

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 12 December 2017 at 7:00pm.

MEMBERS PRESENT

His Worship the Mayor, S Patterson
Councillor A Wilson, Deputy Mayor
Councillor R Aust
Councillor M Bouchée
Councillor A Bradshaw
Councillor S Charlick
Councillor R Clancy
Councillor K Donaldson
Councillor S Lonie
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 and Services - S Hodge
Acting General Manager Community Services – M Rechner

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 - Nil
- 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****C121217/990**

That the minutes of the Ordinary Meeting of Council held on 28 November 2017 be taken as read and confirmed.

Moved by Councillor Lonie, Seconded by Councillor Aust

Carried**8. PUBLIC PRESENTATIONS****8.1 Petitions**

- 8.1.1 ***Petition – Opposing the Expansion of Medium Density Zones as Outlined in the City of Holdfast Bay Housing Strategy Proposed Directions Consultation*** (Report No: 447/17)

A non-conforming petition has been received regarding opposition to the expansion of medium density zones in Brighton

The petition states as follows:

“We, the undersigned, are concerned residents who urge our Elected Members of the City of Holdfast Bay to not support the expansion of medium density zones in Brighton as outlined in the Housing Strategy: Proposed Directions document released for public consultation in Oct/Nov 2017”.

Motion**C121217/991**

That the non-conforming petition be noted and included as a submission in the Community Consultation report on the Housing Strategy: Proposed Directions Consultation.

Moved Councillor Lonie, Seconded Councillor Yates

Carried**8.2 Presentations - Nil****8.3 Deputations - Nil****9. QUESTIONS BY MEMBERS**

9.1 **Without Notice - Nil**

9.2 **With Notice**

9.2.1 **Question on Notice – Jetty Road Glenelg Separate Rate (Report No: 446/17)**

Councillor Smedley asked the following question without notice at the Council Meeting held on 28 November 2017, and was taken on notice:

“Councillor Smedley asked a question regarding the way that the Jetty Road Glenelg Separate Rate is budgeted and how much has been spent on the traders in the Eastern End of the precinct (from Partridge Street to Brighton Road) in the past 3 years.”

Background

Councillor Smedley at the Council Meeting held on 28 November 2017 asked this question without notice. His Worship the Mayor took the question on notice.

ANSWER – Manager City Activation

The following provides an overview of the current business mix in the Jetty Road precinct, inclusive of the Bayside Village:

ZONE 1 COAST (5 minute walk from the beach) Beach/western end hospitality/events

ZONE 2 MID (10 minute walk from the beach) Midway/centre quality stores/fashion/gifts/homewares

ZONE 3 BRIGHTON RD (15 minute walk from the beach) Eastern/Brighton Rd /convenience/easy-parking/fresh food

Zone 1 - COAST	%	Zone 2 - CENTRAL	%	Zone 3 – EAST END	%
61 FOOD	49	41 SERVICES	41	42 SERVICES	40
24 SERVICES	19	21 FOOD	21	20 FOOD	21
16 FASHION	13	15 FASHION	15	10 FASHION	11
8 LEISURE	6	7 VACANCIES	7	10 LEISURE	10
6 VACANCIES	5	6 LEISURE	6	7 GENERAL	6
5 GENERAL	4	3 GENERAL	3	5 VACANCIES	4
3 HOMEWARES	2	3 HOMEWARES	3	4 HOMEWARES	4
2 JEWELLERY	2	2 MAJORS	2	1 JEWELLERY	1
		1 JEWELLERY	1	1 MAJOR	1
		1 NOT Leasable	1		
125 retailer/ businesses		100retailers/ businesses		89** retailers/ businesses	

Financial contribution

109 East End rate payers contributing to the Mainstreet Levy:

** Please note that some retailers/businesses take up multiple tenancies.

	2015/16	2016/17	2017/18
Total Jetty Road levy raised	\$544,216	\$553,470	\$564,510
East End Jetty Road Traders contribution	\$150,349	\$147,699	\$149,069
Percentage of total amount raised	27.63%	26.69%	26.41%

Marketing

The following marketing initiatives have supported promotion of the East End precinct of Jetty Road:

2017/18

- Print advertorial: Aug 2017: SA Style Magazine/Villa Hampton
- Print: Dec 2017: Guardian Messenger Christmas Wrap/Boss Babes

2016/17

- Print advertorial: Aug 2016: NEST Magazine/Coastal Ugg
- Print advertorial: Sept 2016: SA Style Magazine/Wishart Jewellers and Villa Hampton and Kicco

