

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 10 October 2017 at 7:00pm.

MEMBERS PRESENT

His Worship the Mayor, S Patterson
Deputy Mayor S Lonie
Councillor A Bradshaw
Councillor S Charlick
Councillor R Clancy
Councillor K Donaldson
Councillor R Snewin
Councillor A Wilson

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 7.01pm.

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 - Councillors J Smedley, M Bouchée, R Patton, R Aust and L Yates

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

C101017/922

That the minutes of the Ordinary Meeting of Council held on 26 September 2017 be taken as read and confirmed.

Moved by Councillor Clancy, Seconded by Councillor Charlick

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 Kauri Parade – Business Case - Councillor Bradshaw

Councillor Bradshaw asked whether a business case was developed for Kauri Parade.

Chief Executive Officer provided a response.

Brighton Sports Precinct – Stakeholder Consultation - Councillor Bradshaw

Councillor Bradshaw asked a question on what stakeholder consultation has occurred at the Brighton Sports Precinct.

The General Manager Community Services provided a response.

9.2 With Notice

9.2.1 Question on Notice – Intersection of Bath and Partridge Streets (Report No: 358/17)

Councillor Wilson asked the following question:

“What alternatives are there to provide a safer intersection at Bath and Partridge Streets?”

ANSWER – General Manager City Assets and Services

The intersection is controlled with Stop signs on the east/west approaches at Bath Street with priority given to Partridge Street traffic. As at 2014 crash statistics for the previous 5 years (2010-2014 inclusive) showed:

- 2010 - 2 crashes - both failed to stop. 1 resulting in property damage only and 1 resulting in personal injury.
- 2011 – 1 crash - failed to stop resulting in property damage only.
- 2014 – 2 crashes –both failed to stop with both resulting in property damage only.

The intersection was redesigned in 2013 to incorporate 2 pedestrian refuges, due to complaints received that pedestrians were having difficulty crossing Partridge St. Construction took place in early 2014.

Since then there have only been 2 crashes reported to SAPOL both in late 2014. None in 2015 and none in 2016.

Roundabouts are not ideal for pedestrians, (given pedestrians can't access the roundabout but need to be vigilant to traffic entering and exiting the roundabout in all directions) and with businesses on both sides of the road here, there are relatively high pedestrian movements (including aged with ECH nearby) and it was pedestrians having trouble crossing which led to the changes in 2014.

Administration will have Councils Traffic Engineer review the intersection to identify what else could be implemented to enhance pedestrian safety.

9.2.2 Question on Notice – Community Feedback Consideration (Report No: 359/17)

Councillor Lonie asked the following question:

“Could Council Administration please describe and advise the process as to how community feedback is considered and incorporated into final design plans. Comment is sought particularly in relation to the development at Kingston Park?”

BACKGROUND

Kingston Park Masterplan Project:

Council has consulted and worked with the Kurna people regarding the sacred Tjilbruke spring site (at Kingston Park) since 2001 when the State Government announced the Coast Park initiative. The Kurna people have provided critical input including making recommendations for future management of the sacred Tjilbruke Spring site during the Australian Cultural Heritage Management (ACHM) Cultural Heritage Survey of Kingston Park in 2009. This Cultural survey the impetus for concept plans developed in 2011, however it was delayed pending completion of a Masterplan for the Brighton Caravan Park and addressing associated issues.

Following the DPTI sand transfer pipeline works in 2012 and resolution of the Caravan Park issues, Council engaged project designers Hemisphere Design and GHD to continue project as Kingston Park Coastal Reserve Masterplan in consultation with the Kurna Nation Cultural Heritage Association (KNCHA) Working Party. The design sought to protect and enhance the Tjilbruke Spring site through subtle design features, areas for interpretative signage, landscaping and artwork to celebrate the cultural aspects of the landscape, both traditional and contemporary.

Council adopted the final Kingston Park Masterplan on 27 October 2015. Subsequently, two significant projects were determined: Completing Coast Park Precinct 7 and redeveloping the Coastal Reserve. These projects were broken into seven (7) discrete stages for implementation.

Coast Park Precinct 7 comprises Stage 1, 2 & of the Kingston Park Masterplan implementation. The final staging plan dated January 2016 is available on Council website.

Following conclusion of the engagement phase, the Coast park project (stages 1 & 2 of the Masterplan) progressed to detailed design which were developed based on the final Masterplan. Council has also approved the application of funding for detailed design of stages 4 & 6 to progress the Masterplan. The initial funding bid in January 2017 was unsuccessful, however council will reapply in the current round of funding which closes on 20 October 2017.

