

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 March 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****C120319/1396**

That the minutes of the Ordinary Meeting of Council held on 26 February 2019 be taken as read and confirmed.

Moved Councillor Lonie, Seconded Councillor Smedley

Carried**8. PUBLIC PRESENTATIONS**

- 8.1 **Petitions - Nil**

- 8.2 **Presentation - Leave of the Meeting**

Her Worship the Mayor sought leave of the meeting to make a presentation to the Chief Executive Officer, Justin Lynch, as it will be his last Council meeting before ceasing employment with City of Holdfast Bay (in accordance with regulation 15(2) of the *Local Government (Procedures at Meetings) Regulations 2013*).

Leave of the meeting was granted. The presentation was noted and the Chief Executive Officer, Justin Lynch responded.

- 8.3 **Deputations - Nil**

9. QUESTIONS BY MEMBERS

- 9.1 **Without Notice**

- 9.1.1 **Update Request on Public Toilets on Jetty Road**

Councillor Miller asked the following question:

Can administration provide a status update regarding public toilets on Jetty Road, Glenelg?

General Manager, City Assets & Services provided a response.

9.1.2 Telstra Signage

Councillor Smedley asked the following question:

Telstra advertising signage has appeared within the council area where there used to phone boxes including advertising - Does Council have controls through leases and how are council's administration managing the signage?

General Manager, City Assets & Services provided a response.

9.1.3 Planter Box Placed Adjacent to the Telstra Phone Box, Moseley Square

Councillor Bouchee asked the following question:

Can a planter box be erected adjacent the Telstra phone box in Moseley Square?

Chief Executive Officer provided a response.

9.1.4 Belgravia Signage on Kauri Parade

Councillor Clancy asked the following question:

Can the administration provide an update on Belgravia signage?

General Manager, Community Services provided a response.

9.1.5 Pump Track on Commercial Road

Councillor Snewin asked the following question:

Regarding the site near the pump track on Commercial Road, Brighton does Council have a lease on this land or is the land owned by DPTI?

Administration took this question on notice.

9.2 With Notice - Nil**10. MEMBER'S ACTIVITY REPORTS - Nil****11. MOTIONS ON NOTICE - Nil****12. ADJOURNED MATTER - Nil**

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

13.1 Minutes – Jetty Road Mainstreet Management Committee – 20 February 2019 (Report No: 87/10)

The minutes of the special meeting of the Jetty Road Mainstreet Committee meeting held on 20 February 2019 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 **C120319/1397**

That Council notes the minutes of the special meeting of the Jetty Road Mainstreet Committee of 20 February 2019.

Moved Councillor Lonie, Seconded Councillor Miller **Carried**

13.2 Draft Minutes – Alwyndor Management Committee – 21 February 2019 (Report No: 94/19)

The draft minutes of the Alwyndor Management Committee meeting held on 21 February 2019 are provided for information.

Motion **C120319/1398**

1. **That the draft minutes of the Alwyndor Management Committee meeting held on 21 February 2019 be noted.**

2. **That having considered Attachment 2 to Report No: 94/19 Draft Minutes – Alwyndor Management Committee – 21 February 2019 remain 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 Lonie, Seconded Councillor Chabrel **Carried**

Leave of the Meeting

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

Leave of the meeting was granted.

14. REPORTS BY OFFICERS

14.1 Items in Brief (Report No: 90/19)

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

C120319/1399

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

- 1. Kingston Park Kiosk – Expression of Interest**
- 2. Thank you letter from Brighton Jetty Sculptures Committee**
- 3. Contract Appointment outside the Procurement Policy: Rod Hook and Associates - Jetty Road Glenelg Masterplan Detailed Designs Stages 1 and 2.**

Moved Councillor Lonie, Seconded Councillor Snewin

Carried

14.2 Jetty Road Mainstreet Committee Governance Model Business Case (Report No: 85/19)

The Jetty Road Mainstreet Committee (JRM) is an advisory committee of the City of Holdfast Bay formed under Section 41 of the *Local Government Act 1999*. The JRM conducted a Special Meeting on 20 June 2018 to workshop alternative governance models with a facilitator and external subject matter experts. At its 4 July 2018 meeting the JRM recommended to Council their preferred governance model of an Incorporated Association established under the Associations Incorporation Act 1985.

