

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 April 2018 at 7:02pm.

MEMBERS PRESENT

Acting Mayor A Wilson
Councillor R Aust
Councillor M Bouchée
Councillor A Bradshaw
Councillor R Clancy – 7.03pm
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
General Manager Community Services - P Aukett

1. OPENING

Her Worship the Acting Mayor declared the meeting open at 7.02pm.

2. KAURNA ACKNOWLEDGEMENT

With the opening of the meeting Her Worship the Acting 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

Her Worship the Acting 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 – Councillor S Charlick

4.2 Absent - Nil

Councillor Clancy joined the chamber at 7.03pm.

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****C100418/1104**

That the minutes of the Ordinary Meeting of Council held on 27 March 2018 be taken as read and confirmed.

Moved by Councillor Clancy, Seconded by Councillor Lonie

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 Memorial Seats – Councillor Snewin

Councillor Snewin asked a question regarding memorial seats.

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

9.1.2 Open Space and the Aged – Councillor Bouchee

Councillor Bouchee asked a question regarding if Council will be holding a workshop to discuss aged people and open space.

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

9.1.3 Smoking in Outdoor Dining Areas – Councillors Bouchee and Smedley

Councillors Bouchee and Smedley asked questions regarding the issue of smoking in Outdoor Dining areas.

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

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

9.1.4 Outstanding Reports to Council – Councillor Bouchee

Councillor Bouchee asked a question regarding outstanding reports to Council.

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

9.1.5 Footpath on the Broadway – Councillor Aust

Councillor Aust asked a question regarding the condition of the footpath on the Broadway, Glenelg.

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 Reports (Report No: 121/18)**

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**C100418/1105**

That the following activity reports be noted:

- **Councillor Aust**

Moved by Councillor Bouchee, Seconded by Councillor Lonie

Carried**11. MOTIONS ON NOTICE****11.1 Motion on Notice – Beach Activation at Glenelg - Councillor Bradshaw (Report No: 107/81)**

Councillor Bradshaw proposed the following motion:

Motion**C100418/1106**

That, prior to authorising the use of a public beach for the purpose of Beach Activation as per the recent model with the Moseley Bar and Kitchen, Council receive a report on the event which includes the results of public consultation, consistent with our Public Consultation Policy, on whether the City of Holdfast Bay community supports or doesn't support the use of the beach for such a purpose.

Amendment

That, prior to authorising the use of a public beach for the purpose of Beach Activation as per the recent model with the Moseley Bar and Kitchen, Council receive a report on the event which includes the results of public consultation, consistent with our Public Consultation Policy as part of the open space and public realm review, on whether the City of Holdfast Bay community supports or doesn't support the use of the beach.

Moved Councillor Smedley

Lapsed for want of a seconder

The substantive motion was put.

Moved Councillor Bradshaw, Seconded Councillor Bouchee

Carried

Division called

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

Those voting for: Councillors Bouchée, Bradshaw, Clancy, Donaldson, Snewin and Yates (6)

Those voting against: Councillors Aust, Lonie, Patton and Smedley (4).

Her Worship the Acting Mayor declared the motion

Carried

BACKGROUND

At its Meeting on the 14th of November 2017 Council provided in principle conditional support Motion C141117/967 to the Moseley Bar & Kitchen to occupy a portion of Glenelg Beach and license The Moseley Beach Club Event for a maximum of 350 people from January'18 to 31st of March '18.

The reaction from residents has been mixed and therefore I believe it's necessary for residents to have an opportunity to have their say on this matter.

ADMINISTRATION COMMENT

It should be noted that the current community engagement regarding Open Space and Public Realm review is already providing an opportunity to specifically comment and provide feedback on the Moseley Beach Bar of which there has already been feedback

11.2 **CONFIDENTIAL – Motion on Notice – Alwyndor Aged Care – Councillor Aust** (Report No: 115/18)

The Acting Mayor sought leave of the meeting to consider this matter after urgent business.

Leave of the meeting was granted.

11.3 **Motion on Notice – Painting of Mural on Glenelg Community Centre Wall – Acting Mayor Wilson** (Report No: 119/18)

Acting Mayor Wilson proposed the following motion:

Motion**C100418/1107**

That Council Admin approach the Glenelg Community Centre to work in partnership to develop a mural on the building to commemorate the Lifesaving World Championships occurring in November 2018. The mural should be an artwork of abstract representation of the surf, surf lifesaving, the beach and/or Glenelg for a total cost of up to \$12K (excludes paint).

Moved Councillor Lonie, Seconded Councillor Bouchee

Carried**BACKGROUND**

The Glenelg Community Centre will be a focal point for the world championships. They will be re painting the building. The current mural is tired and needs a refresh.

