

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 25 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 A Wilson
Councillor L Yates

STAFF IN ATTENDANCE

Chief Executive Officer - JP Lynch
General Manager City Assets & Services - SG Hodge
General Manager Business Services - IS Walker
Manager City Activation – M Lock

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 – Councillor R Snewin
- 4.2 Absent - Nil

5. PRESENTATION TO A MEMBER OF COUNCIL**5.1 Councillor Bouchee**

In recognition of her 20 years of service to the City of Glenelg and the City of Holdfast Bay, His Worship the Mayor made a presentation to Councillor Bouchee.

6. DECLARATION OF INTEREST

Members were reminded to declare their interest before each item.

7. CONFIRMATION OF MINUTES**Motion****C251016/545**

That the minutes of the Ordinary Meeting of Council held on 11 October 2016 be taken as read and confirmed.

Moved by Councillor Lonie, Seconded by Councillor Patton

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 Social Media Support for Community Organisations– Councillor Aust**

Councillor Aust asked a question regarding if Council is able to provide social media support for community organisations.

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

9.1.2 Brighton Performing Arts Centre – Councillor Charlick

Councillor Charlick asked a question regarding the Brighton Performing Arts Centre Joint Use Agreement.

Council's Brighton Performing Arts Centre representative Councillor S Lonie provided Members an update on the Brighton Performing Arts Centre Joint Use Agreement.

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

9.1.3 **CCTV Consultation – Councillor Smedley**

Councillor Smedley asked a question regarding the public consultation on CCTV cameras.

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

9.1.4 **Consultation on the Big Wedgie – Councillor Smedley**

Councillor Smedley asked a question regarding the consultation on the installation of the Big Wedgie on Colley Reserve.

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

9.1.5 **CCTV Consultation – Councillor Bouchee**

Councillor Bouchee asked a question regarding the scope of the CCTV consultation.

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

9.1.6 **Bikes on Trams – Councillor Bouchee**

Councillor Bouchee asked a question regarding allowing bikes on trams.

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

9.17 **Sails on Brighton Jetty – Councillor Bradshaw**

Councillor Bradshaw asked a question regarding the replacement of the sails on Brighton Jetty.

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

9.2 **With Notice**

9.2.1 **Question on Notice – Glenelg Foreshore Playground Trees, Grass and Merry-go-round (Report No: 264/16)**

Councillor Wilson asked the following question:

“What measures are being taken to repair the Glenelg Foreshore Playground trees, grass and merry go round?”

Background

The Glenelg Foreshore Play Space was developed by WAX Designs in partnership with council, based on the community consultation undertaken in March 2014.

The playspace design offers a gradient of play opportunities for all ages and abilities, transitioning from the more challenging equipment and mounds towards the northern end, right through to the sand, water play and climbing area, along with the western landscaped setting of the trampolines.

ANSWER – MANAGER, ACTIVE COMMUNITIES

Since the Glenelg Foreshore Playspace opened in January 2016, the playspace has had little down time to RECOVER from the high amount of usage it has been getting. Along with the high usage the playspace has also endured a very hot summer, heavier than average rainfall and coastal storms which saw damage to the plants, trees and turf.

The playspace was closed for 5 days from Monday 17 October until Saturday 21 October 2016 for renewal. The following modifications were made to the playspace during the closure: replacing the turf mounds on the eastern side that connects the rope climb with softfall rubber; installing a new path (stonefell quarry and cement mix) east of the new softfall rubber; improving drainage in the water play area; and reinstating some plants in the surrounding landscaping.

As well as the work above, minor repairs have been made to the trampolines to extend their life, while the carousel (merry-go-round) requires more extensive repairs.

9.2.2 Question on Notice – Roller shutters on Commercial Premises – Jetty Road, Glenelg (Report No: 269/16)

Councillor Bouchee asked the following question:

“Will Administration review the Development Plan regarding the prevention of shop premises from installing roller shutters which impacts on the visual appearance of the streetscape.”

