

**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 Wednesday 27 January 2021 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**

Chief Executive Officer – R Bria  
General Manager City Assets and Services – H Lacy  
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 7.02pm.

**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. SERVICE TO COUNTRY ACKNOWLEDGEMENT**

The City of Holdfast Bay would like to acknowledge all personnel who have served in the Australian forces and services, including volunteers, for our country.

**4. PRAYER**

Her Worship the Mayor requested all present to pray and read the following Prayer:

Heavenly Father, we pray for your presence and guidance at our Council Meeting.

Grant us your wisdom and protect our integrity as we carry out the powers and responsibilities entrusted to us on behalf of the community that we serve.

## 5. APOLOGIES

- 5.1 Apologies Received - Nil
- 5.2 Absent - Nil

## 6. ITEMS PRESENTED TO COUNCIL - Nil

## 7. DECLARATION OF INTEREST

Members were reminded to declare their interest before each item.

## 8. CONFIRMATION OF MINUTES

### Motion

**C270121/2181**

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

Moved Councillor Lonie, Seconded Councillor Miller

**Carried Unanimously**

## 9. PUBLIC PRESENTATIONS

### 9.1 Petitions

#### 9.1.1 Subdivision of the Grassed Area of Dover Square Reserve, South Brighton (Report No: 25/21)

A conforming petition was received from Ms Amanda Kemperman of 8 Comley Street Brighton, SA 5048. Ms Kemperman lodged this petition on behalf of the 'Friends of Dover Square Dogs' Facebook group. There were 191 conforming signatures and the petition stated:

*"In August 2020 the City of Holdfast Bay conducted a community consultation with users of the Dover Square Reserve. An email was sent on 12 November 2020 by Julia Wallace, Team Leader Sport & Recreation Planning and stating:*

*-The results of the community engagement were considered at council on Tuesday 10 November 2020. Council resolved to proceed with a two-stage approach to upgrade Dover Square Reserve.*

*-The first stage, 'Stage 1' will include minor reserve improvements by extending the internal playspace fence line to increase the play space area for the inclusion of open grassed area and to ensure access can be made directly to the play space from the external boundary. In addition, landscaping works, turf upgrades to high traffic areas and the inclusion of additional amenities such as a water fountain and shelter will be undertaken.*

*-The second stage is the potential opportunity to connect the reserve to the Almond Grove, however this is yet to be investigated. If determined feasible, 'Stage 2' will be subject to further consultation and funding.*

*The attached petitioners (194) and 'Friends of Dover Square Dogs' facebook group (145) are in support of all planned improvements and are opposed to and have concerns about fencing off the grassed area (North to South of the reserve) and we are requesting an amendment to the proposed plan.*

*The results of the above-mentioned community engagement in 2020 showed:*

*-Almost half (45%) of those surveyed were in support of Option D however, Council has decided on Option C which, was only supported by 20% of those surveyed.*

*-Almost 60% (56) of reserve users have dogs accompany them.*

*-Only 4% (7 out of 191) of people reported dogs as a problem and as a reason they don't visit the reserve.*

*Council has said they want to make the reserve more 'equitable' however, we question this need and add:*

*-This is the only option available to most park users with a dog in the surrounding area.*

*-The beach is not a safe or viable alternative: not fully fenced, inaccessible to older people or people with physical ability issues and has a high volume of users during off-leash times which is overwhelming to many.*

*-Increased development means dog numbers will only increase.*

*-The current grassed area is fully utilised at different times (especially winter with reduced daylight hours) and is essential to be able to maintain the wellbeing and safety of different dogs and user groups.*

*-There are plenty of other play spaces locally for all other activities such as Scarborough Terrace Reserve (next to Patrilli Wines), a four-minute walk from Dover Square Reserve and multiple others.*

*-The City has 4,600 dogs registered that need to be planned for and we have no designated dog park. Dogs are residents of the City of Holdfast and need to be considered and planned for.*

*-The dog community is an incredible community asset who creates a significant contribution to the health and wellbeing of the City and Council should support them.*

*-The fencing will be a substantial cost and funds would be better spent on a walking path as requested.*

*As a rate payer and regular local reserve user I and my fellow residents wish to instigate this petition and be heard at the next Council meeting."*

**Motion**

**C270121/2182**

**That Council note the Petition from Ms Amanda Kemperman regarding sub-division of the grassed area of Dover Square Reserve, South Brighton.**

