

**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 22 September 2020 at 7:00pm.**

**MEMBERS PRESENT**

Mayor A Wilson  
Councillor R Abley  
Councillor M Bouchee  
Councillor A Bradshaw  
Councillor R Clancy  
Councillor J Fleming  
Councillor C Lindop  
Councillor S Lonie  
Councillor W Miller  
Councillor R Patton  
Councillor J Smedley  
Councillor R Snewin

**STAFF IN ATTENDANCE**

Chief Executive Officer – R Bria  
General Manager City Assets and Services – H Lacy  
General Manager Community Services – M Lock  
General Manager Strategy and Business Services – P Jackson  
General Manager Alwyndor – B Davidson-Park

**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 – Councillor Chabrel
- 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****C220920/2036**

**That the minutes of the Ordinary Meeting of Council held on 8 September 2020 be taken as read and confirmed.**

Moved Councillor Lonie, Seconded Councillor Miller

**Carried Unanimously**

**9. PUBLIC PRESENTATIONS**

- 9.1 **Petitions - Nil**
- 9.2 **Presentations - Nil**
- 9.3 **Deputations - Nil**

**10. QUESTIONS BY MEMBERS****10.1 Without Notice****10.1.1 Toilets in the Dive Shop and Land Management Agreement Enforcement**

Councillor Bouchee asked a question whether the toilets in the dive shop are open or closed and when administration will action the Land Management Agreement.

GM City Assets & Services provided a response.

**10.1.2 Traffic Surveys on Brighton Road**

Councillor Lindop asked a question in relation to a traffic survey being conducted at corner of Wattle and Brighton Road and corner of Keelara and Brighton Road.

General Manager City Assets & Services provided a response.

## 10.2 On Notice

### 10.2.1 Economic Development – Councillor Bouchee (Report No: 296/20)

Councillor Bouchee asked the following questions:

1. **Could the Chief Executive Officer (CEO) please advise how many businesses operate within the City of Holdfast Bay?**
2. **Does the City have the ability to identify how many businesses are operated from home vs built?**
3. **How many businesses within this City have been visited by staff within the Economic Development office in the last 24 months?**
4. **Does the City have an updated email contact list of all businesses?**

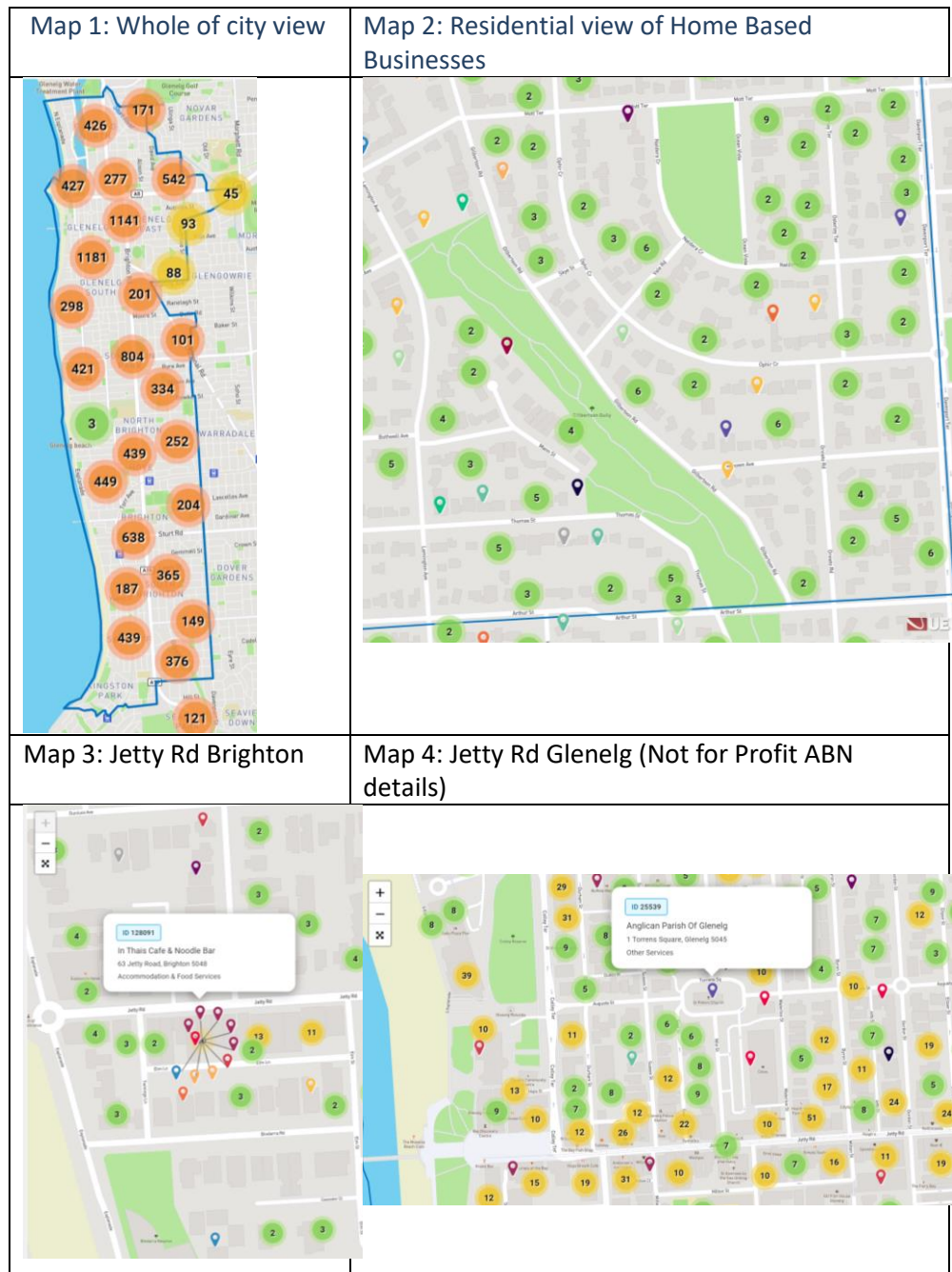
#### **ANSWER – Chief Executive Officer**

