

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 14 March 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
General Manager City Assets & Services - SG Hodge
Interim General Manager Alwyndor - PE Aukett
General Manager Business Services - IS Walker
Acting General Manager Community Services – J Smith

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 Kurna 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 Kurna 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****C140317/695**

That the minutes of the Ordinary Meeting of Council held on 28 February 2017 be taken as read and confirmed.

Moved by Councillor Lonie, Seconded by Councillor Aust

Carried**8. PUBLIC PRESENTATIONS****8.1 Petitions**

- 8.1.1 ***Petition – Objection to the Holdfast Bay Council Laneway Sale*** (Report No: 70/17)

A non-conforming petition has been received.

The petition does not meet the criteria outlined by the *Local Government (Procedures at Meetings) Regulations 2013* and the Council's Code of Practice – Procedures at Meetings as it is not clearly addressed to the City of Holdfast Bay and does not include the Head Petitioners contact details on each page of the petition in accordance with clause 3.1.5 of the Council's Code of Practice – Meeting Procedures.

The petition states as follows:

“Petition in Objection to the Holdfast Bay Council Laneway Sale Proposition

We the undersigned wish to highlight the community impact and objection to the sale of the laneway linking Dunluce Avenue and Yester Avenue. We feel this is a community amenity that should remain accessible to all.”

Motion**C140317/696**

That the non-conforming petition be noted and referred to Administration for a response.

Moved Councillor Bouchee, Seconded Councillor Aust

Carried8.2 **Presentation - Nil**8.3 **Deputations**8.3.1 **Sale of the Laneway, Dunluce Avenue Brighton***This deputation has been withdrawn.***9. QUESTIONS BY MEMBERS**9.1 **Without Notice**9.1.1 **Developments in Glenelg– Councillor Bouchee**

Councillor Bouchee asked a question regarding the fences for two developments in Glenelg.

His Worship the Mayor, Mr S Patterson took the question on notice.

9.1.2 **Glenelg Foreshore Playspace – Maintenance – Councillor Wilson**

Councillor Wilson asked a question regarding the maintenance of the Glenelg Foreshore Playspace.

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

9.1.2 **Shade Sails at Council Foreshore Playgrounds – Councillor Clancy**

Councillor Clancy asked a question regarding the installation of Shade Sails in Council Foreshore Playgrounds.

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

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

The Manager Development Services, Mr A Marroncelli provided a response.

Councillor Donaldson left the chamber at 7.08pm.

9.2 **With Notice - Nil**

10. MEMBER'S ACTIVITY REPORTS - Nil**11. MOTIONS ON NOTICE****11.1 Motion on Notice – Developing Improved Outdoor Dining Areas and Conditions – Councillor Aust (Report No: 69/17)**

Councillor Aust proposed the following motion:

BACKGROUND

It has come to my attention that many small business operators would love to activate the areas around their premises but because of existing infrastructure (trees, street furniture, uneven footpaths etc.) there is a requirement for them to construct hard stand infrastructure such as decking, ramps, rooves and lighting. Under our present policy this construction becomes an encroachment. The encroachment then increases the cost of leasing that outdoor area which is prohibitive when operating in an extremely seasonal market. The business operators are making these improvements at their cost to maximise their business opportunities but we then charge them a higher rate.

Interestingly Adelaide City Council is reviewing its policies in this area in an attempt to have more and more street presence in their dining and café precincts.

ADMINISTRATION COMMENT – General Manager, City Assets and Services

Please see attached current rates for designated outdoor dining rates. Any approach from traders to create an encroachment over public land i.e. hard stand semi-permanent structures, is costed on a commercial rate (encroachment) i.e. the current valuation of the land occupied on a \$ per square metre basis.

Motion**C140317/697**

That Administration prepares a report on alternatives for developing improved outdoor dining areas and conditions (including encroachments) for the many small café operators who are mainly in tenanted facilities. The aim is to be able to assist them to operate more cost effectively in a seasonal environment.

Councillor Donaldson re-joined the chamber at 7.10pm.

