

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 11 August 2020 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

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 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

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****C110820/1986**

That the minutes of the Ordinary Meeting of Council held on 28 July 2020 be taken as read and confirmed.

Moved Councillor Lonie, Seconded Councillor Miller

Carried Unanimously

9. PUBLIC PRESENTATIONS**9.1 Petitions****9.1.1 Council Funding to the Holdfast Bay Community Centre (HBCC) (Report No: 223/20)**

A petition was received from Kym Davis of 6A Rockford Place, Marino SA, 5049 and contained 225 signatures.

The petition stated as follows:

“We the undersigned express our disappointment with Council for the passing of resolution C140720/1952 moved by Cr Mikki Bouchee and seconded by Cr Clare Lindop.

The resolution will have the effect of cutting funds to Holdfast Bay Community Centre (HBCC) resulting in higher user charges and possible reduction of activities.

We ask that this resolution be rescinded with Council noting the key role community centres have in maintaining the mental health and wellbeing of the community especially at this time of pandemic.

We insist that Council fund all centres to a level that allows for maximum community participation especially for the young, lonely, vulnerable, frail, aged and others who just want to stay healthy in body and mind.”

Her Worship the Mayor noted that in accordance with Section 91 of the *Local Government Act 1999* that the petition does not correctly describe the motion referred to i.e. C140720/1952.

Motion**C110820/1987**

That Council note the Petition from Kym Davis of 6A Rockford Place, Marino SA 5049 regarding funding to the Holdfast Bay Community Centre (HBCC).

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

9.2 **Presentations** - Nil

9.3 **Deputations** - Nil

10. QUESTIONS BY MEMBERS

10.1 **Without Notice**

10.1.1 **Updated Rates for Conveyancers**

Councillor Clancy asked a question in relation to explaining Council's charges to Conveyancers for rates information.

Chief Executive Officer took the question on notice.

10.1.2 **Dover Square Shared Use**

Councillor Lindop asked a question in relation to the community engagement for the shared use of Dover Square.

General Manager Community Services provided a response.

10.1.3 **Sale of Land at North Brighton**

Councillor Patton asked a question in relation to the land.

General Manager City Assets and Services provided a response.

10.1.4 **Paint Works Damage Rectification**

Councillor Chabrel asked a question in relation to the rectification of damage left from the painting on Colley Terrace.

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

10.1.5 **Ferris Wheel Update**

Councillor Chabrel asked a question requesting an update on the Ferris Wheel at Glenelg.

General Manager City Assets and Services provided a response.

10.2 **On Notice - Nil**

11. MEMBER'S ACTIVITY REPORTS - Nil

12. MOTIONS ON NOTICE

12.1 **Motion on Notice – Proposed Memorial - Councillor Patton** (Report No: 229/20)

Councillor Patton proposed the following motion:

Motion

C110820/1988

That Administration undertake a review of the proposed memorial to honour Squadron Leader Robert Wilton Bungey, aligned with the Naming of Public Places Policy and bring back a report to Council for consideration.

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

A formal proposal for the erection of a memorial to honour Squadron Leader Robert Wilton Bungey, DFC as prepared by RSL South Australia, with a request for Council to consider and support the memorial.

Conflict of Interest

Councillor Clancy declared a perceived conflict of interest for Item 13.1 Adjourned Report - Somerton Surf Lifesaving Club – Renewal of Kiosk Sub-Lease Agreement (Report No: 231/20). The nature of the perceived conflict of interest (pursuant to Section 75 of the *Local Government Act 1999*) is that she is Vice Patron of Somerton Surf Lifesaving Club.

Councillor Clancy dealt with this perceived conflict of interest by making it known to the chamber and remaining in the chamber as she will act in the best interests of the community.

13. ADJOURNED MATTER

13.1 **Adjourned Report – Somerton Surf Life Saving Club – Renewal of Kiosk Sub-Lease Agreement** (Report No: 231/20)

Administration submitted Item 15.5 (Report No: 178/20) Somerton Surf Life Saving Club – Renewal of Kiosk Sub-Lease Agreement for consideration by Council at its meeting on 28 July 2020 (Refer Attachment 1).

Council subsequently resolved to adjourn consideration of the matter until the next Council meeting on the basis that Council required further information relating to the sub-lease, rental calculation and amendment of the head lease.

