

Minutes of the Ordinary Meeting of Council of the City of Holdfast Bay held in the Council Chamber, Glenelg Town Hall, Moseley Square, Glenelg, on 24 July 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 R Patton
Councillor J Smedley
Councillor L Yates

STAFF IN ATTENDANCE

Chief Executive Officer - JP Lynch
General Manager City Assets & Services – H Lacy
Acting General Manager Community Services – M Rechner
Acting General Manager Business Services – P Jackson

1. OPENING

Her Worship the Acting Mayor declared the meeting open at 7.03pm.

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 - Councillors Donaldson, Lonie and Snewin

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****C240718/1218**

That the minutes of the Ordinary Meeting of Council held on 10 July 2018 be taken as read and confirmed.

Moved by Councillor Aust, Seconded by Councillor Yates

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 **Increase in Price of Dog Registrations - Councillor Patton**

Councillor Patton asked a question regarding the price increase of dog registrations.

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

9.1.2 **Closure of Beach Area Where Fatality Occurred – Councillor Smedley**

Councillor Smedley asked whether Council was planning to re-open the section of beach that was closed after a fatality occurred.

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

9.1.3 **Beach Cleaning in Winter – Councillor Smedley**

Councillor Smedley asked if beach cleaning occurs during winter.

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

9.1.4 Dog Registration Assistance in the Office – Councillor Bouchee

Councillor Bouchee asked a question regarding the provision of assistance in the office for dog registration.

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

9.2 With Notice - Nil**10. MEMBER'S ACTIVITY REPORTS - Nil****11. MOTIONS ON NOTICE****11.1 Motion on Notice – Glenelg Police Station – Hours of Operation - Councillor Bouchee (Report No: 254/18)**

Councillor Bouchee proposed the following motion:

BACKGROUND

This was a major promise made to the people of this City at the last State election and the detail of the implementation is of importance to the operation of City of Holdfast Bay.

ADMINISTRATION COMMENT

On 26 June 2018 Councillor Bouchee asked a Question Without Notice querying whether Administration had yet received communication from South Australian Police (SAPol) regarding the proposed increase to operational hours of the Glenelg Police Station. The Chief Executive Officer provided a response to this question.

In accordance with SAPol's re-organisation strategy and transition to a 'District Policing Model', on 5 July 2018 Glenelg, Glenelg North, Glenelg South and Glenelg East were reallocated to the Western District. Administration have since liaised with new Western Planning Officers regarding this matter, and at this present time there is no indication as to what the new operational hours of the Glenelg Police Station will be, or when any implementation of new hours may commence.

As the transition to a District Policing Model has only recently occurred, any future changes to the station's operating hours will likely be based on operational requirements; which will in time be determined by South Australian Police.

Motion**C240718/1219**

That the Chief Executive Officer write to the Minister of Police and a copy to the MP of Morphett to request:

- 1. What will be the new operating hours for the Glenelg Police Station?**
- 2. When will the new operation hours be instigated?**

Moved Councillor Bouchee, Seconded Councillor Smedley

Carried

11.2 **Motion on Notice – Brighton Oval Development – Tender Documents - Councillor Bouchee** (Report No: 255/18)

Councillor Bouchee proposed the following motion:

ADMINISTRATION COMMENT

In line with Council's resolution on 10 July 2018, tenders have now been called with the 4 pre-qualified contractors for the role of Managing Contractor for the Brighton Oval Project. It would be unusual to table the contract documents for the community and/or clubs to see as project delivery is a Council responsibility and this is a commercial tender. Club representatives will form part of the Project Steering Committee and have ongoing involvement with the project. Should Elected Members wish to inspect the contract documents, they can be loaded on the Hub. Should Council wish to change the documents (after the tender has commenced), there is a strong possibility that the current tender process could be invalidated.

Motion

C240718/1220

That in the best interest of the sporting clubs and transparency, the CEO present the final draft of the copy of the Tender documents prepared by the Administration for the Brighton Oval Development in the Council Agenda with public access.

