

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 November 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 W Miller
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
General Manager Alwyndor – B Davidson-Park

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. SERVICE TO COUNTRY ACKNOWLEDGEMENT

The City of Holdfast Bay would like to acknowledge all personnel who have served in the Australian forces and services, including volunteers, for our country.

4. 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.

5. APOLOGIES

5.1 Apologies Received - Councillor S Lonie and Councillor C Lindop

5.2 Absent - Nil

6. ITEMS PRESENTED TO COUNCIL - Nil**7. DECLARATION OF INTEREST**

Members were reminded to declare their interest before each item.

8. CONFIRMATION OF MINUTES**Motion****C121119/1659**

That the minutes of the Ordinary Meeting of Council held on 22 October 2019 be taken as read and confirmed.

Moved Councillor Patton, Seconded Councillor Miller

Carried Unanimously**9. PUBLIC PRESENTATIONS**

9.1 Petitions - Nil

9.2 Presentation - Nil

9.3 Deputations - Nil

10. QUESTIONS BY MEMBERS

10.1 Without Notice

10.1.1 **Last Council Agenda for 2019**

Councillor Bouchee asked a question in relation to the last Council meeting agenda for 10 December 2019.

The Chief Executive Officer, Mr R Bria provided a response.

10.2 With Notice

10.2.1 **Dog Collar Awareness** (Report No: 411/19)

At the Council meeting on 22 October 2019, Councillor Bradshaw asked the following question which was taken on notice:

“Does the City of Holdfast Bay educate the Community in relation to dogs wearing red or coloured collars and what these colours mean?”

ANSWER – General Manager City Assets & Services

1. Two sections of the Dog and Cat Management Act (Sections 45D and Section 50) require that guard/attack dogs and dogs subject to a Menacing or Dangerous Dog Control Order must wear a designated dog collar which meets the requirement of the Dog and Cat Management Board. The Board's requirements are as follows:

DANGEROUS DOGS – COLLAR REQUIREMENTS

For the purposes of Sections 45D and 50 of the Dog & Cat Management Act (guard dogs and dogs subject to a Menacing or Dangerous Dog Control Order), a collar meets the requirements of the Board if:

- it consists of red stripes alternately spaced with yellow stripes (or red and silver until 1 January 2010) each being of a width of 25mm and set diagonal to the rim of the collar at an angle of 45 degrees; and
 - at least one of the two colours reflects light in the dark; and
 - it is made of durable materials; and
 - it is able to be securely fastened; and
 - it has a facility to attach a leash; and
 - it has a minimum width of:
 - 15mm width for dogs under 10kg
 - 25mm width dogs weighing between 10 and 20kgs
 - 40mm width for dogs weighing more than 20kgs
2. Greyhounds wearing a green collar indicate that they do not need to wear a muzzle because they have been trained not to chase small animals.
 3. All other collars are non-regulated, but commercially available colour coded collars follow the general schema:
 - Green – means anyone can approach the dog
 - Orange – means only people can approach
 - Red – means neither people nor other dogs can approach
 - Yellow - means nervous
 - Purple – means do not feed
 - White – means dog is deaf and/or blind

However these are non-regulated and their meaning relies on general community knowledge.

4. To our knowledge, Council has not previously advertised the fact that Menacing or Dangerous Dogs must wear specific colour coded collars as there have not been any dogs with

orders placed on them in the City of Holdfast Bay. However given the opportunity for dogs with control orders from other Council areas to visit the Holdfast Bay, information will be added to Council's website social media posts undertaken.

10.2.2 Limiting Hours for Dogs off their Leads in Dover Square (Report No: 430/19)

Councillor Bradshaw asked the following questions:

- "1. Would it be feasible to limit the hours dogs off their leads can be exercised in Dover Square and what is the process to facilitate this?"***
- 2. Due to the fact it's so heavily utilised, the quality of the grounds in the park are poor. What is the current maintenance program for Dover Square regarding mowing, watering etc?"***
- 3. If Holdfast Bay currently don't have a Dog Park, are there any parks within the city worthy of exploring the feasibility of making them into an official dog park?"***

Background

I'm receiving numerous calls regarding Dover Square and the fact its use as an unofficial dog park is on the increase.

