

**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 14 November 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 S Charlick  
Councillor R Clancy  
Councillor K Donaldson  
Councillor R Patton  
Councillor J Smedley  
Councillor A Wilson  
Councillor L Yates

**STAFF IN ATTENDANCE**

Chief Executive Officer - J Lynch  
General Manager Business Services – R Bria  
General Manager City Assets and Services - S Hodge  
Acting General Manager Community Services – M Lock

**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 Kurna 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 Kurna 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 Snewin
- 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****C141117/947**

**That the minutes of the Ordinary Meeting of Council held on 24 October 2017 be taken as read and confirmed.**

Moved by Councillor Yates, Seconded by Councillor Clancy

**Carried****8. PUBLIC PRESENTATIONS**

- 8.1 **Petitions** - Nil
- 8.2 **Presentations** Nil
- 8.3 **Deputations** - Nil

**9. QUESTIONS BY MEMBERS****9.1 Without Notice****9.1.1 Use of Microphones in Council Chamber – Councillor Clancy**

Councillor Clancy sought leave of the meeting to allow members to sit while speaking so that the microphone system would work more effectively over the noise from the fans.

Leave of the meeting was granted for this occasion only.

**9.1.2 Glenelg Football Club Financial Statements – Councillor Bouchee**

Councillor Bouchee asked questions regarding the Glenelg Football Club financial statements.

The General Manager Business Services, Mr R Bria provided a response.

**9.1.3 Paint Colours – Jetty Road, Glenelg – Councillor Bouchee**

Councillor Bouchee asked a question about the paint colours being used on Jetty Road, Glenelg.

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

**9.1.4 Jetty Road Mainstreet Committee – Councillors Bouchee and Charlick**

Councillors Bouchee and Charlick asked questions regarding the Jetty Road Mainstreet Committee's retail strategy.

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

**9.1.5 Quarterly Report on the Operations of Partridge House – Councillor Bouchee**

Councillor Bouchee asked a question regarding a quarterly update on the operations of Partridge House.

The General Manager Business Services, Mr R Bria provided a response.

**9.1.6 Glenelg Oval Grandstand Demolition – Councillor Patton**

Councillor Patton asked a question regarding the demolition of the grandstand at the Glenelg Oval Grandstand.

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

**9.1.7 Brighton Jetty – Councillor Yates**

Councillor Yates asked a question regarding the cleaning of the Brighton Jetty.

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

**9.1.8 Use of Partridge Street Carpark – Councillor Smedley**

Councillor Smedley asked a question regarding the car parking offer in the Partridge Street Car Park.

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

## 9.2 With Notice

### 9.2.1 Question on Notice – Progress on Aboriginal Art Installation (Report No: 402/17)

Councillor Wilson asked the following question:

***“Can we have an update on the progress of the aboriginal art installation for both Brighton and Glenelg Jetty?”***

#### **ANSWER – Arts and Culture Officer**

At its meeting on 9 May 2017, Resolution No C090517/746, Council resolved to:

***“investigate as a part of the 2018/19 budget process:***

- 1. the cost of the installation of a 2m x 2m public lighting / art installation by photo-luminescent pebbles, luminophores (or similar) near the end (or along) both the Glenelg and Brighton Jetties in an Aboriginal Art design.***
- 2. the cost of acquiring an artistic design that represents the Kurna peoples' Tjilbruke Springs Dreaming : this design can then be used both in the jetty art installations and in the yet to be built Tjilbruke interpretive centre at Kingston Park. “***

We are exploring costings, structural feasibility, cultural sensitivity and the visual impact of a photoluminescent installation at the end of the Jetties at the moment. A report will be prepared once all of the information is obtained. As per the motion, this is in readiness for the 2018/19 budget.

### 9.2.2 Question on Notice – Use of Fluoro-Neon Paint on Buildings in the Commercial Districts (Report No: 403/17)

Councillor Wilson asked the following question:

***“Three buildings on Jetty Road now have Fluro / neon yellow paint. I have been contacted by numerous residents who have complained that it brings down the urban design standard of the Jetty Road precinct. What can CHB do to restrict the use of Fluoro/ neon/ high-pigmented garish paint jobs in its commercial districts? Can the state government be lobbied to amend the Heritage Act or such other legislative instrument?”***

#### **ANSWER - Manager Development Services**

The repainting of commercial buildings does not require development approval under the Development Act, unless applied to a heritage listed

building. In the case of Jetty Road at Glenelg, one of the brightly-coloured buildings is listed as a Local Heritage Place in Council's Development Plan, although no approval was sought prior to undertaking the paintwork. The owner of this building was recently notified to either remove the paint or seek a formal assessment to determine whether it can remain. The Council could make representation to the Minister for Planning for a change to the legislation to require approval when changing the colour of buildings in commercial areas, irrespective of whether a heritage listing applies.