As the former Mayor, Stephen Patterson, took a leave of absence without pay there is approximately \$12,000 of unspent money that can be allocated.

Stephen was the patron of the Glenelg Life Saving Club and an active member. It would seem a fitting legacy to use this money to improve a Community Centre whilst promoting the life saving world championship. The preference is that it is not 'kids art'.

11.4 **Motion on Notice – Review of Zoning along South Esplanade and College Street Glenelg – Councillor Bouchee (Report No: 120/18)**

Councillor Bouchee proposed the following motion:

Motion**C100418/1108**

That the CEO initiate a letter to be signed by the acting Mayor addressed to the new Minister of Planning with a copy to the Member for Morphett requesting a review of the zoning that allows 12 storeys along the South Esplanade /College Street Glenelg instigated by the previous Minister for Planning Mr J Rau (2016/17) with the objective of reducing development density due to major impact on Council infrastructure, major increase in traffic in narrow heavily residential streets/lanes, power and stormwater.

Moved Councillor Bouchee, Seconded Councillor Yates

Carried**12. ADJOURNED MATTER - Nil**

13. REPORTS OF MANAGEMENT COMMITTEES, SUBSIDIARIES AND THE DEVELOPMENT ASSESSMENT PANEL**13.1 Minutes – Alwyndor Management Committee - 20 and 28 March 2018 (Report No: 109/18)**

The minutes of the Alwyndor Management Committee meeting held on 20 March 2018 and the Special Meeting held on 28 March 2018 are provided for information.

Motion**C100418/1109**

- 1. That the minutes of the Alwyndor Management Committee meeting on 20 March 2018 and the Special Meeting held 28 March 2018 be noted.**
- 2. That having considered Attachment 2 to Report No: 109/18 Minutes – Alwyndor Management Committee – 20 March 2018 and 28 March 2018 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 be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.**

Moved Councillor Lonie, Seconded Councillor Donaldson

Carried**14. REPORTS BY OFFICERS****14.1 Items in Brief (Report No: 106/18)**

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**C100418/1110**

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

- 1. Libraries Board Visit to Glenelg Library**
- 2. Occasional Closure of Jetty Road Glenelg**
- 3. 2018 Tree Planting**
- 4. Inaugural Dorothy Cheater Award**
- 5. Approval to attend 2018 Council Next Practice Showcase – 12 April 2018**

Moved Councillor Clancy, Seconded Councillor Lonie

Carried

Councillor Bouchee left the chamber at 7.50pm.

Councillor Bouchee rejoined the chamber at 7.51pm.

14.2 2017 Annual Report from Audit Committee (Report No: 108/18)

The Audit Committee presents its annual report to Council for calendar year 2017.

Motion**C100418/1111**

That Council receive and note the annual report for calendar year 2017 from the Audit Committee.

Moved Councillor Smedley, Seconded Councillor Bouchee

Carried**14.3 Draft 2018-19 Annual Business Plan** (Report No: 110/18)

The Draft 2018–19 Annual Business Plan is presented for endorsement and release for community engagement. It has been developed having regard to the “Our Place” 2030 Strategic Plan (Our Place) Asset Management Plans, Long Term Financial Plan and directions provided by Council.

The draft budget has been developed with a general rate increase of 2.7% and meets all the key financial targets set out in the Long Term Financial Plan.

The Draft 2018-19 Annual Business Plan has been reviewed by Council’s Audit Committee on 4 April 2018 and they have supported it for the purpose of consultation.

Motion**C100418/1112**

- 1. That, subject to minor alterations and design, the Draft 2018–19 Annual Business Plan contained in Attachment 1 be released for community consultation.**
- 2. That the process for community consultation on the Draft 2018–19 Annual Business Plan, as described in this report, be endorsed.**

Moved Councillor Lonie, Seconded Councillor Patton

Carried**Division called**

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

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

Those voting against: Nil (0).

Her Worship the Acting Mayor declared the motion

Carried**14.4 New Delegations under the Fines Enforcement and Debt Recovery Act 2017 and Expiation of Offences Act 1996** (Report No: 111/18)

A new enforcement regime under the *Fines Enforcement and Debt Recovery Act 2017* and the *Expiation of Offences Act 1996* will commence on 30 April 2018.

Council needs to have new delegations in place before 30 April 2018 to ensure a seamless transition to the new enforcement regime.

This report presents these new and updated delegations to council for delegation to the Chief Executive Officer.

