

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 27 June 2017 at 7:00pm.

MEMBERS PRESENT

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

STAFF IN ATTENDANCE

Chief Executive Officer - J Lynch
General Manager Business Services – R Bria
General Manager City Assets & Services - S Hodge
General Manager Community Services - P Aukett

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 A Wilson and Councillor K Donaldson

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

C270617/815

That the minutes of the Ordinary Meeting of Council held on 13 June 2017 be taken as read and confirmed.

Moved by Councillor Yates, Seconded by Councillor Clancy

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 Resolutions Relating to Small Business at Council Meeting held 13 June 2017– Councillor Clancy

Councillor Clancy asked questions regarding the resolutions regarding small business at the Council Meeting held 13 June 2017.

His Worship the Mayor, S Patterson provided a response.

9.1.2 Car Parking in Glenelg during Tram Works – Councillor Bouchee

Councillor Bouchee asked a question regarding car parking for retailers and employees during tram works.

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

9.1.3 Sale of Marlborough Street Laneway, Brighton – Councillor Bradshaw

Councillor Bradshaw asked a question regarding the sale of Marlborough Street Laneway.

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

9.1.4 Financial Support to the Glenelg Football Club – Councillor Clancy

Councillor Clancy asked a question regarding the total amount of financial support provided by Council to the Glenelg Football Club.

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

9.2 With Notice - Nil**10. MEMBER'S ACTIVITY REPORTS****10.1 Members' Activity Report (Report No: 204/17)**

These activity reports are presented for the information of Members.

After noting the report any items of interest can be discussed, if required with the leave of the meeting.

Motion**C270617/816**

That the following activity reports be noted:

- **Deputy Mayor, Councillor Lonie**

Moved Councillor Bouchee, Seconded Councillor Clancy

Carried**11. MOTIONS ON NOTICE - Nil****12. ADJOURNED MATTERS - Nil****13. REPORTS OF MANAGEMENT COMMITTEES, SUBSIDIARIES AND THE DEVELOPMENT ASSESSMENT PANEL****13.1 Minutes – Jetty Road Mainstreet Committee – 7 June 2017 (Report No: 203/17)**

The Minutes of the Jetty Road Mainstreet Committee Special Meeting held on 7 June 2017 are attached and presented for Council's information.

Motion**C270617/817**

- 1. The Minutes of the Jetty Road Mainstreet Committee Meeting held 7 June 2017 are received by Council.**
- 2. The Council endorses the recommendations of the Committee, relating to the Glenelg Tram Track Marketing campaign, namely:**
 - 1. That the Jetty Road Committee adopts the budget attached and furthermore approves for the Chair and Deputy Chair jointly to make any amendments to the budget in order to achieve the best results for the marketing of the street.**

2. That Council administration provide details on all marketing aspects for the approval of the Chair and Deputy Chair Jointly prior to any of the marketing being implemented to ensure that the street receives maximum benefit from the campaign.
3. That the Committee recommends that the Glenelg Sunset Markets continue in 2017/18 with four markets over the course of summer.
4. That the Committee makes a recommendation on the continuation and recurrence of the Play at the Bay event.

Moved Councillor Lonie, Seconded Councillor Aust

Carried

14. REPORTS BY OFFICERS

14.1 Items in Brief (Report No: 205/17)

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

C270617/818

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

1. **2017-18 Annual Business Plan Summary Document**
2. **Parking in Edwards Street, Brighton.**

Moved Councillor Bouchee, Seconded Councillor Lonie

Carried

Motion

Point of Order

His Worship the Mayor called to order Councillors Yates and Bouchee for interrupting other members who were speaking in breach of Regulation 29(1) of the *Local Government (Procedures at Meetings) Regulations 2013*.

Point of Order

His Worship the Mayor called to order Councillor Bouchee for interrupting other members who were speaking contrary to Regulation 29(1) of the *Local Government (Procedures at Meetings) Regulations 2013* and ruled that her continual interruptions to other members was a breach of Regulation 29(1) of the *Local Government (Procedures at Meetings) Regulations 2013*.

His Worship the Mayor asked Councillor Bouchee to make a personal explanation regarding her continual interruptions.

Councillor Bouchee made a personal explanation to the chamber regarding the reasons for her continual interruptions and left the chamber at 7.21pm.

