

Minutes of the Ordinary Meeting of Council of the City of Holdfast Bay held in the Council Chamber, Glenelg Town Hall, Moseley Square, Glenelg, on 13 February 2018 at 7:00pm.

MEMBERS PRESENT

Deputy Mayor A Wilson
Councillor R Aust
Councillor M Bouchée
Councillor A Bradshaw
Councillor S Charlick
Councillor R Clancy
Councillor K Donaldson
Councillor S Lonie – 7.17pm
Councillor R Patton
Councillor J Smedley
Councillor R Snewin – 7.01pm
Councillor L Yates

STAFF IN ATTENDANCE

Chief Executive Officer - J Lynch
General Manager Alwyndor – R Kluge
General Manager City Assets and Services - S Hodge
General Manager Community Services - P Aukett
General Manager Business Services – R Bria

1. OPENING

The Presiding Member, Councillor Wilson 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.

Councillor Snewin joined the chamber at 7.01pm.

3. PRAYER

The Presiding Member, Councillor Wilson 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 – Nil
- 4.2 Absent – Nil
- 4.3 Leave of Absence – Mayor Stephen Patterson

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****C130218/1028**

That the minutes of the Ordinary Meeting of Council held on 23 January 2018 and the Special Meeting of Council held on 30 January 2018 be taken as read and confirmed.

Moved by Councillor Smedley, Seconded by Councillor Donaldson

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 Partridge Street East Carpark – Councillors Charlick and Bouchee**

Councillors Charlick and Bouchee asked a question regarding the boom gate at the Partridge Street East Carpark.

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

The Presiding Member, Councillor Wilson provided a response

9.1.2 The Buffalo – Councillor Charlick

Councillor Charlick asked a question regarding the moat at The Buffalo.

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

9.1.3 Driverless bus trial at Glenelg – Councillor Smedley

Councillor Smedley asked a question regarding the announcement of the self-driving bus trial in Glenelg.

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

9.2 **With Notice**

9.2.1 **Question on Notice – Discussions on Leasing of Any Part of the Glenelg Town Hall and the Jetty Project (Report No: 38/18)**

Councillor Bouchee asked the following question:

- “1. Could the CEO/Deputy-Mayor please advise if there have been any formal/informal discussions or approaches re: leasing of any part of Glenelg Town Hall?”**
- 2. Could the CEO/Deputy-Mayor please advise if there has been any further discussion/approaches/negotiations re: the Jetty Project?”**

ANSWER – Chief Executive Officer and Deputy Mayor

1. No.
2. The Deputy Mayor provided a briefing to Simon Jones on 9 February 2018.

10. MEMBER’S ACTIVITY REPORTS

10.1 **Mayor’s Activity Report – November 2017 – January 2018 (Report No: 20/18)**

Presented for the information of Members is the Activity Report for the Mayor for November 2017 – January 2018.

Motion

C130218/1029

That the Mayor’s Activity Report for November 2017 – January 2018 be received and noted.

Moved Councillor Clancy, Seconded Councillor Donaldson

Carried

11. MOTIONS ON NOTICE - Nil

12. ADJOURNED MATTERS - Nil

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

13.1 Minutes – Audit Committee – 31 January 2018 (Report No: 35/18)

The minutes of the meeting of the Audit Committee held on 31 January 2018 are presented to Council for information and endorsement.

Motion

C130218/1030

1. That Council receives and notes the minutes of the meeting of the Audit Committee of 31 January 2018, namely:

1.1 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
- Audit Committee Meeting Schedule for 2018

1.2 That the Audit Committee advises Council that:

- it notes the Internal Audit regarding the Municipal Payroll Process.
- it endorses the Risk Management Framework, Policy and Procedure.

Moved Councillor Smedley, Seconded Councillor Charlick

Carried

14. REPORTS BY OFFICERS

14.1 Items in Brief (Report No: 34/18)

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

C130218/1031

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

1. Adelaide and Mount Lofty Ranges – Hooded Plovers
2. Ombudsman SA – Half Yearly Report
3. Australia Day Awards Recipients
4. Partridge House Usage: 2nd Quarter 2017/2018

Moved Councillor Bouchee, Seconded Councillor Clancy

Carried

14.2 **Jetty Road Glenelg Masterplan (Report No: 33/18)**

The third and final 'phase' of community engagement on the Jetty Road Draft Masterplan concluded on 13 November 2017. The feedback received from the engagement has informed the Masterplan with amendments and alterations reflecting the diverse views of the broad cross-section of the community represented.

