

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

**MEMBERS PRESENT**

Acting Mayor A Wilson  
Councillor R Aust  
Councillor M Bouchee  
Councillor A Bradshaw  
Councillor S Charlick  
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 - JP Lynch  
General Manager City Assets & Services – H Lacy  
General Manager Community Services – M Lock  
General Manager Business Services – R Bria  
General Manager Alwyndor – R Kluge

**1. OPENING**

Her Worship the Acting Mayor declared the meeting open at 7.00pm.

**2. KAURNA ACKNOWLEDGEMENT**

With the opening of the meeting Her Worship the Acting Mayor stated:

We acknowledge Kaurna people as the traditional owners and custodians of this land.

We respect their spiritual relationship with country that has developed over thousands of years, and the cultural heritage and beliefs that remain important to Kaurna People today.

**3. PRAYER**

Her Worship the Acting 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 - Nil

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****C140818/1238**

**That the minutes of the Ordinary Meeting of Council held on 26 June 2018 be taken as read and confirmed.**

Moved by Councillor Clancy, Seconded by Councillor Lonie

**Carried****8. PUBLIC PRESENTATIONS****8.1 Petitions**

A complying petition was tabled at the meeting with 240 signatures.

The petition states as follows:

*“We, the undersigned residents of City of Holdfast Bay, endorse views in letter overleaf, (published in Coastal Weekly 1 Aug 2018), and we petition our elected members and ask that they:*

- *Respect & promote our Glenelg beach as community, open space providing for free, inclusive, family-friendly recreation and a typical welcoming SA attraction for all our national & internal visitors;*
- *Observe the letter & spirit of dry zone guidelines aiming to avoid alcohol related problems which negatively affect amenity of foreshore areas;*
- *Show concern for welfare of children in close proximity of possible anti-social problems arising from abuse of alcohol i.e. children on beach & at adjacent playground (within 20m.) are exposed to risk & influence;*
- *Reject the quoted European model which leads to domination of beaches by exclusive pay-to-use zones totally foreign to our Aust beach culture of vibrant, active life-style, inclusive & family-friendly recreation;*
- *Reject the application from Mosley Bar & Kitchen for a permit to operate a beach bar at Glenelg beach, as having negative*

*influences, in relation to above issues, far out-weighing any possible benefits;*

- *As a result of this precedent-setting trial, take a leadership role in advising coastal Protection Board to strengthen guidelines preventing such further applications for commercial privatisation of beaches throughout SA.”*

**Motion**

**C140818/1239**

- 1. That the petition be received by Council.**
- 2. That the petition from Mr L Hanna of Apartment 67 Marina East, 33 Colley Terrace, Glenelg, containing 240 signatures be noted.**

Moved Councillor Bouchee, Seconded Councillor Lonie

**Carried**

8.2 **Presentation** - Nil

8.3 **Deputations**

8.3.1 **Liam Hanna**

*Acting Mayor Wilson approved a five minute deputation from Liam Hanna from Own the Beach Protest regarding a possible licence extension for a beach club on Glenelg Beach for next summer.*

8.3.2 **Luke Donaldson**

*Acting Mayor Wilson approved a five minute deputation from Luke Donaldson, Director Operations of RD Jones Group regarding their application for a licence to operate the Moseley Beach Club for next summer.*

**9. QUESTIONS BY MEMBERS**

9.1 **Without Notice**

9.1.1 **Vegetation South Brighton Esplanade and temporary fencing**

Councillor Snewin asked a question regarding the vegetation that has been cut down on the South Brighton Esplanade and whether temporary fencing will be erected for the purpose of keeping sand enclosed.

The General Manager City Assets, Mr H Lacy took the question on notice.

9.1.2 **Winter Wonderland – Sponsorship**

Councillor Bouchee asked a question regarding the use of the facility by a sponsor and whether charges were applied.

The General Manager Community Services, Ms M Lock provided a response.

### 9.1.3 **Holdfast Bay Tennis Club building**

Councillor Bouchee asked a question regarding the Holdfast Bay Tennis Club, and when the building will be replaced.

The General Manager City Assets, Mr H Lacy and the Chief Executive Officer, Mr J Lynch provided a response.

### 9.1.4 **Intersection of Anzac Highway, Brighton Road and Tapleys Hill Road**

Councillor Charlick asked a question regarding the duration of works at the intersection of Brighton Road, Tapleys Hill Road and Anzac Highway and whether council had any information from DPTI.

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

### 9.1.5 **Installation of Art Piece – Roundabout, Anzac Highway**

Councillor Charlick asked a question regarding the installation of the art piece on the roundabout located at Anzac Highway and whether there was budget allocation for installation of illumination for the art.

