

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 27 March 2018 at 7:00pm.

MEMBERS PRESENT

Acting Mayor A Wilson
Deputy Mayor Councillor A Bradshaw
Councillor R Aust
Councillor M Bouchée
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 City Assets and Services - S Hodge
General Manager Community Services - P Aukett
General Manager Business Services – R Bria

1. OPENING

The Presiding Member, Councillor Wilson declared the meeting open at 7.00pm.

2. KAURNA ACKNOWLEDGEMENT

With the opening of the meeting the Presiding Member, Councillor Wilson 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

The Presiding Member, Councillor Wilson 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. APPOINTMENT OF ACTING MAYOR

Chair of the Meeting

In accordance with Section 86(3) of the Local Government Act 1999, the Chief Executive Officer assumed the chair of the meeting for item 5.1 Appointment of Acting Mayor as the Presiding Member, Deputy Mayor Wilson has indicated that she will be nominating for the position of Acting Mayor.

The Chief Executive Officer, Mr J Lynch assumed the chair of the meeting at 7.01pm and called for nominations for Acting Mayor from the chamber.

The following nominations were received:

- Councillor Wilson
- Councillor Lonie

Following nominations, the Chief Executive Officer asked each candidate to make a short statement in support of their nomination before the General Manager Business Services and General Manager Community Services collected the ballots and counted the papers.

The Chief Executive Officer was advised that Councillor Wilson was the successful candidate and this would be incorporated into the recommendation for Report No: 92/18.

5.1 Appointment of Acting Mayor (Report No: 92/18)

Following the resignation of Mayor Patterson, on 21 March 2018, the Council needs to make an appointment of an Acting Mayor.

Section 54(8)-(10) of the *Local Government Act 1999* provides that if a casual vacancy occurs in the office of the Mayor on or after 1 January of a year in which a periodic election is due to be held a member chosen by the council may act in the office of mayor until the conclusion of the election. This year a periodic election is scheduled to occur in November 2018.

The Council may choose any elected member to perform the role of Acting Mayor for the period of 28 March 2018 to the end of the current Council term.

Under Section 86(3) of the *Local Government Act 1999*, the Chief Executive Officer will preside at the meeting until such time as the meeting chooses a member present to act as Mayor.

If the Council appoints the Deputy Mayor as Acting Mayor, it may, if it chooses to do so, appoint a Deputy Mayor for the remainder of the current Council term under Section 51(3) – (7) of the *Local Government Act 1999*, to act in the absence of the Mayor, in the office of Mayor.

Motion**C270318/1084**

That Councillor Wilson be appointed as Acting Mayor for the City of Holdfast Bay for the period 28 March 2018 until the end of the current Council term.

Moved by Councillor Bouchee, Seconded by Councillor Lonie

Carried Unanimously

The CEO, called for nominations to fill the position of Deputy Mayor from the chamber.

The following nominations were received:

- Councillor Bradshaw
- Councillor Aust

Following nominations, the CEO asked each candidate to make a short statement in support of their nomination before the General Manager Business Services and General Manager Community Services collected the ballots and counted the papers.

The Chief Executive Officer advised the chamber that the votes for the candidates for Deputy Mayor were equal and under Section 54(10) of the *Local Government Act 1999*, lots will be drawn to determine which candidate would be excluded from the ballot.

The Chief Executive Officer selected the lot to be excluded from the ballot and Councillor Bradshaw was declared the winner of the ballot.

Motion**C270318/1085**

That Councillor Bradshaw be appointed as Deputy Mayor for the period 28 March 2018 until the end of the current Council term.

Moved by Councillor Clancy, Seconded by Councillor Bouchee

Carried Unanimously

The Acting Mayor, Ms A Wilson assumed the chair at 7.13pm.

6. DECLARATION OF INTEREST

Members were reminded to declare their interest before each item.

7. CONFIRMATION OF MINUTES**Motion****C270318/1086**

That the minutes of the Ordinary Meeting of Council held on 13 March 2018 be taken as read and confirmed.

Moved by Councillor Patton, Seconded by Councillor Clancy

Carried

8. PUBLIC PRESENTATIONS

8.1 **Petitions - Nil**

8.2 **Presentations**

8.2.1 Mr Stephen Patterson

Mr Stephen Patterson, Member elect for Morphett made a five minute presentation to Council.

The Acting Mayor thanked Mayor Patterson for his service to the Holdfast Bay community over the past eight years and congratulated him on his election as the Member for Morphett.