1. There are 10,172 registered Australian Business Numbers (ABNs) operating with the City, however that does not mean there are that many physical businesses operating. ABN holders could operate outside the City, may operate home-based businesses, could be dormant or may be part of multi-ABN company structures.

According to the Australian Bureau of Statistics (ABS), there are 3,110 businesses in the City, with Health Care and Social Assistance being the primary employment sector, followed by Accommodation and Food Services, Retail trade in third place and Education and Training and Construction rounding out fourth and fifth places, respectively. It should be noted that the ABS records businesses with over \$75,000 annual turnover.

2. Generally speaking, yes. By way of example, the following maps identify locations of businesses showing both commercial and home based business locations. These maps can be produced for specific suburbs, with certain caveats.

In general, reports of numbers may be able to be generated, depending on the geographic parameters and the information required, however the accuracy may be dependent on what information is available. For example, a general report of numbers of businesses registered by type could be reported with a fair degree of good faith but numbers of businesses by type operating could be problematic, as not all businesses activities need to be registered with Council and not all ABNs registered at an address may operate from there. There are also specific legislative restrictions on use and release of ABN data, so each request for information must be assessed against the legislative requirements and the nature of the data accessible.



3. The Business development Partner has visited 85% of commercial premises within the City within the last 24 months.

The Business Development Partner routinely speaks to an average of 6-8 business by phone daily, in addition to engagement via email enquiries. Topics of engagement include any local business needs and also often include the promotion of support programs such as grants, mentoring and training opportunities.

During COVID-19, the Business Development Partner was routinely contacted by businesses in distress and referred them to support programs, including the Southern Business Mentoring Program.

4. It is not possible to for the City of Holdfast Bay to definitively hold an email contact for every business registered in or operating in the City. Not all businesses are required to register with Council and some business are registered in the City for tax purposes but operate elsewhere.

We have 12,429 emails business emails on the City's database, however, the database does not necessarily include every business registered in or operating in the City. And in some instances, businesses provide the emails of owners, managers, financial officers, tax agents and other relevant contacts, so there may be more than one email contact per business.

Businesses that don't have a contact details in the data base may have:

- changed emails,
- chosen not to provide their details,
- entered their details incorrectly
- may not have updated their ABN for some time,
- may have opted not to be contacted/unsubscribed.

On average the City of Holdfast Bay e-newsletter is sent out every 1-2 months to approximately 3,500 businesses and the open/engagement rate is 28.3%, which is higher than the industry average of around 24-26%.

#### 10.2.2 **Future Events – Councillor Bouchee** (Report No: 297/20)

Councillor Bouchee asked the following questions:

1. **Could the Chief Executive Officer (CEO) please advise if the local churches (previously used as music venues... jazz, classical and brass bands) have been approached or included in strategies for future events?**
2. **Could the CEO please advise if there are any future events planned for the Rotunda?**
3. **Has the Rotunda been assessed as an appropriate site for live music.....ie power...lighting etc.**

#### **ANSWER – Chief Executive Officer**

1. Local churches have not been approached to date as venues for music events. However as we assess the future direction for events and activations in the City due to COVID-19 restrictions, it is intended that these venues will be considered into the future.
2. The Rotunda is predominately booked by external event organisers, hosting sporting events utilising as registration space. There are currently

no future events planned for the Rotunda by external parties, but this is to be expected as COVID-19 has resulted in many events either postponing, cancelling or booking spaces late due to uncertainties around meeting the requirements to hold an event. Administration currently does not have any event plans for The Rotunda.

3. While the Rotunda doesn't have event power within it, there is accessible power close by that can be utilised. The Rotunda is on the State Heritage Register which adds complexities and expenses for staging events such as concerts. It lends itself more to music events that add atmosphere to the area, versus a concert type event due to the size of the available space within it, and the site lines from Colley Reserve.

