

Minutes of the Ordinary Meeting of Council of the City of Holdfast Bay held via Electronic Means in a Virtual Meeting Room on Tuesday 27 July 2021 at 7:00pm.

MEMBERS PRESENT

Visual and Audio presence:

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

Visual and Audio presence:

Chief Executive Officer – R Bria
General Manager Assets and Delivery – M de Heus
General Manager Community and Business – M Lock
A/General Manager Strategy and Corporate – A Karzek
General Manager Alwyndor – B Davidson-Park

Councillor Snewin was not present when the meeting opened.

1. OPENING

Her Worship the Mayor declared the meeting open at 7.00pm.

2. KAURNA ACKNOWLEDGEMENT

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

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

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

3. SERVICE TO COUNTRY ACKNOWLEDGEMENT

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

4. PRAYER

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

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

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

5. APOLOGIES

5.1 Apologies Received - Nil

5.2 Absent - Nil

6. ITEMS PRESENTED TO COUNCIL - Nil**7. DECLARATION OF INTEREST**

Members were reminded to declare their interest before each item.

8. CONFIRMATION OF MINUTES**Motion****C270721/2356**

That the minutes of the Ordinary Meeting of Council held on 13 July 2021 be taken as read and confirmed.

Moved Councillor Lonie, Seconded Councillor Bouchee

Carried**9. PUBLIC PRESENTATIONS****9.1 Petitions****9.1.1 *Non-Conforming Petition – Somerton Surf Life Saving Club – Application to Lessor for Approval to Sub Lease a portion of its Clubhouse to Gambell and Sutton Pty Ltd* (Report No: 242/21)**

On 22 June 2021, Council considered a petition in support of Somerton Surf Life Saving Club's application to Council (lessor) for approval to sub-lease a portion of its clubhouse to Gambell & Sutton Pty Ltd (Report No: 205/21). There were 216 signatories to the petition. Council noted the Report.

On 13 July 2021 a confidential report, Item No, 19.3 Report: Somerton Surf Lifesaving Club – Request to Extend Council's Approval of Management Agreement, was presented to Council, for consideration and resolution.

Following the lodgement of the original petition and the above mentioned Council resolution, a further 14 signatures were delivered to

Council in favour of approval to sub lease a portion of the clubhouse to Gambell & Sutton Pty Ltd.

Motion

C270721/2357

That Council note that Administration received a further 14 signatures relating to the original petition from Mr Taylor titled, Somerton Surf Life Saving club and their application to Council (lessor), for approval to sub-lease a portion of its clubhouse to Gambell & Sutton Pty Ltd, bringing the total to 230 individual expressions of support.

Moved Councillor Clancy, Seconded Councillor Lonie

Carried

9.2 Presentations – Nil

Councillor Snewin joined the meeting at 7.07pm.

9.3 Deputations

9.3.1 Brighton and Seacliff Yacht Club (BSYC) – Mr Matthew Colliver

Mayor Wilson approved a deputation from Mr Matthew Colliver, Rear Commodore, on behalf of BSYC regarding Brighton and Seacliff Yacht Club – Proposed Facility Redevelopment.

10. QUESTIONS BY MEMBERS

10.1 Without Notice

10.1.1 Sharps Container Exchange

Councillor Fleming asked a question if a Sharps Container Exchange was available in the Community.

General Manager Community and Business provided a response.

10.1.2 Tree Damage

Councillor Miller asked if Administration could provide a report detailing tree damage from the recent storms.

The Chief Executive Officer took the question on notice.

10.1.3 Art Funding

Councillor Miller asked a question in relation to funding for Art work on the south facing wall on Cowper Street Glenelg as part of Council's Art Strategy.

The Chief Executive Officer provided a response.

10.1.4 Alpine Winter Festival

Councillor Patton asked a question in relation to the removal of infrastructure from the Alpine Winter Festival.

General Manager Community and Business provided a response.

10.1.5 Fallen Trees

Councillor Bouchee asked a question in relation to providing incident reports for fallen trees in the City.

The Chief Executive Officer provided a response.

10.1.6 Alpine Winter Festival

Councillor Miller asked if the Alpine Festival Organisers were approached to extend the festival.

