

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 8 March 2016 at 7:00pm.

MEMBERS PRESENT

His Worship the Mayor, S Patterson
Deputy Mayor R Bouchée
Councillor R Aust
Councillor A Bradshaw
Councillor S Charlick
Councillor R Clancy
Councillor S Lonie
Councillor R Patton
Councillor J Smedley
Councillor R Snewin
Councillor L Yates
Councillor A Wilson

STAFF IN ATTENDANCE

Chief Executive Officer - JP Lynch
General Manager Business Services - IS Walker
General Manager City Assets & Services - SG Hodge
General Manager Community Services - PE Aukett

1. OPENING

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

2. KAURNA ACKNOWLEDGEMENT

With the opening of the meeting His Worship the 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

His 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 - Councillor K Donaldson

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****C080316/327**

That the minutes of the Ordinary Meeting of Council held on 23 February 2016 be taken as read and confirmed.

Moved by Councillor Lonie, Seconded by Councillor Clancy

Carried**8. PUBLIC PRESENTATIONS**

8.1 **Petitions** - Nil

8.2 **Presentation** - Nil

8.3 **Deputations**

8.3.1 **Mr Tim Voss**

Mayor Patterson approved a deputation from Mr Tim Voss and his son, Bill and Curtis Dowdell who made a 5 minute deputation to Council on the proposed Pump Track.

His Worship the Mayor allowed Councillor Bouchee to make a Personal Explanation, leave of the meeting was not sought or granted.

Personal Explanation:

Councillor Bouchee made a Personal Explanation and apology to the Chamber regarding remarks she made while on Council's Development Assessment Panel at its meeting held 25 March 2015 regarding the conduct of a local business - Eblen Subaru.

9. QUESTIONS BY MEMBERS

9.1 **Without Notice** - Nil

9.2 With Notice

9.2.1 Questions on Notice – Toilets and Lighting at Da Costa Reserve – Councillor Wilson (Report No: 54/16)

- “1. Can administration please advise if the toilets for Da Costa reserve are scheduled for installation in the 2016 calendar year or the 2016/17 financial year?*
- 2. Can administration please advise if lights are going to be installed at the new foreshore playground and if so, when is this likely to happen?”*

ANSWER – General Manager City Assets & Services

1. The installation of toilets at Da Costa Reserve has never been a priority on Council’s previously adopted Toilet Strategy. However, following a request from Council the installation is included in the New Initiatives list in the 2016/17 Draft Budget for members’ consideration.
2. Yes, staff have undertaken light readings and have identified the need for a further 4 lights which will be retrofitted to the existing poles within the next 3 months.

Unfortunately there is a lengthy time frame for the delivery of the appropriate fittings.

10. MEMBER’S ACTIVITY REPORTS

10.1 Councillor Charlick

Councillor Charlick reported that he attended:

- Green Living Workshop on Bats
- Glenelg District Centre (Jetty Road) and Residential High Density Zone Review Development Plan Amendment Public Meeting with other Councillors.

10.2 Councillor Yates

Councillor Yates reported that she had attended:

- International Women’s Day event at Campbelltown
- International Women’s Day Breakfast at the Adelaide Convention Centre with Councillors Clancy and Lonie
- Metro Seaside Councils Committee Meeting
- Eco Kids Activities

10.3 Councillor Bouchee

Councillor Bouchee reported that she had attended:

- World Day of Prayer Service, on behalf of the Mayor
- Meeting to discuss Opening Hours of the Glenelg Police Station

10.4 Mayor Patterson

His Worship the Mayor reported that he had met with the Hon Greg Hunt MP, Federal Minister for the Environment.

11. MOTIONS ON NOTICE**11.1 Motion on Notice – Provision of Documentation from Community Organisations Requesting Funds – Councillor Clancy (Report No: 59/16)**

Councillor Clancy asked to withdraw this Motion on Notice.