ANSWER – Manager Development Services

Roller shutters on commercial premises have had a checkered history. There is a tipping point where the measures used to secure premises become the cause for disengaging potential clientele. Council’s role in this area is limited, because unless the roller shutters are associated with a heritage listed shopfront, approval for their installation is not necessarily required under the Development Act.

In 1991 the then City of Glenelg commissioned a document entitled “Street Frontage Design Guidelines for Jetty Road & Moseley Square, Glenelg” (the Guidelines). The Guidelines were not limited to heritage

listed shopfronts and were intended to inform a future amendment to the Development Plan, which did not eventuate. Notwithstanding, the Guidelines have since been used as a reference for good shopfront design when advising prospective shopkeepers of their options for remodeling shop facades. Whilst not specifically discouraging roller shutters, the Guidelines were not supportive of façade treatments that 'blocked-out' the views of passers-by to the goods and services offered behind shop windows.

Whilst not enforceable, the Guidelines have been used by council staff since 1991 to dissuade shopkeepers from installing roller shutters, steering them towards alternative solutions, such as toughened glass, as a means to secure their premises. However, there are a few shopkeepers who seek a visual deterrent, turning to roller shutters instead.

The recent Ministerial amendment to the District Centre Zone at Glenelg further dilutes the opportunity to include local policy content into the Council's Development Plan. It is unlikely therefore that the Guidelines will ever form part of Zoning policy, and equally unlikely that the new Planning, Development and Infrastructure Act will legislate to prohibit the use of roller shutters in commercial precincts.

Administration will continue to advocate the benefits of not installing roller shutters, in favour of more community-friendly alternatives.

10. MEMBER'S ACTIVITY REPORTS

10.1 Councillor Bouchee

Councillor Bouchee reported that she attended:

- St Peter's Glenelg, launch of West Windows Restoration Appeal on behalf of the Mayor.
- Women in Local Government Breakfast at the Adelaide Town Hall with Councillors Yates and Lonie

10.2 Councillor Patton

Councillor Patton reported that he attended the Ring Bowls presentation.

10.3 Councillor Aust

Councillor Aust reported that she attended:

- a meeting with the Manager of the Community Wellbeing business unit.
- the Opening of the Community Information Kiosk with Councillors Bradshaw and Yates

10.4 Councillor Wilson

Councillor Wilson reported that she attended the opening of the Coast Yoga Studio on behalf of the Mayor.

10.5 **Councillor Yates**

Councillor Yates reported that she attended:

- the opening of Coast Yoga
- an information session on the Draft 30-Year Plan for Greater Adelaide
- the opening of the Brighton Ashes Memorial with Councillors Aust and Donaldson
- a meeting regarding the Environmental Pillar of the Strategic Plan
- the Friends of Parks Forum

10.6 **Councillor Charlick**

Councillor Charlick reported that he attended the All French Car day on Wigley Reserve.

10.7 **Mayor Patterson**

Mayor Patterson informed members of his tour of Gilbertson and Pine Gully with the Presiding Member of the Adelaide and Mt Lofty Ranges Natural Resources Management Board Professor Chris Daniels.

11. MOTIONS ON NOTICE

11.1 **Motion on Notice – Notice on Motion – Document Management Policy – Councillor Wilson** (Report No: 270/16)

Councillor Wilson proposed the following motion:

BACKGROUND

From time to time to Council needs documents relevant to a matter. Copies of those documents need to be held on site so that they can be referred to without instructing solicitors to locate them and incurring unnecessary legal fees.

Motion

C251016/546

1. **That Administration reviews its Document Management policy to ensure that a Key Document Register is established and maintained. The Key Document Register should include, but is not limited to, contracts, leases, charges and deeds.**
2. **That Administration report back to Council within 6 months with a revised policy.**

Moved Councillor Wilson, Seconded Councillor Lonie

Carried

11.2 **Motion on Notice – Flooding Moseley and Pier Streets – Councillor Bouchee**
(Report No: 272/16)

Councillor Bouchee proposed the following motion:

BACKGROUND

For many years there has been an issue with local flooding at this intersection in moderate to extreme rainfall events.

Council did go part way to solving this issue with the duplication of the underground stormwater system in Pier Street, from Diagonal Road to Moseley Street, however there was never any further budgets or state funding towards completing this project and as a consequence it has simply sat unaddressed for several years.