8.3 Deputations

8.3.1 Street Tree Removal – Road Reserve Adjacent to 3 St Johns Row, Glenelg.

Mr T Crompton, representing his clients, Sempre Avanti Pty Ltd, made a five minute deputation in relation to the land at 3 St Johns Row, Glenelg.

Councillor Bouchee left the chamber at 7.40pm.

Leave of the Meeting

The Acting Mayor, Ms A Wilson sought leave of the meeting for Mr Graham Whiteway to make a deputation to Council on the Brighton Croquet Club.

Conflict of Interest

Councillor Bradshaw declared a perceived conflict of interest for item 8.3.2 Brighton Croquet Club Deputation. The nature of her perceived conflict of interest (Pursuant to Section 74 of the *Local Government Act 1999*) is that she is the Patron of the Brighton Croquet Club. Councillor Bradshaw dealt with this perceived conflict of interest by making it known to the chamber and if it becomes apparent she would have a Material or Actual Conflict of Interest this will be declared.

Leave of the meeting was granted

8.3.2 Brighton Croquet Club

Mr Graham Whiteway a member of the Brighton Croquet Club made a five minute deputation to council.

Councillor Bouchee rejoined the chamber 7.43pm

9. QUESTIONS BY MEMBERS

9.1 Without Notice

9.1.1 Leasing Policy

Councillor Donaldson asked a question regarding the leasing policy.

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

9.1.2 **Memorial Seats**

Councillors Snewin, Bouchee, Bradshaw and Yates asked questions regarding memorial seats.

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

9.1.3 **The Buffalo**

Councillor Bouchee asked a question regarding the Buffalo.

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

9.1.2 **Bowker Street Oval**

Councillor Clancy asked a question regarding the lease for the Bowker Street Oval.

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

9.2 **With Notice - Nil**

10. MEMBER'S ACTIVITY REPORTS

10.1 **Members' Activity Report** (Report No: 84/18)

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

C270318/1087

That the following activity reports be noted:

- **Deputy Mayor Wilson**

Councillor Charlick left the chamber at 7.58pm.

Moved Councillor Bouchee, Seconded Councillor Lonie

Carried

11. MOTIONS ON NOTICE

11.1 **Motion on Notice – Brighton Croquet Club Lease - Councillor Clancy** (Report No: 87/18)

Councillor Clancy proposed the following motion:

Motion

That the Brighton Croquet Club have the lease renewed in accordance with the lease executed in 1996 for twenty years which would expire in 2036.

Councillor Charlick rejoined the chamber at 8.01pm.

Moved Councillor Clancy, Seconded Councillor Yates

Adjournment

C270318/1088

That the Motion on Notice – Brighton Croquet Club Lease – Councillor Clancy (Report No: 87/18) be adjourned until the Council Meeting to be held on 24 April 2018 and further information is presented on the history of the lease.

Moved Councillor Lonie, Seconded Councillor Aust

Carried

BACKGROUND

The club made many attempts with the previous leasing officer to renew the lease prior to the expiry of the lease.

Now they have been informed that as the lease was not renewed prior to expiry of the lease the conditions no longer apply.

This is against all principles of fairness and according to legal advice the offer by council would not stand up in court.

ADMINISTRATION COMMENT

The Lease Agreement held between the City of Brighton and the Brighton Croquet Club commenced 1 July 1996 and expired 30 June 2016.

Special Condition 1 of Schedule 5 of the Agreement granted a 'right of renewal' for a subsequent twenty (20) term after the expiration of the initial term.

It should be noted however that a 'right of renewal':

- is in no way automatic as it is still subject to landowner consent and execution;
- must be exercised during the term of the initial lease (no less than three (3) months from the expiration date); and
- is the sole responsibility of the lessee to exercise.

On 5 December 2018 Administration met with the Brighton Croquet Club to discuss the proposed Sporting and Community Club Leasing Policy.

Following this meeting, on 15 February 2018 Administration received correspondence from the Brighton Croquet Club advising that they sought to exercise their right of renewal under the previously expired lease.

On 1 March 2018 Administration advised the Brighton Croquet Club that as a right of renewal can only be exercised when the original lease is current, cannot be exercised retrospectively, and that the Club failed to exercise this right accordingly, a new lease is now required.

