

**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 13 July 2021 at 7:00pm.**

**MEMBERS PRESENT**

Councillor A Bradshaw  
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 Assets and Delivery – M De Heus  
General Manager Community and Business – M Lock  
General Manager Strategy and Corporate – P Jackson  
General Manager Alwyndor – B Davidson-Park

**1. OPENING**

The Chief Executive Officer declared the meeting open at 7.00pm.

**2. KAURNA ACKNOWLEDGEMENT**

With the opening of the meeting the Chief Executive Officer 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. SERVICE TO COUNTRY ACKNOWLEDGEMENT**

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

**4. PRAYER**

The Chief Executive Officer 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 – Mayor A Wilson, Deputy Mayor R Abley, Councillor P Chabrel and Councillor M Bouchee
- 5.2 Absent - Nil

**Nomination**

In the absence of the Mayor and Deputy Mayor, the Chief Executive Officer called for nominations for an Acting Presiding Member.

The Chief Executive Officer called for nominations.

Nominations were received for Councillor Smedley.

**Motion****C130721/2332**

**That Council appoint Councillor Smedley Acting Presiding Member to preside at the meeting on 13 July 2021.**

Moved Councillor Snewin, Seconded Councillor Lonie

**Carried Unanimously**

Councillor Smedley then took over the meeting as the Acting Presiding Member at 7.02pm.

**6. REPRESENTATION REVIEW REPORT SUBMISSIONS**

Under Section 12(10) of the *Local Government Act 1999*, Council provided an opportunity for any person who made a written submission in response to the public consultation on the Representation Review Report an opportunity to appear personally before the Council and be heard on their submission.

Her Worship the Mayor received a submission from Mr Kevin Decean who appeared to be heard.

**7. ITEMS PRESENTED TO COUNCIL - Nil****8. DECLARATION OF INTEREST**

Members were reminded to declare their interest before each item.

**9. CONFIRMATION OF MINUTES****Motion****C130721/2333**

**That the minutes of the Ordinary Meeting of Council held on 22 June 2021 be taken as read and confirmed.**

Moved Councillor Lonie, Seconded Councillor Patton

**Carried Unanimously****10. PUBLIC PRESENTATIONS**

- 10.1 **Petitions** - Nil
- 10.2 **Presentations** - Nil
- 10.3 **Deputations** - Nil

## **11. QUESTIONS BY MEMBERS**

### **11.1 Without Notice**

#### **11.1.1 Material Resource Facility (MRF)**

Councillor Patton asked for an update on the MRF at the Southern Region Waste Resource Authority.

The Chief Executive Officer provided a response.

#### **11.1.2 Partridge House Benches**

Councillor Miller asked for an update on the park benches at Partridge House.

General Manager Assets and Delivery provided a response.

#### **11.1.3 Alpine Festival Ice Rink Drainage**

Councillor Miller asked a question in relation to methodology of managing runoff and drainage from the ice rink at the Alpine Festival.

General Manager Community and Business provided a response.

#### **11.1.4 Integrated Transport Strategy (ITS)**

Councillor Miller asked a question in relation to the due date for the ITS.

General Manager Strategy and Corporate provided a response.

#### **11.1.5 Diesel Generators at Alpine Festival**

Councillor Clancy asked a question in relation to diesel generators being required at the Alpine Festival.

General Manager Community and Business provided a response.

#### **11.1.6 Kauri Expression of Interest (EOI)**

Councillor Lindop asked for an update on the EOI for the Kauri Parade Facility Management.

General Manager Strategy and Corporate provided a response.

**11.1.7 Brighton Winter Solstice Waste Removal**

Councillor Lindop asked a question in relation to managing waste removal from the Winter Solstice event.

General Manager Community and Business provided a response.

11.2 **On Notice – Nil**

**12. MEMBER'S ACTIVITY REPORTS – Nil****13. MOTIONS ON NOTICE**

13.1 **Motion on Notice – Permeable Paving - Councillor Clancy** (Report No: 230/21)

Councillor Clancy proposed the following motion:

**Motion** **C130721/2334**

**That Administration bring back a report to Council, on the implications of using permeable paving where possible in its capital renewal program. The report to be brought back to Council by the second meeting of October 2021.**

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

**BACKGROUND**

The initial cost is higher however the effect on our environment outweighs the cost. It may be necessary to do fewer footpaths. Permeable applications provide better soil health, tree health, reduced storm water flows and less infrastructure upheaval which provides a flow on effect of huge cost savings.