Moved Councillor Bouchee, Seconded Councillor Smedley

Tied Vote

Her Worship the Acting Mayor used her casting vote for the motion and declared the motion **Carried**

12. ADJOURNED MATTER

12.1 **Adjourned Report – New Lease Agreement – Holdfast Dog Owners Club Incorporated** (Report No: 171/18)

Council at its meeting held 24 April 2018 resolved to adjourn Report No: 137/18 until a subsequent report is presented for Council to determine whether the Club can be considered a commercial operation or a community organisation.

After reviewing the operations of the organisation and additional information supplied, the Holdfast Bay Dog Owner's Club Incorporated ("*Club*") is deemed to be a not-for-profit organisation by virtue of their active incorporated status and services provided to the community. Therefore the Club should be awarded the community based discounts and incentives of the Sporting & Community Club Leasing Policy.

Members who have spoken in the debate prior to the adjournment are taken to have spoken to the motion. Councillors Bouchee, Smedley and Patton have spoken to the motion. Councillor Bouchee as the mover in reply may sum up the debate on the item. Councillor Patton seconded the motion.

Before Council can consider any further motions on this matter it must determine the adjourned motion.

Adjournment

That the New Lease Agreement – Holdfast Bay Dog Owners’ Club Incorporated (Report No: 137/18) be adjourned under Section 29 and further financial reports be presented at the next meeting of Council.

Moved Councillor Bradshaw, Seconded Councillor Clancy

Tied Vote

Her Worship the Acting Mayor used her casting vote for the motion and declared the motion

Lost

Motion

C240718/1221

MOTION - From 24 April 2018 Council Meeting

1. That Council enters into a new Lease Agreement with the Holdfast Bay Dog Owners’ Club Incorporated over a portion of land comprised in Certificate of Title Volume 5750 Folio 187 for a period of five years commencing 1 July 2018, with an Option to Renew for a subsequent five years;
2. That a commencing annual rent of \$2,950 (plus GST) be charged to the Lessee;
3. That the Acting 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 Patton

Carried

Division called:

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

Those voting for: Councillors Aust, Bouchee, Patton, Smedley and Yates (5)

Those voting against: Councillors Bradshaw, Charlick and Clancy (3).

Her Worship the Acting Mayor declared the motion

Carried

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

13.1 Minutes – Jetty Road Mainstreet Management Committee – 4 July 2018 (Report No: 244/18)

The minutes of the meeting of the Jetty Road Mainstreet Committee meeting held on 4 July 2018 are attached and presented for Council’s information.

Item 7.2 of the meeting minutes highlights the preferred governance model for the JRMCA is an Incorporated Association be established under the Associations Incorporation Act 1985 (“the AI Act”). It is recommended that Council give consideration to the range of governance models available, prior to any formal decision at an upcoming Council workshop.

Motion**C240718/1222**

1. **That Council notes the minutes of the meeting of the Jetty Road Mainstreet Committee of 4 July 2018.**
2. **That a Council workshop be held to discuss governance models for the Jetty Road Mainstreet Committee on 7 August 2018.**

Moved Councillor Aust, Seconded Councillor Yates

Carried**14. REPORTS BY OFFICERS****14.1 Items in Brief (Report No: 246/18)**

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**C240718/1223****That the following items be noted and items of interest discussed:**

1. **Jetty Road Mainstreet Committee Terms of Reference.**
2. ***THE CHIEF EXECUTIVE OFFICER WITHDREW THIS ITEM.***

Moved Councillor Bouchee, Seconded Councillor Yates

Carried**14.2 New Licence Agreement – SA Racing Pigeon Federation Incorporated (Report No: 251/18)**

Following the expiration of the licence agreement held between the City of Holdfast Bay and the SA Racing Pigeon Federation Incorporated ("*Club*"), it is recommended that Council enters into a new licence agreement with the long-term tenant community group for their continued use of a portion of a building located at 6/410-420 Brighton Road Brighton (Brighton Oval Complex).

