

**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 26 June 2018 at 7:00pm.**

**MEMBERS PRESENT**

Acting Mayor A Wilson  
Councillor R Aust  
Councillor M Bouchee  
Councillor A Bradshaw  
Councillor S Charlick  
Councillor R Clancy  
Councillor S Lonie  
Councillor R Patton  
Councillor J Smedley  
Councillor R Snewin  
Councillor L Yates

**STAFF IN ATTENDANCE**

Chief Executive Officer - JP Lynch  
General Manager City Assets & Services – H Lacy  
Acting General Manager Community Services – M Lock  
General Manager Business Services – R Bria

**1. OPENING**

Her Worship the Acting Mayor declared the meeting open at 7.00pm.

**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 K Donaldson

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****C260618/1189**

**That the minutes of the Ordinary Meeting of Council held on 12 June 2018 be taken as read and confirmed.**

Moved by Councillor Lonie, Seconded by Councillor Patton

**Carried****8. PUBLIC PRESENTATIONS****8.1 Petitions****8.1.1 Petition – Proposed Trees in Angus Neill Reserve (Report No: 226/18)**

A petition has been received from Mr G Both of 10 Harberton Road, South Brighton containing 34 signatures

The petition states as follows:

*“We request that large trees not be planted in Angus Neill Reserve.*

*The Ficus Hillii is a massive tree that grows 15 -20 metres high. Other trees that are proposed grow to heights of 8, 10 and 12 metres. If planted, they would present a range of concerns.*

*Large trees will create safety issues. They will be a climbing hazard, with the potential for children to fall from a height, possibly creating legal liabilities for the Council and its ratepayers.*

*At night their extensive foliage will prevent lighting from reaching significant areas of the park, making it less safe for night use, particularly for women. The shadowed areas would also provide cover for all sorts of undesirable activity.*

*Large trees will create cold areas in the mornings and evenings, as well as in Autumn, Winter and Spring. This will make the new play area less inviting and less used because it will become a cold area for most of the year.*

*Large trees will also create patches of dirt underneath, where people will not want to sit. Currently people enjoy the shade under smaller trees where the lawn survives.*

*We believe the current open and sunny nature of the Reserve is desirable. The visual openness and unobstructed lawns encourage multiple activities while there is also a good selection of separated shade options.*

*Large trees also create a maintenance burden for the Council. There is a large sewer pipe running through the park. Large trees, with their extensive roots, are likely to damage these aged pipes.*

*We understand some Councils have removed trees from their play areas, for all the reasons outlined above. In addition, large trees would ruin the current open visual outlook for local residents and seriously impinge on their enjoyment of the locality.*

*While we request that the Council preserve the current sunny and open nature of the Reserve if additional trees are considered absolutely necessary, then we respectfully ask Council to review the trees to be planted with the aim of sourcing trees considerably smaller than those proposed."*

**Motion**

**C260618/1190**

**That the petition from Mr G Both of 10 Harberton Road, South Brighton containing 34 signatures be noted.**

Moved Councillor Lonie, Seconded Councillor Aust

**Carried**

8.2 **Presentation - Nil**

8.3 **Deputations**

8.3.1 **Winston Haby**

*Acting Mayor Wilson approved a deputation from Winston Haby in relation the proposed trees in Angus Neill Reserve in support of a petition received.*

**9. QUESTIONS BY MEMBERS**

9.1 **Without Notice**

**9.1.1 Glenelg –Police Station – Operating Hours - Councillor Bouchee**

Councillor Bouchee requested that Administration advise whether we have received any communications from SAPOL regarding the hours of the Glenelg Police Station and has Administration received any further information why half the city is serviced by Port Adelaide and the remaining half by Christies Beach.

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

## 9.2 With Notice

### 9.2.1 Question On Notice – Planning Decision For Brighton Central Shopping Centre (Report No: 224/18)

Councillor Bradshaw asked the following question:

- “1. Please advise all conditions set down by Council's Planning Department, in approving the redevelopment of the Brighton Central Shopping Centre, in relation to incorporating acoustic measures to reduce noise levels to the adjoining residential properties?”***
- 2. Please confirm if all acoustic requirements set down in the building approvals have now been complied with.”***

#### **Background**

Over past months I've received numerous email requests from Mr M Sharrad and Ms K Dinnison of 3 Rutland Avenue, Brighton. Their property shares the western boundary fence of the Brighton Central Shopping Centre. One of the issues negatively impacting on their quality of life, is the level of noise coming from electrical motors which were installed in the centre at the time of the redevelopment.

Despite numerous attempts, Mr Sharrad, Ms Dinnison and I have been unable to establish with Councils Planning Department if all acoustic conditions set down in the building approvals for the centre have now been complied with.

