

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 11 July 2017 at 7:00pm.

MEMBERS PRESENT

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

STAFF IN ATTENDANCE

Acting Chief Executive Officer - P Aukett
General Manager Business Services – R Bria
Acting General Manager City Assets & Services – R Mouveri

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 R Aust
- 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****C110717/830**

That the minutes of the Ordinary Meeting of Council held on 27 June 2017 be taken as read and confirmed.

Moved by Councillor Clancy, Seconded by Councillor Yates

Carried**8. PUBLIC PRESENTATIONS****8.1 Petitions****8.1.1 *Petition – Dog Owners who use Dover Square Park – Request that the Lawn be Separated from the Play Area* (Report No: 228/17)**

A non-conforming petition has been received requesting:

The petition states as follows:

“We the dog owners who use the Dover Square Park, on the Broadway, South Brighton request that the City Council of Holdfast Bay would separate the children’s play area from the lawn area that the dogs use with a 2 metre high steel mesh fence, for our peace of mind and the children.”

The petition does not meet the criteria outlined by the Council’s Code of Practice – Procedures at Meetings as it does not include the Head Petitioners contact details on each page of the petition in accordance with clause 3.1.5 of the Council’s Code of Practice – Procedures at Meetings.

Motion**C110717/831**

That the non-conforming petition be noted.

Moved Councillor Yates, Seconded Councillor Lonie

Carried**8.2 Presentation - Nil****8.3 Deputations - Nil**

9. QUESTIONS BY MEMBERS**9.1 Without Notice****9.1.1 Norfolk Island Pine Plantings– Councillor Clancy**

Councillor Clancy asked a question regarding the Norfolk Island Pine plantings along the Esplanade.

The Acting General Manager City Assets and Services, Mr R Mouveri provided a response.

9.1.2 Security at Glenelg Oval – Councillor Snewin

Councillor Snewin asked a question regarding security patrols at the Glenelg Oval.

The Acting General Manager City Assets and Services, Mr R Mouveri provided a response.

9.1.3 Placement of Bore Infrastructure, Yacca Road Seacliff – Councillor Yates

Councillor Yates asked a question regarding the placement of bore infrastructure across land council controls.

The Acting General Manager City Assets and Services, Mr R Mouveri provided a response.

9.2 With Notice - Nil**10. MEMBER'S ACTIVITY REPORTS - Nil****11. MOTIONS ON NOTICE****11.1 Motion on Notice – Parking on Northern Side of Maturin Road – Councillor Patton (Report No: 243/17)**

Councillor Patton proposed the following motion:

BACKGROUND

Maturin Road is approximately 300 metres from Jetty Rd and whilst there is no parking on the southern side there are approximately 40 parking spaces on the northern side with 24 hour parking. There is an aged care facility (Murray Mudge) on the western end of the street which operates on a twenty four hour roster and St Peters Woodlands School is also close by so there are ready made parks for many of these staff which precludes access for services and visitors to the residents of the street.

It well may be that timed parking would alleviate these issues.

Motion**C110717/832**

That administration review the unlimited parking on the northern side of Maturin Road with a view to developing a process that would see a reasonable turnover of traffic to allow the residents to be able to accommodate on street parking for visitors, trades people and deliveries to their homes.

Moved Councillor Patton, Seconded Councillor Bouchee

Carried

11.2 **Motion on Notice – Request for a Moratorium on Oil and Gas Exploration in the Great Australian Bight – Councillor Yates (Report No: 244/17)**

Councillor Yates proposed the following motion:

BACKGROUND

Holdfast Bay includes a long coastline of attractive sandy beaches and is a premier tourist destination in South Australia. Its traders and businesses rely to a large extent on tourism. If the beaches were polluted by oil or even if there was a small oil spill elsewhere on the coast, it would drastically reduce visitor numbers and this would have severe repercussions on the livelihoods of traders in Jetty Rd Glenelg and Brighton, with knock-on effects to local businesses. Fishing, both recreational and industrial, would also be affected. South Australia's fishing and aquaculture production in 2010–11 was valued at \$425.5 million with the region accounting for 97 per cent of production. The region's tourist industry contributed to the economy a combined \$1.2 billion in 2013–14 and accounts for nearly 10,000 full time equivalent jobs. For local residents, our coastal way of life - swimming, fishing from the jetty and walking along the beach with our dogs - could be severely impacted for years.

