

**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 Tuesday 12 February 2019 at 7:00pm.**

**MEMBERS PRESENT**

Mayor A Wilson  
Councillor R Abley  
Councillor M Bouchee  
Councillor A Bradshaw  
Councillor P Chabrel  
Councillor R Clancy  
Councillor J Fleming  
Councillor C Lindop  
Councillor S Lonie  
Councillor W Miller  
Councillor R Patton  
Councillor J Smedley  
Councillor R Snewin

**STAFF IN ATTENDANCE**

Chief Executive Officer - JP Lynch  
General Manager City Assets and Services – H Lacy  
General Manager Community Services – M Lock  
General Manager Business Services – R Bria  
A/General Manager Alwyndor – B Capes

**1. OPENING**

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

**2. KAURNA ACKNOWLEDGEMENT**

With the opening of the meeting Her 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.

**3. PRAYER**

Her Worship the Mayor requested all present to pray and read the following Prayer:

Heavenly Father, we pray for your presence and guidance at our Council Meeting.

Grant us your wisdom and protect our integrity as we carry out the powers and responsibilities entrusted to us on behalf of the community that we serve.

**4. APOLOGIES**

- 4.1 Apologies Received - 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****C120219/1368**

**That the minutes of the Ordinary Meeting of Council held on 29 January 2019 be taken as read and confirmed.**

Moved Councillor Bradshaw, Seconded Councillor Miller

**Carried****8. PUBLIC PRESENTATIONS****8.1 Petitions****8.1.1 *Petition – Kingston Park Kiosk* (Report No: 54/19)**

A non-conforming petition has been received requesting Council recognise the importance of Coffee n Cookies to the community and extend their lease.

The petition does not meet the criteria outlined in the Council's Code of Practice – Procedures at Meetings as it does not include the Head Petitioners contact details on each page of the petition in accordance with clause 3.1.7 of the Council's Code of Practice – Meeting Procedures.

The non-conforming petition states as follows:

*“We, the undersigned, understand that the City of Holdfast Bay (the Council) has given notice, within the terms of the Licence Agreement with Mr David Easson, of Coffee n' Cookies, for him to remove non-approved items from the kiosk building and the adjoining space and that he has agreed to comply.*

*We further understand that the Council has given Mr Easson Notice to Yield up the Site prior to the otherwise agreed period up until a tender process is completed. Mr Eason has appealed to Council to allow a continuation of trading.*

*We strongly support an extension of the Licence Agreement.*

*Coffee n Cookies provides an important community facility and service, acting as a hub for a large number of regular customers who have formed friendship and informal support groups. It also serves beach goers and caravan park patrons.*

*During approximately four years of operation, the facility has, with the exception of extreme weather conditions, been open 7 days a week for extended hours throughout the year.*

*It now employs full-time/part-time three women who will be significantly impacted by the closure of the operation.*

*Coffee n Cookies offers seating at quality tables and chairs for over 30 customers with shade/protection offered by multiple umbrellas -with all items purchased and maintained by Mr Easson. The facility is dog-friendly. The substitution of a food van without such facilities and without operating the same hours, as a core condition of licence, is not an acceptable substitute.*

*We strongly urge the Council to recognise the importance, to its community, of the current arrangements and to maintain them until such time as a permanent cafe is constructed and operating at Kingston Park”.*

**Motion**

**C120219/1369**

**That the non-conforming petition be noted.**

Moved Councillor Lonie, Seconded Councillor Lindop

**Carried**

8.2 **Presentation** - Nil

8.3 **Deputations** - Nil

**9. QUESTIONS BY MEMBERS**

9.1 **Without Notice**

9.1.1 **Scanning of all attachment document**

Councillor Bouchee asked why all attachments to reports are not scanned to form part of the full agenda.

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

9.1.2 **Lease at Marymount**

Councillor Bouchee asked a question about when a report will be bought back to Council regarding the deferred motion relating to the lease at Marymount.

The Chief Executive Officer, Mr J Lynch took this question on notice.

#### 9.1.3 Advertising of Kauri Parade Sporting complex

Councillor Lindop asked a question about why Belgravia Leisure are claiming management of Kauri Parade sporting complex.

