

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 Tuesday 13 August 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 R Patton
Councillor J Smedley
Councillor R Snewin

STAFF IN ATTENDANCE

Chief Executive Officer – R Bria
A/ General Manager City Assets and Services – A Marroncelli
General Manager Community Services – M Lock
General Manager Strategy and Business Services – P Jackson
A/General Manager Alwyndor – B Capes

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 W Miller and S Lonie

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****C130819/1569**

That the minutes of the Ordinary Meeting of Council held on 23 July 2019 be taken as read and confirmed.

Moved Councillor Abley, Seconded Councillor Clancy

Carried Unanimously**8. PUBLIC PRESENTATIONS****8.1 Petitions - Nil****8.2 Presentation - Nil****8.3 Deputations****8.3.1 Mr Barry Heffernan - The William Kibby VC Veterans Shed Coordinator**

Mayor Wilson approved a deputation from Mr Barry Heffernan, The William Kibby VC Veterans Shed Coordinator about the upcoming Veterans Shed Vigil on Sunday 18 August 2019.

Leave of the Meeting

Councillor Bouchee sought leave of the meeting to move items 9, 10 and 11 on the Agenda to the end of the meeting.

Leave of the meeting was granted.

Items 9, 10 and 11 on the Agenda were considered after Item 17.7.

12. QUESTIONS BY MEMBERS**12.1 Without Notice****12.1.1 Street Signage for Somerton Park Light Industrial Area**

Councillor Clancy asked a question about the street signage for Somerton Park light industrial area.

The General Manager Business Services, Ms P Jackson took the question on notice.

12.2 **With Notice - Nil**

13. MEMBER'S ACTIVITY REPORTS

13.1 **Mayoral Report** (Report No: 292/19)

Mayor's Activity Report for May 2019 - July 2019.

Motion

C130819/1572

That the Mayor's Activity Report for May 2019 - July 2019 be received and noted.

Moved Councillor Patton, Seconded Councillor Lindop

Carried Unanimously

14. MOTIONS ON NOTICE

14.1 **Motion on Notice – Request to Establish Footpath on Gladstone Road North Brighton - Councillor Chabrel** (Report No: 286/19)

Councillor Chabrel proposed the following motion:

Motion

C130819/1573

That following Council Resolution C280519/1500 which approved the construction of a new footpath on the southern side of Gladstone Road between Walsh Street and the Esplanade, that Administration:

- (a) **prepare a report into the feasibility, cost and benefit of changing the construction of the proposed footpath to permeable paving; and**
- (b) **defer any construction work on the project until Council has considered the report; and**
- (c) **prepare a report to be presented at the next Council meeting.**

Variation

The mover Councillor Chabrel and seconder Councillor Clancy agreed to the amendment proposed by Councillor Bouchee for clause (c) to be added to the motion of item number 14.1 Motion on Notice – Request to Establish Footpath on Gladstone Road North Brighton - Councillor Chabrel (Report No: 286/19).

Moved Councillor Chabrel, Seconded Councillor Clancy

Carried Unanimously

BACKGROUND

Council carried a climate change motion on 09/07/19 and noted various climate reports which detailed the urgent need for climate change action and that the world had approximately a decade to limit global warming to 1.5 degrees Celsius to avoid serious risks to biodiversity and long term climate stability. Members agreed that it was the responsibility of all governments to act. Accordingly, this motion requests Administration to investigate permeable paving would be a more environmentally sensitive option for this project in order to reduce heat

load and transfer stormwater through to aquifers rather than add to run-off to the sea.

Conflict of Interest

Councillor Lindop declared a perceived conflict of interest for item 15.1 Adjourned Report – Council Permission for Structure on Verge (Report No: 305/19). The nature of the perceived conflict of interest (pursuant to Section 74 of the *Local Government Act 1999*) is that she had a previous employment relationship with the property owner.

Councillor Lindop dealt with this perceived conflict of interest by making it known to the chamber and remaining as she is acting for the interest of the community.

15. ADJOURNED MATTER

15.1 Adjourned Report – Council Permission for Structure on Verge (Report No: 305/19)

Council at its meeting on 23 July 2019 resolved to adjourn Report No: 279/19 until the Council meeting held on 13 August 2019 with further information presented concerning SA Power Networks (SAPN) approval for the art installation and confirming the dimensions and clearances.

This report presented the original report (Report No: 279/19) and the additional information requested by Council.