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

**9.1.2 Seaside Court, 42 Jetty Road Brighton, Impaired Vision when Exiting Driveway, Left onto Jetty Road Brighton (Report No: 31/21)**

A petition was received from Ms Karen Donaldson of Seaside Court, 42 Jetty Road Brighton. Ms Donaldson lodged the petition on behalf of all residents at the same address. There were 12 signatories and the petition stated:

*"I Karen Donaldson of Seaside Court, 42 Jetty Road Brighton, along with the undersigned residents of the same address, request that the City of Holdfast Bay give consideration to placing signage, SMALL CAR ONLY or MOTOR CYCLES ONLY on the first car park on the Western side of Seaside Court to enable clearer vision for drivers when departing the premises. Together with large cars and a large tree, it is extremely difficult to leave the driveway safely with vision being severely obstructed when turning left into Jetty Road, Brighton."*

**Motion**

**C270121/2183**

**That Council note the petition from Ms Donaldson regarding obscured vision when exiting left from the driveway at Seaside Court, 42 Jetty Road Brighton.**

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

**9.2 Presentations - Nil**

**9.3 Deputations**

**9.3.1 Returned Services League, South Australia (RSL SA) – Mr Bill Denny and Mr Barry Heffernan**

*Mayor Wilson approved a deputation from Mr Bill Denny on behalf of RSL SA and Mr Barry Heffernan on behalf of the William Kibby VC Men's Shed regarding the Proposed Memorial to Honour Squadron Leader Robert Wilton Bungey.*

9.3.2 **Ms Amanda Kemperman**

*Mayor Wilson approved a deputation from MS Amanda Kemperman regarding the sub-division of the grassed area of Dover Square Reserve, South Brighton.*

**10. QUESTIONS BY MEMBERS**

10.1 **Without Notice**

10.1.1 **Jayco Promotion**

Councillor Bradshaw asked a question in relation to receiving a report on the Jacyo promotion outcomes.

Chief Executive Officer provided a response.

10.1.2 **Variable Messaging Signage (VMS) on the Esplanade**

Councillor Miller asked a question in relation to the continuation of the VMS COVID-19 signage on the Esplanade.

Chief Executive Officer provided a response.

10.1.3 **Media Policy**

Councillor Bouchee asked a question in relation to the policy regarding Elected Members making comments to the media.

Her Worship the Mayor provided a response.

10.2 **With Notice - Nil**

**11. MEMBER'S ACTIVITY REPORTS**

11.1 **Councillor Lindop's Activity Report for July 2020 – December 2020 (Report No: 23/21)**

Presented for the information of Members is the Activity Report for Councillor Lindop for July 2020 – December 2020

**Motion**

**C270121/2184**

**That Councillor Lindop's Activity Report for July 2020 to December 2020 be received and noted.**

Moved Councillor Lindop, Seconded Councillor Lonie

**Carried Unanimously**

**Leave of the Meeting**

Her Worship the Mayor sought leave of the meeting to move Item 15.2 Proposed Memorial to Honour Squadron Captain Robert Wilton Bungey to be considered after Item 11.1.

Leave of the meeting was granted.

**15.2 Proposed Memorial to Honour Squadron Leader Robert Wilton Bungey (Report No: 20/21)**

This report investigated the proposed memorial to honour Squadron Leader Robert Wilton Bungey, including liaison with the Department of Veterans Affairs and the Office of Australian War Graves. Administration has investigated and made the following recommendations.

**Motion****C270121/2185****That Council endorses:**

- 1. the construction of a bronze plaque memorial dedicated to Squadron Leader Robert Wilton Bungey be placed along the Esplanade coast park to the south of Phillipps Street, Somerton Park;**
- 2. funds of \$2,000 be allocated in the 2021/22 to undertake the project; and**
- 3. that Council continue to liaise with the Bungey family and RSL SA to determine the appropriate wording for the plaque.**

Moved Councillor Patton, Seconded Councillor Bouchee

**Carried****Division Called**

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

Those voting for: Councillors Bouchee, Miller, Smedley, Patton, Abley, Fleming, Snewin, Lindop, Lonie and Bradshaw (10)

Those voting against: Councillors Chabrel and Clancy (2)

Her Worship the Mayor declared the motion

**Carried****12. MOTIONS ON NOTICE**

**12.1 Motion on Notice – Vehicle Speed on Holder Road, Hove - Councillor Fleming (Report No: 24/21)**

**Item Withdrawn**

At the request of Councillor Fleming, Item 12.1 Motion on Notice – Vehicle Speed on Holder Road, Hove was withdrawn from the Council Agenda.