Pursuant to the provision set out in the Sporting & Community Club Leasing Policy, the new Lease Agreement will: be for a period of five years commencing 1 July 2018; include an Option to Renew for a subsequent five year term; and will incur an annual commencing rent of \$281 (plus GST) which will be subject to annual CPI increases.

Full details of the proposal are outlined within this report.

Motion**C240718/1224**

1. **That Council enters into a new Licence Agreement with the SA Racing Pigeon Federation Incorporated over a portion of land comprised in Certificate of Title Volume 5750 Folio 187 for a period of five years commencing 1 July 2018, with an Option to Renew for a subsequent five years;**

2. **That a commencing annual rent of \$281 (plus GST) be charged to the Lessee;**
3. **That the Acting Mayor and Chief Executive Officer be authorised to execute and seal any documents required to give effect to this lease.**

Moved Councillor Clancy, Seconded Councillor Bouchee

Carried

14.3 **Possible Sale of Portion of Esplanade Road Reserve at 49 King Street, Brighton**
(Report No: 252/18)

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

C240718/1225

1. **That Council advises the planning company that Council is willing to proceed with the sale of the portion of land at a sale price of not less than \$65,000 (excluding GST) with all sale, road closure, conveyancing and transfer costs to be borne by the purchaser.**
2. **That Council's administration on this occasion does not notify nearby residents of the proposed sale as it has no effect on any neighbouring property.**
3. **Council agrees to a conveyancer undertaking a Road Closure process.**
4. **Council delegates to the Chief Executive Officer the authority to approve any subsequent sale documents.**

Moved Councillor Clancy, Seconded Councillor Yates

Carried

14.4 **Youth Action Plan 2018-2023** (Report No: 245/18)

Council endorsed the updated Youth Policy on 8 August 2017, providing direction for future provision of youth activities across Council. With this policy now in place and to ensure that Council continues to provide services that best meet the needs of the young people in our city, funding was allocated in the 2017/2018 Annual Budget to develop a Youth Action Plan. Youth Affairs Council of South Australia (YACSA) were engaged to undertake the community engagement process and develop the action plan. The aim of the plan is to provide a clear strategy for youth support and services, giving young people a stronger voice in our community.

The City of Holdfast Bay Youth Action Plan 2018-2023 outlines Council's commitment to fostering and promoting the contributions and achievements of young people throughout the community and empowering young people to share their views and opinions around issues that affect their lives.

Motion**C240718/1226****That Council endorses the Youth Action Plan and its implementation during 2018 to 2023.**

Moved Councillor Aust, Seconded Councillor Smedley

Carried14.5 **Internal Review of Council Decision** (Report No: 247/18)

A request for an internal review under s270 of the Local Government Act 1999, has been received in relation to a decision that Council made in relation to phone towers.

The matter has been prepared for Council to review in accordance with the Internal Review of Council Decisions Policy, and the relevant details are contained within the report.

Council must review its original decision, and make a determination as to whether the decision was made in accordance with the relevant policies and procedures and whether the decision was reasonable.

Motion**C240718/1227**

1. **That the original decision of Council was a reasonable decision and no further action is required.**
2. **That a letter be prepared for the complainant to advise of the outcome of Council's Internal Review.**

Moved Councillor Smedley, Seconded Councillor Aust

Carried**Division called:**

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

Those voting for: Councillors Aust, Clancy, Bradshaw, Charlick, Patton, Yates and Smedley (7)

Those voting against: Councillor Bouchee (1).

Her Worship the Acting Mayor declared the motion

Carried14.6 **Prudential Report – Jetty Road Glenelg Master Plan** (Report No: 248/18)

The Local Government Act 1999 requires that councils undertake a prudential review for projects with a value over \$4.713 million, for expenditure in the proceeding five years. Accounting firm BRM Holdich was engaged to provide a prudential report on the Jetty Road Glenelg Masterplan.

