

**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 March 2019 at 7:00pm.**

**MEMBERS PRESENT**

Mayor A Wilson  
 Councillor R Abley  
 Councillor M Bouchee  
 Councillor A Bradshaw  
 Councillor P Chabrel  
 Councillor R Clancy  
 Councillor J Fleming  
 Councillor C Lindop  
 Councillor S Lonie  
 Councillor W Miller  
 Councillor R Patton  
 Councillor J Smedley  
 Councillor R Snewin

**STAFF IN ATTENDANCE**

A/Chief Executive Officer - R Bria  
 General Manager City Assets and Services – H Lacy  
 General Manager Community Services – M Lock  
 A/General Manager Business Services – P Jackson

**1. OPENING**

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

**2. KAURNA ACKNOWLEDGEMENT**

With the opening of the meeting Her Worship the Mayor stated:

We acknowledge Kurna people as the traditional owners and custodians of this land.

We respect their spiritual relationship with country that has developed over thousands of years, and the cultural heritage and beliefs that remain important to Kurna People today.

**3. PRAYER**

Her Worship the Mayor requested all present to pray and read the following Prayer:

Heavenly Father, we pray for your presence and guidance at our Council Meeting.

Grant us your wisdom and protect our integrity as we carry out the powers and responsibilities entrusted to us on behalf of the community that we serve.

Her worship the Mayor requested that the chamber dedicate one minute silence to reflect on Condolences and Support for Victims and Families of those Killed in Christchurch.

**4. APOLOGIES**

- 4.1 Apologies Received - Nil
- 4.2 Absent - Nil

**5. ITEMS PRESENTED TO COUNCIL - Nil****6. DECLARATION OF INTEREST**

Members were reminded to declare their interest before each item.

**7. CONFIRMATION OF MINUTES****Motion****C270319/1417**

**That the minutes of the Ordinary Meeting of Council held on 12 March 2019 be taken as read and confirmed.**

Moved Councillor Lonie, Seconded Councillor Clancy

**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 Tenant Vacancy at Visitor Information Centre**

Councillor Smedley asked for an update as to when the new Tenancy Agreement will commence at the Visitor Information Centre.

The General Manager City Activation, Ms M Lock provided a response.

**9.1.2 Dunbar Terrace Carpark**

Councillor Patton asked for an update on the progress of the Dunbar Terrace Carpark alterations.

The General Manager City Assets, Mr H Lacy provided a response.

**9.1.3 Dunbar Terrace Carpark**

Councillor Bouchee asked whether submitting a formal motion to proceed with the Dunbar Terrace Carpark alterations would increase the pace of the progress.

The General Manager City Assets, Mr H Lacy provided a response.

9.1.4 **Buffalo Demolition**

Councillor Bouchee asked for an update on the Buffalo demolition process.

Her Worship the Mayor provided a response.

9.1.5 **Roundabout at Colley Terrace and Anzac Highway**

Councillor Bouchee asked whether there are any proposed works for the roundabout at Colley Terrace and Anzac Highway as there had been a lot of activity there recently.

The General Manager City Assets, Mr H Lacy provided a response.

9.1.6 **Ferris Wheel adjacent the Beachouse**

Councillor Bradshaw asked whether there are plans to remove the fencing that currently surrounds the ferris wheel.

The General Manager City Assets, Mr H Lacy provided a response.

9.1.7 **Beachouse Proposal**

Councillor Bouchee asked whether there has been a proposal submitted to Council regarding the Beachouse.

Her Wordship the Mayor provide a response.