His Worship the Mayor made a statement in support of his ruling, pursuant to Regulation 28(6) of the *Local Government (Procedures at Meetings) Regulations 2013*, and ruled that Councillor Bouchee would be excluded from the chamber for the remainder of the debate on Parking on Edwards Street, Brighton, under Regulation 29(5) of the *Local Government (Procedures at Meetings) Regulations 2013*.

Motion

C270617/819

That Councillor Bouchee has behaved contrary to Regulation 29(1) of the *Local Government (Procedures at Meetings) Regulations 2013* and will be excluded from the chamber for the remainder of the debate on Parking on Edwards Street, Brighton as she has interrupted another member who was speaking.

Moved Mayor Patterson, Seconded Councillor Lonie

Carried

The ruling by the Mayor was confirmed by the chamber.

That the parking controls between Trevellion Street and Commercial Road be reinstated, from 9am-6pm to be 1 hour parking along the northern side of Edward Street.

Moved Councillor Clancy, Seconded Councillor Lonie

Lost

Councillor Bouchee rejoined the chamber at 7.31pm.

14.2 Results of Survey regarding Sale of Laneway Adjacent Southern Boundaries of 11 and 13 Sturt Road, Brighton (Report No: 210/17)

The property owner of 11 and 13 Sturt Road Brighton has approached Council regarding the possibility of purchasing from Council a laneway adjacent their southern boundary.

22 residential properties in close proximity to the lane were canvassed for their view on the proposed sale of the lane with 4 residents supporting the sale and 13 objecting.

This report recommends that Council advise the property owner that the majority of residents surveyed objected to the sale and the sale will not proceed.

Motion

C270617/820

That Council advises the property owner of 11 and 13 Sturt Road and 2 Margate Street, Brighton that Council will not proceed with the sale.

Moved Councillor Smedley, Seconded Councillor Yates

Carried

14.3 **Seafaring Fools – Application for Restaurant Liquor Licence** (Report No: 211/17)

Council has been approached by a business operator (*“Applicant”*) who will soon be taking over the existing café located at 60B Broadway, Glenelg South. Though the business is not set to commence operation until September 2017, in anticipation of the opening, the applicant seeks to commence the process of obtaining a Restaurant Liquor Licence from Consumer and Business Services.

The applicant seeks a Restaurant Licence with both a section 34 (1) (c) and section 69 authorisation, in order to serve liquor to patrons for consumption on the premises Monday to Sunday between 8:00 am to 10:00 pm.

The applicant now seeks Council consent in support of their application to Consumer and Business Services.

Motion

C270617/821

That Council advises both the applicant and Consumer and Business Services that it supports the granting of a Restaurant Liquor Licence with section 34 (1) (c) and section 69 authorisation for the premises located at 60B Broadway Glenelg South subject to the following conditions:

1. **That the licensed hours be restricted to Monday to Sunday 8:00 am to 10:00 pm;**
2. **That the sought section 34 (1) (c) authorisation reflect the above hours;**
3. **That the set capacity of the internal area be restricted to a maximum of 36 persons;**
4. **All doors and windows within the premises are to be closed (but not locked) during the trading hours when entertainment is provided;**
5. **No [live] entertainment is to be provided in any outdoor/external area, and no loudspeakers are to be placed on the fascia of the premises, balcony or any other adjacent outdoor area or footpath.**

Moved Councillor Charlick, Seconded Councillor Aust

Carried

Conflict of Interest

Councillor Snewin declared a material conflict of interest for 14.4 Glenelg District Cricket Club – New Lease and Licence (Report No: 212/17). The nature of his material conflict of interest (Pursuant to Section 74 of the Local Government Act 1999) is that he is President of the Glenelg District Cricket Club. Councillor Snewin dealt with this material conflict of interest by making it known to the chamber and left the meeting at 7.32pm.

14.4 Glenelg District Cricket Club – New Lease and Licence (Report No: 212/17)

The Glenelg District Cricket Club has occupied its current premises at Glenelg Oval under sub-lease arrangement since 2001.

As a result of the changing circumstances and needs of the club, and in accordance with Council Resolution C131216/622, negotiations have been undertaken with both the Glenelg Football Club and the Glenelg District Cricket Club for the purpose of entering into new separate leases for their respective buildings, and new separate licence arrangements for the use of the oval and surrounds.

It is proposed that Council now enter into a lease and licence agreement with the Glenelg District Cricket Club Incorporated for a period of five (5) years commencing 1 October 2017, with an option to renew for a further five (5) years thereafter. As an outcome of negotiations held between the Club and the City of Holdfast Bay's Chief Executive Officer, an annual payable rent of \$5,000 has been agreed upon for the first three (3) years of the lease. Full details of the proposal are outlined within this report.