The Brighton Croquet Club has been 'Holding Over' since the expiration of the lease term (30 June 2016). Once Council endorses the pending Sporting and Community Club Leasing Policy, a new lease will be negotiated in accordance with the terms and conditions of the policy. The policy is scheduled to be submitted to Council 10 April 2018.

12. ADJOURNED MATTERS - Nil

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

13.1 Minutes – Special Meeting – Jetty Road Mainstreet Committee – 21 February 2018 (Report No: 90/18)

The minutes of the meeting of the Jetty Road Mainstreet Committee special meeting held on 21 February 2018 are attached and presented for Council's information.

Motion

That Council:

- 1. Receives and notes the minutes of the special meeting of the Jetty Road Mainstreet Committee of 21 February 2018, and endorses the following recommendation of the Committee:**
 - 1.1 That there be no increase in the levy for 2018/2019; and**
- 2. Notes that the Committee have agreed to endorse a draft Budget for Council consideration with the following key expenditures:**
 - 2.1 That \$119,500 be allocated to marketing initiatives for 2018/19.**
 - 2.2. That \$40,000 be allocated to Retail Strategy Initiatives for 2018/19.**
 - 2.3. That \$260,000 be allocated to events for 2018/2019.**

Councillor Patton left the chamber at 8.12pm.

Moved Councillor Lonie, Seconded Councillor Clancy

Lost

13.2 Minutes – Jetty Road Mainstreet Committee – 7 March 2018 (Report No: 95/18)

The minutes of the meeting of the Jetty Road Mainstreet Committee meeting held on 7 March 2018 are attached and presented for Council's information.

Councillor Patton rejoined the chamber at 8.15pm.

Motion**C270318/1089**

That Council receives and notes the minutes of the meeting of the Jetty Road Mainstreet Committee of 7 March 2018, namely:

- 1. That the JRMC endorse the vision, strategic objectives and direction of the draft Jetty Road Retail Strategy 2018-2019, as amended.**

Moved Councillor Charlick, Seconded Councillor Lonie

Carried**Division called**

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

Those voting for: Councillors Aust, Charlick, Clancy, Donaldson, Lonie, Patton and Snewin (7)

Those voting against: Councillors Bouchée, Yates, Smedley and Bradshaw (4).

The Acting Mayor declared the motion

Carried

Councillor Snewin left the chamber at 8.19pm.

14. REPORTS BY OFFICERS**14.1 Items in Brief** (Report No: 86/18)

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**C270318/1090**

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

- 1. 2018 National General Assembly Program and Website**
- 2. Minutes of the Murray Darling Association Region 7 Meeting – 22 February 2018**
- 3. Brighton Jetty Sculptures Exhibition**
- 4. South Australia's History Festival 28 April – 30 May 2018**
- 5. Little River: The Story of Glenelg's Patawalonga 12 April – 22 July 2018**
- 6. Michael Herbert Bridge – Lighting up for Charity**
- 7. Promoting the Council Elections – Draft Budget**
- 8. Rate Rebates**

Moved Councillor Lonie, Seconded Councillor Bouchee

Carried

Councillor Snewin rejoined the chamber at 8.21pm.

14.2 **Monthly Financial Report – 28 February 2018** (Report No: 88/18)

Attached are financial reports as at 28 February 2018. 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 12 September 2017 and the two quarterly budget updates approved by Council 24 October 2017 and 23 January 2018. No changes to Alwyndor and Municipal budgets are recommended at this time, but the report highlights items that show a material variance from the YTD budget.

Motion

C270318/1091

That Council receives the financial reports for the 8 months to 28 February 2018 and notes:

- **no change to the Municipal activities 2017/18 revised budget forecast;**
- **no change to the Alwyndor Aged Care 2017/18 revised budget forecast;**

Moved Councillor Bouchee, Seconded Councillor Smedley

Carried

14.3 **Nominations Sought for a Local Government Member on the Dog and Cat Management Board** (Report No: 89/18)

The Minister for Sustainability, Environment and Conservation has written to the Local Government Association (LGA) requesting nominations for a Local Government member on the Dog and Cat Management Board for a term of up to 3 years. Nominations must be forwarded to the LGA by close of business 17 April 2018.

Any members who wish to be nominated need to have their nomination endorsed by Council prior to submission to the LGA.

Motion

C270318/1092

That Council nominates Councillor Yates to the Local Government Association for consideration as a Member on the Dog and Cat Management Board.

