

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 27 August 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 R Patton
Councillor J Smedley
Councillor R Snewin

STAFF IN ATTENDANCE

Chief Executive Officer – R Bria
General Manager City Assets and Services – H Lacy
General Manager Community Services – M Lock
General Manager Strategy and Business Services – P Jackson

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 Kurna people as the traditional owners and custodians of this land.

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

3. PRAYER

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 - Councillor W Miller

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****C270819/1590**

That the minutes of the Ordinary Meeting of Council held on 13 August 2019 be taken as read and confirmed.

Moved Councillor Lindop, Seconded Councillor Patton

Carried Unanimously**8. PUBLIC PRESENTATIONS**

8.1 **Petitions** - Nil

8.2 **Presentation** - Nil

8.3 **Deputations**

8.3.1 **Mrs Judith Virgo, Ms Edwina Virgo and Mr Peter Virgo**

Mayor Wilson has approved a deputation from Mrs Judith Virgo, Ms Edwina Virgo and Mr Peter Virgo in relation to the Cedar Avenue Linear Green Space.

9. QUESTIONS BY MEMBERS

9.1 **Without Notice** - Nil

9.2 **With Notice** - Nil

10. MEMBER'S ACTIVITY REPORTS

Councillor Bouchee provided an update regarding the Cold Plunge activity and her attendance at a meeting regarding the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA).

Conflict of Interest

Councillor Clancy declared a material conflict of interest for Item 11.1 Motion on Notice – Boundary Reform (Report No: 323/19). The nature of the material conflict of interest (pursuant to Section 74 of the *Local Government Act 1999*) was that a family member is a Councillor and a resident in that area.

Councillor Clancy dealt with her conflict of interest by leaving the chamber at 7.19pm.

11. MOTIONS ON NOTICE**11.1 Motion on Notice – Boundary Reform - Mayor Wilson (Report No: 323/19)**

The Mayor proposed the following motion:

Motion **C270819/1591**

- 1. That Administration investigate community support for the realignment of boundaries for the suburbs of Marino and Glengowrie.**
- 2. That the City of Holdfast Bay support an application/s to the South Australian Government Boundaries Commission for a boundary realignment for these suburbs which may be brought by the community and that Administration provide administrative support to a community group who wishes to bring such an application.**

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

BACKGROUND

On 1 January 2019 the South Australian Boundaries Commission was formed under changes to the *Local Government Act 1999*. The Commission is an independent body to assess council boundary change proposals. Under this legislation, proposals can be submitted from a number of stakeholders including individual councils and local communities.

The legislation provides an opportunity to better align communities. Importantly, communities themselves can propose boundary changes that better support their community.

City of Holdfast Bay Elected Members have regularly received feedback from Marino and Glengowrie residents advising of their interest in being part of the City of Holdfast Bay.

There is strong social, economic and environment connectivity with these areas and the City. This motion seeks to investigate the support from residents within these suburbs to propose a change to existing boundaries.

Councillor Clancy re-joined the chamber at 7.21pm.

11.2 Motion on Notice – Street Verge Policy Addition - Councillor Bouchee (Report No: 322/19)

Councillor Bouchee proposed the following motions:

Motion **C270819/1592**

- 1. That any re-development of currently approved synthetic turf on verges be remediated in accordance with Council's newly adopted Verge Policy under Council supervision and at ratepayer's expense.**
- 2. That an inspection process for the identification of synthetic turf installed without council approval is undertaken over time.**

3. That Administration prepare a report outlining options for dealing with current unapproved installations of synthetic turf on Council verges and propose any recommended changes to the Verge Management Policy.
4. That the CEO arrange to have a progressive inspection program of currently approved synthetic turf installations on Council verges, in regards to their condition and any detrimental effects that the synthetic turf is having on Council trees and plantings in the verge.

Variation

The mover Councillor Bouchee and seconder Councillor Fleming agreed to the amendment proposed by Councillor Snewin to insert a new clause 3 in Item 11.2 Motion on Notice – Street Verge Policy Addition - Councillor Bouchee (Report No: 322/19).

