

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 28 November 2017 at 7:00pm.

MEMBERS PRESENT

His Worship the Mayor, S Patterson
Deputy Mayor, Councillor S Lonie
Councillor R Aust
Councillor M Bouchée
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

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 A Bradshaw

4.2 Absent - Nil

5. ITEMS PRESENTED TO COUNCIL

5.1 **2017 Local Government Association Workers Compensation Scheme Work Health Safety Best Practice Merit Award**

The City of Holdfast Bay received the 2017 Local Government Association Workers Compensation Scheme Work Health Safety Best Practice Merit Award for our WHS Brand 'Every Time'.

6. DECLARATION OF INTEREST

Members were reminded to declare their interest before each item.

7. CONFIRMATION OF MINUTES**Motion****C281117/972**

That the minutes of the Ordinary Meeting of Council held on 14 November 2017 be taken as read and confirmed.

Moved by Councillor Donaldson, 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 **Need for Appointment of a Council Member to the Jetty Road Mainstreet Committee – Councillor Wilson**

Councillor Wilson asked a question regarding the need to appoint another Council Member to the Jetty Road Mainstreet Committee due to her appointment as Deputy Mayor.

His Worship the Mayor, Mr S Patterson advised Councillor Wilson to raise this as a matter of urgent business.

9.1.2 Jetty Road Glenelg Separate Rate – Councillor Smedley

Councillor Smedley asked a question regarding the way that the Jetty Road Glenelg Separate Rate is budgeted and how much has been spent on the traders in the Eastern End of the precinct (from Partridge Street to Brighton Road) in the past 3 years.

His Worship the Mayor, Mr S Patterson took the question on notice.

9.1.3 Use of Partridge Street Carpark – Councillor Smedley

Councillor Smedley asked a question regarding the marketing of the full day use of the Partridge Street Car Park.

The Acting General Manager Community Services, Mr S Hodge provided a response.

9.1.4 The Buffalo – Councillor Patton

Councillor Patton asked a question regarding the condition of the Buffalo.

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

9.1.5 The Buffalo Carpark – Councillor Bouchee

Councillor Bouchee asked a question regarding the Buffalo Carpark revenue.

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

Point of Order

His Worship the Mayor called to order Councillor Bouchee for interrupting the meeting and ruled that Councillor Bouchee had acted in breach of Regulation 29(1)(b).

Councillor Bouchee continued to interrupt the meeting, in breach of Regulation 29(1)(b) and was asked to leave the chamber by His Worship the Mayor

Councillor Bouchee gave a personal explanation and left the chamber at 7.13pm.

His Worship the Mayor made a statement in support of his ruling.

Motion**C281117/973**

That the ruling on the point of order by His Worship the Mayor in relation to Councillor Bouchee's behaviour is agreed with and she is excluded from the chamber for the remainder of Item 9.1 Questions on Without Notice and asked to apologise to the chamber for her behaviour.

Moved Councillor Clancy, Seconded Councillor Yates

Carried

9.1.6 **Median Strip on Brighton Road – Councillor Charlick**

Councillor Charlick asked a question regarding the agreement with DPTI regarding the median strip on Brighton Road.

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

9.1.7 **No Parking Zone on Edwards Street, Brighton – Councillors Yates and Snewin**

Councillors Yates and Snewin asked questions regarding the no parking zones on Edwards Street, Brighton.

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

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

9.1.8 **Glenelg Football Club Grandstand Demolition – Councillor Smedley**

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

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

Councillor Yates left the chamber at 7.20pm.

Councillor Yates rejoined the chamber at 7.21pm.

Councillor Bouchee rejoined the chamber at 7.21pm.

Councillor Bouchee apologised to the chamber for her behaviour and made a further personal explanation.

9.2 **With Notice**

9.2.1 **Question on Notice – Replacing of Carpet on the Median Strip on Brighton Road (Report No: 435/17)**

Councillor Yates asked the following question:

“Could Council ask DPTI to replace the carpet in some spots especially where there are holes cut and no trees, eg by Hungry Jacks, Brighton?”

Background

DPTI put the green carpet on the median strip of Brighton Rd a long time ago. It looks very worn now. It would brighten up the road a little, although getting new trees and plantings in the median strip would be better but this appears to be impossible currently.