2015/16

- Print advertorial: Nov 2015: ASPIRE Magazine/Pera Kahve and Inner Strength Pilates & Barre
- Print advertorial: July 2015: SA Style Magazine/Reece Bathroom Life and Villa Hampton
- Print advertorial: May 2015: SA Kids Magazine/Fairy Bay

Social Media

The following table highlights social media posts featuring the east end traders:

2017 Instagram		2017 Facebook	
The Source	7 November	Svenio	22 November
Skin Things	24 October	Skin Things	24 October
Royal Moody	25 September	Fairy Bay	18 October
Royal Moody	15 August	Fairy Bay	10 October
Daily Grind	10 August	Good Physio	14 September
Coastal Uggs	9 August	Dinner Deli	5 September
The Source	20 July	Royal Moody	29 August
Pera Khave	13 July	Taking Shape	28 July
Fairy Bay	4 July	Inner Strength	5 July
Skin Things	30 June	South Aussie with Cosi –Partridge Car Park	4 July
Second Chapter	26 June	Taking Shape	22 June

Boss Babes	20 June	Honda Jazz comp (at Bayside Village)	20 June
Chi Hair	19 June	Taking Shape	19 May
Skin Things	9 June	Fairy Bay	28 April
Skin Things	31 May	Woolworths	27 April
The Source	29 May	Fairy Bay	19 April
Bayside Fruit and More	24 May	Royal Moody	9 February
Boss Babes	22 May		
Royal Moody	18 May		
Pera Khave	2 March		
Royal Moody	9 February		

2016 Instagram		2016 Facebook	
florist	14 Oct	Fairy Bay	May
Royal moody	7 September	138 pop up store	10 May
Pera khave	29 June	The Fairy Bay	16 April
Fairy Bay	29 June	Down to Earth Candles	8 April
Inner Strength	3 June	Phil Hoffman	9 March
Royal Moody	26 May	Jeanswest	23 February
Coastal Uggs	19 May	Bayside flowers	10 February
Florist	6 May		
Villa Hampton	18 March		
Bay Junction Florist	18 March		
Bay Junction Florist	11 March		
Bay Junction Florist	26 Feb		
Bay Junction Florist	19 Feb		
Bay Junction Florist	5 Feb		
2015 Instagram		2015 Facebook	
Florist	11 December	Savenio	25 November
The source	27 November	Mayor outside	21 October
Savenio	25 November	Eating out at the bay	October
Bay Florist	30 October	Partridge street car park	6 September
		Telstra	31 July
		Katmandu	29 May
		The Gym Glenelg	15 April
		House of Serendipity	30 April
		Pera Khave	22 April
		Telstra	14 April
		Krush Hair and Beauty	9 April

EVENTS

The following list of events based in Glenelg are delivered put on in partnership with the JRMC or Tourism based CHB events.

2015 / 2016

- Winter Wonderland July – August 2015
- Jetty Road School Holiday Activities October 2015
- Live Instore Music October 2015
- Glenelg Christmas Pageant November 2015
- Random Acts of Light November 2015
- New Year's Eve 2015
- Tour Down Under Street Party January 2016
- Tour Down Under Stage 3 start January 2016
- Australia Day January 2016
- Summer Sundayz February 2016
- Open Air Cinema March 2016
- Play at the Bay School Holiday Program April 2016

2016 / 2017

- Winter Wonderland July 2016
- Play at the Bay October 2016
- Live Instore Music every Thursday in October 2016
- Glenelg Christmas Pageant November 2016 30,000 people
- New Year's Eve December 2016
- Tour Down Under Street Party January 2017
- Tour Down Under Stage 3 start January 2017
- Australia Day January 2017
- Glenelg Sunset Markets Jan, Feb, March 2017
- The Cat Empire and Xavier Rudd February 2017
- Beach Polo February 2017
- Open Air Cinema March 2017
- Porch Sessions March 2017
- Play at the Bay School Holiday Program April 2017

2017 / 2018

- Winter Wonderland July 2017
- Play at the Bay October 2017
- John Butler and Missy Higgins November 2017 - 7,500 tickets sold
- Glenelg Street Party November 2017 – 20,000 people
- Glenelg Christmas Pageant November 2016 – 30,000 people
- Glenelg Sunset Markets Dec, 2017 Jan, Feb, March 2018
- New Year's Eve December 2017
- Tour Down Under Street Party January 2018
- Tour Down Under Stage 3 start January 2018
- Australia Day January 2018
- Queens Baton Relay February 2018
- Beach Polo February 2018
- Open Air Cinema March 2018
- Play at the Bay School Holiday Program April 2018

9.2.2 **Question on Notice – Jetty Road Glenelg Masterplan Streetscape Plan**
(Report No: 464/17)

Councillor Bouchee asked the following question:

“Could the CEO please advise when Council will be getting the “Streetscape Design (as prescribed by the Development Plan) for Jetty Road Glenelg as indicated in response to councillor Wilson’s question on notice of the 9 August 2016?”

