

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 28 July 2015 at 7:00pm.

MEMBERS PRESENT

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

STAFF IN ATTENDANCE

Chief Executive Officer - JP Lynch
General Manager Alwyndor – G Potter
Acting General Manager City Assets – K O’Neill
Acting General Manager City Services - PE Aukett
General Manager Corporate Services - IS Walker

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****C280715/156**

That the minutes of the Ordinary Meeting of Council held on 14 July 2015 be taken as read and confirmed.

Moved by Councillor Clancy, Seconded by Councillor Lonie

Carried**8. PUBLIC PRESENTATIONS****8.1 Petitions - Nil****8.2 Presentation - Nil****8.3 Deputations****8.3.1 The Glenelg Jetty Regeneration Project**

Mayor Patterson approved a deputation from David Johnson from Mott McDonald

8.3.2 Purchase of Section of Road and Footpath – Rutland Avenue, Brighton

Mayor Patterson approved a deputation from Andrew McIntyre of MRS Property Managers.

8.3.3 Purchase of Section of Road and Footpath – Rutland Avenue, Brighton

Mayor Patterson approved a deputation from Greg Smith, Chair, Residents for Change Rutland Avenue, Brighton.

9. QUESTIONS BY MEMBERS**9.1 Without Notice****9.1.1 Annual Business Plan Summary Clarification– Councillor Bradshaw**

Councillor Bradshaw asked a question to clarify some information in the published 2015-16 Annual Business Plan Summary regarding the Alwyndor Aged Care budget.

The General Manager Alwyndor Aged Care, Mr G Potter provided a response.

9.2 **With Notice - Nil**

10. MEMBER'S ACTIVITY REPORTS

10.1 Councillor Aust

Councillor Aust reported that she had attended:

- Glenelg Bowling Club Quiz Night
- Compared the fundraiser for the Nevus Support Australia
- Spoke at the Holdfast Bay Rotary Club meeting

10.2 Councillor Bradshaw

Councillor Bradshaw reported that she attended a meeting of the Marino Residents Association.

10.3 Councillor Yates

Councillor Yates reported that she had attended:

- Metro Seaside Councils Committee
- Murray Darling Association – Region 7 meeting
- Brighton and Seacliff Yacht Club Committee meeting
Marino Residents Association meeting

10.4 Councillor Smedley

Councillor Smedley reported that he and Councillor Snewin attended a Glenelg Oval Redevelopment Committee Meeting.

10.5 Councillor Lonie

Councillor Lonie reported that she attended a Marino Residents Association meeting.

11. MOTIONS ON NOTICE

Conflict of Interest:

Councillor Wilson declared an interest in the following matter as her Grandmother is a resident of Alwyndor Aged Care, and remained in the chamber.

11.1 Motion on Notice – Report on Alwyndor Aged Care Operations – Councillor Smedley (Report No: 232/15)

Motion

C280715/157

That Administration prepares a report to Council that:

1. **Outlines the risks and benefits of operation and ownership of Alwyndor Aged Care, and more particularly, the financial and/or social benefits of Council ownership,**
2. **Considers, identifies and addresses the key financial, operational, legal and reputational risks attached to ownership and provide an assessment of their underlying potential impact on Council and ratepayers,**
3. **Includes a review by external legal counsel of the ownership structure, including terms of the Dorothy Cheater Trust, zoning and land status, identifying any issues that may impact Council's capacity to deal with ownership, if it so chooses,**
4. **Identifies opportunities and likely financial returns for Council if it were to lease/licence Alwyndor operations, or sell "as a going concern" the Alwyndor Aged Care Facility. It is acknowledged that Administration will need to engage the services of an independent Aged Care Consultant to assist in formulating the response on this aspect.**
5. **A report and its findings be tabled for consideration and discussion at a formally convened Council Workshop, not later than 15 October 2015.**

Councillor Yates left the chamber at 8.01pm.

Councillor Yates rejoined the chamber at 8.02pm.

With the consent of the mover and seconder Councillor Clancy's amendment was included in the motion.

6. **The Alwyndor Management Committee Chairman and Deputy Chairman and the General Manager Alwyndor be invited to participate in the review.**
7. **The Chief Executive Officer discuss with the City of West Torrens and the process they followed when disposing of their Aged Care Facility.**

Moved Councillor Smedley, Seconded Councillor Snewin

Carried

12. ADJOURNED MATTERS - Nil

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

13.1 Minutes – Development Assessment Panel – 24 June 2015 (Report No: 209/15)

Council's Development Assessment Panel is established under the Development Act 1993.