The General Manager City Assets, Mr H Lacy and Acting Mayor Wilson provided a response.

## 9.2 **With Notice**

### 9.2.1 **Question on Notice – McCauley Community School Project (Report No: 280/18)**

Councillor Donaldson asked the following question:

***“Given the report in the Messenger regarding the increased size of the proposed McCauley Community School, and the K- 5 nature requiring parental, not public transport, what steps are Council able to take to avoid a traffic gridlock on King George Avenue, King Street and Crescent intersection?”***

#### **ANSWER – General Manager City Assets & Services**

The Development Application for the McCauley School development, which is presently with Council for assessment, is supported by a traffic and car parking analysis prepared by an independent traffic consultant. The consultant's report acknowledges that the younger student population will result in higher parking demands, and therefore the modelling, which projects the parking and traffic impacts of the proposed development on surrounding streets, has been based on traffic and parking generation rates for a primary school and this has been applied to determine the adequacy of car parking. This modelling

has also been used to determine the forecast traffic generation in surrounding streets.

As part of the DA assessment, staff have requested further specifics regarding the maximum anticipated student population. Once this information is available, staff will commission a further report from our own traffic consultant to provide an independent forecast of the traffic generated by the proposal on the local street network. This report will provide insight as to the likely parking and traffic implications, which will inform a decision as to whether changes to the design of the proposed development are required to address any identified areas of concern/deficiency.

## 10. MEMBER'S ACTIVITY REPORTS

### 10.1 Members' Activity Report (Report No: 267/18)

This activity report is 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

**C140818/1240**

**That the following activity report from Councillor Aust be noted.**

Moved Councillor Charlick, Seconded Councillor Patton

**Carried**

## 11. MOTIONS ON NOTICE

### 11.1 Motion on Notice – Request to Review Current Development and Planning Policy Guidelines - Councillor Aust (Report No: 266/18)

Councillor Aust proposed the following motion:

#### **BACKGROUND**

Our population is ageing; skills and abilities alter with that ageing process. There are instances where we have been unable to meet the changing needs of the residents because of our current planning restrictions.

One such example is a couple who purchased their home over 35 years ago when they were in their early forties. The home has a long, very narrow driveway into an existing garage. Now in their late 70s with arthritic and cardiac issues, they can no longer negotiate the driveway. They have a very small car but if it stopped in the driveway, the car doors cannot be opened to get into or out of the car.

Because they now cannot access the garage their vehicle has no protection. They applied to build a car port but it would need to be beyond the front lines of the house which contravenes the current guidelines. The application and subsequent appeals were refused.

Council will permit them to put up a temporary structure such as an umbrella or a tent. They did not want to do this because it will detract from the amenity of their home. They had the full support of the neighbours and other residents. The carport would not have caused any problem other than being outside of the required distance from the fence.

We do not want to be a council that forces ageing residents into situations that cause stress and unhappiness.

#### **ADMINISTRATION COMMENT**

The provisions in Council's Development Plan are applied without prejudice, meaning if a policy is amended to specifically benefit one group, then it is applicable to all applicants thereafter, irrespective of their special needs. In this regard, if concessions were applied to car ports, then the Council would be required to give favourable consideration to all subsequent proposals for car ports located forward of the dwelling façade. In her Judgement delivered on 27 February 2018 in the Environment, Resources and Development Court, relating directly to this matter, Commissioner Nolan cautioned against providing such an allowance:

*"Consideration must be had to the prospect that the proposed development may contribute to an incremental change in character by establishing a new building setback alignment from Wallace Street. It will represent the first intrusion of garaging forward of the dwelling both in the locality and under the current quite explicit policy regime."*

In this regard, it is Administration's view that a single policy revision of this type, whilst of good intent, will have irreparable consequences for the character of the city's streets and should not be pursued.

Notwithstanding the arguments around the merits of the Motion, the Minister for Planning is not processing any new Development Plan Amendment (DPA) requests, meaning there is little chance for any DPA being considered in the lead-up to implementation of the new planning regime. Administration will be progressively reviewing the development plan as part of the State Government Planning Reforms and particularly when the new Planning Code library is released for comment later this year. The policy on carports forward of a dwelling is unlikely to change much, however, other age-conscious planning policy will be considered. For example Administration continues strategic planning work on the Housing Strategy which envisages providing a greater diversity of housing options so that there are more housing choices available for people as they transition through their different life stages.