Moved Councillor Aust, Seconded Councillor Donaldson

Carried

11.2 Motion on Notice – Amendment to Council Resolution – Community Centres Policy – Councillor Clancy (Report No: 72/17)

Councillor Clancy proposed the following motion:

BACKGROUND

The Community Centres policy was deferred by Council for 6 weeks. This is not adequate time for a proper consultation with the affected organisations.

It is not sufficient for them to comprehend the full implications for their operations and budgets or to allow formal consideration at their monthly board meetings.

The question of which facilities should be covered by this policy also need clarifying given Council's own definition, *For the purpose of this policy, Community Centres are defined as: - Publicly accessible facilities that provide space for individuals, local organisations and community groups to meet, and for a range of social programs, services and activities which address the social needs of a community.* This definition adds weight to the question as to why this policy and the compliance burden it entails is not being applied to all Council facilities that fit that description.

The current policy wording may also create a situation where centres become dependent on Council providing support for the centres in a manner that may not be cost effective.

There is no urgency to resolve this matter and a longer time frame will produce a better resolution with all parties agreeing on outcomes.

ADMINISTRATION COMMENT

The Community Centres Policy (the Policy) intends to provide a strategic direction to guide the provision and development of the community centres within the City of Holdfast Bay. Further, the Policy aims to ensure the centres continue to meet the needs of the community, and are sustainable and well managed. It aims to set a high level direction for Council, ensuring Council and the Centres work collaboratively.

In July 2016, Council hosted an outcomes planning workshop facilitated by Community Centres SA, the Peak Body for community centres in South Australia. The purpose of this workshop was to bring the 4 community centres together to begin developing an agreed vision. There was representation from all community centres and the meeting was attended by Mayor Stephen Patterson. From this workshop it became apparent that Council needed an overall strategic guide for the community centres to support their sustainable development.

Once the Policy is endorsed, it is intended to develop a Community Centre Framework. The Framework will incorporate an up-dated environmental scan and provide recommendations for future service provision aligned with Council's strategic vision. This Framework will provide clarification of the financial and operational considerations and will provide future funding options for Council's consideration.

Consultation

Prior to being presented to Council on 14 February 2017, the community centres were asked to provide feedback on the policy over a 6 week period commencing in December 2016. Feedback from all four centres was discussed at the Community Centres Network Meeting on 24 January 2017, attended by Mayor Stephen Patterson and subsequent changes were made to the policy.

Council resolved at its meeting on 14 February 2017, Resolution No. C140217/663

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

Following this motion, the community centre management committees and centre managers were given another opportunity to provide further feedback on the Community Centre Policy.

Submissions were received from Glenelg North Community Centre and Holdfast Bay Community Centre. Face to face discussions were held with Brighton Over 50s Social Club and the Glenelg Community Club.

The following feedback was received from the community centres:

- Inclusion of recreation centres, sporting hubs and other Council owned facilities within the policy
- Concerns volunteer management may not be able to meet continuous improvement, evaluation, and legislative requirements including WHS
- To provide an ‘affordable’ space Council should support the centres financially. This would allow support to programs which cannot afford to pay hire fees
- Who is responsible for assuring the centres are adequately funded.

Following the most recent consultation, Glenelg North, Glenelg, Brighton and Holdfast Bay Community Centres have all confirmed they are satisfied with the policy and its principles. After discussing the feedback provided by Holdfast Bay Community Centre Management, it was agreed the policy would be reviewed upon completion of the Community Centres Framework.

Response to Feedback

Community Centres are unique in the service they provide to the community, and while other services have similar outcomes, the operation and purpose of a community centre differs from other Council owned facilities.

It is intended that sporting and community hubs, including Kauri Community and Sports Centre and any future developments at Glenelg and Brighton sporting precincts will be dealt with under separate arrangements, although many of the key principles in the Policy will apply.

Operational Implications and Financial Considerations

Council's Community Centre Coordinator works with each Centre on a wide range of tasks on a day to day basis. This includes assistance with continuous improvement, legislative requirements and WHS considerations for volunteer management committees as per the requirements of the Associations Act. Assistance with these requirements is not an additional cost to the centres or Council.

