

**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 14 February 2017 at 7:00pm.**

**MEMBERS PRESENT**

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

**STAFF IN ATTENDANCE**

Chief Executive Officer - JP Lynch  
Interim General Manager Alwyndor - PE Aukett  
General Manager Business Services - IS Walker  
General Manager City Assets & Services - SG Hodge  
Acting General Manager Community Services – 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 - 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**

**C140217/654**

**That the minutes of the Ordinary Meeting of Council held on 24 January 2017 be taken as read and confirmed.**

Moved by Councillor Lonie, 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 **Pedal Bar**

Councillor Smedley asked a question regarding the pedal bar.

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

9.1.2 **Norfolk Island Pines**

Councillor Charlick asked a question regarding the Norfolk Island Pines on Old Tapleys Hill Road.

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

9.1.3 **Brighton Secondary School LED Sign**

Councillor Bouchee asked a question regarding the Brighton Secondary Schools LED sign.

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

#### 9.1.4 Activity Pods

Councillor Smedley asked a question about Activity Pods.

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

### 9.2 With Notice

#### 9.1.1 Question on Notice – The Buffalo (Report No: 37/17)

Councillor Wilson asked the following question:

- “1. Why the decision of the DAC in relation to the Buffalo has been deferred?**
- 2. Why the application has dragged? Has the applicant complied with the application process?**
- 3. Can noise complaints be addressed in the lease by Council?**
- 4. What rights of termination the Council has in relation to the agreement to Lease?**
- 5. If the SVL scheme was extended to Glenelg, would the Buffalo re-development have an easier and cheaper application process?**
- 6. In the event that the DA is not approved or the applicant is frustrated by the process, can the site be used for another purpose?”**

**ANSWER – Manager Development Services and Team Leader Commercial Services**

- 1. Why the decision of the DAC in relation to the Buffalo has been deferred?**

The Minutes of the DAC Meeting held on 19 January 2017 indicate that the matter has been deferred to allow the proponent to supply the following information:

- Clearer plans to demonstrate the interrelationship between the public realm and the development.
- Further details on the western façade of the Buffalo structure and any other alterations that are required for the development.
- Details around the resolution of the moat - landscaping, water quality.
- Identify the space, facilities and utilities that are located in the Buffalo structure that are integral to the wider development.
- Provide a consistent package of plans and documentation e.g. including resolution of the noise attenuation, elevations of all facades and consistent plans.

**2. Why the application has dragged? Has the applicant complied with the application process?**

The applicant has been required to provide various pieces of additional documentation, including an acoustic assessment, at the request of the DAC during the assessment process. The proposal also underwent a public notification period, which raised several issues requiring the proponent's attention. The lengthy assessment timeframe can be attributed to a combination of factors, including the number of requests for additional information made by the DAC, and the time taken by the proponent in supplying the information. Notwithstanding the delays, the proponent has complied with the process.

**3. Can noise complaints be addressed in the lease by Council?**

Council can only terminate the licence if the Licensee breaches or is in default of specific terms and conditions of the licence and does not rectify the breach or default. The action taken by Council is determined by the nature of the breach or default.

**4. What rights of termination the Council has in relation to the agreement to Lease?**

Clause 14. States "Should Development Approval be refused for the Licensee's proposed renovations to or refurbishment of the Vessel, the Licensee may terminate this Licence by the giving of one month's written notice to Council". Should such notice be provided by the Licensee then the licence would be required to comply with the Licence regarding Handover of possession. This clause provides that before this licence comes to an end the Licensee must remove all of the licensee's equipment, including the Vessel, and repair any damage caused and complete any repairs under the licence.

**5. If the SVL scheme was extended to Glenelg, would the Buffalo re-development have an easier and cheaper application process?**

Not necessarily, as the proposal involves quite a complex licensing arrangement, and the scale of the proposal would not fit the definition of a 'small venue'.

**6. In the event that the DA is not approved or the applicant is frustrated by the process, can the site be used for another purpose?**

The site has lost its existing land use rights as a restaurant, by virtue of the lengthy period of disuse, so a formal development application will be required to either revive or change the previous use in the event that the current proposal is unsuccessful. The land is located within the Glenelg Foreshore & Patawalonga Zone, meaning any future land use proposal would

have to comply with the zoning requirements set out in Council's Development Plan. Suitable uses for the structure and surrounding land include a retail outlet, restaurant, entertainment facility, tourist accommodation, tourist facility (museum, visitor information centre etc.), amusement centre, and a kiosk. Other uses can be considered, and will be assessed on their individual merits.

9.2.2 **Question on Notice – Final Cost of Bike Pump Track** (Report No: 29/17)

Councillor Snewin asked the following question:

**“Can administration advise as to the final cost to the rate payers on the completion of the bike pump track at the site on Commercial Road Brighton?”**

**ANSWER – Community Recreation and Sport Coordinator**

Council, at its meeting on 12 April 2016, resolved (Resolution Number C120416/367) to contribute \$28,000 to the establishment of a Bike Pump Track in the 2016/17 budget.