The Senate recently released a report on oil and gas exploration in the Bight. The inquiry showed the significant threat that drilling in the Great Australian Bight represents. Evidence given to the committee sets out the potentially catastrophic consequences of an oil spill in the Bight. South Australia would suffer irreversible consequences to its coastal environment plus severe long term economic damage. The results of the report have not triggered any action from the government which is relying on possible economic gains whilst ignoring the risks. Statoil has recently shown interest in taking up the oil exploration licenses dropped by BP last year and there are several other oil companies such as Chevron also ready to drill for oil there in 2018.

Motion**C110717/833**

- 1. That the City of Holdfast Bay writes a letter to the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) requesting a moratorium on oil and gas exploration in the Great Australian Bight because of the minimal benefits to the City and its residents compared with the potential devastating impacts of an oil spill.**

2. That this is referred by Council to the board of the Local Government Association for comment/information.

Moved Councillor Yates, Seconded Councillor Wilson

Carried

Division called

A division was called:

Those voting for: Councillors Bouchée, Bradshaw, Clancy, Donaldson, Wilson and Yates (6)

Those voting against: Councillors Snewin, Lonie, Patton, Charlick and Smedley (5).

His Worship the Mayor declared the motion

Carried

Leave of the Meeting

His Worship the Mayor sought leave of the meeting to consider agenda items 14.7 Glenelg Football Club – New Lease and Licence (Report No: 236/17) and 14.8 Glenelg Football Club – Application for Variation of Liquor Licence (Report No: 235/17) at this time.

Leave of the meeting was granted.

Conflict of Interest

His Worship the Mayor, S Patterson declared a perceived conflict of interest for 14.7 Glenelg Football Club – New Lease and Licence (Report No: 236/17). 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/SANFL. His Worship the Mayor dealt with this perceived conflict of interest by making it known to the chamber and left the chamber at 7.25pm.

The Deputy Mayor, Councillor S Lonie assumed the chair at 7.25pm.

14.7 Glenelg Football Club – New Lease and Licence (Report No: 236/17)

The Glenelg Football Club ("*Club*") has occupied its current premises at Glenelg Oval under lease and license arrangement since 1 July 2001.

In accordance with Council Resolution C131216/622, discussions have been undertaken with the Club to enter into a new lease for the buildings, and a new separate licence arrangements for the use of the oval and surrounds.

It is proposed that Council now enter into a lease and licence agreement with the Glenelg Football Club Incorporated for a period of five (5) years commencing 1 October 2017, with an option to renew for a further five (5) years thereafter, with an annual payable rent of \$40,000 for the first three (3) years of the lease. Full details of the proposal are outlined within this report.

Motion**C110717/834**

1. That Council enters into a new lease agreement with the Glenelg Football Club Incorporated for exclusive use rights over a portion of land contained within Certificate of Title Volume 5869 Folio 949 for a period of five (5) years commencing 1 October 2017, with an annual rent of \$40,000 (ex GST) payable for the first three (3) years of the lease term;
2. That Council enters into a new license agreement with the Glenelg Football Club Incorporated for non-exclusive use rights over a portion of land contained within Certificate of Title Volume 5869 Folio 949 for a period of five (5) years commencing 1 October 2017, with an annual rent of \$1 payable on demand;
3. That a draft lease returns to the Council for further consideration as soon as possible.

Amendment

1. That Council enters into a new lease agreement with the Glenelg Football Club Incorporated for exclusive use rights over a portion of land contained within Certificate of Title Volume 5869 Folio 949 for a period of five (5) years commencing 1 October 2017, with an annual rent of \$40,000 (ex GST) payable for the first three (3) years of the lease term;
2. That Council enters into a new license agreement with the Glenelg Football Club Incorporated for non-exclusive use rights over a portion of land contained within Certificate of Title Volume 5869 Folio 949 for a period of five (5) years commencing 1 October 2017, with an annual rent of \$1 payable on demand;
3. That the lease include a condition which requires the Glenelg Football Club to provide council with quarterly financial updates.
4. That a draft lease returns to the Council for further consideration as soon as possible.

