back to council by end of November 2016.

Moved Councillor Smedley, Seconded Councillor Lonie

Carried

Leave of the Meeting

His Worship the Mayor sought leave of the meeting to allow a question to be asked by Cr Bouchee on the Adjourned item.

Leave was granted by the Chamber and Councillor Bouchee asked her question.

14.3 **Southern Region Waste Resource Authority – Information Report** (Report No: 243/16)

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.

Motion

C111016/534

That the information report of the Southern Region Waste Resource Authority for its board meeting held on 19 September 2016 be received and noted.

Moved Councillor Smedley, Seconded Councillor Yates

Carried

Conflict of Interest

Mayor Patterson declared a material conflict of interest for item *14.4 Proposed 40km/hr Speed Reduction on Broadway, Glenelg South (Report No: 242/16)*. The nature of his material conflict of interest (Pursuant to Section 74 of the Local Government Act 1999) as he resides and owns property on The Broadway, Glenelg South.

Mayor Patterson dealt with this material conflict of interest by leaving at the chamber at 7.32pm.

Conflict of Interest

Councillor Bouchee declared a material conflict of interest for item *14.4 Proposed 40km/hr Speed Reduction on Broadway, Glenelg South (Report No: 242/16)*. The nature of his material conflict of interest (Pursuant to Section 74 of the Local Government Act 1999) as he resides and owns property on The Broadway, Glenelg South.

Councillor Bouchee dealt with this material conflict of interest by leaving at the chamber at 7.32pm.

Alternative Presiding Member

As both the Presiding Member, His Worship the Mayor and the Deputy Mayor, Councillor Bouchee both declared a material interest in this item, Councillor Clancy was invited by His Worship the Mayor to be the acting Chairperson of the Meeting.

Councillor Clancy assumed the role as Chairperson at 7.33pm.

14.4 **Proposed 40km/hr Speed Reduction on Broadway, Glenelg South** (Report No: 242/16)

Council is currently exploring concepts for streetscape improvements on Broadway, between Moseley Street and Partridge Street. The streetscape improvements include considering whether a reduction in speed limit from 50km/h to 40km/h should apply on this portion of road, in the same manner as it does at the Jetty Road, Brighton and Jetty Road, Glenelg commercial precincts. The Department of Planning, Transport & Infrastructure (DPTI) approval is required for a reduced 40km/h speed limit and a community consultation outcome is required as part of Council's application to the Department.

Motion

That Council endorses Administration to consult with affected residents and business operators regarding the proposal for the installation of traffic calming measures on the Broadway, Glenelg South.

Moved Councillor Smedley, Seconded Councillor Charlick

Amendment

C111016/535

That Council endorses Administration to consult with affected residents and business operators regarding the proposal for the installation of traffic calming measures, including a reduction to a 40km speed limit, on the Broadway, Glenelg South.

Moved Councillor Yates, Seconded Councillor Wilson

The amendment on being put was

Carried

The motion, as amended, on being put was

Carried

His Worship the Mayor, Mr S Patterson and Councillor Bouchee rejoined the chamber at 7.43pm.

Councillor Clancy left the chair at 7.43pm.

14.5 **Appointment of Deputy Mayor** (Report No: 248/16)

Under Section 51 of the *Local Government Act 1999* Council may appoint a Deputy Mayor for a term not exceeding four years.

Council has previously made appointments of Deputy Mayor for a term of one year. It is Council's prerogative to choose another term, if it chooses.

The Deputy Mayor may act in the absence of the Mayor, in the office of Mayor.

His Worship the Mayor sought nominations from the Chamber and Councillors Lonie and Yates expressed their interest in nominating for the position. As there were two nominations a secret ballot was conducted and Councillor Lonie was selected as the candidate.

Motion

C111016/536

That Councillor Lonie be appointed Deputy Mayor for a period of one year, from 1 December 2016 to 30 November 2017.

Moved Councillor Snewin, Seconded Councillor Aust

Carried

14.6 Time and Place for Ordinary Council Meetings (Report No: 249/16)

The *Local Government Act 1999* requires Council to hold at least one meeting per month.

