

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 25 May 2021 at 7:00pm.

MEMBERS PRESENT

Mayor A Wilson
Councillor R Abley
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
A/ General Manager Assets and Delivery – M de Heus
General Manager Community and Business – M Lock
General Manager Strategy and Corporate – 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 M Bouchee

5.2 Absent – Nil

6. ANNUAL BUSINESS PLAN CONSULTATION

Under Section 123(4)(a)(i)(B) of the *Local Government Act 1999*, Council provided a period of at least one hour for members of the public to ask questions and make submissions in relation to the draft 2021/22 Annual Business Plan and Budget.

Her Worship the Mayor received the following submission:

6.1 Mr Ken Daly on behalf of the Holdfast Bay Residents Alliance

7. ITEMS PRESENTED TO COUNCIL - Nil

8. DECLARATION OF INTEREST

Members were reminded to declare their interest before each item.

9. CONFIRMATION OF MINUTES

Motion

C250521/2293

That the minutes of the Ordinary Meeting of Council held on 11 May 2021 be taken as read and confirmed.

Moved Councillor Lonie, Seconded Councillor Miller

Carried Unanimously

10. PUBLIC PRESENTATIONS

10.1 **Petitions** - Nil

10.2 **Presentations** – Nil

10.3 **Deputations** - Nil

11. QUESTIONS BY MEMBERS

11.1 **Without Notice**

11.1.1 **Soundproofing at Brighton Sports Complex**

Councillor Lindop asked for an update on the soundproofing at the complex.

The Chief Executive Officer provided a response.

11.2 **On Notice - Nil**

12. MEMBER'S ACTIVITY REPORTS - Nil

13. MOTIONS ON NOTICE

13.1 **Motion on Notice – Norfolk Island Pines Report - Councillor Fleming** (Report No: 169/21)

Councillor Fleming proposed the following motion:

Motion

C250521/2294

That Council table and note the report relating to the Trees of Tribute 1941 on Addison Road, Hove SA.

Moved Councillor Fleming, Seconded Councillor Lonie

Carried

Division Called

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

Those voting for: Councillors Miller, Smedley, Patton, Abley, Fleming, Snewin, Lindop and Lonie (8)

Those voting against: Councillors Chabrel, Clancy and Bradshaw (3)

Her Worship the Mayor declared the motion

Carried

BACKGROUND

In recent times there has been discussion regarding whether the Norfolk Island Pines located along Addison Road were planted in 1941 as part of a tribute to men who enlisted from the local area in the defence forces.

The attached report provides evidence existing Norfolk Island Pines were planted as part of the Tress of Tribute 1941 initiative.

14. ADJOURNED MATTER - Nil

15. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES - Nil

16. REPORTS BY OFFICERS

16.1 **Items in Brief** (Report No: 161/21)

The following items were presented for the information of Members.

Motion

C250521/2295

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

1. **Local Heritage Development Plan Amendment**
2. **Managed Taxi Rank on Colley Terrace**
3. **Elizabeth Street Carpark Update**
4. **April 2021 Visitation, Bay Discovery Centre & Visitor Information Outlet**
5. **Local Government Information Framework (LGIF)**

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

16.2 **Monthly Financial Report – 30 April 2021** (Report No: 159/21)

Attached were financial reports as at 30 April 2021. They comprised of 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 and the three quarterly budget updates approved by Council 20 October 2020, 9 February 2021 and 27 April 2021.

The report included Council's resolution (C130421/2262) to increase the capital expenditure budget by \$30,000 for line marking and kerb ramp improvements adjacent to the Brighton Railway Station and Tutti Arts building. No other changes to Alwyndor and Municipal budgets were recommended at the time, but the report highlighted items that showed a material variance from the YTD budget.

Motion

C250521/2296

That Council receives the financial reports and budget update for the 10 months to 30 April 2021 and notes:

- **no change to the Municipal activities 2020/21 revised operating budget forecast;**
- **an increase in forecast Municipal capital expenditure of \$30,000 from \$27.610 million to \$27.640 million; and**
- **no change to the Alwyndor Aged Care 2020/21 revised budget forecast.**

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

16.3 **Representation Review Submissions Report and Representation Review Report Considerations** (Report No: 145/21)

On 9 February 2021 Council endorsed the release of the Representation Review Options Paper for public consultation (C090221/2218 - Report No. 43/21 Representation Review Options Paper). Consultation commenced Thursday, 18 February 2021 and closed on Friday, 9 April 2021. Sixty-one submissions were received.