Council engaged Trail Scapes to construct the Bike Pump Track. The Bike Pump Track is currently under construction and will be completed in February 2017. The official opening of the track is scheduled to take place on Sunday, 9 April 2017. To date, the project is on track and on budget.

The Rotary Club of Somerton Park will donate a picnic table in the 2016/17 financial year, to be placed on site at the Bike Pump Track.

The Rotary Club in partnership with Council will apply for funding in the 2017/17 financial year, through Rotary, to establish and erect a shelter over the picnic table. The club will also cover costs to install a bike repair station in this same period. All of this will be at no cost to Council and the Rotary Club have expressed their commitment to this facility long term.

9.2.3 **Question on Notice – Gross Pollutant Traps** (Report No: 52/17)

Councillor Clancy asked the following question:

***“Due to the high rainfall this year can administration advise how much has been removed from the traps and if they are being completely emptied which was the advice of the company when installed. There is an agreement that 60 percent is charged to Marion. Is that happening? If they are not being completely emptied obviously in storms that rubbish is going out to sea. Please provide a breakdown of all pollution traps and their present levels of rubbish and how frequently they are being assessed for levels of rubbish”***

**ANSWER – General Manager City Assets & Services**

A competitive tender process was undertaken in which Plumbing & Pipeline Solutions were the successful tenderer. The contract is valid from 1 September 201 and terminates on 31 August 2018. The scope of works was arrived at from the previous years' experience of the cleaning regime.

As per the attached Maintenance Schedule, Council systematically cleans 7 (seven) gross pollutant traps in February, May, September and December which coincides with seasonal conditions.

Council budgeted to remove 200 tonne per annum but due to heavy rainfall conditions, extra funds have been allocated to the cleaning and maintenance of the GPTs with over 300 tonne removed in the last 12 months (an increase of 50%).

The content of the GPTs consists of 60% organic, 20% pollutants and 20% silt.

It should be noted that over 170 tonne has been removed from the Edwards Street GPT in the last 12 months.

Due to the unseasonal high rainfall conditions, it is estimated that there has been at least 50% increase in debris. It should be stated that the GPTs certainly capture foreign debris entering our seafront.

Our contractors who currently are cleaning the Young Street GPT report an increase of 50% debris.

Additionally, Council routinely has a rigorous street sweeping programme to prevent organic matter etc. entering our stormwater system before it reaches the GPTs. The program as highlighted below shows the cleaning in February, May, September and December as outlined in the attached maintenance schedules with associated prices.

Location	Price Per Clean (maintenance and removal of waste)				Total Cost (per year)
	February	May	September	December	
Augusta Street	n/a	2,457	2,457	n/a	4,914
Edwards Street	6,554	6,554	6,554	6,554	26,216
Jetty Road, Brighton	n/a	1,140	1,140	n/a	2,280
Moseley Square	n/a	2,186	2,186	n/a	4,382
Pier Street	n/a	3,825	3,825	n/a	7,650
Wigley Reserve	n/a	3,599	3,599	n/a	7,198
Young Street, Seacliff	n/a	3,434	3,434	3,434	10,302
<b>TOTAL</b>					<b>62,932</b>

Please see below locations and associated percentages of catchments to Marion and Holdfast Bay.

GPT Location	Marion	Holdfast Bay
Pier Street	53%	47%
Young Street	75%	25%
Wigley Reserve*	47%	53%
Wigley crane hire etc	57%	53%
Edwards Street	61%	39%
Augusta Street	0	100%
Jetty Road, Brighton	0	100%
Moseley Square*	0	100%

	Marion	Holdfast Bay	Total
2013-14	23,370	25,173	48,543
2014-15	36,534	45,830	82,364
2015-16	41,745	60,989	102,734

## 10. MEMBER'S ACTIVITY REPORTS

### 10.1 Mayor's Activity Report for November 2016 – January 2017 (Report No: 30/17)

Presented for the information of Members is the Activity Report for the Mayor for November 2016 – January 2017.

#### Motion

**C140217/655**

**That the Mayor's Activity Report for November 2016 – January 2017 be received and noted.**

Moved Councillor Lonie, Seconded Councillor Donaldson

**Carried**

**10.2 Councillor Lonie**

Councillor Lonie reported that she had attended:

- Brighton Jetty Classic Sculpture launch
- Australia Day Celebrations at Glenelg
- Australia Day Celebrations in the city
- Chinese New Year
- Naval Surveying Ship Trip to Glenelg
- Glenelg Jetty Proposal Presentation
- Brighton and Seacliff Yacht Club Shed Opening
- Laid a wreath at the Bangka Day Memorial Service
- Somerton Tennis Club Opening
- SRWRA Tour and
- As patron Glenelg Women's football team attended launch of the 2017 series

**10.3 Councillor Patton**

Councillor Patton, as Chairman of the Glenelg Commemoration Day Sports Festival provided members an overview of the 2016 event.