11.2 Motion on Notice - Shade Sails for John Miller Reserve, Wattle Park Reserve and Glenelg Town Hall Playgrounds – Councillor Clancy (Report No: 60/16)

Community consultation in 2012 for the Community Plan Our Place resulted in residents having as their third priority shade sails for playgrounds. Users of the new playground I understand have told Council administration and me and no doubt other councillors that they love the new play area and want to know when the shade will be installed. Shade would make a difference to these playgrounds and increase the time children are able to play and assist in reduction of sun exposure. Shade sails are at Bindarra Reserve, Brighton, Angas Neill Reserve, Seacliff, Old Gum Tree, Glenelg North and Wigley Reserve Glenelg where there a significant shade cover.

Motion

That shade sails for John Miller Reserve, Wattle Park Reserve and Glenelg Town Hall playgrounds be included in the 2016/2017 budget.

Moved Councillor Clancy, Seconded Councillor Wilson

Amendment**C080316/328**

That shade sails for John Miller Reserve, Wattle Park Reserve and Glenelg Town Hall playgrounds be included in the 2016/2017 budget discussions.

Point of Order

Following two warnings from His Worship the Mayor for interrupting other members while speaking, Councillor Bouchee under Regulation 29(1) was asked to leave the chamber for the remainder of this item.

Councillor Bouchee left the chamber at 7.50pm.

Point of Order

His Worship the Mayor warned Councillor Smedley to cease to interrupt other members while speaking under Regulation 29(1).

Moved by Councillor Lonie, Seconded by Councillor Aust

The amendment on being put was

Carried

Division called

A division was called:

Those voting for: Councillors Smedley, Wilson, Charlick, Patton, Aust, Yates, Bradshaw and Snewin (9)

Those voting against: Councillor Clancy (1).

His Worship the Mayor declared the motion

Carried

The motion, as amended, on being put was

Carried

Councillor Bouchee rejoined the chamber at 7.53pm.

12. ADJOURNED MATTER

12.1 Adjourned Report – Purchase of Section of Road and Footpath (Report No: 57/16)

Council at its meeting held 11 August 2015, resolved to adjourn Report No: 242/15 to allow a revised plan to be developed following on from a deputation to Council on Tuesday 23 February 2016. A revised plan and accompanying letter are attached at Attachment 1. This adjourned report is presented for Council's consideration along with the revised plan. In compliance with a Council request a valuation of the land has been received and is attached, refer Attachment 4.

This report represents Report No: 185/15 for Council's further consideration.

Debate on this matter is resumed at the point where it was adjourned. The chamber was debating the motion:

- “1. That Report No: 242/15 is received and noted.
2. That Council does not agree to sell the land in question to the owners of the shopping centre.

Moved Councillor Donaldson, Seconded Councillor Yates”

And it is at this point that debate on this matter is resumed, following the adjournment.

Members who have spoken in the debate prior to the adjournments are taken to have spoken to the motion. As this item has been adjourned twice the following councillors have spoken to the motion, Councillors Smedley, Bouchee, Patton, Donaldson and Yates.

Council needs to determine the outcome of the adjourned motion from the meeting of 11 August 2015, before considering the recommendation included in this report.

Motion

1. **That Report No: 242/15 is received and noted.**
2. **That Council does not agree to sell the land in question to the owners of the shopping centre.**

Moved Councillor Donaldson, Seconded Councillor Yates

Conflict of Interest:

Councillor Snewin declared an interest in the matter due to his property ownership in Rutland Avenue, Brighton and left the meeting at 7.54pm.

Conflict of Interest:

Councillor Smedley declared an interest in the matter due to his past and future business dealings and left the meeting at 7.54pm.

Moved by Councillor Donaldson, Seconded by Councillor Yates

Lost

Councillor Bouchee commenced moving a motion which caused Councillors Bradshaw, Clancy and Yates to declare a Conflict of Interest.

Conflict of Interest:

Councillor Bradshaw declared an interest in the matter due to her membership of the Council's Development Assessment Panel and left the meeting at 7.56pm.

Conflict of Interest:

Councillor Clancy declared an interest in the matter due to her membership of the Council's Development Assessment Panel and left the meeting at 7.56pm.

