

**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 9 December 2014 at 7:02pm.**

**MEMBERS PRESENT**

His Worship the Mayor, S Patterson  
Deputy Mayor, Councillor R Patton  
Councillor R Aust  
Councillor R Bouchée  
Councillor A Bradshaw  
Councillor S Charlick  
Councillor R Clancy  
Councillor K Donaldson  
Councillor S Lonie  
Councillor J Smedley  
Councillor R Snewin  
Councillor L Yates

**STAFF IN ATTENDANCE**

Chief Executive Officer - J Lynch  
General Manager City Assets - S Hodge  
General Manager City Services - R Cooper  
General Manager Corporate Services - I Walker  
Manager Organisational Sustainability – P Aukett

**1. OPENING**

His Worship the Mayor declared the meeting open at 7.02pm.

**2. KAURNA ACKNOWLEDGEMENT**

With the opening of the meeting His 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. THANKS TO RETIRING COUNCIL MEMBERS**

Mayor Patterson gave thanks to retiring Councillors and Mayor for their service to the City.

**4. APOLOGIES**

- 4.1 Apologies Received - Nil
- 4.2 Absent - Nil

**5. ITEMS PRESENTED TO COUNCIL**

5.1 National Climate Change Adaption Research Facility

The Cities of Holdfast Bay, Marion, Mitcham and Onkaparinga received a Climate Adaptation Champion 2014 Award for the Resilient South project.

5.2 KESAB Wipe Out Waste Award

At the recent KESAB Sustainable Communities Awards day the City of Holdfast Bay was awarded for our "Support of school & early years waste education". This has involved class based education, grants for waste diversion facilities and kitchen organics baskets for our local schools, kindies and child care centres.

5.3 National Australian Sustainable Cities Awards

The City of Holdfast Bay at the National Australian Sustainable Cities Awards 2014 won the award for Heritage and Culture.

**6. DECLARATION OF INTEREST**

Members were reminded to declare their interest before each item.

**7. CONFIRMATION OF MINUTES**

**Motion**

**C091214/010**

**That the minutes of the Ordinary Meeting of Council held on 25 November 2014 be taken as read and confirmed.**

Moved by Councillor Lonie, Seconded by Councillor Donaldson

**Carried**

**8. PUBLIC PRESENTATIONS**

8.1 **Petitions - Nil**

8.2 **Presentation**

8.2.1 **Sustainability**

*The Coordinator Environmental & Coastal Assets made a presentation to Council on environmental programs for the City of Holdfast Bay.*

8.3 **Deputations - Nil**

**9. QUESTIONS BY MEMBERS**

9.1 **Without Notice**

9.1.1 **Procurement**

Councillor Bouchee asked questions about Council's procurement.

The Chief Executive Officer, Mr J Lynch provided a response.

9.1.2 **Partridge Street Carpark**

Councillor Bouchee asked questions about the use of property at 5 & 7 Partridge Street.

The Chief Executive Officer, Mr J Lynch provided a response.

9.1.3 **Shark Boat**

Councillor Patton asked a question about a shark boat leaving Glenelg to attract sharks.

The General Manager City Assets - Mr S Hodge provided a response.

9.2 **With Notice - Nil**

**10. MEMBER'S ACTIVITY REPORTS**

10.1 **Western Region Waste Management Authority**

Councillor Bouchee provided an update on Western Region Waste Management Authority's activities at Garden Island site.

10.2 **Murray Darling Association**

Councillor Yates provided a briefing on the Murray Darling Association meeting.

10.3 **ICAC Morning Tea**

Councillors Yates, Clancy, Bouchee, Smedley, Lonie, Aust and Mayor Patterson attended an ICAC morning tea.

10.4 **Year 6 Immanuel College Graduation**

Councillor Patton attended the Year 6 Immanuel College Graduation on behalf of the Mayor.

**11. MOTIONS ON NOTICE - Nil**

**12. ADJOURNED MATTERS - Nil**

**13. REPORTS OF MANAGEMENT COMMITTEES, SUBSIDIARIES AND THE DEVELOPMENT ASSESSMENT PANEL****13.1 Minutes – Alwyndor Management Committee – 16 September and 21 October 2014 (Report No: 474/14)**

The Minutes of the Alwyndor Aged Management Committee for 16 September and 21 October 2014 are provided for information.

**Motion****C091214/011**

**That the minutes of the Alwyndor Management Committee for 16 September and 21 October 2014 be noted.**

Moved Councillor Lonie, Seconded Councillor Clancy

**Carried****14. REPORTS BY OFFICERS****14.1 Items in Brief (Report No: 476/14)**

These items are presented for the information of Members.