9.2 **With Notice - Nil**

10. **MEMBER'S ACTIVITY REPORTS - Nil**

11. **MOTIONS ON NOTICE**

11.1 **Motion on Notice – Condolences and Support for Victims and Families of those Killed in Christchurch - Councillor Chabrel (Report No: 107/19)**

Councillor Chabrel proposed the following motion:

**Motion**

**C270319/1418**

**That in the wake of the terrorist attacks on the Al Noor Mosque and Linwood Islamic Centre in Christchurch New Zealand of 15 March 2019, which has killed 50 people and injured 50 more, the City of Holdfast Bay:**

- 1. Offers its most sincere condolences to the victims, their loved ones and the people of Christchurch, New Zealand.**

2. **Recognises the attack was an assault on the values of religious freedom, tolerance, compassion and community.**
3. **Offers its solidarity and support for our local Islamic community at this most difficult time.**

Moved Councillor Chabrel, Seconded Councillor Lonie **Carried Unanimously**

11.2 **Motion on Notice – Telstra Phone Booth - Mayor Wilson** (Report No: 113/19)

At the request of Mayor Wilson this Item has been withdrawn from the Council agenda.

**12. ADJOURNED MATTER - Nil**

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

13.1 **Jetty Road Mainstreet Management Committee – 6 March 2019** (Report No: 104/19)

The minutes of the meeting of the Jetty Road Mainstreet Committee meeting held on 6 March 2019 are attached and presented for Council's information.

Jetty Road Mainstreet Committee Agendas, Reports, and Minutes are all available on Council's website and the meetings are open to the public.

**Motion** **C270319/1419**

**That Council notes the minutes of the meeting of the Jetty Road Mainstreet Committee of 6 March 2019.**

Moved Councillor Bouchee, Seconded Councillor Miller **Carried**

**14. REPORTS BY OFFICERS**

14.1 **Items in Brief** (Report No: 100/19)

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** **C270319/1420**

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

1. **Call for Nominations to Metropolitan Local Government Strategic Roads Committee**
2. **Letter to the Hon Michelle Lensink, Minister for Human Services**

3. **Letter from Stephen Patterson MP, in response to Mayor Amanda Wilson's letter regarding police presence in Moseley Square**
4. **Letter to and from Mr Stuart Smith, CEO of NOPSEMA**
5. **Letter from the Hon Stephan Knoll MP**
6. **Letter to Corey Wingard MP and Response from Stephen Patterson MP re Glenelg Primary School Pedestrian Crossing.**

Moved Councillor Lonie, Seconded Councillor Clancy

**Carried**

14.2 **Monthly Financial Report – 28 February 2019** (Report No: 101/19)

Attached are financial reports as at 28 February 2019. 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 14 August 2018 and the two quarterly budget updates approved by Council 23 October 2018 and 12 February 2019.

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**

**C270319/1421**

**That Council receives the financial reports and budget update for the 8 months to 28 February 2019 and notes:**

- **no change to the Municipal activities 2018/19 revised budget forecast;**
- **no change to the Alwyndor Aged Care 2018/19 revised budget forecast.**

Moved Councillor Abley, Seconded Councillor Smedley

**Carried**

14.3 **Election of Greater Adelaide Regional organisation of Councils (GAROC) Representatives for 2 Casual Vacancies** (Report No: 102/19)

This report is an update to the previous report to Council on 29 January 2019 relating to the call for Nominations to Greater Adelaide Regional Organisation of Councils (GAROC). The previous report resolved for Mayor Amanda Wilson to be nominated by the Council to the Greater Adelaide Regional Organisation of Council (GAROC).

A total of ten (10) nominations were received by the LGASA from other Councils. The election for the two (2) positions on GAROC is the next step. As the LGASA has received more nominations than the required number of positions the Council is required to determine by resolution the two (2) candidates it wishes to elect.

**Motion****C270319/1422**

**Council resolves that it wishes to nominate Mayor Amanda Wilson and Mayor Erin Thompson to fill the two (2) casual vacancies on the Greater Adelaide Regional Organisation of Councils (GAROC) and the Mayor will mark on the Ballot Paper accordingly.**

Moved Councillor Miller, Seconded Councillor Lonie

**Carried**14.4 **Playspace Action Plan 2019-2029** (Report No: 103/19)

The Playspace Action Plan 2019-2029 provides a prioritised implementation plan for the upgrade and redevelopment of playspaces across the City. This is based on a number of factors including; latest playspace industry trends, demographic data, current condition and usage of our playspaces and creating spaces that meet the needs of our community. The Playspace Action Plan is a key action item of the Open Space and Public Realm Strategy 2018-2030 and enables Council to proactively plan and budget for playspace replacements and redevelopments.