#### **ANSWER – General Manager City Assets and Services**

Two conditions were imposed on the Development Approval relating to specific acoustic measures to assist with the suppression of noise emanating from the Shopping Centre:

1. That the acoustic fence be extended along the eastern boundary of 1 Marlborough Street and be constructed in accordance with the recommendation of Sonus as detailed in their letter dated 2 August 2016.
2. Compliance with this condition has been achieved, as certified by an independent Acoustic Engineer (Sonus) in a report issued on 16 March 2017.

**10. MEMBER'S ACTIVITY REPORTS****10.1 Acting Mayor's Activity Report for March 2018 – June 2018 (Report No: 208/18)**

Presented for the information of Members is the Activity Report for the Acting Mayor for March 2018 – June 2018.

**Motion****C260718/1191**

**That the Acting Mayor's Activity Report for March 2018 – June 2018 be received noting that the Acting Mayor did not attend the launch night of the City to Bay 2018 on 21 June 2018.**

Moved Councillor Lonie, Seconded Councillor Bouchee

**Carried****10.2 Members Activity Reports – Deputy Mayor Bradshaw (Report 217/18)**

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****C260618/1192**

**That the activity report for Deputy Mayor Bradshaw be noted.**

Moved Councillor Lonie, Seconded Councillor Smedley

**Carried****11. MOTIONS ON NOTICE****11.1 Motion on Notice - Angus Neill Reserve Nature Play Space – Deputy Mayor Bradshaw (Report No: 225/18)**

Deputy Mayor Bradshaw proposed the following motion:

**BACKGROUND**

An engagement period of Public Consultation took place via a variety of media, for the proposed Angus Neill Reserve Nature Play Space concept plan. The period of Public Consultation was from Tuesday 4th of July 2017 to Monday 24th of July 2017.

Details relating to the use of specific trees, were not available at the time of the Public Consultation period. Details of the Engagement Report were presented in August 2017. A Council officer advised at that time, the next step was to engage a consultant to draft the Concept Plan.

On the 8th of March 2018 a detailed Concept Plan was prepared for the Play Space by Peter Semple Landscaping Architect. Adjacent residents maintain, the first time they were aware of the species of trees to be planted in the Play Space was when they recently saw a corflute sign on display in the Reserve advising of "Work Pending".

Residents contacted a Council officer from Council at that time, who confirmed with them the species of trees to be planted in the Play Space.

For a variety of reasons, local residents have strong concerns regarding some of the tree species Council intend planting.

**Motion**

**C260618/1193**

**In light of the fact that, during the initial Public Consultation period, local residents were not made aware of the species of trees to be used in the Angus Neill Reserve Nature Play Space, a further 21 day Consultation period is permitted to allow local residents the opportunity to review the use of the proposed trees.**

Moved Councillor Bradshaw, Seconded Councillor Snewin

**Carried**

**Division Called**

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

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

Those voting against: (0).

Her Worship the Acting Mayor declared the motion

**Carried**

Councillor Charlick left the chamber at 7.35pm

**12. ADJOURNED MATTER - Nil**

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

**13.1 Minutes – Southern Region Waste Resource Authority – 4 June 2018 (Report No: 207/18)**

The minutes of the Southern Region Waste Resource Authority (SRWRA) Board Meeting held on 4 June 2018 are attached and presented for Council's information.

**Motion**

**C260618/1194**

**That the minutes of the Southern Region Waste Resource Authority Board Meeting held on 4 June 2018 be noted by Council (Attachment 1).**

Moved Councillor Clancy, Seconded Councillor Yates

**Carried**

**14. REPORTS BY OFFICERS****14.1 Items in Brief (Report No: 209/18)**

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****C260618/1195**

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

- 1. Nicolle Flint MP advice of letter sent to Hon Stephan Knoll MP**
- 2. Dyslexia SA's "Light it Red for Dyslexia" Campaign**
- 3. 2018-19 Annual Business Plan Summary Document**
- 4. Model Guidelines for the Control of Election Signs**
- 5. Correspondence from the Local Government Grants Commission.**

Moved Councillor Clancy, Seconded Councillor Lonie

**Carried**

Councillor Charlick rejoined the chamber at 7.37pm

**14.2 Monthly Financial Report – 31 May 2018 (Report No: 206/18)**

Attached are financial reports as at 31 May 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 three quarterly budget updates approved by Council 24 October 2017, 23 January 2018 and 24 April 2018.

It is recommended that Council's operating surplus be increased by \$152,500 as Southern Region Waste Resource Authority have advised their distribution to Council for 2017/18 will be \$382,500 which is higher than estimated in the original budget. No other 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****C260618/1196**

**That Council receives the financial reports and budget update for the 11 months to 31 May 2018 and notes:**

- **an increase in the forecast operating surplus for 2017/18 of \$152,500 from \$925,234, to \$1,077,734 (compared to an operating surplus of \$102,540 in the original budget);**
- **no change to the Alwyndor Aged Care 2017/18 revised budget forecast.**

Moved Councillor Bradshaw, Seconded Councillor Lonie

**Carried**

14.3 **Possible Sale of Portion of Esplanade Road Reserve at 49 King Street Brighton**  
(Report No: 205/18)

A planning company on behalf of the property owner has written to Council requesting the purchase of a triangular portion of the Esplanade to facilitate a proposed land division.

