

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 9 July 2019 at 7:02pm.

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

A/Chief Executive Officer – R Bria
General Manager City Assets and Services – H Lacy
General Manager Community Services – M Lock
A/General Manager Business Services – P Jackson
A/ General Manager Alwyndor – B Capes

1. OPENING

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

2. KAURNA ACKNOWLEDGEMENT

With the opening of the meeting Her Worship the Mayor stated:

We acknowledge Kaurna people as the traditional owners and custodians of this land.

We respect their spiritual relationship with country that has developed over thousands of years, and the cultural heritage and beliefs that remain important to Kaurna People today.

3. 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.

4. APOLOGIES

4.1 Apologies Received - Nil

4.2 Absent - Nil

5. ITEMS PRESENTED TO COUNCIL - Nil

6. DECLARATION OF INTEREST

Members were reminded to declare their interest before each item.

7. CONFIRMATION OF MINUTES

Motion

C090719/1527

That the minutes of the Ordinary Meeting of Council held on 25 June 2019 be taken as read and confirmed.

Moved Councillor Lonie, Seconded Councillor Patton

Carried

8. PUBLIC PRESENTATIONS

8.1 Petitions

8.1.1 ***Dry Zone at the car park at the Esplanade, North Brighton***

A petition was received from 7 residents requesting:

“Subject: Dry Zone at the car park at the Esplanade, North Brighton [Gladstone Road Car Park where the new bikeway joins the car park]

As concerned and effected residents adjacent to this area we would like to have this area made a dry zone and not encourage unruly and loud behaviour, particularly into the evening that normally occurs in a prime gathering place.

Thank you in anticipation.”

The 1 page petition received from Mr Wayne Phillis (head petitioner), including 7 signatures living on the Esplanade, North Brighton, met the relevant criteria for a petition as outlined in the *Local Government (Procedures at Meeting Regulations) 2013*, Regulation 10 and Council’s ‘Code of Practice – Meetings Procedures’ clauses 3.1.7 to 3.1.9.

Motion

C090719/1528

That Council notes the petition regarding a request for a dry zone at Gladstone Road car park Esplanade, North Brighton.

Moved Councillor Fleming, Seconded Councillor Snewin

Carried
Unanimously

8.2 Presentation - Nil

8.3 Deputations

8.3.1 Holdup Youth Council and Mrs Margaret Messenger

Mayor Wilson approved a deputation from Master Zel Whiting, on behalf of Holdup Youth Council, and Mrs Margaret Messenger regarding Motion on Notice – Proposed Climate Emergency Action Plan tabled by Councillor Chabrel.

9. QUESTIONS BY MEMBERS

9.1 Without Notice - Nil

9.2 With Notice - Nil

Leave of the Meeting

Her Worship the Mayor sought leave of the meeting to consider Agenda Item 17.1 Chief Executive Officer Appointment (Report No: 266/19) at this time in confidence.

Leave of the meeting was granted.

17.1 Chief Executive Officer Appointment (Report No: 266/19)

Motion – Exclusion of the Public – Section 90(3)(d) Order C090719/1529

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 General Manager Community Services and an appointed minute taker in attendance at the meeting in order to consider Report No: 266/19 Chief Executive Officer Recruitment Process 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: 266/19 Chief Executive Officer Recruitment Process on the following grounds:
 - a. pursuant to section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to Report No: 266/19 is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), because it includes the details of a recruitment process, which are sensitive and are only known to those who have participated in the process.
3. That 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 Abley, Seconded Councillor Lonie

Carried Unanimously

RETAIN IN CONFIDENCE – Section 91(7) Order**C090719/1531**

3. That having considered Agenda Item 17.1 Chief Executive Officer Appointment (Report No: 266/19) in confidence under section 90(2) and (3)(a) 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 until the appointment of the Chief Executive Officer has been finalised and the unsuccessful candidates have been notified.