Motion

C100418/1113

1. **The Council hereby revokes its previous delegations to its Chief Executive Officer of those powers and functions under the *Expiation of Offences Act 1996* to take effect from 30 April 2018.**
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 Attachments 1 and 2 to Report No: 111/18, are hereby delegated this 10th day of April 2018 to the person occupying the office of Chief Executive Officer of the Council, to take effect from 30 April 2018, subject to the conditions or limitations indicated in the Schedule of Conditions contained in the proposed Instruments of Delegation:**
 - 2.1 **Expiation of Offences Act 1996 (Attachment 1)**
 - 2.2 **Fines Enforcement and Debt Recovery Act 2017 (Attachment 2).**
3. **The powers and functions may be further delegated by 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 in the Schedule of Conditions contained in each such proposed Instrument of Delegation.**

Moved Councillor Lonie, Seconded Councillor Aust

Carried

14.5 **Sporting and Community Club Leasing Policy** (Report No: 112/18)

Following the Council Workshop held Tuesday 1 August 2017, and the endorsement in principle of the draft Sporting and Community Club Leasing Policy ("Policy"), in accordance with Resolution C260917/914, Administration has undertaken consultation with relevant sporting & community clubs within the jurisdiction to discuss the implementation of the proposed policy.

As at the date of this report, Administration has meet with approximately 80% of existing clubs all of whom acknowledged that the policy sought to establish a methodical, transparent, and consistent approach towards leasing. Clubs were invited to submit written responses regarding their respective views on the proposed policy and only one submission was received which merely sought clarification on a policy definition.

It is the intention of this policy to support five year terms only as they are consistent with s 202 of the *Local Government Act 1999*, avoid often protracted consultation, and have a far greater operational benefit as they coincide with the

Council's Asset Management System and its scheduled audits and maintenance cycles.

It is not the intent of this policy to significantly increase revenue for Council, but to more evenly and transparently distribute rental and grounds maintenance fees across the tenants.

As a result of the club support, the draft policy is now resubmitted for Council's consideration and endorsement.

Motion

That Council endorses the draft Sporting and Community Club Leasing Policy.

Councillor Donaldson left the chamber at 8.18pm.

Councillor Donaldson rejoined the chamber at 8.20pm.

Moved Councillor Lonie, Seconded Councillor Aust

Adjournment

C100418/1114

That Council adjourn Report No: 112/18 until the Croquet Club matter is determined and represented to Council for consideration at the same time in approximately 4 weeks' time.

Moved Councillor Clancy, Seconded Councillor Bradshaw

Carried

14.6 New Management Agreement – Brighton Caravan Park (Report No: 113/18)

On 1 July 2013 Council entered into a new Management Agreement ("*Agreement*") with FreeSpirit Resorts Pty Ltd ("*FreeSpirit*") to manage the Brighton Caravan Park. The term of the Agreement was five years and is now scheduled on expire on 30 June 2018.

During their term of management, FreeSpirit's industry knowledge and operational expertise has resulted in not only a positive turn around for the park, but also increased occupancy rates and in turn revenue returned to Council. It should be noted that FreeSpirit were also instrumental in assisting Council during the Stage 1 redevelopment of the park.

This in mind, and on the additional premises that the Stage 2 redevelopment of the park is expected to be undertaken within the next two years, it is recommended that Council enter into a subsequent two year term (under similar conditions as the existing Agreement), to coincide with the Stage 2 redevelopment.

At the expiration of this subsequent term, Council may wish to review and consider alternate management options for the park, which may include returning to the open market.

Motion**C100418/1115**

1. That Council enter into a subsequent Management Agreement with FreeSpirit Resorts Pty Ltd for a two year period commencing 1 July 2018;
2. That the management fee and associated conditions of the subsequent agreement emulate those conditions of the current Agreement (dated 24 October 2013)
3. That the Acting Mayor and Chief Executive Officer be authorised to execute the Management Agreement.

Moved Councillor Aust, Seconded Councillor Clancy

Carried14.7 **Road Reserve Sale Feasibility** (Report No: 114/18)

At its meeting held on 11 July 2017, Council resolved to extend a formal invitation for offers to purchase the road reserve linking Marlborough Street with the Brighton Central Shopping Centre, at the price of the formal valuation. Invitations were extended to the two landowners who had previously registered an expression of interest, but neither of the adjoining landowners were prepared to accept the conditions of the sale. One of the parties has now returned with an alternative offer for Council's consideration. It is recommended that should Council accept the revised offer as a starting point for negotiations, then all entitled parties are consulted and invited to submit an offer starting at a reserve amount.

Motion**C100418/1116**

That having regard to the future development potential of the land and its surplus need as a Council asset, that the road reserve formally known as Lot 75 in Deposited Plan 2152 of Certificate of Title Volume 5909 Folio 25 is offered for sale to adjoining property owners, on the following basis:

1. That Council advises the entitled adjoining property owners that Council will sell the road reserve, inviting offers starting at \$40,000 plus GST, or highest counter offer above the valuation price, with all associated conveyancing costs met by the purchaser.
2. That Council will include the right of an easement over the road reserve affording free and unrestricted vehicle access to all adjoining properties.
3. That Community Land status for the Road Reserve is revoked upon formal agreement on the purchase price and conditions of sale.