#### 10.2.3 **Boundary Adjustment Glengowrie – Councillor Clancy** (Report No: 298/20)

Councillor Clancy asked the following questions:

1. **What has Administration done to progress this matter?**
2. **Has Administration considered hiring Glenelg Primary School undercover outdoor area to have a community meeting?**

#### **BACKGROUND**

I have been approached by residents of Glengowrie who are keen to become rate payers in Holdfast Bay wanting to know what is happening.

Glenelg Primary School would provide areas for children to play and for social distancing with Council providing masks and hand sanitiser.

#### **ANSWER – General Manager – Strategy and Business Services**

Administration has been working with the Mayor on the Boundary Reform initiative for Glengowrie. A public meeting had been planned for April 2020 and then again in September 2020. Both times it was decided to postpone the event due to COVID-19 concerns. A future public meeting in Glengowrie is planned for the first quarter of 2021. The meeting will be well publicised in advanced to ensure interested residents will be able to attend.

#### 10.2.4 **Southern Business Mentoring Program** (Report No: 299/20)

Councillor Bradshaw asked the following question:

**Please advise from the 62 businesses who sourced assistance from the Southern Business Mentoring Program to the end of June 2020 how many were in the Seacliff Ward?**

#### **BACKGROUND**

The Southern Business Mentoring Program is available to all businesses in Holdfast Bay Council.

The program offers one hour one-on-one consultations, via electronic devices with a variety of business advisors.

**ANSWER – General Manager – Strategy and Business Services**

From the 62 businesses who sourced assistance from the Southern Business Mentoring Program to the end of June 2020 18 were from suburbs within the Seacliff Ward.

**11. MEMBER'S ACTIVITY REPORTS - Nil**

**12. MOTIONS ON NOTICE**

**12.1 Motion on Notice – Jimmy Melrose Commemorative Artwork – Councillor Miller (Report No: 294/20)**

**Motion**

**C220920/2037**

Councillor Miller proposed the following motion:

**That Administration:**

- 1. provide a report into installing a new work of public art commemorating former resident Jimmy Melrose at the intersection of the Esplanade and Kent Street; and**
- 2. that the report be brought back to Council no later than March 2021.**

Moved Councillor Miller, Seconded Councillor Snewin

**Carried Unanimously**

**BACKGROUND**

The current mosaic for Jimmy Melrose is in a state of disrepair and difficult to identify as a commemorative piece to this significant Aviation Pioneer.

Public Art graces many places along the Esplanade, and this particular spot requires some attention. The piece unfortunately has vehicular track marks, cracked tiles, and bares a minimal connection Jimmy Melrose unless you were alerted to the fact.

**12.2 Motion on Notice – Wigley Reserve Lighting – Councillor Smedley (Report No: 295/20)**

**Motion**

**C220920/2038**

Councillor Smedley proposed the following motion:

**That Administration investigate and report back to Council by the end of November 2020 with options and costs for the installation of recreational lighting at Wigley Reserve.**

**Such information would be used to inform capital works Budget 21/22 discussions.**

Moved Councillor Smedley, Seconded Councillor Abley

**Carried Unanimously**

### **BACKGROUND**

Wigley Reserve is a popular recreation reserve at the corner of Anzac Highway and Adelphi Terrace which is well used by the community for recreational activities including, family play, picnicking, walking the dog and exercise activities.

While patronage is strong during daylight hours, as the shorter winter days close in, its utility for the community reduces.

The intention of this motion is to investigate the opportunity of providing recreational grade lighting for a portion of the reserve, Monday to Friday until say 7.30 or 8pm which would allow working women and men, as well as their children the opportunity to maintain fitness and exercise or simply get some fresh air, in a safe, well-lit environment.

It is envisaged that the lighting would not necessarily cover the entire reserve, but be best positioned to provide an adequately lit area for the above purposes and perhaps also improve the utility of the soon to be installed passive exercise facility and playground.

Where possible the lighting could be installed in the Norfolk Pine tree line to minimise visual impact and mitigate the impact of light spill on surrounding residences and apartments.

If supported by Council, it is hoped that a concept plan might be developed from the report, facilitating community consultation ahead of the next budget round.

### **13. ADJOURNED MATTER - Nil**

### **14. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES**

#### **14.1 Draft Minutes – Alwyndor Management Committee – 20 August 2020 (Report No: 273/20)**

The draft minutes of the Alwyndor Management Committee meeting held on 20 August 2020 were provided for information.

#### **Motion**

**C220920/2039**

- 1. That the draft minutes of the Alwyndor Management Committee meeting held on 20 August 2020 be noted.**

#### **RETAIN IN CONFIDENCE – Section 91(7) Order**

- 2. That having considered Attachment 2 to Agenda Item 14.1 - Report No: 273/20 Draft Minutes – Alwyndor Management Committee – 20 August**



**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 Lonie, Seconded Councillor Fleming **Carried Unanimously**

14.2 **Minutes – Audit Committee – 9 September 2020** (Report No: 277/20)

The public minutes of the meeting of the Audit Committee held 9 September 2020 were presented to Council for information and endorsement.