The adjourned motion needed to be considered before any new motions could be considered.

Councillor Clancy having moved the motion and Councillor Lonie having seconded the motion were deemed to have spoken. Councillor Bouchee moved an

amendment, which was subsequently not accepted by the Mayor, was also considered to have spoken to the motion.

Motion

C110820/1989

That Council:

1. **approves a new sublease between the Somerton Surf Lifesaving Club Inc. (as Sub Lessor) and Penelope McEwan Wallbridge (as Sub Lessee) for the Kiosk area on the following terms:**
 - **term: three (3) years commencing on 1 May 2020 and expiring on 30 April 2023;**
 - **renewal: one (1) right of right of renewal for a further term of two (2) years commencing on 1 May 2023 and expiring on 30 April 2025;**
 - **sublease area: delineated in red on the plan annexed hereto as Attachment 1 being approximately 66m²; and**
 - **commencing rent payable to Sub Lessor: \$22,000 per annum to be reviewed annually in accordance with movements in CPI (Adelaide-All Groups) subject to:**
 - a) **an increase in the rent payable by the Club to Council pursuant to the Sublease (Kiosk rent) to \$4,410 per annum from the date of signing of the Kiosk Sublease;**
 - b) **Kiosk rent being adjusted annually by CPI (Adelaide-All Groups) as and from each anniversary of the sublease commencement date, the first such adjustment being on 1 May 2021;**
 - c) **a market review of the sublease rent charged by the Club to the Sub-Lessee being undertaken prior to the granting of the Sublease extension (ie on or before 30 April 2023); and**
 - d) **Kiosk rent payable by the Club to Council for the Kiosk sublease being adjusted prior to granting the two (2) year sublease extension based on the market review and any applicable Council policies at the time.**
2. **that as a condition of approval of the Kiosk sublease, the Club is required to submit the Club's annual audited financial statements to Council each year and within one (1) month of their adoption.**
3. **that Council note the figure of 30% of gross rental used in this proposed sub-lease extension does not create a precedent for future determination of commercial sublease charges and that any charging mechanism, approach, formula or percentage revenue share will be**

subject to consideration and approval through a new policy later in 2020.

- 4. that the Mayor and Chief Executive Officer be authorised to execute and seal any documents required to give effect to this sublease.**

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

Councillor Bouchee left the meeting at 7.28pm.

14. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES

- 14.1 Draft Minutes – Alwyndor Management Committee – 16 July 2020 (Report No: 228/20)**

The draft minutes of the Alwyndor Management Committee meeting held on 16 July 2020 were provided for information.

Motion **C110820/1990**

- 1. That the draft minutes of the Alwyndor Management Committee meeting held on 16 July 2020 be noted.**
- 2. That having considered Attachment 2 to Report No: 228/19 Draft Minutes – Alwyndor Management Committee – 16 July 2020 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 Chabrel, Seconded Councillor Lonie **Carried Unanimously**

- 14.2 Minutes – Audit Committee Meeting – 23 July 2020 (Report No: 232/20)**

The public minutes of the meeting of the Audit Committee held 23 July 2020 were presented to Council for information and endorsement.

Motion **C110820/1991**

- 1. That Council notes the public minutes of the meeting Audit Committee of 23 July 2020 namely:**
 - (a) That the Audit Committee advises Council it has received and considered a Standing Items Report addressing:**
 - **Monthly Financial Statements**
 - **Risk Management and Internal Control**
 - **Audit – External/Internal**
 - **Public Interest Disclosures – previously Whistleblowing**
 - **Economy and Efficiency audits**

- **Audit Committee Schedule**

- (b) **That the Audit Committee supported the draft 2020-21 Annual Business Plan and Budget for presentation to Council for adoption.**

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

Councillor Bouchee re-joined the meeting at 7.29pm.

Leave of the Meeting

Her Worship the Mayor sought leave of the meeting at item 14.3 Confidential Minutes – Audit Committee Meeting – 23 July 2020 (Report No: 232/20) to be considered, in confidence at Item 18, Items in Confidence.

Leave of the meeting was granted.

15. REPORTS BY OFFICERS

15.1 Items In Brief (Report No: 226/20)

These items were presented for the information of Members.