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

### 9.2 With Notice

#### 9.2.1 Question on Notice – Drinking Fountain Adjacent to the Brighton Jetty (Report No: 47/19)

Councillor Miller asked the following question:

- “1. When Council removed the granite drinking fountain adjacent to the Brighton Jetty, and why?**
- 2. Why a new drinking fountain has not been installed?**
- 3. What the cost implications would be to install a drinking fountain near the Brighton Jetty would be?”**

#### **Background**

This question was raised to me by members of the community who are rightly concerned about the lack of public drinking fountains around the Brighton Jetty, a popular summer destination and a busy thoroughfare for locals. There can be found in multiple places adjacent to CHBs other Jetty at Glenelg which are an asset to visitors and promotes healthy living.

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

1. Council decommissioned the drinking fountain around 20 years ago. The decorative granite structure was retained. The design of the granite bowl was such that deposited rubbish and blown sand continuously blocked the drain outlet and caused overflows, making the area wet, unattractive and slippery. Flooding of the drinking fountain bowl also made the fountain unattractive and discouraged use.
2. Without knowing the full history, the likelihood is that alternative drinking fountains/taps were installed on the foreshore at the end of Dunluce Avenue (approx 100m north of Jetty Road) and on the shower located on the foreshore opposite the Brighton Surf Life Saving Club (approx 200m south of Jetty Road). The decorative granite base and bowl had a monument installed and remained decommissioned.
3. There are several options:

- (a) Do nothing – there appears to be ample opportunity for community access to water from public drinking fountains/taps adjacent to Jetty Rd and for purchase from shops/cafes located on Jetty Rd. Re-commissioning of the decorative drinking fountain at the jetty will likely create the same hazards/issues as existed in the past and so is not supported.
- (b) Re-commission the decorative fountain – will require significant work to re-establish and ensure drainage is improved. Additional ongoing maintenance from rubbish dumping and sand build up will be required. May be problematic as the original fountain had issues with clogging up with sand and was unserviceable. Estimated cost around \$9,000 plus water supply and maintenance costs.
- (c) Install a new drinking fountain near the site – current drinking fountains/taps are between 100 and 200m away. A stainless steel drinking fountain with tap could be installed adjacent to the safety fence near the original decorative fountain with the advantage of easy drainage to the beach. Estimated cost around \$9,000 plus ongoing water supply and maintenance costs.

#### 9.2.2 Question on Notice – Household Waste (Report No: 48/19)

Councillor Miller asked the following question:

- “1. What household recycling education initiatives are in place in CHB?**
- 2. What is the rate of household recycling contamination?**
- 3. What effect does this have on our waste management program?**
- 4. Are there plans to further educate households on how to properly manage their household waste?”**

#### **Background**

This question has been asked on behalf of residents who have noticed regular issues with household recycling bins, namely the presence of plastic bags and non-recyclable plastics which is quite common.

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

- 1. *What household recycling education initiatives are in place in CHB?*

City of Holdfast Bay runs a number of education initiatives including:

- A visual bin inspection campaign where householders are provided feedback on kerbside recycling, organic and garbage bins contents in the form of tags. Householders seen to be doing the right thing then have the chance to win a \$100 Jetty Road Glenelg gift card (30 to be won). This program was developed in conjunction with State Government and has been so successful it has been adopted by 15 local and interstate councils.
- City of Holdfast Bay Environmental Education and Projects Officer runs on average 20-30 waste presentations and waste tours for interested community groups and schools each year
- In 2013 all Households with a kerbside bin service received a kitchen organics basket and compostable bags for disposal of food scraps into their organics bin. Households can access free rolls of bags from the Brighton Civic Centre and the Libraries
- City of Holdfast Bay is currently running a State Government funded pilot with 2 local Foodland Supermarkets where plastic bags for fruit and vegetable purchases have been swapped for compostable versions. These bags are compatible with kitchen organic baskets for correct food scarp disposal. This program has received wide spread media attention, has been praised by the Minister for the Environment and Water David Speirs MP and is currently being considered by Foodland to be rolled out in all 120 stores in South Australia.
- Each year City of Holdfast Bay households receive a waste calendar and waste and recycling guide in their letterbox.