Background

“With Notice

9.2.1 Question on Notice – DPA for Jetty Road and South Esplanade Height of Buildings (Report No: 190/16) Councillor Wilson asked the following questions:

“1. Will council be notifying the residents around Seawall that the DPA for Jetty Road and South Esplanade has without any consultation or notice, been amended to provide that the site will be able to build from 11 storeys South of Saltram Walk graded to 5 on Pier St?

2. Can Administration advise how the proposed masterplan for Jetty Road will link in with the new DPA so that a consistency in design can be achieved for the area?” City of Holdfast Bay 5361 Council Minutes 09/08/16

ANSWER – Strategic Planner Policy

1. *The Glenelg District Centre (Jetty Road) and Residential High Density Zone Review Development Plan Amendment (DPA) was a Ministerial DPA.*

At the conclusion of the formal public consultation period, a public hearing was held on the DPA and the Government made a number of changes to the Amendment. It is understood that policy changes made following consultation to enable increased building heights at 19 South Esplanade (Seawall apartments site) was in direct response to a representation made at the public hearing on behalf of the site’s owners. Ultimately, the Minister can make amendments to a DPA as a result of consultation, but a judgement must be made as to whether this would constitute a ‘substance’ change that would require re-consultation. In this instance, it is assumed that the Minister has considered the changes to be minor in the scope of the wider DPA and the Government has not re-notified adjacent land owners of this or any other changes to the DPA. Consequently no further notification of changes made to the DPA following consultation has occurred.

2. *The DPA proposed a number of policy changes which guide the redevelopment of properties and increased residential living opportunities located above commercial development in the Glenelg District Centre. The Jetty Road Master Plan will primarily seek to provide a Framework for the upgrade to the public environment and streetscape in Jetty Road.*

While the development of the Master Plan will need to be cognisant of these recent planning policy changes and consider the desired character of the precinct and its buildings as they relate to the public environment, the design of new buildings in the precinct will still ultimately be guided by the Development Plan.”

ANSWER – Strategic Planner

The purpose of undertaking the Jetty Road Glenelg Masterplan throughout 2017 has been to provide Council with a streetscape design for Jetty Road Glenelg and the immediate precinct. The aim is to present Council with the final Masterplan for endorsement at the meeting on 23 January 2018.

The streetscape design depicted in the Draft Masterplan comprises improvements to publicly owned land, including the roads, footpaths, verges, squares and plazas, also known collectively as the public realm. The Draft Masterplan has considered the public realm interface with privately owned land which can be found on pages 110 – 115 (including elements such as building envelope, solar access, active frontages etc). However, the design control of buildings located on privately owned land remains entirely with the Development Plan and development assessment process.

The Development Plan (consolidated 2 June 2016) considers the public realm interfaces under the Desired Future Character Statement within the District Centre Zone (Glenelg Policy Area 2) on pages 144 and 145. The Desired Future Character Statement encourages enhancing the pedestrian experience, providing safe, landscaped pedestrian walkways between buildings and enhancing the sense of place and identity. It also seeks for development to achieve the highest possible standards of urban design to support the increases in residential population in the centre zone. The Development Plan zoning policy is complementary to the aims and objectives of the Masterplan. Once finalised, the Masterplan may be used by development assessment officers as a reference document to seek further support of the intent of the desired future character for the zone.

In addition, the Masterplan could be used to influence development of appropriate building envelopes, designs and interfaces for buildings greater than four storeys, which are currently subject to a formal design review process by the SA Government Architect (ODASA) currently captured as part of the development assessment process by the State Planning Assessment Committee (formerly DAC).

The Jetty Road Glenelg Masterplan will provide a document that articulates Council's position on streetscape quality and urban design principles for the street. It will be a useful reference for future amendments to development policy. Any subsequent Development Plan changes during the Planning Reform process would seek to reflect the outcomes prescribed in the Masterplan.

9.2.3 **Question on Notice – Cost of Consultant for Community Centres Review** (Report No: 466/17)

Councillor Bouchee asked the following question:

“Could the CEO please advise the cost of the contract for the consultant/s undertaking Community Centres Review?”

ANSWER – Manager Active Communities

In line with the allocated budget of \$10,000 for the Community Centres Framework in the 2017-18 Annual Business Plan, Alyssa Hill Consulting were engaged to undertake this work for a fee of \$9,680 (GST Exclusive).

