

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 13 June 2017 at 7:00pm.

MEMBERS PRESENT

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

STAFF IN ATTENDANCE

Chief Executive Officer - J Lynch
General Manager Alwyndor – R Kluge
General Manager Business Services – R Bria
General Manager City Assets & Services - S Hodge
General Manager Community Services - P 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****C130607/789**

That the minutes of the Ordinary Meeting of Council held on 23 May 2017 be taken as read and confirmed.

Moved by Councillor Patton, Seconded by 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****9.1.1 Public Art– Councillor Patton**

Councillor Patton asked a question regarding the Heart Sculpture at Glenelg.

The Chief Executive Officer, Mr J Lynch provided a response.

9.1.2 Public Art - Councillor Bouchee

Councillor Bouchee asked a question regarding the pelican sculptures.

The General Manager City Assets and Services, Mr S Hodge provided a response.

9.2 With Notice**9.2.1 Question on Notice – Graffiti Policy (Report No: 182/17)**

Councillor Lonie asked the following question:

“Could Administration please provide details of the current status, successes and challenging of it's graffiti policy.”

Background

It appears that graffiti tags are increasing in places, on private and public property. These tags are seemingly remaining for some time. I wonder how challenging they are for both residents, businesses and Council to remove and whether their appearance is increasing

ANSWER – Liquor Licensing & Community Safety Officer

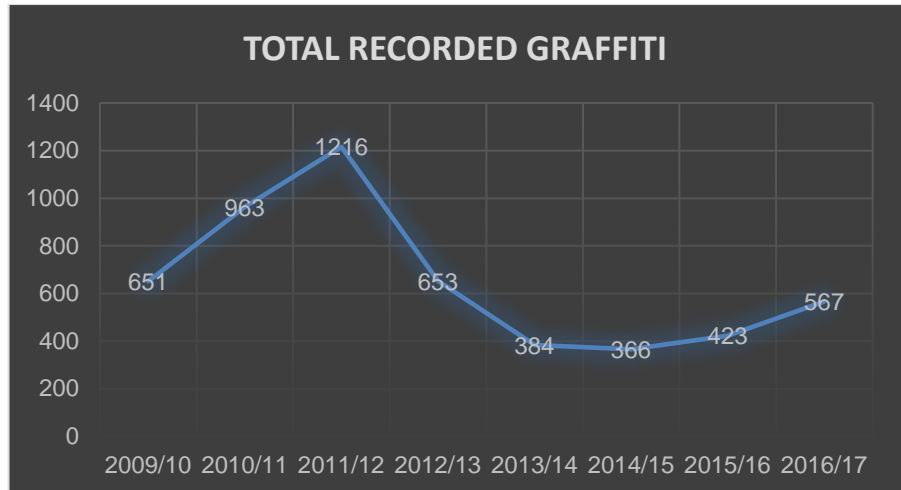
In 2011/12 graffiti related vandalism had reached a level that had become prolific within the City. Council sought to address this and during 2012/13 ran the Foundation Graffiti Prevention Initiative (FGPI). The FGPI was a grant funded initiative that sought to combat graffiti related vandalism within the City by:

- reviewing Council's responsibilities towards graffiti management;
- reviewing its operational practices, procedures and service times; and
- seeking to implement a community Graffiti Prevention Volunteer (GPV) program.

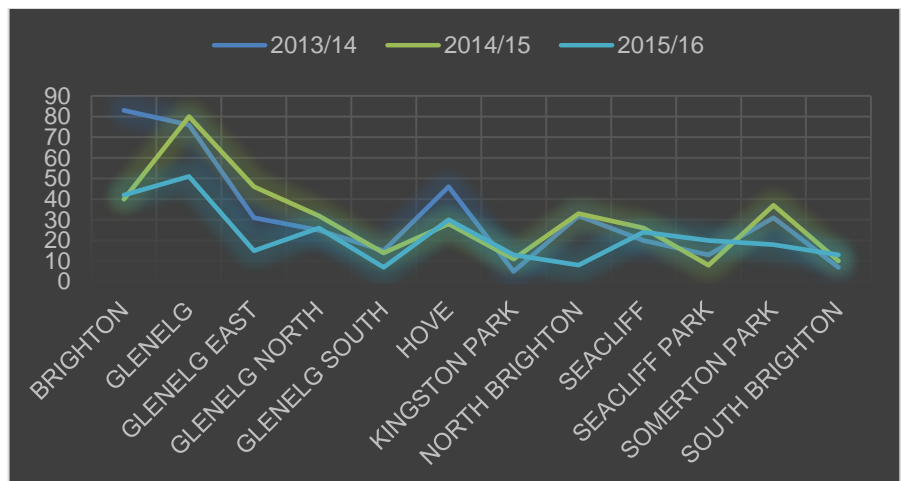
Though ultimately, the GPV failed (due to a lack of community interest and participation), the FGPI was successful in achieving notable reductions of graffiti within the city. So much so that on 10 December 2013, the current Graffiti Management Policy, which outlines reasonable services times and management procedures, was presented to and endorsed by Council (Resolution No.: C101213/1103).