**Motion****C270319/1423**

- 1. That Council endorses the Playspace Action Plan 2019-2029.**
- 2. That specific playspace upgrades as identified in Sections 6 to 6.3 are to be considered as part of the Annual Budget process and Long Term Financial Plan.**
- 3. That Council note the process to initiate each project within this Playspace Action Plan and will include a brief, outlining the scope/budget, to be tabled for endorsement by Council prior to preparation of the concept plan.**

Moved Councillor Bouchee, Seconded Councillor Clancy

**Carried**14.5 **By-law Review** (Report No: 110/19)

The City of Holdfast Bay's By-laws will expire 31 December 2019. Council will need to adopt the new By-laws by 31 August 2019 as it takes around 4 months for the approvals process.

The existing By-laws have been updated to reflect changes to legislation and administrative improvements recommended by Council's lawyers (Kelledy Jones) and Council Administration.

The approval process requires Council to endorse the draft By-laws and then refer them for a minimum 21 days public consultation. Prior to issuing the draft By-laws for public consultation, four (4) of the draft By-laws must be referred to SA Dog and Cat Management Board (draft By-law No.5 – Dogs and By-law No.6 – Cats) and to the Minister for Transport (draft By-law No.3 – Local Government Land) for comment and/or approval.

Following public consultation, a further report will be submitted to Council to approve the draft By-laws and initiate the formal approval into law, which as a minimum takes 4 months. The new By-laws will need to be operational by 1 January 2020.

To approve the By-laws, at least two-thirds of the members of the council must be present, and the relevant resolution must be supported by an absolute majority of members of the council.

**Motion**

**C270319/1424**

1. **That Council endorse the following draft By-laws (as per attachments 1-6) for public consultation for a minimum of 21 days:**
  - (a) **By-law No. 1 – Permits and Penalties**
  - (b) **By-law No. 2 – Moveable Signs**
  - (c) **By-law No. 3 – Local Government Land**
  - (d) **By-law No. 4 – Roads**
  - (e) **By-law No. 5 – Dogs**
  - (f) **By-law No. 6 – Cats**
  
2. **That prior to referring the draft By-laws for public consultation, the Chief Executive Officer be authorised to:**
  - (a) **submit draft By-law No. 5 – Dogs and draft By-law No. 6 – Cats to the Dog and Cat Management Board for comment and endorsement**
  
  - (b) **submit draft By-law No. 3 – Local Government Land to the Minister of Transport for comment and approval.**
  
4. **That following receipt of comments from the Dog and Cat Management Board (allowing no less than 21 days for comments) and from the Minister for Transport, the Chief Executive Officer be authorised to commence public consultation including:**
  - (a) **making copies of the draft By-laws available for public consultation, without charge, during ordinary office hours**
  
  - (b) **making copies of the draft By-laws available for public inspection on Council’s website**
  
  - (c) **publishing a notice in the Coast City Messenger informing the public of the availability of the draft By-laws for public inspection and feedback**
  
5. **That following completion of public consultation, a further report is presented to Council for final approval of the By-laws.**

Moved Councillor Lonie, Seconded Councillor Bouchee

**Carried Unanimously**

**Conflict of interest:**

Councillor Clancy declared a perceived conflict of interest for item 14.6 – New Sub Lease Agreement – Somerton Surf Life Saving Club and Penelope McEwan Wallbridge (Report No: 106/19). The nature of the perceived conflict of interest (Pursuant to section 74 of the Local Government Act 1999) was that she is a member of the Somerton Surf Life Saving Club.

Councillor Clancy dealt with the perceived conflict of interest by making it known to the chamber, remaining in the chamber and acting in the best interest of the community.