Moved Councillor Bradshaw

Lapsed for Want of a Seconder**Adjournment**

That this matter is adjourned until the next meeting of Council to allow Administration time to prepare a further report on the conditions of the lease.

Moved Councillor Donaldson

Lapsed for Want of a Seconder

The Chair, Deputy Mayor Councillor Lonie put the substantive motion.

Moved Councillor Smedley, Seconded Councillor Wilson

Carried

The Deputy Mayor, Councillor Lonie left the chair at 7.41pm.

His Worship the Mayor, Mr S Patterson resumed the chair at 7.41pm.

Conflict of Interest

His Worship the Mayor, S Patterson declared a perceived conflict of interest for 14.8 Glenelg Football Club – Application for Variation of Liquor Licence (Report No: 235/17). 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/SANFL. His Worship the Mayor dealt with this perceived conflict of interest by making it known to the chamber and left the chamber at 7.42pm.

The Deputy Mayor, Councillor S Lonie assumed the chair at 7.42pm.

Conflict of Interest

Councillor Snewin declared a material conflict of interest for 14.8 Glenelg Football Club – Application for Variation of Liquor Licence (Report No: 235/17). The nature of his material conflict of interest (Pursuant to Section 74 of the Local Government Act 1999) is that he is President of the Glenelg District Cricket Club. Councillor Snewin dealt with this material conflict of interest by making it known to the chamber and left the meeting at 7.43pm.

14.8 **Glenelg Football Club – Application for Variation of Liquor Licence** (Report No: 235/17)

In accordance with Council Resolution C131216/622, council intends to enter into a new lease and license agreement with Glenelg Football Club. Consequently, the Glenelg Football Club ("*Club*") are now required to apply to Consumer and Business Services to vary the conditions of their existing liquor licence, and redefine the existing licensed area. The Club now requires Council's consent (as both landowner and local authority) in order to proceed.

Motion**C110717/835**

That Council supports the following proposed licence variations and area redefinitions:

1. **That the boundaries of licensed area for licence 50900195 be reduced to exclude the upstairs function area of the Cricket Building (Areas 10 and 11);**
2. **That all licence conditions associated with the operation of Areas 10 and 11 be removed from licence 50900195;**
3. **That Licence conditions 1 and 2 be amalgamated and amended to authorise seasonal use and permit the oval and surrounding grounds to be licensed on certain occasions:**

"When matches, sporting events and/or any other function or event authorised by the Glenelg Footballers' Club are held at the oval between the 1 April and 30 September, the licensed premises will be the area outlined in red for the period one hour before and one hour after the event".

Moved Councillor Yates, Seconded Councillor Bouchee

Carried

The Deputy Mayor, Councillor Lonie left the chair at 7.44pm.

His Worship the Mayor, Mr S Patterson resumed the chair at 7.45pm.

Councillor Snewin rejoined the chamber at 7.45pm.

12. ADJOURNED MATTERS

Conflict of Interest

His Worship the Mayor, S Patterson declared a perceived conflict of interest for 12.1 Adjourned Report – Glenelg District Cricket Club – New Lease and Licence – Report No: 212/17 (Report No: 239/17). 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/SANFL. His Worship the Mayor dealt with this perceived conflict of interest by making it known to the chamber and left the chamber at 7.45pm.

The Deputy Mayor, Councillor S Lonie assumed the chair at 7.45pm.

Conflict of Interest

Councillor Snewin declared a material conflict of interest for 12.1 Adjourned Report – Glenelg District Cricket Club – New Lease and Licence – Report No: 212/17 (Report No: 239/17). The nature of his material conflict of interest (Pursuant to Section 74 of the Local Government Act 1999) is that he is President of the Glenelg District Cricket Club. Councillor Snewin dealt with this material conflict of interest by making it known to the chamber and left the meeting at 7.45pm.

