

**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 March 2018 at 7:00pm.**

**MEMBERS PRESENT**

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

**STAFF IN ATTENDANCE**

Chief Executive Officer - J Lynch  
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 the Presiding Member, Councillor Wilson 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**

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 - Councillor S Charlick
- 4.2 Absent - Nil
- 4.3 Leave of Absence – Mayor S 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****C130318/1067**

**That the minutes of the Ordinary Meeting of Council held on 13 February 2018 be taken as read and confirmed.**

Moved by Councillor Lonie, Seconded by Councillor Donaldson

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

8.1 **Petitions** - Nil

8.2 **Presentation** - Nil

8.3 **Deputations**

8.3.1 **Deputation from Marino Residents Association**

*Deputy Mayor Wilson approved a deputation from Ms Alison Cormack, representing the Marino Residents Association.*

**9. QUESTIONS BY MEMBERS**

9.1 **Without Notice**

9.1.1 **Business Development – Councillor Bouchee**

Councillor Bouchee asked a question regarding the inclusion of schools in the Business Development consultation.

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

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

9.1.3 **Jetty Road Glenelg Retail Strategy – Councillors Smedley and Bouchee**

Councillor Smedley and Councillor Bouchee asked questions regarding the Jetty Road Glenelg Retail Strategy.

The General Manager Community Services, Ms T Aukett provided a response.

9.2 **With Notice** - Nil

**10. MEMBER'S ACTIVITY REPORTS**

10.1 **Members' Activity Report** (Report No: 74/18)

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**

**C130318/1068**

**That the activity report be noted from Councillor Bradshaw.**

Moved by Councillor Lonie, Seconded by Councillor Bouchee

**Carried**

**11. MOTIONS ON NOTICE**

11.1 **CONFIDENTIAL - Motion on Notice –Business Proposal - Councillor Bouchee**  
(Report No: 75/18)

**Leave of the Meeting**

The Presiding Member, Councillor Wilson sought leave of the meeting to consider item 11.1 Confidential – Motion on Notice – Business Proposal – Councillor Bouchee (Report No: 75/18) as a Confidential Item.

Leave of the meeting was granted.

11.2 **Motion on Notice – Development Policy Guidelines - Councillor Aust** (Report No: 77/18)

This item was withdrawn by Councillor Aust.

**12. ADJOURNED MATTERS - Nil**

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

13.1 **Minutes – Executive Committee – 20 February 2018** (Report No: 55/18)

The minutes of the Executive Committee meeting for 20 February 2018 are presented to Council for information and endorsement.

**Motion****C130318/1069**

1. That the minutes of the Executive Committee meeting held 20 February 2018 be received.
2. That the Executive Committee advises Council it has considered the Chief Executive Officer's performance review process and recommends that:
  - 2.1 the Key Result Areas (KRAs) measuring performance for the 2016/17 year be adopted for the 2017/18 performance review process, as presented in Attachment 2 to Report No: 45/18;
  - 2.2 the KRAs as presented in Attachment 2 to Report No: 45/18, with minor amendments be adopted for use in the 2018/19 performance review process (Attachment 3).

Moved Councillor Bouchee, Seconded Councillor Aust

**Carried**

13.2 **Minutes – Alwyndor Management Committee – 16 January and 20 February 2018** (Report No: 67/18)

The minutes of the Alwyndor Management Committee meeting held on 16 January and 20 February 2018 are provided for information.

**Motion****C130318/1070**

1. That the minutes of the Alwyndor Management Committee meeting on 16 January 2018 be noted.
2. That the minutes of the Alwyndor Management Committee meeting on 20 February 2018 be noted.
3. That having considered Attachments 2 and 4 to Report No: 67/18 Minutes – Alwyndor Management Committee – 16 January and 20 February 2018 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 Attachments 2 and 4 are 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 – 7 February 2018** (Report No: 71/18)

The minutes of the meeting of the Jetty Road Mainstreet Committee meeting held on 7 February 2018 are attached and presented for Council's information.

**Motion****C130318/1071****That Council:**

1. **Receives and notes the minutes of the meeting of the Jetty Road Mainstreet Committee of 7 February 2018, namely:**
  - 1.1 **That the Committee recommends that Council continues to monitor the take up of the car park trial and;**
2. **Endorses the continuation of the discounted car parking offer of \$4 per day to traders and staff, for a further 12 months**

Moved Councillor Lonie, Seconded Councillor Smedley

**Tied Vote****Division called**

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

Those voting for: Councillors Aust, Clancy, Lonie, Smedley, Snewin, (5)

Those voting against: Councillors Bouchée, Patton, Yates, Donaldson and Bradshaw (5).

The Presiding Member, Councillor Wilson used her casting vote in favour of the motion and declared the motion

**Carried****14. REPORTS BY OFFICERS****Motion****C130318/1072**

**That Council consider agenda items 14.4 Draft Community Centre Framework Consultation and item 14.8 Kingston Park Update at this time.**

Moved Councillor Bouchee, Seconded Councillor Yates

**Carried****14.4 Draft Community Centre Framework Consultation (Report No: 72/18)**

Following the endorsement of the Community Centre Policy in April 2017, a Draft Community Centre framework has been developed. This independent review of the current Community Centre status and structure provides options and strategies to offer a clear and strategic direction for the future. This includes planning, development and management of the four Community Centres located within the City of Holdfast Bay.