**Motion**

**C220920/2040**

**1. That Council notes the public minutes of the meeting Audit Committee of 9 September 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 Whistle Blowing**
- **Economy and Efficiency audits**
- **Audit Committee Schedule**

**(b) That the Audit Committee recommended the revised Prudential Management Policy to Council for approval.**

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

14.3 **Minutes – Jetty Road Mainstreet Committee – 2 September 2020** (Report No: 268/20)

The Minutes of the Jetty Road Mainstreet Committee meeting held on 2 September 2020 were attached and presented for Council's information.

**Motion**

**C220920/2041**

**That Council notes the minutes of the Jetty Road Mainstreet Committee of 2 September 2020.**

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

Councillor Abley left the meeting at 7.19pm.

**15. REPORTS BY OFFICERS**

15.1 **Items in Brief** (Report No: 291/20)

The item was presented for the information of Members.

**Motion**

**C220920/2042**

**That the following item be noted and discussed:**

**1. Grant Funding Agreement Extension**

Moved Councillor Clancy, Seconded Councillor Bouchee

**Carried Unanimously**

Councillor Abley re-joined the meeting at 7.20pm.

**15.2 Nominations Sought for the Dog and Cat Management Board (Report No: 272/20)**

The Dog and Cat Management Board is established by the Dog and Cat Management Act 1995.

The Local Government Association (LGA) sought nominations from a suitably qualified council member or employee of the Council to fill a position on the board for a term of three years, commencing immediately upon appointment by the Minister.

Any members who wished to be nominated needed to have their nomination endorsed by Council prior to submission to the Local Government Association. If Council did not have a nominee it may just note the report.

**Nominations**

Her Worship the Mayor called for nominations.

Nominations were received for Councillor Fleming and Councillor Lindop for one vacancy. A secret ballot was conducted by the General Manager Strategy and Business Services, Ms P Jackson.

Her Worship the Mayor announced that Councillor Fleming had been selected for the nomination and was included in the Council's resolution.

**Conflict of Interest**

Councillor Fleming declared a material conflict of interest for Item 15.2 Nominations Sought for the Dog and Cat Management Board (Report No: 272/20) before the vote. The nature of the material conflict of interest (pursuant to Section 74 of the *Local Government Act 1999*) is that if successful she would receive a sitting fee.

Councillor Fleming dealt with the conflict of interest by making it known and leaving the meeting at 7.26pm.

**Motion**

**C220920/2043**

**That Council nominates Councillor Fleming for consideration as a Member on the Dog and Cat Management Board.**

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

Councillor Fleming re-joined the meeting at 7.26pm.

Councillor Clancy sought leave of the meeting at Item 15.3 Footpath Encroachment – Purchase of Land – Portion of 15 Pine Avenue, Kingston Park ( Report No: 260/20) into confidence.

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

Councillor Lonie left the meeting at 7.26pm

Councillor Lonie re-joined the meeting at 7.27pm

**15.3 Footpath Encroachment – Purchase of Land – Portion of 15 Pine Avenue, Kingston Park (Report No: 260/20)**

Council has considered this matter on a number of occasions. The purpose is to resolve an encroachment of Council's footpath onto the private allotment. At its meeting on 23 June 2020, Council resolved to purchase a portion of land approximately 11.84m<sup>2</sup> in area being along the frontage of 15 Pine Ave for a purchase price of \$13,000. Council resolved not to include provision of a driveway crossover as part of its offer.

Council's offer was advised to the property owner via his representative. After consideration the property owner requested a counter offer be made to Council. The revised offer is based on:

1. changing the shape of the area to be sold (refer updated plan in Attachment 1) which reduces the area to be sold to 8.8m<sup>2</sup>;
2. maintaining the offer price of \$13,000 plus GST for the reduced area of land (Council to pay survey, transfer & registration costs); and
3. including the construction of a driveway crossover to service the property.

This report recommended that Council proceed with the purchase of the revised encroachment area based on the terms offered by the landowner.

The estimated cost of the counter offer is \$13,000 (plus GST) for reduce area of land (approx. 8.8m<sup>2</sup>), \$1,500 for a driveway crossover and approximately \$7,000 transaction costs (ie conveyancing, road opening costs, etc) giving a total cost of approximately \$21,500 (plus GST). This amount is within the \$25,000 budget authorisation previously approved by Council.

**Motion – Exclusion of the Public – Section 90(3)(a)**

**C220920/2044**

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: 260/20 Footpath Encroachment – Purchase of Land – Portion of 15 Pine Avenue, Kingston Park 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: 260/20 Footpath Encroachment – Purchase of Land – Portion of 15 Pine Avenue, Kingston Park 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 this Agenda Item is information the disclosure of which would involve je unreasonable disclosure of information concerning the personal affairs of any person (living or dead).**
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 Abley

**Carried Unanimously**

Council came out of confidence at 7.58pm.