Motion

C110820/1992

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

- 1. Greater Adelaide Region Organisation of Councils (GAROC) Annual Business Plan 2020-21 and Strategic Plan 2019-2023.**
- 2. Brighton Road Safety and Access**

Moved Councillor Lindop, Seconded Councillor Abley

Carried

15.2 2019-2020 Preliminary Funding Statements, Budget Carried Forwards and Activity Reports (Report No: 227/20)

This report provided preliminary funding statements for the 2019/20 financial year including explanations of the interim results and major budget variations as well as detailing yet to be finalised projects to be brought forward and budgeted for in 2020/21. Also presented was a summary of the external grant funding received during the year, as well as a report detailing the organisation's progress in achieving the new initiatives and capital renewal program as set out in the Annual Business Plan for 2019/20.

Following a comprehensive budget review in April 2020 a deficit budget of \$447,863 was adopted to allow for the effects of the COVID-19 pandemic and the relief measures Council offered. The preliminary result for municipal operations shows an operating deficit of \$48,227 resulting in a positive budget variance of \$399,636 compared with the adopted forecast.

The preliminary result for Alwyndor operations shows an operating deficit of \$1,169,679 compared with the adopted forecast deficit of \$970,792 resulting in a negative budget variance of \$198,887. Major budget variances have occurred in employee costs which is offset by additional revenue received through the Government's COVID-19 stimulus package.

The consolidated result for both operations shows an operating deficit of \$1,217,906 compared with the adopted deficit forecast of \$1,418,655 resulting in a positive budget variance of \$200,749.

Motion

C110820/1993

That Council:

1. notes the provisional unaudited 2019/20 funding statements and carried forward budgets;
2. notes the 2019-20 Annual Business Plan activity summary;
3. notes the 2019-20 external grant funding summary; and
4. approves the carried forward amounts from the 2019/20 budget to the current year 2020/21 budget of \$328,968 operating expenditure, \$12,397,243 capital expenditure and \$6,354,574 capital income.

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

15.3 **Arts & Culture Strategy Annual Report** (Report No: 201/20)

This report updated Council on the implementation of the actions set out in the Holdfast: Arts & Culture Strategy 2019 – 2024.

Multiple actions have occurred since the Strategy and Action Plan was endorsed by Council and this report provided an update to Council on the completion of the actions set out for the first 12 months.

Motion

C110820/1994

That Council notes the report and the Arts & Culture action plan updates.

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

15.4 **Outcomes of the Economic Recovery Taskforce Meeting** (Report No: 230/20)

On 14 July 2020, Council resolved Motion (C140720/1951) as follows:

“That Council endorses the Economic Recovery Taskforce to investigate and report back to Council on 28 July 2020, the potential for the COVID – 19 Fund to:

1. provide gas heaters to businesses that provide outdoor dining areas;

2. *lease the exterior of the Telstra Building at 1 Jetty Rd for the purpose of an art installation/painting, promoting the beach; and*
3. *the installation of parklets on Jetty Rd Glenelg to support increased outdoor dining."*

The Economic Recovery Taskforce met on 20 July 2020 and discussed the matters contained in the motion. A record of the material the Taskforce considered and their discussions were provided in the attached agenda papers and minutes. Actions arising from the meeting were in progress and the next meeting is scheduled for 10 August 2020.

Motion

C110820/1995

That Council notes the agenda papers and minutes of the Economic Recovery Taskforce.

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

- 15.5 **Call for Nomination to Greater Adelaide Regional Organisation of Councils (GAROC) Committee for One Position on the West Regional Grouping** (Report No: 223/20)

The Greater Adelaide Regional Organisation of Councils (GAROC) is a Committee of the Local Government Association of South Australia (LGA) and its role is regional advocacy, policy initiation and review, leadership, engagement and capacity building.

The terms of the current members of GAROC expire at the 2020 LGA Annual General Meeting (AGM). The LGA called for nominations to fill two positions allocated to each Regional Groupings of Council on GAROC (eight positions in total). The term is for two years to commence office from the conclusion of the 2020 LGA AGM and to remain in office until the conclusion of the 2022 LGA AGM. Nominations must be provided to the LGA by no later than Friday 28 August 2020.