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**ANSWER - Manager Development Services**

The repainting of commercial buildings does not require development approval under the Development Act, unless applied to a heritage listed building. In the case of Jetty Road at Glenelg, one of the brightly-coloured buildings is listed as a Local Heritage Place in Council's Development Plan, although no approval was sought prior to undertaking the paintwork. The owner of this building was recently notified to either remove the paint or seek a formal assessment to determine whether it can remain. The Council could make representation to the Minister for Planning for a change to the legislation to require approval when changing the colour of buildings in commercial areas, irrespective of whether a heritage listing applies.

**10. MEMBER'S ACTIVITY REPORTS**

10.1 **Mayoral Report** (Report No: 400/17)

Presented for the information of Members is the Activity Report for the Mayor for August - October 2017.

**Motion**

**C141117/948**

**That the Mayor's Activity Report for August - October 2017 be received and noted.**

Moved Councillor Lonie, Seconded Councillor Patton

**Carried**

**10.2 Members' Activity Report (Report No: 408/17)**

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****C141117/949**

1. **That the following activity reports be noted:**
  - **Councillor Yates – 2017 National Conference and AGM - Murray Darling Association**
  - **Councillor Wilson**
2. **That the attached activity report by Councillor Yates on the 2017 National Conference and AGM – Murray Darling Association be noted.**

Moved Councillor Bouchee, Seconded Councillor Donaldson

**Carried****11. MOTIONS ON NOTICE - Nil****12. ADJOURNED MATTER****12.1 Adjourned Report – Removal of Street Tree – 3 St Johns Row, Glenelg – Report No: 346/17 (Report No: 411/17)**

Council at its meeting held 10 October 2017, resolved to adjourn Report No: 346/17 *Removal of Street Tree – 3 St Johns Row, Glenelg* so that the development of conditions could be further assessed.

This report represents Report No: 346/17 for Council's further consideration with additional information.

**Conflict of Interest**

Councillor Wilson declared a perceived conflict of interest for 12.1 Adjourned Report – Removal of Street Tree – 3 St Johns Row, Glenelg – Report No: 346/17 (Report No: 411/17). The nature of her perceived conflict of interest (Pursuant to Section 74 of the Local Government Act 1999) was because of a past work relationship. Councillor Wilson dealt with this perceived conflict of interest by making it known to the chamber and by ensuring that she will vote in the best interests of the community as a whole.

**Motion**

1. **That Report No: 411/17 is received and noted.**
2. **That Council accede to the request from SA Group of Companies (an extract from ASIC's database taken on 9 October 2017 lists the status of SA Group of Companies Pty Ltd as deregistered) to remove a mature *Metrosideros excelsa* (New Zealand Christmas Tree) at the side of 3 St Johns Row, subject to development approval of an eight story (nine stories including ground floor) building and on the condition that the developer provide three mature trees of Council's choosing to be planted in close proximity to the site.**

Moved Councillor Smedley, Seconded Councillor Aust

**Variation**

The mover Councillor Smedley and seconder Councillor Aust agreed to the amendment proposed by Councillor Bouchee for the replacement trees to be planted adjacent to the development site, at Council's discretion.

**Motion**

1. **That Report No: 411/17 is received and noted.**
2. **That Council accede to the request from SA Group of Companies (an extract from ASIC's database taken on 9 October 2017 lists the status of SA Group of Companies Pty Ltd as deregistered) to remove a mature *Metrosideros excelsa* (New Zealand Christmas Tree) at the side of 3 St Johns Row, subject to development approval of an eight story (nine stories including ground floor) building and on the condition that the developer provide three mature trees of Council's choosing and planted adjacent to the site, at Councils discretion.**

Moved Councillor Smedley, Seconded Councillor Aust

**Point of Order**

His Worship the Mayor called to order Councillor Yates for interrupting members while they were speaking and for the language being used and ruled that Councillor Yates had acted in breach of Regulation 29(1)(b).