Since then Administration has continued to monitor graffiti statistics through Customer Service Request (CSR), and in 2015 implemented an addition Work Order (WO) recording system that also captures field officer activity relating to any sporadic graffiti management that was otherwise not reported via CSR.

Current statistics from both CSR and WO (combined) indicate that over the past two (2) years (2015/16 to 2016/17 year to date), minor increases of graffiti related vandalism have been experienced within Holdfast Bay. It should be noted however, the total number of recorded incidents are still less than the levels recorded in the four (4) year period between 2009/10 and 2012/13.



Acknowledging this, the Administration has undertaken a further analysis of these recorded statistics to identify any trends, migration patterns, as well as the frequency in which graffiti is occurring annually in each suburb of the jurisdiction, with the intention of implementing future initiatives.



It should also be noted that while minor recent increases have occurred, council’s field work staff are continually proactive in operationally addressing graffiti, and have become invaluable for both maintaining the city, and providing localized offence data for the strategic planning of initiatives.

10. MEMBER’S ACTIVITY REPORTS

10.1 Members’ Activity Report (Report No: 194/17)

These activity reports are presented for the information of Members.

After noting the report any items of interest can be discussed, if required with the leave of the meeting.

Motion**C130607/790****That the following activity report be noted:**

- **Councillor Aust**

Moved Councillor Clancy, Seconded Councillor Yates

Carried**11. MOTIONS ON NOTICE****11.1 Motion on Notice – Land Adjoining Alwyndor Aged Care – Councillor Lonie (Report No: 181/17)**

Councillor Lonie proposed the following motion:

This land was previously held by Alwyndor and Alwyndor's Management Committee have considered the acquirement of this land and wonder about the ability to regain it for possible future use.

Motion**C130607/791****That following the Alwyndor Management Committee meeting held 16 May 2017, Council supports the Alwyndor Management Committee making contact with the Housing SA (ex South Australian Housing Trust) to enquire about adjoining land.**

Moved Councillor Lonie, Seconded Councillor Aust

Carried**Division called**

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

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

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

His Worship the Mayor declared the motion

Carried**11.2 Motion on Notice – Establishment of a Foundation for Alwyndor Aged Care – Councillor Lonie (Report No: 187/17)**

Councillor Lonie proposed the following motion:

BACKGROUND

Council currently owns Alwyndor and the land it sits on through in part the Dorothy Cheater Trust and the establishment of a Foundation may support the community focus of Alwyndor.

The investigation would consider possible benefits, detriments and legal implications of establishing such a foundation or similar legal structure. Alwyndor currently has DGR status.

Motion**C130607/792**

That Council as Trustee of Alwyndor investigate the establishment of a Foundation, or other legal structure, to support Alwyndor.

Moved Councillor Lonie, Seconded Councillor Snewin

Carried

11.3 **Motion on Notice – Establishment of Care Home and Services – Alwyndor Aged Care – Councillor Lonie** (Report No: 188/17)

Councillor Lonie proposed the following motion:

BACKGROUND

There are young members of our community with illnesses such as young early onset dementia, diseases such as Alzheimer's, Huntington's Disease, Multiple Sclerosis, other disorders include metabolic and autoimmune, HIV, alcohol and traumatic brain injury.

Reports suggest that this younger age group fall between the disability and age care sectors with a lack of age appropriate care and placement. Currently, nationally approximately 5% of aged care beds are occupied by those under 65.