This report seeks Council endorsement to conduct formal community engagement on the Draft Framework to help inform the final draft for Council consideration and endorsement.

**Motion****C130318/1073**

**That Council notes the draft Community Centre Framework as shown in Attachment 1 of Report No: 72/18 and request that administration use information contained in the report in preparing a balanced operational and financial analysis of both the internally delivered and outsourced options for tabling to a future Council Workshop.**

Moved Councillor Smedley, Seconded Councillor Bouchee

**Carried****Division called**

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

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

Those voting against: Councillor Aust (1).

The Presiding Member, Councillor Wilson declared the motion

**Carried****14.8 Kingston Park Update (Report No: 73/18)**

The Kingston Park Foreshore Master Plan (the Masterplan), was endorsed by Council in October 2015. Since 2015, work has progressed in implementing elements of the Plan, and it is timely to review progress and agree on next steps.

**Motion****C130318/1074****That Council:**

- 1. Continues to stage the implementation of the endorsed Kingston Park Master Plan subject to available funding over the next 5 years;**
- 2. Supports the development of a formal Cultural Heritage Agreement for Kingston Park;**
- 3. Reviews the progress of the implementation of the Master Plan as part of a strategic property review prior to the 2019/20 budget.**

Moved Councillor Clancy, Seconded Councillor Lonie

**Carried****Division called**

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

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

Those voting against: Nil (0).

The Presiding Member, Councillor Wilson declared the motion

**Carried**

Councillor Bouchee left the chamber at 7.35pm.

14.1 **Items in Brief** (Report No: 64/18)

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**

**C130318/1075**

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

1. **Outstanding Meeting Actions**
2. **New Code of Conduct for Council Employees**
3. **Feedback Sought – New LGA Constitution and Ancillary Documents**
4. **Nomination to the South Australian Public Health Council**
5. **Congratulations – Admittance as a Fellow with the Australian Institute of Company Directors**

Moved Councillor Lonie, Seconded Councillor Clancy

**Carried**

Councillor Bouchee rejoined the chamber at 7.38pm

14.2 **Application for Landowner's Consent – Brighton Surf Lifesaving Club Observation Tower** (Report No: 69/18)

**Conflict of Interest**

Councillor Donaldson advised the chamber that she was a member of the Brighton Surf Lifesaving Club and did not have a conflict of interest in this item.

On Tuesday 10 October 2018 Council reviewed a report which outlined a number of community projects that were proposed under the State Government's 'Fund My Neighbourhood' grant program.

At this meeting Council endorsed these projects giving landowner's consent 'in principle' to satisfy the grant application requirements. This consent was given on the proviso that formal consent and/or Development Approval (if required) was obtained at a later date.

The Brighton Surf Lifesaving Club has since been notified that their application to construct an observation tower on the beach adjacent to the club has been successful. Now the club seeks formal Landowner's Consent so that Development Application 110/00113/18 may proceed.

It should be noted that full engineering specifications and comment from the Coastal Protection Boards will be sought as part of the Development Application.

**Motion****C130318/1076**

1. **That Council give Landowner's consent so that Development Application 110/00113/18 can proceed.**
2. **That subject to the final approval of Development Application 110/00113/18, Council enter into a new 'Encroachment Permit' to the Brighton Surf Lifesaving Club Incorporated authorising them to construct the Observation Tower on Community land.**
3. **That the Mayor and Chief Executive Officer be authorised to execute and seal any documents required to give effect to this permit.**

Moved Councillor Clancy, Seconded Councillor Snewin

**Carried****Division called**

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

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

Those voting against: Nil (0).

The Presiding Member, Councillor Wilson declared the motion

**Carried**

Councillor Patton left the chamber at 7.44pm.

14.3 **Mint 2 – Application for Landowner's Consent to Develop Outdoor Dining Area**  
(Report No: 70/18)

The business operator of Mint 2 (located at 5 Moseley Square Glenelg) has lodged a Development Application seeking to erect a physical structure over the existing (often weather affected) outdoor dining area.

The proposed structure is to be constructed within the existing footprint of the designated outdoor dining area and will somewhat emulate the outdoor dining structures on the southern side of the square.

While typically, any construction on or over Council Land constitutes an encroachment, making them subject to commercial rental rates, sections 2.15, 2.16, 2.17, 2.20 and 2.21 of Council's current Outdoor Dining Policy authorises certain structures to be built and installed via the inexpensive permit system (subject to obtaining Landowner's Consent and Development Approval).

Council must therefore determine whether landowner's consent should be granted so that Development Assessment may continue, while acknowledging that this decision will set precedent for similar applications.