**10.4 Councillor Yates**

Councillor Yates reported that she had attended:

- Brighton Jetty Classic Sculptures Launch with Councillors Smedley, Bradshaw and Donaldson
- Australia Day Celebrations at Glenelg
- Brighton Jetty Classic Swim with Councillors Clancy, Smedley and Donaldson.
- Brighton and Seacliff Yacht Club Shed Opening
- Jetty Road Traders Summer Soiree
- The Cat Empire and Xavier Rudd Concert on Glenelg Beach
- Somerton Tennis Club Opening with Councillor Bouchee
- Sidewalk Sundays on The Broadway, Glenelg
- Angus Neill Reserve Markets, Seacliff

**10.5 Councillor Smedley**

Councillor Smedley reported that he had attended:

- Australia Day Celebrations at Glenelg
- Beach Front Twilight Markets
- Brighton Jetty Classic Sculptures Launch
- Brighton Jetty Classic Swim
- The Cat Empire and Xavier Rudd Concert on Glenelg Beach

**10.6 Councillor Clancy**

Councillor Clancy reported that she had attended:

- Brighton Jetty Classic Swim
- Brighton Jetty Classic Sculptures Launch
- Australia Day Celebrations at Glenelg



**10.7 Councillor Bouchee**

Councillor Bouchee reported that she attended:

- Australia Day Celebrations at Glenelg
- Bangka Day Memorial Service and presented to Council the book "We are there too"
- Somerton Tennis Club Opening

**10.8 Councillor Wilson**

Councillor Wilson reported that she attended:

- Project Management Institute screening of the Glenelg Jetty Redevelopment Proposal
- The Cat Empire and Xavier Rudd Concert on Glenelg Beach
- Beach Front Twilight Markets
- Sidewalk Sundays on The Broadway, Glenelg
- Jetty Road Traders Summer Soiree

Councillor Wilson left the chamber at 7.24pm.

**10.9 Mayor Patterson**

Mayor Patterson reported that he had attended:

- Brighton and Seacliff Yacht Club Shed Opening
- Somerton Tennis Club Opening
- Australia Day Celebrations at Glenelg

Councillor Wilson rejoined the chamber at 7.25pm.

**11. MOTIONS ON NOTICE****11.1 Motion on Notice – Edward Street – No Parking Trial – Councillor Snewin (Report No: 38/17)**

Councillor Snewin proposed the following motion:

In the past few months with all the extra activity around the Shopping Centre redevelopment and with the introduction of Hungry Jacks the effected residents have experienced a great deal of inconvenience with cars and trucks being parked across driveways or parked in such a way as to reduce lines of sight for vehicles exiting these properties.

This area will continue to have ongoing traffic issues over the life of the reconstruction, however once the shopping centre car park is extended and available for use and a slip lane is introduced at the Brighton Rd Intersection, these issues may abate somewhat, but the results will need to be determined at that time.

**ADMINISTRATION COMMENT**

If members pass this motion, then the process would entail a public consultation process with affected residents, the results of which would be further reported back to Council along with the latest traffic data for the street, with an accompanying recommendation to Council.

**Motion****C140217/656**

**That the Northern side of Edwards Street from Brighton Road to Commercial Road be designated 'No Parking' for a trial period of twelve months.**

Moved Councillor Snewin, Seconded Councillor Lonie

**Carried**

11.2 **Motion on Notice – Proposed Sale of Laneway off Marlborough Street-  
Councillor Snewin (Report No: 39/17)**

Councillor Snewin proposed the following motion:

**BACKGROUND**

This laneway which is obviously a Public Road and therefore maintained by our ratepayers, is, in the future, only ever going to be an entry or exit that services the shopping centre and on that basis, it should be handed over to the developer to manage and maintain.

Alternatively council could close the laneway and give the section abutting the Post Office property to those owners and the shopping centre portion to the owners of that property. However I believe an entrance or exit to the shopping centre would always help alleviate the congestion on Edwards St and Brighton Rd.

**ADMINISTRATION COMMENT**

This laneway only services the rear of the shopping centre with no other access points leading from it.

It is certainly surplus to any council requirements and would benefit the shopping centre as a permanent exit/access.

The sale would alleviate any future maintenance issues for council ie repairs and resealing.

Any proposed sale would be the subject of a formal Public Consultation process ahead of a further report to council outlining the outcomes of the consultation process with an accompanying resolution for Council's consideration.

An overview is attached for members' information.

**Motion****C140217/657**

**That Administration prepare a report outlining the feasibility and the efficacy of offering to sell the laneway that runs off Marlborough Street into the shopping centre.**

Moved Councillor Snewin, Seconded Councillor Donaldson

**Carried**

11.3 **Motion on Notice – Safety Bollards at the Entrances to Jetty Road Glenelg – Councillor Bouchee** (Report No: 40/17)

Councillor Bouchee proposed the following motion:

**BACKGROUND**

With the recent tragic events in Melbourne on Friday 20 January 2017 and those in Istanbul and Nice in 2016 it is becoming very obvious that the world is changing in regard to public safety.

I am aware that recently Council staff placed trucks across the roadway closures but this can be a little haphazard and a permanent fool proof system would provide long term benefit to the city and its residents and visitors

**Motion**

**C140217/658**

**That Administration investigate and cost the feasibility of a staged programme of installing gas or hydraulically operated pop up safety bollards at the entrances to Jetty Road, Glenelg, to be used when the road is closed for public events, to prevent vehicles entering the street at such times.**

**Amendment**

That Administration discuss with the appropriate federal/state agencies to obtain their views of the risks to Jetty Road Glenelg and the need for appropriate mitigation strategies.