**14.6 New Sub-Lease Agreement – Somerton Surf Lifesaving Club and Penelope McEwan Wallbridge (Report No: 106/19)**

The Lease Agreement (*“Agreement”*) held between Council and the Somerton Surf Lifesaving Club Inc. (*“Club/Lessee”*) commenced 7 December 2005 for a period of 21 years. Pursuant to Clause 5 of the Agreement the lessee is entitled to sub-lease areas within the Somerton Surf Lifesaving building to third parties, on the proviso that Council consent is first given.

On 11 March 2014, Council resolved to permit the Club to sub-lease a portion of the building to Ms Penelope McEwan Wallbridge (*“Sub-Lessee”*) for the purpose of operating a coffee shop and kiosk. The term of this sub-lease expired 30 April 2018, and now both the Lessee and Sub-Lessee seek Council consent to enter into a new Sub-Lease for a further two (2) year term.

**Motion****C270319/1425**

1. **That Council endorses a new Sub-Lease Agreement to be held between the Somerton Surf Lifesaving Club Incorporated and Penelope McEwan Wallbridge (as Trustee of the Yellow Fin Trust) for a two (2) year period, commencing 1 May 2018 over the area identified on the attached plan subject to:**
  - (a) **the Sub-Lessee being given a rent free period during the Coastal walk redevelopment (as the premises will be closed);**
2. **That the Mayor and Chief Executive Officer be authorised to execute and seal any documents required to give effect to this lease.**

Moved Councillor Smedley, Seconded Councillor Lonie

**Carried**

**14.7 Moseley Square Smoke Free Areas (Report No: 108/19)**

In March 2012 amendments were made to the *Tobacco Products Regulations Act 1997* which allowed individual councils to legislatively declare certain areas of community land as smoke-free when doing so was deemed to benefit the community. As a result of these amendments, on 8 May 2012 Council directed Administration to investigate the feasibility of banning smoking in certain public places.



Following a period of review, analysis and community consultation, on 22 January 2013 Council resolved to apply to the State Government to impose an interim trial smoking ban on Moseley Square Glenelg. As such, the trial commenced 5 September 2013 for twelve (12) months.

Based on the feedback from various stakeholders and a positive community survey (where 98% of people taking part in the survey voted in support of the zone's continuance), on 8 July 2014 Council resolved to apply to the State Government to implement the Moseley Square smoke free area into permanent regulation.

Now four and a half years later, the public footpath on the southern side of Jetty Road from the Jetty Hotel to Moseley Street) has increasingly become a congregation spot for smokers with associated cigarette butt litter.

Due to the mixed use of the location (pedestrian thoroughfare and some adjacent trader used outdoor dining areas) and increasing butt litter, Administration now seeks Council direction for the future management of smoking in this area.

**Motion**

**C270319/1426**

**That Council authorises the installation of two (2) additional butt caddies on existing hand rails adjacent to the southern Jetty Road footpath particularly outside the Jetty Hotel and further east towards Moseley Street in an attempt to combat increasing cigarette litter, then continues to monitor the area.**

Moved Councillor Miller, Seconded Councillor Patton

**Carried**

14.8 **Public Toilet Signage – Jetty Road Glenelg** (Report No: 109/19)

At the Council meeting of 26 February 2019, Item No: 9.2.1 Question on Notice – Public Toilet Signage (Report No: 80/19) the following questions were raised:

- “1. *How much signage there is for public toilets along the Jetty Rd Glenelg Precinct and;*
2. *Whether the signage is clearly visible for visitors and;*
3. *Whether more signage could be made available to address the perceived lack of effective signage?”*

Administration arranged site audits to confirm the location, style and visibility of existing public toilet wayfinding signage. As a result, it is proposed to install two (2) additional signs to assist pedestrians to find and access the Hindmarsh Lane toilets.

Details are provided in the attached drawings.