Ongoing funding options for ensuring the continuing viability and sustainability of community centres will be addressed within the proposed Community Centres Framework.

Motion

That Council resolution:

C140217/663 "That the item be adjourned until further consultation with the community centres is undertaken and represented to council in six weeks."

be amended to defer re-presentation of the community centres policy for 6 months to allow affected organisations to properly consider their response by further consultation with other centres, their boards and council.

Moved Councillor Clancy, Seconded Councillor Bouchee

Lost

11.3 **Motion on Notice – Glenelg Football Club** (Report No: 82/17)

Councillor Smedley proposed the following motion:

BACKGROUND

As a consequence of storm damage to the HY Sparks Stand on 27 December 2016, it has been determined that the stand will be unavailable for use by the public during 2017 SANFL league season and beyond, with a resulting loss of an estimated undercover 500 seats.

It has been a longstanding tradition for Council to patronise Glenelg home games and invite guests. I am told a total of 44 tickets are made available each home game, to Elected Members, Administration and /or as a reward Council Volunteers, and their guests.

In recent years there have been WHS concerns, in particular about the safety of the stairs leading to the box and possibly for this reason, coupled with falling crowd attendances at SANFL games, utilisation has been decreasing.

Given the low utilisation of the facility and the difficult trading circumstances facing the Glenelg Football Club this season, the above motion is proposed as a small measure of assistance to the club in accommodating its coaching squad and those of opposing teams as well as members and the general paying public.

“Clauses 12.19 and 12.20 read:

12.19 The Lessee must make available for the use of the Council seating for forty (40) guests in the Southern Grandstand for all SANFL league matches conducted at the Property.

12.20 The Lessee will make available on SANFL league match days twenty (20) car parking spaces for use by Council members or persons nominated by them in the areas identified as Council Reserved Parking on the Plan.”

ADMINISTRATION COMMENT – General Manager Business Services

Any changes to the Lease requires consent of both parties and, whilst the Club is unlikely to object, we need to recognise that it is either an agreed amendment or a waiver by Council of the obligations on the Club under clauses 12.19 and 12.20.

Motion

C140317/698

That Council:

- 1. amend Special Conditions Clause 12.19 to show the lessee must make available for the use of the Council 40 tickets to each game for all SANFL league matches conducted at the property**
- 2. rescind clause 12.20 contained in the Schedule to Lease and Licence Agreement between City of Holdfast Bay and Glenelg Football Club Incorporated, dated 7 November 2001, and**
- 3. unless the Club can make use of the existing prefabricated Council Box facilities within the Edward Rix Stand, arrange for their removal and the reinstatement of the rear two rows of seating so as to make them available for use of the general public, commencing with the 2017 SANFL Football Season.**

Moved Councillor Smedley, Seconded Councillor Patton

Carried

Division called

A division was called and the previous decision was set aside.

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

Those voting against: Nil (0).

His Worship the Mayor declared the motion

Carried

Councillor Charlick left the chamber at 7.55pm.

12. ADJOURNED MATTER

12.1 **Adjourned Report – Proposed Upgrade at the King George Avenue and King Street Intersection – Preferred Option** (Report No: 78/17)

Council at its meeting held 13 December 2016, resolved to adjourn Report No: 300/16 until February 2017 to allow for further consultation with Ward Councillors. Following consultation with the ward councillors and a single option is now being proposed, refer Attachment 1.

This report represents Report No: 300/16 for Council's further consideration.

Debate on this matter is resumed at the point where it was adjourned. The chamber was debating the motion:

*"That the report be received and noted.
Moved Councillor Clancy, Seconded Councillor Snewin"*

And it is at this point that debate on this matter is resumed following the adjournment.

Members who have spoken in the debate prior to the adjournment are taken to have spoken to the motion. The following Councillors have spoken to the motion, this includes Councillors Bouchee, Clancy, Donaldson and Snewin.

Council needs to determine the outcome of the adjourned motion from the meeting of 13 December 2016, before considering the new recommendation included in this report.