ANSWER – A/Manager Strategic and Commercial Services

Community engagement can be broken into two distinct classes, statutory and non-statutory.

Statutory engagement is governed by relevant Acts with relevant procedures in place for many areas of local government. Design plans or Masterplans as identified in the question relate to non-statutory engagement, which forms the basis of this response.

Non-statutory engagement is conducted in accordance with Council's Community Engagement Framework (attached). The framework is a practical tool for Council's project managers to ensure they are fulfilling their obligations to the community from an engagement perspective.

The level of community engagement varies from project to project and is firstly developed by a project team with input from Council's Communications and Engagement team and then endorsed by Elected Members. Larger projects may often utilise an engagement specialist that may be contracted to assist with engagement planning and/or workshops, public meetings etc.

The level of change arising from an engagement process also varies from project to project with project governance being a key part of the decision making process. Following an engagement process, a project manager would assess the outcomes and then propose changes where necessary. Depending on the size of the project and the governance in place, there would be a series of steps to follow before any changes are eventually reflected in a 'final' document for Elected Members to endorse. It is on the project manager to demonstrate to Council that the project has satisfied its engagement obligations during the project development.

The framework was written within Council's Community and Engagement Policy (attached). Council's Engagement Policy was written in accordance with International Association for Public Participation (IAP2) guidelines – this is widely regarded as the international benchmark for public engagement.

The Kingston Park Coastal Reserve Masterplan followed a robust process adhering to Council's Community Consultation and Engagement Policy and remained inclusive, transparent and accountable throughout and following the process. A copy of the Kingston Park Masterplan Engagement Method and Summary Report is attached.

The consultation period ran for a period 15 days in August 2015, which is considered typical of a non-statutory engagement period for a project of this nature. A written invitation to comment on the draft plan sent to all persons that previously received letters during the initial consultation stage (on the concept plan drafted in 2011). This included Kaurua representatives, community interest groups, relevant state government agencies and selected property owners up to 500 metres from the precinct (see engagement methodology attached).

Noteworthy changes to designs from feedback include: an improved layout to the existing caravan carpark; new seating with existing memorial plaques replaced on the seaward side of the coast path; and a reduction in size of the play space.

An important part of the engagement policy is to ensure that Council is open about the degree of influence the community is able to exercise in any particular process so that council's desire to engage the community is balance with other influences such as budgetary constraints and statutory obligations. This has been a key consideration throughout this master planning process.

Council should be confident that the engagement process was robust and community feedback has been well documented, which will inform the detailed design and construction phases.

9.2.3 **Question on Notice – Business Case for the Brighton Oval Complex Master Plan** (Report No: 360/17)

Councillor Donaldson asked the following question:

“Could council administration please confirm that they are actively seeking a Business Case for the Brighton Oval Complex Master Plan reflecting the decision made by councillors to endorse the Brighton Oval Complex Master Plan: In Particular, the building of 3 two storey buildings, on the site”.

BACKGROUND

At Council meeting, 13th June, 2017, councillors endorsed ‘re-allocation of a portion of the \$100,000 allocated in the 2016/2017 budget for detailed design, to develop a Social, Economic Business Case for the Brighton Oval Complex Master Plan’.

At Council meeting, 22nd November, 2016 (Item 12.1) councillors voted to proceed with the process of achieving funding for three 2 storey buildings on the Brighton Oval Complex site. It is also noted that key stake holders and the community were in favour of this proposal.

It has come to my attention, that of key stake holders and some other councillors that Council Administration is now looking at single story buildings as well as two storey buildings. As single storey buildings weren't the intention of councillors, stake holders or the community, my concern is that the redevelopment of the Brighton Oval Complex may well go back to square one.

ANSWER – General Manager Community Services

A draft Business Case for the Brighton Oval Sporting Precinct Masterplan is in its final stages of development. The business case template is the preferred template provided by the Office of Recreation and Sport (ORS) for projects of this nature, and we have engaged KPMG, the developer of the template, to develop the business case for Brighton

The Business Case, for completeness sake, canvasses a number of options to achieve the desired outcomes of the Masterplan. Those options include:

- Up-grade and refurbishment of the existing buildings
- Redevelopment of the existing buildings; and
- Complete new build – including individual 1 or 2 storey buildings.

If there is an option that is cost effective and delivers on the majority of stakeholder needs, then Council has to demonstrate that it has been considered. This is a necessary step to securing funding from the State Government (through the ORS.)

Without a robust business case being undertaken on the full scope of the masterplan, it is highly unlikely we would receive any funding from the State Government (through ORS). We continue to work with the ORS to ensure they understand and are fully aware of our progress to ensure the best response to our eventual application for funding for this significant project.