12.1 Adjourned Report – Glenelg District Cricket Club – New Lease and Licence – Report No: 212/17 (Report No: 239/17)

Council at its meeting held 27 June 2017, resolved to adjourn Report No: 212/17 *Glenelg District Cricket Club – New Lease and Licence* so that the report on the *Glenelg Football Club – New Lease and Licence (Report No: 236/17)* could be considered in conjunction with this report.

This report represents Report No: 212/17 for council's consideration.

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

“Amendment

- 1. That Council enters into a new lease agreement with the Glenelg District Cricket Club Incorporated for exclusive use rights over a portion of land contained within Certificate of Title Volume 5869 Folio 949 for a period of five (5) years commencing 1 October 2017, or earlier if agreed by both parties, with an annual rent of \$5,000 (ex GST) payable for the first three (3) years of the lease term;*
- 2. That Council enters into a new license agreement with the Glenelg District Cricket Club Incorporated for non-exclusive use rights over a*

portion of land contained within Certificate of Title Volume 5869 Folio 949 for a period of five (5) years commencing 1 October 2017, with an annual rent of \$1 payable on demand;

3. *That the Chief Executive Officer and Mayor be authorised to execute all documents necessary to complete the lease and licence.*
4. *That as per the current head lease, the GFC is responsible for all expenses incurred until the new lease has commenced.*

Moved Councillor Bouchee, Seconded Councillor Yates

The amendment on being put was Carried"

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 adjournment are taken to have spoken to the motion. Councillors Lonie, Patton, Bouchee, Yates, Charlick, Clancy and Bradshaw have spoken to the motion. Councillors Aust, Wilson, Smedley and Donaldson have not spoken to the motion. Councillor Lonie as mover of the original motion may conclude the debate on this item.

Council needs to determine the outcome of the adjourned motion before considering any new motions on this item.

Motion – Continued from the Adjournment at the 27 June 2017 Council Meeting

1. **That Council enters into a new lease agreement with the Glenelg District Cricket Club Incorporated for exclusive use rights over a portion of land contained within Certificate of Title Volume 5869 Folio 949 for a period of five (5) years commencing 1 October 2017, or earlier if agreed by both parties, with an annual rent of \$5,000 (ex GST) payable for the first three (3) years of the lease term;**
2. **That Council enters into a new license agreement with the Glenelg District Cricket Club Incorporated for non-exclusive use rights over a portion of land contained within Certificate of Title Volume 5869 Folio 949 for a period of five (5) years commencing 1 October 2017, with an annual rent of \$1 payable on demand;**
3. **That the Chief Executive Officer and Mayor be authorised to execute all documents necessary to complete the lease and licence.**

Moved Councillor Lonie, Seconded Councillor Patton

Amendment

1. **That Council enters into a new lease agreement with the Glenelg District Cricket Club Incorporated for exclusive use rights over a portion of land contained within Certificate of Title Volume 5869 Folio 949 for a period of five (5) years commencing 1 October**

- 2017, or earlier if agreed by both parties, with an annual rent of \$5,000 (ex GST) payable for the first three (3) years of the lease term;**
- 2. That Council enters into a new license agreement with the Glenelg District Cricket Club Incorporated for non-exclusive use rights over a portion of land contained within Certificate of Title Volume 5869 Folio 949 for a period of five (5) years commencing 1 October 2017, with an annual rent of \$1 payable on demand;**
 - 3. That the Chief Executive Officer and Mayor be authorised to execute all documents necessary to complete the lease and licence.**
 - 4. That as per the current head lease, the GFC is responsible for all expenses incurred until the new lease has commenced.**

Moved Councillor Bouchee, Seconded Councillor Yates

The amendment on being put was

Carried

Further Amendment

C110717/836

- 1. That Council enters into a new lease agreement with the Glenelg District Cricket Club Incorporated for exclusive use rights over a portion of land contained within Certificate of Title Volume 5869 Folio 949 for a period of five (5) years commencing 1 October 2017, or earlier if agreed by both parties, with an annual rent of \$5,000 (ex GST) payable for the first three (3) years of the lease term;**
- 2. That Council enters into a new license agreement with the Glenelg District Cricket Club Incorporated for non-exclusive use rights over a portion of land contained within Certificate of Title Volume 5869 Folio 949 for a period of five (5) years commencing 1 October 2017, with an annual rent of \$1 payable on demand;**
- 3. That the Chief Executive Officer and Mayor be authorised to execute all documents necessary to complete the lease and licence.**

Moved Councillor Smedley, Seconded Councillor Wilson

The motion as further amended was

Carried

The Deputy Mayor, Councillor Lonie left the chair at 7.47pm.

