

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 26 September 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 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
General Manager Community Services - PE Aukett
General Manager Business Services – R Bria

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 Councillor S Charlick
- 4.2 Absent

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****C260917/904**

That the minutes of the Ordinary Meeting of Council held on 12 September 2017 be taken as read and confirmed.

Moved by Councillor Cr Donaldson, Seconded by Councillor Patton

Carried**8. PUBLIC PRESENTATIONS**

- 8.1 **Petitions - Nil**
- 8.2 **Presentation - Nil**
- 8.3 **Deputations - Nil**

9. QUESTIONS BY MEMBERS**9.1 Without Notice****9.1.1 Pine Avenue Crossing – DPTI Response - Cr Bouchee**

Councillor Bouchee asked a question on DPTI regarding a presentation to Council and have since placed a signage advising of close of crossing.

General Manager City Assets and Services responded.

9.1.2 Pine Avenue Crossing – DPTI Response - Cr Yates

Councillor Yates asked a question seeking a copy of the ALCAM report from DPTI on the Pine Avenue Crossing.

Chief Executive Officer responded.

9.1.3 **Insurance position for Glenelg Football Club Grandstand - Cr Bradshaw**

Councillor Bradshaw asked a question seeking an update on the insurance position for Glenelg Football Club Grandstand.

Chief Executive Officer responded.

9.1.4 **Brighton Sporting Precinct - Cr Donaldson**

Councillor Donaldson asked a question about funding for the Brighton Sporting precinct.

Chief Executive Officer responded.

9.1.5 **Glenelg Football Club Grandstand Insurance Matter - Cr Snewin**

Councillor Snewin asked that if the insurance for the Glenelg Football Club Grandstand is settled, what will be the proposed demolition date.

Chief Executive Officer responded.

9.1.6 **Kauri Parade Sports Facility - Cr Donaldson**

Councillor Donaldson asked if Administration could advise Council's investment in the Seacliff Sporting Complex.

Chief Executive Officer responded.

9.2 **With Notice**

9.2.1 **Question on Notice – Council's Use of Eventbrite Booking Software (Report No: 335/17)**

Councillor Clancy asked the following question at the council meeting held 12 September 2017:

"Councillor Clancy asked a question regarding the Council's use of Eventbrite."

Background

At the Council meeting held on 12 Sep Councillor asked this question as a Question Without Notice and it was taken on notice by the Chief Executive Officer, Mr J Lynch.

ANSWER – General Manager Community Services

Eventbrite is a widely used booking platform in South Australia used by, among others, the State Government, YMCA and Flinders University.

Council has used Eventbrite as a booking system for many different events, workshops and community programs, including the school holiday programs, for a number of years.

Eventbrite was reviewed by Council in 2015 and it was chosen for a number of reasons including that it allowed us to uniformly brand events, reduced the burden on staff in relation to manual bookings, streamlined payment and refund systems and is convenient for the public to book online at their leisure.

During the time that we have used Eventbrite for Council programs and events, we have not received any complaints regarding the use of personal data by third party organisations.

Eventbrite has recently increased its booking fees, and for that reason we are exploring an Australian platform to replace Eventbrite. At this stage, early trials suggest that the Australian platform is not as user friendly.

A copy of the Eventbrite Privacy Policy is attached. A review of this policy by both Councils' Team Leader Governance, and Team Leader Leasing and Commercial Operations confirm that it is consistent with Council's Privacy Policy.

It is also worth noting that should a customer have concerns about supplying personal data through a third party, program and event coordinators are always happy to take booking information directly.

9.2.2 **Question on Notice – Questions on Mayoral Leave of Absence** (Report No: 338/17)

Councillor Bouchee asked the following question:

- “1. If a Mayor stands down or takes a "Leave of Absence" will he/she still be paid the Mayoral Allowance?”**
- 2. If a Mayor takes a "Leave of Absence" and the Deputy-Mayor takes on the Mayor's duties, will the Deputy-Mayor be paid the allowance of the Mayor or the set Deputy-Mayoral allowance?**

ANSWER – Chief Executive Officer

1. The Mayor is entitled to continue to receive an allowance (as well as any information otherwise provided to members) during a

period of leave that has been approved by the Council unless he instructs (in writing) to the contrary. The reason for taking the leave is not determinative of the issue, but rather, whether the period of leave has been approved by the Council.