His Worship the Mayor did not accept the amendment from Councillor Clancy as it substantially changed the motion and the motion's intent.

Moved Councillor Bouchee, Seconded Councillor Smedley

**Carried**

**Division called**

A division was called:

Those voting for: Councillors Lonie, Bouchée, Bradshaw, Charlick, Donaldson, Patton, Smedley, Snewin, Wilson, Yates (10)

Those voting against: Councillors Aust and Clancy (2).

His Worship the Mayor declared the motion

**Carried**

11.4 **Motion on Notice – Landscape Plan for Brighton Caravan Park – Councillor Bouchee** (Report No: 53/17)

Councillor Bouchee proposed the following motion:

**BACKGROUND**

Council has always viewed this site as one of our "Jewels in the Crown".

We have recently expanded a considerable amount of resources on the upgrade of the park, which is starting to reap rewards, with still further enhancements planned for the future. We have done little, of anything, to provide shade or biodiversity elements to the area.

Along with this, we are preparing a Master Plan for the Kingston Park Coastal Reserve which extends south from the Caravan Park almost to the Council boundary to be able to build a large Regional Open Space destination in this area with all the elements of a nature based reserve.

We should be proactive in commencing such a program to build on all the existing infrastructure, i.e. Life Saving Club, Coast Park and Sailing Club and the Caravan Park in readiness for the future.

**Motion**

**C140217/659**

**That Administration develop a Landscape Plan in the short term for the visual and amenity enhancement of the Brighton Caravan Park to be able to provide shade and greening, in otherwise sparse landscape which is devoid of shade during the extremely hot summer period when visitor rates at this facility are at their optimum level.**

Councillor Charlick left the meeting at 8.07pm.

Councillor Charlick rejoined the meeting at 8.09pm.

Moved Councillor Bouchee, Seconded Councillor Smedley

**Carried**

11.5 **Motion on Notice – Audit Committee Chair – Councillor Clancy** (Report No: 54/17)

**Conflict of Interest:**

Councillor Smedley declared a perceived conflict of interest for the item 11.5 Motion on Notice – Audit Committee Chair – Councillor Clancy (Report No: 54/17). The nature of his perceived conflict of interest (Pursuant to Section 74 of the Local Government Act 1999) is that he is the current chairman of the Audit Committee. Councillor Smedley 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.

**Conflict of Interest:**

Councillor Charlick declared a perceived conflict of interest for the item 11.5 Motion on Notice – Audit Committee Chair – Councillor Clancy (Report No: 54/17). The nature of his perceived conflict of interest (Pursuant to Section 74 of the Local Government Act 1999) is that he is a member of the Audit Committee. Councillor Charlick dealt with this perceived conflict of interest by making it known to the chamber and left the chamber at 8.14pm.

Councillor Clancy proposed the following motion:

**BACKGROUND**

All other committees of Council have an independent Chair including Alwyndor, Development Assessment Panel and Jetty Road Main Street.

Most other Councils have an independent Chair. It is good governance to have consistency across our committees.

#### **ADMINISTRATION COMMENT**

Last year Council considered sitting fees and set them at \$500 for independent chairs of Audit and DAP.

The Audit Committee terms of reference provide that the committee nominate a chair to be approved by Council. The chair can be any member.

#### **Motion**

**That the Chair of the Audit Committee be an independent member of the Committee and that a fee for the Chair be recommended by Administration.**

Moved Councillor Clancy, Seconded Councillor Aust

**Lost**

#### **A division was called:**

Those voting for: Councillor Clancy (1)

Those voting against: Councillors Lonie, Aust, Bouchée, Bradshaw, Donaldson, Patton, Smedley, Snewin, Wilson, Yates (10).

His Worship the Mayor declared the motion

**Lost**

Councillor Yates left the chamber at 8.22pm.

Councillor Yates rejoined the chamber at 8.22pm.

Councillor Charlick rejoined the chamber at 8.22pm

Councillor Lonie left the chamber at 8.22pm.

#### **12. ADJOURNED MATTERS - Nil**

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

##### **13.1 Minutes – Audit Committee – 25 January 2017 (Report No: 32/17)**

The minutes of the meeting of the Audit Committee held on 25 January 2017 are presented to Council for information and endorsement.

#### **Motion**

**C140217/660**

**That Council receives and notes the minutes of the meeting of the Audit Committee of 25 January 2017.**

Councillor Bouchee left the chamber at 8.23pm.

Councillor Lonie rejoined the chamber at 8.25pm.

Moved Councillor Smedley, Seconded Councillor Charlick

**Carried**

**14. REPORTS BY OFFICERS****14.1 Items in Brief (Report No: 31/17)**

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****C140217/661**

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

- **Partridge Street (East and West) Care Parks Quarterly Report**
- **External Grants 2016-17**
- **Outstanding Council Meeting Actions**
- **Appointment to the West Beach Trust**
- **Half Yearly Ombudsman SA Report – 1 July – 31 December 2016**
- **Expiration of Community Leases**
- **Policy Review**
- **Murray Darling Association Region 7 Annual General Meeting**

Moved Councillor Lonie, Seconded Councillor Aust

**Carried**

Councillor Bouchee rejoined the chamber at 8.27pm.