I've received photos of dog owners utilising the picnic tables to groom their dogs.

A resident this week, reported it's becoming impossible for he and his sons to play ball games in the park due to the volume of dogs off leads. He went onto to say, he witnessed one dog owner holding down the drinking fountain so their Great Dane could drink directly from it. He said to the dog owner -it would be the last time he personally would drink from the fountain, to which the dog owner simply laughed.

ANSWERS

Answers provided as below:

Qu 1: Would it be feasible to limit the hours dogs off their leads can be exercised in Dover Square and what is the process to facilitate this?

Answer: Council can legally resolve to establish dog off leash times in Dover Square.

Advice is that Council would need to authorise a change to our Animal Management Directions plan which is then considered and authorised by Council. The changes are then sent to Dog and Cat Management

Board and they become enforceable. Implementation would be way of installing one or more regulatory signs. No Ministerial sign off is required.

Council's lawyers indicated that if the change was minor (eg introducing on-leash times but not banning off leash completely) that community consultation would not be required prior to Council considering the proposed change. However whilst Council may not be required to consult, the Dover Square Reserve has long been used by many dog lovers for off-leash activities and undertaking community consultation would be considered in the community's interest.

Council has recently made a new By-Law No.5 - Dogs which will come into effect on 16 December 2019. Section 10 is as follows:

10. Dog on Leash Areas

- 10.1 A person must not, without the Council's permission, allow a dog under that person's control, charge or authority (except an assistance dog that is required to remain off-lead in order to fulfil its functions) to be or remain on Local Government land or in a public place to which the Council has resolved that this subclause applies unless the dog is under effective control by means of a leash.
- 10.2 A person must not allow a dog under that person's control, charge or authority to be or remain in a Hooded Plover breeding site unless the dog is under effective control by means of a leash.

Qu 2: Due to the fact it's so heavily utilised, the quality of the grounds in the park are poor. What is the current maintenance program for Dover Square regarding mowing, watering, etc?

Answer: Dover Square is maintained on a fortnightly basis, typically on a Wednesday. Maintenance activities include mowing, garden maintenance, playground visual inspection, general inspection of site, graffiti and rubbish removal. This work usually takes 2.5 hours. Irrigation is programed to run three times a week, Tuesday/ Thursday/ Sunday. The program starts at 9:00pm. There are 7 irrigation stations, 3 running for 30 mins and 4 running for 45mins with the total irrigation cycle taking 4.5 hours to run. This is subject to change depending on weather.

Whilst the garden areas require some attention (which Council's Depot staff do during the appropriate time of year), the quality of the ground is fair due to the high level of wear and tear. This is addressed annually with grass rejuvenation activities, typically in early spring. Council could allocate additional maintenance funding to allow re-turfing of the grassed surfaces, however this would still degrade over time due to the high usage.

Qu 3: If Holdfast Bay currently don't have a Dog Park, are there any parks within the City worthy of exploring the feasibility of making into an official dog park?

Answer: This has been explored many times over the years and there are no reserves that are currently suitable for a large, dedicated dog park. Most reserves allow for dog off-leash at times. The beaches also provide an effective dog park for the City.

Selection criteria for a dog park include size, access and proximity to neighbouring residences.

11. MEMBER'S ACTIVITY REPORTS

11.1 Mayor's Activity Report for August 2019 – October 2019 (Report No: 421/19)

Presented for the information of Members was the Activity Report for the Mayor for August 2019 - October 2019.

Motion

C121119/1660

That the Mayor's Activity Report for August 2019 - October 2019 be received and noted.

Moved Councillor Abley, Seconded Councillor Fleming

Carried Unanimously

11.2 Members' Activity Reports (Report No: 428/19)

These activity reports were presented for the information of Members.

Motion

C121119/1661

That the following activity report be noted:

- **Deputy Mayor Patton**

Moved Councillor Clancy, Seconded Councillor Abley

Carried Unanimously

12. MOTIONS ON NOTICE

12.1 Motion on Notice – What's On Down the Beach Signposts - Councillor Miller (Report No: 425/19)

At the request of Councillor Miller, the above Item 12.1 was withdrawn.