2. Council will appoint an Acting Mayor as per section 54(8) of the LG Act. The Acting Mayor would only be entitled to the full Mayoral allowance if the Mayor resigned. If the Deputy Mayor or a Councillor is appointed they would continue to receive their current allowance.

The Mayor has indicated he will not be seeking to be paid during his period of absence.

10. MEMBER'S ACTIVITY REPORTS

10.1 Members' Activity Report (Report No: 337/17)

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

C260917/905

That the following activity report be noted:

- **Councillor Wilson**

Moved Councillor Yates, Seconded Councillor Aust

Carried

11. MOTIONS ON NOTICE - Nil

12. ADJOURNED MATTER - Nil

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

13.1 Minutes – Jetty Road Mainstreet Committee – 6 September 2017 (Report No: 322/17)

The Minutes of the meeting of the Jetty Road Mainstreet Committee meeting held on 6 September 2017 are attached and presented for Council's information.

Motion**C260917/906**

1. That the Minutes of the meeting of Jetty Road Mainstreet Committee 6 September 2017 are received by Council with items of interest discussed.
2. That Council endorses the following recommendations of the Committee:
 - 8.2 That the Jetty Road Mainstreet Committee recommend that Council endorses Chairperson, Mr M Faulkner to attend the 17th International Cities and Town Centres Conference (ICTC Conference) and the 6th National Mainstreet Conference in Melbourne, from 25-27 October 2017, in addition to Mr T Beatrice and Mr S Robinson attending.
3. That Council notes the following recommendations of the Committee:
 - 8.4.2 That the Committee contribute up to \$75,000 towards the cost of Winter Wonderland program for the next three years (i.e. 2018/19; 2019/20 and 2020/21)
 - 8.4.3 That the Committee seek a joint contribution of up to \$75,000 from Council towards the cost of Winter Wonderland program for the next three budget years (i.e. 2018/19; 2019/20 and 2020/21)
 - 8.6 That up to \$25,000 be expended from the carry forward budget to install replacement signage on the tram posts throughout the Jetty Road precinct
4. That prior to considering contributing up to \$75,000 towards the cost, Council requests a business case with cost/benefit analysis for the 2018/19 Winter Wonderland program.

A division was called by Councillor Bouchee and the previous decision was set aside.

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

Those voting against: Nil

His Worship the Mayor declared the motion

Carried

13.2 **Minutes – Jetty Road Mainstreet Committee – Special Meeting – 13 September 2017** (Report No: 323/17)

The Minutes of the special meeting of the Jetty Road Mainstreet Committee meeting held on 13 September 2017 are attached and presented for Council's information.

Motion**C260917/907**

1. **That the Minutes of the meeting of Jetty Road Mainstreet Committee 6 September 2017 are received by Council with items of interest discussed.**
2. **That Council notes the following recommendations of the Committee:**
 - 4.1 **That the Jetty Road Mainstreet Committee endorse the Position Description as tabled.**

Moved Councillor Lonie, Seconded Councillor Wilson

Carried**14. REPORTS BY OFFICERS****14.1 Items in Brief (Report No: 325/17)**

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**C260917/908****That the following items be noted and items of interest discussed:**

1. **Letter from Minister for Tourism**
2. **Linwood Quarry consultation and Cement Hill DPA Update**

Moved Councillor Bouchee, Seconded Councillor Yates

Carried**14.2 Monthly Financial Report – 31 August 2017 (Report No: 324/17)**

Attached are financial reports as at 31 August 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. The adjusted forecast budget includes the carried forward amount as approved by Council on 12 September 2017. As this report is for the first 2 months, there are no changes to the Alwyndor and Municipal budgets other than the approved carried forwards. The report highlights Council's decisions that will affect the budget and these will be included in the first quarterly budget review report in October.

Motion**C260917/909****That Council receives the financial reports for the 2 months to 31 August 2017 and notes:**

- **no change to the Municipal activities 2017/18 budget forecast other than the approved carried forward budgets;**
- **no change to the Alwyndor Aged Care 2017/18 budget forecast;**
- **that Council approved 2017/18 budget variations will be included in the first budget update as at 30 September 2017.**

Moved Councillor Smedley, Seconded Councillor Yates

Carried

14.3 **Council Policy Review** (Report No: 326/17)

As part of the on-going review of Council policies, four policies have been reviewed and are now presented to Council for adoption. All of these policies have been reviewed and the attachments show a 'marked up' version with changes.