13.2 **Motion on Notice – Leave of Absence - Councillor Chabrel** (Report No: 231/21)

Councillor Chabrel proposed the following motion:

**Motion** **C130721/2335**

**That Councillor Philip Chabrel be granted a leave of absence from Council from 13 July 2021 until 29 October 2021 inclusive, due to increased work commitments and other personal matters.**

**During this period of leave Councillor Chabrel requests that he does not receive his Elected Member allowance payments.**

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

13.3 **Motion on Notice – Boundary Realignment for the development Site on Scholefield Road, Seacliff Park - Councillor Lonie** (Report No: 232/21)

Councillor Lonie proposed the following motion:

**Motion**

**C130721/2336**

**That Council endorse Administration to submit a proposal to the South Australian Boundaries Commission for a realignment of the boundary for the development site on Scholefield Road, Seacliff Park (commonly known as Cement Hill) so that the parcel of land is wholly located within the City of Holdfast Bay council boundary.**

Moved Councillor Lonie, Seconded Councillor Lindop

**Carried Unanimously**

**BACKGROUND**

In November 2020, the Minister for Planning approved a Development Plan Amendment (DPA) for a large parcel of land located along the southern side of Scholefield Road, Seacliff Park, from Ocean Boulevard.

The site currently crosses both the City of Holdfast Bay and City of Marion council boundaries. The DPA now allows for the site to be developed with a mix of commercial and residential development. With the site crossing council boundaries, this creates some difficulties with the assessment of these future developments as well as future maintenance and renewal of the infrastructure.

Council should support a realignment of the boundary so that the site falls within one council area. In August 2019, Council carried a resolution for Administration to investigate community support for the realignment of boundaries for the suburb of Marino. Through this investigation it has been identified that there are strong social, economic and environmental connectivity with the communities living along our southern boundary. Members of these communities heavily utilise community services of the City of Holdfast Bay.

Due to this strong communities of interest, it was proposed that the site fall within the boundary of the City of Holdfast Bay. Diagram 1 proposed a realignment of the boundary. The yellow dash line depicted the current boundary and the red dash line depicts the proposed boundary. A proposal for an administrative boundary realignment must be presented to the South Australian Boundaries Commission, and therefore it was recommended Council endorse for Administration prepare a submission.

13.4 **Motion on Notice – Brighton Winter Solstice - Councillor Fleming (Report No: 228/21)**

Councillor Fleming proposed the following motion:

**Motion**

**C130721/2337**

**That Administration investigate the Brighton Winter Solstice community event being conducted seasonally along Jetty Road Brighton and provide a report to council outlining the total cost and timings of proposed event delivery for consideration.**

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

**14. ADJOURNED MATTERS - Nil**

**15. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES**

**15.1 Draft Minutes – Alwyndor Management Committee – 24 June 2021 (Report No: 213/21)**

The draft minutes of the Alwyndor Management Committee meeting held on 24 June 2021 were provided for information.

**Motion**

**C130721/2338**

- 1. That the draft minutes of the Alwyndor Management Committee meeting held on 24 June 2021 be noted.**

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

- 2. That having considered Attachment 2 to Report No: 213/21 Draft Minutes – Alwyndor Management Committee – 24 June 2021 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 Clancy **Carried Unanimously**

**15.2 Minutes – Audit Committee – 30 June 2021 (Report No: 219/21)**

The public minutes of the meeting of the Audit Committee held on 30 June 2021 were presented to Council for information and endorsement.

**Motion**

**C130721/2339**

- 1. That Council notes the public minutes of the Audit Committee meeting of 30 June 2021 namely:
  - (a) that the Audit Committee advises Council that:
    - (i) it has received an reviewed the draft amended Treasury Management Policy; and**
    - (ii) it recommends that the amended Treasury Management Policy be adopted by Council.******

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

15.3 **Alwyndor Management Committee: Appointment of an Elected Member and Amendment to Terms of Reference** (Report No: 228/21)

Under the requirements of its Terms of Reference the Alwyndor Management Committee (AMC) consists of up to 9 persons including two (2) Elected Members. Councillor Mikki Bouchee was appointed in February 2021 and Councillor Philip Chabrel has been an AMC member since November 2018. Councillor Chabrel has resigned from this position. As such Council was required to nominate an Elected Member to this position.

**Nominations**

The Acting Presiding Member called for nominations.

Nominations were received for Councillors Clancy and Lonie. A secret ballot was conducted by the General Manager Strategy and Corporate, for the vacancy.

The Acting Presiding Member announced that Councillor Lonie had been selected for the vacancy which was included in the Council's motion.