**Variation**

The mover Councillor Smedley and seconder Councillor Aust agreed to the amendment proposed by Councillor Clancy for the removal of the tree to be after the commencement of building.

**Motion**

1. **That Report No: 411/17 is received and noted.**
2. **That Council accede to the request from SA Group of Companies (an extract from ASIC's database taken on 9 October 2017 lists the status of SA Group of Companies Pty Ltd as deregistered) to remove a mature *Metrosideros excelsa* (New Zealand Christmas Tree) at the side of 3 St Johns Row, subject to development approval of an eight story building (nine stories including ground floor), after the commencement of building and on the condition that the developer provide three mature trees of Council's choosing and planted adjacent to the site, at Councils discretion.**

Moved Councillor Smedley, Seconded Councillor Aust

**Point of Order**

His Worship the Mayor called to order Councillor Yates for a further time for interrupting members while they were speaking and considered that Councillor Yates has acted in contravention of Regulation 29(1) and was asked to make a personal explanation to the chamber regarding her behaviour.

**Personal Explanation**

Councillor Yates made a personal explanation regarding her continued interruptions of other members who were speaking.

Councillor Bouchee left the chamber at 7.31pm.

Councillor Yates remained in the chamber.

His Worship the Mayor made a statement in support of his ruling pursuant to Regulation 28(6) of the *Local Government (Procedures at Meetings) Regulations 2013*.

**Motion**

**That the ruling on the point of order by His Worship the Mayor in relation to Councillor Yate's behaviour is agreed with and she is excluded from the chamber for the remainder of the debate on this item Adjourned Report – Removal of Street Tree – 3 St Johns Row, Glenelg – Report No: 346/17 (Report No: 411/17).**

**Lapsed**

Councillor Bouchee rejoined the chamber at 7.33pm.

**His Worship the Mayor put the motion, as varied and was**

**Lost**



**Division called**

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

Those voting for: Councillors Aust, Lonie, Patton, Charlick, Smedley (5)

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

His Worship the Mayor declared the motion

**Lost**

**13. REPORTS OF MANAGEMENT COMMITTEES, SUBSIDIARIES AND THE DEVELOPMENT ASSESSMENT PANEL****13.1 Minutes – Audit Committee (Report No: 404/17)**

The minutes of the meeting of the Audit Committee held on 25 October 2017 are presented to Council for information and endorsement.

**Motion****C141117/950****1. That Council receives and notes the minutes of the meeting of the Audit Committee of 25 October 2017, namely:**

**1.1 That the Audit Committee inform Council it has reviewed the General Purpose Financial Reports for the year ending 30 June 2017, as required under Section 126(4)(a) of the *Local Government Act 1999*, and found them to present fairly the state of affairs of the Council as required under *the Local Government (Financial Management) Regulations 2011*.**

**1.2 That the Audit Committee advises Council it has received and considered a Standing Items Report addressing:**

- Monthly financial statements
- Internal control
- Risk management
- Whistleblowing
- Internal audit
- Economy and efficiency audits

**1.3 That the Audit Committee advises Council it has received and noted the revised Long Term Financial Plan.**

Moved Councillor Charlick, Seconded Councillor Smedley

**Carried**

13.2 **Minutes – Alwyndor Management Committee – 17 October 2017** (Report No: 409/17)

The Minutes of the Alwyndor Management Committee meeting held on 17 October 2017 are provided for information.

**Motion**

**C141117/951**

1. **That the minutes of the Alwyndor Management Committee meeting on 17 October 2017 be noted.**
2. **That having considered Report No: 409/17 Minutes – Alwyndor Management Committee – 17 October 2017 in confidence under section 90(2) and (3)(b) of the Local Government Act 1999, the Council, pursuant to section 91(7) of the Act orders that Attachment 2 is retained in confidence for a period of 24 months and that this order be reviewed every 12 months.**

Moved Councillor Lonie, Seconded Councillor Aust

**Carried**

13.3 **Minutes – Jetty Road Mainstreet Committee – 1 November 2017** (Report No: 418/17)

The minutes of the meeting of the Jetty Road Mainstreet Committee meeting held on 1 November 2017 are attached and presented for Council's information.