10. MEMBER'S ACTIVITY REPORTS

10.1 **Members' Activity Report** (Report No: 467/17)

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

C121217/992

That the following activity reports be noted:

- **Councillor Yates**

Moved Councillor Lonie, Seconded Councillor Smedley

Carried

11. MOTIONS ON NOTICE

11.1 **Motion on Notice – Parking Restrictions in Edwards Street – Northern Side – Councillor Snewin** (Report No: 465/17)

BACKGROUND

With the completion of the redeveloped Shopping Centre and the earlier commissioning of the Hungry Jacks outlet, traffic in the street has increased dramatically over the past 12 to 18 months.

We have received many complaints from the residents in this section of Edwards St in regard to difficulty with entry and egress from their respective properties

with sight lines compromised etc. This busy street is also a bus route which exacerbates the issues.

It should be recognised that the redevelopment has seen the internal off street car parks increase from 110 parks to 135, and the Hungry Jacks facility has added a further 20 off street car parks to the precinct, so the loss of 6 on street parks should not be seen as a critical issue but would be a big step in maintaining a safer traffic flow at the critical entrance and exit to the supermarket and Brighton Rd.

Motion

C121217/993

That the matter be laid on the table until the February 2018 Council meeting.

Moved Councillor Snewin, Seconded Councillor Lonie

Carried

12. ADJOURNED MATTER

- 12.1 **Adjourned Report – Brighton Pump Track Maintenance [Report No: 437/17 and 417/17] (Report No: 445/17)**

Leave of the Meeting

His Worship the Mayor sought leave of the meeting to consider this item before the other confidential reports listed on the agenda.

Leave of the meeting was granted.

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

- 13.1 **Minutes – Alwyndor Management Committee – 21 November 2017 (Report No: 444/17)**

The Minutes of the Alwyndor Management Committee meeting held on 21 November 2017 are provided for information.

Motion

C121217/994

1. **That the minutes of the Alwyndor Management Committee meeting on 21 November 2017 be noted.**
2. **That having considered Attachment 2 to Report No: 444/17 Minutes – Alwyndor Management Committee – 21 November 2017 in confidence under section 90(2) and (3)(b) 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 Aust

Carried

14. REPORTS BY OFFICERS**14.1 Items in Brief (Report No: 443/17)**

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**C121217/995**

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

- 1. SAPOL Monthly Crime Statistics – City of Holdfast Bay Analysis**
- 2. Minutes of the Murray Darling Association Region 7 Meeting**

Moved Councillor Lonie, Seconded Councillor Patton

Carried**14.2 Playspace Research and Guidelines (Report No: 452/17)**

The Playspace Research and Guidelines have been created to provide guidance for future planning and redevelopment of playspaces across the City. The Guidelines reflect best practice playspace design, industry trends and determine the future needs and management requirements of playspaces within the City, based on future population and density estimates. The Guidelines help Council to plan financially for playspace developments and to apply for external funding to assist with playspace developments, over the next 10 years.

Motion

- 1. That Council notes the Playspace Research and Guidelines;**
- 2. That Council approves seeking external funding proposals to be submitted through suitable funding programs for playspace redevelopments.**
- 3. That specific playspace upgrades are to be considered as part of the Annual Budget Process and long term financial plan**

Moved Councillor Lonie, Seconded Councillor Yates

Adjournment**C121217/996**

That Report No: 452/17, Playspace Research and Guidelines be adjourned to the Council meeting to be held on 27 February 2018, so that members have more time to consider the report.

Moved Councillor Bouchee, Seconded Councillor Donaldson

Carried**14.3 Annual Review of Delegations (Report No: 442/17)**

Section 44 (6) of the *Local Government Act 1999*, requires Council to review its delegations at least once each financial year. Delegations are the means by which Council can formally pass on its powers and functions to other bodies or individuals in order to efficiently and effectively manage the business of Council.

The changes to the delegations are listed in Attachment 1 to this report and are legislative and formatting in nature.