Motion

- 1. That Council enters into a new lease agreement with the Glenelg District Cricket Club Incorporated for exclusive use rights over a portion of land contained within Certificate of Title Volume 5869 Folio 949 for a period of five (5) years commencing 1 October 2017, or earlier if agreed by both parties, with an annual rent of \$5,000 (ex GST) payable for the first three (3) years of the lease term;**
- 2. That Council enters into a new license agreement with the Glenelg District Cricket Club Incorporated for non-exclusive use rights over a portion of land contained within Certificate of Title Volume 5869 Folio 949 for a period of five (5) years commencing 1 October 2017, with an annual rent of \$1 payable on demand;**
- 3. That the Chief Executive Officer and Mayor be authorised to execute all documents necessary to complete the lease and licence.**

Moved Councillor Lonie, Seconded Councillor Patton

Amendment

- 1. That Council enters into a new lease agreement with the Glenelg District Cricket Club Incorporated for exclusive use rights over a portion of land contained within Certificate of Title Volume 5869 Folio 949 for a period of five (5) years commencing 1 October 2017, or earlier if agreed by both parties, with an annual rent of \$5,000 (ex GST) payable for the first three (3) years of the lease term;**
- 2. That Council enters into a new license agreement with the Glenelg District Cricket Club Incorporated for non-exclusive use rights over a portion of land contained within**

Certificate of Title Volume 5869 Folio 949 for a period of five (5) years commencing 1 October 2017, with an annual rent of \$1 payable on demand;

- 3. That the Chief Executive Officer and Mayor be authorised to execute all documents necessary to complete the lease and licence.**
- 4. That as per the current head lease, the GFC is responsible for all expenses incurred until the new lease has commenced.**

Moved Councillor Bouchee, Seconded Councillor Yates

The amendment on being put was

Carried

Adjournment

C270617/822

That Report No: 212/17 Glenelg District Cricket Club – New Lease and Licence be adjourned to allow the Glenelg Football Club Lease to be renegotiated and then considered in conjunction with the Glenelg Football Club lease.

Moved Councillor Smedley, Seconded Councillor Charlick

Carried

Councillor Snewin rejoined the chamber at 7.55pm.

Conflict of Interest

Councillor Snewin declared a material conflict of interest for 14.5 Glenelg District Cricket Club – Application for Variation of Liquor Licence (Report No: 213/17). The nature of his material conflict of interest (Pursuant to Section 74 of the Local Government Act 1999) is that he is President of the Glenelg District Cricket Club. Councillor Snewin dealt with this material conflict of interest by making it known to the chamber and left the meeting at 7.56pm.

14.5 Glenelg District Cricket Club – Application for Variation of Liquor Licence (Report No: 213/17)

His Worship the Mayor, S Patterson sought leave of the meeting to obtain advice from the Chief Executive Officer, if Council should consider the next item of business on the agenda, given that the report on the lease to the Glenelg Cricket Club was adjourned.

Leave of the meeting was granted.

Adjournment

C270617/823

That Report No:213/17, Glenelg District Cricket Club – Application for Variation of Liquor Licence be adjourned to the next meeting of Council on 11 July 2017, to be considered after the lease to the Glenelg District Cricket Club.

Moved Councillor Bouchee, Seconded Councillor Lonie

Carried

Councillor Snewin rejoined the chamber at 7.57pm

14.6 Council Policy Review (Report No: 206/17)

As part of the on-going review of Council policies, five policies have been reviewed and are now presented to Council for adoption. One policy has required minor amendments since its last review and four policies have been substantially rewritten.

Motion**C270617/825**

That the following policies (as amended) be adopted by Council:

- **Community Consultation and Engagement Policy (Attachment 1)**
- **Elected Member Code of Conduct Investigations Policy (Attachment 2)**
- **Customer Feedback and Complaints Policy (Attachment 4)**
- **Internal Review of Council Decisions Policy (Attachment 5).**

Motion**C270617/824**

That the question be put.

Moved Councillor Clancy, Seconded Councillor Snewin

Carried

His Worship the Mayor, S Patterson put the substantive motion, Moved Councillor Yates, Seconded Councillor Lonie and declared the motion

Carried**14.7 Monthly Financial Report – 31 May 2017 (Report No: 222/17)**

Attached are financial reports as at 31 May 2017. They comprise a Funds Statement and a Capital Expenditure Report for Council's municipal activities and Alwyndor Aged Care, and a month by month variance report for Council's municipal activities.