**Motion**

**C141117/952**

1. **That Council receives and endorses the minutes of the meeting of the Jetty Road Mainstreet Committee if 1 November 2017, namely:**
  - 1.1 **That the Committee investigate a cost effective option, including sponsorship up to the existing budget of \$15,000 with any savings to be returned to budget.**
  - 1.2 **That the Committee note the report and discuss any areas of interest including:**
    - **Recruitment – Jetty Road Development Coordinator**
    - **Office Accommodation – Jetty Road Development Coordinator**
    - **New Committee Member – Progress Update**
    - **Christmas Pageant and Street Party**
    - **Retail Strategy**
    - **Cruise Ship Progress Report**
    - **Trader's Awards**
    - **Jetty Road Masterplan**
    - **New Year's Eve**

**And, that Administration provide detailed costings regarding the provision of a separate office space within 2 weeks, and to be formally presented at the next Committee meeting.**

- 1.3 That the Jetty Road Mainstreet Committee approve the short term marketing initiatives contained in this report and the associated additional budget expenditure of \$53,877.**

Moved Councillor Bouchee, Seconded Councillor Wilson

**Carried**

#### **14. REPORTS BY OFFICERS**

##### **14.1 Items in Brief (Report No: 401/17)**

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**

**C141117/953**

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

- 1. Partridge Street (East and West) Car Parks September Quarterly Report**
- 2. Gold Coast 2018 Commonwealth Games – Queens Baton Relay Glenelg**
- 3. Making Every Contact Count (MECC)**
- 4. Pet Pals Program**
- 5. Quarterly 2017-18 Grants Update**
- 6. Appointment of Contractor Outside of the Procurement Policy – Intuito for the Quality of Life Survey**
- 7. Correspondence from the DPTI regarding the Pine Avenue, Kingston Park Rail Pedestrian Crossing**

Moved Councillor Charlick, Seconded Councillor Donaldson

**Carried**

Councillor Patton left the chamber at 7.55pm.

##### **14.2 2016-17 General Purpose Financial Statements (Report No: 407/17)**

Councillor Patton rejoined the chamber at 7.57pm.

The completed financial statements for the year ended 30 June 2017 have been reviewed by the Audit Committee and audited by Council's external auditors, BDO who have indicated that an unqualified audit opinion will be provided. They are presented to Council to be received, noted and authorised.

The consolidated operating result before capital revenues is \$1,913,000 surplus comprising \$261,000 (deficit) from Alwyndor and \$2,174,000 surplus from Council's municipal operations. Contained in Council's municipal operations result is a \$207,000 surplus from Council's 15% equity interest in Sothorn Region Waster Resource Authority (SRWRA).

The operating results vary from the preliminary result reported to Council on 22 August (Report 292/17) as indicated in the table below.

Preliminary Report Council 292/17 operating result before net gain/loss on asset disposals/revaluations	Financial Statements Operating Result	Difference (to Council Report 292/17)
<b><i>Municipal Operations</i></b>		
\$1,964,000 Surplus	\$2,174,000 Surplus	\$210,000 increase in surplus
<b><i>Alwyndor Operations</i></b>		
(\$339,000) Deficit	(\$261,000) Deficit	\$78,000 decrease in deficit
<b><i>Consolidated</i></b>		
\$1,625,000 Surplus	\$1,913,000 Surplus	\$288,000 increase in surplus

The major difference with the Council result was accounting for the \$207,000 SRWRA surplus result. Other changes included for processing final invoices to 2016/17 and accounting for in-kind library grants. Loan receivables were reviewed and considered by the Audit Committee on 23 August (Report 290/17). The financial statements include an increased loan impairment provision in accordance with the approved recommendations.

The major difference with the Alwyndor result was due to additional grant income of \$50,000 and an amount recovered from Telstra \$42,000 less final invoices accrued to 2016/17.