Debate on this motion recommenced at the point that it was adjourned and Councillor Bouchee had spoken to the motion. The seconder, Cr Lindop had reserved her right to speak to the motion. Before Council considered any further motions on this matter it determined the adjourned motion.

Motion

C130819/1574

- 1. That Council endorses the granting of a permit under section 221 of the Local Government Act 1999 for the construction of an art installation located on the Margaret Street verge adjacent 1 Richardson Avenue, Glenelg North to screen the SA Power Networks transformer box and bollards as proposed in Attachment 1 to this report, subject to the permit being:

 - a. reviewed annually;
 - b. in accord with the terms and conditions outlined in the City of Holdfast Bay Encroachments Policy.**
- 2. That the cost and ongoing maintenance of the art installation is met by the current and future landowners of 1 Richardson Avenue, Glenelg North.**

Moved Councillor Lonie, Seconded Councillor Lindop
Her Worship the Mayor used her casting vote for the motion and declared the motion

Tied
Carried

Division called

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

Those voting for: Councillors Snewin, Abley, Patton, Lindop and Bradshaw (5)

Those voting against: Councillors Clancy, Bouchee, Fleming, Smedley and Chabrel (5)

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

16. REPORTS OF MANAGEMENT COMMITTEES, SUBSIDIARIES AND THE DEVELOPMENT ASSESSMENT PANEL**16.1 Draft Minutes – Alwyndor Management Committee – 18 July 2019 (Report No: 307/19)**

The draft minutes of the Alwyndor Management Committee meeting held on 18 July 2019 are provided for information.

Motion**C130819/1575**

- 1. That the draft minutes of the Alwyndor Management Committee meeting held on 18 July 2019 be noted.**
- 2. That Council notes the appointment of Mr Kim Cheater as Chairperson and Ms Julie Bonnici as Deputy Chairperson for the year ending 30 June 2020.**
- 3. That Council re-appoints Ms Julie Bonnici, Mr Todd Bamford, and Ms Julia Cudsi to a two-year term as members of the Alwyndor Management Committee.**
- 4. That Council approves updates to the Alwyndor Management Committee Terms of Reference 2010 as outlined at Attachment 3 to this report.**
- 5. That having considered Attachment 2 to Report No: 307/19 Draft Minutes – Alwyndor Management Committee – 18 July 2019 in confidence under section 90(2) and (3)(b) of the Local Government Act 1999, the Council, pursuant to section 91(7) of the Act orders that Attachment 2 be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.**

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

17. REPORTS BY OFFICERS**17.1 Items in Brief (Report No: 309/19)**

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

C130819/1576

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

- 1. Letter from Hon Corey Wingard MP, in response to Roberto Bria, Chief Executive Officer's letter regarding Operational Hours of Glenelg Police Station.**

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

17.2 Sound Equipment (Report No: 277/19)

Administration investigated the options of a cost effective portable sound amplification system equipment.

Motion

C130819/1577

That Council note this report.

Moved Councillor Clancy, Seconded Councillor Smedley

Carried

17.3 Summary of 2018-19 Community Donations Program (Report No: 290/19)

Council provided an annual budget of \$50,000 for the Community Donations Program, Youth Achievement Sponsorship Funding and Community Chest Donations. In the 2018-19 financial year, \$35,000 was allocated to the Community Donations Program to support local clubs, groups, artists, schools and organisations in a range of areas. The program is designed to support and encourage community initiatives and projects within the City of Holdfast Bay. An allocation of \$15,000 was provided to the Community Chest and Youth Sponsorship fund. The Community Donations program consists of three (3) categories: Community Recreation and Wellbeing Donations, Events and Festivals Donations and Arts and Cultural Donations, with the following amounts received by applicants.

Donation Categories	Project Recipients	Donation Received
Total Community Recreation and Wellbeing	7	\$15,109
Total Events and Festivals Donations	2	\$10,000
Total Arts and Cultural Donations	2	\$5,500
Community Chest	14	\$5,940
Youth Sponsorship	64	\$9,585
TOTAL	89	\$46,134
Remaining Funds		\$3,866

Motion

C130819/1578

That Council notes the summary report of the 2018-19 funding program.

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

17.4 **2018-19 Preliminary Funding Statements, 2018-19 Budget Carried Forwards and Activity Reports (Report No: 306/19)**

This report provided preliminary funding statements for the 2018/19 financial year including explanations of the interim results and major budget variations as well as detailing yet to be finalised projects to be brought forward and budgeted for in 2019/20. Also presented was a summary of the external grant funding received during the year, as well as a report detailing the organisation's progress in achieving the new initiatives and capital program as set out in the annual business plan for 2018/19.

