

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 11 June 2019 at 7:00pm.

MEMBERS PRESENT

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

STAFF IN ATTENDANCE

Acting Chief Executive Officer – R Bria
General Manager City Assets and Services – H Lacy
Acting General Manager Community Services – M Rechner
Acting 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.

4. APOLOGIES

4.1 Apologies Received - Councillors R Abley and J Fleming

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****C120619/1501**

That the minutes of the Ordinary Meeting of Council held on 28 May 2019 be taken as read and confirmed.

Moved Councillor Clancy, Seconded 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 - Nil**

9.2 **With Notice - Nil**

10. MEMBER'S ACTIVITY REPORTS - Nil**11. MOTIONS ON NOTICE - Nil****12. ADJOURNED MATTER**

12.1 **Adjourned Report – Integrated Transport Strategy Engagement (Report No: 225/19)**

An Integrated Transport Strategy is being developed and 2 phases of public engagement will be undertaken. The first phase will seek community and stakeholder views on issues and options to manage transport and movement in the City, and the vision for the next 10-20 years. The second phase will seek feedback on the draft strategy informed by community input in phase 1. This report seeks Council endorsement to proceed with the first phase of the proposed engagement.

Council at its meeting held 12 March 2019 resolved to adjourn Report No: 92/19. This report represents Report No: 92/19 for Council's further consideration and is provided as Attachment 1.

Debate on this matter is resumed at the point where it was adjourned. There is currently no motion on the table and it is at this point that debate on this matter is resumed following the adjournment.

No Members have spoken.

Motion

C120619/1502

1. **That Council endorse engagement with the community and stakeholders on the issues and opportunities for an Integrated Transport Strategy.**
2. **That Council note the Summary of Engagement Plan referred to in Attachment 2 to this report.**

Moved Councillor Bouchee, Seconded Councillor Bradshaw **Carried Unanimously**

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

14. REPORTS BY OFFICERS

14.1 Items in Brief (Report No: 219/19)

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

C120619/1503

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

1. **Letter from Stephen Patterson MP, in response to Mayor Amanda Wilson's letter to Hon Michelle Lensink, Minister for Human Services regarding Glenelg Lodge.**
2. **Letter from Stephen Patterson MP, and including response from Hon Vicki Chapman MP on behalf of Hon Corey Wingard MP in response to Mayor Amanda Wilson's letter to Hon Michelle Lensink, Minister for Human Services regarding Glenelg Lodge.**
3. **The City of Holdfast Bay successful in two recent awards programs.**
4. **Response letter from Mayor Lianne Dalziel of Christchurch New Zealand to Mayor Wilson thanking council for our message of condolences.**
5. **Buffalo Removal Costs.**

Moved Councillor Lonie, Seconded Councillor Smedley

Carried Unanimously

Conflict of Interest

Councillor Bouchee declared a perceived conflict of interest for item 14.2 New Lease Agreement – Somerton Yacht Club (Report No: 202/19). The nature of the perceived conflict of interest (pursuant to Section 74 of the *Local Government Act 1999*) is that she is a social member for the Somerton Yacht Club.

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

14.2 New Lease Agreement – Somerton Yacht Club (Report No: 202/19)

On 8 April 2014 Council resolved to enter into a new lease agreement with the Somerton Yacht Club Incorporated ("*Club*") over a portion of land on John Miller Reserve for the purpose of their club operations. The current lease agreement is due to expire on 31 July 2019 and the Club now seeks to continue their lease over the site.

Whilst Council is currently undertaking a condition audit of its property assets and reviewing its Asset Management Plans, it is recommended that Council enter into a new lease agreement with Club for a further period of five (5) years in order to provide security of tenancy for the lessee and allow Administration time to complete the aforementioned reviews. A subsequent longer term lease can then be negotiated if appropriate.