Motion

C121217/997

1. That having conducted its annual review of the Council's Delegations Register in accordance with Section 44(6) of the Local Government Act 1999, the Council:

1.1 Notes the review of Delegations undertaken and continues with delegations previously made to the Chief Executive Officer for the:

- **Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014**
- **Community Titles Act 1996**
- **Dog and Cat Management Act 1995**
- **Electronic Conveyancing National Law (SA) Act 2013**
- **Environment Protection Act 1993**
- **Expiation of Offences Act 1996**
- **Fences Act 1975**
- **Fire and Emergency Services Act 2005, and Fire and Emergency Services Act Regulations 2005.**
- **Fire and Emergency Services - Delegations to CEO**
- **Instrument of Delegation Under the Fire and Emergency Services Act 2005 to Fire Prevention Officers (Jan 2014)**
- **Food Act 2001**
- **Land and Business (Sale and Conveyancing) Act 1994**
- **Liquor Licensing Act 1997**
- **Natural Resources Management Act 2004**
- **Real Property Act 1886**
- **Roads (Opening & Closing) Act 1991**
- **Safe Drinking Water Act 2012**
- **South Australian Public Health Act 2011**
- **Strata Titles Act 1988**
- **Supported Residential Facilities Act 1992**
- **Unclaimed Goods Act 1987**

without change.

2. Revocations

2.1 Hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following:

2.1.1 Development Act 1993 and Development Regulations 2008

2.1.2 Freedom of Information Act 1991

2.1.3 Local Government Act 1999

- 2.1.4 Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014
- 2.1.5 Heavy Vehicle National Law (South Australia) Act 2013
- 2.1.6 Housing Improvement Act 1940
- 2.1.7 Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017
- 2.1.8 Planning, Development and Infrastructure Act 2016
- 2.1.9 Residential Parks Act 2007
- 2.1.10 Water Industry Act 2012
- 2.1.11 Work Health Safety Act 2012

3. Delegations made under Local Government Act 1999

3.1 In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Attachments 2-8 (each of which is individually identified as indicated below) are hereby delegated this 12th day of December 2017 to the person occupying the office of Chief Executive Officer subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation.

- 3.1.1 Freedom of Information Act 1991 (Attachment 2)
- 3.1.2 Local Government Act 1999 (Attachment 3)
- 3.1.3 Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014 (Attachment 4)
- 3.1.4 Heavy Vehicle National Law (South Australia) Act 2013 (Attachment 5)
- 3.1.5 Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017 (Attachment 6)
- 3.1.6 Planning, Development and Infrastructure Act 2016 (Attachment 7)
- 3.1.7 Residential Parks Act 2007 (Attachment 8)

3.2 Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.

4. Delegations made under Local Government Act 1999 to Alwyndor Management Committee

- 4.1. Hereby revokes its previous delegations for the Alwyndor Management Committee, to come into effect at 11.59pm on 31 December 2017, to the Alwyndor Management Committee of those powers and functions under the following:**

 - 4.1.1 Aged Care Act 1997**
 - 4.1.2 Local Government Act 1999**
 - 4.1.3 Local Government (Procedures at Meetings) Regulations 2013 and**
 - 4.1.4 Aged Care (Accommodation Payment Security) Act 2006**

- 4.2 In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Attachment 8 are hereby delegated this 12th day of December 2017 to the Alwyndor Management Committee and the person occupying the office of Chief Executive Officer subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation. These delegations will come into effect from 12.00am 1 January 2018.**

 - 4.2.1 Aged Care Act 1997 (Attachment 9)**
 - 4.2.2 Local Government Act 1999 (Attachment 9)**
 - 4.2.3 Local Government (Procedures at Meetings) Regulations 2013 (Attachment 9) and**
 - 4.2.4 Aged Care (Accommodation Payment Security) Act 2006 (Attachment 9)**

- 5. Delegations made under Development Act 1993**

 - 5.1 In exercise of the powers contained in Section 20 and 34(23) of the Development Act 1993, the powers and functions under the Development Act 1993 and the Development Regulations 2008 contained in the proposed Instrument of Delegation (annexed to the Report dated 12 December 2017 and entitled Annual Review of Delegations and marked Attachment 9) are hereby delegated this 12th day of December 2017 to the person occupying the office of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.**

 - 5.2 Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.**

Moved Councillor Clancy, Seconded Councillor Wilson **Carried**

14.4 **Appointment to SRWRA Audit Committee** (Report No: 448/17)

The Chief Executive Officer of Southern Region Waste Resource Authority (SRWRA) has written to Council seeking the re-appointment or new appointment of an Audit Committee member for a period of 12 months commencing in March 2018.

SRWRA has an audit committee which includes independent members appointed by each of the three constituent councils.

Motion **C121217/998**

That Council re-appoint Ms V Brown to the SRWRA Audit Committee for a term of 12 months.

Moved Councillor Smedley, Seconded Councillor Snewin **Carried**

14.5 **Nominations Sought for the South Australian Public Health Council** (Report No: 451/17)

The Local Government Association (LGA) has received a request from the Minister for Health calling for nominations for a Local Government Member on the SA Public Health Council (SAPHC) for a term not exceeding three years and commencing in March 2018.