With the increase in severe rain events this problem will only continue and maybe worsen to the extent that stormwater flooding may cause inundation to the residents' properties at this location and I believe this should be avoided with some feasible engineering solution.

Motion

C251016/547

That Administration develop and cost a stormwater management solution to address the flooding issues at the intersection of Moseley Street and Pier Street, with a view to including this project for consideration in the 2017/2018 budget.

Moved Councillor Bouchee, Seconded Councillor Wilson

Carried

12. ADJOURNED MATTERS - Nil

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

13.1 **Minutes – Audit Committee – 5 October 2016** (Report No: 265/16)

The minutes of the special meeting of the Audit Committee held on 5 October 2016 are presented to Council for information and endorsement.

Motion

C251016/548

That Council receives and notes the minutes of the meeting of the Audit Committee of 5 October 2016.

Moved Councillor Smedley, Seconded Councillor Donaldson

Carried

13.2 **Minutes – Alwyndor Management Committee – 20 September 2016** (Report No: 266/16)

The Minutes of the Alwyndor Management Committee meeting on 20 September 2016 are provided for information.

Motion

C251016/549

That the minutes of the Alwyndor Management Committee meeting on 20 September 2016 be noted.

Moved Councillor Lonie, Seconded Councillor Aust

Carried

14. REPORTS BY OFFICERS

14.1 **Items in Brief** (Report No: 250/16)

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

C251016/550

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

- **Susan Grace Benny Bronze Bust Sculpture Update**
- **Outstanding Council Meeting Actions**
- **Partridge Street (East and West) Care Parks Quarterly Report**
- **Glenelg Police Station – Letter from Chief Superintendent Fauser in response to Resolution C160913/482**
- **Project Schedules**

Moved Councillor Smedley, Seconded Councillor Charlick

Carried

14.2 **Greening Our Community Grants 2016-17** (Report No: 263/16)

The City of Holdfast Bay received 11 Greening our Community Grants this year, the most requests to the program in its 6 year history. The application request totalled \$42,291, this figure heavily over subscribing the allocated budget. After thorough assessment of all applications, the panel recommends that seven applicants receive partial funding, two receive the full funding and two receive no funding.

Councillor Charlick left the chamber at 7.55pm.

Motion

C251016/551

That Council approves funding for 9 Greening Our Community Grant applications for the 2016-2017 financial year.

Councillor Charlick joined the chamber at 7.57pm.

Moved Councillor Lonie, Seconded Councillor Yates

Carried

14.3 **Community Donations Program 2016/2017** (Report No: 256/16)

Council provides annual financial support of up to \$22,000 through the Community Donations Program to support local clubs, groups and organisations in a range of areas. The program is designed to support and encourage community initiatives, projects and events within the City of Holdfast Bay, which will positively influence the community.

This year applications have been accepted in three categories; Community Recreation and Wellbeing Donations, Events and Festivals Donations and Arts and Cultural Donations. Twenty (20) eligible applications were received over the three categories, totalling \$37,636. One application was deemed ineligible due to the applying organisation being a for-profit organisation. The applications were assessed in accordance with the program guidelines and seventeen (17) applications have been recommended for approval.

This report seeks Council's endorsement for the successful applicants of the 2016/2017 Community Donations Program.

Conflict of Interest

Councillor Bradshaw declared a perceived conflict of interest for item 14.3 Community Donations Program 2016/2017 (Report No: 256/16). The nature of her perceived conflict of interest (Pursuant to Section 74 of the Local Government Act 1999) is that she is the Patron of the Croquet Club. Councillor Bradshaw dealt with this perceived conflict of interest by leaving the chamber at 7.58pm.

Conflict of Interest

Mayor Patterson declared a perceived conflict of interest for item 14.3 Community Donations Program 2016/2017 (Report No: 256/16). The nature of his perceived conflict of interest (Pursuant to Section 74 of the Local Government Act 1999) is that he is the Patron of the Bowling Club.

Mayor Patterson dealt with this perceived conflict of interest by making it known to the chamber.