Motion

C260917/910

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

- **Glennelg Football Club SANFL Tickets (Attachment 1)**
- **Beach Wrack Policy (Attachment 2)**
- **Outdoor Dining Policy (Attachment 3) with minor amendments to clause 2.12.1.**
- **Property Policy (Attachment 4)**

Moved Councillor Clancy, Seconded Councillor Yates

Carried

14.4 **Persons to Act in the Absence of the Chief Executive Officer** (Report No: 327/17)

Pursuant to Section 102(b) of the *Local Government Act 1999*, the Chief Executive Officer can appoint a suitable person to act in the position of Chief Executive in the absence of the Chief Executive Officer following consultation with the Council.

The purpose of this report is to consult Council on the appointment of persons to act as the Chief Executive Officer from time to time, in the absence of the Chief Executive Officer.

Motion

C260917/911

That Council endorse the appointment, as and when required, of the following General Managers to act in the position of Chief Executive Officer during any periods of absence:

- **Mr Roberto Bria, General Manager Business Services;**
- **Mr Steve Hodge, General Manager City Assets and Services; and**
- **Ms Trish Aukett, General Manager Community Services.**

Moved Councillor Clancy, Seconded Councillor Donaldson

Carried

14.5 Jetty Road Glenelg Masterplan (Report No: 328/17)

The second 'phase' of community engagement on Jetty Road Masterplan, comprised engagement on the draft concepts concluded on 14 August 2017. This six-week phase of engagement included a community event, a trader's function and pop-up shop on Jetty Road as well as several meetings with key stakeholders. A total 764 people provided feedback during the engagement period, through various feedback channels, from residents, traders, visitors, schools, community groups, Members of Parliament and Government bodies. These comments have informed the development of the proposed draft Masterplan for further consultation and public engagement.

This report seeks Council endorsement to commence Phase 3 of community consultation and engagement on the Jetty Road Glenelg Draft Masterplan.

Motion**C260917/912**

- 1. That Council note the 'Engagement Summary Report' on Phase 2 of community consultation and engagement, as described in Attachment 1 to Report No: 328/17.**
- 2. That Council endorse the Jetty Road Glenelg Draft Masterplan for Phase 3 of community consultation and engagement, as provided in Attachment 2 to Report No. 328/17.**
- 3. That the Engagement Summary Plan, describing the process for Phase 3 of engagement on the draft Jetty Road Glenelg Masterplan, as described in Attachment 3 to Report No: 328/17, be endorsed.**

Moved Councillor Lonie, Seconded Councillor Aust

Carried**14.6 Coast Park Minda Final Concept Design (Report No: 329/17)**

This report seeks endorsement of the Final Concept Plan for the Coast Park at North Brighton, which runs in front of the Somerton Surf Lifesaving club and through Minda land (between Repton Road and Gladstone Road). This project has been on hold while negotiations with Minda were underway for resolution of the encroachment land issues.

This report also outlines the previous public consultation that was undertaken in late 2015 and seeks endorsement to apply for a 'design and construction' grant from the next round of DPTI's open space funding program. This application will be seeking for the project to be fully funded by the State Government.

As there are still some outstanding issues that will be progressed through the detailed design phase, it is proposed to bring back to Council the final detailed design for endorsement prior to construction.

Motion**C260917/913**

1. **That Council endorse the Final Stage 2 Concept Design for Coast Park Minda as shown in Attachment 1 of report 329/17 and the progression to Stage 3 - Detailed Designs.**
2. **That Council note the findings of the public consultation as shown in Attachment 2 of report 329/17.**
3. **That Council endorses the application to seek 100% *design and construction* funding in the current round of DPTI's Open Space and Places for People grant funding program.**
4. **That the final detailed designs be provided to Council for endorsement prior to construction.**

Moved Councillor Clancy, Seconded Councillor Donaldson

Carried14.7 **Sporting and Community Leasing Policy** (Report No: 330/17)

At the Council Workshop held Tuesday 1 August 2017, the draft Sporting and Community Leasing Policy ("Policy") was presented to Elected Members for discussion. After receiving member's initial feedback varying aspects of the policy have now been refined (particularly those areas relating to rent and service levels), and a revised draft is now presented for Council's consideration.

