

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 10 December 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 – 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 - Nil
- 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

C101219/1695

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

Moved Councillor Clancy, Seconded Councillor Patton

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 Banner on Jetty Road, Brighton

Councillor Fleming asked for an update on the banner for Jetty Road, Brighton.

General Manager Community Services provided a response.

10.1.2 High-rise Maintenance during the Events Season

Councillor Bouchee asked if Administration co-ordinate the maintenance for the high-rise buildings to ensure minimal disruption during event season.

General Manager City Services & Assets provided a response.

10.1.3 Footpath Cleaning Schedule

Councillor Miller asked a question in relation to whether the pedestrian portion of the Esplanade, Glenelg has a regular cleaning schedule and details of the schedule.

General Manager City Services & Assets took the question on notice.

10.2 With Notice - Nil**11. MEMBER'S ACTIVITY REPORTS****11.11 Members Activity Report (Report No: 464/19)****Motion****C101219/1696**

That the activity report from Councillor Lindop be noted.

Moved Councillor Clancy, Seconded Councillor Miller

Carried Unanimously**12. MOTIONS ON NOTICE - Nil****13. ADJOURNED MATTER - Nil****14. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES - Nil****15. REPORTS BY OFFICERS****15.1 Items in Brief (Report No: 458/19)**

These items were presented for the information of Members.

After noting the report any items of interest were discussed.

Motion**C101219/1697**

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

- 1. Award for Climate Ready Communities Program**
- 2. e-Scooter Update**
- 3. Update Brighton Oval Redevelopment**
- 4. Partridge Street Carpark (Eastern Exit Lane) Damage**
- 5. 2019 Glenelg Christmas Pageant**
- 6. Murray Darling Association Update**

Moved Councillor Lonie, Seconded Councillor Snewin

Carried Unanimously**15.2 Broadway Kiosk – Variation to Lease and Liquor Licence (Report No: 449/19)**

The lessee of the Broadway Kiosk has sought Council approval, as landlord, to vary their current lease so that an application can be made for an amendment to their

liquor licence. Currently, the Kiosk is licenced to serve alcohol on Sunday from 11:00am. The proposal sought to extend the liquor licence by three-hours to serve alcohol from the earlier time of 8:00am on Sundays. The restriction on serving alcohol is found in both the lease and the liquor licence pertaining to the Kiosk, and hence the need to vary both.

Council considered the initial request at its meeting on 10 September 2019 and authorised Administration to undertake community consultation in respect of the proposed lease and liquor licence variations. This report presented the findings of the consultation and made recommendations for Council's consideration.

Motion

C101219/1698

1. That Council notes the outcomes of the community engagement on the proposal to amend the lease to allow the Broadway Kiosk to apply for a variation to the liquor licence by three-hours on Sundays to serve alcohol from the earlier time of 8:00am.
2. That Council consent to the Broadway Kiosk lease being amended to permit the serving of alcohol with a meal from 8:00am on Sundays.
3. That the Chief Executive Officer and Mayor are authorised to affix the Council Seal and sign a future Deed of Variation to the existing Broadway Kiosk lease to permit the serving of alcohol with a meal from 8:00am on Sundays.
4. That the cost of preparing and executing any Deed of Variation to the existing Broadway Kiosk lease is borne by the lessee of the Broadway Kiosk.
5. That participants in the community engagement process are advised of the outcome upon execution of the Deed of Variation and formal amendment to the conditions of the liquor licence.

Moved Councillor Patton, Seconded Councillor Miller

Carried Unanimously

15.3 Brighton Sports and Social Club – Loan Application (Report No: 461/19)

The Brighton Sports and Social Club submitted an application for a loan of \$80,000 from Council to provide funds to enable completion of the fit-out of the kitchen, bar and cool rooms within the new upgraded sporting facility to the standard preferred by the Club.

Adjournment

C101219/1699

That Item 15.3 Brighton Sports and Social Club – Loan Application (Report No: 461/19) be adjourned until the next Council meeting to allow for further consideration; and on the basis of fairness and equity for all sporting clubs in the precinct.

