

**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 8 August 2017 at 7:00pm.**

**MEMBERS PRESENT**

His Worship the Mayor, S Patterson  
Deputy Mayor S Lonie  
Councillor R Aust  
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 - J Lynch  
General Manager Business Services – R Bria  
General Manager City Assets and 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 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 - Councillor M Bouchée

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**

**C080817/866**

**That the minutes of the Ordinary Meeting of Council held on 25 July 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 Presentations - Nil

8.3 Deputations - Nil

**9. QUESTIONS BY MEMBERS**

**9.1 Without Notice**

9.1.1 Heart Sculpture, Glenelg – Councillor Patton

Councillor Patton asked a question regarding the reinstallation of the heart sculpture.

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

**9.2 With Notice**

9.2.1 **Question on Notice – Jetty Road Masterplan** (Report No: 273/17)

Councillor Smedley asked the following question at the Council meeting held 25 July 2017:

***“Councillor Smedley asked questions regarding the Jetty Road Masterplan.”***

**Background**

At the Council meeting held 25 July 2017 Councillor Smedley asked this question as a question without notice and it was taken on notice by the Acting Chief Executive Officer, Mr S Hodge.

### **ANSWER – Team Leader Strategy**

At the request of administration, traffic consultant Frank Siow & Associates completed a car-parking audit for the Glenelg precinct in February 2017. The audit undertaken over two stages in July 2016 and January 2017 each for a four-day period between Thursday – Sunday. The audit provides occupancy counts for both on-street and off-street car parking. This is the first comprehensive audit undertaken since construction of the new Partridge Street and Cowper Street carparks. The last car park occupancy count undertaken for the Glenelg precinct was in 2007. The final audit report, occupancy maps and comparison survey charts were attached to Report No: 273/17.

Council is currently undertaking community engagement on the Jetty Road Masterplan draft concepts, specifically ensuring that the Jetty Road Mainstreet Committee (JRMC) and businesses are fully informed. The Chair of the JRMC as a member on the Steering Group, and a business briefing held in July has aided strong engagement with the traders.

As the project is currently in the conceptual phase, there are no known outcomes regarding the reduction of parking within the precinct at this time. Importantly, we are investigating to see any if additional on-street car parking can be provided to offset any losses. Once car-parking impacts are known, they will be further analysed and presented to traders and community as part of the existing project engagement strategy.

A council workshop on car parking in Glenelg will be held in the coming months to discuss findings from the Masterplan and car parking communication strategy.

## **10. MEMBER'S ACTIVITY REPORTS**

### **10.1 Mayoral Report (Report No: 272/17)**

Presented for the information of Members is the Activity Report for the Mayor for May – July 2017.

#### **Motion**

**C080817/867**

**That the Mayor's Activity Report for May – July 2017 be received and noted.**

Moved Councillor Lonie, Seconded Councillor Aust

**Carried**

## **11. MOTIONS ON NOTICE - Nil**

## **12. ADJOURNED MATTERS**

12.1 **Adjourned Report – Traffic Control at Jetty Road, Partridge Street and Gordon Street, Glenelg** (Report No: 268/17)

**Conflict of Interest:**

Councillor Smedley declared a perceived conflict of interest for the item 12.1 Adjourned Report – Traffic Control at Jetty Road, Partridge Street and Gordon Street, Glenelg (Report No: 268/17). The nature of his perceived conflict of interest (pursuant to Section 74 of the *Local Government Act 1999*) is that he resides on Partridge Street, Glenelg. Councillor Smedley dealt with this perceived conflict of interest by making it known to the chamber and would make a decision in the best interests of the community.

Council at its meeting held 28 March 2017, resolved to adjourn Report No: 97/17 *Traffic Control Jetty Road, Partridge and Gordon Street, Glenelg* so that more information can be provided by DPTI on their recommendation and answer included in the report.

This report represents Report No: 97/17 for council's consideration.

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

*"That a scramble crossing should not be installed at the intersection of Jetty Road, Partridge and Gordon streets at this stage.  
Moved Councillor Wilson, Seconded Councillor Charlick"*

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. Councillors Wilson and Charlick have spoken to the motion.