Conflict of Interest:

Councillor Yates declared an interest in the matter due to her membership of the Council's Development Assessment Panel and left the meeting at 7.56pm.

At this time His Worship the Mayor determined that the meeting had lost quorum. This matter was adjourned and the meeting moved to the next item of business

Councillors Snewin, Smedley, Clancy, Bradshaw, and Yates rejoined the chamber at 7.57pm.

Conflict of Interest:

Councillor Snewin declared an interest in the matter due to his property ownership in Rutland Avenue, Brighton and left the meeting at 8.00pm.

Conflict of Interest:

Councillor Smedley declared an interest in the matter due to his past and future business dealings and left the meeting at 8.00pm.

Motion

1. That Report No: 57/16 is received and noted.
2. That Council agree to sell the land in question to the owners of the shopping centre.
3. That the section of land be valued by a qualified commercial valuer to guide the sale of the land:
 - a. That the purchaser shall bear all costs associated with the conveyancing and transfer of titles.
 - b. That Council will enact the road closure process pursuant to the Roads (Opening and Closing) Act 1991 (SA) in respect to the portion of roadway and footpath at Rutland Avenue Brighton as highlighted on the plan in Attachment 2 to this report.
4. That terms and conditions acceptable to the vendor be substantially similar to the email dated 3 March 2016 from the Chief Executive Officer, Justin Lynch.

Adjournment:

Motion

That this item be adjourned until Legal Advice is sought on the Entrance from Rutland Avenue is sought and presented to the next meeting of Council.

Moved by Councillor Bouchee, Seconded by Councillor Bradshaw

Lost

Amendment:

Councillor Wilson proposed an amendment to the motion, with the consent of the mover and seconder of the motion, the amendment was incorporated into the motion.

Leave of the Meeting:

His Worship the Mayor sought leave of the meeting to allow Councillor Bouchee to speak again to the motion.

Leave of the meeting was not granted.

Conflict of Interest:

Councillor Bradshaw declared an interest in the matter due to her membership of the Council's Development Assessment Panel and left the meeting at 8.21pm.

Conflict of Interest:

Councillor Clancy declared an interest in the matter due to her membership of the Council's Development Assessment Panel and left the meeting at 8.21pm.

Conflict of Interest:

Councillor Yates declared an interest in the matter due to her membership of the Council's Development Assessment Panel and left the meeting at 8.21pm.

At this time His Worship the Mayor determined that the meeting had lost quorum at 8.21pm. This matter was adjourned and the meeting moved to the next item of business

Moved by Councillor Lonie, Seconded by Councillor Aust

Councillors Smedley, Snewin, Bradshaw, Clancy and Yates rejoined the chamber at 8.25pm and a quorum was present.

13. REPORTS OF MANAGEMENT COMMITTEES, SUBSIDIARIES AND THE DEVELOPMENT ASSESSMENT PANEL**13.1 Minutes – Audit Committee – 17 February 2016 (Report No: 51/16)**

The minutes of the Audit Committee meeting for 17 February 2016 are presented to Council for information and endorsement.

Motion**C080316/329**

- 1. That the minutes of the Audit Committee held on 17 February 2016 be noted.**
- 2. That the Audit Committee advises Council it has received and considered a Standing Items Report addressing:**
 - Monthly financial statements**
 - Internal control**

- Risk management
 - Whistleblowing
 - Internal audit
 - Economy and efficiency audits
3. The Audit Committee advises Council that it noted the status of its recommendation to Council from its meeting on 9 December 2015 (that it review quarterly budget updates prior to Council) and, in considering its meeting schedule for 2016, has set its next meeting for Wednesday 13 April 2016 in order to provide it an opportunity to review the draft 2016/17 budget and will set subsequent meetings dependent on Council's further consideration of its recommendation.
 4. That the Audit Committee advises Council that it has considered the mid-year review of the 2015/16 budget as at 31 December 2015.
 5. That the Audit Committee advises Council that it has received and considered the Internal Audit Update Report of February 2016.
 6. That the Audit Committee receives Report No 46/16 from the Chairman on the committee's performance in 2015 and, subject to minor typographical changes, endorses the report contained in Attachment 1 for presentation to Council.