Any investigation should include funding options such as the NDIS.

Motion**C130607/793**

That the Alwyndor Management Committee on behalf of the Council as Trustee of Alwyndor investigate the feasibility of establishing a 'care home' and services, in coordination with Alwyndor, for young people, being those under 65, who can no longer be cared for in the community.

Moved Councillor Lonie, Seconded Councillor Wilson

Carried**Division called**

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

Those voting for: Councillors Lonie, Aust, Bouchée, Bradshaw, Clancy, Charlick, Patton, Smedley, Snewin, Wilson, Yates (11)

Those voting against: Nil (0).

His Worship the Mayor declared the motion

Carried

11.4 **Motion on Notice – Small Business Friendly Local Government Charter Investigation – Mayor Patterson** (Report No: 200/17)

Mayor Patterson proposed the following motion:

BACKGROUND

On 24 May the Small Business Commissioner, John Chapman, presented to the Future Towns, Future Cities MLGG Think Tank. I attended the think tank along with other Metropolitan Mayors, staff from various councils and business representatives.

The Office of the Small Business Commissioner will provide services to Small business where disputes can be resolved with as minimal stress as possible to small business operators. The Commissioner also provides information to improve the capacity of small businesses to manage their affairs and inform their decision making, so that disputes are less likely to occur. Most of the business activity in Holdfast Bay is driven by small business. For more information please visit www.sasbc.sa.gov.au

The think tank explored a charter that has been developed by the Office of the Small Business Commissioner and the Local Government Association to formally recognise that South Australian Councils are intimately connected with economic development through the 143,000 small businesses in South Australia.

Similar charters have been rolled out in New South Wales and Western Australia. The Small Business Commissioner explained the charter is not an MOU and not a Contract. It is a way of doing things, guidelines, best practices and bench-marked processes. The agreement is a formal way of businesses better understanding councils and councils better understanding business. The outcome will be a better environment for businesses to grow.

The charter asks council to commit to some general principles:

- Commitment to Small Business
- Commitment to customer service
- Simplifying the relationship with small business
- Commitment to payment of undisputed accounts within 30 days
- Effective dispute resolution process
- Small business engagement
- Procurement Policy
- Specific Initiatives relevant to Holdfast Bay.

Many of these principles are already inherent in the focus Holdfast Bay has for small business. This investigation would be well suited to the upcoming Business Development Officer role.

Motion**C130607/794**

That Administration investigate and report back to Council on the possible implementation of Small Business Friendly Local Government Charter being developed by the Office of the Small Business Commissioner.

Moved Councillor Lonie, Seconded Councillor Aust

Carried

11.5 **Motion on Notice – Small Business Commissioner Letter – Mayor Patterson**
(Report No: 201/17)

Mayor Patterson proposed the following motion:

BACKGROUND

During the tram track infrastructure upgrade on Jetty Rd, Glenelg, many of the business' visited indicated that their revenues were significantly reduced, ranging from falls of 20% through to 90%. These business' still had fixed costs such as rent and electricity supply charges to cover. To offset this fall in revenue the business owners had to reduce staffing hours. Prior to any meeting it would be beneficial to work with traders to obtain actual financial data comparing this period to previous years to support the discussion.

Infrastructure upgrades are always going to be necessary and at times these upgrades will have a direct effect on business. The Office of the Small Business Commissioner worked closely with Council during the upgrade and continues to be available to the small businesses on Jetty Road Glenelg to provide assistance.

Faced with falling visitor numbers in 2013 of 896,000, Council has been very dedicated and innovative in activating both Jetty Rd and the surrounding district increasing visitor numbers in the area in 2016 to 1,295,000 and the expenditure has grown to \$262 million and continues to increase. Council needs to ensure that this momentum is maintained and not lost.

The Small Business Commissioner, John Chapman, has indicated that his Office has a desire to ensure small business interests are considered more during infrastructure upgrades. This motion seeks to ensure that our local business have a direct voice into this process and they are not forgotten now the upgrade is complete.

Motion**C130607/795**

That Council writes to the Office of the Small Business Commissioner to arrange a meeting with the Small Business Commissioner, John Chapman, in relation to the recent closure of Jetty Road, Glenelg during the tram track upgrade to reinforce the effect and impact of this infrastructure upgrade on the local business community. In particular the forms of assistance, financial or otherwise, to assist business to continue trading during the closure and any ongoing support available while business seek to recover.