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

Leave of the Meeting

Her Worship the Mayor sought leave of the meeting to consider Agenda Item 11.1 Motion on Notice – Proposed Climate Emergency Motion - Councillor Chabrel (Report No: 262/19) at this time.

Leave of the meeting was granted.

- 11.1 **Motion on Notice – Proposed Climate Emergency Motion - Councillor Chabrel**
(Report No: 262/19)

Councillor Chabrel proposed the following motion:

BACKGROUND

The World’s Climate Experts have declared we have less than 12 years in which to keep global warming to a maximum of 1.5C to avoid catastrophic weather events which will devastate the environment and lives.

The worsening conditions are already evident with data from the National Oceanic and Atmospheric Administration (NOAA) confirm the last five years (2014-18) have globally been the five hottest years on record.

The May 2019 preliminary report of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services warns that a million species are at risk of extinction.

Locally Australia’s Greenhouse Gas Emissions have risen for the fourth consecutive year and the Country has just experienced its hottest summer on record with over 200 records broken around Australia in just 90 days. Across South Australia records fell including Adelaide which on the 24th January 2019 experienced its hottest day in 130 years of records. This poses current and worsening health and safety risks for older and more vulnerable members of our community. Additionally it adds to the financial burden of Council and residents eg, increased power costs for air-conditioning and maintenance of green space.

Extreme weather events also include storm activity and Adelaide has been experiencing increasingly severe storm activity in recent years directly attributed to climate change. This has caused some to theorise that Adelaide’s climate has already shifted from what we have understood to be a “Mediterranean” climate,

characterised by long periods of lighter rains to one featuring “cold monsoonal” downpours. Such rain patterns place increasing stress and costs on local infrastructure which was not engineered for such a rain pattern.

Storms and cold monsoonal rains are having a direct and current impact on our City’s budget with the combination of funds allocated for Storm Damage, Foreshore Protection, Foreshore Facilities Maintenance, Stormwater Drainage Maintenance, Rapid Response and Water Table Maintenance increasing from \$200,154.00 in 2018/19 to \$718,881.00 in 2019/2020.

Some may argue that our impact is so small as to be insignificant and not worth the cost, however each Council that joins adds to an ever increasing mass; to date over 650 Governments across 15 countries and populated by 119.5 Million people have declared a climate emergency and importantly have taken steps to respond. These Governments range from the tiny Light regional Council in SA with 14,700 residents to Canada and the UK. 24 of these Governments are in Australia including now three Capitals; Sydney, Canberra and Hobart and three Councils from South Australia. Holdfast Bay would be the first coastal Council in SA.

The recent Australian Local Government Association’s National General Assembly passed with a two thirds majority a wide ranging motion calling on the Federal Government to declare a climate emergency and support for action in response.

Contrary to some recent media reporting there is growing support for addressing climate change in Australia. At the recent Federal Election the ABC’s Vote Compass assessed the environment and economy as on par with almost 50% each as the most important issue, which for the environment is up from 9% on 2016. When asked if Government should do more on climate change over 90% responded “yes”. In addition the Green vote was 2.6% higher across Australia and in South Australia over 5% higher.

Holdfast Bay is already environmentally engaged and active with mitigation programs such as upgrades of storm water infrastructure and beach sand groynes, and climate action response programs such as LED street lighting, tree planting, conservation of bush land and dunes, and the implementation of water sensitive urban design and a biodiversity corridor, however more can be done. Through the drafting of the Environmental Strategy including a Climate Emergency Action Plan additional responses will be identified for consideration by Council along with resource requirements.

It is worth noting that in the 2019 City of Holdfast Bay Quality of Life Community Survey by Intuito, the largest number of survey respondents believed it was most important for Council to focus efforts on environmental activities over the next four years. This declaration and initiatives will honour our community’s wishes and make the City a leader in combatting the climate emergency and the protection of our environment for current and future generations.