Councillor Donaldson left the chamber at 8.31pm.

**14.2 Review of Council Delegations to the Alwyndor Management Committee (Report No: 33/17)**

Section 44(6) of the *Local Government Act 1999*, requires Council to review its delegations at least once each financial year.

Delegations are the means by which Council can formally pass on its powers and functions to other bodies or individuals in order to efficiently and effectively manage the business of council. Alwyndor Aged Care is managed by a Committee of Council and Council can delegate such powers and functions to allow for the efficient and effective management of Alwyndor Aged Care to the Alwyndor Management Committee.

This report delegates those powers and functions arising under the *Aged Care Act 1997 (Commonwealth)*, and the *Local Government Act (1999) and Regulations* to the Chief Executive Officer and the Alwyndor Management Committee.

**Motion****C140217/662**

**That having conducted its annual review of the Delegations for the Alwyndor Management Committee in accordance with Section 44(6) of the *Local Government Act 1999*, the Council:**

**1. Revocations**

**1.1** Hereby revokes its previous delegations, to come into effect from midnight 27 February 2017, to the Alwyndor Management Committee of those powers and functions under the following:

**1.1.1** *Aged Care Act 1997*

**1.1.2** *Local Government Act 1999 and its Regulations*

**2. Delegations made under Local Government Act 1999**

**2.1** In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the following Acts and specified in the proposed Instrument of Delegation contained in Appendix 1 are hereby delegated this 14<sup>th</sup> day of February 2017 to the Alwyndor Management Committee and the Chief Executive Officer of the City of Holdfast Bay subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation. These delegations will come into effect from 12.01 am on 28 February 2017.

**2.1.1** *Aged Care Act 1997*

**2.1.2** *Local Government Act 1999*

Councillor Donaldson rejoined the chamber at 8.32pm.

Moved Councillor Lonie, Seconded Councillor Bouchee

**Carried**

**14.3 Community Centres Policy (Report No: 27/17)**

The City of Holdfast Bay has four community centres within the Council boundary which have evolved over time with limited direction from Council. The Community Centres Policy seeks to provide a strategic direction to guide the operation and continuous improvement of the centres while ensuring they are sustainable, well managed and meet the needs of the community.

**Motion**

**C140217/663**

That the item be adjourned until further consultation with the community centres is undertaken and represented to council in six weeks.

Councillor Patton left the chamber at 8.33pm.

Councillor Patton rejoined the chamber at 8.35pm.

Moved councillor Clancy, seconded councillor Smedley carried

**Division called**

A division was called:

Those voting for: Councillors Aust, Bouchée, Bradshaw, Charlick, Clancy, Donaldson, Patton, Smedley, Snewin and Wilson (10)

Those voting against: Councillors Lonie and Yates (2).

His Worship the Mayor declared the motion

**Carried**

14.4 **Glenelg Football Club – Landowners Consent for Sign** (Report No: 41/17)

**Conflict of Interest:**

His Worship the Mayor, S Patterson declared a perceived conflict of interest for the item 14.4 Glenelg Football Club – Landowners Consent for Sign (Report No: 41/17). 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.

Whilst erecting the new sign that was approved by Council at its meeting on 13 December 2016 the contractor acting on behalf of the Glenelg Football Club unintentionally installed another sign on the front of the main entrance to the function area of the club that was not approved by Council.

The Glenelg Football Club is now seeking retrospective approval for this new sign. The Lessee is seeking Council's consent, as landowner, to carry out the work.

**Motion**

**C140217/664**

**That the amended attachment 1 circulated at the council meeting be received.**

Moved Councillor Bouchee, Seconded Councillor Clancy

**Carried**

**Conflict of Interest:**

His Worship the Mayor, S Patterson declared a perceived conflict of interest for the item 14.4 Glenelg Football Club – Landowners Consent for Sign (Report No: 41/17). 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.

**Motion**

**C140217/665**

**That in its capacity as landowner, Council consent to the new sign subject to the following conditions:**

- 1. All costs to be borne by the Glenelg Football Club.**
- 2. All work to be undertaken by qualified tradespersons.**



3. **The Glenelg Football Club to indemnify the City of Holdfast Bay against any claims, losses, suits etc. that may arise from this project.**
4. **The City of Holdfast Bay is permitted to inspect the works at any time during construction.**
5. **No part of the work is to cause a nuisance or disturbance to any neighbours or visitors to adjoining properties.**
6. **All works to comply with the Building Code of Australia, all conditions of any Development Approval and legislation.**

Moved Councillor Bouchee, Seconded Councillor Smedley

**Carried**

#### **Division called**

A division was called:

Those voting for: Councillors Lonie, Aust, Bouchée, Charlick, Donaldson, Patton, Smedley, Snewin and Wilson (9)

Those voting against: Councillors Yates, Clancy and Bradshaw (3).

