

**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 24 October 2017 at 7:00pm.**

**MEMBERS PRESENT**

His Worship the Mayor, S Patterson  
Councillor R Aust  
Councillor A Bradshaw  
Councillor S Charlick  
Councillor R Clancy  
Councillor K Donaldson  
Councillor R Patton  
Councillor R Snewin  
Councillor A Wilson  
Councillor L Yates

**STAFF IN ATTENDANCE**

Chief Executive Officer - JP Lynch  
General Manager Business Services – R Bria  
General Manager City Assets and Services - SG Hodge  
General Manager Community Services - PE 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 - Councillors J Smedley, M Bouchee and S Lonie

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****C241017/934**

**That the minutes of the Ordinary Meeting of Council held on 10 October 2017 be taken as read and confirmed.**

Moved by Councillor Donaldson, Seconded by Councillor Wilson

**Carried****8. PUBLIC PRESENTATIONS**

8.1 **Petitions - Nil**

8.2 **Presentations - Nil**

8.3 **Deputations - Nil**

**9. COUNCIL MEETING ADJOURNMENT – 7.03pm**

**That the Council Meeting be adjourned so that the Strategic Planning and Development Policy Committee can meet at this time.**

Moved Councillor Yates, Seconded Wilson

**Carried****10. RESUMPTION OF COUNCIL MEETING – 7.11pm****11. CONFIRMATION OF STRATEGIC PLANNING AND DEVELOPMENT POLICY COMMITTEE RESOLUTIONS****Motion****C241017/935**

**That Council endorses the following recommendations from the Strategic Planning and Development Policy committee, namely:**

***That Council endorse the Housing Strategy: Accommodating our Community - Proposed Directions document for public engagement and the Community Engagement Plan as shown in Attachments 1 and 2 to Report 371/17.***

Moved Councillor Clancy, Seconded Patton

**Carried****12. QUESTIONS BY MEMBERS**

12.1 **Without Notice**

### 12.1.1 Buffalo Redevelopment – Councillor Patton

Councillor Patton asked a question regarding the redevelopment of the Buffalo.

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

## 12.2 On Notice

### 12.2.1 Question on Notice – Process for Inspection of New Building Works (Report No: 394/17)

Councillor Bradshaw asked the following question:

- “1. Once Councils Planning Department ( or DAP) grant approval to build a new property, is it policy for Council or someone on their behalf, to conduct inspections at various stages of the construction to verify the build is in accordance with the specifications shown on the approved plans? If so at what stages?”**
- 2. Once building plans are approved by Council ( or DAP), does anyone from Council ( or for Council) ever inspect the site to verify the building work is in accordance with the approved building plans?”**

#### Background

There have been a couple of occasions where I've been contacted by concerned residents living next to newly constructed homes which have been approved by Council ( or DAP). These residents were perturbed about building height and privacy variations between the actual approved plans and the end result of the build.

#### ANSWER – Manager Development Services

1. Council's Building Inspection Policy sets the parameters for building inspections at various stages of construction.

Inspections are undertaken at five stages:

1. Prior to the commencement of construction (to record the condition council's infrastructure),
  2. Pouring of footings,
  3. Wall framing,
  4. Roof framing stage, and
  5. Prior to the issue of the Certificate of Occupancy.
2. Buildings are either inspected by council officers or independent engineers at various stages to verify structural compliance, being a prerequisite to the issue of a Certificate

of Occupancy. Council also receives requests from adjoining neighbours to inspect buildings under construction in-between scheduled inspections, which officers will also undertake. In the very few cases where inconsistencies are noted between the approved plan and actual built form, either a variation proposal is submitted to the Council Assessment Panel for consideration, or immediate enforcement action is undertaken under the Development Act (depending on the gravity of the offence).

### 13. MEMBER'S ACTIVITY REPORTS

#### 13.1 Members Activity Reports (Report No: 370/17)

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

C241017/936

**That the following activity reports be noted:**

- **Councillor Clancy**

Moved by Councillor Charlick, Seconded by Councillor Wilson

Carried

### 14. MOTIONS ON NOTICE

#### Conflict of Interest

Mayor Patterson declared a perceived conflict of interest for 14.1 Motion on Notice – Leave of Absence – Mayor Patterson (Report No: 395/17). The nature of his perceived conflict of interest (Pursuant to Section 74 of the *Local Government Act 1999*) was because it related to his request for a leave of absence from Council. His Worship the Mayor dealt with this perceived conflict of interest by declaring it to the chamber and making it known he would not participate in the debate on this item.