Moved Councillor Smedley, Seconded Councillor Snewin

Carried

13.2 **Minutes –Jetty Road Mainstreet Management Committee – 3 February 2016**
(Report No: 27/16)

The Minutes of the Jetty Road Mainstreet Management Committee meeting held 3 February 2016 are attached and presented for Council's information.

Motion

C080316/330

That the minutes of the Jetty Road Mainstreet Management Committee held on 3 February 2016 be received and noted.

Councillor Lonie left the chamber at 8.27pm

Moved Councillor Clancy, Seconded Councillor Bouchee

Carried

14. REPORTS BY OFFICERS

14.1 **Items in Brief** (Report No: 49/16)

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

C080316/331

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

- **Brighton Jetty Classic Sculptures Exhibition**
- **2016 National General Assembly of Local Government – Call for Motions**

Moved Councillor Bouchee, Seconded Councillor Aust

Carried

Councillor Charlick left the chamber at 8.29pm.

Councillor Lonie rejoined the chamber at 8.30pm.

Councillor Charlick rejoined the chamber at 8.31pm.

14.2 2015 Annual Report from Audit Committee (Report No: 50/16)

The Audit Committee presents its annual report to Council for calendar year 2015.

Motion

C080316/332

That Council receive and note the annual report for calendar year 2015 from the Audit Committee.

Councillor Patton left the chamber at 8.32pm.

Moved Councillor Smedley, Seconded Councillor Snewin

Carried

14.3 Appointment to Audit Committee (Report No: 52/16)

The term of Mr John Wood on Council's Audit Committee expires on 23 March 2016 and it is recommended that he be re-appointed for a further 3-year term.

Motion

C080316/333

That Council re-appoint Mr John Wood as an independent member of its Audit Committee for a term of 3 years from 24 March 2016 to 23 March 2019.

Councillor Patton rejoined the chamber at 8.34pm.

Moved Councillor Smedley, Seconded Councillor Snewin

Carried

14.4 Informal Gatherings of Council Policy Adoption (Report No: 53/16)

The amendments to the *Local Government Act* made by the *Local Government (Accountability and Governance) Amendment Act 2015* are expected to commence on 31 March 2016. The changes require Council to adopt a policy before holding any 'informal gatherings' and to disclose details of informal gatherings on Council's website.

An informal gathering of council policy has been prepared based on the Local Government Association of SA's model policy and is presented to Council for endorsement.

Motion

That the Informal Gatherings Policy is adopted by Council contained in Attachment 1 to Report No: 53/16, with amendments to enable the Mayor to also talk informally periodically with elected members and not have staff members present.

Moved Councillor Lonie, Seconded Councillor Wilson

Councillor Wilson left the chamber at 8.37pm.

Councillor Wilson rejoined the chamber at 8.38pm.

Adjournment:**C080316/334**

That this item be adjourned to the next meeting of Council on 22 March 2016, so that the policy can be further developed.

Moved by Councillor Charlick, Seconded by Councillor Smedley

Carried**14.5 Development Assessment Panel 2015 Annual Report** (Report No: 55/16)

Council's Development Assessment Panel ('the Panel') is charged with the function of reporting to Council in respect of development trends, issues and other matters. This provides important feedback from the Panel to Council as part of its policy making role. A range of statistical data in relation to the Panel's activities during 2015 is provided as part of this report for the information of Members. In addition, a report from the Presiding Member of the Panel is also provided, representing the Panel's observations in relation to various development issues of note.