**Motion****C130318/1077**

1. **That Council give landowner's consent for Development Application 110/00621/17 to proceed pursuant to sections 2.15, 2.16, 2.17, 2.20 and 2.21 of Council's Outdoor Dining Policy, so that the structure can be built over council land on the inexpensive Outdoor Dining Permit parameters;**
2. **That consent be given on the proviso that the current design of the proposed structure be amended to directly emulate those structures on the southern side of the square.**

Moved Councillor Bouchee, Seconded Councillor Aust

**Carried**

Councillor Patton rejoined the chamber at 7.46pm.

**14.5 Open Space Strategy Community Engagement (Report No: 62/18)**

A review and update of the Open Space and Public Realm Strategy (2012-2022) is currently underway and is due for completion in July 2018. To assist in part of this review, two phases of community engagement will be undertaken. The first phase will seek community views on open space and the second stage will be consulting on the revised document. This report seeks for Council endorsement on the engagement plan.

**Motion****C130318/1078**

**That Council endorse the Community Engagement Plan and indicative survey questions for the Open Space Strategy Review (2018) as shown (and amended) in Attachments 1 and 2 to Report No: 62/18.**

Moved Councillor Lonie, Seconded Councillor Snewin

**Carried****14.6 Risk Management Framework Policy and Procedure (Report No: 63/18)**

A Risk Management Framework and Risk Management Policy were developed and endorsed by Council in 2015. These documents have now been completely revised, following the development of a new overarching Risk Management Framework, developed with assistance from Bentleys, Council's Internal Auditors. A Risk Management Procedure has also been developed to provide more detail around how the Policy will be delivered.

The proposed Risk Management Framework, Policy and Procedure were presented to the Audit Committee for comment at its meeting on 25 October 2017, and endorsed by the Audit Committee at its meeting on 31 January 2018.

The Framework, Policy and Procedure provide a comprehensive suite of documents that detail Council's approach to Risk Management activities. The documents outline the key requirements, purpose, scope and responsibilities in relation to Risk Management.

The Policy is presented to Council for endorsement. The Framework and Procedure are presented to Council for information, and will be managed by the Senior Leadership Team.

**Motion**

**C130318/1079**

1. **That Council endorse the Risk Management Policy included as Attachment 2.**
2. **That Council note the development of the Risk Management Framework and Risk Management Procedure to support the implementation of the Risk Management Policy.**

Moved Councillor Smedley, Seconded Councillor Bouchee

**Carried**

14.7 **Prudential Management Policy (Report No: 65/18)**

Section 48 of the Local Government Act (the Act) requires Council to develop policies, procedures and practices in relation to the assessment of projects to ensure that Council acts with due care, identifies risk, makes informed decisions and is accountable for the use of resources (prudential management).

A Prudential Management Policy has been developed to address the requirements of the Act. A Prudential Management Procedure has also been developed to provide more detail around how the Policy will be delivered. Together the documents outline the key requirements, purpose and scope in relation to Prudential Management.

The Policy is presented to Council for endorsement. The Procedure is presented to Council for information, and will be managed by the Senior Leadership Team.

**Motion**

**C130318/1080**

1. **That Council endorse the Prudential Management Policy.**
2. **That Council note the Prudential Management Procedure to support the implementation of the Prudential Management Policy.**
3. **That Report No: 65/18 be provided to the audit committee for their comments and any suggestions/recommendations, with advice back to council as considered appropriate.**

Moved Councillor Bouchee, Seconded Councillor Yates

**Carried**

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

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

**16.1 Moseley Beach Club**

Councillor Snewin asked a question regarding complaints received by Council from residents about the Moseley Beach Club.

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

Councillor Donaldson left the chamber at 8.03pm.

**17. ITEMS IN CONFIDENCE****11.1 CONFIDENTIAL - Motion on Notice – Release of Business Proposal to Alwyndor Management Committee - Councillor Bouchee (Report No: 75/18)**

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

**C130318/1081**

- 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: 75/18 Motion on Notice - Business Proposal – Councillor Bouchee 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: 75/18 Motion on Notice - Business Proposal – Councillor Bouchee 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, as the proposer requires council to complete a non-disclosure agreement regarding this 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.

- 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 Yates

**Carried**

**Conflict of Interest**

Councillor Smedley declared a perceived conflict of interest for item 11.1 Confidential - Motion on Notice – Release of Business Proposal to Alwyndor Management Committee - Councillor Bouchee (Report No: 75/18) . The nature of his perceived conflict of interest (Pursuant to Section 74 of the Local Government Act 1999) as he has a personal and 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 8.06pm.

Councillor Donaldson rejoined the chamber at 8.06pm.

**RETAIN IN CONFIDENCE - Section 91(7) Order****C130318/1083**

**That having considered Agenda Item 11.1 Report No: 75/18 Motion on Notice – Business Proposal – Councillor Bouchee in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report and minutes be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.**

Moved Councillor Lonie, Seconded Councillor Bouchee

**Carried**

Councillor Smedley rejoined the chamber at 8.36pm.

**CLOSURE**

The Meeting closed at 8.37 pm.

**CONFIRMED      27 March 2018**

**MAYOR**