His Worship the Mayor, Mr S Patterson resumed the chair at 7.47pm.

The motion as further amended on being put was

Carried

Councillor Snewin rejoined the chamber at 7.50pm.

Conflict of Interest

Councillor Snewin declared a material conflict of interest for 12.2 – Adjourned Report – Glenelg District Cricket Club Application for Variation of Liquor Licence (Report No: 238/17). The nature of his material conflict of interest (Pursuant to Section 74 of the Local Government Act 1999) is that

he is President of the Glenelg District Cricket Club. Councillor Snewin dealt with this material conflict of interest by making it known to the chamber and left the meeting at 7.51pm.

12.2 Adjourned Report – Glenelg District Cricket Club Application for Variation of Liquor Licence (Report No: 238/17)

Council at its meeting held 27 June 2017, resolved to adjourn Report No: 213/17, *Glenelg District Cricket Club – Application for Variation of Liquor Licence* so that this matter could be considered after the lease and licence is granted by Council to the Glenelg District Cricket Club.

This report represents Report No: 213/17 for council's consideration.

Debate on this matter had not commenced, so debate is not resumed from the point of the adjournment.

Motion

C110717/837

1. That Report No: 238/17 is received and noted.
2. That the boundaries of licensed area for licence 51310238 be expanded to include the upstairs function area.
3. That the overall licence maximum capacity be increased to 200 persons.
4. That the following additional condition be placed on the licence to authorise the oval and surrounding grounds to be licensed on certain occasions:

“When matches, sporting events and/or any other function or event authorised by the Glenelg District Cricket Club is held on the oval or surrounding grounds between the 1 October and 31 March, the licensed premises will be the entirety of the area outlined in red for the period one hour before and one hour after the event”.

Moved Councillor Lonie, Seconded Councillor Patton

Carried

Councillor Charlick left the chamber at 7.51pm.

Councillor Snewin rejoined the chamber at 7.51pm.

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

13.1 Minutes – Alwyndor Management Committee – 20 June 2017 (Report No: 232/17)

The Minutes of the Alwyndor Management Committee meeting held on 20 June 2017 are provided for information.

Motion**C110717/838**

1. **That the minutes of the Alwyndor Management Committee meeting on 20 June 2017 be noted.**
2. **That having considered Report No: 232/17 – Minutes – Alwyndor Management Committee – 20 June 2017 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 Attachments 2 is retained in confidence for a period of 24 months and that this order be reviewed every 12 months.**

Councillor Charlick rejoined the chamber at 7.52pm.

Moved Councillor Lonie, Seconded Councillor Snewin

Carried

13.2 **Minutes – Southern Region Waste Resource Authority** (Report No: 240/17)

The Minutes of the Southern Region Waste Resource Authority (SRWRA) Board Meeting held on 5 June 2017 are attached and presented for Council's information.

Motion**C110717/839**

The minutes of the Southern Region Waste Resource Authority Board Meeting held on 5 June 2017 are received by Council.

Moved Councillor Bouchee, Seconded Councillor Yates

Carried

14. REPORTS BY OFFICERS

14.1 **Items in Brief** (Report No: 229/17)

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**C110717/840**

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

1. **“Come and Try Week” May 2017**
2. **National Reconciliation Week 2017**
3. **History Festival 1 – 31 May 2017**
4. **External Cladding on Buildings**

Moved Councillor Lonie, Seconded Councillor Bradshaw

Carried

Councillor Wilson left the chamber at 7.57pm.

