

Confidential 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 23 May 2023.

17. ITEMS IN CONFIDENCE

17.1 Event Activation (Report No: 162/23)

Motion – Exclusion of the Public – Section 90(3)(g) Order C230523/7449

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: 162/23 Event Activation 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: 162/23 Event Activation on the following grounds:
  - g. pursuant to section 90(3)(g) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information concerning matters that must be considered in confidence in order to ensure that the Council does not breach any duty of confidence, or breach any other legal obligation or duty because Council has signed a Non-Disclosure Agreement with the South Australian Tourism Commission.
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 Smedley, Seconded Councillor Abley Carried Unanimously

The South Australian Tourism Commission offered Council the opportunity to host the start of Women's Stage Two of the Santos Tour Down Under on Saturday 13 January 2024 in Glenelg.

Motion C230523/7450

1. That Council approves hosting of Women's Stage Two of the 2024 Santos Tour Down Under in Glenelg.

RETAIN IN CONFIDENCE - Section 91(7) Order

2. That having considered Agenda Item 17.1 162/23 Event Activation in confidence under section 90(2) and (3)(g) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the





**report and minutes be retained in until the event organisers make their public announcement and/or the Chief Executive Officer is authorised to release the documents when the official announcement is made and that this order be reviewed every 12 months.**

Moved Councillor Kane, Seconded Councillor Abley

**Carried Unanimously**

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## 17.3 Tramside Kiosk Lease (Report No: 173/23)

**Motion – Exclusion of the Public – Section 90(3)(b)&(d) Order C230523/7452**

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: 173/23 Tramside Kiosk Lease 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: 173/23 Tramside Kiosk Lease 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 would prejudice the commercial position of the Council; and
  - 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.

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 Miller, Seconded Councillor Bradshaw **Carried Unanimously**

Following an Expression of Interest process for the provision of a café service in the historic tram at Wigley Reserve, Council granted to Unique Hospitality Group Pty Ltd (as the preferred tenderer) a lease over the tram and its immediate surrounds for a term of one year commencing on 3 November 2020 with an option to renew for a further term of one year.





Unique Hospitality Group Pty Ltd exercised its right of renewal for the one-year term commencing on 3 November 2021 and Council granted the said extension of lease by way of resolution dated 24 May 2022 (C240522/2615).

In mid-2022, Administration entered into negotiations with Unique Hospitality Group Pty Ltd regarding future leasing arrangements and Council granted to Unique Hospitality Group Pty Ltd a further lease for a term of one year commencing on 3 November 2022 with two options to renew each for a further term of one year by way of resolution dated 26 July 2022 (C260722/2688).

Following extensive community consultation on the concept design for the former Buffalo site and the approval by Council of a final concept plan which excluded Tram 361 (CC280921/2426), Council resolved to relocate Tram 361 (C280921/2426) and the said tram was removed by way of an EoI process (C140223/7346) on 26 April 2023.

As such, Unique Hospitality Group Pty Ltd no longer have the use and benefit of Tram 361. Administration has been in negotiations with Unique Hospitality Group Pty Ltd as to future leasing arrangements and, given the tram's removal and the site revitalisation being extensively delayed, it is proposed that Council grant to Unique Hospitality Group Pty Ltd a further lease commencing on 27 April 2023 for a term of five years with one option to renew for a further term of five years as discussed herein.

#### Motion

#### That Council:

1. surrenders the current Memorandum of Lease and enters into a new Memorandum of Lease with Unique Hospitality Group Pty Ltd in respect of that portion of land comprised in Certificate of Title Volume 5935 Folio 965 as delineated in red on the plan annexed hereto as Attachment 1 and situated at Wigley Reserve for a term of five (5) years commencing on 27 April 2023 and expiring on 26 April 2028 and otherwise on the terms and conditions outlined herein;
2. authorises the Mayor and the Chief Executive Officer to execute and seal any documents required to give effect to the Memorandum of Lease commencing on 27 April 2023 and any further extensions of the said lease thereafter; and
3. provides landowner consent for a shelter over the leased area to be installed as provided in Attachment 2 to this report. The shelter will be assessed as part of a separate development application.

Moved Councillor Smedley, Seconded Councillor Abley

Councillor Snewin left the meeting at 8.06pm





Adjournment

C230523/7453

1. That the report be adjourned until the next Council meeting on the basis that further information relating to the rationale for the calculation of the lease fee is required.

RETAIN IN CONFIDENCE - Section 91(7) Order

2. That having considered Agenda Item 17.3 Report No: 173/23 Tramside Kiosk Lease 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, attachments and minutes be retained for the duration of the approved lease period (provided always that the release of the report and minutes is subject to the redaction of any financial information contained therein).

Moved Councillor Fleming, Seconded Councillor Miller

Carried Unanimously

*Councillors Abley, Bradshaw and Fleming spoke to the motion. Councillor Smedley, as the mover, has the right of reply.*

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17.4 **Jetty Road Masterplan Investment and Design Parameters** (Report No: 168/23)**Conflict of Interest**

Councillor Fleming declared a general conflict of interest for Item 17.4 **Jetty Road Masterplan Investment and Design Parameters** (Report No: 168/23). The nature of the general conflict of interest (pursuant to Section 74 and 75A of the *Local Government Act 1999*) was that the project may need to be considered by the Council Assessment Panel in the future.

Councillor Fleming dealt with the general conflict of interest by making it known and leaving the meeting at 8.10 pm.

**Motion** – Exclusion of the Public – Section 90(3)(b) Order C230523/7454

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: 168/23 Jetty Road Glenelg Masterplan Investment and Design Parameters 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: 168/23 Jetty Road Glenelg Masterplan Investment and Design Parameters 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 proposing to conduct business; and the information would prejudice the commercial position of the Council.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.
3. The Council is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.

Moved Councillor Lonie, Seconded Councillor Abley

**Carried Unanimously**



A Council workshop was held on 18 April 2023 to understand Elected Members position regarding the level of investment and key design parameters for the remaining stages of the Jetty Road Masterplan.

As a result of the Workshop, this report is seeking to approve the key design parameters, the level of investment and funding options for the remaining stages of the project.

**Motion**

**C230523/7455**

**That Council:**

1. commits to an investment of \$30 million of Council funding to deliver the upgrade of Jetty Road Glenelg;
2. approves the design elements to be considered as identified in this report under the 'Design Elements and Parameters' section;
3. approves Administration to undertake a high-level review of the existing Masterplan design for consideration by Council with a value not to exceed \$80,000; and
4. approves Administration and their design consultants to commence discussions with the Department of Infrastructure and Transport and determine their support for changes to traffic and public transport along Jetty Road, Glenelg and the surrounding precinct.

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

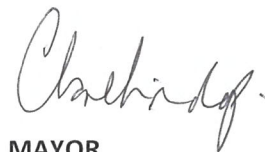
5. That having considered Agenda Item 17.4 168/23 Jetty Road Glenelg Masterplan Investment and Design Parameters in confidence under section 90(2) and (3)(b) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report and minutes be retained in confidence for a period of six months and/or the Chief Executive Officer is authorised to release the documents when a public announcement is made and that this order be reviewed every 12 months.

Moved Councillor Smedley, Seconded Councillor Abley

**Carried Unanimously**

CONFIRMED

13 June 2023



MAYOR