It is a decision of the Council to determine its meeting schedule. Meeting schedules can be reviewed and amended at any time by the Council.

In previous terms, Council has met on the second and fourth Tuesdays of each month (February – November) and once in January and December due to the holiday periods. It is proposed that Council continues this meeting schedule in 2017, due to the Anzac Day Public Holiday falling on a council meeting date it is proposed to hold only one meeting in April.

Motion

C111016/537

1. That Council continue to meet once in the months of December 2016, January, April and December 2017 and will meet on:

- **13 December 2016**
- **24 January 2017**
- **11 April 2017**
- **12 December 2017**

2. That Council will meet on the second and fourth Tuesday of each month, commencing in February 2017, excluding April 2017.

3. If required an informal gathering will be held prior to Council Meetings commencing at 6.00pm.

4. If required an informal gathering commencing at 6.00pm will be held on the first Tuesday of each month, excluding November.

Moved Councillor Patton, Seconded Councillor Aust

Carried

14.7 **30-Year Plan for Greater Adelaide 2016 Update** (Report No: 251/16)

The State Government recently released its draft Update to the 30-Year Plan for Greater Adelaide for consultation. The Government is seeking feedback on the draft Plan Update by 21 October 2016.

The purpose of this Report is to seek Council's endorsement of a proposed response to the draft 30-Year Plan Update.

Motion

C111016/538

That Council endorses the draft response to the State Government on the draft 30-Year Plan for Greater Adelaide 2016 Update located at Attachment 1 to Report Number 251/16.

Councillor Donaldson left the chamber at 7.53pm.

Councillor Donaldson rejoined the chamber at 7.56pm.

Moved Councillor Lonie, Seconded Councillor Clancy

Carried

15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS

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

16.1 **Glenelg Cricket Club – Women's Team**

Councillor Snewin reported that the Glenelg Cricket Club will be fielding a Women's Team for the first time in the Club's history.

16.2 **Brighton Sporting Precinct**

Councillors Donaldson and Clancy asked questions regarding the Brighton Sporting Precinct project.

17. ITEMS IN CONFIDENCE

17.1 **Brighton Town Hall Progress Report** (Report No: 255/16)

Motion

C111016/539

- 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 this item, Brighton Town Hall Progress Update, at the meeting on the grounds set out in Section (90(3)(b) of the Local Government Act, namely that:
 - 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, as the benefit or detriment to Council in not disclosing information relating to Brighton Town Hall Progress Update, outweighs the public interest at this time.

Moved Councillor Clancy, Seconded Councillor Lonie

Carried

17.1 Brighton Town Hall Progress Update

Councillor Lonie left the chamber at 8.05pm.

Councillor Lonie rejoined the chamber at 8.06pm.

Councillor Wilson left the chamber at 8.06pm.

Councillor Wilson rejoined the chamber at 8.07pm.

Order to Retain in Confidence

Motion

C111016/541

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: 255/16 including:
 - Minutes
 - Report
 - Attachmentrelating 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. This resolution will be reviewed within 12 months by the Council.

Moved Councillor Lonie, Seconded Councillor Clancy

Carried

17.2 Verbal Update on Minda**Motion****C111016/542**

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 this item, Verbal Update on Minda at the meeting on the grounds set out in Section (90(3)(b) (h) and (i) of the Local Government Act, namely that:
 - 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, as the benefit or detriment to Council in not disclosing information relating to the Minda Update outweighs the public interest at this time.
 - h. legal advice.
 - i. information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council.

Moved by Councillor Clancy, Seconded by Councillor Bouchee

Carried**Verbal Update on Minda****Councillor Bouchee left the chamber at 9.00pm.****Councillor Yates left the chamber at 9.00pm.****Motion****C111016/544**

1. That an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the minutes relating to the Verbal Update on Minda 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), (h) and (i).

2. This resolution will be reviewed within 12 months by the Council.

Moved Councillor Lonie, Seconded Councillor Clancy

Carried

CLOSURE

The Meeting closed at 9.01 pm.

CONFIRMED Tuesday 8 November 2016

MAYOR