RECOMMENDATION FROM 13 DECEMBER 2016

This motion needs to be considered before any new motions can be considered.

Motion

C140317/699

That the report be received and noted.

Councillor Charlick re-joined the meeting at 7.57pm.

Moved Councillor Clancy, Seconded Councillor Snewin

Carried

Motion

1. **That Council endorses the attached concept and proceeds to public consultation of nearby affected residents.**
2. **A further report be provided to Council on the outcomes of the consultation for information.**

Moved Councillor Lonie, Seconded Councillor Clancy

Lost

Division called

A division was called and the previous decision was set aside.

Those voting for: Councillors Snewin, Lonie, Patton and Clancy (4)

Those voting against: Councillors, Aust, Bouchée, Bradshaw, Charlick, Donaldson, Smedley, Wilson and Yates (8).

His Worship the Mayor declared the motion

Lost

Councillor Lonie left the chamber at 8.11pm.

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

14. REPORTS BY OFFICERS

14.1 Items in Brief (Report No: 68/17)

This item is presented for the information of Members. After noting the report any items of interest can be discussed and, if required, further motions proposed.

Councillor Lonie re-joined the chamber at 8.12pm

Motion

C140317/700

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

- **Murray Darling Association Region 7 Annual General Meeting – Nominations for the Adelaide Metro Regional Executive Committee**

Moved Councillor Charlick, Seconded Councillor Lonie

Carried

14.2 Council Policy Review (Report No: 71/17)

As part of the on-going review of Council policies, fifteen policies have been reviewed and are now presented to Council for adoption. Nine of the fifteen policies have required minor amendments since their last review, while three policies have had the addition of a preamble and the last three policies have been substantially rewritten.

Motion

C140317/701

That Report No: 71/17 be adjourned for one month so that Members have more time to comment on the policies presented.

Moved Councillor Wilson, Seconded Councillor Bouchee

Carried

14.3 Road Reserve Sale Feasibility (Report No: 75/17)

The purpose of this report is to assess the feasibility and efficacy for the sale of a Council owned road reserve located off Marlborough Street at Brighton.

A feasibility assessment finds merit in selling the road reserve, providing that it is purchased by the owners of the Brighton Central Shopping Centre. A separate valuer's report also finds that the road reserve's highest and best economic use would be achieved by a sale to the Brighton Central Shopping Centre.

As such, and based on the best information available, the sale of the road reserve is both feasible and efficable, and should Council wish to progress the matter, it is recommended that a valuation is commissioned for further consideration of the initiative prior to commencing a formal road closing process.

Motion**C140317/702**

That having regard to both a feasibility and efficacy assessment, consideration is progressed for the sale of road reserve formally known as Lot 75 in Deposited Plan 2152 of Certificate of Title Volume 5909 Folio 25, by undertaking the following as a means to further inform Council's decision making process:

- 1. Commission a formal valuation of the land as required, following an EOI process with all three property owners adjacent to the land.**
- 2. Following the EOI result seek further direction from Council as to whether it wishes to proceed with the sale having regard to the expected sale price.**

Moved Councillor Bradshaw, Seconded Councillor Donaldson

Carried**Division called**

A division was called and the previous decision was set aside.

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

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

His Worship the Mayor declared the motion

Carried**14.4 Appointments to the Development Assessment Panel (Report No: 76/17)**

The current term for Independent Members serving on the City of Holdfast Bay Development Assessment Panel (the Panel) expires on 30 April 2017. This report recommends that Council appoint a working group comprising the three Elected Members currently serving on the Panel, to make a recommendation to Council on four suitably qualified people to serve as Independent Members, selected from the pool of applicants following a call for expressions of interest.

Motion**C140317/703**

1. That the Elected Members appointed to the City of Holdfast Bay Development Assessment Panel (being Councillors Clancy, Patton and Yates) comprise a working group to review all expressions of interest received for Independent Membership to the Development Assessment Panel and make recommendation to Council on four suitably qualified people to serve as Independent Members, one being the Presiding Member.
2. That the working group appointed to review the expressions of interest received for Independent Membership to the Development Assessment Panel, shall assess applicants against the criteria established for Independent Members pursuant to Section 10 of the Terms of Reference for the Holdfast Bay Development Assessment Panel.