The Policy outlines: principles and guidelines that will assist council to apply reasonable rents and tenancy terms; the incentives and respective mechanisms that are available to clubs to facilitate growth and sustainability; and the responsibilities and accountabilities of Council (as landlord) and its community tenants.

This report now seeks Council endorsement to undertake consultation with all current lessees and user groups that may be impacted by this policy's implementation, in order to obtain further feedback to finalise the drafting process.

Motion**C260917/914**

1. **That Council endorses the attached draft Sporting and Community Leasing Policy (Attachment 1)**
2. **That community consultation is undertaken with all current sporting and community lessees/licensee;**
3. **That the draft policy and findings of the community consultation be returned to Council for final consideration.**
4. **That the Council draft leasing policy for sport and community clubs be amended to include wording that compels all lessees to comply with all**

legislative requirements for good governance, including developing, implementing and reviewing policies which include director's responsibilities, WHS and child safe environment.

Leave of the Meeting

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

Moved Councillor Clancy, Seconded Councillor Yates

Carried

14.8 Community Donations Panel Recommendations 2017-2018 (Report No: 331/17)

Council provides an annual budget of \$50,000 for the Community Donations Program, Youth Achievement Sponsorship Funding and Community Chest Donations. This financial year \$35,000 has been allocated to the Community Donations Program to support local clubs, groups, artists, schools and organisations in a range of areas. The program is designed to support and encourage community initiatives and projects within the City of Holdfast Bay, which will positively influence the community.

Within the Community Donations program, applications have been accepted through three categories; Community Recreation and Wellbeing Donations, Events and Festivals Donations and Arts and Cultural Donations, with the following donation amounts recommended. Fifteen eligible applications totalling \$36,631.50 were received and considered in accordance with the program guidelines and fourteen applications have been recommended for approval.

Donation Categories	Donation Recommended
Total Community Recreation and Wellbeing	\$15,920
Total Events and Festivals Donations	\$3,964
Total Arts and Cultural Donations	\$9,500
Total Recommended Funds	\$29,384

This report seeks Council's endorsement for the successful applicants of the 2017/2018 Community Donations Program.

Motion

C260917/915

That Council endorses the recommended applicants of the Community Donations Program 2017/2018 as itemised in attachment 1 of this report.

Moved Councillor Bouchee, Seconded Councillor Yates

Carried

14.9 Glenelg Oval Master Plan – Stage One 2018-2019 (Report No: 332/17)

In the lead up to the 2018 State Election, the Office for Recreation and Sport announced a new Sporting Surfaces Funding Program to assist in establishing or replacing sporting playing surfaces. The Office for Recreation and Sport also provides funding through their Community Recreation and Sport Facilities Funding Program, contributing to major facility development.

Throughout public engagement on the proposed Glenelg Oval Master Plan, the proposal to upgrade the Holdfast Tennis Club gained significant support. With the playing courts and club rooms not meeting code and compliance, the playing surfaces funding round is an opportunity to seek funding and progress with Stage 1 of the Master Plan.

Council endorsement is required to apply for redevelopment of the tennis courts and club rooms through the State Government funding programs. The Sporting Surfaces Funding Program which funds 100% of the total project cost and the Community Recreation and Sport Facilities Funding Program which funds 50% of the total project cost.

Council is required to commit 50% of the Sports Facilities Funding Program of \$255,690 as part of the funding application.

Motion**C260917/916****That Council:**

- 1. Approves external funding proposals be submitted to the Office for Recreation and Sport in October 2017 and February 2018 for the redevelopment of the tennis courts and clubrooms at Holdfast Tennis Club.**
- 2. Commit to \$255,690 in the 2018/19 budget subject to 50% funding being approved through the Office for Recreation and Sport to redevelop the Holdfast Tennis club rooms.**
- 3. Consider the funding requirements in future annual budget processes to upgrade the Holdfast Tennis Club courts, club rooms and outstanding elements of the Stage 1 Glenelg Oval Masterplan.**

Moved Councillor Bouchee, Seconded Councillor Lonie

Carried**14.10 Maturin Road Parking Time Limit (Report No: 333/17)**

Council Motion C110717/832 requested *'that administration review the unlimited parking on the northern side of Maturin Road with a view to developing a process that would see a reasonable turnover of traffic to allow the residents to be able to*

accommodate on-street parking for visitors, trades people and deliveries to their homes’.