General Manager Community and Business provided a response.

10.2 On Notice - Nil**11. MEMBER'S ACTIVITY REPORTS - Nil****12. MOTIONS ON NOTICE - Nil****13. ADJOURNED MATTER - Nil****14. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES**

Councillor Clancy left the meeting at 7.24pm.

Councillor Clancy re-joined the meeting at 7.24pm.

14.1 Minutes – Jetty Road Mainstreet Committee – 7 July 2021 (Report No: 240/21)

The Minutes of the Jetty Road Mainstreet Committee meeting held on 7 July were attached and presented for Council's information.

Motion**C270721/2358**

That Council notes the minutes of the Jetty Road Mainstreet Committee of 7 July 2021.

Moved Councillor Miller, Seconded Councillor Abley

Carried Unanimously

15. REPORTS BY OFFICERS**15.1 Items in Brief (Report No: 246/21)**

These items were presented for the information of Members.

Motion

C270721/2359

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

- 1. Memorial to Honour Squadron Leader Robert Wilton Bungey**
- 2. Thank you from South Australian Police Historical Society**
- 3. Brighton Road Corridor Planning Study**

Moved Councillor Lindop, Seconded Councillor Abley

Carried

Councillor Snewin left the meeting at 7.38pm.

Councillor Snewin re-joined the meeting at 7.39pm.

15.2 Brighton and Seacliff Yacht Club – Proposed Facility Redevelopment (Report No: 245/21)

In January 2021, the Brighton and Seacliff Yacht Club (BSYC) approached Council to propose a Master Plan for redevelopment of the existing clubroom facilities on site.

The Master Plan is a multi-staged project with an estimated total project cost of \$2.7 million but is currently unfunded. The BSYC sought in-principle support (without budget commitment from Council) to proceed with stage one. By limiting the support to 'in-principle' only, Council will have the opportunity to consider detailed plans for stage one works at a later date in conjunction with the Development Application process, at which time the more extensive, site specific landowner criteria can be imposed in the usual manner.

The BSYC will be applying for \$149,796 (inc GST) of funding through the Office for Recreation, Sport and Racing's (ORSR) grant program for stage one. The proposed budget for stage one is estimated at \$335,000, comprised of ORSR and BSYC funding.

Motion

C270721/2360

That Council:

- 1. provide the Brighton Seacliff Yacht Club with in-principle support for seeking grant funding from the Office for Recreation, Sport and Racing to undertake Stage 1 of its Redevelopment Master Plan, on the basis that support is:**
 - limited to Stage 1 works only as described in Attachment 2 to this report;**
 - in-principle only and does not include a financial contribution;**

- **subject to all necessary approvals sought under the PDI Act for the building upgrades; and**

RETAIN IN CONFIDENCE - Section 91(7) Order

2. **having considered Attachments 3 and 4 to Report No: 245/21 Brighton and Seacliff Yacht Club – Proposed Facility Redevelopment 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 Attachments 3 and 4 be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.**

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

15.3 **Representation Review Report Submissions Report and Approval to Report to the Electoral Commissioner of South Australia (Report No: 243/21)**

On 8 June 2021, Council endorsed the Representation Review Report to go to public consultation (second stage of consultation – Council Resolution No. C080621/2311), which commenced Thursday, 18 June 2021 and closed Friday, 9 July 2021 at 5pm.

A Submissions Report containing the public consultation outcomes was provided. Of the 23 submissions received:

- Ten (10) (43.5%) agreed with retaining the current ward and council structure, 13 (56.5%) did not agree.
- Of those who did not agree, 7 favoured a model of 8 councillors and 2 expressed a preference for whole of area Councillors, rather than wards.
- Five (5) submissions expressed views that the City of Holdfast Bay is over-represented.
- Five (5) submissions referred to the results of the previous round of consultation, expressing disappointment that Council did not follow the preference of 74% of respondents to reduce the number of Councillors.
- Of those who did agree, three specified that the existing structure was fair/working well.

Council was required to confirm its proposed structure and approval for Administration to provide the Final Report to the Electoral Commission of South Australia (SA) in accordance with Section 12(12) of the *Local Government Act 1999*.