Moved Councillor Clancy, Seconded Councillor Yates

Carried**14.5 Sale of Portion of Laneway Adjacent Northern Boundary of 46 Tod Street Glenelg North (Revocation of Community Land) (Report No: 74/17)**

Council has previously resolved to sell a portion of the laneway to the property owners of 46 Tod Street Glenelg North.

During the conveyancing process, the Land Titles Office has issued a Notice of Intention to Reject, due to the laneway having Community Land Status.

This report recommends that the Community Land status be revoked so that the sale can proceed.

Conflict of Interest

Councillor Charlick declared a perceived conflict of interest for item 14.5 Sale of Portion of Laneway Adjacent Northern Boundary of 46 Tod Street Glenelg North (Revocation of Community Land) (Report No: 74/17). The nature of his perceived conflict of interest (Pursuant to Section 74 of the Local Government Act 1999) was that he is a resident of Regent Street which adjoins West Lane which is an extension of the Tod Street Laneway. Councillor Charlick dealt with this perceived conflict of interest by making it known to the chamber.

Motion**C140317/704**

1. That Council revokes the Community Land Status of the drainage reserve located east of Tod Street for a distance of 34.29 metres.
2. The property owners of 46 Tod Street be advised of this revocation in order for their conveyancer to proceed to finalise the sale.

Moved Councillor Clancy, Seconded Councillor Bouchee

Carried

Division called

A division was called and the previous decision was set aside.

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

Those voting against: Nil (0).

His Worship the Mayor declared the motion

Carried

Conflict of Interest

His Worship the Mayor, S Patterson declared a perceived conflict of interest for the item Options for the HY Sparks Grandstand – Glenelg Oval (Report No: 73/17). 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.

14.6 Options for the HY Sparks Grandstand – Glenelg Oval (Report No: 73/17)

Following a severe storm event on 27 December 2016 the roof at the HY Sparks stand at the Glenelg Oval suffered significant damage resulting in the partial demolition of the corrugated iron roof and damage to the brick work and steel support columns.

Following comprehensive investigations by Structural Engineers a clearer picture of the structural integrity and options going forward have emerged to be able to give members enough information to be able to make an informed decision on the immediate future of the grandstand. Seemingly there are three options available to Council and these options are detailed in the body of this report.

Motion

C140317/705

That Council demolish the grandstand, subject to negotiations with the insurers, and construct a grassed mound over the site with terrace seating and freestanding shelter for weather protection for spectators at the facility, with concept plans to be approved by council.

Moved Councillor Bouchee, Seconded Councillor Wilson

Carried

Division called

A division was called and the previous decision was set aside.

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

Those voting against: Nil (0).

His Worship the Mayor declared the motion

Carried

14.7 **Summary of Survey Responses Regarding Possible Sale of Laneway Adjacent Western Boundary of 26 Dunluce Avenue Brighton** (Report No: 77/17)

This report has been withdrawn.

14.8 **National General Assembly of Local Government** (Report No: 81/17)

The 2017 National General Assembly of Local Government, will be hosted by the Australian Local Government Association (ALGA) from 18 - 21 June 2017, in Canberra, ACT. Registrations are open to attend the 2017 NGA, but the program for the event has yet to be released.

ALGA has also written inviting councils to propose notice of motions for debate at the 2017 NGA.

Motion

C140317/706

1. **That Council approves the attendance of Councillors Lonie and Bouchee at the National General Assembly of Local Government from 18 - 21 June 2017.**
2. **That all delegates attending the 2017 National General Assembly of Local Government present a written report back to Council.**
3. **That Councillor Lonie, Deputy Mayor be councils voting delegate at the National General Assembly of Local Government.**

Moved Councillor Clancy, Seconded Councillor Snewin

Carried

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

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

17. **ITEMS IN CONFIDENCE - Nil**

CLOSURE

The Meeting closed at 8.54pm.

CONFIRMED Tuesday 28 March 2017

MAYOR