

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 10 September 2019 at 7:00pm.

MEMBERS PRESENT

Deputy Mayor R Patton
Councillor R Abley
Councillor M Bouchee
Councillor A Bradshaw
Councillor P Chabrel
Councillor R Clancy
Councillor J Fleming
Councillor C Lindop
Councillor J Smedley
Councillor R Snewin

STAFF IN ATTENDANCE

Chief Executive Officer – R Bria
General Manager City Assets and Services – H Lacy
General Manager Strategy and Business Services – P Jackson
A/General Manager Community Services – M Rechner
General Manager Alwyndor – B Davidson-Park

1. OPENING

The Deputy Mayor declared the meeting open at 7.00pm.

2. KAURNA ACKNOWLEDGEMENT

With the opening of the meeting the Deputy Mayor stated:

We acknowledge Kaurna 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 Kaurna People today.

3. PRAYER

The Deputy 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 - Mayor A Wilson, Councillor W Miller and Councillor 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

C110919/1604

That the minutes of the Ordinary Meeting of Council held on 27 August 2019 be taken as read and confirmed.

Moved Councillor Clancy, Seconded Councillor Abley

Carried

8. PUBLIC PRESENTATIONS

8.1 Petitions

8.1.1 *Petition – ‘The Exhibition’ Hosted by Dads Warehouse* (Report No: 339/19)

A petition was received outlining the following concerns:

“Local Residents and Businesses in the surrounding area are concerned about the happening of the event “The Exhibition” at 13 Byre Avenue, Somerton Park on the 26th October 2019.

Main concerns are property damage, graffiti, theft, drugs and alcohol abuse and violence, especially as the owner states it will be a reoccurring event. As the event finishes at 2am in the morning, burnouts are also a common occurrence in this area.

Enclosed are signatures, names and addresses of residents and business in the surrounding area that will be effected.”

The 9 pages of the petition received from Mr Lee Newman, which included 43 signatures met the relevant criteria for a petition as outlined in the *Local Government (Procedures at Meeting Regulations) 2013*, regulation 10 and Council’s ‘Code of Practice – Meetings Procedures’ clauses 9.1 to 9.3.

Motion

C110919/1605

That Council note the petition regarding the upcoming event, ‘The Exhibition’ hosted by ‘Dads Warehouse’.

Moved Councillor Clancy, Seconded Councillor Snewin

Carried

8.2 Presentation - Nil

8.3 Deputations

8.3.1 Mr Chris George

Deputy Mayor Patton approved a deputation from Mr Chris George in relation to the proposed solar panels for the Broadway Kiosk.

Due to unforeseen circumstances, Mr Chris George was unable to attend the Council meeting and deliver his approved deputation listed at Item 8.3.1. At the request of Mr George and approval of the Deputy Mayor, the Chief Executive Officer, Mr R Bria read a statement on his behalf in reference to the proposed Broadway Kiosk solar panels.

8.3.2 Mr Trevor Jenkins on behalf of Broadway Kiosk Partners

Deputy Mayor Patton approved a deputation from Mr Trevor Jenkins on behalf of the Broadway Kiosk Partners in relation to the installation of solar panels on the rooftop of the Broadway Kiosk.

9. QUESTIONS BY MEMBERS

9.1 Without Notice

9.1.1 Council Meeting Opening Statement and Acknowledgements

Councillor Snewin asked a question regarding opening statements at Council meetings and whether we have ever acknowledged the Australians who have fallen at War.

The Chief Executive Officer, Mr R Bria provided a response.

9.2 With Notice

9.2.1 Question on Notice – Angus Neill Reserve Crossing (Report No: 340/19)

Councillor Lindop asked the following question:

“Could Administration please provide an update of the progress and estimated work time line for the installation of the "Wombat" Pedestrian Crossing on the Esplanade at the Angus Neill Reserve in Seacliff”?

ANSWER – General Manager City Assets and Services

Concept designs are being finalised for the pedestrian crossing at Angus Neill Reserve and should be available mid-September 2019. The design will then be referred for community consultation which is expected to take until mid-October. The project then needs final design, specifications and tendering which is forecast to be completed by mid to late November. Construction is expected in February/March 2020 with final project delivery by March/April 2020.

10. MEMBER’S ACTIVITY REPORTS - Nil

11. MOTIONS ON NOTICE - Nil**12. ADJOURNED MATTER - Nil****13. REPORTS OF MANAGEMENT COMMITTEES, SUBSIDIARIES AND THE DEVELOPMENT ASSESSMENT PANEL****13.1 Minutes – Audit Committee – 28 August 2019 (Report No: 337/19)**

The minutes of the meeting of the Audit Committee held on 28 August 2019 were presented to Council for information and endorsement.