At the 3 October 2018 JRM meeting the Committee agreed to prepare a business case on their preferred model to present to Administration. At the 7 November 2018 JRM meeting the JRM appointed Premier Retail Marketing and Peter McNabb and Associates to prepare a business case that was endorsed by the JRM at their 5 December 2018 meeting. The Incorporated Association Business Case was presented by Mark Faulkner, Chair of JRM and David West of Premier Retail Marketing at the 26 February 2019 Council Workshop.

Motion

That Council agrees to initiate a process of implementing:

- 1. that the JRM become an Incorporated Association;**

OR

- 2. that the JRM become a Council subsidiary established pursuant to section 42 of the LG Act;**

OR

- 3. that the JRM Section 41 Committee – retain as per status quo.**

Adjournment**C120319/1400**

That the motion be adjourned for 6 months from 12 March 2019, to allow the newly appointed committee to review the recommendation of their predecessors and obtain their own guidance, particularly concerning future financial arrangements, before returning to Council with either affirmation of the current proposal, or their own recommendations.

Moved Councillor Miller, Seconded Councillor Abley

Carried**14.3 Jetty Road Mainstreet Committee Nominations (Report No: 86/19)**

The Jetty Road Mainstreet Committee (JRMC) comprises of 11 members who are a mix of the Glenelg Tourism Precinct (Jetty Road, Glenelg) business owners, commercial property owners and Elected Members of Council. Business owners and owners of commercial property within the boundaries of the Jetty Road Glenelg precinct who contribute to the separate rate levy are invited to nominate for a position on the Jetty Road Mainstreet Committee. There were 9 positions available for people who are either a landlord or trader and nominations were open from 21 January to 8 February 2019. The selection panel met in February and this report provides their recommendations for the appointment of the committee members.

Motion**C120319/1401**

That Council endorse the appointment of the following members to the new Jetty Road Mainstreet Committee:

- **Con Maios, Maios Investments**
- **Simon Robinson, GU Filmhouse**
- **Eve Leenearts, Elite Choice Home Improvements**
- **Lee Boys, Skin Things, The Organik Store and Café on Broadway and Chick N Chips on Broadway**
- **Gilia Martin, Attitudes Boutique and Lightbox Gift and Home**
- **Angus Warren, Beach Burrito**
- **Tony Beatrice, Cibo Espresso**
- **Nathan Hughes, Short Order Diner**
- **Adoni Fotopoulos, Ikos Holdings Trust**
- **Councillor Rebecca Abley**
- **Councillor William Miller.**

Moved Councillor Abley, Seconded Councillor Miller

Carried**14.4 Establishment of a Selection Panel and Process for the Recruitment of the New Chief Executive Officer (Report No: 91/19)**

To establish a selection panel and the recruitment process for the appointment of the Chief Executive Officer (CEO) by utilising the established Executive Committee for this purpose.

Motion**That Council:**

1. **appoint the Executive Committee of Council as the Chief Executive Officer Selection Panel pursuant to S98 (4) of the Local Government Act 1999 for the CEO Recruitment process;**
2. **delegate to the Executive Committee the decision to appoint an external recruitment agency to assist Council in the recruitment process;**
3. **adopt for the period of the Chief Executive Officer recruitment the additional Terms of References for the Executive Committee to guide the selection process as detailed in Attachment 1 to this report;**
4. **approve a budget variation to be included in a future budget review to cover the cost of the Chief Executive Officer recruitment.**