ANSWER – General Manager, City Assets and Services

The synthetic grass in the median islands in Brighton Road was installed by Brighton Council in the mid 1990's with agreement from DPTI that Council would install and maintain the material.

Field staff have periodically maintained the area by sweeping and hosing down, however, over time this has become a serious Work Health and Safety issue for workers on the site, and as a result there has been limited maintenance undertaken in the past 15 years.

There needs to be careful consideration on how best to approach any work in this area as it is an extremely busy highway and DPTI have strict regulations on when we can and can't undertake work on their roads.

10. MEMBER'S ACTIVITY REPORTS

10.1 Members' Activity Reports (Report No: 429/17)

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

C281117/974

That the following activity reports be noted:

- **Councillor Patton - South Australian State Coastal Conference 2017**
- **Councillor Wilson**
- **Councillor Lonie, Deputy Mayor**

Moved Councillor Bouchee, Seconded Councillor Smedley

Carried

11. MOTIONS ON NOTICE

11.1 Motion on Notice – Naming Conventions for Council Papers - Councillor Smedley (Report No: 428/17)

Councillor Smedley proposed the following motion:

BACKGROUND

The scope is intended to address past present and future documents and the working group is asked to report back to Council by end of January 2018 for

acceptance and implementation of a program to rename and upload all documents to the Hub and website as appropriate, for this and at least the last 2 Council Terms.

The naming conventions should at the same time be published on the Hub and Website to assist those searching for documents and also introduced to Policy and Procedure so that future documentation follows the agreed convention.

Motion

C281117/975

That a working group comprising representatives of IT and those responsible for document generation within Administration be formed to agree suitable naming conventions for all Council and Committee agendas, reports, minutes and other documentation/correspondence and report back with a solution by end of January 2018.

Moved Councillor Smedley, Seconded Councillor Bouchee

Carried

12. ADJOURNED MATTER

His Worship the Mayor sought leave of the meeting to consider this item as the first item of business under Item 17 Confidential Items.

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

14. REPORTS BY OFFICERS

14.1 Items in Brief (Report No: 430/17)

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

C281117/976

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

- 1. Planning Reforms – Community Engagement Charter Update**
- 2. Outstanding Meeting Actions**
- 3. Draft Representation Review Schedule 2020-2024**
- 4. Resilient South Sector Agreement**
- 5. Project Schedules – City Assets and Services**
- 6. Appointment of contractor outside of the procurement policy – Oxigen for review of Open Space and Public Realm Strategy**
- 7. Partridge House Usage: 1st Quarter 2017/2018**

Moved Councillor Yates, Seconded Councillor Lonie

Carried

14.2 **2016-17 Annual Review of Investments** (Report No: 431/17)

Section 140 of the *Local Government Act 1999* (the Act) requires Council to review the performance of its investments on an annual basis. This report explains the process for investing funds, amount of funds invested during 2016/17, average interest rate earned and investment performance against budget for Council's municipal activities and Alwyndor Aged Care.

Motion

C281117/977

That this report comprising a performance review of 2016/17 investments, as required under Section 140 of the *Local Government Act 1999*, be received and noted.

Moved Councillor Smedley, Seconded Councillor Aust

Carried

14.3 **Monthly Financial Report – 31 October 2017** (Report No: 431/17)

Section 140 of the *Local Government Act 1999* (the Act) requires Council to review the performance of its investments on an annual basis. This report explains the process for investing funds, amount of funds invested during 2016/17, average interest rate earned and investment performance against budget for Council's municipal activities and Alwyndor Aged Care.

Councillor Wilson left the chamber at 7.50pm.

Motion

C281117/978

That this report comprising a performance review of 2016/17 investments, as required under Section 140 of the *Local Government Act 1999*, be received and noted.

Moved Councillor Lonie, Seconded Councillor Smedley

Carried

14.4 **Closed Circuit Television and Surveillance Policy** (Report No: 433/17)

In 2006, the City of Holdfast Bay was awarded grant funding by the Australian Government through the National Community Crime Prevention Programme to assist with the implementation of council's first CCTV infrastructure in the Glenelg Precinct. Following this, Council entered into a Memorandum of Understanding (MOU) with the South Australian Police (SAPol) for the purpose of transferring the day-to-day operational monitoring of the cameras to the Glenelg Police Station.

Over the years since, Council have significantly expanded the surveillance network's coverage to include the majority of Glenelg Precinct, as well as areas within Glenelg South, Brighton, Seacliff and the southern end of the Coast Walk.