The preliminary result for municipal operations shows an operating surplus of \$1,856,078, compared with the adopted forecast surplus of \$537,245 resulting in a positive budget variance of \$1,318,833.

The municipal operational variance results are detailed by business unit within this report. The major variances compared to the adopted forecast are summarised as follows:

Major Municipal Operational Variances	Amount
Lower employment costs	\$130,045
Lower materials, contract, other expenditure & equity share	\$9,445
Yet to be finalised operational projects	\$475,400
Lower interest on borrowings expense	\$44,389
Lower depreciation expense	\$57,306
Timing of Financial Assistance Grants	\$338,670
Higher Caravan Park user income	\$183,606
Higher investment income	\$40,965
Higher car park user income	\$39,007
Total variance to forecast	\$1,318,833

The preliminary result for Alwyndor operations shows an operating deficit of \$400,226 compared with the adopted forecast deficit of \$326,000 resulting in a negative budget variance of \$74,226. Major budget variances have occurred in employee costs which are offset by additional income generated through Consumer Directed Care packages.

The consolidated result for both operations shows an operating surplus of \$1,455,852, compared with the adopted surplus forecast of \$211,245 resulting in a positive budget variance of \$1,244,607.

Motion

C130819/1579

That Council:

1. **notes the provisional unaudited 2018/19 funding statements and carried forward budgets;**
2. **notes the 2018-19 Annual Business Plan activity summary;**

3. notes the 2018-19 external grant funding summary; and
4. approves the carried forward amounts from the 2018/19 budget to the current year 2019/20 budget of \$475,400 operating expenditure, \$8,753,259 capital expenditure and \$1,039,090 capital income.

Moved Councillor Smedley, Seconded Councillor Patton

Carried

17.5 **Appointments to the Community Donations Assessment Panels** (Report No: 291/19)

This report sought endorsement for nominations from Elected Members for the Community Donations Program Assessment Panels. There were 3 assessment panels, each overseeing the assessment of the Community Recreation and Wellbeing Donations, Events and Festivals Donations and Arts and Cultural Donations. Panels will consist of Council staff, interested stakeholders with a level of expertise in a grant category and an Elected Member.

Motion

C130819/1580

That Council nominates:

1. **Councillor Bradshaw to assess the distribution of Community Recreation and Wellbeing Donations Funds.**
2. **Councillor Abley to assess the distribution of Events and Festivals Donations Funds.**
3. **Councillor Smedley to assess the distribution of Arts and Cultural Donations Funds.**

Moved Councillor Bouchee, Seconded Councillor Chabrel

Carried

17.6 **Skyline Ferris Wheel** (Report No: 296/19)

The City of Holdfast Bay received an event application from Xtra Ordinary Events to bring the SkyLine Observation Wheel back to Glenelg for the next three years for an extended period over the summer months after a successful debut in 2019.

Motion

C130819/1581

That Council approves the City of Holdfast Bay entering into a licence agreement of 1+1+1 three year arrangement with Xtra Ordinary Events to operate the giant Ferris Wheel in Glenelg Moseley Square.

Moved Councillor Patton, Seconded Councillor Abley

Carried Unanimously

17.7 **Commercial Activation of Community Land Policy** (Report No: 311/19)

In August 2018 Council endorsed the Open Space and Public Realm Strategy. An action of the Strategy was the development of a policy that guided the use of

open space for commercial purposes. This report sought endorsement of the Commercial Activation of Community Land Policy.

Councillor Fleming left the chamber at 7.49pm.

Councillor Fleming returned to the chamber at 7.49pm.

Motion

C130819/1582

That Council endorse the Commercial Activation of Community Land Policy to also include the Angus Neill Reserve in Section 1.3.1 of the Policy.

Variation

The mover Councillor Bouchee and seconder Councillor Clancy agreed to the amendment proposed by Councillor Abley for the wording “to also include the Angus Neill Reserve in Section 1.3.1 of the Policy”, to be added to the motion of Item number 17.7 Commercial Activation of Community Land Policy (Report No: 311/19).

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

Items 9, 10 and 11 on the Agenda were considered after Item 17.7, as per leave of the meeting following item 8.3.

9. COUNCIL MEETING ADJOURNMENT- 7.55pm

Councillor Fleming left the chamber at 7.55pm.

Motion

C130819/1570

That the Council Meeting be adjourned so that the Strategic Planning and Development Policy Committee can meet at this time.