This report summarises the project and present the final Masterplan for endorsement. The final Masterplan presents a balanced proposal considering the views of the community, traders and stakeholders whilst achieving the project deliverables and objectives. An implementation plan included in the appendix divides the Masterplan into nine discrete projects for staged by priority over a 10-year period.

Motion

C130218/1032

1. **That Council endorse in principle the final Jetty Road Glenelg Masterplan, as provided in Attachment 1 to Report No: 33/18 subject to final detailed plans, specifications and costings for each stage, being submitted to Council for review, consultation with relevant traders/landlords and ratification.**
2. **That Council note the 'Engagement Summary Report' on Phase 3 of community consultation and engagement, as described in Attachment 2 to Report No: 33/18.**
3. **That after the initial two years of construction and yearly thereafter further implementation reviews be performed to determine the impact of removing car parking spaces on the street. The Masterplan and detailed design would be updated to reflect changes required to avoid adverse parking effects on the remainder of the implementation.**
4. **Undertaking that no car parks will be removed from side streets without consultation with affected traders.**

Amendment

1. **That Council endorse in principle the final Jetty Road Glenelg Masterplan, as provided in Attachment 1 to Report No: 33/18, with reservations regarding:**
 - **reduction in carparking**
 - **reduction to one lane Moseley Street and Partridge and Jetty Road intersection**
 - **pre-empting building design on side streets and laneways**
 - **integrated bike lanes on Jetty Road tram stop 16**

subject to final detailed plans, specifications and costings for each stage, being submitted to Council for review, consultation with relevant traders/landlords and ratification.

2. **That Council note the 'Engagement Summary Report' on Phase 3 of community consultation and engagement, as described in Attachment 2 to Report No: 33/18.**
3. **That after the initial two years of construction and yearly thereafter further implementation reviews be performed to determine the impact of removing car parking spaces on the street. The Masterplan and detailed design would be updated to reflect changes required to avoid adverse parking effects on the remainder of the implementation.**
4. **Undertaking that no car parks will be removed from side streets without consultation with affected traders.**

Moved Councillor Bouchee, Seconded Councillor Yates

Lost

Division called

A division was called on the amendment

Those voting for: Councillors Bouchée, Bradshaw, Smedley, Snewin and Yates (5)

Those voting against: Councillors Aust, Charlick, Clancy, Donaldson, Lonie and Patton (6).

The Presiding Member declared the motion

Lost

The substantive motion was put.

Moved Councillor Smedley, Seconded Councillor Charlick **Carried Unanimously**

Division called

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

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

Those voting against: Nil (0).

The Presiding Member declared the motion

Carried

Councillor Donaldson left the chamber at 8.01pm.

14.3 ofo Bikes – Station Free Bicycle Sharing Platform (Report No: 14/18)

Bicycle sharing companies commenced operation within the Adelaide Central Business District late 2017.

Holdfast Bay has received a request for ofo to operate within the Holdfast Bay Council area. It is proposed that Council enter into a formal agreement with ofo to establish its preferred parameters and controls for the bikes including where they can be safely parked, ready for the next rider. It is intended that within the agreement, regular review periods will be established to monitor impact upon local amenity and visitor experience

Motion**C130218/1033**

1. **That Council enter into a formal agreement with ofo to allow operation within the City of Holdfast Bay. This agreement will define safe areas where bikes can be parked and detail Council's expectations regarding care and control of the area.**
2. **That the agreement will be for 12 months in the first instance with regular reviews.**

Councillor Donaldson rejoined the chamber at 8.03pm.

Moved Councillor Yates, Seconded Councillor Smedley

Carried**Division called**

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

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

Those voting against: Councillor Bouchée (1).

The Presiding Member declared the motion

Carried

Councillor Lonie left the chamber at 8.11pm.

14.4 Illuminated Art Glenelg and Brighton Jetties (Report No: 36/18)

This report responds to a Council resolution to investigate the installation of luminescent Aboriginal artworks at the end of the Brighton and Glenelg Jetties. On investigation, the type of photo luminescent pebbles described would not be suitable for installation on our jetties, but could be installed in other public spaces, where there is minimal ambient light.

Motion**C130218/1034****That Council notes the report.**

Councillor Lonie rejoined the chamber at 8.13pm.