#### 14.1 Motion on Notice – Leave of Absence – Mayor Patterson (Report No: 395/17)

Mayor Patterson proposed the following motion:

#### Motion

C241017/937

**That Mayor Stephen Patterson be granted a leave of absence from Council from 1 January 2018 until 17 March 2018 inclusive, during this leave of absence Mayor Patterson requests that he does not receive mayoral allowance payments for this period of leave.**

Moved by Councillor Clancy, Seconded by Councillor Snewin

Carried

**Division Called**

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

Those voting for: Councillors Aust, Bradshaw, Charlick, Clancy, Donaldson, Patton, Snewin, Wilson and Yates (9)

Those voting against: Nil (0)

His Worship the Mayor declared the motion

**Carried**

**15. ADJOURNED MATTERS - Nil****16. REPORTS OF MANAGEMENT COMMITTEES, SUBSIDIARIES AND THE DEVELOPMENT ASSESSMENT PANEL****16.1 Minutes – Jetty Road Mainstreet Committee – 4 October 2017 (Report No: 388/17)**

The minutes of the meeting of the Jetty Road Mainstreet Committee meeting held on 4 October 2017 are attached and presented for Council's information.

**Motion****C241017/938**

- 1. That the Minutes of the meeting of Jetty Road Mainstreet Committee 4 October 2017 are received by Council with items of interest discussed.**
- 2. That having considered Attachment 2 to Report No: 388/17 Minutes – Jetty Road Mainstreet Committee – 4 October 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 by Councillor Wilson, Seconded by Councillor Charlick

**Carried**

**17. REPORTS BY OFFICERS****17.1 Items in Brief (Report No: 368/17)**

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****C241017/939****That the following items be noted and items of interest discussed:**

- 1. Brighton Performing Arts Centre Report.**
- 2. Update on Expressions of Interest for the Purchase of Council Laneway.**
- 3. 2017 LGA Conference and Annual General Meeting – Wednesday 15 and Thursday 16 November 2017.**

Moved Councillor Clancy, Seconded Councillor Aust

**Carried****17.2 Dates for Ordinary Council Meetings - 2018 (Report No: 369/17)**

The *Local Government Act 1999* requires Council to hold at least one meeting per month.

It is a decision of the Council to determine its meeting schedule. Meeting schedules can be reviewed and amended at any time by the Council.

Currently, Council has meetings on the second and fourth Tuesdays of each month (February – November) and once in December and January due to the holiday periods. It is proposed that Council continues this meeting schedule in 2018 up until the close of voting in the Local Government Elections on 9 November 2018. Following the elections it will be up to the new elected council to determine its meeting schedule.

**Motion****C241017/940**

- 1. That the Council meeting schedule for January to November 2018 be as follows:**
  - **23 January 2018**
  - **13 February 2018**
  - **27 February 2018**
  - **13 March 2018**
  - **27 March 2018**
  - **10 April 2018**
  - **24 April 2018**
  - **8 May 2018**
  - **22 May 2018**
  - **12 June 2018**
  - **26 June 2018**
  - **10 July 2018**
  - **24 July 2018**
  - **14 August 2018**
  - **28 August 2018**
  - **11 September 2018**
  - **25 September 2018**
  - **9 October 2018**
  - **23 October 2018**

2. **If required, an informal gathering will be held prior to Council Meetings commencing at 6.00pm.**
3. **If required, an informal gathering will be held commencing at 6.00pm will be held on the first Tuesday of each month, excluding November.**

Moved Councillor Wilson, Seconded Councillor Patton

**Carried**

17.3 **Small Business Friendly Council Initiative Charter** (Report No: 372/17)

At its meeting on 13 June 2017 Council resolved (C130607/794):

*“That Administration investigate and report back to Council on the possible implementation of Small Business Friendly Local Government Charter being developed by the Office of the Small Business Commissioner.”*

Small Business Commissioner, John Chapman, made a presentation to the Future Towns, Future Cities MLGG Think Tank on 24 May 2017. The think tank explored the opportunity for a charter being developed by the Office of the Small Business Commissioner and the Local Government Association. It was proposed that each South Australian Council consider making a commitment to the Charter as a formal agreement. The Charter sets out guiding principles for Councils and businesses to support the local small business community.

The principles in this Charter are in alignment with the Council’s strategic direction and this report recommends that Council adopt the ‘Small Business Friendly Council Initiative Charter.’

**Motion**

**C241017/941**

1. **That Council adopt the Small Business Friendly Council Initiative Charter as attached.**
2. **That the Chief Executive Officer be authorised to sign the agreement with the Small Business Commissioner.**

Moved Councillor Charlick, Seconded Councillor Bradshaw

**Carried**

17.4 **Budget Update – as at 30 September 2017** (Report No: 389/17)

This report covers the first update of Council’s 2017/18 budget conducted as at 30 September 2017.