The Jetty Road Glenelg Masterplan prudential review identified the key issues to be associated with funding, risk, and implementation of the project management framework. The identified risks to traders and obtaining funding have been considered carefully in the project staging and implementation schedule. Undertaking construction over a 10-year period will minimise the intensity and scope of the impact on traders and will also allow for smaller projects and funding

requirements to align with existing budget cycles and grant fund rounds. The project management framework will be incorporated into the implementation of all three of these projects.

The report concludes that there has been a level of 'due diligence' followed for the project and should achieve the identified public benefits or needs.

Councillor Patton left the chamber at 7.54pm

Motion

C240718/1228

That Council receives and notes the Prudential Report for the Jetty Road Glenelg Masterplan.

Moved Councillor Yates, Seconded Councillor Bouchee

Carried

Councillor Patton rejoined the chamber at 7.56pm

14.7 Draft Economic Activation Plan 2018-2023 Consultation Outcomes Report (Report No: 249/18)

The draft Economic Activation Plan (EAP) 2018-2023 and Summary EAP document is presented for endorsement by council. The EAP has been developed to reflect the 'Our Place 2030' Strategic Plan and in doing so, will deliver on the '*Economy Pillar – A diverse and resilient local economy*'.

Community consultation was conducted from 6 June 2018 until 26 June 2018. Council received twelve submissions. The majority of respondents were supportive of the Draft EAP, providing valuable information in prioritising the strategic actions and supporting the timelines outlined in the actions. A further 106 downloaded the Draft EAP indicating passive support of the EAP.

Motion

C240718/1229

- 1. That the submissions arising from the community consultation on the Draft Economic Activation Plan 2018-2023 be noted.**
- 2. That subject to minor editorial changes the Economic Activation Plan 2018-2023 be endorsed.**

Moved Councillor Bouchee, Seconded Councillor Aust

Carried

14.8 Application for Landowner's Consent – Seacliff Surf Lifesaving Club Observation Tower (Report No: 256/18)

At their meeting Tuesday 10 July 2018, Council endorsed (in principle) a proposal submitted by the Seacliff Surf Lifesaving Club to demolish the existing tower located on the beachfront opposite the intersection of Wheatland Street and the Esplanade, Seacliff to construct a new observation station using shipping containers.

The applicant now seeks formal Landowner's Consent so that the proposal can proceed to Development Assessment and that the Club be given occupancy rights for the site.

It should be noted that full engineering specifications and comment from the Coastal Protection Board will be sought as part of the Development Application process.

Motion

C240718/1230

1. **That Council give Landowner's Consent so that the Seacliff Surf Lifesaving Club can progress a Development Application with Development Services;**
2. **That subject to the final Development Approval, Council enters into a new 'Encroachment Permit' with the Seacliff Surf Lifesaving Club Incorporated authorising them to construct the Observation Tower on Community land;**
3. **That Council approve an allocation of \$40,000 in new capital expenditure at the next Budget Review to the project to assist in funding infrastructure improvements necessary to construct the Observation Tower and associated decking and ramp.**
4. **That the community be informed of Council's decision.**
5. **That the Acting Mayor and Chief Executive Officer be authorised to execute and seal any documents required to give effect to this permit.**

Her Worship the Acting Mayor sought leave of the meeting to allow Councillor Aust to speak again to the motion.

Leave of the meeting was granted.

Moved Councillor Yates, Seconded Councillor Aust

Carried

14.9 **Local Government (Rate Oversight) Amendment Bill 2018** (Report No: 258/18)

The State Government introduced the *Local Government (Rates Oversight) Amendment Bill 2018* (the Bill) in the House of Assembly on 20 June 2018 following a Liberal Party election commitment to introduce rate capping legislation in the Parliament within their first 100 days of government. Rate capping is promoted by the government as a measure to ease cost of living pressures on households and businesses.