10. MEMBER'S ACTIVITY REPORTS - Nil**11. MOTIONS ON NOTICE - Nil****12. ADJOURNED MATTER - Nil****13. REPORTS OF MANAGEMENT COMMITTEES, SUBSIDIARIES AND THE DEVELOPMENT ASSESSMENT PANEL****13.1 Minutes – Alwyndor Management Committee – 19 September 2017 (Report No: 356/17)**

The Minutes of the Alwyndor Management Committee meeting held on 19 September 2017 are provided for information.

Motion**C101017/923**

- 1. That the minutes of the Alwyndor Management Committee meeting on 19 September 2017 be noted.**

2. That having considered Report No: 356/17 Minutes – Alwyndor Management Committee – 19 September 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 Lonie, Seconded Councillor Clancy

Carried

14. REPORTS BY OFFICERS

14.1 Items in Brief (Report No: 347/17)

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

C101017/924

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

1. CRED Cultural Mapping of Kingston Park
2. 2017 /2018 Australian Cruise Season
3. Small Business Development Grant Program
4. Coastal Park Kingston Park – Section 23 Authorisation

Moved Councillor Clancy, Seconded Councillor Lonie

Carried

14.2 ACH – Proposed Signage – Glenelg Oval (Report No: 340/17)

On 11 April 2017 Council (as landlord) endorsed a sub-lease agreement between Glenelg Football Club Incorporated and the ACH Group. Now, as part of the pending fit-out and occupancy of the premises, the ACH Group has lodged a Development Application seeking to install signage on the external facades of the building and adjacent to Brighton Road. Prior to the Development Application proceeding, Council are required to give landowner's consent.

Motion

C101017/925

That Council gives landowners consent for signage (as detailed in this report) to be both erected on the southern end of the Glenelg Football Club Building and adjacent to Brighton Road Glenelg, subject to:

1. Final approval of Development Application 110/00779/17;
2. All costs being borne by the ACH Group;

3. The ACH Group indemnifying the City of Holdfast Bay against any claims, losses, suits etc that may arise from the works.

Moved Councillor Donaldson, Seconded Councillor Snewin **Carried**

14.3 Greening our Community Grants 2017-18 (Report No: 345/17)

The City of Holdfast Bay received 7 applications for Greening our Community Grants this year. The application request totalled \$11,562. After thorough assessment of all applications, the panel recommends that all seven applicants receive full funding.

Motion **C101017/926**

That Council approves funding for seven (7) Greening Our Community Grant applications for the 2017-2018 financial year as included in this report totalling \$11,562.

Moved Councillor Lonie, Seconded Councillor Clancy **Carried**

14.4 Proposed Donation of a Large Statue (Report No: 350/17)

The immediate past Mayor of the City of Holdfast Bay, Dr Ken Rollond is proposing to donate a large statue to the City. The 2.7 metre high mother and baby dolphin will be sculptured in black granite with a proposal for it to be installed adjacent to the Broadway Kiosk.

Dr Rollond chose the dolphin and baby theme for two main reasons:

It fits it with the background (ocean). For the motorists approaching from the Broadway and Esplanade, the sculpture might provide impressions of a dolphin and its baby jumping out of the water; and

It exemplifies his services to the local community as an obstetrician and gynaecologist delivering babies.

Dr Rollond has engaged an engineering/construction company and the sculptor to undertake the concept development and engineering investigations. Dr Rollond will bear all costs associated with the creation, installation and other activities of the proposed statue.

Motion **C101017/927**

That Council approves the proposed donation of “mother and baby dolphin” statue subject to the following conditions:

- **The statue is installed within the next 12 months as per an installation program;**

- **All risks and costs associated with the statue creation, installation and other activities are born by Dr Rollond;**
- **An unveiling event conducted by the council with Dr Rollond present, will mark the acceptance of the statue by the council; and**
- **The proposed inscription on the footing of the statue be subject to approval of the Chief Executive Officer.**

Moved Councillor Donaldson, Seconded Councillor Bradshaw

Carried

Division was called

Those voting for: Councillors Lonie, Bradshaw, Charlick, Clancy, Donaldson, Snewin and Wilson (7)

Those voting against: Nil (0).

His Worship the Mayor declared the motion

Carried

14.5 Removal of Street Tree – 3 St Johns Row, Glenelg (Report No: 346/17)

Council is requested to consider the request from SA Group of Companies to remove a mature *Metrosideros excelsa* (New Zealand Christmas Tree) at the side of 3 St Johns Row, in College Street. This site is the subject of a current development application and the tree impedes a proposed driveway. If Council agrees to the removal of the tree a request will be made to provide 2 more trees to be planted in close proximity to the site.