As Council is in the West Regional Grouping, it was invited to nominate one elected member for a position on the West Regional Grouping of GAROC, such nomination must be made by resolution of Council. Council previously resolved in January 2020 for Councillor Chabrel to be nominated for a casual vacancy.

Motion

C110820/1996

That Council nominate Mayor Wilson to fill one (1) position on the West Regional Grouping of the Greater Adelaide Regional Organisation of Councils (GAROC) Committee to commence office from the date of the 2020 LGA AGM until the conclusion of the 2022 LGA AGM.

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

- 15.6 **Policy Review – Asset Management Policy** (Report No: 215/20)

The Asset Management Policy was prepared to provide guidance on Council's Asset Management vision and principles. The policy also informed development of Council's Asset Management Plans.

The policy has been reviewed and was presented to Council for approval.

Councillor Abley left the meeting at 8.10pm.

Councillor Abley re-joined the meeting at 8.11pm.

Motion

C110820/1997

That Council approve and endorse the Asset Management Policy.

Moved Councillor Lonie, Seconded Councillor Miller

Carried Unanimously

15.7 **Policy Review – Stormwater Drainage Policy** (Report No: 171/20)

Council's current Stormwater Policy was reviewed and a new policy, to be known as the Stormwater Drainage – Building and Construction Policy, was prepared to provide guidance for owners, developers and builders discharging stormwater from private property into Council's stormwater system.

The policy was presented to Council for adoption.

Motion

C110820/1998

That Council approve and endorse the Stormwater Drainage – Building and Construction Policy as presented in Attachment 1.

Moved Councillor Bouchee, Seconded Councillor Patton

Carried Unanimously

Councillor Patton left the meeting at 8.20pm

Councillor Patton re-joined the meeting at 8.21pm

15.8 **Development Assessment – Design Review Scheme** (Report No: 216/20)

On 26 June 2020 the Department of Planning Transport and Infrastructure (DPTI) released the proposed Local Design Review Scheme for public consultation. The Local Design Review Scheme is based on the design review scheme that is currently operated by the Office for Design Architecture South Australia (ODASA) for large scale developments.

The scheme involves a panel of architects reviewing a development proposal prior to lodgement, and making recommendations to the relevant authority to assist in the assessment of the application. Currently, only applications that are assessed under Schedule 10 of the Development Regulations 2008, with the State Commission Assessment Panel (SCAP) as the relevant authority can make use of the design review scheme.

The Local Design Review Scheme has been written by the Office for Design Architecture South Australia to be used in applications where Councils are the relevant authority under the Planning Development and Infrastructure (PDI) Act 2016. The consultation process on the proposed design review scheme will close on 21 August 2020, and this report recommended that Council write to DPTI outlining its general support for the Scheme, pending details of an appropriate cost recovery model so as not to leave Council out-of-pocket.

Motion

C110820/1999

That Council:

- 1. write to Department of Planning, Transport and Infrastructure in response to the consultation process supporting the implementation of a local design review scheme; and**
- 2. recommend any local design review scheme include:**
 - a) Mandatory referral to a Local Design Review Panel where the proposed development involves;**
 - **4 or more dwellings;**
 - **A building of 3 or more storeys;**
 - **Development with an internal floor area of 600sqm or more; or**
 - **Construction of a new dwelling where a historic or character area overlay applies.**
 - b) An assessment fee is charged to cover the costs associated with the operation and referrals to the Local Design Review Panel so that Councils are not out-of-pocket. The Panel registration fee and renewal fee should be deleted.**
 - c) An option for Councils to refer proposals to a Design Review Panel established by the State Planning Commission.**

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

16. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil

17. URGENT BUSINESS

Her Worship the Mayor determined that Item 17.1, Economic Recovery Taskforce – Television Marketing (Report No: 236/20) be heard as an item of Urgent Business.

17.1 Economic Recovery Taskforce – Television Marketing (Report No: 236/20)

The Economic Recovery Taskforce met on 20 July 2020, in which an action was raised to develop an advertising campaign to attract intrastate visitors with a focus on Spring/Summer campaigns.