#### **Motion**

- 1. That Administration review the current development and planning policy guidelines to confirm that they meet the changing needs of our residents as they get older.**

**2. That Administration report the findings to Council.**

Moved Councillor Aust, Seconded Councillor Snewin

**Lost**

**11.2 Motion on Notice – Brighton Oval Complex Redevelopment – Background Papers - Councillor Bouchee (Report No: 274/18)**

Councillor Bouchee proposed the following motion:

**BACKGROUND**

This motion relates to the Brighton Oval Complex – Redevelopment (Report No: 240/18 – 10 July 2018) and the Motion on Notice – Brighton Oval Development – Tender Documents (Report No: 255/18).

At a workshop preceding the Motion on 10 July 2018 and subsequently in response to questions during discussion of the item during the meeting on the same evening, Administration recommended adoption of a project management and tendering process for supply of 3 buildings and ancillary services by way of a "Managing Contractor" model.

The model was/is acknowledged as being a departure from standard Council tender/contracting arrangements, one with attendant increased financial risk for Council.

On the night, notwithstanding the potential risk of cost blowouts, Council considered adoption of the Managing Contractor model necessary as a consequence of the upcoming Local Government Elections and due to timing pressures for delivery of the completed project, imposed by the State Government Grant approved for the project.

It is expected that an Audit Committee review will assist Council in further identifying, understanding and mitigating all potential areas for financial risk arising from the project.

**ADMINISTRATION COMMENT**

Council has authorised the call for tenders via Resolution No: C100718/1211. This process is underway and a further report seeking approval of the tender and commencement of the project delivery is expected at the Council Meeting on 28 August 2018.

From Administration's viewpoint, the current motion is unclear. Specifically the wording is too general in that it calls for "background papers supporting the motion, together with all other supporting documentation". It is not clear how to interpret this part of the motion in so far as it may require the potential presentation of hundreds of emails, working files and notes.

Administration would recommend, subject to Council agreement, that if the intent of the resolution is to brief the Audit Committee for the purposes of risk management that the motion be worded:

Administration develop a risk management framework for the project (including how to manage financial risks going forward), and with this brief the Audit Committee on the contract process, and the pros and cons of the risk strategies planned for the project.

**Motion**

**C140818/1241**

**That the background papers supporting the motion, together with all other supporting documentation including the internal/external correspondence, budgets, cash flow forecasts, feasibility statements and memos concerning the recommendation that the Managing Contractor model be adopted as the prudent option, and a copy of the subsequent tender documents be presented to Audit Committee for review and comment.**

Moved Councillor Bouchee, Seconded Councillor Smedley

**Formal Motion**

**That Motion on Notice – Brighton Oval Complex Redevelopment – Background Papers – Councillor Bouchee (Report No: 274/18) be adjourned to the next Council meeting to be held on 28 August 2018.**

Moved Councillor Donaldson, Seconded Councillor Bradshaw

**Lost**

The Acting Mayor put the formal motion and declared the motion

**Lost**

The motion was put and

**Carried**

**Division called:**

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

Those voting for: Councillors Snewin, Lonie, Bouchee, Patton, Charlick, Yates and Smedley (7)

Those voting against: Councillors Aust, Clancy, Donaldson and Bradshaw (4)

Her Worship the Acting Mayor declared the motion

**Carried**

**12. ADJOURNED MATTER**

**12.1 Adjourned Report – Moseley Beach Club [Report No: 219/18] (Report No: 269/18)**

Council at its meeting held 26 June 2018, resolved to adjourn Report No: 219/18 *Moseley Beach Club* so that a workshop could be held for elected members. The workshop was held on 7 August 2018.

Council approved in principle support to RD Jones Group (Moseley Bar and Kitchen) on 14 November 2017 Beach Activation (Report No: 417/17). Subsequently administration completed planning and activation delivery as per the strict conditions specified by Council.



RD Jones Group successfully operated within the approved Liquor License for a period of 75 days from 17 January through to 1 April 2018 issued by Liquor Licensing – Consumer and Business Services. Prior to operating, By-Law exemptions were prepared and finalised by Council's Liquor Licensing and Public Safety Officer and Regulatory Services.

Thereafter 10 April 2018 Council requested a public consultation consistent with our Public Consultation Policy, on whether the City of Holdfast Bay community supports or doesn't support the use of the beach for such a purpose.

400 residents and 103 businesses were surveyed with nearly 60% of all people surveyed positive. 21% not sure as to whether the activity should return and 23% opposed. Qualitative negative responses received centered around accessibility and alcohol consumption on the beach.

Administration has received a formal proposal from the RD Jones Group for the Moseley Beach Club to operate for 122 days from 16 November 2018 until 17 March 2019. The proposed activation foot print is identical to that of the 2018 Moseley Beach Club.