Councillor Lonie has expressed an interest in being nominated by Council for this position on the SA Public Health Council and is suitably qualified for the position.

Motion **C121217/999**

That Council nominates Councillor Lonie to the Local Government Association for consideration as a Member on the SA Public Health Council.

Moved Councillor Aust, Seconded Councillor Clancy **Carried**

14.6 **Draft Community Centre Framework** (Report No: 450/17)

This Report was withdrawn from the agenda by the Chief Executive Officer.

14.7 **Possible Sale of Portion of Land at 20 Seaview Avenue, Kingston Park** (Report No: 456/17)

The property owner of 20 Seaview Avenue Kingston Park has approached Council regarding the possibility of purchasing from Council a portion of land at the frontage of the property.

Council at its meeting of 14 November 2017 resolved that Council initiate the process of the sale and that adjacent ratepayers be advised to contact Council for registration of interest for possible purchase. Some 15 nearby residences were letterboxed and there have been no other offers to purchase the portion of land.

This report recommends that Council agree in principle to sell the portion of land to the property owner of 20 Seaview Avenue.

Motion

C121217/1000

- 1. That Council advises the property owner of 20 Seaview Avenue that Council is willing to proceed with the sale of the portion of land for \$50,000 plus all survey, conveyancing and transfer fees.**
- 2. That Council delegates to the Chief Executive Officer the authority to approve any subsequent sale documents.**

Moved Councillor Charlick, Seconded Councillor Yates

Carried

Division called

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

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

Those voting against: Councillor Bradshaw (1).

His Worship the Mayor declared the motion

Carried

14.8 New Lease Agreement – Seacliff Hockey Club Incorporated (Report No: 454/17)

Following the practical completion of the Kauri Community and Sports Complex ("*Complex*"), negotiations have been undertaken with the Seacliff Hockey Club Incorporated ("*Club*"/*Applicant*"/*Lessee*") for the purpose of entering into a new lease agreement for their exclusive use of areas within the complex.

It is proposed that Council enter into a Lease Agreement with the Club for a period of five years commencing 5 August 2017 (the date occupancy commenced), with an Option to Renew for a subsequent five year term. As an outcome of negotiations, and in accordance with policy provisions, an annual payable rent of \$2,628 (plus GST) has been agreed. The Club will also be required to pay an additional \$7,000 per year into a sinking fund which will be used to partially fund the repair of the hockey pitch surface as and when required.

Full details of the proposal are outlined within this report.

Councillor Patton left the chamber at 7.30pm.

Motion

C121217/1001

- 1. That Council enters into a new Lease Agreement with the Seacliff Hockey Club Incorporated over a portion of land comprised Certificate of Title Volume 6184 Folio 142 for a period of five (5) years commencing 5 August 2017, with an Option to Renew for a subsequent five (5) years;**

2. **That an annual rent of \$2,628 (plus GST) be charged to the Lessee;**
3. **That the Club pay an additional \$7,000 per year into a sinking fund to partially fund the repair of the hockey pitches;**
4. **That the Mayor and Chief Executive Officer be authorised to execute and seal any documents required to give effect to this lease.**

Councillor Patton rejoined the chamber at 7.32pm.

Moved Councillor Lonie, Seconded Councillor Smedley

Carried

14.9 **New Lease Agreement – Seacliff Tennis Club Incorporated** (Report No: 455/17)

Following the practical completion of the Kauri Community and Sports Complex ("*Complex*"), negotiations have been undertaken with the Seacliff Tennis Club Incorporated ("*Club*"/*Applicant*"/*Lessee*") for the purpose of entering into a new lease agreement for their exclusive use of areas within the complex.

It is proposed that Council enter into a new Lease Agreement with the Club for a period of five years commencing 5 August 2017 (the date occupancy commenced), with an Option to Renew for a subsequent five year term. As an outcome of negotiations, and in accordance with policy provisions, an annual payable rent of \$2,200 (plus GST) has been agreed. The Club will also be required to pay an additional \$5,000 per year into a sinking fund which will be used to partially fund the repair of the tennis court playing surfaces as and when required.

Full details of the proposal are outlined within this report.

Motion

C121217/1002

1. **That Council enters into a new Lease Agreement with the Seacliff Tennis Club Incorporated over a portion of land comprised Certificate of Title Volume 6184 Folio 142 for a period of five years commencing 5 August 2017, with an Option to Renew for a subsequent five years;**
2. **That an annual rent of \$2,200 (plus GST) be charged to the Lessee;**
3. **That the Club pay an additional \$5,000 per year into a sinking fund to partially fund the repair of the tennis court playing surfaces;**
4. **That the Mayor and Chief Executive Officer be authorised to execute and seal any documents required to give effect to this lease.**

Adjournment

That Report No: 455/17, New Lease Agreement – Seacliff Tennis Club Incorporated be adjourned to the Council meeting to be held on 23 January 2018.