Council needs to determine the outcome of the adjourned motion from the meeting of 28 March 2017, before considering any new recommendations in the report.

**Motion**

**C080817/868**

**That a scramble crossing should not be installed at the intersection of Jetty Road, Partridge and Gordon streets at this stage.**

Moved Councillor Wilson, Seconded Councillor Charlick

**Carried**

**Motion****C080817/869**

**In consideration of the statements provided in the correspondence from DPTI and Councils Traffic and Parking Consultant consideration of banning right hand turns from Partridge Street east onto Jetty Road, Glenelg during peak periods (i.e. 7.30-9.30am Monday to Friday) be considered as part of the Jetty Road Masterplan.**

Moved Councillor Smedley, Seconded Councillor Patton

**Carried**

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

**13.1 Minutes – Alwyndor Management Committee – 18 July 2017 (Report No: 266/17)**

The Minutes of the Alwyndor Management Committee meeting held on 18 July 2017 are provided for information.

**Motion****C080817/870**

- 1. That the minutes of the Alwyndor Management Committee meeting on 18 July 2017 be noted.**
- 2. That Council notes the re-appointment of Mr Darryl Royans as Chairperson and the appointment of Mr Ollie Peters as Deputy Chairperson for the year ending 30 June 2018.**
- 3. That having considered Report No: 266/17 Minutes – Alwyndor Management Committee – 18 July 2017 in confidence under section 90(2) and (3)(d) of the Local Government Act 1999, the Council, pursuant to section 91(7) of the Act orders that Attachment 2 is retained in confidence for a period of 24 months and that this order be reviewed every 12 months.**

Moved Councillor Aust, Seconded Councillor Lonie

**Carried**

**13.2 Minutes – Jetty Road Mainstreet Committee – 12 July 2017 (Report No: 255/17)**

**Conflict of Interest:**

His Worship the Mayor, S Patterson declared a perceived conflict of interest for the item 13.2 Minutes – Jetty Road Mainstreet Committee – 12 July 2017 (Report No: 255/17). The nature of his perceived conflict of interest (Pursuant to Section 74 of the *Local Government Act 1999*) was that he is currently a candidate for the seat of Morphett. 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.

**Conflict of Interest:**

Councillor Bradshaw declared a perceived conflict of interest for the item 13.2 Minutes – Jetty Road Mainstreet Committee – 12 July 2017 (Report No: 255/17). The nature of her perceived conflict of interest (pursuant to Section 74 of the *Local Government Act 1999*) is that her daughter is a trader operating in the Jetty Road Precinct. Councillor Bradshaw dealt with this perceived conflict of interest by making it known to the chamber and would make a decision in the best interests of the community.

The Minutes of the meeting of the Jetty Road Mainstreet Committee meeting held on 12 July 2017 are attached and presented for Council's information.

**Motion****C080817/871**

1. **The Minutes of the meeting of Jetty Road Mainstreet Committee are received by Council with items of interest discussed.**
2. **The Council notes the recommendations of the Committee, and authorises:**
  - 5.2 **the Chairman of the Jetty Road Mainstreet Committee to advocate on behalf of the traders by writing a letter of support to South Australian Independent Retailers advising that they oppose the proposed liberal party legislation to deregulate shop trading hours.**
  - 6.1 **The Manager, Jetty Road Development to write to Karidis seeking pricing for car park area and to promote this to the traders via the Jetty Road newsletter.**

Moved Councillor Wilson, Seconded Councillor Lonie

**Carried**

**Division called**

A division was called:

Those voting for: Councillors Lonie, Aust, Bradshaw, Charlick, Clancy, Donaldson, Patton, Smedley, Snewin, Wilson and Yates (11)

Those voting against: Nil (0).

His Worship the Mayor declared the motion

**Carried**

**14. REPORTS BY OFFICERS****14.1 Items in Brief (Report No: 269/17)**

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****C080817/872****That the following items be noted and items of interest discussed:**

- 1. Outstanding Council Meeting Actions**
- 2. Minutes of the Murray Darling Association Region 7 meeting**

Moved Councillor Lonie, Seconded Councillor Yates

**Carried****14.2 Council Policy Review (Report No: 270/17)**

As part of the on-going review of Council policies, three policies have been reviewed and are now presented to Council for adoption. All of these policies have been significantly rewritten in this review to update these policies.