A comprehensive review of Municipal budgets has reduced the forecast operating deficit by \$100,162 to \$88,480. Further reviews during the financial year will aim to provide an operating surplus. Capital expenditure has increased by \$1.3m, including additional projects already approved by Council, and is offset by \$1m of grant funding.

Alwyndor operations show a \$29,009 reduction in the forecast operating surplus to \$435,466 due to changes in the operation of the Consumer Directed Care program. Forecast capital expenditure remains unchanged.

Attached are financial reports as at 30 September 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.

**Motion**

**C241017/942**

1. **That Council notes the first 2017/18 budget update for Council's municipal operations including:**
  - (a) **a decrease in the forecast operating deficit for 2017/18 of \$100,162 from \$188,642 to \$88,480 (compared to an operating surplus of \$102,540 in the original budget);**
  - (b) **an increase in forecast capital expenditure of \$1.336 million from \$12.091 million to \$13.427 million (compared with \$6.224 million in the original budget);**
  - (c) **an increase in forecast capital revenue of \$1.006 million from \$409,390 to \$1.415 million (compared with \$230,750 in the original budget);**
  - (d) **an increase in forecast net financial liabilities of \$79,838 at 30 June 2018 from \$20.474 million to \$20.554 million (compared to a net financial liabilities amount of \$21.974 million in the original budget).**
  
2. **That Council notes the first 2017/18 budget update for Alwyndor operations including:**
  - (a) **a decrease in the forecast operating surplus for 2017/18 of \$29,009 from \$464,475 to \$435,466;**
  - (b) **forecast capital expenditure for 2017/18 \$741,663 (unchanged from the original budget);**
  - (c) **a decrease in the forecast funding surplus for 2017/18 of \$29,009 from \$619,791 to \$590,782.**

Moved Councillor Charlick, Seconded Councillor Wilson

**Carried**

**17.5 Stormwater Infrastructure – Kauri Parade, Seacliff (Report No: 391/17)**

Currently street stormwater flows from the corner of Sherlock Road and Kauri Parade to Pine Gully through a number of private properties. This passage is a combination of open channel and pipelines through a number of private properties. Council previously noted that the open channel between the Kauri Parade and the rail line is subject to flood risk, as indicated in our Stormwater Management Plan. Council has previously allocated approximately \$150,000 for the design and development of an appropriate stormwater infrastructure plan. An agreement has been reached with the owner who has granted council with the required easement. To complete the proposed works, an additional \$76,000



is required. This report seeks to get Council endorsement to undertake the works and allocate the additional \$76,000 required.

**Motion**

**C241017/943**

**That Council approve the stormwater construction works at Kauri Parade, Seacliff in accordance with the engineering plan (attached) and allocate an additional \$76,000 in the Capital Works budget to undertake the construction.**

Moved Councillor Yates, Seconded Councillor Charlick

**Carried**

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

**19. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING**

**Leave of the Meeting**

Councillor Clancy sought leave of the meeting to raise a confidential item as a matter for urgent business.

Leave of the meeting was granted.

**19.1 Brighton Pump Track Maintenance**

**Motion**

**Exclusion of the Public – Section 90(3)(a) Order**

**C241017/944**

- 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 Brighton Pump Track Maintenance 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 information provided regarding the Brighton Pump Track Maintenance:**
  - a. pursuant to section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to the Pump Track Volunteer Matter is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), because it relates to a volunteer involved with the Brighton Pump Track.**
- 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 Clancy, Seconded Councillor Aust

**Carried**

## **Brighton Pump Track Maintenance**

### **Division Called**

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

Those voting for: Councillors Charlick, Clancy, Donaldson, Patton, Wilson and Yates (6)

Those voting against: Aust, Bradshaw and Snewin (3)

His Worship the Mayor declared the motion

**Carried**

### **ORDER TO RETAIN DOCUMENTS IN CONFIDENCE**

#### **Motion**

**C241017/946**

#### **RETAIN IN CONFIDENCE - Section 91(7) Order**

**That having considered Brighton Pump Track Maintenance in confidence under section 90(2) and (3)( a) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the minutes be retained in confidence for a period of 12 and that this order be reviewed every 12 months.**

Moved Councillor Clancy, Seconded Councillor Donaldson

**Carried**

### **20. ITEMS IN CONFIDENCE - Nil**

### **CLOSURE**

The Meeting closed at 8.10pm.

**CONFIRMED      Tuesday 14 November 2017**

**MAYOR**