Moved Councillor Clancy

Lapsed for want of a seconder

Moved Councillor Lonie, Seconded Councillor Aust

Carried

14.10 **New Lease Agreement – The City of Holdfast Bay Music Centre Incorporated**
(Report No: 453/17)

Following the practical completion of the Kauri Community and Sports Complex ("*Complex*"), negotiations have been undertaken with the Holdfast Bay Music Centre Incorporated for the purpose of entering into new lease agreement for their exclusive use of areas within the complex.

It is proposed that Council enter into a lease agreement with the Holdfast Bay Music Centre Incorporated ("*Applicant*"/"*Lessee*") for a period of five years commencing 5 August 2017 (the date occupancy commenced), with an Option to Renew for a further five year term. As an outcome of negotiations, and in accordance with policy provisions, an annual payable rent of \$761 (plus GST) has been agreed.

Full details of the proposal are outlined within this report.

Motion

C121217/1003

1. **That Council enters into a new Lease Agreement with the City of Holdfast Bay Music Centre Incorporated over a portion of land comprised Certificate of Title Volume 6184 Folio 142 for a period of five years commencing 5 August 2017, with an Option to Renew for a subsequent five years;**
2. **That an annual Licence fee of \$761 (plus GST) be charged to assist with the maintenance of their exclusive use areas;**
3. **That the Mayor and Chief Executive Officer be authorised to execute and seal any documents required to give effect to this lease.**

Moved Councillor Bouchee, Seconded Councillor Wilson

Carried

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

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

16.1 **Restricted Swimming – Glenelg Breakwater**

Motion

C121217/1004

That Council:

1. **Express its deepest sympathies to the family and friends of the late Nitisha Negi who died in a tragic drowning accident off Glenelg Beach.**
2. **Give authority to the Chief Executive Officer to enact By-law 7.2 (if necessary) to ban access to the Glenelg breakwater rocks until such time as the State Government is able to change regulations via Section 27 of the *Harbours and Navigation Act 1993*.**

3. **Request interim assistance from the State Government and Surf Life Saving South Australia to monitor and educate the public on this restricted beach access.**

Moved Councillor Lonie, Seconded Councillor Yates

Carried

Division called

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

Those voting for: Councillors Wilson, Aust, Bouchée, Bradshaw, Charlick, Clancy, Donaldson, Lonie, Patton, Smedley, Snewin, Yates (12)

Those voting against: Nil (0).

His Worship the Mayor declared the motion **Carried**

Councillor Wilson left the chamber at 8.18pm.

Councillor Wilson rejoined the chamber at 8.19pm.

His Worship the Mayor left the chamber at 8.19pm.

His Worship the Mayor rejoined the chamber at 8.20pm.

Councillor Lonie left the chamber at 8.20pm.

Councillor Lonie rejoined the chamber at 8.21pm.

17. ITEMS IN CONFIDENCE

- 12.1 **Adjourned Report – Brighton Pump Track Maintenance [Report No: 437/17 and 415/17] (Report No: 445/17)**

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

C121217/1005

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 Report No: 445/17 Adjourned Report – Brighton Pump Track Maintenance [Report No: 437/17 and 415/17] 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 contained in Report No: 445/17 Adjourned Report – Brighton Pump Track Maintenance [Report No: 437/17 and 415/17] on the following grounds:**
 - a. **pursuant to section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to Report No: 445/17 Adjourned Report – Brighton Pump Track Maintenance [Report No: 437/17 and 415/17] is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of**

any person (living or dead), being Pump Track Volunteer Matter because details of the track maintenance and the Volunteer's performance will be discussed, which are sensitive and are details only known to those who have participated in the process.

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 Lonie

Carried

Adjourned Report – Brighton Pump Track Maintenance [Report No: 437/17 and 415/17] (Report No: 445/17)

Council at its meeting held 28 November 2017, resolved to adjourn Report No: 437/17, to the 12 December 2017 Council meeting to allow members to consider an email received from Mr Tim Voss at 4.09pm on 28 November 2017.

This report represents Report No: 437/17 and Report No: 415/17 for Council's consideration.

Motion

C121217/1006

That Council endorses that the management and maintenance of the Brighton Pump Track be retained within the Manager Field Services portfolio and be reviewed after 12 months.