12.2 Motion on Notice – Partridge Street Carpark, Rooftop Parking Trial - Councillor Smedley (Report No: 426/19)

Councillor Smedley proposed the following motion:

Motion

C121119/1662

That Council:

1. **supports testing of a voucher system over the coming summer season for members and guests of the Glenelg Bowling Club;**
2. **agrees to collaborate with Glenelg Bowling Club by issuing 300 Vouchers (50 x 6) providing an additional 2 hours free parking (i.e. allowing a total of 4 hours free period) to test the system with their members and visiting teams over the current pennant season. Normal parking fees will apply after the free period proposed;**
3. **investigate suitability for the system for extension to other users including Partridge House guests and Jetty Road traders staff; and**
4. **provide a report back to Council by end of May 2020 providing usage statistics and feedback on the trial.**

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

BACKGROUND

Since completion of the Partridge Deck Carpark in 2014, the 1st level of the carpark has been consistently under utilised.

Incentives via discounted parking have been offered to Jetty Road traders, for their staff to park there, rather than take up spaces near Jetty Road, with some success.

More recently, the writer has had discussions with Glenelg Bowling Club concerning the summer pennant season and difficulties experienced by their members and visiting teams in finding car parks. They play competition 3 times per week and have estimated that some 50 car parks are used by players on each occasion. Generally, players will be parked for 5 or more hours.

They have noted during the week and on Saturdays particularly, that they competing for spaces with those visiting Partridge House for functions and that because their competition is also a summer one, it is naturally the busiest time of year for the precinct.

Opportunity:

Discussions between the General Manager City Assets and Care Park (the operator of the parking system within the car park) have resulted in a possible solution; the issue of barcoded vouchers.

The vouchers can be produced in any number and can provide either discounted or free parking by manipulation of the free time allowed by the voucher.

Applications:

Glenelg Bowling Club - it is proposed that a quantity of vouchers be issued to the club to cover its summer season which notionally runs October to March. The vouchers would provide an additional 2 Hours free above the standard 2 hours

free provided to all. Issue of the vouchers would be controlled by the club committee. They would be issued at the end of each competition day to both visitors and members, who have used the carpark, so that they would receive discounted parking (ie 4 hours free) on departure.

Partridge House - That similar discounted parking vouchers be considered for issue by Council to guests at Partridge House, providing an incentive to use Partridge Street Car Park and reduce street congestion.

Jetty Road Traders - the present system to incentivise traders' staff to use the deck is cumbersome and does not allow easy access by part time and casual staff. This opportunity could be extended to traders, reducing the administrative burden for both CarePark and traders and leave it to traders to manage with their staff as they see fit. This proposal would however require them to pay a lump sum for the vouchers.

12.3 Motion on Notice – Local Heritage Place Markers – Jetty Road Masterplan - Councillor Miller (Report No: 429/19)

Councillor Miller proposed the following motion:

Motion

C121119/1663

That Council:

- 1. work with the Glenelg Historical Society to replace the SA Police Heritage marker in Moseley Square with a more suitable place marker in Miller's Corner; and**
- 2. ensures the preservation of all local heritage place markers along Jetty Road as part of the Jetty Road Masterplan.**

Moved Councillor Miller, Seconded Councillor Snewin

Carried Unanimously

BACKGROUND

1. Jetty Road Glenelg has numerous local heritage markers that identify places of local importance. As the precinct prepares for a substantial infrastructure upgrade, Council should ensure that our heritage places remain identifiable. Recognition of our past is as important as planning for our future.
2. Constable Albert Ring was killed in the line of duty on Jetty Rd Glenelg in 1908. The event occurred around 500 metres away from its commemorative marker in Moseley Square and has been overshadowed by a garden bed. Replacing this memorial with something more fitting to the event would show Council's respect for Police remembrance and SA heritage

12.4 Motion on Notice – Disabled Carpark Space on Hope Street – Councillor Abley
(Report No: 431/19)

Councillor Abley proposed the following motion:

Motion

C121119/1664

That Council:

- 1. negotiate a possible long term lease agreement for one carpark space on Hope Street to be used as a disabled carpark; and**
- 2. report back to Council by July 2020 for consideration.**

Moved Councillor Abley, Seconded Councillor Chabrel

Carried Unanimously

BACKGROUND

When the bus stop was repositioned from Moseley Street to Colley Terrace, carpark spaces were removed. The State Government also gifted the 7 carpark spaces of Hope Street to the Glenelg Surf Lifesaving Club, who lease them to Wilson Parking.