**Motion**

**C140818/1242**

**That Council:**

- 1. receive and note this review of the beach activation;**
- 2. approve RD Jones Group, Moseley Beach Club activation subject to conditional use and appropriate Liquor Licensing approval for the 16 November 2018 to 17 March 2019;**
- 3. having considered Attachment 2 to Report No: 269/18 - Moseley Beach Club in confidence under section 83(5) of the Local Government Act 1999, the Council, pursuant to section 91(7) of the Act orders that Attachment 1 be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.**

Moved Councillor Donaldson, Seconded Councillor Aust

**Carried**

**Division called:**

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

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

Those voting against: Councillors Bouchee and Bradshaw (2)

Her worship the Acting Mayor declared the motion

**Carried**

**13. REPORTS OF MANAGEMENT COMMITTEES, SUBSIDIARIES AND THE DEVELOPMENT ASSESSMENT PANEL****13.1 Minutes – Alwyndor Management Committee – 17 July 2018** (Report No: 264/18)

Councillor Clancy sought leave of the meeting to consider this matter in confidence at Item 17.

Leave of the meeting was granted.

**13.2 Minutes – Jetty Road Mainstreet Management Committee – 1 August 2018** (Report No: 271/18)

The minutes of the meeting of the Jetty Road Mainstreet Committee meeting held on 1 August 2018 are attached and presented for Council's information.

Jetty Road Mainstreet Committee Agendas, Reports, and Minutes are all available on Council's website and the meetings are open to the public.

**Motion****C140818/1243**

**That Council notes the minutes of the meeting of the Jetty Road Mainstreet Committee of 1 August 2018.**

Moved Councillor Charlick, Seconded Councillor Bradshaw

**Carried****14. REPORTS BY OFFICERS****14.1 Items in Brief** (Report No: 265/18)

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****C140818/1244**

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

- 1. Benefits of Local Government Association Membership**
- 2. Sports Awards**
- 3. Reform of the Natural Resource Management (NRM) Act**
- 4. Community Centres Management Update**

Moved Councillor Charlick, Seconded Councillor Lonie

**Carried**

Councillor Donaldson left the chamber at 8.15pm

**14.2 Jetty Road Mainstreet Governance Model (Report No: 270/18)**

The Jetty Road Mainstreet Committee (JRMC) is an advisory committee of the City of Holdfast Bay formed under Section 41 of the *Local Government Act 1999*. Membership consists up to 11 members and aligns with the current term of Council and is required to operate in accordance with Part 4 of the Local Government Act 1999. The JRMC conducted a Special Meeting on 20 June 2018 to workshop alternative governance models with a facilitator and external subject matter experts.

At its meeting on 4 July 2018, the Committee discussed a discussion paper on alternative governance models, and noted by way of a recommendation, that their preferred model is an Incorporated Association established under the *Associations Incorporation Act 1985* ("the AI Act").

Council conducted a workshop on 7 August 2018 presented by Tracey Riddle, Kelledy Jones Lawyers in conjunction with Mark Faulkner, Chair Jetty Road Mainstreet Committee to clarify JRMC positioning on the preferred governance model and provide an overview of alternative governance models under consideration.

**Motion****C140818/1245****That:**

- 1. Council notes that the Jetty Road Mainstreet's preferred governance model is an Incorporated association established under the *Associations Incorporation Act 1985* "the AI Act");**
- 2. Council reconsider the governance models for Jetty Road following trader engagement, with a report being returned to Council upon completion.**

Councillor Donaldson rejoined the Chamber at 8.17pm

Moved Councillor Bradshaw, Seconded Councillor Lonie **Carried Unanimously**

**14.3 Brighton Oval Redevelopment Tender Documents (Report No: 272/18)**

At its meeting 24 July 2018 Council resolved (Resolution No: C240718/1220) that a further report be submitted to table the tender documents prepared by Administration for the Brighton Oval Redevelopment.

This report presents the tender documents as prepared by Administration and issued to the Tenderers. As a number of addendums have been issued, only the final version of the documents is presented to avoid confusion and avoid unnecessary printing.

**Motion****C140818/1246****That Council notes Report No: 272/18.**

Moved Councillor Lonie, Seconded Councillor Bouchee

**Carried****14.4 2017-18 Preliminary Funding Statements and 2017-18 Budget Carried Forwards (Report No: 277/18)**

This report provides preliminary funding statements for the 2017/18 financial year including explanations of the interim results and major budget variations as well as detailing yet to be finalised projects to be brought forward and budgeted for in 2018/19.