14.2 Delegations Update – June 2017 (Report No: 231/17)

Following a quarterly review of the Council's delegations a number of changes have been made to the following Acts: *Local Nuisance and Litter Control Act 2016*; *Dog and Cat Management Act 1995*; and *Planning, Development and Infrastructure Act 2016*. Due to the nature of the changes, it has been identified that Council is required to revoke and remake its delegations in relation to these Acts.

The second stage of the delegations, under the *Local Nuisance and Litter Control Act 2016*, come into effect on 1 July 2017 and deal with local nuisance. The *Dog and Cat Management (Miscellaneous) Amendment Act 2016* changes to the *Dog and Cat Management Act 1995* commence on 1 July 2017.

Since the last delegations update in January 2017, the *Planning, Development and Infrastructure Act 2016* first stage has commenced implementation and delegations need to be made to the Chief Executive Officer.

Motion**C110717/841**

That having conducted a review of the Council's Delegations Register in accordance with Section 44(6) of the Local Government Act 1999, the Council:

1. Revocations

1.1 Hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following:

1.1.1 Dog & Cat Management Act 1995

1.1.2 Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017

2. Delegations made under Local Government Act 1999

2.1 In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Attachments 1-3 (each of which is individually identified as indicated below) are hereby delegated on 11 July 2017 to the person occupying the office of Chief Executive Officer subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation.

2.1.1 Dog & Cat Management Act 1995 (Attachment 1)

2.1.2 Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017 (Attachment 2)

2.1.3 Planning, Development and Infrastructure Act 2016 (Attachment 3).

- 2.2 Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the *Local Government Act 1999* as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.**

Moved Councillor Bouchee, Seconded Councillor Lonie

Carried

14.3 Road Reserve Sale Feasibility (Report No: 223/17)

Following a resolution of Council to seek expressions of interest from affected landowners for the purchase of the road reserve that runs off Marlborough Street at Brighton, a land valuation has been prepared having regard to the outcomes of the consultation process. Given that there is multiple interest in the purchase of the road reserve, it is recommended that the land is offered to each of the interested parties at the said valuation, with any competing interest resolved by the highest offer above the valuation.

Motion

C110717/842

That having regard to the outcomes of the expression of interest process and subsequent valuation, that the road reserve formally known as Lot 75 in Deposited Plan 2152 of Certificate of Title Volume 5909 Folio 25 is offered for sale to the parties who have formally indicated an interest in its purchase, on the following basis:

- 1. That Council advises the interested property owners that Council will sell the road reserve, inviting offers starting at the valuation price of \$140,000 plus GST, or highest counter offer above the valuation price, with all associated conveyancing costs met by the purchaser.**
- 2. That Council will include the right of an easement over the road reserve affording free and unrestricted vehicle access to all adjoining properties.**
- 3. That Community Land status for the Road Reserve is revoked upon formal agreement on the purchase price and conditions of sale.**

Councillor Wilson rejoined the chamber at 7.59pm.

Moved Councillor Lonie, Seconded Councillor Clancy

Carried

14.4 Re-Appointment of Existing Members to the Alwyndor Management Committee (Report No: 233/17)

The two year appointment term for Alwyndor Management Committee members Mr D Royans (Chairperson), Mr T Bamford, Ms L Wills, Dr O Peters and Mr I Pratt will expire on the 30 July 2017. All five committee members have confirmed their availability and willingness to serve for a further two year term.

Motion**C110717/843**

That Council re-appoints Mr D Royans and Mr I Pratt for one year expiring 31 July 2018 and Mr T Bamford, Ms L Wills and Dr O Peters to the Committee for a further two year term, to expire on 31 July 2019.

Moved Councillor Clancy, Seconded Councillor Donaldson

Carried

14.5 **Somerton Tennis Club – Application for Club Liquor Licence** (Report No: 226/17)

Somerton Tennis Club Incorporated ("*Club*") has had a license agreement with Council to occupy the property located on the corner of Wilton Avenue and Margaret Avenue, Somerton Park for a number of years which allows the Club use of the clubhouse, tennis courts, and associated adjacent areas.