This report recommends that Council agree in principle to sell the portion of land.

**Motion** **C260618/1197**

1. **That Council seek a valuation by a Council employed valuer to assess the market value of the Council owned road reserve abutting 49 King Street, Brighton.**
2. **That the said valuation be brought back to Council with a recommendation concerning the sale to the owner of the adjoining land.**

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

14.4 **2018-19 Rate Declaration** (Report No: 218/18)

General, differential and separate rates have been identified to fund Council's activities together with the NRM Levy as contained within the approved 2018/19 budget document. Council is now in a position to formally declare the rates for the 2018/19 financial year.

**Motion** **C260618/1198**

**Adoption of Valuations**

1. **That the most recent valuations of the State Valuation Office available to the Council of the capital value of land within Council's area totalling \$13,201,930,240, be adopted for rating purposes for the 2018/19 financial year;**
2. **Declaration of Differential General Rates**

**In order to raise a total net amount of \$34,697,700 from the differential general rate:**

- (a) **In respect of rateable land with a land use of Commercial-Shop (Category 2), Commercial-Office (Category 3), Commercial-Other (Category 4), Industrial-Light (Category 5), Industrial-Other (Category 6), and Vacant Land (Category 8) , a Differential General Rate of 0.39055 cents in the dollar is declared on the capital value of such land;**
- (b) **In respect of rateable land with a land use of Residential (Category 1) and Other Land (Category 9) uses, a Differential General Rate of 0.24474 cents in the dollar is declared on the capital value of such land;**



- (c) Pursuant to Section 158 of the Local Government Act 1999, a minimum amount payable by way of the General Rate is fixed at \$976;
- (d) Pursuant to Section 153(3) and (4) of the Local Government Act 1999, a maximum increase of 6% (of the general rate declared for the same property for the 2017/18 financial year) is fixed in the general rate charged on rateable land that is used for residential purposes and constitutes the principal place of residence of a principal ratepayer. Any amount exceeding the 6% increase will be remitted in full. The cap on an increase in general rates under this Section will not apply where property values have increased as a result of the following events: new building work and/or development activity greater than \$5,000; changes in land use wholly or partially; changes in zoning; the ownership of the rateable property has changed since 1 July of the previous year; the property is no longer the principal place of residence.

### 3. Declaration of Separate Rates

#### Jetty Road Mainstreet

- (a) In exercise of the powers contained in Section 154 of the Local Government Act 1999 and in order to support and improve the activity of promoting and enhancing business viability, profitability and trade, commerce and industry in Jetty Road Glenelg, a Differential Separate Rate of 0.12773 cents in the dollar is declared on the capital value of all rateable land:

- with a frontage to Jetty Road or Moseley Square; and
- within the side streets that intersect with Jetty Road between High Street and Augusta street; and
- the entire site referred to as the Holdfast Shores 2B Entertainment Centre; and

that has a land use of Category 2 (Commercial – Shop), Category 3 (Commercial – Office) and Category 4 (Commercial – Other)

#### Patawalonga Marina

- (b) (i) In exercise of the powers contained in Section 154 of the Local Government Act 1999 and in order to carry out the activity of the maintenance and upkeep of the Boat Lock in the Patawalonga basin, a Separate Rate of 0.92383 cents in the dollar of the capital value of land, is declared on all rateable land

within the Patawalonga basin bounded by the high water mark;

- (ii) In exercise of the powers contained in Section 158(1)(b) of the Local Government Act 1999 the amount that would otherwise be payable by way of rates in respect of this separate rate is altered by fixing the maximum amount of the separate rate payable for assessments within the area to which this separate rate applies where the capital values of which exceed \$83,565 at \$772;

**4. Imposition of regional NRM Levy**

In exercise of the powers contained in Section 95 of the Natural Resources Management Act 2004 and Section 154 of the Local Government Act 1999, in order to reimburse the Council for the amount contributed to the Adelaide and Mount Lofty Ranges Natural Resources Management Board, being \$1,233,808, the Council declares a separate rate of 0.0097196 cents in the dollar of the capital value of all rateable land in the Council area;

**5. Payment**

- (a) That in accordance with Section 181(1) of the Local Government Act 1999, all rates are payable in four equal (or approximately equal) instalments, the due dates being:

3 September 2018  
3 December 2018;  
1 March 2019; and  
3 June 2019

Provided that in cases where the initial account requiring payment of rates is not sent by the time set by the Local Government Act 1999 (the "Act"), or an amended account is required to be sent, the Chief Executive Officer is authorised to fix the date by which rates must be paid in respect of those assessments affected;

- (b) Pursuant to Section 181 (4)(b) of the Local Government Act 1999, the Chief Executive Officer is authorised to enter into agreements with ratepayers relating to the payment of rates in any case of hardship or financial difficulty, or where it is considered in the best interests of Council so to do (as determined by the Chief Executive Officer),.