2. *What is the rate of household recycling contamination?*

CHB has one of Adelaide's lowest contamination rates between 11-13%

3. *What effect does this have on our waste management program?*

Contamination rates above 30% are extremely hard for our Recycling Processor Visy to sort. Main contaminants include soft plastics, polystyrene and textiles.

4. *Are there plans to further educate households on how to properly manage their household waste?*

City of Holdfast Bay is continuing bin inspections, community talks and offering compostable bags and kitchen organic

baskets in 2019. South Aussie with Cosi has been engaged to develop a number of waste educational youtube videos for Facebook. Administration are currently working on project proposals for council consideration to assist the LGA reduction of single use plastics consumption.

9.2.3 **Question on Notice – Domestic Waste Calendar – Lack of Magnet**  
(Report No: 58/19)

Councillor Bouchee asked the following question:

**Could administration advise why the calendar has no magnet on the back?**

**ANSWER – Education & Projects Officer - Environment**

The magnet was removed so that the calendar could be recycled more effectively when placed in a kerbside recycling bin. This practice has been adopted by a number of councils across SA and reduces contamination of the recycling stream.

9.2.4 **Question on Notice – Traffic Signage on the Corner of Partridge Street and Jetty Road Glenelg** (Report No: 59/19)

Councillor Bouchee asked the following question:

***“Could administration please advise when the sign for “No Right Turn etc..” north bound Partridge/Jetty Rd Glenelg.?”***

**ANSWER – Technical Officer, Traffic & Transport**

Council’s resolution required that “the CEO initiate a report on the feasibility of having a ban on traffic turning right travelling north on Partridge Street turning right onto Jetty Road between 7.30 am - 9.30am.”

Traffic consultant Infraplan was engaged to investigate options, including a ban on right turns from Partridge St (northbound) into Jetty Road during peak times. During the review an option was identified where, rather than banning the right turn at peak times, 3 new dedicated lanes could be provided for northbound traffic on Partridge St at Jetty Rd intersection being:

- a dedicated right turn lane for traffic from Partridge Street (northbound) turning into Jetty Road;
- a dedicated left turn lane from Partridge into Jetty Rd; and
- a dedicated straight ahead traffic lane.

Modelling confirmed that this configuration would dramatically improve traffic flows at the intersection. Essentially, there would be and right turn and no need to ban the right turn which is currently holding

up traffic. Other options were also modelled, including the No Right Turn ban, but the 3 lane concept gave by far the best outcome.

At the time, Infraplan had been engaged by Holdfast for the Jetty Road Masterplan investigations for Strategy & Innovation and asked to revisit options for Anzac Highway Bicycle Lane. Due to Infraplan's resource constraints, the decision was made to progress the Partridge/Jetty right turn last of these three project.

Infraplan is preparing a report to detail the findings of their review and their recommendation. This detailed report will then be forwarded to DPTI to confirm their acceptance of the proposed option(s) and to assess changes to traffic signal and control bans, This DPTI review will take around 4-6 weeks, but is dependent on DPTI's timeframes. Once the technical feasibility has been confirmed and preliminary authorisation obtained from DPTI, a report will be submitted to Council for endorsement and funding consideration.

9.2.5 **Question on Notice – Provision of Suitable Equipment for Children with a Disability in Council Playspaces** (Report No: 62/19)

Councillor Bradshaw asked the following question:

***“Has consideration been given to providing a component in one of Holdfast Bay Playspaces for children with a disability?”***

**Background**

Following the opening of the playspace at Angus Neill Reserve I received a phone call from a disappointed resident who had taken their disabled child to that space, only to find there was nothing suitable for them to safely play on.

Apparently there's a Sydney-based charity with an aim to financially assist with such playspaces all over Australia. It's my understanding they recently assisted in the installation of a playspace which is suitable for children with a disability in the Marion Council area at Ascot Park.