A Representation Review Submissions Report containing the public consultation outcomes was provided as Attachment 2. The majority of submissions favoured:

- The retention of a Mayor as the principal member (66.6%)
- No area councillors (13.11% favoured no wards, no responses supported additional area councillors)
- The retention of wards (86.89%)
- A four ward configuration (63.93%)
- A reduction in the overall number of councillors (73.77%).

The next step in the process was for Council to determine, in principle, key matters so that the Representation Review Report could be developed for further community consultation. Council could choose any option for the next stage of consultation but may select only one.

When considering the Representation Review, Council took into account principles and matters under Section 26 and 33 of the *Local Government Act 1999*, particularly in relation to avoiding over-representation in comparison to councils of a similar size and type.

Motion

C250521/2297

That Council:

1. **notes the Representation Review Submissions Report outlining the public consultation outcomes; and**
2. **endorses in principle the following components of the proposed future composition of Council, for inclusion in the Representation Review Report:**
 - a. **the principal member of Council continue to be a Mayor, elected by the community at Council elections;**
 - b. **no area councillors be proposed;**
 - c. **the area of the Council should continue to be divided into 4 wards; and**
 - d. **that each ward is represented by 3 councillors.**

Moved Councillor Smedley, Seconded Councillor Snewin

Carried

Division Called

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

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

Those voting against: Councillor Clancy (1)

Her Worship the Mayor declared the motion

Carried

16.4 Procurement Policy (Report No: 130/21)

Council's Procurement Policy became due for review in late 2020. A review was undertaken and substantial changes were made to the policy in relation to threshold amounts for purchasing processes and criteria for preferencing suppliers in certain cases, as well as a general refresh of the content.

On 29 October 2020, the Local Government Association Annual General Meeting adopted a resolution in relation to a pilot circular economy project, which created the need for additional changes to the Procurement Policy.

The proposed amendments were provided for endorsement by Council, following consideration by the Audit Committee.

Motion**C250521/2298****That Council endorse and adopts the revised Procurement Policy.**

Moved Councillor Lonie, Seconded Councillor Snewin

Carried Unanimously**16.5 Nominations Sought for the South Australian (SA) Country Arts Trust (Report No: 165/21)**

The Local Government Association (LGA) was seeking nominations for a local government member on the SA Country Arts Trust for a 3-year term commencing October 2021. Ideally nominees will have demonstrated experience in Arts administration or decision making at a senior level and are from a regional council or local government entity.

Elected Members considered if they met the Selection Criteria on the Call for Nominations Information Sheet (Part A) for the position (see Attachment 1).

Any members who wished to be nominated for the position needed to have their nomination endorsed by Council prior to submission to the LGA. If Council did not have a nominee it just noted the report.

Motion**C250521/2299****That Council notes the report.**

Moved Councillor Miller, Seconded Councillor Smedley

Carried**16.6 Review of Items Held in Confidence (Report No: 167/21)**

An extensive review of all items held in confidence was being undertaken, in stages, under Section 90(3) of the *Local Government Act 1999* (the Act).

The review considered the nature of the information contained within the confidential items, the grounds on which it was originally held in confidence and the length of time the information can be kept confidential. Each item was

reviewed individually, resulting in a determination as to whether the Confidentiality order for each item is still current under the Act.

This report recommended that 11 confidential items (reports and/or attachments and/or minutes) be released from confidence and that 54 items be retained at this stage.

Motion

C250521/2300

That:

- 1. the Confidential items presented at Attachment 1 to Report No: 167/21 be released from Confidence; and**
- 2. the Confidential items presented at Attachment 2 to Report No: 167/21 be retained in confidence and included in future stages of the Confidential Items review.**

Moved Councillor Abley, Seconded Councillor Lindop

Carried Unanimously

16.7 Holdfast Quays Marina – Application for Landowner Consent – Temporary Ablution Facilities (Report No: 160/21)

Further to the deputation delivered by the Holdfast Quays Marina Association (HQMA) at the Council Meeting held on 13 April 2021, the HQMA wrote to Council requesting permission to install temporary ablution facilities within its existing leased carpark area, to replace the current portaloo facilities. This report recommended that Council accede to the request from the HQMA to install the temporary ablution facilities for a period of five (5) years to provide Marina patrons with accessible and convenient facilities otherwise unavailable through previous arrangements, whilst delivering an improved amenity for the carpark compared with the existing temporary alternative.