On 23 May 2017, Council agreed to match any funding provided by the State Government of South Australia, up to a maximum of \$40,000 to promote Jetty Road, Glenelg precinct after the tram line replacement works (resolution C230517/768). At the same meeting Council approved the write off of past interest owed on loans to the Glenelg Football Club being \$121,000 and future interest for two financial years up to 31 October 2019 (resolution C230517/787). The overall impact of this resolution for 2016/17 is \$150,337. These budget variations have been included in the attached financial reports and from part of the revised forecast for 2016/17.

Motion**C270617/826**

That Council receives the financial reports for the 11 months to 31 May 2017 and notes:

Municipal Activities

- a decrease in the forecast operating surplus for 2016/17 of \$190,337 from \$428,967 to \$238,630 (compared to an operating surplus of \$472,779 in the original budget);
- no change in the forecast capital expenditure for 2016/17 of \$18.157 million (compared with \$8.585 million in the original budget);
- an increase in the forecast funding requirement for 2016/17 of \$190,337 from \$989,252 to \$1,179,589 (compared with a funding surplus of \$2.970 million in the original budget).

Alwyndor Aged Care

- no change in the forecast operating surplus for 2016/17 of \$169,562 (compared to an operating surplus of \$466,362 in the original budget);
- no change in the forecast capital expenditure for 2016/17 of \$476,260 (unchanged from the original budget);
- no change in the forecast funding surplus for 2016/17 of \$555,782 (compared with a funding surplus of \$852,582 in the original budget).

Moved Councillor Smedley, Seconded Councillor Yates

Carried

14.8 **Jetty Road Glenelg and Environs Masterplan – Community Engagement and Preliminary Concepts** (Report No: 207/17)

The first 'phase' of community engagement on Jetty Road Masterplan concluded on 31 May 2017, which comprised the start-up, visioning and listening phase. This initial engagement has informed the development of the proposed concepts for further consultation and public engagement.

The proposed phase 2 community engagement plan aims to gauge the views, expectations and aspirations of the local community, visitors and key stakeholder groups on the concepts that have been developed as a result of phase 1. Feedback on these draft concepts through engagement will then inform the creation of the draft Masterplan. Engaging on the draft Masterplan will constitute phase 3 of community engagement.

Motion

C270617/827

1. That the engagement plan, describing the process for Phase 2 of engagement for the development of the Jetty Road Glenelg and Environs Masterplan, as described in Attachment 1 to Report No: 207/17, be endorsed.

2. **That the preliminary concepts and their use in Phase 2 of community consultation and engagement of the Jetty Road Masterplan, provided in Attachment 3 to Report No. 207/17, be endorsed.**
3. **That the 'Engagement Summary Report' on Phase 1 of community consultation and engagement, as described in Attachment 2 to Report No: 207/17, is noted.**

Moved Councillor Lonie, Seconded Councillor Patton

Carried

Councillor Patton left the chamber at 8.31pm.

14.9 **2017-18 Rate Declaration** (Report No: 208/17)

General, differential and separate rates have been identified to fund Council's activities together with the NRM Levy as contained within the budget document. Council is now in a position to formally declare the rates for the 2017/18 financial year.

Councillor Patton rejoined the chamber at 8.34pm.

Motion

C270617/828

1. Adoption of Valuations

That the most recent valuations of the State Valuation Office available to the Council of the capital value of land within Council's area totaling \$12,432,609,780, be adopted for rating purposes;

2. Attribution of Land Use Codes

- (a) **The numbers indicated against the various categories of land use prescribed by Regulation 10 of the *Local Government (General) Regulations, 1999* (the "Regulations") be used to designate land uses in the Assessment Record;**
- (b) **The use indicated by those numbers in respect of each separate assessment of land described in the Assessment Record on this date be attributed to each such assessment respectively; and**
- (c) **Reference in this resolution to land being of a certain category use means the use indicated by that category number in the Regulations;**

3. Declaration of Differential General Rates

In order to raise a total net amount of \$33,102,490 from the differential general rate:

- (a) **In respect of rateable land which is used for Commercial-Shop (Category 2), Commercial-Office (Category 3),**

Commercial-Other (Category 4), Industrial-Light (Category 5), Industrial-Other (Category 6), and Vacant Land (Category 8) uses and classified as such in the Assessment Record of the Council at the date of this declaration, a Differential General Rate of 0.3979 cents in the dollar is declared on the assessed capital value of such property;