This declaration and action responses are not tied to any external agent and are designed for the City of Holdfast Bay to take charge of its own destiny and respond to the climate emergency in ways it considers appropriate.

There has been much discussion about the term “emergency”. The position of this Motion is that the term is pivotal to focusing Council and the community into action and provides a way to reframe the work we already do and incorporate it every aspect of Council’s operations. It denotes a serious threat that requires immediate action. As the background to the motion illustrates, the affects are already being felt by our community and as such strongly worded focus is important. It is also a term which is rapidly gaining broad acceptance and a softer response may not be seen as proportionate to the threat. Mayor Bosler of the City of Yarra who recently passed a climate emergency declaration said although she was uncomfortable with the term, that “The phrase climate emergency now means joining a climate movement of people taking immediate action to tackle climate change.” and the sheer numbers of municipalities world wide adopting the term swayed her Council.

It is beyond doubt that our World is in a state of climate emergency and it is effecting our lives now, and will this impact will increase. We have no time to waste in combating climate change and this motion seeks to make that declaration and set out action to address this emergency.

Motion

C090719/1532

That Council:

1. **Notes the October 2018 report of the Intergovernmental Panel on Climate Change.**
2. **Notes the May 2019 Preliminary report of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services.**
2. **Notes the most current Quarterly Update of Australia’s National Greenhouse Gas Inventory: September 2018 produced by the Department of Environment and Energy which reports Australia’s total greenhouse gas emissions have risen when compared to 2012 levels.**
4. **Recognises we are in a state of climate emergency and that all levels of Government have a responsibility to act.**
5. **That the development of the Environmental Strategy initiative of the 2019-20 Business Plan, include a Climate Emergency Action Plan and strategy for Holdfast Bay to aim to be a Carbon Neutral, Sustainable City by 2030 including the financial and resource implications required for achieving the aim.**
6. **That the draft Environmental Strategy be provided to Council for its consideration by December 2019.**

Moved Councillor Chabrel, Seconded Councillor Lonie

Amendment**That Council:**

1. Notes the **October 2018 report of the Intergovernmental Panel on Climate Change.**
2. Notes the **May 2019 Preliminary report of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services.**
3. Notes the most current **Quarterly Update of Australia's National Greenhouse Gas Inventory: September 2018** produced by the Department of Environment and Energy which reports Australia's total greenhouse gas emissions have risen when compared to 2012 levels.
4. Recognises that ALL levels of government have a responsibility to act in climate change mitigation.
5. That the strategy/planning/ and budget for environmental project initiatives be driven by the results/recommendations of the Holdfast Bay Council Environmental Audit Report due February 2020.

Moved Councillor Bouchee, Seconded Councillor Bradshaw

Carried

Her Worship the Mayor declared that the amendment on being put was

Carried

The motion, as amended, on being put was

Carried

Division called

A division was called and the previous decision was set aside.

Those voting for: Councillors Snewin, Clancy, Miller, Bouchee, Fleming, Smedley, Abley, Patton, Lonie, Lindop and Bradshaw (11)

Those voting against: Councillor Chabrel (1)

Her worship the Mayor declared the motion

Carried

10. MEMBER'S ACTIVITY REPORTS**10.1 The activity report was presented for the information of Members.**

After noting the report any items of interest were discussed with leave of the meeting, if required.

Motion**C090719/1533****That the activity report from Councillor Lindop be noted:**

Moved Councillor Lonie, Seconded Councillor Abley

Carried**11. MOTIONS ON NOTICE****11.2 Motion on Notice – Water Supply for Bowker Street Oval - Councillor Fleming
(Report No: 254/19)**

Councillor Fleming proposed the following motion:

BACKGROUND

There is a lack of water at the Bowker Oval BBQ and recreational area and as a result the BBQ and recreational area is often left dirty due to the lack of water. There have been complaints from users that this lack of water is a safety hazard as it is very difficult to clean the BBQ and also impedes the treatment of any BBQ burns and hot oil spills, requiring a walk more than 200m to the nearest water supply.