Moved Councillor Lonie, Seconded Councillor Aust

Carried

- 11.6 **Motion on Notice – Renaming of Seaforth Park Reserve – Councillor Bouchee**
(Report No: 202/17)

Councillor Bouchee withdrew the motion.

12. ADJOURNED MATTERS - Nil

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

- 13.1 **Minutes – Alwyndor Management Committee – 16 May 2017** (Report No: 190/17)

The Minutes of the Alwyndor Management Committee meeting on 16 May 2017 are provided for information.

Motion

C130607/796

That the minutes of the Alwyndor Management Committee meeting on 16 May 2017 be noted.

Moved Councillor Lonie, Seconded Councillor Aust

Carried

- 13.2 **Minutes – Jetty Road Mainstreet Committee Meeting – 3 May 2017** (Report No: 153/17)

The Minutes of the Jetty Road Mainstreet Committee meeting held on 3 May 2017 are attached and presented for Council's information.

Motion

C130607/797

1. **The Minutes of the Jetty Road Mainstreet Committee are received by Council with items of interest discussed.**
2. **The Council endorses the recommendations of the Committee, namely:**

5.4 Winter Wonderland Presenting Partner Sponsor

“That White Marquee be appointed as “Presenting Partner” for the 2017 Winter Wonderland Event and that the appropriate sponsorship agreement be executed.”

Moved Councillor Lonie, Seconded Councillor Wilson

Carried

- 13.3 **Minutes – Jetty Road Mainstreet Committee Special Meeting – 29 May 2017**
(Report No: 186/17)

The Minutes of the Jetty Road Mainstreet Committee Special Meeting held on 29 May 2017 are attached and presented for Council's information.

Motion

1. **The Minutes of the Jetty Road Mainstreet Committee Special Meeting held 29 May 2017 are received by Council.**
2. **The Council endorses the recommendations of the Committee, namely:**
 1. **That the Committee seek that council revisit the policy in relation to the upper deck parking and consider making it available for traders, their staff or residents but not tram goers with a view to freeing up street parking on a trial basis to be reviewed for 3 months.**
 2. **That the budget for the marketing campaign is set as per the discussion and agreement of the meeting. The Chair and Vice Chair are authorised to sign off on the revised Marketing Plan incorporating the changes discussed and including any contingencies.**

Moved Councillor Lonie, Seconded Councillor Wilson

Amendment

C130607/798

1. **The Minutes of the Jetty Road Mainstreet Committee Special Meeting held 29 May 2017 are received by Council.**
2. **The Council endorses the recommendations of the Committee, namely:**
 1. **That the Committee seek that council revisit the policy in relation to the upper deck parking and consider making it available for traders, their staff or residents but not tram goers with a view to freeing up street parking on a trial basis to be reviewed for 3 months.**
 2. **That the budget for the marketing campaign is set as per the discussion and agreement of the meeting. The Chair and Vice Chair are authorised to sign off on the revised Marketing Plan incorporating the changes discussed and including any contingencies.**
3. **That Council supports the review outlined in point 2.1 being conducted in conjunction with the 12 monthly review of carpark performance of the Partridge Street Carpark.**

Moved by Councillor Smedley, Seconded by Councillor Snewin

The amendment on being put was

Carried

The motion, as amended, on being put was

Carried

14. REPORTS BY OFFICERS

14.1 **Items in Brief** (Report No: 189/17)

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

C130607/799

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

1. **Glenelg North Community Centre Activity Report**
2. **Nominations sought for the Native Vegetation Council**
3. **Parking on Council Verges – Proposal to Amend the Australian Road Rules**
4. **LGA Board Decision on Proposal to Amend Voting Procedures in Local Government Elections.**

Moved Councillor Wilson, Seconded Councillor Lonie

Carried

Motion

C130607/800

That Council advise the LGA that it supports Option 2: Amend the *Road Traffic (Miscellaneous) Regulations 2014*.

Moved by Councillor Bouchee, Seconded by Councillor Yates

Carried

Division called

A division was called:

Those voting for: Councillors Lonie, Aust, Bouchée, Bradshaw, Clancy, Charlick, Patton, Smedley, Snewin, Wilson, Yates (11)

Those voting against: Nil (0).