12.2 **Motion on Notice – Assessment of Exit Point from 42 Jetty Road Brighton - Councillor Clancy (Report No: 30/21)**

**Motion**

**C270121/2186**

Councillor Clancy proposed the following motion:

**That Administration assess the exit point from 42 Jetty Road Brighton onto Jetty Road Brighton and provide a report by 31 March 2021.**

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

**BACKGROUND**

The petition received in tonight's agenda needs to be addressed as the residents at 42 Jetty Road Brighton have difficulty in obtaining good vision on the western side when leaving the premises.

**13. ADJOURNED MATTER**

13.1 **Adjourned Report – Private Laneway – 54A Cedar Ave Brighton (Report No: 03/21)**

Administration had submitted Item 15.6, Report No: 327/20 - Private Laneway – 54A Cedar Ave Brighton for consideration by Council at its meeting on 24 November 2020 (refer Attachment A).

Council subsequently resolved to adjourn consideration of the matter for further information to be provided on the environmental considerations and upgrade options if Council purchases the land.

This report provided the requested information.

**Motion**

**C270121/2187**

**That Council:**

- 1. advise the applicant, Minister Cory Wingard and The Public Trustee that it does not wish to acquire the laneway (Allotment 615 shown in the title included in Attachment 1);**
- 2. advise the Public Trustee that it will acquire the section of land within the road reserve (Allotment 10 DP 2498 shown in the title included in Attachment 1) within the Council road reserve; and**
- 3. allocate a budget of \$10,000 to undertake the acquisition process for the portion of land within the road reserve.**

Moved Councillor Bradshaw, Seconded Councillor Snewin

**Amendment****That Council:**

1. **advise the applicant, Minister Cory Wingard and The Public Trustee that it does not wish to acquire the laneway (Allotment 615 shown in the title included in Attachment 1); and**
2. **advise the Public Trustee that it does not wish to acquire the section of land within the road reserve (Allotment 10 DP 2498 shown in the title included in Attachment 1) within the Council road reserve at this time.**

Moved Councillor Lindop, Seconded Councillor Fleming

The amendment on being put was

**Carried**

The motion, as amended, on being put was

**Carried**

**14. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES****14.1 Minutes – Audit Committee – 16 December 2020 (Report No: 16/21)**

The public minutes of the meeting of the Audit Committee held on 16 December 2020 were presented to Council for information and endorsement.

**Motion**

**C270121/2188**

**1. That Council notes the public minutes of the Audit Committee meeting of December 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 Meeting Schedule and Membership**

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

**14.2 Information Report – Southern Region Waste Resource Authority Board Meeting – 23 December 2020 (Report No: 04/21)**

The information reports of the Southern Region Waste Resource Authority (SRWRA) Board meeting held on 23 December 2020 were attached and provided for information.



**Motion****C270121/2189**

1. That the Information Reports of the Southern Region Waste Resource Authority Board meeting held on 23 December 2020 be noted.

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

2. That having considered Attachment 2 to Report No: 04/21 Information Report – Southern Region Waste Resource Authority Board Meeting – 23 December 2020 in confidence under Section 90(2) and 3(b) and 3(d) 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 Smedley, Seconded Councillor Lindop **Carried Unanimously**

- 14.3 **Appointment of Alwyndor Management Committee Member** (Report No: 21/21)

Under the requirements of its Terms of Reference the Alwyndor Management Committee (AMC) consists of up to 9 persons including two (2) Elected Members. Councillors Susan Lonie and Philip Chabrel have been AMC members since November 2018 and Councillor Lonie has advised she can no longer fulfil this role. As such Council was required to nominate an Elected Member to this position.

**Nominations**

Her Worship the Mayor called for nominations.

Nominations were received for Councillors Bouchee and Clancy. A secret ballot was conducted by the General Manager Strategy and Business Services for the one vacancy.

Her Worship the Mayor announced that Councillor Bouchee had been selected for the vacancy which was included in the Council's motion.

**Motion****C270121/2190**

**That Council:**

1. appoint Councillor Bouchee to the Alwyndor Management Committee for the remainder of the Council term; and

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

2. having considered Attachment 2 to Report No: 21/21 Appointment of Alwyndor Management Committee Member in confidence under Section 90(2) and 3(e) 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 Clancy **Carried Unanimously**

Councillor Snewin left the meeting at 8.22pm.

Councillor Snewin re-joined the meeting at 8.25pm.