Council has created a disabled carpark space on the eastern side of Colley Terrace (across the road from the GCC) and on the western side of Colley Terrace over the driveway access to the Beachhouse carpark. Both spaces are a fair distance from the Glenelg Community Centre and the Library, also they both require crossing traffic. The Glenelg Community Centre manager, Pamela Hewett has incurred parking fines whilst dropping Centre users who have limited mobility and also the weekly shopping items. Wilson Carpark issued the fines and have refused to waiver the fine. The Glenelg Community Centre sees on average 500 people through the centre per week and the limited disabled car parking makes attendance by some of our less mobile community difficult.

13. ADJOURNED MATTER

13.1 Adjourned – CONFIDENTIAL REPORT – Update Brighton Oval Masterplan – Stage 2
(Report No: 412/19)

This item was heard at Item 18, Items in Confidence.

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

14.1 Draft Minutes – Alwyndor Management Committee – 17 October 2019 (Report No: 427/19)

The draft minutes of the Alwyndor Management Committee meeting held on 17 October 2019 were provided for information.

Motion**C121119/1665**

1. That the draft minutes of the Alwyndor Management Committee meeting held on 17 October 2019 be noted.
2. That having considered Attachment 2 to Report No: 427/19 Draft Minutes – Alwyndor Management Committee – 17 October 2019 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 Clancy, Seconded Councillor Fleming

Carried Unanimously**15. REPORTS BY OFFICERS****15.1 Items in Brief (Report No: 408/19)**

These items were presented for the information of Members.

After noting the report any items of interest were discussed.

Motion**C121119/1666**

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

1. Meet the Melbourne Cup and Ride Like a Girl Event
2. The City of Holdfast Bay Disability Access & Inclusion Plan (DAIP)
3. Brighton Oval Redevelopment Stage 1 – Update
4. Letter to Mayor Sam Telfer President of Local Government of SA re SA Coastal Councils Alliance
5. Letter to DPTI requesting renaming 'Moseley Square' Tram Stop to 'Glenelg Beach'
6. E-Scooters Update
7. Jetties Strategy
8. Murray Darling Association 2018/2019 Annual Report.

Moved Councillor Clancy, Seconded Councillor Patton

Carried Unanimously**15.2 Wigley Reserve Playspace and Fitness Hub (Report No: 406/19)**

Wigley Reserve is identified as the highest priority project in the short term (1-3 year) timeframe of Council's Playspace Action Plan for redevelopment. In the 2018/19 Council budget, \$30,000 was allocated to undertake concept and detailed design for the Wigley Reserve Playspace and Fitness Hub Redevelopment. Community engagement was then undertaken, with the findings presented to Council on 9 April 2019. At this meeting, Council endorsed to proceed with detailed design and committed \$500,000 in the then draft budget towards the total project cost of \$1 million.

A funding application was submitted through the Department of Planning, Transport and Infrastructure's Open Space Grant Program for the remaining \$500,000, in which Council was unsuccessful.

As a result, and to ensure this important project proceeds, Administration have identified three possible options for Council's consideration to proceed with redevelopment of the Wigley Reserve Playspace and Fitness Hub.

Motion

C121119/1667

That Council:

1. **endorse Option 3 outlined in this report to commence construction in April 2020; and**
2. **allocates the remaining \$500,000 (total project budget of \$1million) in the 2020/2021 budget. This will enable funds to be split over two financial years and a continuous construction phase.**

Moved Councillor Patton, Seconded Councillor Abley

Carried Unanimously

15.3 Stamford Grand Adelaide Summer Outdoor Dining Approval (Report No: 413/19)

The City of Holdfast Bay has received a proposal from the Stamford Grand Adelaide to operate two outdoor dining area with immediate start until the 30 March 2020, 7 days a week, 11am until 9pm.