**Motion**

**C220920/2045**

**That Council:**

1. **approve purchase of an amended parcel of land being approximately 8.8m2 in area along the frontage of 15 Pine Ave Kingston Park (as per updated drawing in Attachment 1), at a cost of \$13,000 (plus GST);**
2. **approve the construction of a driveway crossover as part of the negotiated sale arrangements at an estimated cost of \$1,500;**
3. **note that Council will be responsible for all transactional costs (eg conveyancing, road opening process, etc) estimated at approximately \$7,000;**
4. **authorise the Mayor and Chief Executive Officer to affect the land purchase, affix the Seal and sign any associated documentation;**
5. **subject to transfer of the subject land, approve a road opening in accordance with Roads (Opening and Closing) Act 1991;**
6. **approve additional capital expenditure of up to \$21,500 for the purchase of the land and associated costs; and**
7. **note this negotiation is the correction of a planning anomaly and does not set a future precedent.**

Moved Councillor Lonie, Seconded Councillor Bradshaw

**Carried Unanimously**

- 15.4 **Election to Greater Adelaide Regional Organisation of Councils (GAROC) Regional Grouping West for Two Vacancies 2020-2022 (Report No: 289/20)**

This report was an update to the previous report to Council on 11 August 2020 (Item 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). Council resolved to nominate Mayor Wilson for the City of Holdfast Bay to the West Regional Grouping.

Council received correspondence from the LGA that there were four (4) nominations received for the West Regional Grouping, including Mayor Wilson's nomination. The election for the two (2) vacancies is the next step.

Following the Council decision, Administration will return the marked ballot papers before the closing date of 5pm on Monday 19 October 2020.

### **Nominations**

Her Worship the Mayor called for nominations.

Nominations were received for Mayor Michael Coxon and Mayor Angela Evans for one vacancy. A secret ballot was conducted by the General Manager Strategy and Business Services, Ms P Jackson.

Councillors Snewin, Abley, Clancy, Miller and Her Worship the Mayor left the meeting at 8.00pm.

Councillors Abley and Her Worship the Mayor re-joined the meeting at 8.01pm.

Councillors Clancy and Miller re-joined the meeting at 8.02pm.

Councillor Snewin re-joined the meeting at 8.03pm.

Her Worship the Mayor announced that Mayor Michael Coxon had been selected for the nomination and was included in the Council's resolution.

### **Motion**

**C220920/2046**

**Council resolves that it wishes to elect Mayor Amanda Wilson and Mayor Michael Coxon to fill the two (2) vacancies on the West Regional Grouping on the Greater Adelaide Regional Organisation of Councils (GAROC) and requests the Deputy Mayor to mark the Ballot Paper accordingly.**

Moved Councillor Lonie, Seconded Councillor Lindop

**Carried Unanimously**

### **15.5 Monthly Financial Report – 31 August 2020 (Report No: 274/20)**

Attached were financial reports as at 31 August 2020. They comprised a Funds Statement and a Capital Expenditure Report for Council's municipal activities and Alwyndor Aged Care. The adjusted forecast budget included the carried forward amount as approved by Council 11 August 2020.

As this report was for the first 2 months, there were no changes to the Alwyndor and Municipal budgets other than the approved carried forwards. The report highlighted Council's decisions that will affect the budget and these will be included in the first quarterly budget review report in October.

**Motion****C220920/2047**

**That Council receives the financial reports and budget update for the 2 months to 31 August 2020 and notes:**

- **no change to the Municipal activities 2020/21 budget forecast other than the approved carried forward budgets;**
- **no change to the Alwyndor Aged Care 2020/21 budget forecast; and**
- **that Council approved 2020/21 budget variations will be included in the first budget update as at 30 September 2020.**

Moved Councillor Abley, Seconded Councillor Smedley

**Carried Unanimously**15.6 **Policy Review – Prudential Management** (Report No: 279/20)

A Prudential Review Policy was approved on 13 March 2018. While a policy review was not due until March 2021, the Policy was reviewed early at the request of the Audit Committee.

The Policy was tabled at the Audit Committee meeting of 25 May and feedback provided by Audit Members for consideration. Administration considered the feedback and the Policy was tabled and endorsed by the Audit Committee on 9 September 2020.

**Motion****C220920/2048**

**That Council endorse and approve the revised Prudential Management Policy.**

Moved Councillor Smedley, Seconded Councillor Snewin

**Carried Unanimously**15.7 **Appointments to Australia Day Awards Selection Panel** (Report No: 281/20)

This report sought endorsement for the nomination of two (2) Elected Members to sit on the Australia Day Awards Selection Panel, commencing immediately until the end of the Council term.

The Selection Panel will consist of the Mayor, two (2) Elected Members, and Chief Executive Officer supported by Council Administration.

**Nominations**

Her Worship the Mayor called for nominations.

Nominations were received for Councillor Lonie and Councillor Bradshaw for two vacancies.

Her Worship the Mayor announced that Councillor Lonie and Councillor Bradshaw had been selected for the nomination and was included in the Council's resolution.