### **Motion**

**C141117/954**

1. That the financial statements for the City of Holdfast Bay for the year ended 30 June 2017 as contained in Attachment 1 to Report No: 407/17 be received and noted.
2. That the Mayor and the Chief Executive Officer be authorised to sign the following certification of the financial statements;

**In our opinion:**

- (a) **the accompanying (2016/17) financial statements comply with the *Local Government Act 1999, Local Government (Financial Management) Regulations 2011* and Australian Accounting Standards.**
- (b) **the financial statements present a true and fair view of the Council's financial position at 30 June 2017 and the results of its operations and cash flows for the financial year.**
- (c) **internal controls implemented by Council provide a reasonable assurance that the Council's financial records are complete, accurate and reliable and were effective throughout the financial year.**
- (d) **the financial statements accurately reflect the Council's accounting and other records.**

Moved Councillor Smedley, Seconded Councillor Wilson

**Carried**

14.3 **2016-17 Annual Report** (Report No: 406/17)

Council's Annual Report is an important document providing legislators and the community with assurance that the City of Holdfast Bay is meeting all its strategic and governance requirements.

The 2016–17 Annual Report has been prepared to meet all statutory requirements and will be made available in electronic form by the end of December 2017. It shows that Council has continued to deliver quality and improved services and facilities to its community.

**Motion**

**C141117/955**

Councillor Donaldson left the chamber at 8.08pm.

**That Council adopts the 2016–17 Annual Report, subject to design and minor alterations, and the inclusion of the audited financial statements.**

Councillor Donaldson rejoined the chamber at 8.10pm.

Moved Councillor Smedley, Seconded Councillor Aust

**Carried**

14.4 **Contracted Service Agency Panel Deed for Transition Care Programme and Care Awaiting Placement Program – Alwyndor Aged Care** (Report No: 410/17)

Alwyndor Aged Care has been identified by the Minister for Health to be on a panel of suppliers for Transition Care Programme and Care Awaiting Placement Program. To be on the panel of suppliers, Council is required to sign, with Common Seal, a Contracted Service Agency Panel Deed.

**Motion****C141117/956**

**That Council authorise the Mayor and the Chief Executive officer to sign and seal the Contracted Service Agency Panel Deed for the Provision of the Transition Care Programme and Care Awaiting Placement Program.**

Councillor Wilson left the chamber at 8.14pm.

Moved Councillor Clancy, Seconded Councillor Yates

**Carried**

14.5 **Possible Sale of Portion of Land at 20 Seaview Avenue, Kingston Park** (Report No: 413/17)

The property owner of 20 Seaview Avenue, Kingston Park has approached Council regarding the possibility of purchasing from Council a portion of land at the frontage of the property.

This report recommends that Council agree in principle to sell the portion of land.

**Motion****C141117/957**

1. **That Council initiate the process of sale of a portion of land adjoining 20 Seaview Ave, Kingston Park.**
2. **That adjacent ratepayers be advised to contact Council for registration of interest for possible purchase.**
3. **That Administration prepare a report on the outcome at the December 2017 meeting.**

Moved Councillor Bouchee, Seconded Councillor Bradshaw

**Carried**

Councillor Wilson rejoined the chamber at 8.21pm.

14.6 **Mobile Trading Policy and Food Vendor Permit System** (Report No: 414/17)

The City of Holdfast Bay Mobile Trading Policy approved by Council on 26 March 2013 is required to be reviewed to enable alignment with the new *Local Government (Mobile Food Vendors Amendment Act) 2017*, to be adopted in March 2018. To successfully align with legislative requirements staff have developed a new Mobile Food Vendor Permit System to accompany the updated Mobile Trading Policy. However, Council are prepared to commence this process upon the adoption of this policy.

**Motion**

**That Council endorse the updated Mobile Trading Policy including the Mobile Food Vendor Permit System.**

Moved Councillor Charlick, Seconded Councillor Patton

**Amendment****C141117/958**

- 1. That Council endorse the updated Mobile Trading Policy including the Mobile Food Vendor Permit System.**
- 2. That the exclusion contained in Schedule A – be expanded at Jetty Road Glenelg, and 100m North and South of Jetty Rd Glenelg along any thoroughfare off Jetty Road Glenelg.**

Moved Councillor Wilson, Seconded Councillor Donaldson

The Amendment was put and **Carried**

The motion as amended was put and **Carried**

**Division called**

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

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

Those voting against: Councillors Bouchée (1)

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

Councillor Charlick left the chamber at 8.53pm.