The Club has now approached council seeking support to obtain a Club Liquor Licence from Consumer and Business Services. If supported, pursuant to section 36 of the *Liquor Licensing Act* 1997, and section 2.12.1 of Council's current Liquor Licensing Policy the Club Licence will permit the club to consume liquor on the licensed premises Monday to Saturday between 8:00 am and 12:00 midnight, and Sunday between 11:00 and 8:00 pm.

The applicant now seeks Council consent (both as landlord and local authority) in support of their application prior to lodging it with Consumer and Business Services.

Motion**C110717/844**

That Council advises both the applicant and Consumer and Business Services that it supports the granting of a Club Liquor Licence pursuant to section 36 of the Liquor Licensing Act 1997 subject to the following:

1. **That the licensed hours be restricted to Monday to Saturday between the hours of 8:00 am and 12:00 midnight, and Sunday between the hours of 11:00 am and 8:00 pm;**
2. **That liquor only be provided to members and guests of the Somerton Tennis Club;**
3. **That liquor only be consumed in the clubhouse and adjacent viewing areas;**
4. **That no liquor is to be supplied to persons and/or consumed on the tennis court playing surfaces.**

Moved Councillor Clancy, Seconded Councillor Charlick

Carried

14.6 Partridge Street Car Parks – (Review) (Report No: 227/17)

This report is prepared as a 12 month review of the operation of the Partridge Street car parks and as a response to the request from the Jetty Road Mainstreet Committee special meeting held 29 May 2017.

“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 goes with a view to freeing up street parking on a trial basis to be reviewed for 3 months.”

Motion**C110717/845**

- 1. That Council retain the current rates and conditions attached to the Partridge Street car parks pending Administration providing to Council, by end of August 2017, a review of parking statistics within the carparks together with opportunities for improvement of ongoing revenue while balancing community expectations.**
- 2. That Council allow discounted parking permits for “Trader Use” only at \$4 per day for the upper deck parking in Partridge Street East Car Park on a 12 month trial basis.**

Moved Councillor Smedley, Seconded Councillor Wilson

Carried**14.9 Council Policy Review (Report No: 230/17)**

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

Motion**C110717/846****That the following policies (as amended) be adopted by Council:**

- International Relations Policy (Attachment 1)**
- Disposal of Assets Policy (Attachment 2)**
- Document Development and Management Policy (Attachment 3)**

Councillor Patton left the chamber at 8.14pm.

Councillor Patton rejoined the chamber at 8.16pm.

Moved Councillor Bouchee, Seconded Councillor Wilson

Carried**14.10 Commonwealth Home Support Program Amended Fees and Charges 2017/18 (Report No: 241/17)**

The Commonwealth Home Support Program (CHSP) providers are governed by a principles-based Client Contribution Framework that was introduced in October 2015 and outlines the requirements for the charging, collecting and reporting of client contributions to at least 30 June 2018.

An update to the Commonwealth's Program Manual, released in May 2017 stipulates the expectation that contributions towards the cost of care move towards a nationally consistent approach over time; should achieve a minimum of 15 per cent of the service provider's grant revenue; and must be publicly available, showing all fees and charges, including the full cost which must be charged in certain circumstances.

As part of the move toward a nationally integrated aged care system, a person receiving a home care package (such as those provided by Alwyndor) may now, in certain circumstances, be referred for CHSP services. The cost of these additional CHSP services are to be paid on a full cost-recovery basis from the home care package client's individualised budget.

In order to comply with these requirements and a requirement to ensure client fees equal 15% of the total grant, the CHSP Fees and Charges schedule for 2017/18 has been reviewed and updated and will replace the previously endorsed Fees and Charges schedule.

The new schedule provides for an increase in revenue from fees for CHSP services, with a corresponding decrease in Council's contribution to the program, as the overall value of the program for 2017/18 remains unchanged.

The amended CHSP Fees and Charges schedule is attached for Council endorsement.

Motion

C110717/847

That Council endorses the amended CHSP Fees and Charges schedule for 2017/18 attached to this report, for implementation from 1 August 2017.