His Worship the Mayor declared the motion

Carried

14.2 **Brighton Oval Complex Master Plan – In-Principle Funding Commitment** (Report No: 175/17)

Following from discussions regarding the Brighton Oval Complex Master Plan with representatives from the Office for Recreation and Sport (ORS), and the subsequent Elected Member workshop held on 9 May 2017, Council will be developing a comprehensive Social, Economic and Environmental Business Case to assist in seeking State Government funding for the project.

A Business Case template has been established by ORS, to ensure proponents address key strategic objectives of the State Government.

The Business Case will demonstrate alignment between the Brighton Oval Complex Master Plan and key Local and State Government strategic objectives, which will assist in securing partial State and Federal funding.

A significant component of the Business Case is for Council to provide in-principle funding support for the implementation of the master plan. This will enable Council to progress to the next stage of the Business Case and assist in seeking funding partners for the project

Motion

C130607/801

Conflict of Interest

His Worship the Mayor, S Patterson declared a perceived conflict of interest for the item 14.2 Brighton Oval Complex Master Plan – In-Principle Funding Commitment (Report No: 175/17). The nature of his perceived conflict of interest (Pursuant to Section 74 of the Local Government Act 1999) was that he is currently a candidate for the seat of Morphett. His Worship the Mayor dealt with this perceived conflict of interest by making it known to the chamber and left the meeting at 8.18pm.

The Deputy Mayor, Councillor Lonie assumed the chair at 8.18pm.

That Council:

1. **Endorse the re-allocation of a portion of the \$100,000 allocated in the 2016/17 budget for detailed design, to develop a Social, Economic and Environmental Business Case for the Brighton Oval Complex Master Plan.**
2. **Provides an in-principle funding commitment of a minimum of \$3 million, contributing to the implementation of the Brighton Oval Complex Master Plan subject to receiving adequate funding from other bodies including state and federal government, sporting bodies and other organisations.**

Moved Councillor Bradshaw, Seconded Councillor Lonie

Carried

The Deputy Mayor, Councillor Lonie left the chair at 8.22pm.

The His Worship the Mayor, S Patterson assumed the chair at 8.22pm.

14.3 The Big Wedgie – 2017/18 Event Season (Report No: 180/17)

The City of Holdfast Bay has received an Event License application from The Big Wedgie Pty Ltd to stage their event on Colley Reserve from 31 December 2017 until 4 February 2018.

Motion

That Council approve the event licence for The Big Wedgie Pty Ltd to operate The Big Wedgie, Just Right Wedgie and The Little Wedgie on the Glenelg Foreshore adjacent to the Glenelg Foreshore Playspace, if feasible, from 31 December 2017 until 4 February 2018.

Moved Councillor Patton, Seconded Councillor Aust

Lost

Division called

A division was called:

Those voting for: Councillors Lonie, Aust, Bouchée, Bradshaw, Clancy, Charlick, Smedley, Snewin, Wilson, Yates (10)

Those voting against: Councillor Patton (1).

His Worship the Mayor declared the motion

Lost

Motion

C130607/802

That council approves the event licence for The Big Wedgie Pty Ltd to operate The Big Wedgie, Just Right Wedgie and the Little Wedgie on Colley Reserve from 31 December 2017 until 4 February 2018.

Moved by Councillor Clancy, Seconded by Councillor Wilson

Carried

Division called

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

Those voting for: Councillors Lonie, Bradshaw, Clancy, Charlick, Smedley, Snewin, Wilson, Yates (8)

Those voting against: Councillors Aust, Patton and Bouchee (3).

His Worship the Mayor declared the motion **Carried**

Councillor Patton left the chamber at 8.38pm.

14.4 **Possible Sale of Portion of Laneway on the Northern Boundary of 99 Moseley Street, Glenelg South** (Report No: 191/17)

The property owners of 99 Moseley Street Glenelg South have approached Council regarding the possibility of purchasing from Council a portion of laneway on the northern boundary of their property.

This report recommends that Council agree in principle to sell the portion of laneway at a fair market value.

This valuation is to be sought when agreement for sale is reached.

Motion**C130607/803**

Councillor Patton rejoined the chamber at 8.40pm.