**Motion****C220920/2049**

**That Council appoints Councillors Lonie and Bradshaw to be the two (2) Elected Members to reside on the Australia Day Awards Selection Panel, commencing immediately until the end of the Council term.**

Moved Councillor Miller, Seconded Councillor Lindop

**Carried Unanimously**15.8 **Bouldering Wall Proposal – Update** (Report No: 283/20)

In 2018, it was proposed that Administration consider the construction of a bouldering wall to be built within the Pump Track Reserve at Brighton, with preliminary investigations undertaken. In May 2019, it was resolved to proceed with community engagement at Patawilya and Wattle Reserves and the Cedar Avenue rail corridor to determine a preferred site and to consider the bouldering structure in the 2020/21 budget with all sites investigated for suitability.

Prior to engagement, all of these sites were further investigated for suitability and the bouldering structure was proposed in conjunction with the bike jump line proposal on Cedar Avenue to co-locate the two recreation assets, creating a hub. Through the next steps of planning and site analysis, the bouldering structure was removed from the site plans to maximise the space for the jump line track design. Community engagement then focused on the jump line proposal only.

A suitably designed and appropriately located bouldering structure has merit in the City of Holdfast Bay. Future sites may be investigated within the future open space and playspace planning. The final designs would need endorsement from the Local Government Mutual Liability Scheme (LGAMLS).

**Motion****C220920/2050****That Council endorse:**

- 1. no further investigation or engagement be undertaken on a proposed bouldering structure, however, consideration be given in future open space and playspace planning via the annual budget and appropriateness of the location; and**
- 2. the Cedar Avenue rail corridor not be considered further as a location for a bouldering structure.**

Moved Councillor Snewin, Seconded Councillor Fleming

**Carried Unanimously**15.9 **Draft Volunteer Policy** (Report No: 285/20)

Administration submitted Item 15.5, Report No: 241/20 Council Policy Review to Council at its meeting on 25 August 2020.

The Volunteer Policy was presented for endorsement, however due to further considerations raised by members on the Volunteer Policy, feedback was received

and amendments where appropriate incorporated into the updated Volunteer Policy for Council review.

**Motion**

**C220920/2051**

**That Council endorse the updated Volunteer Policy as per the revised version tabled.**

Moved Councillor Clancy, Seconded Councillor Lonie

**Carried Unanimously**

15.10 **Election of Local Government Authority President** (Report No: 287/20)

The Local Government Authority (LGA) of South Australia previously asked councils to nominate for the position of LGA president. Three (3) nominations were received by the LGA, so an election will now take place. A copy of each candidate's information is provided for Council to determine by resolution which candidate it wishes to vote for.

Following the Council decision, Administration will return the marked ballot papers before the closing date of 5pm on Monday 19 October 2020.

**Nominations**

Her Worship the Mayor called for nominations.

Nominations were received for Mayor Angela Evans for one vacancy.

Her Worship the Mayor announced that Mayor Angela Evans had been selected for the nomination and was included in the Council's resolution.

**Motion**

**C220920/2052**

**That Council elect Mayor Angela Evans as their vote for the LGA President and delegate for Administration to mark the ballot paper with the vote, and return the ballot paper to the Returning Officer.**

Moved Councillor Bouchee, Seconded Councillor Clancy

**Carried Unanimously**

15.11 **New Lease – Somerton Park Tennis Club** (Report No: 269/20)

For a considerable period, Somerton Park Tennis Club (Club) has held a non-exclusive licence over a portion of Paringa Reserve comprising the community tennis courts and adjoining clubrooms, toilets and shed (Licence Area) for the purpose of tennis coaching, playing and associated activities for the benefit of the general community.

The previous licence agreement expired on 28 February 2019 and Somerton Park Tennis Club has since occupied the said land on a holding over basis. Administration has been in discussions with the Club regarding a new licence and has determined that whilst the Club has non-exclusive use of the community tennis courts, the Club enjoys exclusive use of the land comprising the clubrooms, toilets and shed.



Accordingly, it was recommended that Council enter into a formal lease with the Club over that portion of Paringa Reserve comprising the clubrooms, toilets and shed adjoining the community tennis courts for a term of five (5) years commencing on 1 March 2019 and that the Club is granted a non-exclusive licence over the community tennis courts by way of a special condition in the proposed Lease.

**Motion**

**C220920/2053**

**That Council:**

- 1. enters into a Lease with Somerton Park Tennis Club over that portion of Paringa Reserve comprising the clubrooms, toilets and shed (marked in red as per drawing in Attachment 1 to this report) based on terms and conditions generally contained in the Sporting and Community Leasing Policy and this report for a term of five (5) years commencing on 1 March 2019;**
- 2. that the said Lease contain a special condition granting Somerton Park Tennis Club a non-exclusive licence over that portion of Paringa Reserve comprising the community tennis courts (marked in yellow as per drawing in Attachment 1 to this report) for the same term as the Lease;**
- 3. that an annual rent of \$666.68 (plus GST) be payable from 1 March 2019, increasing by CPI in respect of the year commencing 1 March 2020 and thereafter increasing \$130 annually as set out in the Rent Review section of the table contained in this report; and**
- 4. that the Mayor and Chief Executive Officer be authorised to execute and seal any documents required to give effect to this lease and licence.**

Moved Councillor Fleming, Seconded Councillor Clancy

**Carried**

**15.12 Election for the Local Government Finance Authority (Report No: 292/20)**

This report was an update to the previous report to Council on 28 July 2020 (Item 15.7 –Attendance at the Local Government Finance Authority AGM, Board Nominations and Calling Notices of Motions - Report no: 210/20). Council resolved to nominate Councillor Smedley as a representative of the Board of Trustees for the Local Government Finance Authority.