Moved Councillor Clancy, Seconded Councillor Lonie

Carried

Conflict of Interest

His Worship the Mayor, S Patterson declared a perceived conflict of interest for 14.11 Glenelg Oval Masterplan – Consultation Findings (Report No: 242/17). 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/SANFL. 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.

Conflict of Interest

Councillor Snewin declared an actual conflict of interest for 4.11 Glenelg Oval Masterplan – Consultation Findings (Report No: 242/17). The nature of his material conflict of interest (Pursuant to Section 74 of the Local Government Act 1999) is that he is President of the Glenelg District Cricket Club. Councillor Snewin dealt with this actual conflict of interest by making it known to the chamber and left the meeting at 8.23pm.

14.11 **Glenelg Oval Master Plan – Consultation Findings** (Report No: 242/17)

The purpose of this report is to outline the results and findings from the community consultation undertaken for the Glenelg Oval Master Plan. Over the past 18 months, Council has worked with key user groups and stakeholders to develop a mutually agreed concept for the Glenelg Oval Precinct. It is considered a regional sporting facility in Council's Open Space and Public Realm Strategy with a focus on maximising 'mix use' of the site and making it more accessible to a wide cross section of the community. The Precinct is also identified as a key site in the Social Needs and Community Infrastructure Planning and Analysis report as a place to provide flexible sports buildings catering for broad community activities and shared use.

The Glenelg Oval Master Plan consultation was conducted for 21 days between 18 April and 8 May 2017. This consultation was extensively promoted through various channels and included two on site information sessions, online feedback and letter box drop to local residents.

Motion

C110717/848

That Council:

1. **Endorses the Glenelg Oval Master Plan provided in Attachment 1.**
2. **Notes the outcomes of the community consultation on the Glenelg Oval Master Plan as outlined in this report, with feedback accommodated in the detailed design where practical.**
3. **Allocate \$100K in the 2017/18 Q1 budget review for detailed design to progress with implementation of the Glenelg Oval Master Plan (Eastern Zone). This includes the redevelopment of the Holdfast Tennis Club rooms, upgrades to tennis courts, construction of off-street car park and enhancements to Margaret Messenger Reserve.**
4. **Applies for project funding through the Office for Recreation and Sport, Tennis SA and Peak Sporting Bodies.**

Moved Councillor Bouchee, Seconded Councillor Lonie

Carried

Division called

A division was called:

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

Those voting against: Nil (0).

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**

Councillor Snewin rejoined chamber at 8.29pm.

16.1 **Membership of the Glenelg Commemoration Day Sports Association**

Motion

C110717/849

That Councillor Patton continue to be Council's representative on the Glenelg Commemoration Day Sports Association.

Moved Councillor Bouchee, Seconded Councillor Smedley

Carried

17. ITEMS IN CONFIDENCE

17.1 **Minda Update** (Report No: 234/17)

Motion – Exclusion of the Public – Section 90(3)(h & i), Order **C110717/850**

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: 234/17 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: 234/17 – Minda Update on the following grounds:

h. pursuant to section 90(3)(h) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is legal advice relating to the settlement of the dispute with Minda.

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.

i. pursuant to section 90(3)(i) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information relating to actual litigation, regarding the settlement of the Dispute with Minda.

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

17.1 **Minda Update** (Report No: 234/17)

Councillor Smedley left the chamber at 8.43pm.

Councillor Charlick left the chamber at 8.44pm.

Councillor Smedley rejoined the chamber at 8.44pm

Councillor Donaldson left the chamber at 8.48pm

Councillor Donaldson rejoined the chamber at 8.50pm.

RETAIN IN CONFIDENCE - Section 91(7) Order

C110717/852

That having considered Agenda Item 17.1 Minda Update (Report No: 234/17) in confidence under section 90(2) and (3)(h and i) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report, attachments and minutes be retained in confidence for a minimum period of 5 years, in accordance with the Deed of Settlement and that this order be reviewed every 12 months.

Moved Councillor Bouchee, Seconded Councillor Lonie

Carried

CLOSURE

The Meeting closed at 8.53pm.

CONFIRMED Tuesday 8 August 2017

MAYOR