The preliminary result for municipal operations shows an operating surplus of \$2,713,306, compared with the adopted forecast surplus of \$1,077,734 resulting in a positive budget variance of \$1,635,572.

The municipal operational variance results are detailed by business unit within this report. The major variances compared to the adopted forecast are summarised as follows:

<b>Major Municipal Operational Variances</b>	<b>Amount</b>
Lower employment costs	\$63,903
Lower materials, contract, other expenditure	\$730,743
Yet to be finalised operational projects	\$231,705
Lower interest on borrowings expense	\$189,066
Lower depreciation expense	\$53,000
Timing of Financial Assistance Grant	\$63,064
Higher Caravan Park user income	\$101,341
Higher planning and hoarding fees	\$99,498
Higher contributions and reimbursement income	\$103,252
<b>Total variance to forecast</b>	<b>\$1,635,572</b>

The preliminary result for Alwyndor operations shows an operating deficit of \$653,000 compared with the adopted forecast deficit of \$299,653 resulting in a negative budget variance of \$353,347. Major budget variances have occurred in employee training and transition costs, brokered home support services and consulting fees.

The consolidated result for both operations shows an operating surplus of \$2,060,306, compared with the adopted surplus forecast of \$778,081 resulting in a positive budget variance of \$1,282,225

**Motion****C140818/1247****That Council:**

- notes the provisional unaudited 2017/18 funding statements and carried forward budgets;**

2. **approves the carried forward amounts from the 2017/18 budget to the current year 2018/19 budget being \$231,705 operating expenditure, \$1,768,284 capital expenditure and \$163,352 capital income.**

Moved Councillor Charlick, Seconded Councillor Yates

**Carried**

14.5 **Angus Neill Reserve Playspace Tree Engagement** (Report No: 268/18)

Residents surrounding Angus Neill Reserve highlighted their concerns regarding the tree species that had been selected for planting around the new Angus Neill Reserve Nature Playspace. These concerns include the effects the trees could have on residential views, safety site lines through the park and family usage due to cool temperatures under trees during winter months. Additional information was requested regarding how high the selected species can grow in compact coastal conditions and this was provided to local residents through a letter box drop and Information Session held on Wednesday 18 July 2018. Via these engagement avenues a decision was made by Council staff and supported by the relevant residents, to continue with the nine tree plantings on site but to exchange one of the proposed Hill's Weeping Figs positioned on the Northern end of the challenge embankment wall, with a Tuckeroo.

**Motion**

**C140818/1248**

**That Council notes the species selected for planting at Angus Neill Reserve Nature Playspace as a result of further community consultation with local residents, as shown in Attachment 2 to Report No: 268/18.**

Moved Councillor Lonie, Seconded Councillor Yates

**Carried**

14.6 **Broadway Commercial Precinct – Side Road Time Limit Survey** (Report No: 273/18)

Council Motion C120618/1174 resolved that Council Administration

*“review unrestricted parking on side roads north and south of the Broadway Commercial Precinct (Hastings/Alma/Morley/Ramsgate Streets) for the possible introduction of parking restrictions to encourage reasonable turnover of parking for the benefit of businesses, residents, and particularly their visitors; and, undertake Community Consultation to determine demand for such a change.”*

In accordance with this motion, Council Administration conducted a survey proposing the following changes to parking controls to improve access to parking: to install 2 hour parking areas (2P) operating 9am-6pm all days in proximity of Broadway on Ramsgate Street, Morley Street and Hastings Street.

89 surveys were sent to residents, business and property owners to which the time limit would directly apply, at their frontage, as well as adjacent residences. 33 responses were received of which 10 respondents supported the proposal, 20

did not support the proposal and 3 respondents did not indicate whether they supported or did not support the proposal.

Given that 23 of the 33 respondents did not indicate support for the proposal, the recommendation is that Council does not proceed with the installation.

**Motion**

**C140818/1249**

- 1. That Council does not proceed with the installation of the proposed time limit.**
- 2. That Administration advise residents, businesses and property owners of the decision not to proceed with the installation of the proposed time limit.**

Councillor Charlick left the chamber at 8.34pm

Moved Councillor Smedley, Seconded Councillor Snewin

**Carried**

**14.7 Draft State Planning Policies (Report No: 275/18)**

As part of the ongoing reforms to the South Australian planning system, the State Government has released the draft State Planning Policies for consultation. The draft State Planning Policies set out the state-wide vision for land use planning in South Australia, and represent the platform upon which the detailed policies in future Regional Plans and Design Codes, which are intended to replace council Development Plans, will be based. Sixteen policies are laid out in the draft document that address the economic, environmental and social planning priorities for South Australia. This report looks at the Policies in the context of Holdfast Bay's own strategic vision, providing feedback and identifying some opportunities to strengthen the content where necessary.