**14.4 Appointment of Independent Member to Audit Committee (Report No: 01/21)**

Council has received expressions of interest for the vacant position of independent member of its Audit Committee. Following review and interviews of short-listed candidates, the selection panel recommended an appointment.

**Motion C270121/2191**

- 1. That David Powell be appointed to Council's Audit Committee for a 3-year term expiring 21 January 2024.**
- 2. That Council records its appreciation to Mr Spadavecchia for his valuable service on Council's Audit Committee since 2015.**

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

**15. REPORTS BY OFFICERS**

**15.1 Items In Brief (Report No: 22/21)**

These items were presented for the information of Members.

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

**Motion C270121/2192**

- 1. Proclamation Day Thank You**
- 2. Veteran Community Support**
- 3. State Planning Reforms – Minister's Response to Council's Submission**
- 4. Glenelg Policing Petition and Update of Current Initiatives**
- 5. Nominations to the Dog and Cat Management Board Update**
- 6. Proclamation Day Event – Monday 28 December 2020**
- 7. Proclamation Day 2021, Old Gum Tree Reserve Letters**

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

Councillor Fleming left the meeting at 8.29pm.

Councillor Fleming re-joined the meeting at 8.30pm.

Item 15.2 Proposed Memorial to Honour Captain Robert Wilton Bungey was considered after Item 11.1 as per leave of the meeting granted.

15.3 **Response for Greater Adelaide Regional Organisation of Councils (GAROC) Annual Business Plan 2021-22** (Report No: 26/21)

The Local Government Association (LGA) on behalf of the Greater Adelaide Regional Organisation of Councils (GAROC) committee requested input into the development of their Annual Business Plan 2021-22, in alignment with GAROCs strategic themes in their Strategic Plan 2019-23.

This provided Council with the opportunity to comment on the questions raised by GAROC as part of their engagement process with Councils.

**Motion**

**C270121/2193**

**That Council endorses the proposed responses being provided in writing by the Mayor to Greater Adelaide Regional Organisation of Councils (GAROC) committee (Attachment 2).**

Moved Councillor Lonie, Seconded Councillor Chabrel

**Carried Unanimously**

15.4 **Code of Practice – Meeting Procedures – Annual Review** (Report No: 27/21)

The City of Holdfast Bay's Code of Practice – Meeting Procedures (the Meeting Code) is recommended by the Local Government (Procedures at Meetings) Regulations 2013 (the Regulations) to be reviewed annually (Regulation 6(2)). The Meeting Code has been reviewed accordingly.

The Council resolution to amend the Meeting Code needed to be supported by at least two thirds of the members of the Council in order to be adopted as the new Code of Practice and may be altered at any time (Regulation 6(3) of the Regulations).

**Motion**

**C270121/2194**

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

Moved Councillor Lindop, Seconded Councillor Lonie

**Carried Unanimously**

15.5 **Purchase of a Large Multi-Use Marquee** (Report No: 18/21)

In response to the Motion on Notice raised at the Council Meeting on 10 November 2020, in regards to the purchase of a large multi-use outdoor tent, Administration conducted a review of the associated costs and risk comparison for both the purchase and hire of a marquee, which were reflected within this report.

**Motion**

**C270121/2195**

**That Council continue with the hiring of large multi-use marquees.**

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

15.6 **Wigley Reserve Lighting** (Report No: 19/21)

A Motion on Notice was raised at a Council meeting on 22 September 2020 to investigate and options and costs for the installation of recreational lighting at Wigley Reserve. Administration engaged a lighting consultant to assess the space and develop a lighting concept for recreational grade lighting for a portion of the reserve. A concept has been developed with the most cost effective solution with minimal impact on surrounding residents. This concept will require planning consent and community consultation. Simultaneously Administration has engaged a consultant to develop concepts for the revitalisation of the old Buffalo site at Wigley Reserve, providing an opportunity to integrate the two projects, saving on associated construction and implementation costs.

**Motion**

**C270121/2196**

**That Council notes the lighting concept for Wigley Reserve and that it will be considered as part of the 2021/22 budget.**

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

15.7 **Car Share Trial** (Report No: 14/21)

The Royal Automobile Association (RAA) have approached the City of Holdfast Bay to participate in the trial of a car share service. A twelve month trial, commencing March 2021 is proposed and will require two street parks in the Glenelg area to be marked as dedicated Flexicar spaces. Given the strategic alignment of this proposal, the low costs and risks to Council, and the potential benefit to the community, it is recommended that the trial proceed.