**Motion**

**C270319/1427**

**That Council note:**

1. **the results of the signage audit;**

2. **two (2) additional public toilet wayfinding signs will be installed in/adjacent to Jetty Road Glenelg to direct pedestrians to the Hindmarsh Lane toilets.**

Moved Councillor Miller, Seconded Councillor Abley

**Carried Unanimously**

**Conflict of Interest:**

Councillor Lonie and Councillor Chabrel both declared a conflict of interest for item 14.9 – Appointment of Independent member to the Audit Committee (Report No: 111/19). The nature of the conflict of interest (pursuant to Section 74 of the Local Government Act 1999) was that both Councillor Lonie and Councillor Chabrel know and are known to the nominated candidate for appointment to the Audit Committee.

Councillor Lonie and Councillor Chabrel both dealt with the conflict of interest by leaving the Chamber at 7.22pm.

Councillor Lonie left the chamber at 7.22pm.

Councillor Chabrel left the chamber at 7.22pm.

14.9 **Appointment of Independent Member to Audit Committee** (Report No: 111/19)

Council has received expressions of interest for the vacant position of independent member of its Audit Committee. Following review and interviews of short-listed candidates, the selection panel recommends an appointment.

**Motion**

**C270319/1428**

1. **That Paula Davies be appointed to Council's Audit Committee for a 3-year term expiring 26 March 2022.**
2. **That Council records its appreciation to Mr John Wood for his valuable service on Council's Audit Committee since 2013.**

Moved Councillor Bouchee, Seconded Councillor Smedley

**Carried**

Councillor Lonie re-joined the chamber at 7.25pm.

Councillor Chabrel re-joined the chamber at 7.25pm.

14.10 **Brighton Oval – Updated Project Inclusions** (Report No: 112/19)

Negotiations and discussions have been continuing between representatives of the three Brighton Oval sporting clubs, Council staff and Council's contractor Cook Building over building designs, inclusions, fitout and other matters. Considerable progress is being made.

A number of issues now need to be resolved, particularly where the item being considered is likely to have a financial impact on the overall Brighton Oval project cost.

This report seeks Council's direction on several issues including possible provision of roof mounted services, removal of certain aspects of already approved facade treatments (to reduce cost and facilitate club sponsor advertising), and inclusion of a minor items provision in the project budget.

Clarification of these issues will enable Administration to seek a final GMP from Cook Building based on having agreed/resolved all major design issues.

**Motion**

**C270319/1429**

**That Council not approve installation of air conditioning and other mechanical services on the roof of each of the three (3) club room buildings including provisions of roof access, walkways, safety systems and architectural/acoustic screening at an estimated cost of \$75,000. Install services on the ground with appropriate security protection of the services.**

Moved Councillor Bouchee, Seconded Councillor Smedley

**Carried**

**Division Called:**

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

Those voting for: Councillors Clancy, Miller, Bouchee, Smedley, Abley, Patton and Chabrel (7)

Those voting against: Councillors Snewin, Fleming, Lonie, Lindop and Bradshaw (5)

Her Worship the Mayor declared the motion

**Carried**

**Motion**

**C270319/1430**

**That Council supports the aesthetic principles of currently proposed façade treatments and instruct the project team to execute the design using low maintenance, and where practical environmentally friendly materials, selections and specifications. Council further requests Administration to negotiate with the clubs to enable modest sponsor advertising on the club room buildings and that advertising guidelines be formally developed and enacted through licence agreements and/or inclusion in future lease documents. All proposals regarding advertising on the façade to be brought back to Council for endorsement.**

Moved Councillor Chabrel, Seconded Councillor Bouchee

**Carried**

**Division Called:**

A division was called and the previous decision was set aside

Those voting for: Councillors Snewin, Clancy, Miller, Bouchee, Fleming, Smedley, Abley, Chabrel, Lonie, Lindop and Bradshaw (11)

Those Voting Against: Councillor Patton (1)

Her Worship the Mayor declared the motion

**Carried**

**Motion**

**C270319/1431**

**That Council approve a “Minor Items” allowance of \$30,000 for each of the three (3) clubs and that these amounts are incorporated into the GMP determination.**

Moved Councillor Lonie, Seconded Councillor Lindop

**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 8.10pm.

**CONFIRMED      Tuesday 9 April 2019**

**MAYOR**