**Motion**

**C130721/C2340**

**That Council:**

1. **appoint Councillor Lonie to the Alwyndor Management Committee for the remainder of the Council term; and**
2. **endorse the amended Alwyndor Management Committee Terms of Reference (Attachment 2).**

Moved Councillor Fleming, Seconded Councillor Clancy

**Carried Unanimously**

**16. REPORTS BY OFFICERS**

16.1 **Items in Brief** (Report No: 209/21)

These items were presented for the information of Members.

After noting the report any items of interest were discussed.

**Motion**

**C130721/C2341**

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

1. **Coast Protection Board – Beach Replenishment, Glenelg North Beach**
2. **Parks and Leisure Australia Awards – SA/NT**
3. **Hove Level Crossing Removal**
4. **Brighton Road Corridor Planning Study**
5. **Involvement in COVID -19 Compliance Activities**
6. **Food Organics Garden Organics (FOGO) Grant**
7. **Removal of Artificial Turf on Brighton Road**

8. **Weekly FOGO – Phase 2 Trial to commence in July**
9. **Use of Australia Post Vintage Post Box in front of Cibo, Moseley Square**
10. **100 Years of Glenelg Football Club Civic Reception**

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

16.2 **Nominations for the West Beach Trust (Report No: 222/21)**

The Hon Vickie Chapman MP, Deputy Premier, Attorney- General and Minister for Planning and Local Government wrote to Council advising that the term of appointment for Councillor Abley on the West Beach Trust (the Trust) expires on 28 February 2022.

It was required that the City of Holdfast Bay provide a panel of three proposed nominees to represent the Council on the Trust pursuant to Section 7 of the West Beach Reserve Act 1987 (the Act) by 31 August 2021.

The proposed nomination had to include at least one male and female as per the Act. The Act also requires that the nominees must have knowledge of, and experience in business or management, tourism, accounting and finance, environmental protection and management, operation of regional recreational facilities or government. Council can re-nominate the existing member.

**Nominations**

The Acting Presiding Member called for nominations.

Nominations were received for Councillors Abley, Clancy and Snewin.

**Motion** **C130721/2342**

**That Council nominates Councillors Abley, Clancy and Snewin to the Hon Vickie Chapman MP for consideration for appointment to the West Beach Trust.**

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

Councillor Fleming left the meeting at 7.57pm.

16.3 **Green Adelaide Initiatives (Report No: 214/21)**

Green Adelaide wrote to all Metropolitan Council Mayors and Chief Executive Officers with two proposals, to co-fund an important Urban Heat and Tree Canopy Mapping project; and to commit to signing the Adelaide National Park City Charter.

**Motion** **C130721/2343**

**That Council:**

1. **approve additional budget up to \$15,000 to contribute to a second Adelaide-wide urban heat and tree canopy cover mapping project;**



2. **shows in-principle support for Adelaide becoming a National Park City; and**
3. **that a further report be brought back to Council for consideration once the Adelaide National Park City Charter has been developed.**

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

Councillor Fleming re-joined the meeting at 7.59pm.

16.4 **Draft Events Strategy 2021-2025** (Report No: 223/21)

Events are an integral part of the City of Holdfast Bay local and business communities. Council, business and community recognises events play an important role in connecting community and to creating stronger sense of place. They act to bring people together, foster creativity and provide opportunities for new experiences and understanding. In doing so, events encourage greater participation, important indicators of community wellbeing and quality of life. To ensure events continue to build and strengthen the City's reputation, the City of Holdfast Bay Events Strategy provided a clear framework and direction for the development, management and investment in events in a creative, sustainable and economically responsible way for the next five years.

**Motion**

**C130721/2344**

**That Council note the report and endorse the draft Events Strategy and Action Plan 2021-2025 for final design and publishing.**

Moved Councillor Miller, Seconded Councillor Patton **Carried Unanimously**

16.5 **Local Heroes Memorial** (Report No: 224/21)

This report responded to Council Resolution C090221/2219 and outlined the three pronged approach employed to recognise the mental health impacts of war and conflict on service personnel.

Budget was identified in the current financial year, which enabled the project to be brought forward and finalised in the 2020/21 financial year.

**Motion**

**C130721/2345**

**That Council notes the report.**

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

16.6 **Suicide Prevention Network** (Report No: 225/21)

This report responded to Council Resolution C241120/2141 and provided an overview of the work achieved to date to establish a Suicide Prevention Network (SPN) in the City of Holdfast Bay.