His Worship the Mayor declared the motion

**Carried**

#### **14.5 Budget Update – as at 31 December 2016 (Report No: 42/17)**

This report covers the second update of Council's 2016/17 budget conducted as at 31 December 2016.

For Municipal operations it has resulted in an increase in forecast operating surplus of \$70,259, an increase in forecast capital expenditure of \$232,760 offset by increased capital funding of \$328,714 resulting in a reduction in forecast borrowing requirements of \$251,913. The proposed year-end operating forecast is \$434,111 surplus. The increase in the surplus result is primarily due to savings in salaries as a result of staff vacancies and long service leave taken of \$222,400 along with additional development application fee income of \$90,000 against increased legal fees of \$100,000 and additional depreciation of \$85,700. For Alwyndor operations there is no net change to the forecast.

#### **Motion**

**C140217/666**

1. **That Council notes the second 2016/17 budget update for Council's municipal operations including:**
  - (a) **an increase in the forecast operating surplus of \$70,259 from \$363,852 to \$434,111 (compared to an operating surplus of \$472,779 in the original budget);**
  - (b) **an increase in forecast capital expenditure of \$232,760 from \$18.386 million to \$18.619 million (compared with \$8.585 million in the original budget);**
  - (c) **an increase in forecast capital revenue of \$328,714 from \$7.071 million to \$7.400 million (compared with \$2.495 million in the original budget);**
  - (d) **a decrease in forecast net financial liabilities of \$251,913 at 30 June 2017 from \$25.851 million to**

**\$25.599 million (compared to \$26.069 million in the original budget).**

2. That Council notes the second 2016/17 budget update for Council's Alwyndor operations including:
- (a) a projected operating surplus of \$466,362 (unchanged from the original budget);
  - (b) forecast capital expenditure of \$476,260 (unchanged from the original budget);
  - (c) a forecast funding surplus of \$852,582 (unchanged from the original budget).

Moved Councillor Smedley, Seconded Councillor Lonie

**Carried**

- 14.6 **Glenelg Football Club – Land Owner's Consent for Alterations** (Report No: 43/17)

### **Conflict of Interest**

His Worship the Mayor, S Patterson declared a perceived conflict of interest for the item 14.6 Glenelg Football Club – Land Owner's Consent for Alterations (Report No: 43/17). 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.

Following the damage caused to the H Y Sparks Grandstand at Glenelg Oval during the storm of 27/28 December 2016 the club has placed a claim to its insurers for the damage caused. In the interim a structural engineer has assessed the building as being unsafe for occupation. With this restriction the Glenelg Football Club needs to make alternative arrangements for the replacement of the change rooms located in this building prior to the upcoming audit by the SANFL prior to the commencement of the football season.

The Glenelg Football Club, as Lessee, is now seeking approval to make alterations to the undercroft area of the function centre to accommodate change rooms to replace those unable to be used in the H Y Sparks Grandstand. The Lessee is seeking Council's consent, as landowner, to carry out the work.

### **Motion**

**That in its capacity as landowner, Council consents to proposed alterations subject to the following conditions.**

1. **All work to be undertaken by qualified trade's persons.**
2. **The Glenelg Football Club to indemnify the City of Holdfast Bay against any claims, losses, suits etc. that may arise from this project.**
3. **The City of Holdfast Bay is permitted to inspect the works at any time during construction.**

4. **No part of the work is to cause a nuisance or disturbance to any neighbours or visitors to adjoining properties.**
5. **All works to comply with the Building Code of Australia, all conditions of any Development Approval and legislation.**

Councillor Snewin left the chamber at 8.55pm.

Councillor Snewin rejoined the chamber at 8.57pm.

Moved Councillor Smedley, Seconded Councillor Patton

**Motion**

**C140217/667**

**That debate on this matter be suspended at this time so that it can be discussed as a confidential item under urgent business.**

Moved Councillor Clancy, Seconded Councillor Bradshaw

**Carried**

15. **RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil**

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

16.1 **Correspondence from the Mayor of Kangaroo Island**

**Motion**

**C140217/668**

1. **That the City of Holdfast Bay receives and notes the correspondence from Mayor Clements, Kangaroo Island Council and also Australia China Friendship and Development Association's (ACFDA) invitation.**
2. **That council endorses the participation of the City of Holdfast Bay in accepting these invitations, for the Mayor to represent council as these invitations are in line with Council's strategic vision, namely a place to do business; a place that welcomes visitors; a place that is well planned; a place with a Quality Lifestyle; a place that celebrates culture and the City of Holdfast Bay Tourism Strategy 5.7 ... *"for the future redevelopment and repurposing of the Glenelg Jetty and the Glenelg Town Hall provide potential to attract investment, stabilise year round visitation and create sustainable assets that will provide long-term employment and an iconic tourism and economic hub for Glenelg and the State and The economic analysis indicates significant and sustainable economic benefits will be derived from this project with an expected average raise in Gross State Product of \$42 million annually, creation of 536 full time equivalent jobs at the peak of construction and an increase in international and interstate visitor expenditure of \$150 million' and increasing visitation numbers by 15% by 2022.***
3. **Mayor Patterson accepts the invitation from Mayor Clements to partner with the Kangaroo Island Council and participate in the Australia- Luzhou Economic Cooperation Forum and China International Alcoholic Drinks Expo (CIADE) 2017 in Luzhou, Sichuan Province, China 17-20 March 2017 to promote our city**

and Mayor Patterson accepts the VIP invitation to speak and present at the Economic Cooperation forum regarding the Glenelg Jetty Project and Tourism in Holdfast Bay, ACFDA in their invitation will cover reasonable travel expenses (value of approximately \$4000).