**Motion**

**C140818/1250**

**That Council provide a response to the State Government's draft Planning Policies based on the content and format provided in Attachment 2 to this report.**

Councillor Charlick rejoined the Chamber at 8.35pm

Moved Councillor Yates, Seconded Councillor Lonie

**Carried**

**14.8 Memorial Seats (Report No: 257/18)**

This report responds to a request by Councillor Paton for an update on the current status of the Memorial Seats Program. The report also recommends certain amendments and clarifications to address concerns raised over tenure issues and the high cost of a memorial.

**Motion****C140818/1251**

1. **That Council endorse Option 1 as outlined in the report, which includes the following recommendations:**
  - (a) **that the 10 year lease fee for memorial seats be reduced to \$3,630 for 2017/18 and \$4,000 for 2018/19 to better reflect Council's costs plus a modest margin to reflect future unknown costs.**
  - (b) **that any leaseholder who has either paid the full fee or a number of annual fees greater than the revised 2017/18 or 2018/19 Memorial Seat fees have the difference between their payment and the updated amounts refunded, but with the same remaining tenure on their lease.**

Moved Councillor Lonie, Seconded Councillor Yates

**Carried****Division called:**

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

Those voting for: Councillors Aust, Lonie, Patton, Yates, Smedley, Donaldson, Clancy and Bradshaw (8)

Those voting against: Councillors Bouchee, Charlick and Snewin (3)

Her Worship the Acting Mayor declared the motion

**Carried****14.9 Autonomous Bus Trial (Olli Bus) – Landlord's Approval (Report No: 278/18)**

The City of Holdfast Bay has been requested to participate in a proposed six month trial of a self-driving autonomous bus (referred to be the brand name "Olli") along the 1 km long Esplanade between Moseley Square and the Broadway at Glenelg.

Department of Planning, Transport and Infrastructure (DPTI) is sponsoring and part funding the trial which involves American vehicle manufacturer, Local Motors, as the proponent and supplier of the autonomous vehicle. Local Motors is supported by SA company Sage Automation who are providing technical support and operational coordination. Sage Automation is also providing interactive bus shelters and passenger booking services using smart technology applications as part of the trial. Riding the services will be free for the public subject to booking place. The vehicle and bus shelters are Disability Discrimination Act (DDA) compliant.

The proposed Glenelg trial is an important step in the State Government's program to make South Australia a key player in autonomous vehicle technology, systems and implementation. The Glenelg trial is the 3<sup>rd</sup> in a series of autonomous vehicle trials which initially were operated at Tonsley and more recently at Flinders University. With the success of those trials, it is now proposed to trial an autonomous vehicle (Olli bus) in a more congested, public place (under strict

controls and operational protocols) to ascertain community acceptance of the technology and to assess the performance of the technology in real world scenarios.

The trial is currently scheduled to commence in mid-September 2018 with commissioning trials at Tonsley, followed by deployment to Glenelg once strict performance standards have been achieved. The trial would conclude in March 2019.

The City of Holdfast Bay has been requested to participate in this trial by providing approval to conduct the “real world” trial on community land at Glenelg, being the western shared pathway along The Esplanade between Moseley Square and Broadway. Council is also being asked to coordinate community engagement on behalf of the project and to provide in-kind staff support.

As the land on which the trial is planned is designated Community Land, Council as owner must provide landlord’s approval to undertake the trial.

This report therefore seeks Council’s approval for the trial to be undertaken and provides details of the following:

- timing of the trial
- the proposed route, turning locations and bus stop locations
- project management and governance arrangements
- proposed infrastructure changes necessary to facilitate the trial
- operations and risk management plans (including managing risks associated with conducting an autonomous vehicle trial on a heavily trafficked pedestrian and cycling path during peak summer season)
- road safety audits undertaken to inform risk management strategy
- commissioning and test plans to ensure the vehicle can be safely deployed to a “real world” environment
- community engagement strategy
- emergency management provisions

Should Council resolve to approve the trial, a formal Licence Agreement has been prepared by Council’s lawyers to protect Council’s legal position and to ensure Council has rights to suspend or cancel the Licence (the trial) should certain circumstances arise.

The trial will require infrastructure changes adjacent to Moseley Square and also at the Broadway Café to enable the shuttle to turn around. Two bus shelters (approximately size of a small shipping container) will also need to be sited at the Moseley Square end of the route (in front of the Grand Hotel) and north of the Broadway Café. These bus shelters provide access to and information about the shuttle service. Council staff have been working with the project to minimise the disruption that the infrastructure changes and bus shelters may cause. The cost of infrastructure installation, removal and subsequent remediation will be borne by the project operators.