Council has received correspondence from the Local Government Finance Authority (LGFA) that there were nine (9) nominations received for the two (2) representative board member positions, including Councillor Smedley's nomination. The election for the two (2) vacancies is the next step.

Following the Council decision, Administration will return the marked ballot papers before the closing date of 5pm on Friday 16 October 2020.

**Nominations**

Her Worship the Mayor called for nominations.

Nominations were received for Sotirios Stuppos and Charles Mansueto for one vacancy. A secret ballot was conducted by the General Manager Strategy and Business Services, Ms P Jackson.

Her Worship the Mayor announced that Charles Mansueto had been selected for the nomination and was included in the Council's resolution.

### **Conflict of Interest**

Councillor Smedley declared a material conflict of interest for Item 15.12 Election for The Local Government Finance Authority (Report No: 292/20) before the vote. The nature of the material conflict of interest (pursuant to Section 74 of the *Local Government Act 1999*) is that the position is a paid position. This could not be verified on the night, however Councillor Smedley chose to continue to declare a conflict.

Councillor Smedley dealt with the conflict of interest by making it known and leaving the meeting at 8.25pm.

### **Motion**

**C220920/2054**

**That Council resolves it wishes to elect Councillor John Smedley and Charles Mansueto as a representative of the Board of Trustees for the Local Government Finance Authority (LGFA) and the Mayor is to mark on the Ballot Paper accordingly (as representative to the LGFA AGM).**

Moved Councillor Clancy, Seconded Councillor Miller

**Carried Unanimously**

Councillor Smedley re-joined the meeting at 8.26pm.

### **15.13 Summary of 2019-20 Community Donations Program (Report No: 280/20)**

Council provides an annual budget of \$50,000 for the Community Donations Program, Youth Achievement Sponsorship Funding and Community Chest Donations. In the 2019-20 financial year \$35,000 was allocated to the Community Donations Program to support local clubs, groups, artists, schools and organisations in a range of areas. The program is designed to support and encourage community initiatives and projects within the City of Holdfast Bay. An allocation of \$15,000 was provided to the Community Chest and Youth Sponsorship fund. The Community Donations program consists of three (3) categories: Community Recreation and Wellbeing Donations, Events and Festivals Donations and Arts and Cultural Donations.

### **Motion**

**C220920/2055**

**That Council notes the summary report of the 2019-20 funding program.**

Moved Councillor Patton, Seconded Councillor Abley

**Carried Unanimously**

### **15.14 Appointment to the Community Donations Assessment Panels (Report No: 278/20)**

This report seeks endorsement for nominations from Elected Members for the Community Donations Program Assessment Panels. There are two (2) panels, each overseeing the assessment of the Community Recreation and Wellbeing Donations, Events and Festivals Donations and Arts and Cultural Donations. Panels will consist of Council staff, interested stakeholders with a level of expertise in a grant category and an Elected Member.

### **Nominations**

Her Worship the Mayor called for nominations.

Nominations were received for Councillor Patton to assess the distribution of Community Recreation and Wellbeing Donation Funds and Councillor Miller to assess the distribution of Events and Festivals Donations Funds, and Arts and Cultural Donations Funds.

Her Worship the Mayor announced that Councillors Patton and Miller had been selected for the nominations and were included in the Council's resolution.

#### **Motion**

**C220920/2056**

#### **That Council nominates:**

1. **Councillor Patton to assess the distribution of Community Recreation and Wellbeing Donations Funds.**
2. **Councillor Miller to assess the distribution of Events and Festivals Donations Funds, and Arts and Cultural Donations Funds.**

Moved Councillor Snewin, Seconded Councillor Lindop

**Carried Unanimously**

#### **16. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil**

#### **17. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING**

Her Worship the Mayor sought leave of the meeting to consider an item of urgent business. Leave of the meeting was granted.

#### **Motion**

**C220920/2057**

Councillor Clancy moved that Council places an advertisement in the Advertiser to commemorate the passing of the former Mayor of Brighton, Ian MacLeod.

Moved Councillor Clancy, Seconded Councillor Lindop

**Carried Unanimously**

#### **18. ITEMS IN CONFIDENCE**

##### **18.1 Minutes – Audit Committee Meeting – 9 September 2020 (Report No: 278/20)**

#### **Motion – Exclusion of the Public – Section 90(3)(d)**

**C220920/2058**

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: 278/20 Minutes - Audit Committee Meeting – 9 September 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: 278/20 Minutes – Audit Committee Meeting – 9 September 2020 on the following grounds:
  - d. pursuant to Section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; 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.
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 Lindop

Carried Unanimously

RETAIN IN CONFIDENCE - Section 91(7) Order

C220920/2059

That having considered Agenda Item 18.1 Minutes – Audit Committee Meeting – 9 September - Report No 278/20 in confidence under Section 90(2) and (3)(d) of the *Local Government Act 1999*, the Council, pursuant to Section 91(7) of that Act orders that the report and attachments, be retained in confidence for a period of six months and the Chief Executive Officer is authorised to release the documents when the Audited Financial Statements are presented to Council.