4. That the City of Holdfast Bay covers the following expenses for the Mayor while attending Australia- Luzhou Economic Cooperation Forum and CIADE 2017:
  - Travel insurance (\$100)
  - Visa costs for entry into China (\$250)
  - Meals up to the value of \$200 per day, if not included in the offer of travel expenses
  - Incidental costs to the value of \$40.00 per day
  - Any reasonable hospitality costs of up to \$500 for the trip.
5. That the Council invest in the production of appropriate materials for use in partnering with the Kangaroo Island Council to promote specifically the Glenelg Jetty Proposal and also tourism in Holdfast Bay and appropriate business cards for use by the Mayor.
6. That Council purchases a number of appropriate gifts for the use by the Mayor during his visit to China.

#### Leave of the Meeting

His Worship the Mayor sought leave of the meeting to allow Councillor Patton to speak to the motion for a second time. Leave of the meeting was granted.

Moved Councillor Lonie, Seconded Councillor Wilson

**Carried**

#### 17. ITEMS IN CONFIDENCE

17.1 41 Kauri Parade Seacliff (Report No: 44/17)

**Exclusion Of The Public – Section 90(3)(b) Order**

#### **Motion**

**C140217/669**

- 1 That pursuant to Section 90(2) of the *Local Government Act 1999* Council hereby orders that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and Staff in attendance at the meeting in order to consider Report No: 44/17, 41 Kauri Parade Seacliff in confidence.
2. That in accordance with Section 90(3) of the *Local Government Act 1999* Council is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 44/17 41, Kauri Parade Seacliff on the following grounds:

- b. pursuant to section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting business; and would prejudice the commercial position of the Council as Council is currently in negotiations regarding this site and the disclosure of this information would prejudice the Council's commercial position during the ongoing negotiations.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

Moved Councillor Clancy, Seconded Councillor Lonie

**Carried**

**41 Kauri Parade Seacliff** (Report No: 44/17)

**Retain In Confidence - Section 91(7) Order**

**Motion**

**C140217/671**

That having considered Agenda Item 17.1 Report No: 44/17, 41 Kauri Parade Seacliff in confidence under section 90(2) and (3)( b) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report and minutes be retained in confidence for a period of 12 months and the Chief Executive Officer is authorised to release the documents when the contract is unconditional and that this order be reviewed every 12 months.

Moved Councillor Lonie, Seconded Councillor Snewin

**Carried**

17.2 **Former Brighton Town Hall** (Report No: 45/17)

**Exclusion Of The Public – Section 90(3)(b) Order**

**Motion**

**C140217/672**

- 1 That pursuant to Section 90(2) of the *Local Government Act 1999* Council hereby orders that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and Staff in attendance at the meeting in order to consider Report No: 45/17 Former Brighton Town Hall in confidence.
2. That in accordance with Section 90(3) of the *Local Government Act 1999* Council is satisfied that it is necessary that the public

be excluded to consider the information contained in Report No: 45/17 Former Brighton Town Hall on the following grounds:

- b. pursuant to section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting business and the information would prejudice the commercial position of the Council as the Council is still finalising the sale of this property and the disclosure of this information would prejudice the Council's commercial position.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

3. The Council is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.

Moved Councillor Lonie, Seconded Councillor Wilson

Carried

**Former Brighton Town Hall** (Report No: 45/17)

Councillor Wilson left the chamber at 9.30pm.

Councillor Wilson rejoined the chamber at 9.31pm.

#### **Retain In Confidence - Section 91(7) Order**

##### Motion

**C140217/675**

That having considered Agenda Item 17.2 Report No: 45/17 Former Brighton Town Hall in confidence under section 90(2) and (3)( b) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report and minutes be retained in confidence for a period of 12 months and the Chief Executive Officer is authorised to release the documents when the sale of the site is completed and that this order be reviewed every 12 months.

Moved Councillor Lonie, Seconded Councillor Bouchee

Carried

17.3 **Minda Update** (Report No: 46/17)**Exclusion Of The Public – Section 90(3)(h & i) Order****Motion****C140217/675**

- 1 That pursuant to Section 90(2) of the *Local Government Act 1999* Council hereby orders that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and Staff in attendance at the meeting in order to consider Report No: 46/17 Minda Update in confidence.
2. That in accordance with Section 90(3) of the *Local Government Act 1999* Council is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 46/17 Minda Update on the following grounds:
  - h. pursuant to section 90(3)(h) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is legal advice that has been provided by Norman Waterhouse Lawyers and this information ought not be made available to the public as it could detrimentally affect the Council's position.
  - i. pursuant to section 90(3)(i) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information relating to actual litigation, or litigation that the Council believes on reasonable grounds will take place involving the Council regarding the negotiations with Minda regarding their development, and this information ought not be made available to the public as it could detrimentally affect the Council's position.
3. The Council is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.