The Bill establishes a framework for a rate cap policy that gives the Essential Services Commission of South Australia (ESCOSA) responsibility for setting an annual rate cap, assessing applications from councils for variations to the rate cap, and monitoring and reporting on council compliance with the rate cap.

Council is asked to reconfirm its support for rate-capping (or not) and if not the priority issues it wishes the LGA to consider, should the legislation be passed.

Motion**C240718/1231****That Council:**

1. advises the Local Government Association that it opposes the Local Government (Rate Oversight) Amendment Bill 2018; and
2. advises the LGA that the priority issues, amendments and concessions Council would seek the LGA to use best endeavours to address in discussions with political parties about the Local Government (Rate Oversight) Amendment Bill 2018 include the following:
 - (a) If ESCOSA retains a regulatory role, there should be a local government nominee or appointee on the Commission to bring local government skills and knowledge.
 - (b) The methodology for the rate cap should be a more simple mechanism to give revenue certainty to councils and account for development growth during the period eg LGPI + growth.
 - (c) The regulator should be required to determine the primary rate cap on or before 31 December in all circumstances.
 - (d) The legislation should include a deadline by which the Regulator must determine and advise councils on the outcome of their variation applications.
 - (e) The legislation should require consultation with local government before determining the administrative requirements at Section 187K to ensure there is agreement about how the performance/impacts of the rate capping scheme will be measured, how the data will be collected and analysed.

Moved Councillor Clancy, Seconded Councillor Yates

Carried**Division called:**

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

Those voting for: Councillors Bouchee, Aust, Clancy, Bradshaw, Charlick, Patton, Yates and Smedley (8)

Those voting against: Nil (0).

Her Worship the Acting Mayor declared the motion

Carried**15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil****16. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING - Nil**

17. ITEMS IN CONFIDENCE**17.1 Buffalo Licence Agreement and Proposed Site Redevelopment (Report No: 253/18)****Motion****C240718/1232****Recommendation – Exclusion of the Public – Section 90(3)(b & d) Order**

- 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: 253/18 Buffalo Licence 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: 253/18 Buffalo Licence 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**

conducting business; or
would prejudice the commercial position of the Council
 - d. pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected**

to prejudice the commercial position of the person who supplied the information, or
to confer a commercial advantage on a third party.

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.
 - h. pursuant to section 90(3)(h) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is legal advice which has been provided by Mellor Olsson on instructions from the Council.**

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 Councillor Aust

Carried

RETAIN IN CONFIDENCE - Section 91(7) Order

C240718/1234

That having considered Agenda Item: 17.1 Report No: 253/18 Buffalo Licence in confidence under section 90(2) and (3)(b, d & h) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that Report No: 253/18 Buffalo Licence be retained in confidence for a period of 12 months.

Moved Councillor Clancy, Seconded Councillor Patton

Carried

Councillor Smedley left the chamber at 8.21pm

Councillor Smedley rejoined the chamber 8.22pm

- 17.2 **LED Conversion – Implementation (Report No: 241/18)**

Motion

C240718/1235

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

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: 241/18 LED Conversion Implementation 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: 241/18 LED Conversion Implementation 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:**
 - conducting business; or**
 - proposing to conduct business; or**
 - 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.

- d. pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
to prejudice the commercial position of the person who supplied the information, or
to confer a commercial advantage on a third party.

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 Clancy, Seconded Councillor Smedley

Carried

RETAIN IN CONFIDENCE - Section 91(7) Order

C240718/1237

That having considered Agenda Item 17.2 Report No: 241/18 LED Conversion Implementation in confidence under section 90(2) and (3)(b and d) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report, attachments and discussion be retained in confidence for a period of the contract and the Chief Executive Officer is authorised to release the documents when the contract has been completed and that this order be reviewed every 12 months.

Moved Councillor Clancy, Seconded Councillor Smedley

Carried

CLOSURE

The Meeting closed at 9.03 pm.

CONFIRMED **Tuesday 14 August 2018**

ACTING MAYOR