Moved Councillor Lonie, Seconded Councillor Patton

Amendment**C120319/1402****That Council:**

1. **appoint the Executive Committee of Council as the Chief Executive Officer Selection Panel pursuant to S98 (4) of the Local Government Act 1999 for the CEO Recruitment process;**
2. **delegate to the Executive Committee the decision to appoint an external recruitment agency to assist Council in the recruitment process;**
3. **adopt for the period of the Chief Executive Officer recruitment the additional Terms of References for the Executive Committee to guide the selection process as detailed in Attachment 1 to this report;**
4. **approve a budget variation to be included in a future budget review to cover the cost of the Chief Executive Officer recruitment.**
5. **all of Council to interview the shortlisted candidates.**

Moved Councillor Clancy, Seconded Councillor Bouchee

The amendment on being put was

Carried

The motion, as amended, on being put was

Carried

14.5 **Nomination – Metropolitan Seaside Councils Committee** (Report No: 88/19)

The City of Holdfast Bay is a member of the informal Metropolitan Seaside Councils Committee which assists Council's and State Government by discussing, planning and promoting actions to protect and enhance Adelaide's metropolitan coastline.

Each of Adelaide's metropolitan coastal councils (ie. the Cities of Port Adelaide Enfield, Charles Sturt, Holdfast Bay, Marion, West Torrens, Onkaparinga, Playford and Salisbury) are represented by one elected member and a staff representative.

As an informal stakeholder group, Committee membership is essentially voluntary and the representatives have no formal powers under the Act.

Motion

C120319/1403

That Council nominates Councillor Miller to the Metropolitan Seaside Councils Committee.

Moved Councillor Bouchee, Seconded Councillor Patton

Carried

14.6 **Council Membership – Cities Power Partnership and Global Covenant of Mayors for Climate and Energy** (Report No: 89/19)

At the Council meeting of 29 January 2019 it was requested that Administration prepare a report on Council joining two climate change initiatives being the Climate Councils Cities Power Partnership and the Global Covenant of Mayors for Climate and Energy. A report was required to Council by 12 March 2019.

Motion

That Council approve the City of Holdfast Bay to join the Climate Council's Cities Power Partnership (CPP) in current membership Round 3.

Moved Councillor Abley. Seconded Councillor Bouchee

Adjournment

C120319/1404

The motion be deferred for a period of one month, to allow provision of more detailed information to Elected Members concerning ongoing financial and other obligations of membership.

Moved Councillor Smedley, Seconded Councillor Snewin

Carried

Councillors Abley, Bouchee, Smedley and Snewin spoke to this motion.

14.7 **Integrated Transport Strategy Engagement** (Report No: 92/19)

An Integrated Transport Strategy is being developed and 2 phases of public engagement will be undertaken. The first phase will seek community and stakeholder views on the issues for transport and movement in the City and the vision for the next 10-20 years. The second phase will seek feedback on the draft strategy informed by community input in phase 1. This report seeks Council endorsement to proceed with the first phase of the proposed engagement.

Motion

1. **That Council endorse engagement with the community and stakeholders on the issues for an Integrated Transport Strategy.**
2. **That Council note the Summary of Engagement Plan referred to in Attachment 1 to this report.**

Adjournment**C120319/1405****That the motion be deferred for a period of three months due to local major traffic works.**

Moved Councillor Bouchee, Seconded Councillor Bradshaw

Carried**14.8 Appointment to Southern Region Waste Resource Authority Audit Committee (Report No: 53/19)**

The Chief Executive Officer of Southern Region Waste Resource Authority (SRWRA) has written to Council seeking the re-appointment or new appointment of an Audit Committee member for a period of 12 months commencing in March 2018.

SRWRA has an audit committee which includes independent members appointed by each of the three constituent councils. Two of Council's independent Audit Committee members, being Mr John Wood and Mr Sam Spadavecchia have expressed interest in this role. The term of Mr Wood on Councils Audit Committee will expire on 21 March 2019 and we are currently in the process of filling that role.

Mr Spadavecchia's audit committee role with Council expires in in January 2021 and given the certainty of his tenure, it is considered appropriate to recommend Mr Sam Spadavecchia for the SRWRA Audit Committee role.