**Motion**

**C270121/2197**

**That Council approve the participation of the City of Holdfast Bay in the RAA/Flexicar car share trial, noting that two street parks will be set aside in Glenelg for the vehicles for the twelve month duration of the trial.**

Moved Councillor Miller, Seconded Councillor Abley

**Carried**

15.8 **Attendance at National General Assembly 2021 and Calling for Notices of Motions** (Report No: 28/21)

**Adjournment**

**C270121/2198**

That the report be adjourned until the next Council meeting to allow the Mayor to consider her availability.

Moved Councillor Lindop, Seconded Councillor Miller

**Carried Unanimously**

15.9 **Delegations under the *Planning, Development and Infrastructure Act 2016***  
(Report No: 02/21)

In readiness for the introduction of the Planning and Design Code, the Local Government Association has prepared model Instruments for delegating decision making to the Chief Executive Officer. This report recommended that Council endorse the Instruments of Delegation prepared by the Local Government Association, and refined by Norman Waterhouse Lawyers specifically for the City of Holdfast Bay, as a means for the Council to fulfil its obligations in delivering decisions under the new planning regime.

**Motion**

**C270121/2199**

1. In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder contained in the proposed Instrument of Delegation (annexed to this report and entitled Instrument A) are hereby delegated this 27th day of January 2021 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
2. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the *Local Government Act 1999* as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.
3. In exercise of the power contained in Section 100 of the *Planning, Development and Infrastructure Act 2016* the powers and functions under the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder contained in the proposed Instrument of Delegation (annexed to the Report dated 27 January 2021 and entitled Instrument B) are hereby delegated this 27th day of January 2021 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
4. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Section 100(2)(c) of the *Planning Development and Infrastructure Act 2016* as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.

Moved Councillor Lonie, Seconded Councillor Abley

**Carried Unanimously**

**15.10 Commercial Road, Brighton – Traffic Investigation (Report No: 05/21)**

Council, at its meeting 8 December 2020 (C091220/2157) requested that Administration investigate traffic safety on Commercial Road Brighton including and specifically around Tutti Arts.

This investigation concluded that three options exist to improve pedestrian connectivity and safety including local line marking and kerb ramp improvements, a pedestrian crossing, and localised speed reduction measures. Each option was discussed in detail within this report. The analysis has concluded that the most effective option is to improve kerb ramps and local line marking.

**Motion****C270121/2200****That Council:**

- 1. approve the upgrade of Council owned “pram” ramps, and local line marking at and adjacent to the Brighton Railway Station and Tutti Arts building; and**
- 2. approve additional funding within the 2020/21 Capital Works Program of \$30,000 to undertake the work.**

Moved Councillor Snewin, Seconded Councillor Fleming

**Adjournment**

That the report be adjourned to allow for Administration to obtain further information regarding the viability of a Zebra crossing.

Moved Councillor Smedley, Seconded Councillor Lonie

**Carried****16. RESOLUTIONS SUBJECT TO FORMAL MOTIONS – Nil**

Councillor Lonie left the meeting at 9.25pm.

**Conflict of Interest**

Councillor Fleming declared a perceived conflict of interest for Item 17.1 Urgent Business – Hove Rail Crossing. The nature of the perceived conflict of interest (pursuant to Section 75 of the *Local Government Act 1999*) was that she owns a property in the proximity to the Hove Rail Crossing corridor.

Councillor Fleming dealt with the perceived conflict of interest by making it known and leaving the meeting at 9.28pm.

Councillor Lonie re-joined the meeting at 9.28pm.

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

Her Worship the Mayor sought leave of the Meeting to allow Councillor Bouchee to raise an item of Urgent Business relating to Hove Rail Crossing.

Leave of the meeting was granted.

**17.1 Urgent Business - Hove Rail Crossing****Motion****C270121/2201**

**That the Mayor writes to Department of for Infrastructure and Transport (DIT) clarifying/answering the following questions:**

- 1. Please detail the formal consultation process.**
- 2. In what form will the consultation occur?**
- 3. What stakeholders have been engaged/consulted with to date?**
- 4. Please indicate consultation target area?**
- 5. When will the consultation process be finishing?**
- 6. Please detail all plans being developed for traffic management on Brighton Rd from Wheatland Ave, Seacliff to Anzac Highway, Glenelg?**
- 7. Please indicate if plans to widen Brighton Rd have been developed and what time frame?**
- 8. Please indicate what time/date DIT will address /present to Council the options/process of the Hove Rail Crossing development?**

**The letter also note that Council /Administration have been provided with very basic information and limited communication in relation to any of the proposed plans/ options for the Hove Rail Crossing.**

Moved Councillor Bouchee, Seconded Councillor Abley

**Carried Unanimously**

Councillor Fleming re-joined the meeting at 9.38pm.