**Motion****C130721/2346****That Council:**

1. notes this report and the actions taken to establish a Suicide Prevention Network within the City of Holdfast Bay; and
2. allocates the balance of \$4,000 approved for the establishment of a Suicide Prevention Network to the SPN once established and incorporated.

Moved Councillor Miller, Seconded Councillor Lindop **Carried Unanimously****16.7 Glenelg Oval Masterplan Stages 3 and 4 Funding Deed of Agreement (Report No: 226/21)**

On 21 March 2021, the State Government formally advised the City of Holdfast Bay was successful in obtaining a grant of \$1,400,000 towards the costs of the Glenelg Oval Masterplan Stages 3 and 4. The grant was awarded through the State Government's Local Government Infrastructure Partnership Program (LGIPP). To finalise the funding agreement, the State Government require Council to sign and affix the Common Seal of the City of Holdfast Bay to the funding deed of agreement.

This report sought delegated authority for the Mayor and Chief Executive Officer to sign and affix the Common Seal of the City of Holdfast Bay to the funding deed of agreement.

**Conflict of Interest**

Councillor Snewin declared a perceived conflict of interest for Item 16.7 Glenelg Oval Masterplan Stages 3 and 4 Funding Deed of Agreement. The nature of the perceived conflict (pursuant to Section 73 and 74 of the *Local Government Act 1999*) is that Councillor Snewin holds an office position for the Glenelg Cricket Club.

Councillor Snewin dealt with the perceived conflict of interest by making it known to the meeting and leaving the meeting at 8.09pm.

**Motion****C130721/2347**

**That Council delegates authority to the Mayor and Chief Executive Officer to sign the Local Government Infrastructure Partnership Program Deed of Agreement and affix the Common Seal of the City of Holdfast Bay.**

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

Councillor Snewin re-joined the meeting at 8.10pm.

Councillor Lindop left the meeting at 8.10pm.

17. **RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil**
18. **URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING - Nil**
19. **ITEMS IN CONFIDENCE**

Councillor Lindop re-joined the meeting at 8.12pm.

19.1 **Minutes – Audit Committee – 30 June 2021** (Report No: 220/21)

**Motion – Exclusion of the Public –Section 90(3)(b & d) Order C230721/2348**

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, Staff, Chair of the Alwyndor Management Committee and Ord Minnette, Senior Advisor, Investments and Portfolio Strategy in attendance at the meeting in order to consider Report No: 220/21 Minutes - Audit Committee – 30 June 2021 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: 220/21 Minutes – Audit Committee – 30 June 2021 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.
  - 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 Clancy, Seconded Councillor Lonnie

**Carried Unanimously**

**Motion****C130721/2349****RETAIN IN CONFIDENCE - Section 91(7) Order**

That having considered Agenda Item 18.1 Minutes – Audit Committee – 30 June 2021 - Report No 220/21 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 attachments, be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.

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

- 19.2 **Alwyndor Draft Investment Management Strategy and Amendment to the Treasury Management Policy (Report No: 227/21)**

**Motion – Exclusion of the Public –Section 90(3)(b & d) Order** C130721/2350

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: 227/21 - Alwyndor Draft Investment Strategy & Amendment to the Treasury Management 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: 227/21 - Alwyndor Draft Investment Strategy & Amendment to the Treasury Management 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.
  - 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.
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 Fleming **Carried Unanimously**

**Motion****C230721/2351****RETAIN IN CONFIDENCE - Section 91(7) Order**

**That having considered Agenda Item 19.4 Alwyndor Draft Investment Management Strategy and Amendment to the Treasury Management Policy - Report No 227/21 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 Attachments 1 and 2 be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.**

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

**Conflict of Interest**

Councillor Clancy declared a perceived conflict of interest for Item 19.3 Somerton Surf Lifesaving Club – Request to Extend Council’s Approval of Management Agreement. The nature of the perceived conflict of interest (pursuant to Section 73 and 74 of the *Local Government Act 1999*) is that she is Vice Patron of the Somerton Surf Lifesaving Club.

Councillor Clancy dealt with the perceived conflict of interest by making it known to the meeting and remaining in the Chamber.

Councillor Clancy voted for the motion.