Now, eleven years after the network's initial implementation, based on the changing nature of surveillance management for public places, the changing global face of community safety, and the recommendations made during the

2015 Local Government Risk Services (LGRS) community center 'Health Checks', Administration has drafted a policy, which is aligned with national standards and relevant legislation that provides a framework for the exercise of Council's power(s) in relation to CCTV infrastructure, as well as how and why council monitor public places.

Motion

C281117/979

Councillor Wilson rejoined the chamber at 7.52pm.

1. **That Council endorses the new CCTV and Surveillance Policy.**
2. **That the existing 2006 MOU in place between Council and SAPol be reviewed, and updated accordingly to reflect any changing operational requirements of both council and SAPol.**
3. **That 2.13 be amended to include: *that only law enforcement/council staff and other authorised persons have access to view footage/live feed of CCTV.***

Moved Councillor Bouchee, Seconded Councillor Lonie

Carried

15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil

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

16.1 Appointment of a Council Member to the Jetty Road Mainstreet Committee

His Worship the Mayor called for nominations from Members who represent the Glenelg or Somerton Wards who wished to be on the Jetty Road Mainstreet Committee.

Nominations were received from Councillors Charlick, Smedley and Aust.

His Worship the Mayor asked each member to make a short address to the chamber in support of their nomination.

A secret ballot was conducted by the General Manager Business Services, Mr R Bria and Acting General Manager Community Services, Ms M Lock and the Chief Executive Officer Mr J Lynch was advised of the ballot outcome.

His Worship the Mayor announced that Councillor Charlick had been selected for the position and his nomination was included in Council's resolution.

Motion

C281117/980

That Councillor Charlick is appointed to represent the Glenelg and Somerton Wards on the Jetty Road Mainstreet Committee until the end of the council term in November 2018.

Moved Councillor Patton, Seconded Councillor Lonie

Carried

Councillor Donaldson left the chamber at 8.09pm.

17. ITEMS IN CONFIDENCE

**12.1 Adjourned Report - Brighton Pump Track Maintenance [Report No: 415/17]
(Report No: 437/17)**

Motion – Exclusion of the Public – Section 90(3)(a) Order C281117/981

- 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 Lonie, Seconded Councillor Aust

Carried

Councillor Charlick left the chamber at 8.10pm.

Councillor Charlick rejoined the chamber at 8.11pm.

RETAIN IN CONFIDENCE - Section 91(7) Order

C281117/983

That having considered Agenda Item 12.1 Adjourned Report – 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 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 Lonie, Seconded Councillor Wilson

Carried

Councillor Donaldson rejoined the chamber at 8.13pm

17.1 **Minda Coast Park Project** (Report No: 434/17)

Motion – Exclusion of the Public – Section 90(3)(d and g) Order C281117/984

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: 434/17 – Minda Coast Park Project 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: 434/17 – Minda Coast Park Project 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 expected to confer a commercial advantage on a third party.

This report contains commercial information related to Council owned properties.

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.

g. pursuant to section 90(3)(g) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information concerning matters that must be considered in confidence in order to ensure that the Council does not breach any other legal obligation or duty in relation to the deed of settlement with Minda Incorporated.

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

RETAIN IN CONFIDENCE - Section 91(7) Order**C281117/986**

That having considered Agenda Item 17.1 Report No: 434/17 – Coast Park Project Management in confidence under section 90(2) and (3)(d and g) 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 36 months and that this order be reviewed every 12 months.

Moved Councillor Bouchee , Seconded Councillor Lonie

Carried17.2 **New Catholic Primary School at Hove (Report No: 436/17)****Motion – Exclusion of the Public – Section 90(3)(b) Order****C281117/987**

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: 436/17 New Catholic Primary School in Hove 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: 436/17 New Catholic Primary School in Hove 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 possible future negotiations.

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 Snewin, Seconded Councillor Lonie

Carried

RETAIN IN CONFIDENCE - Section 91(7) Order

C281117/989

That having considered Agenda Item 17.2 New Catholic Primary School in Hove (Report No: 436/17) 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, attachment and minutes be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.

Moved Councillor Lonie, Seconded Councillor Snewin

Carried

CLOSURE

The Meeting closed at 9.18 pm.

CONFIRMED Tuesday 12 December 2017

MAYOR