Also as the oval, including tennis court, basketball court, community garden and playground are so heavily used it would be beneficial to users of these great facilities to have a drinking fountain and/or tap there.

There is also a lack of water infrastructure to support the introduction of the Community Garden in the corner of Bowker Oval. It is proposed to install water infrastructure that can be used by the community garden, with water usage charges being paid by the community garden lessee as per the draft lease.

The Administration provided an estimate of approximately \$7,800 to undertake the installation of the drinking fountain and tap and \$5,000 for the water reticulation around the community garden.

Motion**C090719/1534****That Council endorse:**

- 1. the installation of a drinking fountain and tap at the Bowker Street Oval BBQ and recreational area at a cost \$7,800;**
- 2. the installation of water reticulation around the community garden area at a cost of \$5,000 with ongoing water usage paid by the lessee; and**
- 3. the funds required to be included as part of the 1st quarterly budget review.**

Moved Councillor Fleming, Seconded Councillor Snewin

Carried Unanimously

11.3 **Motion on Notice – Improvement of Traffic, Parking and Property Access Issues in King Street Brighton - Councillor Fleming** (Report No: 261/19)

Councillor Fleming proposed the following motion:

BACKGROUND

Over several years the residents on and surrounding King Street Brighton have had significant issues with the traffic intersection of King St and King George Ave, parking and access to their properties. Their concerns have been heightened recently by the opening of the new McAuley School scheduled for January 2020. In the last six months I have been contacted individually at my last count of over 26 residents in regards to this matter. We had a community meeting in March 2019 where over 60 residents came and spoke and more recently I arranged another meeting with the residents of King Street and Administration, over 22 residents attended. This a major concern for the local residents and they have been very proactive at making this clear to Ward Councillors and Administration. The overwhelming communication with Administration and Ward Councillors from the residents illustrates the need for this matter coming to Council.

Motion

C090719/1535

1. **Administration investigate and report back to Council options to improve traffic, parking and property access issues in King Street Brighton, taking account of any proposals made for traffic and parking improvements around the McAuley Community School including:**
 - a. **previous proposals prepared for changes to the intersection of King St and King George Avenue;**
 - b. **possible one-way tidal flow arrangements in King George Avenue
and**
 - c. **possible impacts on other streets including Alfreda and Dunluce Avenue.**
2. **The report be brought back to Council by end of October 2019.**

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

11.4 **Motion on Notice – Commissioning of a Sculpture to Honour Work of War Service Animals - Councillor Bouchee** (Report No: 260/19)

Councillor Bouchee proposed the following motion:

BACKGROUND

We have several memorials to the men and women who gave their lives for this country in time of war, but many lives were saved by the extraordinary actions of canines/horses etc.

This sculpture will acknowledge the importance of their selfless and loyal service in theatres of war with our troops and nurses.

Motion

C090719/1536

1. **That the CEO initiate an investigation into the possibility of the commissioning of a sculpture to be placed in Moseley Square to celebrate and acknowledge the important work of war service animals for this country.**
2. **A report be presented to Council for consideration in the 2020/2021 budget.**

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

Conflict of Interest

Councillor Miller declared an actual conflict of interest for item 11.5 Motion on Notice – Leave of Absence - Councillor Miller (Report No: 270/19). The nature of the actual conflict of interest (pursuant to Section 74 of the *Local Government Act 1999*) is that he proposed the motion and it related to his own leave of absence.

Councillor Miller dealt with his actual conflict of interest by making it known to the chamber, remaining in the chamber and did not vote on this item.

11.5 **Motion on Notice – Leave of Absence - Councillor Miller** (Report No: 270/19)

Councillor Miller proposed the following motion:

Motion

C090719/1537

That Councillor William Miller be granted a leave of absence from Council from 12 August 2019 until 1 October 2019 inclusive.