The action was responded to at the following meeting (10 August 2020), in which a range of marketing options were presented to the Taskforce for consideration. The subsequent shortlist of these options will be presented to Council in a coming meeting, however there was an urgent need to approve the below marketing action to secure the current dates, and be in market in time for peoples consideration for the September/October school holidays.

Motion

C110820/2000

That Council endorse the allocation of \$50,000 from the COVID-19 Financial Fund for a television marketing campaign.

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

Her Worship the Mayor determined that Item 17.2 Urgent Business – Independent Investigation – Mayor Wilson (Report No: 237/20) be heard as an item of Urgent Business to be considered at Item 18, Items in Confidence.

Leave of the meeting was granted.

18. ITEMS IN CONFIDENCE

Her Worship The Mayor sought leave of the meeting to consider Item 14.3 Confidential – Minutes – Audit Committee Meeting – 23 July 2020 (Report No: 237/20) as an item to be considered at Item 18, Items in Confidence.

14.3 **Confidential - Minutes – Audit Committee Meeting - 23 July 2020** (Report No: 221/20)

Motion – Exclusion of the Public – Section 90(3)(b)(c)(d)&(k) C110820/2001

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: 221/20 Minutes - Audit Committee Meeting – 23 July 2020 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: 221/20 Minutes – Audit Committee Meeting – 23 July 2020 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, or proposing to conduct, business, or to prejudice the commercial position of the council; and would; on balance, be contrary to the public interest.**

- c. pursuant to section 90(3)(c) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would reveal a trade secret.
- 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; and would in balance be contrary to the public interest.

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.

- k. pursuant to section 90(3)(k) of the Act, the information to be received, discussed or considered in relation to this Agenda Item are tenders for the supply of goods, the provision of services or the carrying out of works.
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.

Moved Councillor Smedley, Seconded Councillor Snewin

Carried

RETAIN IN CONFIDENCE – Section 91 (7) Order

C110820/2002

That having considered Agenda Item 14.3 Minutes – Audit Committee Meeting - 23 July 2020 - Report No 221/20 in confidence under section 90(2) and (3)(b)(c)(d)&(k) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report, attachments and minutes (with the exception of resolution 1(c) and 2 which can be released when the contract for services has been finalised) be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.

Moved Councillor Smedley, Seconded Councillor Snewin

Carried Unanimously

17.2 **Urgent Business – Independent Investigation – Mayor Wilson** (Report No: 273/20)

Motion – Exclusion of the Public – Section 90(3)(e)

C110820/2003

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: 237/20 – Urgent Business – Independent Investigation – Mayor Wilson 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: 237/20 – Urgent Business – Independent Investigation – Mayor Wilson on the following grounds:
 - e. pursuant to section 90(3)(e) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is related to matters affecting the security of employees of the Council.
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 Miller

Carried Unanimously

RETAIN IN CONFIDENCE - Section 91(7) Order

C110820/2004

Having considered Agenda Item 17.2 Urgent Business – Independent Investigation – Mayor Wilson (Report No: 237/20) in confidence under section 90(2) and (3)(e) 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 24 months and that this order be reviewed every 12 months.

Moved Councillor Bouchee, Seconded Councillor Snewin

Carried Unanimously

18.1 **2020/21 Beach Concerts** (Report No: 224/20)

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

C110820/2005

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: 224/20, 2020/21 Beach Concerts, 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: 224/20, 2020/21 Beach Concerts 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 Bouchee, Seconded Councillor Abley **Carried Unanimously**

RETAIN IN CONFIDENCE – Section 91 (7) Order **C110820/2006**

That having considered Agenda Item 18.1 - 2020/21 Beach Concerts (Report no: 224/20) 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 report and minutes be retained in confidence for a period of 18 months, and the concert details be released after the specific embargo dates identified in this report.

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

18.2 **Kauri Community & Sporting Complex – Management Review** (Report No: 222/20)

Motion – Exclusion of the Public – Section 90(3)(b)&(d) **C110820/2007**

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: 222/20 Kauri Community & Sporting Complex – Management Review 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 IN Report No: 222/20 Kauri Community & Sporting Complex – Management Review 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.
- 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 Lindop, Seconded Councillor Patton Carried Unanimously

Motion C110820/2008

That Council:

- 1. note the report and the update on Belgravia’s progress;
- 2. authorise the extension of the Kauri Community and Sporting Complex Management Agreement with Belgravia Leisure for a further twelve (12) months from 1 September 2020 in accordance with the current Agreement; and
- 3. note that a further comprehensive report will be provided to Council for review by June 2021, after 20 months of operations, and to enable a decision on the future management of the Centre to be made including an alternative option to manager the Kauri Community and Sporting Complex be provided.