Motion

C251016/552

That Council endorses the successful applicants of the Community Donations Program 2016/2017 totalling \$24,077 as outlined in this report.

Moved Councillor Clancy, Seconded Councillor Aust

Carried

His Worship the Mayor, Mr S Patterson did not vote on this matter.

Councillor Bradshaw rejoined the chamber at 8.01pm.

14.4 **Winter Wonderland Debrief** (Report No: 258/16)

Following the success of the 2015 Winter Wonderland festival, Council at its meeting on 8 March 2016, resolved to contribute up to \$75,000 towards Winter Wonderland which is jointly funded by Jetty Road Mainstreet Committee (JRMC) and Council.

The main focus of the event was an undercover ice rink on the Glenelg Foreshore that operated for a four week period from 2 July to 31 July 2016. A total of 22,000 tickets were sold, generating an income of \$174,168. Feedback from the event was positive and it is recommended that Council and the JRMC continue the event in the winter of 2017.

Adjournment

C251016/553

That this item be adjourned so that Council can have an opportunity to see a full breakdown of a budget for the July 2017 Winter Wonderland event and that the further information regarding the extended infrastructure use be presented for consideration and presented to council within 4 weeks' time.

Moved Councillor Smedley, Seconded Councillor Lonie

Carried

Division called

A division was called:

Those voting for: Councillors Bouchée, Aust, Bradshaw, Charlick, Donaldson, Lonie, Smedley, Yates (8)

Those voting against: Councillors Wilson, Patton and Clancy (3).

His Worship the Mayor declared the motion

Carried

15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS

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

17. ITEMS IN CONFIDENCE

17.1 41 Kauri Parade, Seacliff (Report No: 271/16)

Motion

C251016/554

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 Council 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, as the benefit or detriment to Council in not disclosing information relating to 41 Kauri Parade, Seacliff outweighs the public interest at this time.

Moved Councillor Lonie, Seconded Councillor Aust

Carried

Councillor Wilson left the chamber at 8.08pm.

Councillor Wilson rejoined the chamber at 8.09pm.

41 Kauri Parade, Seacliff (Report No: 271/16)

Order to Retain in Confidence

Motion

C251016/556

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: 271/16 including the minutes, report and 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)(b).
2. This resolution will be reviewed within 12 months by the Council.

Moved Councillor Clancy, Seconded Councillor Yates

Carried

17.2 **Glenelg Football Club** (Report No: 273/16)

Motion

C251016/557

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 Council 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, as the benefit or detriment to Council in not disclosing information relating to Glenelg Football Club outweighs the public interest at this time.**

Moved Councillor Charlick, Seconded Councillor Aust

Carried

Conflict of Interest

His Worship the Mayor, S Patterson declared a perceived conflict of interest for the item 17.2 Glenelg Football Club (Report No: 273/16). The nature of his perceived conflict of interest (Pursuant to Section 74 of the Local Government Act 1999) was that his company has a business relationship with the Club. His Worship the Mayor dealt with this perceived conflict of interest by making it known to the chamber and if it becomes apparent he would have a Material Conflict of Interest this will be declared.

Glenelg Football Club (Report No: 273/16)

Order to Retain in Confidence

Motion

C251016/559

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: 273/16 including, minutes, report and 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)(b).**
2. **This resolution will be reviewed within 12 months by the Council.**

Moved Councillor Aust, Seconded Councillor Lonie

Carried

17.3 **Minda Update** (Report No: 274/16)

Motion

C251016/560

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 Council 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:**

h. legal advice.

and

i. information relating to actual litigation, or litigation that the council believes on reasonable grounds will take place involving the council.

Moved Councillor Lonie, Seconded Councillor Clancy

Carried

Minda Update (Report No: 274/16)

Order to Retain in Confidence

Motion

C251016/562

- 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: 274/16 including minutes, report and 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)(h & i).**
- 2. This resolution will be reviewed within 12 months by the Council.**

Moved Councillor Clancy, Seconded Councillor Lonie

Carried

CLOSURE

The Meeting closed at 9.38pm.

CONFIRMED Tuesday 8 November 2016

MAYOR