The minutes of the Development Assessment Panel meeting held 24 June 2015 are presented to Council for information.

Motion

C280715/158

That the minutes of the Development Assessment Panel meeting held on 24 June 2015 be noted.

Moved Councillor Bradshaw, Seconded Councillor Clancy

Carried

14. REPORTS BY OFFICERS

14.1 Items in Brief (Report No: 226/15)

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

C280715/159

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

- **Southern Region Waste Resource Authority Strategic Plan 2015/2020**
- **Western Region Waste Management Authority Annual Business Plan and Budget – 2015-16**
- **Annual General Meeting of the Local Government Finance Authority of South Australia**
- **Holdfast Bay Community Centre – Council Appointee**
- **Holdfast Bay Community Centre Agreement with YMCA of SA and Lease**
- **Graffiti Statistics - 2014/15 Financial Year**
- **Childhood Exhibition: Once Upon a Time**
- **Glenelg Library Story Time**
- **Trip Advisor Certificate of Excellence Award for the Bay Discovery Centre**
- **Update on Negotiations on Adshel Legal Agreement and Contract**

Moved Councillor Lonie, Seconded Councillor Yates

Carried

14.2 Request for Joint Funding to Develop Promotional Material for the Proposed Jetty Regeneration (Report No: 191/15)

At its meeting on 25 February 2014, Council noted the minutes of the Jetty Road Mainstreet Management Committee which included expenditure to engage Mott McDonald to further develop concept plans and prepare an outline business case for the proposed Glenelg Jetty development.

A briefing session on the proposed development took place for Elected Members on 17 March 2015. The draft outline business case has now been received which demonstrates the benefits to Glenelg and the broader

metropolitan area of Adelaide of developing an iconic major attraction centered on the Jetty at Glenelg.

In order to take the project to the next stage, the Jetty Road Mainstreet Management Committee is seeking Council support to develop promotional material including a fly-through, marketing images and a short film. This material will be used to promote the concepts and gain stakeholder support. Jetty Road Mainstreet Management Committee, at its meeting on 3 June 2015 moved a motion requesting joint funding from Council to develop this material.

Motion

C280715/160

- 1. That Council contribute \$24,500, with the commensurate savings from the approved 2015/16 Tourism, Events and Marketing budget lines for the development of a fly-through, marketing images and a short film to promote the proposed Jetty concept plans.**
- 2. That Council approves this expenditure which is outside its Procurement (Contracts and Tendering) Policy, because:**
 - a. It is a unique proposal to Mott McDonald and Woods Bagot, therefore there are no other likely businesses able to develop the proposal**
 - b. Mott McDonald and Woods Bagot have the ability to develop the concept to a stage where it may be considered by both State and Federal governments**

Moved Councillor Bouchee, Seconded Councillor Patton

Carried

Division called

A division was called:

Those voting for: Councillors Aust, Patton, Charlick, Smedley, Bouchee, Wilson, Snewin, Clancy and Lonie (9)

Those voting against: Councillors Bradshaw and Yates (2).

His Worship the Mayor declared the motion

Carried

14.3 Greater Union Film House – Application for Special Circumstances Licence (Report No: 229/15)

Council has received correspondence from Duncan Basheer Hannon Commercial Lawyers, who acting on behalf of the new Glenelg cinema complex operators ('GU Film House' – Greater Union Organisations Pty Ltd) have lodged an application with Consumer and Business Services seeking to obtain a Special Circumstances Licence to operate from the premise; once development has been completed.

The application seeks to licence all internal areas of the premises, which will operate under similar conditions and times as Marion Events cinemas (a sister cinema complex owned and operated by Greater Union Organisations Pty Ltd). The times sought are Monday to Sunday between the hours of 9:00 am and 2:30 am the following day. The application also seeks to implement an Entertainment Consent for the internal areas of the premises only, for the purpose of holding entertainment, special and promotional events, as well as functions specifically relevant to the movie-screening operations of the business.