Motion

C270721/2361

That Council:

1. **notes the Submissions Report outlining the public consultation outcomes; and**

2. **endorses that Administration provides the Final Report pursuant to Section 12(12) of the Local Government Act 1999 to the Electoral Commissioner of SA with the following proposal:**

- **the principal member of Council continues to be a Mayor elected by the community;**
- **area councillors are not introduced in addition to ward councillors;**
- **the future elected body of Council comprise the Mayor and twelve (12) ward councillors;**
- **the Council area continue to be divided into four (4) wards, as per the current ward structure, with each of the wards being represented by three (3) councillors; and**
- **the wards continue to be named Glenelg, Somerton, Brighton and Seacliff.**

Moved Councillor Lonie, Seconded Councillor Fleming

Carried

Division Called

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

Those voting for: Councillors Bouchee, Miller, Fleming, Patton, Chabrel, Abley, Snewin, Lindop and Lonie (9).

Those voting against: Councillors Clancy and Bradshaw (2).

Her Worship the Mayor declared the motion

Carried

15.4 **185th Proclamation Day** (Report No: 229/21)

This report provided an update to Council for the planning of the 185th Proclamation Day event in collaboration with Kurna Nation. Administration made the following recommendation.

Motion

C270721/2362

That Council notes this report.

Moved Councillor Abley, Seconded Councillor Miller

Carried Unanimously

15.5 **Operational Support at Glenelg Community Centre** (Report No: 241/21)

In response to Council Motion C280720/1971, a Community Wellbeing staff member was based at Glenelg Community Centre one day per week.

As per the resolution, this report provided information regarding the outcomes from an initial trial with the placement of a community wellbeing staff member at the Centre one day per week.

Motion

C270721/2363

That Council endorses:

- 1. this arrangement to be continued;**
- 2. the support extended to two (2) days per week until 31 December 2021; and**
- 3. outcomes reported back to Council early 2022.**

Moved Councillor Patton, Seconded Councillor Abley

Carried Unanimously

15.6 **Attendance at the Local Government Finance Authority Annual General Meeting, Board Nominations and Calling Notices of Motions** (Report No: 244/21)

The Local Government Finance Authority (LGFA) of South Australia will host their Annual General Meeting (AGM) on Friday, 29 October 2021 at the Adelaide Entertainment Centre and it will again coincide with the Annual General Meeting (AGM) of the Local Government Association of South Australia (LGASA).

Section 15(1) of the *Local Government Finance Authority of South Australia Act 1983* provides that every Council is entitled to appoint a person to represent it at its AGM. As the meeting of the Local Government Association (LGA) will be held on the same day, it was suggested the same person is appointed to represent Council at both meetings.

The LGFA were calling for motions which needed to be endorsed by the Council. If Elected Members want to raise any Motions at the AGM, they will need to do so for Council endorsement at the Council meeting on 10 August 2021. Administration did not have any suggested motions to put forward at this time.

Motion

C270721/2364

That Council approve Mayor Wilson to attend the Local Government Finance Authority (LGFA) AGM as Council's representative and voting member, currently scheduled for 29 October 2021.

Moved Councillor Smedley, Seconded Councillor Lonie

Carried Unanimously

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

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

18. **ITEMS IN CONFIDENCE**

18.1 **Jetty Road Stage 1 Chapel Plaza and Hindmarsh Lane Execution of Land Sale Purchase Contract and Licence Agreement with Uniting Church in Australia (SA)**
(Report No: 247/21)

Motion – Exclusion of the Public –Section 90(3)(b & d) Order C270721/2365

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: 247/21 Jetty Road Stage 1 Chapel Plaza And Hindmarsh Lane Execution Of Land Sale Purchase Contract And Licence Agreement With Uniting Church In Australia (SA) 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: 247/21 Jetty Road Stage 1 Chapel Plaza And Hindmarsh Lane Execution Of Land Sale Purchase Contract And Licence Agreement With Uniting Church In Australia (SA) on the following grounds:
 - b. pursuant to Section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting business would prejudice the commercial position of the Council in relation to the Licence Agreement and Land Sale Purchase Contract with Uniting Church in Australian (SA)
 - 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 and to confer a commercial advantage on a third party in relation to the Licence Agreement and Land Sale terms and conditions.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.
3. The Council is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.