Moved Councillor Smedley, Seconded Councillor Snewin

Carried Unanimously

Councillor Bradshaw left the meeting at 8.45pm.

Councillor Bradshaw re-joined the meeting at 8.49pm.

18.2 **Tender Exemption Request – Supply of Asphalt Services** (Report No: 275/20)

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

C220920/2060

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: 275/20 - Tender Exemption Request - Supply of Asphalt Services 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: 275/20 - Tender Exemption Request - Supply Of Asphalt Services 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;  
proposing to conduct 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.

- 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;  
to confer a commercial advantage on a third party being a competitor.

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 Miller

Carried Unanimously

RETAIN IN CONFIDENCE - Section 91(7) Order

C220920/2061

That having considered Agenda Item 18.2 Report No: 275/20 - Tender Exemption Request - Supply of Asphalt Services in confidence under Section 90(2) and (3)(b) & (d) of the *Local Government Act 1999*, the Council, pursuant to Section 91(7) of that Act orders that the report and attachments be retained in confidence for a period of 18 months and that the Chief Executive Officer is authorised to release the documents at the conclusion of that period and that this order be reviewed every 12 months.

Moved Councillor Clancy, Seconded Councillor Lindop

Carried Unanimously

18.3 **Late Contract Claim** (Report No: 276/20)

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

C220920/2062

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: 276/20 - Late Contract Claim 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: 276/20 - Late Contract Claim 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  
could 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.

- h. pursuant to Section 90(3)(h) of the Act, the information to be received, discussed or considered in relation to this Agenda Item includes legal advice.
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 Lindop **Carried Unanimously**

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

**C220920/2063**

That having considered Agenda Item 18.3 Report No: 276/20 Late Contract Claim in confidence under section 90(2) and (3)(b) & (h) 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 following resolution of the contractual dispute and the Chief Executive Officer is authorised to release the documents (excluding the Attachments) after that time and that this order be reviewed every 12 months.

Councillor Lindop left the meeting at 8.54pm.

Councillor Lindop re-joined the meeting at 8.56pm.

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

18.4 **New Management Agreement – Brighton Caravan Park** (Report No: 288/20)

**Motion – Exclusion of the Public – Section 90(3)(d)&(k)**

**C220920/2064**

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: 288/20) New Management Agreement – Brighton Caravan Park 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: 288/20 New Management Agreement – Brighton Caravan Park on the following grounds:
  - d. pursuant to Section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to Report No: 288/20 New Management Agreement – Brighton Caravan Park 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.

- k. pursuant to 90(3)(k) of the Act, the information to be received, discussed or considered in relation to Report No: 288/20 New Management Agreement – Brighton Caravan Park 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 and discussion confidential.

Moved Councillor Clancy, Seconded Councillor Miller

Carried Unanimously

RETAIN IN CONFIDENCE - Section 91(7) Order

C220920/2065

Having considered Agenda Item 18.4, New Management Agreement – Brighton Caravan Park in confidence under section 90(2) and (3)(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 be retained in confidence for a period of 24 months and that the Chief Executive Officer is authorised to release the documents prior to that time if and when all parties to the contract have provided their consent.

This order is subject to section 91(8)(b) of the Act which provides that details of the identity of the successful tenderer must be released once Council has made a selection.

Moved Councillor Lindop, Seconded Councillor Bradshaw

Carried Unanimously

18.5 **Unsolicited Proposal – Proposed Activation (Report No: 293/20)**

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

C220920/2066

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: 293/20 Unsolicited Proposal – Proposed 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: 293/20 Unsolicited Proposal – Proposed Activation on the following grounds:



- k. pursuant to Section 90(3)(k) of the Act, the information to be received, discussed or considered in relation to this Report No: 293/20 Unsolicited Proposal – Proposed Activation are tenders for the provision of café services.
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 Lindop

Carried Unanimously

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

**C220920/2067**

That having considered Agenda Item 18.5 Unsolicited Proposal – Proposed Activation in confidence under Section 90(2) and (3)(k) 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 and the Chief Executive Officer is authorised to release the documents when the lease has ended, and that this order be reviewed every 12 months.

This order is subject to Section 91(8)(b) of the Act which provides that details of the identity of the successful tenderer must be released once Council has made a selection. In addition, Section 91(8)(b)&(a) of the Act requires details of the amount(s) payable by the Council under a contract for the provision of café services must be released once the contract has been entered into by all concerned parties.

Moved Councillor Patton, Seconded Councillor Abley

Carried

**CLOSURE**

The Meeting closed at 9.15 pm.

**CONFIRMED**

**13 October 2020**

**MAYOR**