**14.7 Asset Management Plan Public Consultation Outcome (Report No: 416/17)**

Section 122 of the *Local Government Act 1999* (the Act) requires councils to develop and adopt Asset Management Plans relating to the management and development of infrastructure and major assets by the council. Council's Asset Management Plan was adopted by the Council for public consultation in April 2017 (Report No: 115/17).

The Act and our own policies require us to engage with the local community on these Asset Management Plans. The local community has been engaged in line with our adopted public consultation procedures. Although 123 people downloaded the Asset Management Plans, no significant suggestions or comments were received from the engagement processes. An engagement report is attached.

Copies of the plan are available in hard copy upon request and will be available on the website in the near future.

**Motion****C141117/959**

1. **That Council notes the completion of community engagement processes on the Asset Management Plan previously circulated to members as an attachment to report number 115/17.**
2. **That Council adopts the Asset Management Plan as required under Section 122 of the *Local Government Act 1999*.**

Moved Councillor Lonie, Seconded Councillor Aust

**Carried**14.8 **Removal of Street Tree – 48 Byre Avenue, Somerton Park** (Report No: 412/17)

Council is requested to consider the removal of one significant street tree located at 48 Byre Avenue, Somerton Park. The *Agonis flexuosa* (Willow Myrtle) has been requested for removal by the owner of the property in relation to a development application. With the tree now in poor condition, the removal is recommended at the expense of the applicant in accordance with the Tree Management Policy and Council's approved Fees and Charges.

**Motion****C141117/960**

1. **That Council support the removal of the significant street tree, *Agonis flexuosa* (Willow Myrtle) at 48 Byre Avenue, Somerton Park.**
2. **That the removal will be at the expense of the owner/ applicant in accordance with the Tree Management Policy and Council's approved Fees and Charges.**
3. **That three (3) replacement trees will be planted to replace this tree in close proximity to the development site at the discretion of Council's arborist.**

Councillor Charlick rejoined the chamber at 8.55pm.

Moved Councillor Wilson, Seconded Councillor Bouchee

**Carried**14.9 **Jetty Road Mainstreet Committee Nominations** (Report No: 399/17)

The Jetty Road Mainstreet Committee (JRMCM) is a special purpose committee of the City of Holdfast Bay formed under Section 41 of the Local Government Act 1999. The JRMCM has delegated powers from Council which are reviewed annually.

The term of appointment of all members of the JRMCM will, subject to Section 45(1) of the Local Government Act 1999, coincide with the term of the Council, and be for a period of two years, with an option to renew for a further two years. *Where Members elect not to take up their option of a further two year term, new Members*



*will be appointed in accordance with Section 11 Method of Appointment of Community Members for two years or until the end of the current term of Council. The current term expires in November 2018.*

A member has recently resigned from JRMC creating a vacancy. Because of the relatively short term of any replacement, (12 months) the JRMC agreed to review applicants from the previous round (January 2017) to see if any would be interested. One of the applicants, who met the criteria has expressed an interest in joining the JRMC for 12 months.

**Motion**

**C141117/961**

- 1. That Council appoints Elise Fassina, Fassina Group Sales and Marketing Manager being a suitable person to fill the current vacancy on the Jetty Road Mainstreet Committee.**
- 2. The term of this appointment will be for the remaining term of Council.**

Moved Councillor Lonie, Seconded Councillor Aust

**Carried**

**Nominations**

His Worship the Mayor called for nominations from Members for the position of Deputy Mayor.

A nomination was received for Councillor Wilson.

- 14.10 **Appointment of Deputy Mayor – 1 December 2017 – 9 November 2018** (Report No: 405/17)

Under Section 51 of the *Local Government Act 1999* Council may appoint a Deputy Mayor, to act in the absence of the Mayor, in the office of Mayor, for a term not exceeding four years.

Council has previously made appointments of Deputy Mayor for a term of one year. It is Council's prerogative to choose another term, if it so chooses.

**Motion**

**C141117/962**

**That Councillor Wilson be appointed Deputy Mayor for the period of 1 December 2017 to 9 November 2018 (close of voting).**

Moved Councillor Donaldson, Seconded Councillor Bouchee

**Carried**

Councillor Bouchee left the chamber at 8.59pm.