Moved Councillor Lindop, Seconded Councillor Lonie

Carried Unanimously

Motion**C270721/2366****RETAIN IN CONFIDENCE - Section 91(7) Order**

That having considered Agenda Item 18.3 Jetty Road Stage 1 Chapel Plaza And Hindmarsh Lane Execution Of Land Sale Purchase Contract And Licence Agreement With Uniting Church In Australia (SA) 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, attachments and minutes be retained in confidence until further notice and the Chief Executive Officer is authorised to release the documents when both the land purchase is completed and the licence is executed, giving due consideration to any relevant legal considerations and that this order be reviewed every 24 months.

Moved Councillor Abley, Seconded Councillor Miller

Carried Unanimously18.2 **Reappointment to the Alwyndor Management Committee (Report No: 248/21)****Motion – Exclusion of the Public –Section 90(3)(a) Order****C270721/2367**

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: 248/21 Reappointment to the Alwyndor Management Committee 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: 248/21 Reappointment to the Alwyndor Management Committee 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: 248/21 Reappointment to the Alwyndor Management Committee is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being prospective members of the Alwyndor Management Committee.
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 Miller

Carried Unanimously

Motion**C270721/2368**

1. That Council reappoints Julie Bonnici to the Alwyndor Management Committee for a term of three (3) years to expire on 31 July 2024.

RETAIN IN CONFIDENCE - Section 91(7) Order

2. That having considered Agenda Item 18.2 Report No: 248/21 Reappointment to the Alwyndor Management Committee in confidence under Section 90(2) and (3)(a) of the Local Government Act 1999, the Council, pursuant to Section 91(7) of that Act orders that the report and attachment be retained in confidence for a period of 12 months and that this order be reviewed every 12 months.

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

18.3 **Claim Against Council** (Report No: 249/21)

Motion – Exclusion of the Public –Section 90(3)(h & i) Order **C270721/2369**

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: 249/21 Claim Against Council 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: 249/21 Claim Against Council on the following grounds:
 - h. pursuant to Section 90(3)(h) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is legal advice that is strictly confidential & subject to Legal Professional Privilege, and
 - i. pursuant to Section 90(3)(i) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information relating to litigation that the Council believes on reasonable grounds will take place involving the Council regarding a claim for payment.
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**

Motion**C270721/2370****RETAIN IN CONFIDENCE - Section 91(7) Order**

That having considered Agenda Item 18.3 Claim Against Council (Report No: 249/21) in confidence under Section 90(2) and (3)(h) and (i) of the Local Government Act 1999, the Council, pursuant to Section 91(7) of that Act orders that the report be retained in confidence until further notice and the Chief Executive Officer is authorised to release the documents when the matter is concluded, giving due consideration to any relevant legal considerations, and that this order be reviewed every 12 months.

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

18.4 **Kauri Community & Sporting Complex – EOI Tender (Report No: 250/21)**

Motion – Exclusion of the Public –Section 90(3)(b & d) Order **C270721/2371**

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: 250/21 Kauri Community & Sporting Complex – EOI Tender 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: 250/21 Kauri Community & Sporting Complex – EOI Tender on the following grounds:
 - b. pursuant to Section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would prejudice the commercial position of the Council.
 - d. pursuant to Section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

3. **The Council is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.**

Moved Councillor Snewin, Seconded Councillor Lonie

Carried

Motion

C270721/2372

RETAIN IN CONFIDENCE - Section 91(7) Order

Having considered Agenda Item 18.4 Kauri Community & Sporting Complex - EOI Tender (Report No: 250/21) in confidence under Section 90(2), 90(3)(b) and 90(3)(d) of the *Local Government Act 1999*, the Council, pursuant to Section 91(7) of that Act orders that the report be retained in confidence for a period of 24 months with the Chief Executive Officer authorised to release the documents following conclusion of the Management Agreement with Belgravia or the expiry of the 24 month confidentiality period.

Moved Councillor Lindop, Seconded Councillor Lonie

Carried

CLOSURE

The Meeting closed at 8.29pm.

CONFIRMED 10 AUGUST 2021

MAYOR