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

**Motion****C091214/012**

**That the following items:**

- **Seacliff to Kingston Park – Coast Park Precinct 7 Update Including Kingston Park Coastal Reserve Cultural Design**
- **Invitation – Hayama Town**
- **National Climate Change Adaptation Research Facility Champions Award**
- **Project Schedules**
- **Seacliff Park Residential and Centre DPA – Update**
- **Ministerial Minda Brighton Campus and General Section Amendments Development Plan Amendment for Consultation**
- **Office of Crime Statistics – City of Holdfast Bay**
- **Better Development Plan Conversion Development Plan Amendment Approval**
- **Glenelg Triathlon**

**be noted and items of interest discussed.**

Councillor Patton left the chamber at 8.05pm.

Moved Councillor Bouchee, Seconded Councillor Yates

**Carried****14.2 Jetty Road Mainstreet Management Committee Appointment (Report No: 464/14)**

The Jetty Road Mainstreet Management Committee (JRMMC) is established by Council with the aim of supporting the precinct to flourish and expand, to strengthen partnerships between businesses, the Council and local community. At its meeting on Wednesday 3 December 2015, the JRMMC resolved to recommend to Council changes to its Terms of Reference. The recommended changes are:

1. Change current membership from the Mayor to the Deputy Mayor.
2. Invites the Mayor to attend a meeting once per quarter as a committee member without voting rights.

**Motion**

**C091214/013**

1. **That Council amends the Terms of Reference (9.2 - Membership) to appoint the Deputy Mayor, for the term of their appointment, and a Councillor from the Glenelg or Somerton Wards to the Jetty Road Mainstreet Management Committee as presented in Attachment 1 to Report No: 464/14.**
2. **That Council appoints the Deputy Mayor, for the term of their appointment and Councillor Wilson from the Somerton Ward is appointed to the Jetty Road Mainstreet Management Committee for the period of two years.**
3. **That the Mayor attends a meeting of the Jetty Road Mainstreet Management Committee once a quarter as a member with non-voting rights.**

His Worship the Mayor, Mr S Patterson called for nominations and the following Councillors nominated for the position.

- Councillor Wilson
- Councillor Charlick

A secret ballot was conducted in accordance with the Council's Code of Practice – Procedures at Meetings.

His Worship the Mayor, Mr S Patterson informed members the result of the ballot.

Councillor Donaldson left the chamber at 8.06pm

Councillor Patton rejoined the chamber at 8.07pm

**Amendment**

1. **That Council amends the Terms of Reference (9.2 – Membership and 10. Term of Appointment) to appoint councilors from the Glenelg and Somerton Wards to the Jetty Road Mainstreet Management Committee as presented at Attachment 1 to Report No: 464/14.**
2. **That Council appoints two councillors representing Glenelg and Somerton Wards to the Jetty Road Mainstreet Management Committee for the period of two years.**
3. **That the Mayor attends a meeting of the Jetty Road Mainstreet Management Committee once a quarter as a member with non-voting rights.**

Moved Councillor Clancy, Seconded Councillor Charlick

**The amendment on being put was**

**Lost**

Moved Councillor Bouchee, Seconded Councillor Donaldson

**Carried**

14.3 **Nomination to the South Australian Public Health Council** (Report No: 477/14)

Dr Stephen Christley, Presiding Member of the South Australian Public Health Council (SAPHC) has written to the LGA on behalf of the Hon Jack Snelling, Minister for Health and Ageing, requesting nominations of a Local Government Member and Deputy Member for the South Australian Public Health Council.

Councillor Lonie, who is currently Local Government Deputy Member, has expressed an interest in being renominated to this position. To enable the LGA Executive to consider the nominations at its meeting on 29 January 2015, all nominations need to be received by 13 January 2014.

**Motion**

**C091214/014**

**That Council nominates Councillor Lonie to the South Australian Public Health Council as a Local Government Member.**

Moved Councillor Clancy, Seconded Councillor Patton

**Carried**

14.4 **Appointment to Western Region Waste Management Authority** (Report No: 478/14)

The Western Region Waste Management Authority (WRWMA) is a regional subsidiary established under Section 43 the Local Government Act 1999 by the Constituent Councils (Cities of Charles Sturt, West Torrens, Port Adelaide Enfield and Holdfast Bay).

Western Region Waste Management Authority was established to:

- Manage the joint interests of the Constituent Councils in relation to the Garden island landfill site;
- Undertake all manner of things relating to and incidental to the management function of the Authority;
- Provide a forum for the discussion and consideration of issues related to the joint obligations and responsibilities of the Constituent Councils in respect of the Garden Island landfill site.

Council appoints one member to the board of Western Region Waste Management Authority.