Motion

C280715/161

That Council advise the applicant and consumer and business services that it supports the granting of a Special Circumstances Licence to operate from the premises in accordance with s 40 of the Act, subject to the following:

- 1. That the hours for liquor service be restricted to Monday to Sunday between 9:00 am and 2:30 am the following day;**
- 2. Liquor is made available only to cinema ticket holders or function attendees;**
- 3. That the supply of liquor is ancillary to the primary purpose of the cinema complex (being the provision of screening entertainment in the cinema theatres);**
- 4. That liquor is only supplied for consumption on the premises 30 minutes prior to the first session time and no later than 30 minutes after conclusion of the last cinema session time on any day;**
- 5. Food shall be made available at all times during authorised trading hours;**
- 6. That no unreasonable sound levels are emitted from any source of device on the subject site so as to impair or impinge upon the enjoyment of occupiers or adjoining properties, and that the noise from the premises (including live or recorded entertainment, singing, patron noise or similar) when assessed at the nearest noise sensitive location shall be less than 8dB(A) above the level of the background noise in any octave band of the sound spectrum;**
- 7. No music/entertainment is to occur outside the licensed area unless approval is sought and consented to in the form of a limited licence;**
- 8. Early trade from 7:30am shall be authorised only for special functions as defined under section 4 of the Act.**

Councillor Wilson left the chamber at 8.47pm.

Councillor Patton left the chamber at 8.48pm.

Councillor Wilson rejoined the chamber at 8.49pm.

Councillor Patton rejoined the chamber at 8.50pm.

Moved Councillor Charlick, Seconded Councillor Aust

Carried

Division called

A division was called:

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

Those voting against: Councillors Bouchee and Bradshaw (2).

His Worship the Mayor declared the motion

Carried

- 14.4 Endorsement of Alternative Procurement Method for Coast Park Construction (Report No: 228/15)

This report seeks Council's endorsement of a procurement process for the Coast Park capital project that has an alternative procurement model to that outlined in Council's Procurement Policy and therefore require Council endorsement if it is to proceed in the proposed format.

Motion

C280715/162

1. **That Council endorses the engagement of Wagners to supply material for infrastructure associated with the Coast Park noting the alternative procurement model proposed will provide the best outcome for Council.**
2. **That the Chief Executive Officer be delegated the authority to negotiate and sign a contract for the supply of specialised material for infrastructure associated with the Coast Park subject to it being within allocated budgets.**

Moved Councillor Lonie, Seconded Councillor Yates

Carried

- 14.5 **Unspent 2014-15 Budgets Carried Forward** (Report No: 230/15)

As at 30 June 2015, a number of programs in Council's 2014/15 annual business plan and budget are incomplete as a result of delays arising from external factors, or where the project spans more than one budget year. A number of major redevelopment projects are listed in this report including the Brighton Caravan Park \$1.2m, Seacliff Sports and Community Centre \$1.6m. and Glenelg Foreshore project \$0.9m. Completion will require an allocation of funds in the form of a 'carry forward' from 2014/15 to the 2015/16 budget.

Motion

C280715/163

That capital expenditure of up to \$6,020,211, capital income of up to \$600,714 and operating expenditure of up to \$153,675 from the 2014/15 budget be carried forward for expenditure in 2015/16.

Moved Councillor Wilson, Seconded Councillor Lonie

Carried

14.6 Rotary Club of Brighton Termination and Assignment of Leases (Report No: 227/15)

The Rotary Club of Brighton Incorporated currently has two leases with the City of Holdfast Bay.

By letter received on 11 June 2015 the Rotary Club of Brighton Incorporated has advised that it is in the process of winding up and is seeking permission to terminate the lease at Barwell Avenue Seacliff and assign the lease at Stopford Road Brighton to the Rotary Club of Somerton Park Incorporated.

Motion

C280715/164

- 1. That Council notes the lease to the Rotary Club of Brighton Incorporated at Barwell Avenue Seacliff terminated as at 30 June 2015.**
- 2. The lease at Stopford Road Brighton to the Rotary Club of Brighton Incorporated be assigned to the Rotary Club of Somerton Park Incorporated from 1 August 2015.**

Moved Councillor Lonie, Seconded Councillor Clancy

Carried

15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS

Presented for the information of Members was a listing of resolutions subject to formal resolutions, for Council and all Standing Committees, to adjourn or lay on the table items of Council business, for the current term of Council.