**6. The current rating policy be updated to reflect Council's decision.**

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, Bouchee, Bradshaw, Charlick, Clancy, Lonie, Patton, Smedley, Snewin and L Yates (10)

Those voting against: (0).

Her Worship the Acting Mayor declared the motion

**Carried**

14.5 **Naming Conventions for Council Papers** (Report No: 199/18)

The on-line naming conventions for Council Agendas and Reports on the web-site and "Hub" have been reviewed and implemented. These conventions have been applied to post 2013 Council reports and post 2006 Council minutes and re-uploaded to the website.

**Motion**

**C260618/1199**

**That the report be received.**

Moved Councillor Yates, Seconded Councillor Lonie

**Carried**

14.6 **Moseley Beach Club** (Report No: 219/18)

Council approved in principle support to RD Jones Group (Moseley Bar and Kitchen) on 14 November 2017 Beach Activation (Report No: 417/17). Subsequently administration completed planning and activation delivery as per the strict conditions specified by Council.

RD Jones Group successfully operated within the approved Liquor License for a period of 75 days from 17 January through to 1 April 2018 issued by Liquor Licensing – Consumer and Business Services. Prior to operating, By-Law exemptions were prepared and finalised by Council's Liquor Licensing and Public Safety Officer and Regulatory Services.

Thereafter 10 April 2018 Council requested a 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.

400 residents and 103 businesses were surveyed with nearly 60% of all people surveyed positive. 21% not sure as to whether the activity should return and 23% opposed. Qualitative negative responses received centred around accessibility and alcohol consumption on the beach.

Administration has received a formal proposal from the RD Jones Group for the Moseley Beach Club to operate for 122 days from 16 November 2018 until 17 March 2019. The proposed activation foot print is identical to that of the 2018 Moseley Beach Club.

**Motion****C260618/1200**

**That Council adjourn the motion for one month in order to afford administration the time to initiate a workshop for elected members to:**

- **elaborate on the consultation and results of the survey underpinning this report;**
- **receive a police report on incidents reported during the operation of the beach bar last summer;**
- **review the proposed starting and closing times for the bar, in particular, new year's eve, during the national surf life championships;**
- **consider the appropriate ground rental, and bonding requirements for the site; and**
- **commence building a comprehensive beach use policy for Holdfast Bay going forward.**

Moved Councillor Smedley, Seconded Councillor Bouchee

**Carried**

**14.7 Draft Jetty Road Glenelg Retail Strategy 2018-2022 (Report No: 223/18)**

At the 7 March 2017 Jetty Road Mainstreet Committee (JRMC) meeting the Committee endorsed the vision, strategic objectives and direction of the draft Jetty Road Glenelg Retail Strategy 2018-2022.

At the 11 April 2018 JRMC meeting the draft high level summary was presented for endorsement ready for trader consultation throughout May 2018. At the meeting the Committee discussed the draft document and agreed that the Committee members should have more time to provide feedback on the Draft Strategy presented. At this meeting the Committee adjourned endorsing the draft Jetty Road Retail Strategy until the 2 May 2018 JRMC meeting and Committee members were asked to provide feedback on the draft document to the Manager City Activation by 20 April 2018. Throughout May and June Committee members reviewed the draft strategy and provided feedback to the Jetty Road Development Coordinator.

At the 20 June JRMC special meeting the JRMC endorsed the draft strategy. Presented for information is the draft Jetty Road Glenelg Retail Strategy 2018-2022 and summary document that is ready for trader consultation via the City of Holdfast Bay's Your View website from 28 June to 19 July 2018.

**Motion****C260618/1201**

**That Council adjourn the motion to allow time for convening a workshop, including all stakeholder representatives, to take this strategy document and build:**

- 1. a clear vision;**
- 2. objectives to achieve that vision;**
- 3. strategies necessary to achieve the objectives;**
- 4. actions to be taken and road map to implement them; and**
- 5. measures to determine our progress in achieving them.**

Moved Councillor Smedley, Seconded Councillor Bouchee

**Carried**

15. **RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil**
16. **URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING - Nil**
17. **ITEMS IN CONFIDENCE - Nil**

**CLOSURE**

The Meeting closed at 7.58 pm.

**CONFIRMED      Tuesday 10 July 2018**

**ACTING MAYOR**