Motion**C120319/1406****That:**

1. **Council appoint Mr Sam Spadavecchia to the Southern Region Waste Resource Authority Audit Committee for a term of 12 months;**
2. **Ms Vicki Brown be thanked for her long and valuable service to the Southern Region Waste Resource Authority Audit Committee.**

Moved Councillor Smedley, Seconded Councillor Lindop

Carried**15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil****16. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING - Nil**

17. ITEMS IN CONFIDENCE**13.2 Draft Alwyndor Management Committee Minutes – 21 February 2019 (Report No: 94/19)****Motion - Exclusion of the Public – Section 90(3)(b) Order C120319/1407**

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: 94/19 Minutes – Alwyndor Management Committee – 21 February 2019 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: 94/19 Draft Minutes – Alwyndor Management Committee – 21 February 2019 on the following grounds:

b. pursuant to section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which could reasonably be expected to confer a commercial advantage and Council would prejudice the commercial position of the Council.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

3. The Council is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.

Moved Councillor Lonie, Seconded Councillor Chabrel

Carried

17.1 Kauri Community & Sports Centre – New EOI Tender (Report No: 74/19)**Motion – Exclusion of the Public – Section 90(3)(b & d) Order C120319/1408**

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: 74/19 Kauri Community & Sports Centre – New EOI Tender 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: 74/19 Kauri Community & Sports Centre – New EOI Tender on the following grounds:
- b. pursuant to section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
- conducting business; or
would prejudice the commercial position of the Council.
- 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, or
to confer a commercial advantage on a third party.
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 Snewin

Carried

RETAIN IN CONFIDENCE - Section 91(7) Order

C120319/1410

That having considered Agenda Item 17.1 Kauri Community & Sports Centre – New EOI Tender in confidence under section 90(2) and (3)(b&d) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the amount of the tender be held in confidence for a period of 24 months and that this order be reviewed every 12 months.

Moved Councillor Lonie, Seconded Councillor Snewin

Carried

17.2 Council Wide Recycling Contract (Report No: 93/19)

Motion – Exclusion of the Public – Section 90(3)(b & d) Order C120319/1411

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: 93/19 Council Wide Recycling Contract – Impact of China Sword Policy 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: 93/19 Council Wide Recycling Contract – Impact of China Sword Policy on the following grounds:

b. pursuant to section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is

conducting business; or
would prejudice the commercial position of the Council.

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, or
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 Lonie, Seconded Councillor Clancy

Carried

RETAIN IN CONFIDENCE - Section 91(7) Order

C120319/1413

That having considered Agenda Item 17.2 Council Wide Recycling Contract in confidence under section 90(2) and (3)(b&d) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report and minutes be held in confidence for a period of 12 months and/or the Chief Executive Officer is authorised to release the documents if Council enters into an agreement and that this order be reviewed every 12 months.

Moved Councillor Miller, Seconded Councillor Lonie

Carried

17.3 Brighton Oval Redevelopment – Commercial Strategy (Report No: 95/19)**Motion – Exclusion of the Public – Section 90(3)(b and d) Order C120319/1414**

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: 95/19 Brighton Oval Redevelopment – Commercial Strategy 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: 95/19 Brighton Oval Redevelopment – Commercial Strategy on the following grounds:
 - b. pursuant to section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is

conducting business; or
would prejudice the commercial position of the Council.

 - 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, or
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 Lonie, Seconded Councillor Chabrel

Carried

RETAIN IN CONFIDENCE - Section 91(7) Order

C120319/1416

That having considered Agenda Item 17.3 Brighton Oval Redevelopment – Commercial Strategy (Report No: 95/19) in confidence under section 90(2) and (3)(b&d) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report and minutes be held in confidence for a period of 12 months and/or the Chief Executive Officer is authorised to release the documents when Council has awarded a contract and that this order be reviewed every 12 months.

Moved Councillor Lonie, Seconded Councillor Abley

Carried

CLOSURE

The Meeting closed at **8.55pm**.

CONFIRMED Tuesday 26 March 2019

MAYOR