Councillor Lindop left the meeting at 9.38pm.

Councillor Abley left the meeting at 9.38pm.

**18. ITEMS IN CONFIDENCE****18.1 Minutes – Audit Committee – 16 December 2020 (Report No: 18/21)****Motion – Exclusion of the Public – Section 90(3)(e) Order****C270121/2202**

- 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: 15/21 Minutes - Audit Committee – 16 December 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: 15/21 Minutes – Audit Committee – 16 December 2020 on the following grounds:
  - e. pursuant to Section 90(3)(e) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is related to matters affecting the security of 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 Bouchee, Seconded Councillor Miller **Carried Unanimously**

Councillor Lindop re-joined the meeting at 9.39pm.

Councillor Abley re-joined the meeting at 9.39pm.

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

**C270121/2203**

That having considered Agenda Item 18.1 Minutes – Audit Committee - 16 December 2020 - Report No 15/21 in confidence under Section 90(2) and (3)(e) of the *Local Government Act 1999*, the Council, pursuant to Section 91(7) of that Act orders that the report, attachments and minutes be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.

Councillor Snewin left the meeting at 10.16pm.

Councillor Snewin re-joined the meeting at 10.19pm.

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

18.2 **Beach Activation Agreement** (Report No: 17/21)

**Motion – Exclusion of the Public – Section 90(3)(d)&(k) Order** **C270121/2204**

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: 17/21 - Beach Activation Agreement 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: 17/21 - Beach Activation Agreement 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: 17/21 - Beach Activation Agreement 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 Section 90(3)(k) of the Act, the information to be received, discussed or considered in relation to this Agenda Item are tenders for the provision of services relating to a beach activation agreement.
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 Lonie, Seconded Councillor Lindop

Carried Unanimously

Councillor Abley left the meeting at 9.43pm.

Councillor Abley re-joined the meeting at 9.44pm.

Councillor Fleming left the meeting at 9.50pm.

Councillor Fleming re-joined the meeting at 9.51pm.

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

**C270121/2205**

Having considered Agenda Item 18.2, Beach Activation Agreement in confidence under Section 90(2) and (3)(d)&(k) of the *Local Government Act 1999* (the Act), 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 or the Chief Executive Officer is authorised to release the documents earlier if all parties to the contract consent 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)(ba) of the Act requires details of the amount(s) payable by the Council under a contract for the supply of goods or provision of services must be released once the contract has been entered into by all concerned parties.

Moved Councillor Patton, Seconded Councillor Chabrel

Carried

**Conflict of Interest**

Councillor Snewin declared a perceived conflict of interest for Item 18.3 Glenelg Oval Unisex Change rooms. The nature of the perceived conflict of interest (pursuant to Section 75 of the *Local Government Act 1999*) is that he is an office holder for the Glenelg District Cricket Club.

Councillor Snewin dealt with the perceived conflict by making it known and leaving the meeting at 10.22pm.

**18.3 Glenelg Oval Unisex Change Rooms (Report No: 32/21)****Motion – Exclusion of the Public – Section 90(3)(d)&(k) Order C270121/2206**

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: 32/21, Glenelg Oval Unisex Change Rooms 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: 32/21, Glenelg Oval Unisex Change Rooms 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 confer a commercial advantage on a third party with whom Council is in tender negotiations.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.
  - k. pursuant to Section 90(3)(k) of the Act, the information to be received, discussed or considered in relation to this Agenda Item are tenders for the provision of services, or the carrying out of works to design and construct change rooms at Glenelg Oval.
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 Bouchee

**Carried Unanimously**

**RETAIN IN CONFIDENCE - Section 91(7) Order****C270121/2207**

That having considered Agenda Item 18.3, 32/21, Glenelg Oval Unisex Change Rooms 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 and minutes be retained in confidence for a period of 12 months and/or the Chief Executive Officer is authorised to release the documents once Council has made a selection 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)(ba) of the Act requires details of the amount(s) payable by the Council under a contract for the provision of cleaning services must be released once the contract has been entered into by all concerned parties.

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

**CLOSURE**

The Meeting closed at 10.25pm.

**CONFIRMED**      **9 February 2021**

**MAYOR**