Motion**C080316/335**

- 1. That Council note the information provided as Attachment 1 to this report.**

2. **That Council receive the report from the Presiding Member of the Panel provided as Attachment 2 for information.**
3. **That the advice from the Presiding Member of the Development Assessment Panel addressing Development Plan policy and provided as Attachment 2, be referred to the Strategic Planning section for consideration for inclusion in future suitable Development Plan Amendments and/or the general review of the Holdfast Bay (City) Development Plan.**

Moved Councillor Clancy, Seconded Councillor Bradshaw

Carried

14.6 **Offer to Purchase Portion of Laneway North of 46 Tod Street Glenelg North (Report No: 56/16)**

This report discusses an offer from the property owner of 46 Tod Street Glenelg North to purchase portion of a laneway that is on the northern boundary of No.46. Half the width of the laneway is affected.

Motion

C080316/336

1. **That Council advises the property owner that Council will sell the portion of laneway at the valuation price of \$35,054 provided the property owner also meets the associated conveyancing costs.**
2. **That Council will reserve the right of an easement over the underground drainage.**

Moved Councillor Charlick, Seconded Councillor Patton

Carried

14.7 **The Future of the Western Region Waste Management Authority (Report No: 58/16)**

The Western Region Waste Management Authority (WRWMA) is a regional subsidiary established by four metropolitan constituent councils including the City of Holdfast Bay. The WRWMA was formed to coordinate rehabilitation of the Garden Island Landfill and its responsibilities under the Environmental Performance Agreement with the Environment Protection Authority and Renewal SA (formerly Land Management Corporation) were completed on 1 September 2015. Ongoing management of the Garden Island site has been transferred to Renewal SA. The WRWMA Board has requested the Constituent Councils make resolutions on the future of the subsidiary and the return of surplus funds held by the WRWMA.

Motion

C080316/337

1. **That Council notes all necessary reports and information supporting the recommendation to wind up the Western Region Waste Management Authority have been provided to and considered by Council.**

2. **That Council resolves a letter be sent to the Western Region Waste Management Authority confirming that Council supports the winding up of the Western Region Waste Management Authority and the distribution of funds in accordance with the Charter.**
3. **That Council approves an application is made by the Chief Executive Officer in conjunction with the other Constituent Councils to the Minister for Local Government to wind up the Western Region Waste Management Authority.**

Moved Councillor Bouchee, Seconded Councillor Smedley

Carried

14.8 **Winter Wonderland – Request for Funding 2016** (Report No: 26/16)

In 2014 and 2015 Council supported a successful Winter Wonderland event staged in Moseley Square, Glenelg. Based on this success, it is proposed the Council stage a Winter Wonderland themed event inform 2 - 31 July The Jetty Road Mainstreet Management Committee (JRMMC) has once again committed a contribution of up to \$75,000 towards the cost of the event in 2016.

The total cost of this event is estimated at \$341,000 with ticket sales and sponsorship income estimated at \$192,000. Council's contribution is 50% of the net cost, with JRMMC and Council sharing the costs and income on the same basis as last year. At this stage, based on the current budget estimates, Council's will be \$75,000.

Motion

C080316/338

That Council approves the contribution of up to \$75,000 towards the cost of the Winter Wonderland program from the 2016/17 budget, noting that Jetty Road Mainstreet Management Committee has already approved a contribution of up to \$75,000 towards the cost of this event as part of it its 2016/17 budget and that in the event a loss is recorded which exceeds the combined contribution of \$150,000 from the parties that the balance will be met from the budget of Jetty Road Mainstreet Management Committee.

Councillor Aust left the chamber at 9.14pm.

Councillor Aust rejoined the chamber at 9.16pm.

Amendment:

Councillor Smedley proposed an amendment to the motion, with the consent of the mover and seconder of the motion, the amendment was incorporated into the motion.

Moved Councillor Patton, Seconded Councillor Wilson

Carried

Division called

A division was called:

Those voting for: Councillors Smedley, Wilson, Bouchee, Patton, Aust, Yates, Lonie, Bradshaw, Clancy and Snewin (10)

Those voting against: Councillor Charlick (1).

His Worship the Mayor declared the motion

Carried

15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil

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

17. ITEMS IN CONFIDENCE - Nil

CLOSURE

The Meeting closed at 9.19pm.

CONFIRMED Tuesday 22 March 2016

MAYOR