Motion

C120619/1504

- 1. That Council enters into a new lease with the Somerton Yacht Club Incorporated over a portion of the land contained in Certificate of title Volume 6118 Folio 398 for an interim period of five (5) years, commencing 1 August 2019, based on the terms and conditions as the current lease agreement.**
- 2. That a commencing annual rental of \$3,677 (plus GST) (subject to annual CPI increases) be charged.**
- 3. That the Mayor and Chief Executive Officer be authorised to execute and seal any documents required to give effect to the lease.**

Moved Councillor Clancy, Seconded Councillor Bradshaw **Carried Unanimously**

14.3 New Lease Agreements – Community Centres (Report No: 203/19)

On 23 May 2017 Council resolved to renew the lease agreements with the: Brighton Over 50's Social Club Incorporated for the Brighton Community Centre; Young Men's Christian Association South Australia Incorporated for the Holdfast Bay Community Centre; and Glenelg Brass Band Incorporated for the Glenelg North Community Centre. Each Lease Agreement currently expires: 31 December 2019; 10 October 2019; and 31 October 2019 (respectively).

Council has been working with representatives of each community centre to achieve mutually identified objectives (such as reasonable access, optimum use and efficient management) through collaborative partnerships.

Council has recently initiated a Social Needs Analysis which will assist and guide long term development of the community centres. In addition, a condition audit of Council's property portfolio is about to commence and a review of Council's Asset Management Plans is also underway.

As such, it is considered prudent to extend the leases of each community centre to a common fixed date of 30 June 2021 which will provide security of tenancy for each lessee, allow time for the aforementioned reviews to be completed and enable the findings of the reviews to be used to guide longer term planning for each centre. The terms of each new lease will be based on the current leases.

Motion

C120619/1505

1. **That Council enters into a new leases as follows:**
 - a. **Brighton Over 50's Social Club Incorporated over the whole of the land contained in Certificate of Title Volume 5664 Folio 439 for a term of one (1) year and six (6) months, commencing 1 January 2020, based on the same terms and conditions as the current lease agreement;**
 - b. **Young Men's Christian Association (YMCA) South Australia Youth and Family Services Incorporated over the whole of the land contained in Certificate of Title Volume 5933 Folio 501 for a term of one (1) year and eight (8) months and 20 days, commencing 11 October 2019, based on the same terms and conditions as the current lease agreement;**
 - c. **Glenelg Brass Band Incorporated over the whole of the land contained in Certificate of Title Volume 5511 Folio 96, and a portion of the land contained in Certificate of Title Volume 5553 Folio 244 for a term of one (1) year and eight (8) months, commencing 1 November 2019, based on the same terms and conditions as the current lease agreement.**
2. **That the Mayor and Chief Executive Officer be authorised to execute and seal any documents required to give effect to these leases.**

Moved Councillor Bouchee, Seconded Councillor Snewin **Carried Unanimously**

14.4 **Request to Purchase a Portion of Footpath – 24 Gordon Street Glenelg** (Report No: 204/19)

The building at 24 Gordon Street, Glenelg is being modified to establish a Day Surgery. Due to the finished floor level being higher than the footpath, the building requires an access ramp to be DDA complaint. The ramp cannot be

constructed at the front of the building without encroaching onto Council's footpath.

The owner of the building is seeking to purchase a portion of Council's footpath being an area 1.2m x 8.8m for a price of \$11,000. He has also agreed to pay all conveyancing costs which is likely to be approximately \$5,000.

The property owner also requests permission under s221 of the Local Government Act to construct a temporary access ramp at the same location while Council is making its decision about sale of land.

The street frontage of the site is approximately 14.0m with the footpath in front of the building currently being 3.2m wide. If the encroachment was allowed, the footpath would be reduced to approximately 2.0m wide which is slightly below the recommended 2.4m footpath width for commercial precincts.

Whilst the property owner has requested purchase of an area of the footpath, it is proposed that the property owner only be issued a permit under s221 of the Local Government Act to allow the ramp infrastructure to be installed on Council's footpath.