**ANSWER – Manager Active Communities**

Each of our playspaces that are being redeveloped aim to create playspaces that are accessible to children of all ages, abilities and backgrounds incorporating universal design principles where possible. For instance, wheelchair and pram access is made to most pieces of equipment and interactive play elements are installed at an appropriate height for children in wheel chairs. The selection of rubber soft fall rather than pine chips is also a consideration where possible. In the case of Angus Neill Reserve, the multi-person basket swing is directly accessible by wheelchair, along with the carousel that is designed to enable wheel chairs to be wheeled on and off without lifting required. Designing playspaces to be accessible to people with disabilities is a part



of design briefs with contractors, and most recently is the case with the design brief for Bindarra Reserve that specified design with a play focus on ages 2 to 8 years and universal design principles.

The Hendrie Street Playspace (project cost approximately \$1 million) in the City of Marion received \$110,000 in funding from the Touched by Olivia Foundation. Touched by Olivia Foundation was formed in Australia in 2006 by the Perkins Family, following the loss of Olivia, their baby daughter, to a rare disease. With a strategy aimed at creating healthier and happier lives for children, their core focus centres on creating inclusive playspaces across Australia.

9.2.6 **Question on Notice – Budget vs Actual Amounts for Printing and Public Relations Costs** (Report No: 64/19)

Councillor Smedley asked the following question:

***“Could Administration please advise Budget vs Actual (YTD) amounts to say 31/12/2018, consolidated for all cost centres, including Alwyndor, for:***

1. ***Printing and publishing costs.***
2. ***Public relations costs including retainers if any, and where applicable, incorporating the use of external speech, script and copy writers.”***

**ANSWER – Manager Financial Services**

1. Printing and publishing costs:

	<b><u>2018/19 Budget</u></b>	<b><u>Actual YTD to 31/12/18</u></b>
Municipal	\$59,706	\$27,911
Alwyndor	<u>\$90,000</u>	<u>\$15,363</u>
Total	\$149,706	\$43,274

The Municipal amount excludes printing costs associated with rates and other statutory notices. The Alwyndor amount includes the overall marketing budget.

2. Public relations costs covering editing and copy writing:

Municipal actual to 31/12/18 \$2,420. The amounts are costed to specific project budgets when required.

Alwyndor – there is no actual costs to 31/12/18 for this separate purpose.

All publications developed by Council are vetted through the Creative Services and Communications & Media personnel, formally trained in

editing and copy writing. Outsourcing to qualified service providers only occurs by exception and is dependent on available resources.

The amounts above exclude any internal salary costs.

#### 9.2.7 Question on Notice – Council Workshops (Report No: 66/19)

Councillor Abley asked the following question:

***“Could you please advise:***

- 1. *The dates and topics of the upcoming Council Workshops***
- 2. *When they will be available on the council website for public viewing?”***

#### **ANSWER – Governance and Risk Officer**

1. All Council and pre-Council meeting workshop dates and times are currently in the Elected Member Calendar and the content of the workshop will be updated as early as possible prior to the date. The below schedule is currently being finalised and is subject to change due to availability of presenters, information or attendance.

12 February 2019 Glenelg Town Hall	Pre Council	Arts and Culture Strategy
19 February 2019 Brighton Civic Centre	3 <sup>rd</sup> Tuesday	Jetty Road Detailed Designs Coast 1, 2 options, Mosely Sq, present 3 concept options for jetty rd/colley tce corner  Anzac Hwy Bike Lanes Project
26 February 2019 Glenelg Town Hall	Pre Council	Jetty Rd Mainstreet Governance Model
5 March 2019 Brighton Civic Centre	1 <sup>st</sup> Tuesday	Budget Workshop 2
12 March 2019 Glenelg Town Hall	Pre Council	Kangaroo Island opportunities
19 March 2019 Brighton Civic Centre	3 <sup>rd</sup> Tuesday	Community Centre’s Update  Playspace Action Plan Briefing, Provide Summary of PAP contained in meeting Agenda
26 March 2019 Glenelg Town Hall	Pre Council	By Law Review – Endorse By Law changes
2 April 2019 Brighton Civic Centre	1 <sup>st</sup> Tuesday	Budget Workshop 3
9 April 2019 Glenelg Town Hall	Pre Council	Value of LGA Membership
23 April 2019 Glenelg Town Hall	Pre Council	Glenelg Football Club

The schedule for Council Workshops are every 1st and 3rd Tuesday of the month at Brighton Civic Centre from 6.00pm.