**Motion****C080817/873****That the following policies (as amended) be adopted by Council:**

- Whistleblower Policy (Attachment 1)**
- Privacy Policy (Attachment 2)**
- Youth Policy (Attachment 3)**

Moved Councillor Lonie, Seconded Councillor Aust

**Carried****Conflict of Interest:**

Councillor Clancy declared a perceived conflict of interest for item 14.3 Request for Funds to Defend an Appeal before the Environment, Resources and Development Court (Report No: 267/17). The nature of her perceived conflict of interest (Pursuant to Section 74 of the *Local Government Act 1999*) was that she is a member of Councils Development Assessment Panel. Councillor Clancy dealt with this perceived conflict of interest by leaving the chamber at 7.25pm.

**Conflict of Interest:**

Councillor Yates declared a perceived conflict of interest for item 14.3 Request for Funds to Defend an Appeal before the Environment, Resources and Development Court (Report No: 267/17). The nature of her perceived conflict of interest (Pursuant to Section 74 of the *Local Government Act 1999*) was that she is a member of Councils Development Assessment Panel. Councillor Yates dealt with this perceived conflict of interest by leaving the chamber at 7.25pm.

**Conflict of Interest:**

Councillor Patton declared a perceived conflict of interest for item 14.3 Request for Funds to Defend an Appeal before the Environment, Resources and Development Court (Report No: 267/17). The nature of his perceived conflict of interest (Pursuant to Section 74 of the *Local Government Act 1999*) was that he is a member of Councils Development Assessment Panel. Councillor Patton dealt with this perceived conflict of interest by leaving the chamber at 7.25pm.

14.3 **Request for Funds to Defend an Appeal before the Environment, Resources and Development Court** (Report No: 267/17)

This report seeks Council's permission to engage legal assistance to defend an appeal lodged with the Environment, Resources and Development Court against a decision of the Development Assessment Panel made on 26 April 2017. The appeal is against the Development Assessment Panel's decision to refuse an application for a three storey residential flat building at 185 Esplanade, South Brighton.

**Motion**

**C080817/874**

1. **That Council Administration is permitted to expend funds to resource the proper defence of the appeal described in Attachment 1 to this report lodged with the Environment, Resources and Development Court against a decision of the City of Holdfast Bay Development Assessment Panel to refuse an application for a three storey residential flat building at 185 Esplanade, South Brighton.**
2. **That a fee estimate is sought before engaging legal counsel to defend this matter.**

Moved Councillor Bradshaw, Seconded Councillor Lonie

**Carried**

Councillors Clancy, Patton and Yates rejoined the chamber at 7.28pm.

14.4 **Appointments to the Council Assessment Panel** (Report No: 271/17)

New legislation requires Council to establish a Council Assessment Panel (CAP) to replace its Development Assessment Panel (DAP) by 1 October 2017. This report recommends that Council dissolve its current DAP and establish a new CAP, retaining a core membership of existing Independent Members for the balance of their current term, and appoint a single Elected Member to meet the new requirements. This will provide for a smooth and cost effective transition. The new CAP will also initially adopt the operating procedures of the current DAP.

His Worship the Mayor called for nominations for the position, receiving nominations from Councillors Aust, Clancy, Patton and Yates, who made a short statement in support of their nomination. A secret ballot was conducted.

**Motion**

**C080817/875**

1. **That Council, in implementing the legislative changes brought about by the new Planning, Development and Infrastructure Act 2016, notes that the current Council Development Assessment Panel, including its membership, will cease to exist from 1 October 2017.**