Motion**C110919/1606**

1. That the Audit Committee advises Council it has received and considered a Standing Items Report addressing:
 - Monthly financial statements
 - Audit/Internal control
 - Risk management
 - Whistleblowing
 - Economy and efficiency audits
 - Public Interest Disclosure Act 2018
 - Audit Committee Meeting Schedule for 2019.
2. That having considered Agenda Item 9.1 Loan Receivables (Report No: 325/19) in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999*, the Audit Committee, pursuant to section 91(7) of that Act orders that the report, attachments and minutes be retained in confidence for a period of six months and the Chief Executive Officer is authorised to release the documents when the Audited Financial Statements are presented to Council.
3. That having considered Agenda Item 9.2 Internal Audit Services (Report No: 326/19) in confidence under section 90(2) and (3)(b) of the *Local Government Act 1999*, the Audit Committee, pursuant to section 91(7) of that Act orders that the report, attachments and minutes be retained in confidence for a period of 12 months and/or the Chief Executive Officer is authorised to release the documents when the contract for services has been finalised and that this order be reviewed every 12 months.

Moved Councillor Smedley, Seconded Councillor Snewin

Carried**14. REPORTS BY OFFICERS****14.1 Items in Brief (Report No: 336/19)**

These items were presented for the information of Members.

After noting the report any items of interest were discussed and, if required, further motions proposed.

Motion

C110919/1607

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

- 1. Letter to Minister Stephan Knoll regarding heritage protection under the Planning Development and Infrastructure Act 2016 and the subsequent response letter from Minister Stephan Knoll.**
- 2. Internal Audit Services.**

Moved Councillor Clancy, Seconded Councillor Chabrel

Carried

14.2 Broadway Kiosk – Application for Landowner Consent – Installation of Solar Panels (Report No: 334/19)

The lessees of the Broadway Kiosk sought landowner approval from Council to install solar panels on the rooftop of the building in order to increase their electricity efficiency and reduce their carbon footprint.

Community consultation was undertaken with the local residents who live adjacent to the building or who have a view on its roof. A strong majority oppose the proposal.

Provided the solar panels are installed in accordance with Schedule 3 of the Development Regulations 2008, no development approvals or permits are required to proceed with the work and the Kiosk lessees only require Council's landowner consent.

Motion

C110919/1608

That Council provides landowner consent for the Lessees of the Broadway Kiosk to install solar panels in accordance with their submitted proposal.

Moved Councillor Bouchee, Seconded Councillor Chabrel

Carried Unanimously

14.3 Broadway Kiosk Variation to Lease and Liquor Licence (Report No: 335/19)

The lessees of the Broadway Kiosk sought Council approval, as landlord, to apply for a variation to the current lease to allow for an application for an amendment to conditions of the liquor licence. Currently, the Kiosk is licenced to serve alcohol on Sunday from 11:00am. The proposal sought to extend the liquor licence by three-hours to serve alcohol from the earlier time of 8:00am.

The restriction on serving alcohol is found in both the lease and the liquor licence pertaining to the Kiosk, hence the need to vary both. Prior to considering the merits of the proposal, it is important to gauge the views of the community. The report sought Council's approval to undertake public consultation on the issue of

extending the commencement of the licenced period on Sundays by 3 hours, from 11.00am to start at 8.00am and variation to the lease for the Broadway Kiosk.

Motion

C110919/1609

1. That Council authorises Administration to undertake community consultation on amending the Broadway Kiosk lease to allow an application for variation to the liquor licence to serve alcohol from 8:00am on Sunday.
2. That a report is brought back to Council with the results of the community consultation, to inform a decision as to whether the Broadway Kiosk lease should be amended to allow an application for a variation to the liquor licence.

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

14.4 Internal Review of Council Decision (Report No: 338/19)

A request for an internal review under section 270 of the *Local Government Act 1999*, was received for a decision that Council made in relation to a 'No Right Turn' from the Beachouse Car Park to Colley Terrace, Glenelg.

The matter was prepared for Council to review in accordance with its 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

C110919/1610

1. That the original decision of Council be upheld as it was a reasonable decision and no further action is required.
2. Council authorise Administration to prepare a letter to the applicant to advise of the outcome of Council's Internal Review.

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

15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil

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

17. ITEMS IN CONFIDENCE - Nil

CLOSURE

The Meeting closed at 7.35pm.

CONFIRMED Tuesday 24 September 2019

MAYOR