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

BACKGROUND

Due to a review of the Council's Verge Policy, I believe that these motions will enhance and standardise our position.

12. ADJOURNED MATTER - Nil

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

13.1 Minutes – Jetty Road Mainstreet Committee – 14 August 2019 (Report No: 318/19)

The Minutes of the Jetty Road Mainstreet Committee meeting held on 14 August 2019 were 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

C270819/1593

That Council notes the minutes of the Jetty Road Mainstreet Committee of 14 August 2019.

Moved Councillor Abley, Seconded Councillor Lonie

Carried Unanimously

13.2 Minutes – Audit Committee – 5 June 2019 and Special Audit Committee – 26 June 2019 (Report No: 319/19)

The minutes of the meetings of the Audit Committee held on 5 June 2019 and the special meeting held on 26 June 2019 were presented to Council for information and endorsement.

Motion**C270819/1594**

1. That Council receives and notes the minutes of the meeting of the Audit Committee of 5 June 2019, namely:
 - (a) That the Audit Committee advises Council it has received and considered a Standing Items Report addressing:
 - Monthly financial statements
 - Audit/Internal control
 - Risk management
 - Whistleblowing
 - Economy and efficiency audits
 - Audit Committee Meeting Schedule for 2019.
 - (b) That the Audit Committee endorse the amended Consequence Scale and Descriptions table, attached as Attachment 4 to be updated in the Risk Management Framework.
 - (c) That the Audit Committee note that the draft 2019-20 Annual Business Plan and Budget satisfies Council's financial sustainability and performance measures and support its presentation to Council for adoption.
2. That Council receives and notes the minutes of the special meeting of the Audit Committee of 26 June 2019, namely:

That following the presentation by each of the shortlisted tenderers for the Internal Audit role, the Committee provided guidance for management to consider in selecting the proposed supplier.

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

14. REPORTS BY OFFICERS**14.1 Items in Brief (Report No: 316/19)**

These items were presented for the information of Members.

After noting the report any items of interest were discussed and, if required, further motions proposed.

Motion**C270819/1595**

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

1. **Brighton Oval Building Development – Update.**

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

14.2 **Installation of Six Additional Dog Tidy Bag Dispensers Across Council** (Report No: 315/19)

Council has allocated capital funding in 2019/20 budget to convert the current 25 dog tidy bag dispensers across the City to switch from oxo-degradable to compostable versions and to install a further six (6) new dispensers at selected locations. Administration has nominated six (6) locations with a further seven (7) high priority sites to be recommended for installation in the 2020/21 financial year. Operational budget has also been provided to fund the more expensive compostable bags.

Motion

C270819/1596

That Council:

1. **notes the twenty five (25) locations where existing dog tidy bag dispensers will be converted from oxo-biodegradable to compostable bags;**
2. **endorse the installation of thirteen (13) new dog tidy bag dispensers in thirteen (13) new high priority sites at locations indicated on the attached map; and**
3. **approve additional funding as follows:**
 - \$1,750 in 2019/20 capital program
 - \$11,700 in 2019/20 operating budget**and that these new amounts be included at Budget Review 1.**

Councillor Lindop sought leave of the meeting to speak for an additional 3 minutes to Item 14.2 Installation of Six Additional Dog Tidy Bag Dispensers Across Council (Report No: 315/19).

Leave of the meeting was granted.

Moved Councillor Lindop, Seconded Councillor Bouchee

Carried

Division called

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

Those voting for: Councillors Snewin, Bouchee, Fleming, Smedley, Abley, Patton, Chabrel, Lonie, Lindop and Bradshaw (10)

Those voting against: Councillor Clancy (1)

Her Worship the Mayor declared the motion

Carried

14.3 **Proposed Footpath – Gladstone Road, North Brighton – Permeable Pavement Option** (Report No: 317/19)

Council has allocated capital funding in 2019/20 budget to install a new footpath along the southern side of Gladstone Road North Brighton between the Esplanade and Walsh Street.