No Councillors spoke to the motion.

Moved Councillor Smedley, Seconded Councillor Abley

Carried

15.4 Local Area traffic Management Study – King Street and King George Avenue – Proposed Trial (Report No: 462/19)

At the 9 July 2019 Council Meeting, Council Motion C090719/1535, requested Administration investigate and report back to Council on options to improve traffic, parking and property access issues in King Street, Brighton, taking account of any proposals made for traffic and parking improvements around the McAuley Community School' which is opening in 2020.

Council Administration engaged AECOM to conduct a Local Area Traffic Management (LATM) Study of King Street and King George Avenue at Brighton. After receiving AECOM's Local Area Traffic Management Study draft, Administration held a meeting with King Street residents on Monday 25 November 2019 to update Brighton Ward Councillors and residents regarding the proposals contained in the draft Local Area Traffic Management Study.

The draft Local Area Traffic Management Study discussed a number of possible mitigation measures of varying complexity and levels of disruption. Due to the current uncertainty associated with the Brighton Road Hove Level Crossing Upgrade project, the recommended improvements were separated into projects either for immediate implementation; or for potential implementation in the longer-term subject to a review of future traffic patterns.

At the resident meeting, Council Administration proposed implementation of two of the recommended interventions which could be implemented on a trial basis in the short term prior to the opening of McAuley School – these being, the installation of road humps on King George Avenue adjacent McAuley School and the installation of No Left Turn signage on The Crescent at King Street and Alfreda Street.

Previous studies into traffic management and parking options around the new McAuley Community School identified a number of improvements, with the initial recommendation to upgrade the Colton Avenue Kiss and Drop zone with improved signage and teacher supervision at drop-off and pick-up times. Further improvements can be considered after the school has commenced operation and the actual traffic/ parking behaviours are known.

Motion

C101219/1700

- 1. Council approves the allocation of \$50,000 (ex GST) within the 2019/20 Capital Program for a 12-18 month trial installation of:**
 - a) Road cushions and street lighting upgrades on King George Avenue, between King Street and Wattle Avenue;**
 - b) No Left Turn bans operating 7.30am-9.30am and 3pm-6pm Monday to Friday on The Crescent at Alfreda Street and King Street; and**

- c) Upgraded signage and improved parking arrangements for the Kiss and Drop zones in Colton Avenue adjacent to the new McAuley Community School.
- 2. That residents are notified of the proposed trial of road cushions and street light upgrades; installation of No Left Turn restrictions; and changes to parking and Kiss and Drop zones in Colton Avenue.
- 3. That Administration write to the Principal of the McAuley Community School:
 - a) requesting close supervision of the Kiss and Drop zone in Colton Avenue to ensure free flow of vehicles;
 - b) seek support to write to the school community explaining how the Kiss and Drop operates and where convenient locations are for parents to park to walk children to school; and
 - c) suggesting that the school purchase the vacant SA Housing Authority land at the southern end of Colton Avenue as a parent or teacher carpark.
- 4. That Administration monitors the effectiveness of these traffic control and parking improvements throughout the trial period of 12-18 months.

Moved Councillor Lonie, Seconded Councillor Fleming

Amendment

- 1. Council approves the allocation of \$50,000 (ex GST) within the 2019/20 Capital Program for a 12-18 month trial installation of:
 - a) road cushions and street lighting upgrades on King George Avenue, between King Street and Wattle Avenue;
 - b) No Left Turn bans operating 7.30am-9.30am and 3pm-6pm Monday to Friday on The Crescent at Alfreda Street and King Street; and
 - c) Upgraded signage and improved parking arrangements for the Kiss and Drop zones in Colton Avenue adjacent to the new McAuley Community School.
- 2. That residents are notified of the proposed trial of road cushions and street light upgrades; installation of No Left Turn restrictions; and changes to parking and Kiss and Drop zones in Colton Avenue.
- 3. That Administration write to the Principal of the McAuley Community School:
 - a) requesting close supervision of the Kiss and Drop zone in Colton Avenue to ensure free flow of vehicles; and
 - b) seek support to write to the school community explaining how the Kiss and Drop operates and where convenient locations are for parents to park to walk children to school.