Motion

C120619/1506

- 1. That having regard the requirements of s221 of the Local Government Act, Council authorises the Chief Executive Officer to issue a permit under s221 of the Local Government Act to the owner of premises at 24 Gordon St Glenelg to allow construction of a proposed pedestrian ramp (1.2m by 8.8m) on council footpath outside the said premises subject to the following conditions:**
 - a. the s221 permit be granted initially for a period of 6 months commencing from 1 July 2019;**
 - b. design of the ramp and handrail arrangements shall be approved by Council;**
 - c. within 3 months of the issue of the permit, the owner of the premises shall provide Council with an engineer's report which details any potential obstruction of underground or overhead services which may result by the construction of the ramp; such report being to Council's satisfaction; and**
 - d. should the proposed ramp cause any significant obstruction to access other infrastructure, that the permit will be withdrawn upon reasonable notice.**
- 2. That within the initial 6 month permit period, Council Administration undertake an assessment of any disruption to pedestrian and/or cyclist movements along the footpath, and if considered unacceptable, recommend to Council that the permit be withdrawn.**
- 3. That subject to successful trial of the ramp and no unacceptable restriction on access to other infrastructure, that the Chief Executive**

be authorised to issue a further s221 permit for the proposed ramp after the trial period for a term not exceeding 40 years.

Moved Councillor Smedley, Seconded Councillor Lindop

Formal Motion

That the Motion be put.

Moved Councillor Patton, Seconded Councillor Miller

Carried

The substantive motion on being put was

Carried

14.5 Brighton Oval Building Development - Update (Report No: 221/19)

In line with previous Council approvals, a deed of agreement has been signed between Council and Cook Building to reflect the Guaranteed Maximum Price (GMP) agreements. At the time of the last Council report (9 April 2019) the detailed design development reached 85%. The design has now reached 100% and is now undergoing building rules consent certification during which time further minor alterations may be required. Cook Building is expected to submit the final plans by 12 June 2019.

The building plans submitted with the GMP have been approved by an authorised delegate of the Minister for Recreation, Sport and Racing as per the requirement of the State Government funding deed. These building plans have also been endorsed by the three Clubs.

Cook Building and Administration are progressing towards site handover and the start of construction working with club representatives. All clubs have consented to the prepared building plans and progressing towards construction.

Possession of site (initially the Rugby Club site) is planned for 12 June 2019. Construction of the new Rugby clubrooms will commence shortly thereafter with the aim to complete the Rugby building by December 2019. Site possession and construction of the Lacrosse club and the Football/Cricket clubrooms to commence in September 2019 and December 2019 respectively. Completion of the Lacrosse clubrooms and the Football/Cricket clubrooms are forecast for April and August 2020 respectively, although an option to accelerate the completion of the Football Cricket clubroom by June 2020 is being explored.

A sod turning event to mark the commencement of construction of the Brighton Oval buildings is being planned for either the 25 or 26 June 2019, dependent on availability of various Members of Parliament.

Motion

C120619/1507

That Council note the report.

Moved Councillor Lonie, Seconded Councillor Snewin

Carried Unanimously

14.6 Electric Scooters (Report No: 207/19)

In January 2019, the City of Adelaide and the State Government agreed to trial electric scooters (e-scooters) in the City of Adelaide during the 2019 Fringe and Adelaide Festival season for a period of four weeks.

Following a select expression of interest process, the City of Adelaide issued a permit to Lime e-scooters for this period, and the State Government amended regulations to allow the use of e-scooters as part of the trial. Based on the analysis to date, the relatively low complaint levels, and the size and immediate take up of the service, City of Adelaide approved e-scooter companies Beam and Ride to continue as a transport option in the city.

The City of Holdfast Bay has been approached by Port Adelaide Enfield Council, City of Charles Sturt and West Torrens for 'in principal' support a trial of e-scooters along Coast Park from Semaphore to Seacliff.