RETAIN IN CONFIDENCE – Section 91 (7) Order

- 4. Having considered Agenda Item 18.1 Kauri Community & Sporting Complex - Management Review (Report No: 222/20) in confidence under Section 90(2), 90(3)(b) and 90(3)(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 with the Chief Executive Officer authorised to release the documents following conclusion of the Management Agreement with Belgravia or the expiry of the 24 month confidentiality period.

Moved Councillor Lindop, Seconded Councillor Lonie

Carried

Conflict of Interest

Councillor Abley declared a perceived conflict of interest for Item 18.3 Self Service Bait Vending Machine – Brighton Jetty (Report No: 198/20). The nature of the perceived conflict of interest (pursuant to 75 of the *Local Government Act 1999*) is that her husband works for a competitor of the operator.

Councillor Abley dealt with the perceived conflict of interest by making it known to the chamber and remaining in the chamber as she was acting in the interests of the community.

Councillor Smedley declared a perceived conflict of interest for Item 18.3 Self Service Bait Vending Machine – Brighton Jetty (Report No: 198/20). The nature of the perceived conflict of interest (pursuant to 75 of the *Local Government Act 1999*) is that he went to school with the competing operator.

Councillor Smedley dealt with the perceived conflict of interest by making it known to the chamber and remaining in the chamber as he is acting in the interests of the community.

18.3 Self Service Bait Vending Machine – Brighton Jetty (Report No: 198/20)

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

C110820/2009

- 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: 198/20 Self Service Bait Vending Machine – 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: 198/20 Self Service Bait Vending Machine – Brighton Jetty 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 and 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**

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

On 12 November 2019, Council endorsed the operation of a self-service bait machine (bait machine) on the Esplanade at Brighton adjacent to the Brighton Jetty for a trial period of one (1) year expiring on 31 August 2020 (C121119/1678) with a review of the trial, including community engagement to take place prior to August 2020.

As indicated in the resolution, Administration has undertaken consultation to ascertain the community's views on the bait machine and whether there is support, or not, for a continuation of the permit to operate near the Brighton Jetty. The consultation was undertaken from 24 May to 3 June 2020 and of the 193 submission, 70% indicate support for the bait machine. The feedback received from the operator has also been positive.

This report discussed the information collected during the community engagement and from the operator and explores options to retain or remove the bait machine.

Motion

C110820/2010

That Council:

- 1. Grant the operator 'How's Your Tackle' Pty Ltd (HYT) a permit for operation of its' self-service bait vending machine adjacent to Brighton Jetty, for a further period of one (1) year commencing on 1 September 2020 and expiring on 31 August 2021 at a revised fee of \$2,000 pa (plus GST) plus \$700 pa (plus GST) for electricity as per Option 2 of this report.**
- 2. Provide ongoing business support to the local Brighton Bait & Tackle business located on Brighton Road.**
- 3. Consent to Administration approving further one (1) year permit extensions on an annual basis, for a three year period, thereafter subject to:**
 - a) no issues arising with the operation of the site;**
 - b) annual permit fees being determined based on \$2,000 or 7% of estimated annual turnover (plus GST), whichever is higher, plus \$700 pa indexed by CPI (plus GST) for electricity;**

- c) arrangements being generally in accordance with Council's Commercial Activation of Community Land Policy; and
- d) no further community engagement.

RETAIN IN CONFIDENCE – Section 91 (7) Order

C110820/2010

Having considered Agenda Item 18.3 Self Service Bait Vending Machine – Brighton Jetty (Report No 198/20) 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, attachments and minutes be retained in confidence for a period of 24 months with the Chief Executive Officer authorised to release the documents following completion of the permit period or the expiry of the 24 month confidentiality period.

Moved Councillor Clancy, Seconded Councillor Lonie

Lost

CLOSURE

The Meeting closed at 9.24 pm.

CONFIRMED 25 August 2020

MAYOR