**Motion**

**C091214/015**

**That Council re-appoints Councillor Bouchee to the board of Western Region Waste Management Authority.**

Councillor Donaldson rejoined the chamber at 8.08pm

Moved Councillor Clancy, Seconded Councillor Yates

**Carried**

**14.5 Membership of the Murray Darling Association and Appointment of Representative (Report No: 479/14)**

The City of Holdfast Bay has been a member of the association since 1997, and pays an annual subscription fee of \$1,793.99, based on our population size.

The Murray Darling Association was formed in 1944 as the Murray Valley Development League. It is an association of over 90 Local Government Municipalities, along with community groups, businesses and individuals with an interest in ensuring that the Murray-Darling Basin continues as a viable and valuable asset for all.

Councillor Yates has been Council's representative on the Murray Darling Association, and was appointed for the term of council. Council is being asked to consider if it wishes to continue its membership of the Murray Darling Association.

Council needs to consider if it wishes to appoint a new delegate and if it wishes to continue its membership of this organisation at the expiry of our corporate membership in 2015.

**Motion**

**C091214/016**

**That Council appoints Councillor Yates to the Murray Darling Association and continues its corporate membership.**

Moved Councillor Clancy, Seconded Councillor Bouchee

**Carried**

**14.6 Appointment to Audit Committee (Report No: 480/14)**

The term of Ms Vicki Brown on Council's Audit Committee expires on 20 February 2015 and it is recommended that she be re-appointed for a further 2-year term.

**Motion**

**C091214/017**

**That Council re-appoint Ms Vicki Brown as an independent member of its Audit Committee for a term of 2 years from 20 February 2015 to 20 February 2017.**

Moved Councillor Lonie, Seconded Councillor Smedley

**Carried**

14.7 **ECO City Plan Annual Report 2013-2014** (Report No: 473/14)

The Eco City Plan 2012-15 was finalised in December 2012. This plan represents the fourth environment plan for the City of Holdfast Bay and continues the delivery of successful environmental programs for the City of Holdfast Bay. An annual report of the extensive implementation over the 2013/14 year is supplied.

**Motion**

**C091214/018**

**That the report be received and noted.**

Moved Councillor Yates, Seconded Councillor Clancy

**Carried**

14.8 **Community Land Revocation – Corner of Kauri Parade and Portland Street Seacliff** (Report No: 481/14)

To allow the disposal of the land on the corner of Kauri Parade and Portland Street Seacliff to proceed, Council has sought and obtained the approval of the Deputy Premier and Minister for Planning to revoke the community land classification. The final stage of the revocation process is for Council to make a resolution revoking the community land classification.

**Motion**

**C091214/019**

- 1. That Council, pursuant to subsection 194(3)(b) of the Local Government Act, 1999 revoke the community land classification for the land situated on the corner of Kauri Parade and Portland Street Seacliff, being the whole of the land described in Certificate of Title Volume 6016 Folio 189.**
- 2. That proceeds from the sale will be put towards funding the Seacliff Sports and Community Centre redevelopment.**

3. That action be taken to commence the sale process as soon as construction on the Kauri Parade Sports and Community precinct commences with settlement not before completion of the tennis courts at Seacliff Sports and Community centre.

Moved Councillor Clancy, Seconded Councillor Lonie

**Carried**

**Amendment**

1. That Council, pursuant to subsection 194(3)(b) of the Local Government Act, 1999 revoke the community land classification for the land situated on the corner of Kauri Parade and Portland Street Seacliff, being the whole of the land described in Certificate of Title Volume 6016 Folio 189.
2. That proceeds from the sale will be put towards funding the Seacliff Sports and Community Centre redevelopment.

Moved Councillor Donaldson, Seconded Councillor Bouchee

The amendment on being put was

**Lost**

- 14.9 **Information Reports – Southern Region Waste Resource Authority – 22 September and 3 November 2014** (Report No: 475/14)

Southern Region Waste Resource Authority (SRWRA) is a regional subsidiary established by the Cities of Onkaparinga, Marion and Holdfast Bay (the “constituent councils”), pursuant to Section 43 of the Local Government Act, 1999.

Under its charter, SRWRA is responsible for providing and operating waste management services on behalf of the constituent councils and ensuring that a long term waste management strategy exists in the southern region of Adelaide.

**Motion**

**C091214/020**

**That the information report of the Southern Region Waste Resource Authority for its meetings held 22 September and 3 November 2014 be received and noted.**

Moved Councillor Lonie, Seconded Councillor Clancy

**Carried**

- 14.10 **Pensioner and Other Concession Funding** (Report No: 483/14)

These items are presented for the information of Members.

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

**Motion**

**C091214/021**

**That Council:**

1. Will not replace the withdrawn Federal and State Government funding for pensioner and other concessions;
2. Agrees to participate in the LGA's campaign to seek reinstatement of the concessions; and
3. Agrees to insert a flyer in the next quarterly Council rates notice alerting ratepayers to the "Bill Shock" of the impact of removal of pensioner and other concessions on rates.