Motion**C120619/1508****That Council:**

- 1. endorse the City of Holdfast Bay to work in partnership with other councils and organisations to manage and respond to e-scooter service providers;**
- 2. authorise Council Officers to liaise with counterparts at neighbouring councils to develop a consistent response to the arrival of e-scooters, including addressing the legalities and potential risks; and**
- 3. authorises Council Officers to investigate the option of supporting a 6 month trial of legally compliant e-scooters in a confined area along Coast Park.**

Variation

The mover Councillor Lonie and the seconder Councillor Smedley agreed to the amendment proposed by Councillor Bouchee for 'a 6 month trial' to be added to clause 3 of item 14.6 Electric Scooters (Report No: 207/19).

Moved Councillor Lonie, 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, Patton, Chabrel, Lonie and Lindop (8)
Those voting against: Snewin and Bradshaw (2)

Her Worship the Mayor declared the motion

Carried

14.7 Adoption of 2019-20 Annual Business Plan (Report No: 223/19)

The 2019-20 Annual Business Plan is presented for consideration and adoption by Council following community consultation on its Draft Annual Business Plan.

Motion**C120619/1509**

That Council adopts the 2019-20 Annual Business Plan, including the amendments detailed in this report and subject to final design and minor alterations.

Moved Councillor Lonie, Seconded Councillor Lindop

Carried Unanimously**14.8 2019-20 Budget Adoption (Report No: 224/19)**

The 2019-20 Budget is presented for adoption following adoption of the Annual Business Plan.

Motion**C120619/1510**

That in respect of the financial year ended 30 June 2020:

- 1. The 2019-20 Budget which consists of:**
 - (a) the Budgeted Income Statement;**
 - (b) the Budgeted Balance Sheet;**
 - (c) the Budgeted Statement of Changes in Equity;**
 - (d) the Budgeted Statement of Cash Flow;**
 - (e) the Budgeted Uniform Presentation of Finances; and**
 - (f) the Budgeted Financial Indicators**

be adopted subject to the following amendments:

any budget changes arising from Council's consideration of the 2019-20 Annual Business Plan be included in the budgeted financial statements and relevant documents.

- 2. The fees and charges incorporated in the Annual Business Plan and contained as Attachment 1 be adopted and that the relevant policies be updated accordingly.**
- 3. That the minimum rate be set at \$1,002 being a 2.7% increase consistent with the general rate increase.**
- 4. That the differential rate be retained at the current 13.8% proportion of general rate revenue.**
- 5. That the rate capping percentage remain at 6%.**

6. That Council approves new loan borrowings of up to \$10.19 million in accordance with Council's treasury policy to meet the funding requirements of the 2019-20 budget.

Moved Councillor Smedley, Seconded Councillor Snewin **Carried Unanimously**

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

Conflict of Interest

Councillor Clancy declared an actual conflict of interest for item 17.1 Application for New Lease – Rimhart Nominees Pty Ltd (Report No: 205/19). The nature of the actual conflict of interest (pursuant to Section 74 of the *Local Government Act 1999*) is she is a member of the Council Assessment Panel.

Councillor Clancy dealt with her actual conflict of interest by leaving the chamber at 7.50pm.

- 17.1 **Application for New Lease – Rimhart Nominees Pty Ltd** (Report No: 205/19)

Motion – Exclusion of the Public – Section 90(3)(b & d) Order C120619/1511

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: 205/19 Application for New Lease Agreement – Rimhart Nominees Pty Ltd 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: 205/19 Application for New Lease Agreement – Rimhart Nominees Pty Ltd in confidence 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.

- 3. The Council is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.**

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

Council resolved to adjourn the item for further information to be sought and brought back to Council.

Motion

C120619/1513

RETAIN IN CONFIDENCE - Section 91(7) Order

- 4. That having considered Agenda Item: 17.1 Application for New Lease – Rimhart Nominees Pty Ltd (Report No: 205/19) in confidence under section 90(2) and (3)(b & d) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that report, discussion, attachments and minutes be retained in confidence for a period of 12 months or until a formal Development Application is lodged by the Applicant.**

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

CLOSURE

The Meeting closed at 7.58 pm.

CONFIRMED Tuesday 25 June 2019

MAYOR