In accordance with this motion, Council conducted a survey proposing the following change to parking controls to improve access to parking during business hours the installation of a 3 hour (3P) time limit to apply 9am-5pm all days on the northern side of Maturin Road.

64 surveys were sent to residents, businesses and property owners on Maturin Road. 22 respondents supported the proposal and 10 respondents did not support the proposal.

There was concerns expressed by many residents around Council charging for parking permits in the time restricted parking areas, however, this is something Council has had in place over a long ‘period’ of time to ensure permits were based on critical necessity.

Motion

- 1. The installation of the 3 hour (3P) time limit from 9am-5pm all days on the northern side of Maturin Road be implemented.**
- 2. That Administration notify residents, businesses and property owners of the decision to install the 3 hour time limit.**
- 3. That Maturin Road residents may apply for a parking permit and be issued with one permit per dwelling at no cost due to the circumstances of the situation and the position of the street.**

Councillor Smedley declared a perceived conflict for Item 14.10 and has chosen to deal with that perception by ensuring that he will vote in the best interest of the community as a whole.

Councillor Smedley dealt with this perceived conflict of interest by making it known to the chamber.

A division was called by Councillor Bouchee and the previous decision was set aside.

Those voting for: Councillors Snewin, Lonie, Wilson, Patton, Bouchee (5)

Those voting against: Councillors Clancy, Bradshaw, Donaldson, Yates, Aust, Smedley (6)

His Worship the Mayor declared the motion

Lost

14.11 Hello Harry – Proposed Development of Outdoor Dining Area (Report No: 334/17)

‘Hello Harry’ is a new burger bar that will soon open at the premises located at 120 Jetty Road, Glenelg. To complement the business operations, the applicant has

applied to Council for an Outdoor Dining Permit to operate on a small section of land on the western side of the building. The area abuts a small garden bed that is otherwise unused.

Due to the small amount of available useable space in the area, the applicant now seeks Council consent to pave over the small garden bed so that the outdoor dining area can extend the length of the business. If approved, all associated costs of the works will be borne by the applicant, and the larger area will result in Council receiving an increased annual permit fee.

Motion

C260917/917

1. **That Council gives landowners consent for the applicant to undertake works to pave over a small garden bed area in Cowper Street Glenelg to extend the footpath for the purposes of outdoor dining, subject to the following conditions:**
2. **That Council's consent is subject to the following:**
 - **That all associated costs of the works be borne by the applicant;**
 - **That all work is to be undertaken by qualified trade's persons;**
 - **That the works are to comply with the Building Code of Australia and relevant legislation;**
 - **That the applicant indemnifies the City of Holdfast Bay against any claims, losses, suits etc. that may arise from this work.**

Moved Councillor Patton, Seconded Councillor Lonie

Carried

14.12 The Big Wedgie – Request for Extended Trading (Report No: 339/17)

The City of Holdfast Bay has received an Event License Application from The Big Wedgie Pty Ltd to stage their event in Colley Reserve 31 December 2017 until 11 February 11 2018 extending operation for a further two weeks on the original event license approved by Council on 13 June 2017, Item 14.3, Report No: 180/17 Resolution C130607/802.

Motion

That Council approve the event licence for The Big Wedgie Pty Ltd to operate The Big Wedgie, Just Right Wedgie and The Little Wedgie on Colley Reserve from 31 December 2017 until 11 February 2018.

Moved Councillor Wilson, Seconded Councillor Lonie

Lost

15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil

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

17. ITEMS IN CONFIDENCE**17.1 Kauri Parade Sporting & Community Club Lease**

Motion – Exclusion of the Public – Section 90(3)(h) Order **C260917/918**

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 the Kauri Parade Sporting & Community Club Lease 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 Kauri Parade Sporting & Community Club Lease on the following grounds:
 - b. Information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and would, on balance, be contrary to the public interest.
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.

Councillor Clancy moved, Seconded Councillor Smedley

Carried

17.1 Kauri Parade Sporting & Community Club Lease

RETAIN IN CONFIDENCE - Section 91(7) Order

C260917/921

That having considered Agenda Item 17.1 Kauri Parade Sporting & Community Club Lease 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 minutes relevant to this item be retained in confidence for a period of 12 months.

Councillor Lonie moved, Seconded Councillor Patton

Carried

CLOSURE

The Meeting closed at 9.25 pm.

CONFIRMED 10 October 2017

MAYOR