Conflict of Interest

Councillor Wilson declared a perceived conflict of interest for 14.6 Kauri Community and Sporting Complex – EOI for Operational Management Agreement (Report No: 349/17). The nature of her perceived conflict of interest (Pursuant to Section 74 of the *Local Government Act 1999*) was because of a past work relationship. Councillor Wilson dealt with this perceived conflict of interest by making it known to the chamber and by ensuring that she will vote in the best interests of the community as a whole.

Motion

C101017/928

That the motion be adjourned until 14 November 2017 to enable the development of conditions to be further assessed in light of the tree removal.

Moved Councillor Wilson, Seconded Councillor Snewin

Carried

14.6 Kauri Community and Sporting Complex – EOI for Operational Management Agreement (Report No: 349/17)

After engaging in disappointing negotiations with the Kauri Community and Sports Centre Incorporated (KCSC), and following the unsuccessful resolution of a Lease Agreement, Council now intend to undertake a tender process to seek expressions

of interest from suitable third-parties who can effectively demonstrate their ongoing operational capacity to manage the Kauri Parade Sporting Complex.

Once the tender process has been undertaken and all submissions have been assessed on their individual merit, negotiations will be concluded and a report outlining the proposed agreement and management / leasing structure will be submitted to Council for final resolution.

It should be noted that in addition to any executed 'Management Agreement', individual Lease or Sub-Lease Agreements will still be entered into with each sporting user group (Hockey, Tennis, Music and Netball) so as to allow their continued exclusive use of their respective areas within the complex.

Motion

C101017/929

That Council undertake an Expression of Interest process with the intention of appointing an appropriate entity to manage the Kauri Community and Sports Complex.

Moved Councillor Donaldson, Seconded Councillor Lonie

Carried

14.7 **Fund My Neighbourhood - Projects (Report No: 336/17)**

The State Government 'Fund My Neighbourhood' Program is a \$40 million participatory budgeting program which provides South Australians the opportunity to nominate and vote for projects for their neighbourhoods. The funding is being provided in 2 separate rounds over 2 years. The first phase, the ideas phase, closed on 8 September 2017.

Subject to Council support, the listed projects recommended by Administration will proceed to the voting phase of the project where the projects will be voted on by the community. Successful projects as a result of the voting phase will then be subject to a grant agreement with Council to project manage and deliver in a 12 month period.

Motion

C101017/930

That Council supports the projects as recommended in Attachment 1 for inclusion in the public voting as part of the Fund My Neighbourhood program in the terms sought by the Department of the Premier and Cabinet.

Moved Councillor Donaldson, Seconded Councillor Lonie

Carried

14.8 **Alwyndor Management Committee – Review of Honorarium Payment** (Report No: 357/17)

This report is presented in response to a resolution of the Alwyndor Management Committee (AMC) in August 2017 requesting a review of the honorarium fees paid to non-elected members of the committee.

Motion

C101017/931

1. That Council adjusts the honorarium payment fee payable to independent members of the Alwyndor Management Committee to match the sitting fees paid to other independent members on Council committees as follows:
 - \$500 for an independent presiding member of the AMC; and
 - \$400 for other independent members of the AMC.
2. That the honorarium fees for independent members of the Alwyndor Management Committee be adjusted in line with the review of other independent member Committee fees annually in November.
3. That the Alwyndor Management Committee Terms of Reference are updated to reflect the changes to the payment of sitting fees to the committee.

Moved Councillor Clancy, 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**

17.1 **Rimhart Nominees Pty Ltd – Application for Rent Relief** (Report No: 348/17)

Motion – Exclusion of the Public – Section 90(3)(b & d) Order

C101017/932

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 Rimhart Nominees Pty Ltd – Application for Rent Relief 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 Rimhart Nominees Pty Ltd – Application for Rent Relief 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.
 - d. commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; 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.

Moved Councillor Lonie, Seconded Councillor Wilson

Carried

RETAIN IN CONFIDENCE - Section 91(7) Order

C101017/933

4. That having considered Agenda Item 19.1 348/17 Rimhart Nominees Pty Ltd – Application for Rent Relief in confidence under section 90(2) and (3)(b & d) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the 348/17 Rimhart Nominees Pty Ltd – Application for Rent Relief be retained in confidence for a period of 12 months.

Moved Councillor Clancy, Seconded Councillor Lonie

Carried

CLOSURE

The Meeting closed at 7.30 pm.

CONFIRMED Tuesday 26 October 2017

MAYOR