1. **That Council advises the property owner of 99 Moseley Street that Council in principle is willing to proceed with the sale of a portion of laneway on their northern boundary, subject to the outcome of consultation with the immediate nearby residents of the subject property.**
2. **Council delegates to the Chief Executive Officer the authority to sign any subsequent sale documents.**

Moved Councillor Clancy, Seconded Councillor Lonie

Carried

14.5 **Tamarix Aphylla (Athel Pine) Removals – Brighton Oval** (Report No: 192/17)

The stand of *Tamarix aphylla* (Athel Pine) located within the Brighton Oval Complex (adjacent to Hight Avenue), have had numerous failures in recent times due to their poor structure. This has highlighted an unacceptable locational risk to the community due to the high level of use from the sporting clubs within the Brighton Oval Complex and the primary school. An internal Aboricultural Assessment has been undertaken to review the health of these trees.

Motion**C130607/804**

That Council endorse the removal and replacement of the 9 *Tamarix aphylla* (Athel Pine) located within Brighton Oval Complex to be replaced with 6 advanced River Red Gums.

Moved Councillor Clancy, Seconded Councillor Yates

Carried

14.6 **2017-18 Annual Business Plan** (Report No: 195/17)

The 2017-18 Annual Business Plan is presented for consideration and adoption by Council following community consultation on its Draft Annual Business Plan.

Motion**C130607/805**

Councillor Snewin left the chamber at 8.50pm.

Councillor Snewin rejoined the chamber at 8.52pm.

That Council adopts the 2017-18 Annual Business Plan, including the amendments detailed in this report and subject to final design and minor alterations.

Moved Councillor Bouchee, Seconded Councillor Wilson

Carried

14.7 2017-18 Budget Adoption (Report No: 196/17)

The 2017-18 Budget is presented for adoption following adoption of the Annual Business Plan.

Motion**C130607/806**

That in respect of the financial year ended 30 June 2018:

- 1. The 2017-18 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 2017-18 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 Council approves total loan borrowings of up to \$20.83 million in accordance with Council's treasury policy to meet projected funding requirements through to June 2018 as required.**

Moved Councillor Smedley, Seconded Councillor Snewin

Carried

14.8 Council Policy Review (Report No: 197/17)

As part of the on-going review of Council policies, six policies have been reviewed and are now presented to Council for adoption. Four of the six policies have required minor amendments since their last review and two policies have been substantially rewritten.

Motion**C130607/807****That the following policies (as amended) be adopted by Council:**

- **Social Development Policy (Attachment 1)**
- **Healthy Catering Policy (Attachment 2)**
- **Parking Control Policy (Attachment 3)**
- **Volunteer Policy (Attachment 4)**
- **Personal Trainers Policy and Permit System (Attachment 6)**

Moved Councillor Charlick, Seconded Councillor Bouchee

Carried**14.9 Review of Items Held in Confidence (Report No: 198/17)**

Councillor Lonie left the chamber at 9.02pm.

Conflict of Interest

His Worship the Mayor, S Patterson declared a perceived conflict of interest for 14.9 Review of Items Held in Confidence (Report No: 198/17). The nature of his perceived conflict of interest (Pursuant to Section 74 of the Local Government Act 1999) was that his company has a business relationship with the Club. His Worship the Mayor dealt with this perceived conflict of interest by making it known to the chamber and if it becomes apparent he would have a Material Conflict of Interest this will be declared and remained in the meeting.

Council's practice is to review items held in confidence every 12 months and this practice has continued with a formal review occurring in June 2017.

This report recommends 28 items be released from confidence.

Motion**C130607/808**

1. **That the Confidential Items presented at Attachment 1 to Report No: 198/17 be released from Confidence.**
2. **That the Confidential Items presented at Attachment 2 to Report No: 198/17 be retained in confidence until 30 June 2018 and a further review conducted.**

Moved Councillor Clancy, Seconded Councillor Wilson

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

Councillor Lonie rejoined the chamber at 9.04pm.

- 13.1 **Minutes – Alwyndor Management Committee – 16 May 2017** (Report No: 190/17)

Motion - Retain In Confidence - Section 91(7) Order

C130607/809

That having considered Agenda Item 13.1 – Minutes – Alwyndor Management Committee – 16 May 2017 (Report No: 136/17) in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report and minutes be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.