Moved Councillor Clancy, Seconded Councillor Lonie

**Carried****Minda Update** (Report No: 46/17)**Retain In Confidence - Section 91(7) Order****Motion****C140217/677**

That having considered Agenda Item 17.3 Minda Update Report No: 46/17 in confidence under section 90(2) and (3)(h & i) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report, attachments and minutes be retained in confidence for a period of 12 months and that this order be reviewed every 12 months.

Moved Councillor Lonie, Seconded Councillor Snewin

**Carried**

**17.4 Appointment to Alwyndor Management Committee (Report No: 28/17)****Exclusion Of The Public – Section 90(3)(a) Order****Motion****C140217/678**

- 1 That pursuant to Section 90(2) of the *Local Government Act 1999* Council hereby orders that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and Staff in attendance at the meeting in order to consider Report No: 28/17 Appointment to Alwyndor Management Committee in confidence.**
- 2. That in accordance with Section 90(3) of the *Local Government Act 1999* Council is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 28/17 Appointment to Alwyndor Management Committee on the following grounds:**
  - a. pursuant to section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to Report No: 28/17 Appointment to Alwyndor Management Committee is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being a proposed appointee to the Alwyndor Management Committee because the report contains personal details.**
- 3. The Council is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.**

Moved Councillor Clancy, Seconded Councillor Lonie

**Carried****Appointment to Alwyndor Management Committee (Report No: 28/17)****Retain In Confidence - Section 91(7) Order****Motion****C140217/680**

**That having considered Agenda Item 17.4 Appointment to Alwyndor Management Committee (Report No: 28/17) in confidence under section 90(2) and (3)(a) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report and minutes be retained in confidence for a period of 12 months and the Chief Executive Officer is authorised to release the documents when the appointment is made.**

Moved Councillor Lonie, Seconded Councillor Aust

**Carried**



14.6 **Glenelg Football Club – Land Owner’s Consent for Alterations** (Report No: 43/17)

**Conflict of Interest**

His Worship the Mayor, S Patterson declared a perceived conflict of interest for the item 14.6 Glenelg Football Club – Land Owner’s Consent for Alterations (Report No: 43/17). 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.

Following the damage caused to the H Y Sparks Grandstand at Glenelg Oval during the storm of 27/28 December 2016 the club has placed a claim to its insurers for the damage caused. In the interim a structural engineer has assessed the building as being unsafe for occupation. With this restriction the Glenelg Football Club needs to make alternative arrangements for the replacement of the change rooms located in this building prior to the upcoming audit by the SANFL prior to the commencement of the football season.

The Glenelg Football Club, as Lessee, is now seeking approval to make alterations to the undercroft area of the function centre to accommodate change rooms to replace those unable to be used in the H Y Sparks Grandstand. The Lessee is seeking Council’s consent, as landowner, to carry out the work.

**Exclusion of the Public – Section 90(3)(d) Order**

**Motion**

**C140217/681**

1. That pursuant to Section 90(2) of the *Local Government Act 1999* Council hereby orders that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and Staff in attendance at the meeting in order to consider Report No: 43/17 Glenelg Football Club – Land Owner’s Consent for Alterations in confidence.
2. That in accordance with Section 90(3) of the *Local Government Act 1999* Council is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 43/17 Glenelg Football Club – Land Owner’s Consent for Alterations on the following grounds:
  - d. pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, in that the Glenelg Football Club’s capability to operate for the season will be discussed and that this information may prejudice the commercial position of the football club and its

**insurers as financial details and the resources of the club will be disclosed.**

**In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.**

- 3. The Council is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.**

Moved Councillor Bouchee, Seconded Councillor Lonie

**Carried**

Following the suspension of debate on this item, His Worship the Mayor recommenced debate at the point that it was suspended allowing members to receive further information.

**Motion**

**C140217/682**

**That in its capacity as landowner, Council consents to proposed alterations subject to the following conditions.**

- 1. All work to be undertaken by qualified trade's persons.**
- 2. The Glenelg Football Club to indemnify the City of Holdfast Bay against any claims, losses, suits etc. that may arise from this project.**
- 3. The City of Holdfast Bay is permitted to inspect the works at any time during construction.**
- 4. No part of the work is to cause a nuisance or disturbance to any neighbours or visitors to adjoining properties.**
- 5. All works to comply with the Building Code of Australia, all conditions of any Development Approval and legislation.**

Councillor Clancy left the chamber at 10.13pm.

Councillor Donaldson left the chamber at 10.14pm.

Councillor Clancy rejoined the chamber at 10.16pm.

Councillor Donaldson rejoined the chamber at 10.17pm.

Moved Councillor Smedley, Seconded Councillor Patton

**Carried**

**Division called**

A division was called:

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

Those voting against: Nil (0).

His Worship the Mayor declared the motion

**Carried**

This item was not retained in confidence.

**CLOSURE**

The Meeting closed at 10.21 pm.

**CONFIRMED      Tuesday 28 February 2017**

**MAYOR**