Moved Councillor Shewin, Seconded Councillor Bouchee **Carried**

12. ADJOURNED MATTER

12.1 **Adjourned Report – Code of Practice – Meeting Procedures – Annual Review** (Report No: 264/19)

The City of Holdfast Bay's Code of Practice – Meeting Procedures is required to be reviewed annually and was last reviewed and endorsed on 23 January 2018.

The report was most recently tabled at the ordinary Council meeting on 12 February 2019 where the item was deferred under Regulation 18, *Local Government (Proceedings at Meetings) Regulations 2013*, to allow time for further consideration by Her Worship the Mayor and the Deputy Mayor (Item 14.3 Code of Practice – Meeting Procedures – Annual Review (Report No: 50/19)).

The revised Code of Practice – Meeting Procedures document was attached and presented for adoption. The proposed version was attached for reference (new

version with and without tracked changes). Administration was waiting on the outcome of the live streaming report before finalising the Code of Practice.

The Council resolution required support by at least two thirds of the members of the Council to be adopted as the new Code of Practice.

Motion

C090719/1538

That Council adopts the revised Code of Practice – Meeting Procedures.

Moved Councillor Clancy, Seconded Councillor Lonie

Carried Unanimously

13. REPORTS OF MANAGEMENT COMMITTEES, SUBSIDIARIES AND THE DEVELOPMENT ASSESSMENT PANEL

13.1 Minutes – Jetty Road Mainstreet Committee – 26 June 2019 (Report No: 259/19)

The Minutes of the Jetty Road Mainstreet Committee meeting held on 26 June 2019 were attached and presented for Council's information.

Jetty Road Mainstreet Committee Agendas, Reports and Minutes are all available on Council's website and the meetings are open to the public.

Motion

C090719/1539

That Council notes the minutes of the Jetty Road Mainstreet Committee of 26 June 2019.

Moved Councillor Miller, Seconded Councillor Abley

Carried Unanimously

Leave of the Meeting

Councillor Clancy sought leave of the meeting to request that item 13.2 Draft Minutes – Alwyndor Management Committee – 20 June 2019 (report No: 271/19) be heard in confidence at item number 17. Confidential Items.

Leave of the meeting was granted.

14. REPORTS BY OFFICERS

14.1 Items in Brief (Report No: 263/19)

These items were presented for the information of Members.

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

Motion

C090719/1540

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

1. Letter from Hon Michelle Lensink, Minister for Human Services, in response to Mayor Amanda Wilson's letter regarding Glenelg Lodge

Moved Councillor Lonie, Seconded Councillor Smedley

Carried

14.2 Junction Priority Change – Hartley Road and Wenlock Street, Brighton (Report No: 256/19)

Residents have expressed concern about the recent construction of a high boundary wall for a new residential development on the south-east corner of Hartley Road and Wenlock Street. From the Give Way line on Hartley Road, the location and height of the wall obstructs sight lines to the south along Wenlock Street. The previous property had no boundary fence.

It was proposed to change the priority of the junction to address the sight distance problems and provide safe traffic movement through the intersection. The proposed priority being along Hartley Road into/out of the northern leg of Wenlock Street, with the southern leg of Wenlock at its junction with Hartley having to Give Way.

Motion

C090719/1541

That Council:

- 1. approves reconfiguration of the intersection of Hartley Road and Wenlock Street to give priority to traffic travelling on Hartley Road into/out of Wenlock Street (north leg) with installation of a Give Way sign in Wenlock Street (south) as shown in Attachment 1 together with associated line marking and pavement bar median changes; and**
- 2. authorises Administration to advise nearby residents of the proposed changes and to promote the changes via Council's website and social media services.**

Moved Councillor Fleming, Seconded Councillor Clancy

Carried Unanimously

14.3 Pedestrian Improvements – Kibby Avenue, Glenelg North (Report No: 257/19)

The Department for Planning, Transport & Infrastructure (DPTI) contacted Council with a proposal to fund an upgrade to pedestrian infrastructure at Kibby Avenue in proximity of the Glenelg North Community Centre and Baden Pattinson Kindergarten to improve pedestrian safety. Council has previously received concerns about road safety at this location and DPTI have raised the matter as the community have made representations to the local MP Hon Matt Cowdrey, Member for Colton to install improved pedestrian crossing facilities.