Pre-Council meeting Workshops are scheduled each 2nd and 4th Tuesday of the month between 6pm and 7pm at Glenelg Town Hall, prior to the Council meeting.

2. Council Workshops/Briefings (informal gatherings) are open to the public unless they are determined by the Council or Chief Executive Officer that they need to be held in confidence under section 90(3) of the Local Government Act 1999 or if they are a planning session of a general of strategic nature.

As the workshops are subject to change, they are normally placed on the website the week prior to the workshop under: Council Committees and Workshops.

**10. MEMBER'S ACTIVITY REPORTS - Nil**

**11. MOTIONS ON NOTICE**

**11.1 Motion on Notice – Rescission Motion – Open Space and Public Realm Strategy [C280818/1265] - Councillor Bouchee (Report No: 55/19)**

Councillor Bouchee proposed the following motion:

**BACKGROUND**

This was passed in the final months of the last Council.

The Strategy is an excellent resource for future recommendations by Administration. This is a new Council and members may wish to implement an alternative list of projects and priorities.

I believe by previously endorsing the "Open Space Project List 2018-2030" it has pre-empted any possible future decisions by this Council , by noting this list specifically , any future projects in the Budget must be identified and not just listed as an "Open Space" Budget item.

**PREVIOUS COUNCIL MINUTE (28 August 2018)**

**14.2 Open Space and Public Realm Strategy (Report No: 285/18)**

*The second phase of community engagement on the draft Open Space and Public Realm Strategy 2018-2030 has been completed and the Strategy is ready to be finalised. There were a few comments received during the consultation period including two detailed responses from the Holdfast Bay Residents Alliance and Marino Residents Association. These comments have been considered and changes to the strategy have been identified for the Council's consideration.*

*It is recommended that the Open Space and Public Realm Strategy 2018-2030 be endorsed by Council.*

Motion

C280818/1265

*That Council:*

1. *endorse the "Open Space Strategy Summary" and "Open Space and Public Realm Strategy 2018-2030" provided in Attachments 1 and 2 of Report 285/18;*
2. *note the 'Engagement Summary Report' and 'Detailed Responses to Engagement Comments' as provided in Attachments 3 and 4 of Report 285/18.*

*Moved Councillor Lonie, Seconded Councillor Aust*

**Carried**

**ADMINISTRATION COMMENT**

The Open Space and Public Realm Strategy 2018-2030 sets out the priorities for enhancement and improvement of open space and public realm across the City aligned to the strategic objectives of the Council. While the Strategy provides a list of potential open space projects (Appendix E), endorsement of the Strategy does not approve funding for the projects. Any funding for the projects listed in Appendix E require approval for funding from Council through the Annual Business Plan process. It is anticipated that administration will identify prior to a new financial year the priorities from these projects and will table those with Council for funding approval as part of the Annual Business Planning process that also goes through public consultation. This allows Council to raise any concerns it has with regard to any individual projects prior to any funding approval being endorsed.

The projects listed were also included as part of the community engagement conducted from 11 to 31 July 2018, and any feedback received was included in finalising the projects identified. Many of the projects listed in Appendix E are projects that were identified in the Council's 2012 Open Space Strategy. Given they were already endorsed potential projects, it was identified as important to carry them through to the review of the Strategy and additional projects identified through the engagement processes conducted.

Therefore there is no need to rescind Appendix E of the Strategy as the process to allocate funding to these projects will require Council approval through the Annual Business Plan process.