4. **That Administration monitors the effectiveness of these traffic control and parking improvements throughout the trial period of 12-18 months.**

Moved Councillor Chabrel

The amendment on being put was

Lapsed for want of a Seconder

The substantive motion, on being put was

Carried Unanimously

Conflict of Interest

Councillor Snewin declared an actual conflict of interest for Item 15.5 Glenelg District Cricket Club Practice Net Upgrade (Report No: 463/19). The nature of the actual conflict of interest (pursuant to Section 74 of the *Local Government Act 1999*) is that he is a member of a sub-committee of the cricket club.

Councillor Snewin dealt with the conflict of interest by making it known and leaving the chamber.

Councillor Snewin left the chamber at 7.35pm.

15.5 **Glenelg District Cricket Club Practice Net Upgrade** (Report No: 463/19)

The Glenelg District Cricket Club (GDCC) in partnership with South Australian Cricket Association (SACA), advised Council Administration of the safety concerns regarding the existing practice nets, located at the northern end of Glenelg Oval. There are several areas of the existing practice nets that do not meet Cricket Australia (CA) community cricket facility guidelines, with player and public safety the priority.

To comply with the guidelines, the proposed upgrade has been budgeted at \$40,000. SACA has confirmed a contribution of \$15,000 and the GDCC allocating \$10,000.

Motion

C101219/1701

That Council allocates \$15,000 to be included in the next budget review towards the upgrade of the Glenelg District Cricket Club Practice Nets.

Moved Councillor Bouchee, Seconded Councillor Patton

Carried Unanimously

Councillor Snewin rejoined the chamber at 7.38pm

15.6 **Brighton Oval Lease Agreements** (Report No: 460/19)

Three new buildings are currently under construction on the site of the Brighton Oval to house the Brighton Rugby Club (completion expected in February 2020), the Brighton Lacrosse Club and the Brighton Sport and Social Club (completion expected in June 2020), which represents the Football and Cricket clubs.

The clubs had continued to occupy and use their former buildings and allocated

playing fields after the expiry of their leases in 2017, in holdover mode. All former clubrooms (apart from the Football/Cricket clubroom, have been demolished to allow for construction of new facilities. The existing Football/Cricket clubrooms will also be demolished following the completion of their new clubroom.

The new buildings are substantially larger and more complex facilities, each with unisex change rooms, lift, larger kitchens and bar areas. As a result, new lease documentation has been prepared to reflect the new build and to apply Council's new Sporting and Community Leasing Policy endorsed in 2018. Due to delivery timetables, the draft lease for the new Rugby Clubrooms has been prepared first, however similar terms and conditions will apply to the other two clubs.

A number of factors are combining to increase the occupancy and maintenance costs for each club. Significantly larger and more complex buildings are increasing building maintenance costs, and Council's new Sporting and Community Leasing Policy is increasing rental costs and introducing a new grounds maintenance contribution for the first time. These increases are likely to put some financial pressure on the clubs. Negotiations have started with each club and will continue in early 2020 when further report(s) will be submitted for Council endorsement.

This report outlined the rationale behind the development of new lease agreements for the Brighton Oval site in line with Council's approved Sporting and Community Leasing Policy.

Motion

C101219/1702

That Council note the report.

Moved Councillor Lonie, Seconded Councillor Smedley

Carried Unanimously

15.7 Review of Items Held in Confidence (Report No: 466/19)

Council is required to review Items held in confidence every 12 months under Section 90(3) of the *Local Government Act 1999*.

A comprehensive review of the Confidential Register has been undertaken to determine, given the nature of the information contained therein, if the reasons cited at the time of each confidentiality order, are still current.

This report recommends 17 Confidential Items (including reports, attachments and minutes where relevant) be released from confidence.