Motion

C121119/1668

1. **That Council approves the Stamford Grand Adelaide's outdoor dining licence for a 4 month period from 1 December 2019 until 30 March 2020, 7 days a week, 11am until 9pm.**
2. **That Council provides land owners consent for the activation to operate for the 4 month period located adjacent to the Promenade Restaurant, facing Jimmy Melrose Reserve.**

Moved Councillor Abley, Seconded Councillor Miller

Carried Unanimously

15.4 Tarlton Street Tree Assessment and Tree Renewal (Report No: 409/19)

Leave of the Meeting

Her Worship sought leave of the meeting to propose that Item 15.4 Tarlton Street Tree Assessment and Tree Renewal (Report No: 409/19) be heard in confidence at Item 18, Items in Confidence.

Leave of the meeting was granted and this item was heard at Item 18, Items in Confidence.

15.5 Wombat Crossing Angus Neill Reserve – Community Feedback (Report No: 407/19)

A concept plan has been prepared for the proposed Wombat crossing at the Angus Neill Reserve. This concept plan was circulated to Elected Members in August 2019 and following endorsement was sent to approximately 45 local residents for feedback.

Council received 14 feedbacks from local residents. Three (3) of the local residents have requested the crossing to be moved towards the centre of the Reserve whilst others sought to reduce the impact of the flashing lights and proposed new street lights. Some residents requested the 40kph speed restriction for the Wombat crossing be extended further north to the northern end of the reserve.

Following discussions with Council's consultant traffic engineers and ward Councillors Lindop and Bradshaw, it was proposed that the crossing remain in its original position at the southern end of the reserve, that flashing lights be removed from the design as they are not a requirement, but that additional new street lighting required under Australian Standards for the crossing remain. Administration will however work with the designer/contractor to reduce the overall impact of the proposed new street lighting.

Based on the community feedback, the project was now referred back to Council for final approval to proceed.

Motion

C121119/1669

That Council:

- 1. note the summary of feedback received from the local residents in relation to the proposed Wombat crossing at the Angus Neill Reserve;**
- 2. endorses the following design decisions:**
 - a) Location of crossing to remain at southern end of Angus Neill Reserve as originally proposed;**
 - b) Flashing warning lights are deleted; and**
 - c) That Administration seek approval from the Department of Transport, Planning and Infrastructure (DPTI) to extend the 40kph speed limit zone (as required for a Wombat Crossing) to the northern end of Angus Neill Reserve; and**
- 3. approves the construction of the Wombat crossing at the southern end of Angus Neill Reserve in accord with the proposed design.**

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

15.6 Internal Review of Council Decisions Policy Review (Report No: 422/19)

This report sought approval of the Internal Review of Council Decisions Policy (Section 270). The policy has been reviewed. The changes to the policy have been

highlighted through a tracked changes copy and a clean copy incorporating the track changes.

The Policy is based on the Local Government Association model with additional parts added for clarity.

Motion

C121119/1670

That Council approve and endorse the Internal Review of Council Decisions (Section 270) Policy as amended.

Moved Councillor Snewin, Seconded Councillor Miller

Carried Unanimously

15.7 Acting Arrangements in the Absence of the Chief Executive Officer (Report No: 423/19)

The purpose of this report is to consult Council on the appointment of persons to act as the Chief Executive Officer (CEO), in the absence of the CEO.

Pursuant to Section 102(b) of the *Local Government Act 1999* and following consultation with Council, the Chief Executive Officer can appoint a suitable person to act in the position of Chief Executive Officer in their absence.

Motion

C121119/1671

That in addition to Mr Howard Lacy, General Manager City Assets and Services and Ms Marnie Lock, General Manager Community Services, Council endorse the following General Manager to also act in the position of Chief Executive Officer during periods of absence:

- **Ms Pamela Jackson, General Manager Strategy and Business Services.**

Moved Councillor Abley, Seconded Councillor Fleming

Carried Unanimously

15.8 Appointment of Deputy Mayor (Report No: 432/19)

Section 51 of the *Local Government Act 1999*, allows Council to appoint a Deputy Mayor for a term not exceeding four years. The Deputy Mayor may act in the absence of the Mayor, in the office of the Mayor.