**Motion**

**C120219/1370**

**That Council:**

1. **Rescind Part 1. and 2. of Motion (C280818/1265) in relation to Report 285/18 passed 28 August 2018.**

2. **Endorse “The Open Space Strategy summary “together with Appendix A, B, C, D. provided in Report 285/18**
3. **Note “The Open Space Project List 2018-2030” Appendix E provided in Report 285/18**
4. **Note the “Engagement Summary Report” and “Detailed Responses to Engagement Comments” as provided in attachments provided in Report 285/18.**

Moved Councillor Bouchee, Seconded Councillor Fleming **Carried**

11.2 **Motion on Notice – Budget Item 394 Community Centre Coordination - Councillor Clancy (Report No: 57/19)**

Councillor Clancy withdrew her Motion on Notice, Budget Item 394 Community Centre Coordination - Councillor Clancy (Report No: 57/19) from the Council Agenda.

Her Worship the Mayor accepted the request to withdraw this item from the Agenda.

11.3 **Motion on Notice – Rescission Motion – Footpath Encroachment – Purchase of Land – Portion of 15 Pine Avenue, Kingston Park [C290119/1365] - Councillor Lonie (Report No: 60/19)**

Her Worship the Mayor accepted Councillor Bouchee’s request under Regulation 18, *Local Government Act (Proceedings at Meetings) Regulations 2013* to defer this item to be heard at Item 17, Items in Confidence, on the grounds that it is Commercial in Confidence.

11.4 **Motion on Notice – Long Term Parked Cars - Councillor Clancy (Report No: 65/19)**

Councillor Clancy proposed the following motion:

**BACKGROUND**

Used car sales yards are storing their cars in suburban streets which is restricting residents and visitors access to parking.

There have been cars parked for over four weeks in many of the streets in Somerton Park close to Brighton Road. The street is becoming their sales yards which has no cost attached.

**Motion****C120219/1371**

**That the CEO write to the Minister of Transport to request that the previous legislation, which prevented cars, boats and caravans from being parked for extended periods on the street, be reintroduced.**

Moved Councillor Clancy, Seconded Councillor Patton

**Carried****12. ADJOURNED MATTER - Nil****13. REPORTS OF MANAGEMENT COMMITTEES, SUBSIDIARIES AND THE DEVELOPMENT ASSESSMENT PANEL****13.1 Draft Minutes – Alwyndor Management Committee – 17 January 2019 (Report No: 49/19)**

Her Worship the Mayor accepted Councillor Bradshaw's request under Regulation 18, *Local Government Act (Proceedings at Meetings) Regulations 2013* to defer this item to be heard at Item 17, Items in Confidence, on the grounds that it is Commercial in Confidence.

**13.2 Minutes – Audit Committee – 6 February 2019 (Report No: 52/19)**

The minutes of the meeting of the Audit Committee held on 6 February 2019 are presented to Council for information and endorsement.

**Motion****C120219/1372****1. That Council receives and notes the minutes of the meeting of the Audit Committee of 6 February 2019, namely:**

**(a) That the Audit Committee recommends to Council the appointment of Councillor John Smedley as the Presiding Member for the term of Council.**

**(b) 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 2019

**(c) That the Audit Committee supports the 2019-20 budget timetable, development, and key parameters as identified in this report.**

2. **That Council appoints Councillor John Smedley as the Presiding Member of the Audit Committee for the term of Council.**

Moved Councillor Bouchee, Seconded Councillor Snewin

**Carried**

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

##### 14.1 **Items in Brief** (Report No: 46/19)

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**

**C120219/1373**

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

1. **Proclamation Day 2018**
2. **Brighton Jetty Sculptures Council Purchase**
3. **Senator the Hon Simon Birmingham**

Moved Councillor Lonie, Seconded Councillor Bouchee

**Carried**

##### 14.2 **Brighton Community Garden – Bowker Oval Community Engagement Findings** (Report No: 45/19)

Community engagement was conducted around the proposal to establish the Brighton Community Garden at Bowker Oval Reserve, North Brighton. A high level of community interest was received regarding the proposal, with the majority of respondents (83.5%) in support of the project progressing in this location. Due to the high level of support for the proposal to establish the Brighton Community Garden at Bowker Oval Reserve, it is recommended to proceed with the establishment of the community garden at this location.