Council has requested advice on the technical feasibility and likely costs for the approved footpath to be constructed in permeable pavement design rather than conventional paving.

The report set out the information requested.

Motion

C270819/1597

That Council endorses the installation of permeable paving for the proposed new footpath along the southern side of Gladstone Road North Brighton between the Esplanade and Walsh Street at an estimated cost of \$32,600.

Moved Councillor Chabrel, Seconded Councillor Fleming **Carried Unanimously**

Conflict of Interest

Councillor Chabrel declared an actual conflict of interest for Item 14.4 Moseley Beach Club (Report No: 295/19). The nature of the actual conflict of interest (pursuant to Section 74 of the *Local Government Act 1999*) is that a family member has been employed at this location previously and could benefit from the proposal.

Councillor Chabrel dealt with his conflict of interest by leaving the chamber at 8.18pm.

14.4 Moseley Beach Club (Report No: 295/19)

In 2018/19, RD Jones Group successfully operated within the approved Liquor Licence for a period of 73 days from 16 January 2018 through to 1 April 2018 and 121 days from 16 November 2018 through to 17 March 2019 issued by Liquor Licensing – Consumer and Business Services. The latter period was extended from the 2018 activation to capture the 2018 World Lifesaving Championships (held on Glenelg Beach 16 November – 2 December 2018)

Administration has received a formal proposal from the RD Jones Group for the Moseley Beach Club to operate for 106 days from 30 November 2019 until 15 March 2020. The proposed activation foot print is identical to the 2018/19 Moseley Beach Club. RD Jones Group are also proposing a multi-year agreement.

Motion

C270819/1598

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 2019/2020 season;**
- 3. offer a licence for period of 1 + 1 (2 year) arrangement, with a review and approval by administration within 90 days of the previous activation concluding; and**
- 4. seek Expressions of Interest no later than 90 days prior to the end of the licence agreement in the final year.**

Moved Councillor Smedley, Seconded Councillor Patton

Carried

Division called

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

Those voting for: Councillors Snewin, Clancy, Smedley, Abley, Patton, Chabrel, Lonie and Bradshaw (8)

Those voting against: Councillors Bouchee, Fleming and Lindop (3)

Her Worship the Mayor declared the motion

Carried

Councillor Chabrel re-joined the chamber at 8.32pm.

14.5 **Events Debrief 2018-2019** (Report No: 320/19)

The purpose of this report was to provide a brief summary on the 2018 - 2019 events season.

Motion

C270819/1599

That Council note the report.

Moved Councillor Clancy, Seconded Councillor Lonie

Carried

15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil

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

Councillor Bouchee sought leave of the meeting to ask a question without notice in Confidence about the Moseley Beach Club to be heard at Item 17.2.

Leave of the meeting was granted.

17. ITEMS IN CONFIDENCE

17.1 **Beach Concerts** (Report No: 321/19)

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

C270819/1600

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: 321/19 Beach Concerts, 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: 321/19 Beach Concerts 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; 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 Smedley

Carried

Councillor Snewin left the chamber at 8.34pm.

Councillor Snewin re-joined the chamber at 8.36pm.

RETAIN IN CONFIDENCE - Section 91(7) Order

C270819/1602

4. That having considered Agenda Item 17.1 Beach Concerts (Report no: 321/19) in confidence under section 90(2) and (3)(b) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that report and minutes be retained in confidence for a period of 18 months, and the concert details be released after the dates identified in this report.

Moved Councillor Lonie, Seconded Councillor Lindop

Carried Unanimously

17.2 **URGENT BUSINESS - Moseley Beach Club**

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

C270819/1603

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 a question, 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 question 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; would prejudice the commercial position of the Council.

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

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

Moved Councillor Bouchee, Seconded Councillor Abley

Carried

Councillor Bouchee asked a question about the similarity of the Moseley Beach Club finances for 2018 and 2019.

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

CLOSURE

The Meeting closed at 8.40 pm.

CONFIRMED Tuesday 10 September 2019

MAYOR