Moved Councillor Bouchee, Seconded Councillor Yates

**Carried**

**Division**

A division was called:

Those voting for: Councillors Bouchée, Charlick, Donaldson, Aust, Smedley, Wilson, Lonie, Snewin, Clancy, Patton, Bradshaw and Yates (12)

Those voting against: (0).

His Worship the Mayor declared the motion

**Carried**

15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil
16. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING - Nil
17. ITEMS IN CONFIDENCE

17.1 Endorsement of Alternative Procurement Process (Report No: 482/14)

**Motion**

**C091214/022**

1. That under provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public be excluded from attendance at this meeting with the exception of Mr Lightbody and Mr Kers from Tonkin Consulting, the Chief Executive Officer, General Managers and administrative staff in attendance in order to consider in confidence this item.
2. That the Chief Executive Officer is satisfied that it is necessary that the public be excluded to enable the Council to discuss and to consider the matter at the meeting on the following grounds:
  - b. Information the disclosure of which –
    - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct,

- business, or to prejudice the commercial position of the council; and**
- (ii) would, on balance, be contrary to the public interest.**
- k. tenders for the supply of goods, the provision of services or the carrying out of works**

Councillor Snewin left the chamber at 8.32 pm

Moved Councillor Lonie, seconded Councillor Yates

**Carried**

The Presiding Member, Mayor S Patterson believed that the meeting would benefit from the suspension of all of the provisions of Division 2, Regulation 20 of the *Local Government (Procedures at Meetings) Regulations 2013*, to enable informal discussion and a briefing by Tonkin Consulting to be made and sought approval from the chamber.

**Motion**

**C091214/023**

**That a short-term suspension of proceedings occur to enable informal discussion and a briefing by Tonkin Consulting.**

Moved Councillor Bouchee, Seconded Councillor Lonie

**Conflict of Interest:**

Councillor Bradshaw declared an interest in the matter due to a family member being employed by one of the companies who tendered for the works and left the meeting at 8.36 pm.

Councillor Snewin rejoined the chamber at 8.34pm.

**Carried**

The short term suspension of proceedings commenced at 8.37pm.

Councillor Wilson left the chamber at 9.31pm.

His Worship the Mayor, S Patterson determined that the short term suspension of proceedings concluded at 10.07pm.

**Endorsement of Alternative Procurement Process (Report No: 482/14)**

This report seeks Council's endorsement for the continuation of the redevelopment of the Kauri Parade Sports Complex based on an alternative procurement process other than that outlined in the Council's procurement policy and procedure which is permissible with the agreement of Council.

Whilst it is acknowledged that other contractors may also possess the necessary expertise it should be recognised that BMD Construction has provided the preferred options through the EOI (Expression of Interest) process. Their engagement will allow the project to be completed within the desired time

frames and estimated cost associated with a rigid pavement constructed on piers driven through the layers of waste and associated works.

The current pressure to have the courts completed by June 2015 for the commencement of the tennis season has meant that Council have needed to program some aspects of the design and construction without following standard processes around engagement and purchasing ie., the need to purchase the necessary piles and associated equipment on the basis of a 6 month lead time for construction and delivery.

To proceed through another public tender process would set the time frames back a further 6-8 weeks.

A further impact to the ongoing negotiations was the timing of the Local Government Caretaker period.

**Motion**

**C091214/024**

1. **That Council appoints an independent Quantity Surveyor to provide assurance on the contract price, and**
2. **The report from the Quantity Surveyor is presented to Council at its meeting on 20 January 2015.**

Moved Councillor Aust, seconded Councillor Smedley

**Carried**

**ORDER TO RETAIN DOCUMENTS IN CONFIDENCE**

**Motion**

**C091214/025**

1. **That an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the documents relating to Report No: 482/14) including:**
  - **Report**
  - **Attachments**

**Relating to discussion of the subject matter of that document, having been dealt with on a confidential basis under Section 90 of the Act, should be kept confidential on the grounds of information contained in 90(3)(b) and (k).**

2. **This resolution will be reviewed within 12 months or the Chief Executive Officer is authorised by the Council to release the report, minutes and attachments.**

Moved Councillor Clancy, Seconded Councillor Lonie

**Carried**

**Division**

A division was called:

Those voting for: Councillors Charlick, Aust, Smedley, Lonie, Snewin, Clancy, Patton, Bradshaw and Yates (9)

Those voting against: Councillors Bouchee and Donaldson (2).

His Worship the Mayor declared the motion

**Carried**

## **CLOSURE**

The Meeting closed at 10.12pm.

**CONFIRMED      Tuesday, 20 January 2015**

**MAYOR**