Moved Councillor Clancy, Seconded Councillor Yates

Carried

- 17.1 **Waste Management Cost Savings and Contract Renewal** (Report No: 193/17)

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

C130607/810

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: 193/17 Waste Management Cost Savings and Contract Renewal 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: 193/17 Waste Management Cost Savings and Contract Renewal 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 conducting business and would prejudice the commercial position of the Council as Council is currently engaged in negotiations with a supplier.

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.

- 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 as financial details from the contractor will be disclosed.

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.

- k. pursuant to section 90(3)(k) of the Act, the information to be received, discussed or considered in relation to this Agenda Item are tenders for the provision of services, namely waste management.
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 Clancy, Seconded Councillor Lonie

Carried

Waste Management Cost Savings and Contract Renewal (Report No: 193/17)

Councillor Wilson left the chamber at 9.08pm.

Councillor Wilson rejoined the chamber at 9.09pm.

Motion - Retain in confidence – Section 91(7) Order

C130607/812

2. That having considered Agenda Item 17.1 Waste Management Cost Savings and Contract Renewal (Report No: 193/17) in confidence under section 90(2) and (3)(b, d and k) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report be retained in confidence for the period of the contract and the Chief Executive Officer is authorised to release the documents when the contract expires and that this order be reviewed every 12 months.
3. This order is subject to section 91(8)(b) of the Act which provides that details of the identity of the successful tenderer must be released once Council has made a selection.

Moved by Councillor Lonie, Seconded by Councillor Aust

Carried

17.2 **Glenelg Football Club (Report No: 199/17)**

Motion – Exclusion of the Public – Section 90(3)(d) Order C130607/813

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: 199/17 Glenelg Football Club 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: 199/17 – Glenelg Football Club 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; and would prejudice the commercial position of the Council as Council is currently engaged in negotiations with the Glenelg Football Club.

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.

 - 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 in that the Glenelg Football Club's and that this information may prejudice the commercial position of the football club.

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 Clancy

Carried

Glenelg Football Club (Report No: 199/17)

The below motion recognises the significant progress Council has made working with the Glenelg Football Club on their financial situation and desire to work cooperatively to reach a sustainable situation for their future operations.

Motion**C130607/814**

Councillor Charlick left the chamber at 9.29pm.

Councillor Charlick rejoined the chamber at 9.31pm.

1. **That Council endorses the attached media release to be sent on 15 June 2017 presented as Attachment 1.**
2. **That Council authorises the release of the attached items from confidence on 15 June 2017, in relation to the Glenelg Football Club presented as Attachment 2.**
3. **That having considered Agenda Item 17.2 Report No. 199/17 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 No. 199/17 be released from Confidence on 15 June 2017.**

Moved Councillor Smedley, Seconded Councillor Patton

Conflict of Interest

His Worship the Mayor, S Patterson declared a perceived conflict of interest for the item 17.2 Glenelg Football Club (Report No: 199/17). The nature of his perceived conflict of interest (Pursuant to Section 74 of the Local Government Act 1999) was that he is currently a candidate for the seat of Morphett. His Worship the Mayor dealt with this perceived conflict of interest by making it known to the chamber and left the meeting at 9.32pm.

The Deputy Mayor, Councillor Lonie assumed the chair at 9.32pm.

Amendment

1. **That Council endorses the attached media release to be sent on 15 June 2017 presented as Attachment 1.**
2. **That Council authorises the release of the attached items from confidence on 15 June 2017, in relation to the Glenelg Football Club presented as Attachment 2.**
3. **That having considered Agenda Item 17.2 Report No. 199/17 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 No. 199/17 be released from Confidence on 15 June 2017.**
4. **That the Deputy Mayor be Council's spokesperson in the draft Media Release.**

Moved by Councillor Yates

The amendment

Lapsed for want of a seconder

The Chair put the substantive motion and was

Carried

Division called

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

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

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

The Chair, the Deputy Mayor, Councillor Lonie declared the motion

Carried

Councillor Lonie left the chamber at 9.46pm.

Mayor Patterson rejoined the chamber and assumed the chair at 9.46pm.

Councillor Lonie rejoined the chamber at 9.46pm.

CLOSURE

The Meeting closed at 9.48pm.

CONFIRMED 27 June 2017

MAYOR