DPTI have reviewed pedestrian crossing movements on Kibby Avenue with Council staff. Several safety improvements have been identified as being warranted including installation of a pedestrian refuge on Kibby Avenue, west of Alison Street; kerb extensions and installation of kerb ramps on Goldsworthy

Crescent; and footpath installation and new kerb ramps at a bus stop on Shannon Avenue.

The total project cost is estimated at \$100,000 (ex GST) which DPTI is proposing to fully fund. Council would traditionally cover the costs for any pedestrian crossing or footpath works on a local road and own the infrastructure. For this proposal, Council will undertake local community consultation with nearby residents and community groups at Glenelg North Community Centre and Baden Pattinson Kindergarten. Council will also project manage construction.

Motion

C090719/1542

That Council:

1. **endorses improvements to pedestrian infrastructure on Kibby Avenue, Goldsworthy Crescent and Shannon Avenue at Glenelg North (in proximity of the Glenelg North Community Centre and Baden Pattinson Kindergarten) in partnership with DPTI to improve pedestrian safety;**
2. **authorises the undertaking of community consultation regarding the upgrade, including consultation with nearby residents and community groups at Glenelg North Community Centre and Baden Pattinson Kindergarten;**
3. **notes the overall project cost estimate of \$100,000 (ex GST), which will be fully funded by DPTI and will be added to the 2019/20 Capital Works Program.**

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

14.4 **Review No Right Turn from Beachouse Car Park to Colley Terrace, Glenelg (Report No: 258/19)**

Council at its meeting held on 14 May 2019 carried Motion C140519/1470 *‘That Administration review the current No Right Turn restriction that applies to vehicles exiting the Beachouse Underground Car Park onto Colley Terrace at Glenelg with a view to removing the restriction’.*

This motion followed receipt of a petition signed by 37 residents, many of whom live in the Platinum Apartments which share the same access road as the Beachouse underground car park.

The No Right Turn from the Beachouse car park access to Colley Terrace; and, the Left Turn In/Out only at Augusta Street, were implemented in 2006 when the access road was constructed to improve road safety by reducing the number of conflicting road user movements in this high traffic environment, with frequent bus services and bicycle lanes along both sides of the road and a high number of pedestrian crossing movements.

The report reviewed the road safety implications of reinstating the right turn movement from the Beachouse/Platinum Apartments carpark access road and made recommendations for Council's consideration.

Motion

C090719/1543

That Council:

- 1. retains the existing No Right Turn prohibition from the Beachouse/Platinum Apartments car park access road to Colley Terrace and that traffic movements remain the same as existing; and**
- 2. authorise Administration to publish details of Council's decision and that the Head Petitioner be advised.**

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

14.5 Coastal Council Alliance – Call for Project Committee Nomination (Report No: 265/19)

In November 2018 a project was launched to bring 34 Councils, the Local Government Association (LGA) and the Coast Protection Board (CPB) together under a single Coastal Alliance. Members of the Alliance are proposing a small executive committee of Mayors and/or Elected Member be appointed to provide oversight, guidance and advocacy with the coordination and support of the LGA. It was recommended that a nomination be made to the proposed Inaugural Executive Committee for the Coastal Council Alliance.

Nominations have been called for the membership of inaugural Executive Committee which will comprise two (2) elected representatives from each of the four coastal zones (North, South, West and Metro). If there are more than two nominations from any of the four zones, the project steering committee will make a decision for a way forward.