**15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil**

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

**17. ITEMS IN CONFIDENCE****17.1 Brighton Pump Track Maintenance (Report No: 415/17)****Motion – Exclusion of the Public – Section 90(3)(a) Order C141117/963**

- 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 Brighton Pump Track Maintenance (Report No: 415/17) 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 Brighton Pump Track Maintenance (Report No: 415/17) on the following grounds:**
  - a. pursuant to section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to Brighton Pump Track Maintenance (Report No: 415/17) is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being Pump Track Volunteer Matter because details of the track maintenance and the Volunteer's performance will be discussed, which are sensitive and are details only known to those who have participated in the process.**
- 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 Aust, Seconded Councillor Donaldson

**Carried**

Councillor Bouchee rejoined the chamber at 9.02pm.

**Brighton Pump Track Maintenance (Report No: 415/17)****RETAIN IN CONFIDENCE - Section 91(7) Order C141117/965**

**That having considered Agenda Item 17.1 Brighton Pump Track Maintenance (Report No: 415/17) in confidence under section 90(2) and (3)(a) 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 period of 24 months and that this order be reviewed every 12 months.**

Moved Councillor Smedley, Seconded Councillor Donaldson

**Carried**

17.2 **Beach Activation** (Report No: 417/17)**Motion – Exclusion of the Public – Section 90(3)(b) Order****C141117/966**

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, Staff in attendance and Mr T Sellar, Manager Moseley Bar and Kitchen, at the meeting in order to consider Report No: 417/17 Beach Activation 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, with the exception of the Manager of the Moseley Bar and Kitchen, Mr T Sellar to consider the information contained in Report No: 417/17 Beach Activation 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 proposing to conduct business; and would prejudice the commercial position of the Council in that the Council is currently negotiating the terms and conditions of the proposed beach activation.

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 Clancy, Seconded Councillor Donaldson

**Carried****Short Term Suspension of the *Local Government (Procedures at Meetings) Regulations 2013***

His Worship the Mayor with the 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 15 minutes so that Mr Sellar could address Council and answer questions regarding the Beach Activation Report and will resume at the end of this time.

The meeting procedures were suspended at 9.11pm.  
The meeting resumed at 9.27pm.

### **Short Term Suspension of the *Local Government (Procedures at Meetings) Regulations 2013***

His Worship the Mayor with the 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 15 minutes so that Mr Sellar could further address Council and answer questions regarding the Beach Activation Report and will resume at the end of this time.

The meeting procedures were suspended at 9.28pm.

Councillor Wilson left the chamber at 9.35pm.

Councillor Wilson rejoined the chamber at 9.36pm.

The meeting resumed at 9.43pm.

Mr T Sellar, Manager Moseley Bar and Kitchen left the chamber at 9.43pm.

**Beach Activation** (Report No: 417/17)

**RETAIN IN CONFIDENCE - Section 91(7) Order**

**C141117/968**

**That having considered Agenda Item 17.2 Beach Activation (Report No: 417/17) in confidence under section 90(2) and (3)(b) 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 until the matter is announced publically and the CEO authorised to release.**

Moved Councillor Clancy, Seconded Councillor Charlick

**Carried**

**17.3 Minutes – Alwyndor Management Committee – 17 October 2017** (Report No: 409/17)

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

**C141117/969**

- 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: Minutes – Alwyndor Management Committee – 17 October 2017 (Report No: 409/17) 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 Minutes – Alwyndor Management**

**Committee – 17 October 2017 (Report No: 409/17) on the following grounds:**

- 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 to confer a commercial advantage on a third party as it details changes to the clinical structure along with detailed operational finance information.

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 Clancy, Seconded Councillor Yates

Carried

**Motion**

**C141117/970**

**That the Council meeting continue to 10.45pm to allow for the business of the Council to be concluded.**

Moved Councillor Bouchee, Seconded Councillor Charlick

Carried

**Minutes – Alwyndor Management Committee – 17 October 2017**

**RETAIN IN CONFIDENCE - Section 91(7) Order**

**C141117/971**

**That having considered Agenda Item Minutes – Alwyndor Management Committee – 17 October 2017 (Report No: 409/17) 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 minutes be retained in confidence for a period of 18 months and that this order be reviewed every 12 months.**

Moved Councillor Bouchee, Seconded Councillor Clancy

Carried

**CLOSURE**

The Meeting closed at 10.42pm.

**CONFIRMED      Tuesday 28 November 2017**

**MAYOR**