Moved Councillor Abley, Seconded Cr Councillor

Carried

10. RESUMPTION OF COUNCIL MEETING – 8.16pm

11. CONFIRMATION OF STRATEGIC PLANNING & DEVELOPMENT POLICY COMMITTEE RESOLUTIONS

Motion

C130819/1571

That Council endorses the following recommendations from the Strategic Planning and Development Policy Committee, namely:

- 1. *that the Council endorses the enclosed Seacliff Park Residential and Centre Development Plan Amendment as detailed in Report No: 308/19 including minor administrative amendments for the purpose of formal public consultation;***
- 2. *that Council agrees to proceed to public and agency consultation in accordance with Section 25 of the Development Act 1993; and***

3. ***that Council appoints four (4) Councillors (Councillors Clancy, Bouchee, Smedley and Bradshaw) to be part of a joint committee with the City of Marion to hear persons wishing to provide a verbal submission at a public hearing following the conclusion of the public and agency consultation.***

Moved Councillor Bouchee, Seconded Councillor Lindop

Carried

18. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil

19. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING - Nil

Conflict of Interest

Councillor Abley declared a perceived conflict of interest for Item 20.1 Memorial Seats Update (Report No: 222/19). The nature of the perceived conflict of interest (pursuant to Section 74 of the *Local Government Act 1999*) is that she is assisting with an application for a memorial seat.

Councillor Abley dealt with this perceived conflict of interest by making it known to the chamber and remaining as she is acting for the interest of the community.

Councillor Bouchee declared a perceived conflict of interest for Item 20.1 Memorial Seats Update (Report No: 222/19). The nature of the perceived conflict of interest (pursuant to Section 74 of the *Local Government Act 1999*) is that she is dealing with a memorial seat at Glenelg pier.

Councillor Bouchee dealt with this perceived conflict of interest by making it known to the chamber and remaining as she is acting for the interest of the community.

20. ITEMS IN CONFIDENCE

20.1 Memorial Seats Update (Report No: 222/19)

Motion – Exclusion of the Public – Section 90(3)(h) Order C130819/1583

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: 222/19 – Memorial Seats Update 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: 222/19 – Memorial Seats Update on the following grounds:**
 - 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 HWL Ebsworth Lawyers on instructions from Council.**

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to

the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

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

Moved Councillor Lindop, Seconded Councillor Abley

Carried

RETAIN IN CONFIDENCE - Section 91(7) Order

C130819/1585

That having considered Agenda Item: 20.1 – *Report No: 222/19 – Memorial Seats Update* in confidence under section 90(2) and (3)(h) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report, discussion, minutes and attachments (excluding the resolution, Attachment 3 – revised Memorials Policy and Attachment 4 - Memorial Seats Terms and Conditions) be retained in confidence for a period of 12 months or until all current Memorial Seat agreements have been reviewed and resolved.

Moved Councillor Bouchee, Seconded Councillor Lindop

Carried

Conflict of Interest

Councillor Lindop declared a perceived conflict of interest for Item 20.2 Synthetic Turf on Verges (Report No: 310/19). The nature of the perceived conflict of interest (pursuant to Section 74 of the *Local Government Act 1999*) is that she had a previous employment relationship with the property owner.

Councillor Lindop dealt with this perceived conflict of interest by making it known to the chamber and remaining as she is acting for the interest of the community.

20.2 **Synthetic Turf on Verges** (Report No: 310/19)

Motion – Exclusion of the Public – Section 90(3)(h) Order

C130819/1586

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: 310/19 – Synthetic Turf on Verges 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: 310/19 – Synthetic Turf on Verges on the following grounds:
 - 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 HWL Ebsworth Lawyers on instructions from Council.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

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

Moved Councillor Lindop, Seconded Councillor Snewin

Carried

RETAIN IN CONFIDENCE - Section 91(7) Order

C130819/1589

That having considered Agenda Item: 20.2 – Report No: 310/19 – Synthetic Turf on Verges in confidence under section 90(2) and (3)(h) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report, discussion, minutes and attachments (excluding Attachment 2 - Verge Management Policy) be retained in confidence for a period of 12 months.

Moved Councillor Lindop, Seconded Councillor Abley

Carried

Division called

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

Those voting for: Councillors Snewin, Clancy, Smedley, Abley, Patton, Chabrel, Lindop and Bradshaw (8)

Those voting against: Councillor Bouchee (1)

Her Worship the Mayor declared the motion

Carried

CLOSURE

The Meeting closed at 9.15 pm.

CONFIRMED

Tuesday 27 August 2019

MAYOR