The proponents and DPTI have provided a number of presentations to the elected members in the last six months. This paper brings together the results of due



diligence undertaken by Administration to ensure that the trial is as safe as possible and that the level of disruption to the community and path users is minimised (although some disruption is inevitable). The report also recommends that the Memorandum of Understanding (MoU) related to the project be signed and requests Council's approval to seek a number of statutory exemptions from the Minister for Transport.

This trial is an important next step in the development and implementation of autonomous vehicle technology and is expected to directly and indirectly contribute to the building the State's economy and local tourism, generating new options to address local transport issues and longer term providing environmentally friendly transport options

**Motion**

**C140818/1252**

- 1. That Council approve a six (6) month trial of an autonomous vehicle trial (referred to as Olli Bus) along the eastern shared pathway of the South Esplanade, Glenelg between Moseley Square and Broadway. The trial will be conducted by the proponents Local Motors and Sage Automation and supported by the Department of Planning and Transport (DPTI).**
- 2. That Council approve the signing of the attached Memorandum of Understanding between Local Motors, Sage Automation, DPTI and the City of Holdfast Bay and authorise the Chief Executive to execute the document on Council's behalf subject to any minor amendments.**
- 3. That Council amend the draft Licence Agreement as follows:**
  - (a) Insert the word "or" after each of Event of Default sub-clauses (a), (b) and (c)**
  - (b) Insert the word "or" at the end of sub-clause 12.1**
  - (c) Remove the word "and" from the end of sub-clause 12.3 and insert "or"**
  - (d) Insert the word "or" at the end of sub-clause 12.4**
  - (e) Insert a new sub-clause 12.5 to read "12.5 an Event of Default exists; or"**
  - (f) Insert a new sub-clause 12.6 to read "12.6 there occurs or is likely to occur, in relation to the Shuttle or the trial, a campaign, protest or act or acts of civil disobedience, or lack of community support, which Council reasonably believes will materially adversely impact either the Council, or residents or traders in the vicinity of the Pathway."**
  - (g) That sub-clause 13.1.1 be replaced by "13.1.1 Sage or Local Motors have been given written notice of a breach including**

any Event of Default by them, or either of them, and have failed to remedy such breach within 14 days; or“

(h) Insert the word “or” at the end of sub-clause 13.1.2.

4. Subject to obtaining appropriate legislative, regulatory and policy exemptions, that Council approve the signing and issue of the attached Licence as amended to Local Motors and Sage Automation to allow the proponents to undertake an autonomous vehicle trial (including installation of two bus shelters) use the shared pathway along the South Esplanade, Glenelg to conduct the self-driving vehicle trial for six months.
5. That Council authorise Administration to request the Minister for Transport implement exemptions from various legislation, regulations and policies to enable the trial to proceed, being:
  - exemptions under section 134(E) of the Motor Vehicle Act 1959 from operation of sections 199 and 200 of the Local Government Act (which would otherwise require Council to manage the land in accordance with the Community Land management Plan);
  - exemption under section 134(E) of the Motor Vehicle Act 1959 from operation section 202 (2) of the Local Government Act (which would otherwise require Council to undertake community consultation before granting any licence.
  - exemption for Local Motors and SAGE from the prohibition in sub-clause 3.5 of By-Law No 3 Local Government Land, to the extent that operation of the shuttle on Council land might be prohibited;
  - exemption from provisions of the Development Act and regulations; which might otherwise require the submission of a Development Application
  - exemptions under the section 134(E) of the Motor Vehicle Act to enable the issuing of licence and facilitate the bus shelters and advertisements: Part 2(1)(g) of Schedule 3 of the Development Regulations 2008 and Part 2(2)(a).
6. That Council approve an exemption for the autonomous vehicle trial from compliance with the requirements of the sections 2 and 3 of the Bylaw No 3 through the issuing of the attached licence.
7. That having considered Attachments 1-7 to Report No: 278/18 – Autonomous Bus Trial (Olli Bus) - Landlord’s Approval be kept in confidence under section 83(5) of the Local Government Act 1999, and that Council, pursuant to section 91(7) of the Act orders that Attachments 1 - 7 be retained in confidence until such time as permission is granted by the Company(s) for their release and that this order be reviewed every 12 months.

Councillor Bradshaw left the Chamber at 8.50pm  
Councillor Bradshaw rejoined the Chamber at 8.51pm

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

**Division called:**

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

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

Those voting against: Nil (0).