- (b) In respect of rateable land which is used for Residential (Category 1) and Other Land (Category 9) uses and classified as such in the Assessment Record of the Council at the date of this declaration, a Differential General Rate of 0.25362 cents in the dollar is declared on the assessed capital value of such property;**
- (c) Pursuant to Section 158 of the *Local Government Act 1999* a minimum amount payable by way of the General Rate be fixed at \$950;**
- (d) Pursuant to Section 153(3) and (4) of the *Local Government Act 1999* a maximum increase of 6% is fixed in the general rate charged on rateable land that is used for Residential purposes and constitutes the principal place of residence of a principal ratepayer.**

4. Declaration of Separate Rates

Jetty Road Mainstreet

- (a) In exercise of the powers contained in Section 154 of the *Local Government Act 1999* and in order to support and improve the activity of promoting and enhancing business viability, profitability and trade, commerce and industry in Jetty Road Glenelg, a Differential Separate Rate of 0.13338 cents in the dollar is declared on the assessed capital value of all rateable land:**
 - with a frontage to Jetty Road or Moseley Square; and**
 - within the side streets that intersect with Jetty Road between High Street and Augusta street; and**
 - the entire site referred to as the Holdfast Shores 2B Entertainment Centre; and**
 - with a land use of Category 2 (Commercial – Shop), Category 3 (Commercial – Office) and Category 4 (Commercial –Other)**

Patawalonga Marina

- (b) (i) In exercise of the powers contained in Section 154 of the *Local Government Act 1999* and in order to carry out the activity of the maintenance and**

upkeep of the Boat Lock in the Patawalonga basin, a Separate Rate of 0.8974 cents in the dollar of the capital value of land, is declared on all rateable land within the Patawalonga basin bounded by the high water mark;

- (ii) In exercise of the powers contained in Section 158(1)(b) of the *Local Government Act 1999* the amount that would otherwise be payable by way of rates in respect of this separate rate is altered by fixing the maximum amount of the separate rate payable for assessments within the area to which this separate rate applies where the capital values of which exceed \$83,686 at \$751;

5. Imposition of regional NRM Levy

In exercise of the powers contained in Section 95 of the *Natural Resources Management Act 2004* and Section 154 of the *Local Government Act 1999*, in order to reimburse the Council for the amount contributed to the Adelaide and Mount Lofty Ranges Natural Resources Management Board, being \$1,152,437.69, a separate rate of 0.0096538 cents in the dollar of the capital value of all rateable land in the Council's area;

6. Payment

- (a) That in accordance with Section 181(1) of the *Local Government Act 1999*, all rates are payable in four equal (or approximately equal) instalments, the due dates being:

1 September 2017;
1 December 2017;
1 March 2018; and
1 June 2018.

Provided that in cases where the initial account requiring payment of rates is not sent by the time set by the *Local Government Act 1999* (the "Act"), or an amended account is required to be sent, authority to fix the date by which rates must be paid in respect of those assessments affected;

- (b) Pursuant to Section 181 (4)(b) of the *Local Government Act 1999*, enter into agreements with ratepayers relating to the payment of rates in any case of hardship or financial difficulty, or where it is considered in the best interests of Council so to do.

7. The current rating policy be updated to reflect Council's decision.

Moved Councillor Smedley, Seconded Councillor Lonie

Carried

14.10 Membership of the Murray Darling Association (Report No: 209/17)

The Murray Darling Association was formed in 1944 as the Murray Valley Development League. It is an association of Local Government entities, along with community groups, businesses and individuals with an interest in ensuring that the Murray-Darling Basin continues as a viable and valuable asset for all.

The City of Holdfast Bay has been a member of the association since 1997, and for 2017/18 financial year will pay a subscription fee of \$3,090 (ex GST) based on our population size.

Councillor Yates is currently the Council's representative on the Murray Darling Association and is appointed for the term of the council.

Council is asked to consider if it wishes to remain a Local Government Entity member of the Murray Darling Association at a cost of \$3,090 (ex GST) or paying for interested members to join the association at a cost of \$75.00 a year.

Motion**C270617/829**

That Council renews its Corporate Membership to the Murray Darling Association.

Moved Councillor Yates, Seconded Councillor Bradshaw

Tied

His Worship the Mayor used his casting vote for the motion and declared that the motion was

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 8.40pm.

CONFIRMED Tuesday 11 July 2017

MAYOR