Motion

C250521/2301

That in its capacity as landowner, Council consents to the request by the Holdfast Quays Marina Association (HQMA) for the installation and connection of ablution facilities within its leased area of the Holdfast Quays Marina carpark subject to the following conditions:

- 1. all costs to be borne by the HQMA including purchase, transport, installation, connection, and future maintenance of the ablution facilities;**
- 2. all work to be undertaken by qualified trades persons and in a professional manner, with repair undertaken to any Council assets damaged in the course of the project;**
- 3. HQMA is to indemnify the City of Holdfast Bay against any claims, losses, suits etc. that may arise from this project;**
- 4. detailed plans are to be submitted to Council for Development Approval prior to the installation of the ablution facilities;**

5. the City of Holdfast Bay is permitted to inspect the works at any time during the installation of the ablution facilities;
6. no part of the installation and ongoing use of the ablution facilities is to cause a nuisance or disturbance to any neighbours or visitors to adjoining properties;
7. the cost(s) to rectify any defects, identified during or after the installation of the ablution facilities is to be borne in full by the HQMA;
8. the cost(s) of any variations identified during the installation of the ablution facilities is to be borne by the HQMA;
9. all works are to comply with the Building Code of Australia, all conditions of any Development Approval and any requirements imposed by any other statutory authority or applicable legislation;
10. all conditions of the current lease are to be complied with;
11. consent is valid for a period of five (5) years from the date of this resolution, with all buildings to be removed from the site by the HQMA at its expense as at midnight 8 June 2026, and the carpark restored to its condition prior to the installation of the buildings to the reasonable satisfaction of Council;
12. all service and connection costs associated with the operation of the ablution facilities (including water, sewer, and power) are to be borne by HQMA;
13. HQMA is to obtain all necessary hoarding permits for the use of public land to enable the installation of the ablution facilities in advance of work commencing; and
14. HQMA must, at all times and at its cost and expense in all things, keep the ablution facilities in a clean, good, sound, safe, serviceable, and operating condition according to such standards as may from time to time be required by law and to the reasonable satisfaction of Council.

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

16.8 **Development Assessment – Design Review Scheme (Report No: 158/21)**

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

This report was presented to Council as a follow up to the previous report that was presented to Council in August 2020. The previous report was an assessment of the draft version of the Design Review Scheme and included a recommendation that a later report would be presented to Council to determine whether to proceed with the Scheme once finalised.

The local design review scheme has been written by ODASA to be used in applications where Councils are the relevant authority under the Planning Development and Infrastructure (PDI) Act 2016. ODASA has now finalised the Design Review Scheme and are looking for interested Councils to implement the scheme.

Motion**C250521/2302**

That Council does not implement the Design Review Scheme and Administration continue to provide a free preliminary development advice.

Moved Councillor Lonie, Seconded Councillor Miller

Carried Unanimously

17. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil

18. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING – Nil

19. ITEMS IN CONFIDENCE

19.1 Chief Executive Officer’s Performance Review (Report No: 16/21)

Motion – Exclusion of the Public – Section 90(3)(a) Order**C250521/2303**

- 1. That pursuant to Section 90(2) of the *Local Government Act 1999* the Council Meeting hereby orders that the public be excluded from attendance at this meeting with the exception of the General Manager Strategy and Corporate and the staff minute taker in attendance at the meeting in order to consider Report No: 168/21, Chief Executive Officer’s Performance Review in confidence.**
- 2. That in accordance with Section 90(3) of the *Local Government Act 1999* the Council Meeting is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 168/21, Chief Executive Officer’s Performance Review 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: 168/21, Chief Executive Officer’s Performance Review Process is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being Chief Executive Officer, Mr Roberto Bria, because the details of his performance review will be discussed which are sensitive and are details only known to those who have participated in the review.**
- 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 Abley

Carried Unanimously

RETAIN IN CONFIDENCE - Section 91(7) Order**C250521/2304**

That having considered Agenda Item 19.1, Chief Executive Officer’s Performance Review Report No: 157/21 in confidence under section 90(2) and

(3)(a) of the *Local Government Act 1999*, Council, pursuant to Section 91(7) of that Act orders that the report, attachment and minutes be retained in confidence for a period of 24 months and this order be reviewed every 12 months.

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

CLOSURE

The Meeting closed at 8.02 pm.

CONFIRMED 8 JUNE 2021

MAYOR