2. That Council establish the City of Holdfast Bay Council Assessment Panel in accordance with sections 82-87 and clauses 12-16 of Schedule 8 of the Planning, Development and Infrastructure Act 2016, commencing 1 October 2017.
3. That the City of Holdfast Bay Council Assessment Panel operate in accordance with the Procedures provided as Attachment 1, in addition to any requirements established pursuant to sections 82-87 and clauses 12-16 of Schedule 8 of the Planning, Development and Infrastructure Act 2016.
4. That Jenny Newman, David Bailey, Graham Goss and Alison Vine be appointed to serve as Independent Members of the City of Holdfast Bay Council Assessment Panel for the balance of their current term as Development Assessment Panel Members commencing 1 October 2017 and ending 1 May 2019, or unless otherwise resolved by Council.
5. That Jenny Newman be appointed to serve as Presiding Independent Member of the City of Holdfast Bay Council Assessment Panel for the balance of her current term as Presiding Member of the Development Assessment Panel commencing 1 October 2017 and ending 1 May 2019, or unless otherwise resolved by Council.
6. That Councillor Clancy be appointed to serve as the Elected Member representative on the City of Holdfast Bay Council Assessment Panel for the period commencing 1 October 2017 and ending 1 October 2018.
7. That the ordinary Independent Members and the Elected Member of the Council Assessment Panel receive payment of \$400 per meeting adjusted annually in November by applying the annual September quarter Adelaide Consumer Price Index to coincide with Elected Member allowance increases.
8. That the Presiding Independent Members of the Council Assessment Panel receive payment of \$500 per meeting adjusted annually in November by applying the annual September quarter Adelaide Consumer Price Index to coincide with Elected Member allowance increases.

Moved Councillor Charlick, Seconded Councillor Lonie

**Carried**

14.5 **Somerton Bowling Club – Replacement of Lighting Poles** (Report No: 262/17)

**Conflict of Interest:**

Councillor Patton declared a perceived conflict of interest for item 14.5 Somerton Bowling Club – Replacement of Lighting Poles (Report No: 262/17). 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 Somerton

Bowling Club. Councillor Patton dealt with this perceived conflict of interest by leaving the chamber at 7.36pm.

In September 2016 the Somerton Bowling Club ("*Club*"/"*Lessee*") approached Council seeking a loan amount of \$21,300 to repair and replace the outdoor lighting system for the southern playing field. Then, in November 2016 the Club approached council seeking landowner's consent to make alterations to the lighting poles over the southern playing greens to accommodate the new lighting. On 22 November 2016 landowners consent was issued via a letter that contained nine (9) conditions of approval; one of which was the requirement to seek and obtain Development Approval for the alterations.

No Development Approval was sought by the club prior to commencing the work, and soon after the alterations began, work ceased as the poles began to warp and bow under the weight load of the new lighting catenary.

It has now been determined by Council's Certifying Engineer that as the structural integrity of the existing poles and footings is uncertain, the old lighting cannot be reinstated due to the potential of pole failure, and no new lighting can be implemented until the poles have been replaced.

Though the poles and premises are Council's asset, it is evident that the alterations undertaken by the lessee was a significant factor in damaging the infrastructure. As such, it is recommended that the existing nine (9) poles and footings be replaced as soon as practicable, and that all costs be borne by the lessee.

**Motion**

**C080817/876**

- 1. That the Somerton Bowling Club undertake the necessary arrangements to remove the existing poles at their earliest convenience at their expense.**
- 2. That Council give landowners consent for new lighting poles to be installed onsite subject to full Development Approval and compliance to all associated conditions.**
- 3. That the Somerton Bowling Club replace and install new lighting poles at their expense; or that Council consider a loan of \$50,000 to the Somerton Bowling Club to install new lighting poles.**

Moved Councillor Donaldson, Seconded Councillor Clancy

**Carried**

Councillor Patton rejoined the chamber at 7.40pm.

**14.6 Brighton Civic Centre Mezzanine Floor Development (Report No: 276/17)**

This report is presented in response to a Motion on Notice (C280217/687) which requested Administration to develop a concept design with indicative costs in consideration of the construction of a mezzanine floor at the Brighton Civic Centre above the old Brighton Town Hall to allow the housing of extra staff into

the future. It is suggested that Council consider funding the upgrade in a future budget.

**Motion**

**C080817/877**

1. That Council notes the presentation of the concept design report.
2. That Council will consider the funding of the upgrade (\$3.5m) of the Civic Centre in a future budget and Long Term Financial Plan objectives.

Moved Councillor Snewin, Seconded Councillor Lonie

**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 7.49pm.

**CONFIRMED      Tuesday 22 August 2017**

**MAYOR**