Moved Councillor Clancy, Seconded Councillor Bouchee

Carried

Councillor Lonie left the chamber at 8.26pm.

14.4 The Big Wedgie and Big Chukka (Report No: 91/18)

The City of Holdfast Bay has received an Event License Application from The Big Wedgie Pty Ltd to stage their event in Wigley Reserve 15 December 2018 until 3 February 2019.

Motion

That Council approve the event licence for The Big Wedgie Pty Ltd to operate Big Chukka, The Big Wedgie, Just Right Wedgie and The Little Wedgie on Wigley Reserve from 15 December 2018 until 3 February 2019 for a fee of \$20,000, plus bond for remediation.

Councillor Lonie rejoined the chamber at 8.30pm

Amendment**C270318/1093**

That Council approve the event licence for The Big Wedgie Pty Ltd to operate Big Chukka, The Big Wedgie, Just Right Wedgie and The Little Wedgie on Wigley Reserve from 15 December 2018 until 3 February 2019 for a fee of \$60,000, plus bond for remediation.

Moved Councillor Bouchee, Seconded Councillor Smedley

The amendment on being put was

Carried**Further Amendment**

That Council approve the event licence, on condition that the site of the ferris wheel is remediated prior to the commencement of the lease, for The Big Wedgie Pty Ltd to operate Big Chukka, The Big Wedgie, Just Right Wedgie and The Little Wedgie on Wigley Reserve from 15 December 2018 until 3 February 2019 for a fee of \$60,000, plus bond for remediation.

Moved Councillor Charlick

Lapsed for want of a seconder

Moved Councillor Patton, Seconded Councillor Aust

The motion, as amended, on being put was

Carried**14.5 Appointment to Southern Region Waste Resource Authority Board (Report No: 93/18)**

Ms Trish Aukett has advised she wishes to step down from the board of Southern Region Waste Resource Authority and it is recommended that Mr Roberto Bria be appointed effective immediately for the term of Council.

Motion**C270318/1094**

That Council notes the resignation of Ms Trish Aukett from the board of Southern Region Waste Resource Authority and appoints Mr Roberto Bria effective from 28 March 2018 for the term of Council.

Moved Councillor Yates, Seconded Councillor Bouchee

Carried

14.6 **Amendment to the Customer Feedback and complaints Policy** (Report No: 94/18)

Since the endorsement by Council of the Customer Feedback and Complaints Policy, the Minister for Local Government, has gazetted a new Code of Conduct for Council Employees, commencing on the 2 April 2018, which will be included in the *Local Government (General) Regulations 2013*.

This addition to the regulations means that an amendment to Council's Customer Feedback and Complaints Policy needs to be updated to include a new provision regarding Complaints regarding Code of Conduct for Council Employees.

This report presents the updated policy for Council endorsement.

Motion

C270318/1095

That the updated Customer Feedback and Complaints Policy be endorsed by Council.

Moved Councillor Lonie, Seconded Councillor Yates

Carried

14.7 **Defibrillator Access in the City of Holdfast Bay** (Report No: 76/18)

Installation of AED (Automated External Defibrillators) are now considered part of community safety programs in many councils across Australia. SA Ambulance Service (SAAS) strongly supports placement of AEDs to provide access to this vital First Aid tool in case of an emergency.

The City of Holdfast Bay has several publically accessible buildings that would suit the installation of AED units, and would be available to staff and the general public in an emergency. Buildings such as the Brighton Civic Centre, Libraries, Glenelg Town Hall and Community Centres are appropriate locations due to their accessibility to the general public and opening hours.

Motion

C270318/1096

That Council:

- 1. Includes the installation of up to four AED units in Council buildings to a maximum of \$8,000 in the 2018/19 draft budget for its consideration.**
- 2. Undertake a risk assessment and appropriate consultation with relevant stakeholders (including WHS Committees) for AED units placed in Council buildings to ensure procedural effectiveness.**
- 3. Assist community clubs and sports clubs to seek funding to provide or subsidise the purchase of AED units.**

Moved Councillor Yates, Seconded Councillor Bradshaw

Carried

14.8 Winter Wonderland (Report No: 96/18)

Following the success of previous Winter Wonderland events, Council since 2014, has resolved to contribute up to \$75,000 towards Winter Wonderland. This event has been jointly funded with Jetty Road Mainstreet Management Committee.

The main feature of the event is an undercover ice rink in Moseley Square that operates for a three week period for the duration of the July school holidays.