Amendment

1. That Council endorses that the management and maintenance of the Brighton Pump Track be retained within the Manager Field Services portfolio and be reviewed after 12 months.
2. That the day to day management of the Brighton Pump Track be delegated to the Volunteers.

Moved Councillor Clancy

His Worship the Mayor advised that he was not accepting the amendment, as it was contrary to the motion under debate and requested that it be put as a separate motion if the motion under debate was not carried.

Amendment

1. That Council endorses that the management and maintenance of the Brighton Pump Track be retained within the Manager Field Services portfolio and be reviewed after 12 months.
2. That Administration investigate the application of the polymer seal at the Brighton Pump Track as part of the 12 month review.

Moved Councillor Patton

Lapsed for want of a seconder

Councillor Bouchee left the chamber at 8.45pm.

Councillor Bouchee rejoined the chamber at 8.46pm.

Moved Councillor Lonie, Seconded Councillor Bouchee

Carried

Division called

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

Those voting for: Councillors Wilson, Aust, Bouchée, Bradshaw, Lonie, Patton, Smedley, Snewin (8)

Those voting against: Councillors Charlick, Yates, Clancy, Donaldson (4).

His Worship the Mayor declared the motion

Carried

RETAIN IN CONFIDENCE - Section 91(7) Order

C121217/1007

That having considered Agenda Item 12.1 Adjourned Report – Brighton Pump Track Maintenance [Report No: 437/17 and 415/17] in confidence under section 90(2) and (3)(a) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that orders that the report and attachments be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.

Moved Councillor Lonie, Seconded Councillor Bouchee

Carried

17.1 Brighton Oval Complex Business Case (Report No: 449/17)

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

C121217/1008

- 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 Report No: 449/17 Brighton Oval Complex Business Case 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 contained in Report No: 449/17 Brighton Oval Complex Business Case on the following grounds:**
 - b. pursuant to section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is proposing to conduct business and would prejudice the commercial position of the Council in possible future negotiations.**

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to

the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

- 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 Donaldson, Seconded Councillor Lonie

Carried

Brighton Oval Complex Business Case (Report No: 449/17)

In order for the redevelopment of the Brighton Oval Complex to be considered for funding through the State Government, Council was required to undertake a full business case addressing the Brighton Oval Complex masterplan alignment to key strategic objectives of the State Government. Following endorsement by Council, this Business Case will be formally submitted to the Office for Recreation and Sport (ORS).

Over the past five months, Council Administration have worked closely with ORS and KPMG Sports Advisory to develop a full Business Case for the Brighton Oval Complex redevelopment. This process has comprehensively defined the opportunities, evaluating the financial, social, and economic impacts and essentially, exploring and evaluating a short list of viable options, ultimately recommending a preferred outcome for external project funding.

Of the three project options considered in this process, the Maximum option (implementation of full endorsed masterplan) achieves the greatest benefit cost ratio (0.75) for the City of Holdfast Bay and South Australia, achieves the highest social benefits (\$5.8m), health system benefits (\$.34m) and consumer health benefits (\$2.8m) compared to the lower cost options.

This Business Case will be used in all grant funding submissions, lobbying to State and Federal Government and to help inform future State budgets.

Motion

C121217/1009

That Council endorses the Brighton Oval Complex Business Case for the Full Endorsed Master Plan (maximum option) for the purposes of seeking adequate grant funding from other bodies including State and Federal Government, sporting bodies and other organisations.

Councillor Bouchee left the chamber at 8.58pm.

Amendment

That Council endorses the Brighton Oval Complex Business Case for discussion with potential funding partners and administration report back to Council with feedback from these meetings

Moved Councillor Wilson

His Worship the Mayor advised that he was not accepting the amendment, as it was not an amendment, and requested that it be put as a separate motion if the motion under debate was not carried.

Councillor Bouchee rejoined the chamber at 9.00pm.

Moved Councillor Donaldson, Seconded Councillor Yates

Lost

Motion

C121217/1010

That Council endorses the Brighton Oval Complex Business Case for discussion with potential funding partners and administration report back to Council with feedback from these meetings.

Councillor Snewin left the chamber at 9.31pm.

Councillor Snewin rejoined the chamber at 9.33pm.

Moved Councillor Wilson, Seconded Councillor Bouchee

Carried

Division called

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

Those voting for: Councillors Wilson, Aust, Bouchée, Bradshaw, Charlick, Clancy, Donaldson, Lonie, Patton, Smedley, Snewin, Yates (12)

Those voting against: Nil (0).

His Worship the Mayor declared the motion

Carried

CLOSURE

The Meeting closed at 9.46pm.

CONFIRMED Tuesday 23 January 2018

MAYOR