##### **Motion**

**C120219/1374**

1. **That Council notes the Brighton Community Garden- Bowker Oval Engagement Report findings.**
2. **That Council endorses proceeding with establishing the Brighton Community Garden at Bowker Oval Reserve, North Brighton.**
3. **That Council enters into a new Licence Agreement with the Brighton Community Garden Incorporated over a portion of land comprised in Certificate of Title Volume 5737 Folio 272 for a period of five years commencing 1 March 2019, with an Option to Renew for a subsequent five years.**
4. **That a commencing annual rent of \$265 (plus GST) be charged to the Lessee.**

5. **That the Mayor and Chief Executive Officer be authorised to execute and seal any documents required to give effect to this Licence Agreement.**

Moved Councillor Lonie, Seconded Councillor Snewin

**Carried**

A division was called and the previous decision was set aside

Those voting for: All in favour (12)

Those voting against: Nil (0)

Her worship the Mayor declared the motion

**Carried**

14.3 **Code of Practice – Meeting Procedures – Annual Review** (Report No: 50/19)

Her Worship the Mayor accepted Councillor Patton's request under Regulation 18, *Local Government Act (Proceedings at Meetings) Regulations 2013*, to defer this item for a period of one month to allow time for further consideration by the Mayor and Deputy Mayor.

14.4 **Budget Update – as at 31 December 2018** (Report No: 51/19)

This report covers the second update of Council's 2018/19 budget conducted as at 31 December 2018.

A comprehensive review of Municipal budgets has increased the forecast operating surplus by \$49,577 resulting in a forecast operating surplus of \$186,873. Major favourable variances have occurred in electricity charges and interest on investments and borrowings. This has been offset by unfavourable variances in car park ticket machine revenue, additional maintenance works and expenditure previously approved by Council.

Capital expenditure has decreased by \$2.898 million as the Brighton Oval Clubrooms, Stormwater Management Plan and Glenelg Oval Masterplan will form part of the 2019/20 capital program. This has been offset by reduced grant funding related to these projects of \$0.844 million.

As a part of Council's Business Transformation Program, a commitment has been made to provide regular reports on Annual Business Plan projects. Progress summaries and analysis have been included for the first time as part of this report.

**Motion**

**C120219/1375**

1. **That Council notes the second 2018/19 budget update for Council's municipal operations including:**
- (a) **an increase in the forecast operating surplus for 2018/19 of \$49,577 from \$137,296 to \$186,873 surplus;**
  - (b) **a decrease in forecast capital expenditure of \$2.898 million from \$25.164 million to \$22.266 million;**



- (c) a decrease in forecast capital revenue of \$843,520 from \$10.864 million to \$10.020 million;
  - (d) a decrease in forecast net financial liabilities of \$2.104 million at 30 June 2019 from \$21.765 million to \$19.661 million.
2. That Council notes for Alwyndor operations no change to the 2018/19 revised budget forecast.
  3. That Council note the Annual Business Plan quarterly update for December 2018.

Councillor Patton left the chamber at 8.00pm

Councillor Patton rejoined the chamber at 8.02pm

Moved Councillor Abley, Seconded Councillor Lonie

**Carried**

14.5 **Responses to the State Government's Turning the Tide on Single Use Plastics and Container Deposit Scheme Discussion Papers** (Report No: 63/19)

The Minister for Environment and Water, Hon David Speirs recently announced the release of the "Turning the tide on single-use plastics products" discussion paper and the "Improving South Australia's Container Deposit Scheme (CDS)" discussion paper for community, industry and business feedback.

Feedback will be used to assist with the review of the Container Deposit Scheme and help inform the State Government's continued efforts to maintain South Australia's national leadership in recycling and transitioning to a circular economy. Feedback on the discussions papers is due 22 February.

**Motion**

**C120219/1376**

1. That Council endorse submission of the letter received, responding to the State Government's "Turning the tide on single-use plastic products" Discussion Paper to be signed by Mayor Wilson.
2. That Council endorse submission of the letter received, responding to the State Government's "Improving South Australia's Container Deposit Scheme" discussion paper to be signed by Mayor Wilson.