Based on the success of previous Winter Wonderland events and the learnings gained from each successive event, it is proposed to offer this event in winter 2018 over a three week period from 2 July to 22 July 2018, once again co-funded with the Jetty Road Mainstreet Committee.

The City Activation budget for 2018/2019 provides sufficient funds to meet the expected costs of the event, based on the net cost of the 2017 event.

Motion**C270318/1097****That Council receive and note this report.**

Moved Councillor Lonie, Seconded Councillor Snewin

Carried**14.9 Council Assessment Panel 2017 Annual Report (Report No: 85/18)**

Council's Assessment Panel ('the Panel') is charged with the function of reporting to Council in respect of development trends, issues and other matters. This provides important feedback from the Panel to Council as part of its policy making role. A range of statistical data in relation to the Panel's activities during 2017 is provided as part of this report for the information of Members. In addition, a report from the Presiding Member of the Panel is also provided, representing the Panel's observations in relation to various development issues of note.

Motion**C270318/1098**

- 1. That Council note the information provided as Attachment 1 to this report.**
- 2. That Council receive the report from the Presiding Member of the Panel provided as Attachment 2 for information.**
- 3. That the advice from the Presiding Member of the Council Assessment Panel addressing Development Plan policy and provided as Attachment 2, be referred to the Strategic Planning section for consideration for inclusion in future suitable Development Plan Amendments and/or the general review of the Holdfast Bay (City) Development Plan.**

Moved Councillor Clancy, Seconded Councillor Lonie

Carried

15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil**16. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING****16.1 Tabling of Letter from Community Centres**

The Acting Mayor tabled a letter from representatives of the Glenelg Community Centre Inc., Glenelg North Community Centre Inc., Holdfast Bay Community Centre – YMCA and Brighton Over 50's Club Inc. informing council that they have formed a Community Centres' Coordination Committee.

Motion **C270318/1099**

That the correspondence dated 26 March 2018 from the Glenelg Community Centre Inc., Glenelg North Community Centre Inc., Holdfast Bay Community Centre – YMCA and Brighton Over 50's Club Inc. is tabled.

Moved Councillor Bouchee, Seconded Councillor Lonie **Carried**

16.2 Local Government Association – Showcase and Ordinary General Meeting – 12 and 13 April 2018

Motion **C270318/1100**

That Council appoint Councillor Bouchee as its voting delegate for the Ordinary General Meeting to be held on 13 April 2018.

Moved Councillor Bouchee, Seconded Councillor Smedley **Carried**

16.3 Alwyndor Aged Care

Motion - Exclusion of the Public – Section 90(3)(b) Order **C270318/1101**

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, Chairman of the Alwyndor Management Committee and Staff in attendance at the meeting in order to consider Item 16.3 Alwyndor Aged Care 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 16.3 Alwyndor Aged Care 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 Item 16.3 – Alwyndor Aged Care is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being staff of Alwyndor Aged Care.

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 Yates

Carried

Councillor Donaldson left the chamber at 9.02pm.

Councillor Donaldson rejoined the chamber at 9.04pm.

RETAIN IN CONFIDENCE - Section 91(7) Order

That having considered Agenda Item consider Item 16.3 Alwyndor Aged Care 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, and provided to the Alwyndor Management Committee and the Uniquity Report released to any consultant engaged, for a period of 24 months and that this order be reviewed every 12 months.

Amendment

RETAIN IN CONFIDENCE - Section 91(7) Order

C270318/1103

That having considered Agenda Item consider Item 16.3 Alwyndor Aged Care 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, and provided to the Alwyndor Management Committee and the Uniquity Report, and that the Alwyndor Management Committee be informed of the general discussion by the chamber without identifying any comments by particular members for a period of 24 months and that this order be reviewed every 12 months.

Moved Councillor Charlick, Seconded Councillor Donaldson

The Amendment on being put was

Carried

Moved Councillor Bouchee, Seconded Councillor Lonie

The motion as amended was

Carried

Division called

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

Those voting for: Councillors Bradshaw, Aust, Charlick, Clancy, Donaldson, Lonie, Patton, Smedley, Snewin and Yates (10)

Those voting against: Councillors Bouchée (1).

The Acting Mayor declared the motion

Carried

17. **ITEMS IN CONFIDENCE - Nil**

CLOSURE

The Meeting closed at 9.55pm.

CONFIRMED Tuesday 10 April 2018

ACTING MAYOR