Motion

C101219/1703

- 1. That the Confidential Items presented at Attachment 1 to Report No: 466/19 be released from confidence.**
- 2. That the Confidential Items presented at Attachment 2 to Report No: 466/19 be retained in confidence until 30 June 2020 and a further review conducted.**

Moved Councillor Lonie, Seconded Councillor Abley

Carried Unanimously

16. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil

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

18. ITEMS IN CONFIDENCE

18.1 Material Recovery Facility (MRF) (Report No: 459/19)

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

C101219/1704

- 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: 459/19 Material Recovery Facility (MRF) 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: 459/19 Material Recovery Facility (MRF) on the following ground:**
 - 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 Lindop, Seconded Councillor Lonie

Carried

Short Term Suspension of Meeting Procedures

Her Worship the Mayor with the approval of two-thirds of the members present suspended the meeting procedures pursuant to Regulation 20(1) of the *Local Government (Procedures at Meetings) Regulations 2013* for a period of 15 minutes to allow for the Chief Executive Officer to present information in relation to Item 18.1 Material Recovery Facility (MRF) (Report No: 459/19).

Leave of the meeting was granted.

The meeting procedures were suspended at 7.57 pm.

Her Worship the Mayor sought leave of the meeting to extend the short term suspension of the meeting procedures for a further 15 minutes at 8.12 pm.

Leave of the meeting was granted.

The meeting resumed at 8.21 pm.

RETAIN IN CONFIDENCE - Section 91(7) Order

C101219/1706

1. That having considered Item 18.1 Material Recovery Facility (MRF) (Report No: 459/19) in confidence under Section 90(2) and (3)(d) 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 24 months and that this order be reviewed every 12 months.
2. That the decision of Council to endorse the SRWRA Material Recovery Facility (MRF) proposal be communicated in a joint statement of the constituent Councils' of SRWRA.

Moved Councillor Lonie, Seconded Councillor Lindop

Carried Unanimously

Conflict of Interest

Councillor Abley declared a perceived conflict of interest for Item 18.2 Final Designs – Chapel Street & Hindmarsh Lane (Report No: 457/19). The nature of the perceived conflict of interest (pursuant to Section 74 of the *Local Government Act 1999*) was that a family member is employed by a company who may tender for work associated with this project.

Councillor Abley dealt with her conflict of interest by making it known to the chamber and leaving the chamber at 8.39pm.

18.2 **Final Designs – Chapel Street Plaza & Hindmarsh Lane (Report No: 457/19)**

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

C101219/1707

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: 457/19 Final Designs- Chapel Street Plaza and Hindmarsh Lane 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: 457/19 Final Designs – Chapel Street Plaza and Hindmarsh Lane on the following ground:

- 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 Patton, Seconded Councillor Miller

Carried

Councillor Abley rejoined the chamber at 8.59pm

RETAIN IN CONFIDENCE - Section 91(7) Order

C101219/1709

That having considered Item 18.2 Final Designs– Chapel Street Plaza & Hindmarsh Lane (Report No: 457/19) 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 Lonie, Seconded Councillor Smedley

Carried

- 18.3 **Internal Review of Council Decision (s.270) E- Scooter Trial** (Report No: 465/19)

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

C101219/1710

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: 465/19 Internal Review of Council Decision (s.270)- Pamela Ryan – E-Scooter Trial 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: 465/19 Internal Review of Council Decision (s.270)- Pamela Ryan – E-Scooter Trial in confidence on the following ground:

- i. **pursuant to Section 90(3)(i) of the Act, the information to be received, discussed or considered in relation to this Item is information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council.**

Moved Councillor Lonie, Seconded Councillor Smedley

Carried

Councillor Clancy left the chamber at 9.00pm

Councillor Clancy rejoined the chamber at 9.01pm

Councillor Patton left the chamber at 9.01pm

RETAIN IN CONFIDENCE - Section 91(7) Order

C101219/1712

That having considered Item 18.3 Internal Review of Council Decision (s.270) – E-Scooter Trial (Report No: 465/19) in confidence under section 90(2) and (3)(i) of the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that the report, attachments and minutes be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.

Moved Councillor Lindop, Seconded Councillor Clancy

Carried Unanimously

CLOSURE

The Meeting closed at 9.03 pm.

CONFIRMED 28 January 2020

MAYOR