Motion

C090719/1544

That Council nominate Councillor Miller to be considered for membership of the Executive Committee for the Coastal Council Alliance.

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

14.6 By-Law Review (Report No: 234/19)

Council Report No: 110/19 - meeting held 26 March 2019.

Council's current by-laws cease to operate on 31 December 2019. Hence a new, updated suite of By-laws are required to be put in place for a further period of 7 years, which should commence from 1 January 2020.

Draft By-Laws were prepared by Council's lawyers following internal review by Administration and Council. Following this process, the draft By-laws were

endorsed by Council at its meeting on 26 March 2019. Draft By-Law No's 5 and 6 were then submitted to the Dog and Cat Management Board with draft By-law No's 3 and 4 submitted to the Minister for Transport respectively for review and concurrence as required by legislation.

Following concurrence from these authorities, the By-laws were then presented for public consultation for 21 days.

The draft By-laws were further modified based on community feedback and are now ready for final endorsement by Council. Following Council's resolution, the By-laws are referred to the Legislative Review Committee and if approved, are gazette by publication in the Government Gazette. The By-laws commence operation 4 months from the date of their gazettal.

As Council's existing By-laws expire on 31 December 2019, the new By-Laws need to be gazetted no later than 31 August 2019 to be in effect by 1 January 2020.

Motion

C090719/1545

That Council:

1. **in exercise of the powers contained in Section 246 of the Local Government Act 1999, having satisfied the consultation requirements of the Act and having had regard to the submissions received from the public, the National Competition Policy Report, the Certificates of Validity provided by the Council's legal practitioner and the comments from the Dog and Cat Management Board in relation to By-Laws Number 5 and 6, the majority of Council, in the presence of at least two thirds of its members, hereby makes and passes the following By-laws:**
 - **Permits and Penalties By-law No. 1 of 2019;**
 - **Moveable Signs By-law No. 2 of 2019;**
 - **Local Government Land By-law No. 3 of 2019;**
 - **Roads By-law No. 4 of 2019;**
 - **Dogs By-law No. 5 of 2019; and**
 - **Cats By-law No. 6 of 2019.**
2. **that the Chief Executive officer be authorised to undertake all steps necessary to finalise the By-law review process and to give effect to the newly adopted By-laws.**

Moved Councillor Smedley, Seconded Councillor Lonie

Carried Unanimously

14.7 **Murray Darling Association Membership (Report No: 267/19)**

The Murray Darling Association (MDA) 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 (the Basin) continues as a viable and valuable asset for all.

The City of Holdfast Bay has been a member of the MDA since 1997 as a 'local government entity' member (whole of Council). For the City of Holdfast Bay there is limited tangible benefit to the City's residents of being a member of the MDA however, the membership provides a financial contribution, which allows the MDA to continue its work for the benefit of South Australia as a whole. Council has received letters from Campbelltown City Council and Adelaide Hills Council seeking the support of the City of Holdfast in raising this matter with local State and Federal representatives and encourage joining of the MDA.

Renewal of the 'local government entity' membership for 2019/20 is an estimated cost of \$3,600 (inc GST

Motion

C090719/1546

That Council continues as a 'local government entity' member of the Murray Darling Association (MDA) and nominates Councillor Lindop to vote as a delegate on the Murray Darling Association matters on behalf of Council.

Moved Councillor Bouchee, Seconded Councillor Lonie

Carried

14.8 **Public Interest Disclosure Act – Model Policy and Procedure** (Report No: 240/19)

The *Public Interest Disclosure Act 2018 (the PID Act)* commenced on 1 July 2019 and replaces the *Whistleblowers Protection Act 1992 (the Whistleblowers Act)*. The Whistleblowers Act outlines the framework for the protection of appropriate disclosures about public interest information.