Moved Councillor Bouchee, Seconded Councillor Yates

Carried**14.5 Transfer of One Card Agreement to the Libraries Board of South Australia from Local Government corporate Services – Deed of Novation (Report No: 37/18)**

The Local Government Corporate Services (LGCS) request to transfer the One Library Management System vendor agreement to the Libraries Board of South Australia has been completed and now the service agreement between the City of Holdfast Bay and the LGCS needs to be transferred to the Libraries Board of South Australia. To complete the transfer of the service agreement Council is required to sign with the common seal a deed of novation and variation.

Motion**C130218/1035**

That Council authorise the Deputy Mayor and Chief Executive Officer to sign and seal the Deed of Novation and Variation between the Local Government Corporate Services and the Libraries Board of South Australia for the transfer of the One Card Agreement.

Moved Councillor Bouchee, Seconded Councillor Clancy

Carried14.6 **Glenelg Oval – Proposed Telecommunications Tower Site** (Report No: 25/18)

On 9 February 2016 report 19/16 was submitted to Council which outlined Vodafone's desire to commence lease negotiations over a portion of land at Glenelg Oval. At this meeting, Council resolved (Resolution C090216/309) to adjourn the report and their decision until such time that the Glenelg Oval Master plan had been endorsed.

On 11 July 2017 Council endorsed the Glenelg Oval Master Plan and subsequently on 26 September 2017 endorsed the Stage One Budget Commitment which in turn triggered the recommencement of lease negotiation (in accordance with Resolution C090216/309).

ProRealty, who act on behalf of the applicant, have now advised that Vodafone seek to enter into a lease for an initial term of 20 years to occupy a portion of land (approximately 7m²) within C/T 5869/949. Vodafone have proposed to pay an annual rent of \$18,000, (plus GST) to Council for occupancy of this site.

As the applicant seeks a lease term of more than five (5) years and the land is classified as Community Land, pursuant to section 202 of the *Local Government Act 1999* prior to proceeding with any further lease arrangements Council must undertake public consultation in accordance with its Community Consultation and Engagement Policy to obtain the community's view about the proposed alienation of the community land.

Motion

- 1. That Council endorse the proposal put forward by Vodafone in principle;**
- 2. That Administration undertake the required public consultation in accordance with its Community Consultation and Engagement Policy;**
- 3. That following the completion of the Community Consultation the findings be returned to Council together with a subsequent report which outlines all relevant terms and conditions of any proposed Lease Agreement.**

Councillor Patton left the chamber at 8.16pm.

Councillor Patton rejoined the chamber at 8.18pm.

Conflict of Interest

Councillor Snewin declared an actual conflict of interest for 14.6 Glenelg Oval – Proposed Telecommunications Tower Site (Report No: 25/18). 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 8.21pm.

Amendment

C130218/1036

- 1. That Council endorse the proposal put forward by Vodafone in principle.**
- 2. That Administration undertake the required public consultation in accordance with its Community Consultation and Engagement Policy.**
- 3. That following the completion of the Community Consultation the findings be returned to Council together with a subsequent report which outlines all relevant terms and conditions of any proposed Lease Agreement.**
- 4. That Council seeks \$30,000 rental and an annual rental review of 3% or CPI, whichever is the higher.**

Moved Councillor Clancy, Seconded Councillor Smedley

The amendment on being put was

Carried

The motion, as amended, on being put was

Moved Councillor Charlick, Seconded Councillor Lonie

Carried

Division called

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

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

Those voting against: Councillor Bouchée (1).

The Presiding Member declared the motion

Carried

Councillor Snewin rejoined the chamber at 8.30pm

14.7 Liquor Licensing (Liquor Review) Amendment Bill 2017 and the Council's New Liquor Licensing Policy (2018) (Report No: 26/18)

At its meeting on 8 March 2011, Council endorsed its current Liquor Licensing Policy which at the time was aligned with the aims and objectives of the *Liquor Licensing Act 1997*. Over the years since, the policy has set the benchmark for the assessment of all liquor licence applications, as well as serving as a mechanism that allows Council to regulate licensed premises and events within the city.

However, following the two (2) year review of South Australia's Liquor Licensing Laws, in November 2017 the *Liquor Licensing (Liquor Review) Amendment Bill 2017* passed both houses of Parliament, and on 28 November 2017 was granted assent by the Governor of South Australia.

As a result, a number of amendments have now been made to the *Liquor Licensing Act 1997* which consequently will impact some of Council's statutory authority for liquor licence applications; particularly the ability to intervene and/or object to an application when Planning, Development and/or Council approval is not required.