Her Worship the Acting Mayor declared the motion **Carried**

14.10 **Appointment Extension to Southern Region Waste Resource Authority Board**  
(Report No: 279/18)

On 27 March 2018 Council resolved to appoint Mr Roberto Bria to the board of Southern Region Waste Resource Authority for the term of this Council.

To maintain the continuity of City of Holdfast Bay representation on the SRWRA board in the period between the end of this Council's term of and the appointment post Council of board members to SRWRA, it is recommended to extend the appointment of Mr Bria until the 31 March 2019. This will enable the new Council time to consider and appoint members to the SRWRA Board.

**Motion** **C140818/1253**

**That Council extend the appointment of Mr Roberto Bria to the Board of Southern Region Waste Resource Authority until 31 March 2019.**

Moved Councillor Lonie, Seconded Councillor Yates **Carried**

14.11 **Nominations Sought for the Greater Adelaide Regional organisation of Council (GAROC)** (Report No: 276/18)

The Local Government Association (LGA) are calling for nominations to fill the eight (8) positions on the Greater Adelaide Regional Organisation of Councils (GAROC) to commence office from the conclusion of the 2018 LGA Annual General Meeting (AGM) and to remain in office until the conclusion of the 2020 AGM.

Councillor Bouchee has expressed an interest in being nominated by Council for the position of Member of Greater Adelaide Regional Organisation of Councils (GAROC).

**Motion****C140818/1254**

**That Council endorses the nomination of Councillor Bouchee for consideration as a Member of Greater Adelaide Regional Organisation of Councils (GAROC).**

Moved Councillor Lonie, Seconded Councillor Snewin

**Carried****15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil****16. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING - Nil****16.1 Donation to the South Australian Farmers for the Purpose of Drought Relief****Motion****C140818/1255**

**That Council endorse a contribution/donation of \$5,000 to send to either 'buy a bale' charity outlined in the LGA notification or the 'Farmers Federation' to the benefit of South Australian Farmers should that be possible.**

Moved Councillor Bouchee, Seconded Councillor Aust

**Formal Motion**

**That the Donation to the South Australian Farmers for the Purpose of Drought Relief matter be adjourned to the next Council meeting to be held on 28 August 2018.**

Moved Councillor Lonie, Seconded Councillor Charlick

**Lost**

Her Worship the Acting Mayor allowed the motion from Councillor Lonie to be put to the vote

Her worship the Acting Mayor declared the motion

**Lost**

The motion was put and

**Carried****Division Called:**

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

Those voting for: Councillors Snewin, Aust, Lonie, Bouchee, Patton, Yates, Smedley and Donaldson (8)

Those voting against: Councillors Charlick, Clancy and Bradshaw (3)

Her Worship the Acting Mayor declared the motion

**Carried**

**17. ITEMS IN CONFIDENCE****13.1 Minutes Alwyndor Management Committee – 17 July 2018 (Report No: 264/18)****Motion****C140818/1256****Recommendation – Exclusion of the Public – Section 90(3)(a) 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: 264/18 Minutes – Alwyndor Management Committee – 17 July 2018 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: 264/18 Minutes – Alwyndor Management Committee – 17 July 2018 on the following grounds:**
  - a. information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person or persons (living or dead).**
- 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 Smedley

**Carried****Conflict of Interest**

Councillor Bradshaw declared a material conflict of interest for Item 13.1 Minutes – Alwyndor Management Committee – 17 July 2018 (Report No: 264/18). The nature of this material conflict of interest (pursuant to Section 74 of the Local Government Act 1999) based on personal matters and declared that she would cast her vote in the best interests of the Community.

Minutes – Alwyndor Management Committee – 17 July 2018 (Report No: 264/18)

The minutes of the Alwyndor Management Committee meeting held on 17 July 2018 are provided for information.

**Motion****C140818/1257**

- 1. That the minutes of the Alwyndor Management Committee meeting on 17 July 2018 be noted.**

2. **That Council notes the appointment of Ms Trish Aukett as Chairperson and the re-appointment of Mr Ollie Peters as Deputy Chairperson for the year ending 30 June 2019.**
3. **That having considered Attachment 2 to Report No: 264/18 Minutes – Alwyndor Management Committee – 17 July 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 Attachment 2 be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.**

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, Lonie, Bouchee, Patton, Yates and Smedley (6)

Those voting against: Councillors Snewin, Charlick, Clancy, Donaldson and Bradshaw (5)

Her Worship the Acting Mayor declared the motion

**Carried**

**CLOSURE**

The Meeting closed at 9.38 pm.

**CONFIRMED      Tuesday 11 September 2018**

**ACTING MAYOR**