Moved Councillor Lonie, Seconded Councillor Patton

Carried

Division called

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

Those voting for: Councillors Aust, Clancy, Donaldson, Lonie, Patton and Smedley, (6)

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

Her Worship the Acting Mayor declared the motion

Carried

Councillor Patton left the chamber at 8.46pm.

Councillor Lonie left the chamber at 8.46pm.

15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil**16. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING - Nil****Leave of the meeting**

The Acting Mayor sought leave of the meeting to consider an item of urgent business.

Leave of the meeting was granted.

Councillor Patton rejoined the chamber at 8.48pm.

Councillor Lonie rejoined the chamber at 8.49pm.

16.1 Proposed Works – King Street and The Crescent, Brighton**Motion**

That Council delay the proposed works to alter the junction of King Street with The Crescent, Brighton until further urgent community consultation with the concerned residents has occurred.

Moved Councillor Donaldson, Seconded Councillor Bradshaw

Lost

Division called

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

Those voting for: Councillors Bouchée, Bradshaw, Donaldson, Yates (4)

Those voting against: Councillors Aust, Clancy, Lonie, Patton, Smedley and Snewin (6).

Her Worship the Acting Mayor declared the motion

Lost

Background

The reason that this is an urgent motion is that residents only received notification that work would commence on Monday 12 April 2018 on Tuesday 3 April 2018.

The notification included a construction design, many residents believed that the design did not suitably cover the problems at the intersection. They had a meeting last Thursday night and decided to petition council. Of course, petitions must be submitted a week before a council meeting. This meant that works would commence before their petition was presented to council.

It is not ideal to place a motion on notice five hours before a meeting. As a Brighton ward councillor, I felt it my duty to do so as the timeline for receiving notification and construction design was not sufficient time for the residents to express their dismay at the changes.

Councillor Lonie left the chamber at 9.16pm.

17. ITEMS IN CONFIDENCE

11.2 CONFIDENTIAL – Motion on Notice – Alwyndor Aged Care – Councillor Aust (Report No: 115/18)

Motion – Exclusion of the Public – Section 90(3)(d) Order C100418/1117

- 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: 115/18 – Motion on Notice – Business Proposal – Councillor Aust 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: 115/18 – Motion on Notice – Business Proposal – Councillor Aust 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: 115/18 Motion on Notice – Alwyndor Aged Care – Councillor Aust 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 Clancy, Seconded Councillor Patton

Carried

Councillor Lonie rejoined the chamber at 9.18pm.

Short Term Suspension of the *Local Government (Procedures at Meetings) Regulations 2013*

The Acting Mayor with the approval of two-thirds of the members present suspended the meeting procedures pursuant to Regulation 20(1) of the *Local Government (Procedures at Meetings) Regulations 2013* for a period of 15 minutes to facilitate informal discussion in relation to the Confidential – Notice of Motion – Alwyndor Aged Care – Councillor Aust (Report No: 115/18) and will resume at the end of this time.

The meeting procedures were suspended at 9.31pm.

Councillor Yates left the chamber at 9.32pm.

Councillor Snewin left the chamber at 9.36pm.

Councillor Yates rejoined the chamber at 9.36pm.

Councillor Snewin rejoined the chamber at 9.42pm.

The meeting resumed at 9.46pm.

Councillor Bradshaw left the chamber at 9.52pm.

Councillor Bradshaw rejoined the chamber at 9.54pm.

Moved Councillor Bouchee, Seconded Councillor Yates

RETAIN IN CONFIDENCE - Section 91(7) Order

C100418/1119

That having considered Agenda Item 11.1 Report No: 115/18 Motion on Notice – Alwyndor Aged Care– Councillor Aust 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 report and minutes be retained in confidence and made available to the AMC in confidence for a period of up to 24 months and that this order be reviewed every 3 months.

Moved Councillor Lonie, Seconded Councillor Yates

Carried

Councillor Donaldson left the chamber 9.55pm.

Councillor Donaldson rejoined the chamber 9.56pm.

- 13.1 **Minutes – Alwyndor Management Committee - 20 and 28 March 2018** (Report No: 109/18)

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

C100418/1120

- 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: 109/18 Minutes – Alwyndor Management Committee - 20 and 28 March 2018 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: 109/18 Minutes – Alwyndor Management Committee - 20 and 28 March 2018 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 and Council would prejudice the commercial position of the Council.

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 Bouchee, Seconded Patton

Carried

Elected Members discussed the confidential minutes of the Alwyndor Management Committee.

The matter was not retained in confidence.

CLOSURE

The Meeting closed at 9.59pm.

CONFIRMED 24 April 2018

ACTING MAYOR