Moved Councillor Bouchee, Seconded Councillor Abley

**Carried**

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

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

17. **ITEMS IN CONFIDENCE**

11.3 **Motion on Notice – Rescission Motion – Footpath Encroachment – Purchase of Land – Portion of 15 Pine Avenue, Kingston Park [C290119/1365] - Councillor Lonie** (Report No: 60/19)

### **Conflict of Interest**

Councillor Lonie declared a perceived conflict of interest for the item 11.3 Footpath Encroachment – Purchase of Land – Portion of 15 Pine Avenue Kingston Park, Report Number: 18/19. The nature of her perceived conflict of interest (pursuant to Section 74 of the *Local Government Act 1999*) is that she lives on Pine Avenue Seacliff on the other side of the train tracks. Councillor Lonie dealt with her interest by remaining in the chamber and believed she could still contribute to the debate for the interest of the greater Community.

### **Motion**

**C120219/1377**

### **Recommendation – Exclusion to 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 Rescission Motion – Footpath Encroachment – Purchase of Land – Portion of 15 Pine Avenue, Kingston Park [C290119/1365] - Councillor Lonie (Report No: 60/19).**
- 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 Rescission Motion – Footpath Encroachment – Purchase of Land – Portion of 15 Pine Avenue, Kingston Park [C290119/1365] - Councillor Lonie (Report No: 60/19) 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 in that it would confer a commercial advantage on a third party as it relates to the value of residential land.**

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 Bouchee

**Carried**

The elected members discussed item 11.3, Motion on Notice – Rescission Motion – Footpath Encroachment – Purchase of Land – Portion of 15 Pine Avenue, Kingston Park [C290119/1365] - Councillor Lonie (Report No: 60/19), in confidence.

The discussion was retained in confidence.

**Motion**

**C120219/1378**

**That Council**

1. **Rescind the motion (C290119/1365) in relation to Report No: 18/19 being that Council remove the section of footpath at 15 Pine Avenue Seacliff.**
2. **Approve the purchase of approximately 11.84m squared of land that is part of 15 Pine Ave, Kingston Park, at a cost of approximately \$18,000 which includes the cost of construction of a crossover.**
3. **Authorises the Mayor and CEO to affect the land purchases affix the Seal and sign any associated documentation.**
4. **Subject to transfer of the subject land, approve a road opening in accordance with Roads (Opening and Closing) Act 1991.**
5. **Provide additional capital expenditure on up to \$25,000 at the March 2019 budget update for the purchase of the land and associated costs.**

Moved Councillor Lonie, Seconded Councillor Bradshaw

**Lost**

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

Those voting for: Councillors Snewin, Patton, Lonie, Lindop and Bradshaw (5).

Those voting against: Councillors Clancy, Miller, Bouchee, Fleming, Smedley, Abley and Chabrel (7).

Her Worship the Acting Mayor declared the motion

**Lost**

- 13.1 **Draft Minutes – Alwyndor Management Committee – 17 January 2019** (Report No: 49/19)

**Motion**

**C120219/1379**

**Recommendation - Exclusion of the Public - Section 90(3)(d) 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: 49/19 Draft Minutes – Alwyndor Management Committee – 17 January 2019.**

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: 49/19 Draft Minutes – Alwyndor Management Committee – 17 January 2019, on the following grounds:

d. pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to confer a commercial advantage on a third party.

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**

**Motion**

**C120219/1380**

1. That the draft minutes of the Alwyndor Management Committee meeting held on 17 January 2019 be noted.

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

2. That having considered Agenda Item 13.1 - 49/19 Draft Confidential Minutes – Alwyndor Management Committee – 17 January 2019 in confidence under section 90(2) and (3)(b) of the *Local Government Act 1999*, the Alwyndor, pursuant to section 91(7) of that Act orders that the Attachments and minutes be retained in confidence until the Alwyndor Management Committee release the minutes from confidence and that this order be reviewed every 12 months.

Moved Councillor Lonie, Seconded Councillor Chabrel

**Carried**

The elected members discussed item 13.1 Draft Minutes – Alwyndor Management Committee – 17 January 2019 (Report No: 49/19) in confidence.

The discussion was retained in confidence.

**CLOSURE**

The Meeting closed at 9.00 pm.

**CONFIRMED      Tuesday 26 February 2019**

**MAYOR**