Under the PID Act, Council must within 3 months appoint responsible officers and ensure compliance with the PID Act and Guidelines in relation to:

- the information that needs to be provided to the Office of Public Integrity (OPI); and
- the required action in the event of disclosure.

It is not currently mandatory for Councils to adopt a Public Interest Disclosure Policy or Procedure but it is anticipated it will become mandatory for Council, with a draft Bill being prepared to include Councils. Consequently the Local Government Association (LGA) has recommended that Councils adopt a PDI policy and procedure as a matter of best practice and to reduce the risk on non-compliance with the Act in relation to compliance with timeframes for responding to appropriate disclosures.

The LGA has provided a model policy and procedure. These model documents were amended in red to include the relevant details specific to the City of Holdfast Bay and presented to Council for adoption.

Motion

C090719/1547

That Council adopt the Public Interest Disclosure Policy and the Public Interest Disclosure Procedure.

Moved Councillor Lonie, Seconded Councillor Clancy

Carried Unanimously

15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil

16. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING

Leave of the meeting

Councillor Clancy sought leave of the meeting to raise an item of Urgent Business on the grounds that an upstanding member of the community had passed away. Councillor Clancy wished to acknowledge Marg Trott and her contribution to the community over several years including her involvement with the land at Pine Gully and requested that Administration write to her family as token of appreciation.

Leave of the meeting was granted.

Leave of the Meeting

The Acting Chief Executive Officer sought leave of the meeting to raise an item of Urgent Business on the grounds that he wanted to provide an update to the Council regarding the Buffalo, in confidence at Item 17.2 – Confidential Items.

Leave of the meeting was granted.

17. ITEMS IN CONFIDENCE

**13.2 Confidential Draft Minutes – Alwyndor Management Committee – 20 June 2019
(Report No: 271/19)**

Motion - Exclusion of the Public – Section 90(3)(b) Order C090719/1548

- 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: 271/19 Minutes – Alwyndor Management Committee – 20 June 2019 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: 271/19 Draft Minutes – Alwyndor Management Committee – 21 February 2019 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 and Council 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 Clancy, Seconded Councillor Lonie

Carried

This report was presented following the Alwyndor Management Committee Meetings.

The Alwyndor Management Committee was established to manage the affairs of Alwyndor Aged Care Facility. The Council has endorsed the Committee's Terms of Reference and given the Committee delegated authority to manage the business of Alwyndor Aged Care Facility.

Motion

C090719/1548

- 1. That the draft minutes of the Alwyndor Management Committee meeting held on 20 June 2019 be noted.**
- 2. That having considered Attachment 2 to Report No: 271/19 Draft Minutes – Alwyndor Management Committee – 20 June 2019 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 Clancy, Seconded Councillor Snewin

Carried

RETAIN IN CONFIDENCE – Section 91(7) Order

C090719/1550

- 4. That having considered Attachment 2 to Report No: 271/19 Draft Minutes – Alwyndor Management Committee – 20 June 2019 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 Lindop

Carried

17.2 Buffalo Update

Motion – Exclusion of the Public – Section 90(3)(b, d & h) Order C090719/1551

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: 185/19 Buffalo - Update 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: 185/19 Buffalo - Update 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; or
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, or
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.
 - 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 which has been provided by Mellor Olsson on instructions from 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 Lonie, Seconded Councillor Abley

Carried

RETAIN IN CONFIDENCE – Section 91(7) Order

C090719/1553

That having considered Agenda Item: 17.2 Buffalo Update in confidence under section 90(2) and (3)(b, d & h) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act, orders that any discussion items for Item 17.2 Buffalo Update that pertain to the Licensee, Licence Agreement and/or Commercial Operations be retained in confidence for a period of 24 months with a review after 12 months.

Moved Councillor Lonie, Seconded Councillor Clancy

Carried

CLOSURE

The Meeting closed at 9.24pm.

CONFIRMED Tuesday 22 July 2019

MAYOR