The current appointed Deputy Mayor is Councillor Patton. This appointment expires on 1 December 2019.

Council has previously made the appointment for a Deputy Mayor for a term of one year. It is Council's prerogative to choose another term, if it chooses.

Motion**C121119/1672**

That Councillor Snewin be appointed as Deputy Mayor for a period of one year, from 27 November 2019 to 1 December 2020.

Moved Councillor Patton, Seconded Councillor Fleming

Adjournment

That the motion be adjourned until the next Council meeting on 26 November 2019 to allow for other members interested in the role who were absent to be present.

Moved Councillor Bouchee, Seconded Councillor Bradshaw

Tied

Her Worship the Mayor used her casting vote for the motion and declared the motion

Carried

Councillor Patton and Councillor Fleming spoke to the motion.

16. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil

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

18. ITEMS IN CONFIDENCE

13.1 Adjourned – CONFIDENTIAL REPORT – Update Brighton Oval Masterplan – Stage 2 (Report No: 412/19)

Motion – Exclusion of the Public – Section 90(3)(b) Order**C121119/1673**

- 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: 412/19 Adjourned Report - Updated Brighton Oval Masterplan – Stage 2 and adjourned Report No: 342/19 Updated Brighton Oval Masterplan – Stage 2 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: 412/19 Adjourned Report - Updated Brighton Oval Masterplan – Stage 2 and Adjourned Report No: 342/19 Updated Brighton Oval Masterplan – Stage 2 in Confidence 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 Clancy, Seconded Councillor Chabrel **Carried Unanimously**

RETAIN IN CONFIDENCE - Section 91(7) Order

C121119/1675

5. That having considered Agenda Item 13.1 Adjourned Report - Brighton Oval Masterplan (Report No: 412/19) 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 the report, attachment and minutes be retained in confidence for a period of 18 months and/or the Chief Executive Officer is authorised to release the documents when finalisation of tenders and that this order be reviewed every 12 months.

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

15.4 **Tarltan Street Tree Assessment and Tree Renewal (Report No: 409/19)**

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

C121119/1676

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: 409/19 Tarltan Street Tree Assessment and Tree Renewal 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: 409/19 Tarltan Street Tree Assessment and Tree Renewal in confidence on the following ground:
 - g. 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 that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.

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 Smedley **Carried Unanimously**

An assessment has been undertaken of street trees in Tarlton Street, Somerton Park. The assessment identified 5 trees which require removal out of 45 trees assessed, with 5 replacement trees to be planted.

Motion

C121119/1677

That Council:

1. **authorise the removal of five (5) street trees with planting of five (5) replacement trees; and**
2. **note pruning will be undertaken in Tarlton Street as per recommendations in the Tree Assessment report.**

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

18.1 Bait Vending Machine Trial – Brighton Jetty (Report No: 410/19)

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

C121119/1678

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: 410/19 Bait Vending Machine Trial – Brighton Jetty 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: 410/19 Bait Vending Machine Trial – Brighton Jetty in confidence 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 Clancy, Seconded Councillor Abley **Carried Unanimously**

This report summarises the options to address community concerns in regards to the bait vending machine that has been installed on the foreshore near Brighton Jetty plaza.

Motion **C121119/1679**

That Council:

- 1. endorse continuation of the existing permit until the expiry of the trial period on 31 August 2020, noting that a review of the trial, including community consultation will take place prior to August 2020; and**

Moved Councillor Bradshaw, Seconded Councillor Smedley **Carried**

RETAIN IN CONFIDENCE - Section 91(7) Order **C121119/1680**

- 2. that having considered Agenda Item 18.1 Bait Vending Machine Trial – Brighton Jetty (Report No: 410/19) 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 the discussion, report and attachments be retained in confidence for a period of 12 months with the Chief Executive Officer authorised to release the documents following completion of the trial period or at the expiry of the 12 month confidentiality period.**

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

CLOSURE

The Meeting closed at 8.40pm.

CONFIRMED **Tuesday 26 November 2019**

MAYOR