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

17. ITEMS IN CONFIDENCE

17.1 382 – 388 Brighton Road, Hove (Report No: 231/15)

Motion

C280715/165

- 1. That under provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer, General Managers and administrative staff in attendance in order to consider in confidence this item.**

2. **That the Chief Executive Officer is satisfied that it is necessary that the public be excluded to enable the Council to discuss and to consider the matter at the meeting on the following grounds:**
- d. **commercial information of a confidential nature (not being a trade secret) the disclosure of which -**
- (i) **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; and**
 - (ii) **would, on balance, be contrary to the public interest and the benefit or detriment to a third party in the matter of 382 – 388 Brighton Road, Hove (Report No: 231/15) outweighs the public interest at this time.**

Moved Councillor Lonie, Seconded Councillor Clancy

Carried

Elected Members and Staff remaining: His Worship the Mayor, S Patterson, Deputy Mayor R Patton, Councillor R Aust, Councillor R Bouchée, Councillor A Bradshaw, Councillor S Charlick, Councillor R Clancy, Councillor S Lonie, Councillor J Smedley, Councillor R Snewin, Councillor L Yates, Councillor A Wilson, Chief Executive Officer - JP Lynch, Acting General Manager City Assets – K O’Neill, Acting General Manager City Services - PE Aukett, General Manager Corporate Services - IS Walker, Procurement Officer, M Kretschmer, Governance Coordinator, W Matthews

His Worship the Mayor Mr S Patterson, paused the council meeting at 9.08pm for 5 minutes to allow the gallery to leave the chamber and provide Members an opportunity for a short break.

The Presiding Member, His Worship the Mayor Mr S Patterson recommenced the council meeting at 9.13pm.

Short Term Suspension of Proceedings

The Mayor, with approval of two-thirds of the members present suspended the meeting procedures pursuant to Regulation 20(1) of the *Local Government (Procedures at Meetings) Regulations 2013*, for a period of 30 minutes to facilitate informal discussion in relation to the 382 – 388 Brighton Road, Hove (Report No: 231/15) and will resume at the discretion of the Mayor.

Short term suspension of proceedings commenced at 9.13pm

Councillor Bouchee left the Chamber at 9.14pm.

Councillor Bouchee rejoined the Chamber at 9.15pm.

Short Term Suspension of Proceedings

The Mayor, with approval of two-thirds of the members present suspended the meeting procedures pursuant to Regulation 20(1) of the *Local Government (Procedures at Meetings) Regulations 2013*, for a further period of 30 minutes to facilitate informal discussion in relation to

the 382 – 388 Brighton Road, Hove (Report No: 231/15) and will resume at the discretion of the Mayor.

The further Short Term Suspension of proceedings commenced at 9.43pm.

The Presiding Member, His Worship the Mayor Mr S Patterson determined that the short term suspension of proceedings should be brought to an end at 10.15pm.

382 – 388 Brighton Road, Hove (Report No: 231/15)

Councillor Clancy left the chamber at 10.26pm.

Councillor Yates left the chamber at 10.27pm.

Councillor Clancy rejoined the chamber at 10.28pm.

Councillor Lonie left the chamber at 10.29pm.

Councillor Smedley left the chamber at 10.29pm.

Councillor Yates rejoined the chamber at 10.29pm.

Councillor Lonie rejoined the chamber at 10.30pm.

Councillor Smedley rejoined the chamber at 10.30pm.

Extension of Time

Motion

C280715/166

That the Council meeting be extended for a 30 minutes, as the meeting has reached its conclusion time of 10.30pm (Clause 3.5.15 of the Code of Practice – Meeting Procedures) so that the item 382 – 388 Brighton Road, Hove (Report No: 231/15) can be concluded.

Moved Councillor Snewin, Seconded Councillor Patton

Carried

Short Term Suspension of Proceedings

His Worship the Mayor Mr S Patterson considered that the meeting would benefit from suspending the operation of all of the provisions of Division 2 of the *Local Government (Procedures at Meetings) Regulations 2013*, and sought to suspend meeting procedures for 30 minutes to facilitate further informal discussion on this item.

Short term suspension of proceedings commenced at 10.30pm.

The Presiding Member, His Worship the Mayor Mr S Patterson determined that the short term suspension of proceedings should be brought to an end at 10.55pm.

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

Motion**C280715/168**

1. That an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the documents relating to Report No: 231/15 including:
 - Minutes
 - Report
 - Attachmentrelating to discussion of the subject matter of that document, having been dealt with on a confidential basis under Section 90 of the Act, should be kept confidential on the grounds of information contained in 90(3)(d).
2. That the Chief Executive Officer is authorised to release the documents, minutes and attachments when negotiations are completed and the contract is signed.
3. This resolution will be reviewed within 12 months by the Council

Moved Councillor Clancy, Seconded Councillor Lonie

Carried**CLOSURE**

The Meeting closed at 10.59pm.

CONFIRMED 11 August 2015**MAYOR**