Administration has now drafted a new revised policy that reflects the aims and intentions of the new legislation. The primary changes are listed on pages 3 and 4. Council endorsement is now required to implement this policy.

Motion

C130218/1037

That this report be adjourned until a workshop on the changes to the *Liquor Licensing Act 2017* is held on Tuesday 27 February 2018.

Moved Councillor Bouchee, Seconded Councillor Smedley

Carried

15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil

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

The Presiding Member sought leave of the meeting to consider a number of items of Urgent Business.

Leave of the meeting was granted

16.1 Communications from Residents – Councillor Snewin

Councillor Snewin asked a question regarding the appropriate way to handle aggressive email communications from residents.

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

16.2 2017 Bay Sports Festival – Councillor Patton

Councillor Patton as Chairperson of the Bay Sports Festival, provided members with an update on the 2017 event.

16.3 Glenelg District Cricket Club Captain – Selection for the Australian Test Team tour of South Africa – Councillor Snewin

Councillor Snewin informed members that the Captain of the Glenelg District Cricket Club, Chadd Sayers had been selected to tour with the Australian Test Team in South Africa.

16.4 **St Jude's Players – Theatre Association of South Australia Awards – Councillor Aust**

Councillor Aust advised members that St Jude's Players received two awards, Best Male Performer and Best Comedy in the 2017 Theatre Association of South Australia Awards for their performance of Importance of being Ernest.

17. ITEMS IN CONFIDENCE

17.1 **Correspondence regarding Business Proposal (Report No: 39/18)**

Motion

C130218/1038

Recommendation – Exclusion of the Public – Section 90(3)(b) Order

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: 39/18 Correspondence Regarding Business Proposal 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: 39/18 Correspondence Regarding Business Proposal 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 prejudice the commercial position of the person who supplied the information to prejudice the commercial position of the person who supplied the information contained in the proposal.

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.

Moved Councillor Clancy, Seconded Councillor Lonie

Carried

Correspondence Regarding Business Proposal (Report No: 39/18)

Conflict of Interest

Councillor Smedley declared a perceived conflict of interest for item 17.1 Correspondence regarding Business Proposal (Report No: 39/18). The nature of his perceived conflict of interest (Pursuant to Section 74 of the Local Government Act 1999) as he has a business relationship with the proposer. Councillor Smedley dealt with this perceived conflict of interest by making it known to the chamber and left the chamber at 8.40pm.

RETAIN IN CONFIDENCE - Section 91(7) Order

C130218/1040

That having considered Agenda Item 17.1 Correspondence Regarding Business Proposal in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report, attachments and minutes be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.

Moved Councillor Bouchee Seconded Councillor Clancy

Carried

Councillor Smedley rejoined the chamber at 9.27pm.

17.2 Urgent Business – Alwyndor Aged Care Organisational Review

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

C130218/1041

- 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 Urgent Business – Alwyndor Aged Care Organisational Review 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 Urgent Business – Alwyndor Aged Care Organisational Review 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 Urgent Business – Alwyndor Aged Care Organisational Review is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being current and former employees of Alwyndor.**
- 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 Bouchee, Seconded Councillor Lonie

Carried

RETAIN IN CONFIDENCE - Section 91(7) Order

C130218/1043

That having considered Item 17.2 Urgent Business – Alwyndor Aged Care Organisational Review 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 minutes be retained in confidence for a period of 12 months.

Moved Councillor Lonie, Seconded Councillor Bouchee

Carried

Councillor Clancy left the chamber at 9.41pm.

17.2 Urgent Business - New Catholic Primary School at Hove

Motion

C130218/1044

- 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 17.2 Urgent Business - New Catholic Primary School at 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 17.2 Urgent Business - New Catholic Primary School at 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 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 Bouchee Seconded Councillor Lonie

Carried

Councillor Clancy rejoined the chamber at 9.43pm.

RETAIN IN CONFIDENCE - Section 91(7) Order

C130218/1046

That having considered Agenda Item 17.2 Urgent Business - New Catholic Primary School at Hove 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 minutes be retained in confidence until negotiations conclude or an outcome is determined and the Chief Executive Officer is authorised to release the documents when negotiations have concluded and an outcome is determined and that this order be reviewed every 12 months.

Moved Councillor Lonie, Seconded Councillor Bouchee

Carried

CLOSURE

The Meeting closed at 9.45pm.

CONFIRMED Tuesday 27 February 2018

MAYOR