- 19.3 **Somerton Surf Lifesaving Club – Request to Extend Council’s Approval of Management Agreement (Report No: 211/21)**

**Motion – Exclusion of the Public –Section 90(3)(b & d) Order** **C130721/2352**

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: 211/21 Somerton Surf Life Saving Club – Request to Extend Council’s Approval of Management Agreement 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: Report No: 211/21 Somerton Surf Life Saving Club – Request to Extend Council’s Approval of Management Agreement on the following grounds:**
  - d. **pursuant to Section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, 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 Miller, Seconded Councillor Lonie

**Carried Unanimously**

**Motion**

**C130721/2353**

1. **That the Somerton Surf Life Saving Club be granted approval to extend the current Management Agreement with a third party (being Gambell & Sutton Pty Ltd) to 1 February 2022 to manage and operate a bistro, bar and function business provided always that:**
- (a) **such arrangement must be under the respective Club's care and control and consistent with the existing lease conditions and any development approvals;**
  - (b) **the Club remedy its breach of condition 1(c) of Council Resolution No. C140720/1966 forthwith by reducing the scale of operations of the business to that required by condition 1(c) of Council Resolution No. C140720/1966 as and from 13 July 2021;**
  - (c) **such arrangement operates under the Club's liquor licence and any applicable conditions thereof;**
  - (d) **such arrangement must not give rise to a sublease or otherwise constitute a parting of possession of the leased premises;**
  - (e) **any revenue generated by such arrangement must be by way of a profit share arrangement only and cannot take the form of rent or similar payment which may give rise to a sub-lease or otherwise constitute rent;**
  - (f) **use of the eastern balcony by staff and patrons is prohibited as and from 9:00pm on evenings when functions or events are held or the number of patrons exceeds 50 persons;**
  - (g) **the blinds on the windows and doors leading to the eastern balcony and along the upper floor of the eastern façade are drawn as and from 9:00pm when functions or events are held or the number of patrons exceeds 50 persons;**
  - (h) **noise levels from amplification systems emitting sound and music associated with functions and events are limited to a total output of 52 decibels when measured from the nearest residential property;**
  - (i) **responsible and suitably accredited security personnel are engaged to manage patron behaviour outside the licensed**

premises on all evenings when functions or events are held or the number of patrons exceeds 50 persons to ensure the orderly arrival and departure of patrons, and that such personnel also be charged with the responsibility to address any indiscretions around the consumption of alcohol outside the licensed premises;

- (j) the Club do all things necessary to ensure that Gambell & Sutton Pty Ltd adhere to the conditions and requirements of such approval including but not limited to varying the duration of the Management Agreement so that it ends on 1 February 2022;
  - (k) the Lease be varied to include a special condition noting the terms and conditions of Council's approval of the Management Agreement and imposing any other requirements on the Club as Council may, in its absolute discretion, deem reasonable and necessary; and
  - (l) such arrangement must end on 1 February 2022 without exception nor reservation and management of the business must be returned to the Club.
2. Should the Club wish to enter into a sub-lease agreement or other commercial arrangement with a third party, they shall:
- (a) lodge a separate submission for Council approval as required by their lease, including details of the arrangement and audited financials from 1 September 2020 up to the date of submission, so that Council can assess the proposal and if necessary determine the effective community and commercial rent to be applied;
  - (b) submit any necessary development and liquor licence applications; and
  - (c) resolve parts (a) and (b) above with all necessary approvals obtained by 1 February 2022.
3. That Administration be authorised to issue a letter of approval to the Club

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

4. That having considered Agenda Item 19.3 Somerton Surf Life Saving Club – Request to Extend Council's Approval of Management Agreement 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, attachments, and discussion be retained in confidence for a period of 24 months from the date of this decision and that the Chief Executive Officer is authorised to release the

documents at the expiry of that period and that this order be reviewed every 12 months.

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

19.4 **Claim Against Council** (Report No: 221/21)

**Motion** – Exclusion of the Public –Section 90(3)(b & d) Order C130721/2354

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: Report No: 221/21 Claim Against Council 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: 221/21 Claim Against Council on the following grounds:
  - h. pursuant to Section 90(3)(h) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is legal advice that is strictly confidential & subject to Legal Professional Privilege, and
  - i. pursuant to section 90(3)(i) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information relating to litigation that the Council believes on reasonable grounds will take place involving the Council regarding a claim for payment.
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 Fleming **Carried Unanimously**

**Motion** C130721/2355

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

That having considered Agenda Item 19.4 Claim Against Council Report No: 221/21 in confidence under Section 90(2) and (3)(h) and (i) of the *Local Government Act 1999*, the Council, pursuant to Section 91(7) of that Act orders that the report be retained in confidence until further notice and the Chief Executive Officer is authorised to release the documents when the matter is concluded, giving due consideration to any relevant legal considerations, and that this order be reviewed every 12 months.

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



**CLOSURE**

The Meeting closed at 8.26pm.

**CONFIRMED      27 JULY 2021**

**MAYOR**