

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 14 September 2021 at 7:00pm.

MEMBERS PRESENT

Mayor A Wilson
Councillor R Abley
Councillor A Bradshaw
Councillor R Clancy
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 Assets & Delivery – M de Heus
General Manager Community & Business – M Lock
General Manager Strategy & 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 J Fleming
- 5.2 Absent - Councillor P Chabrel (Leave of Absence)

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****C140921/2400**

That the minutes of the Ordinary Meeting of Council held on 24 August 2021 be taken as read and confirmed.

Moved Councillor Abley, Seconded Councillor Lonie

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 Merry-Go-Round Noise, Moseley Square**

Councillor Miller asked a question in relation to the loud noise from the merry-go-round in Moseley Square.

Chief Executive Officer took the question on notice.

10.1.2 Councillors Viewing of Chapel Street Construction Works

Councillor Snewin asked if Councillors could view the Chapel Street construction works to see progress.

General Manager Strategy & Corporate provided a response.

10.1.3 Damage to Glenelg Jetty

Councillor Smedley asked a question in relation to the damage to Glenelg Jetty recently and what action is underway.

Chief Executive Officer provided a response.

10.1.4 Lighting around Summertown Studio, Somerton Park

Councillor Lindop asked a question in relation to considering passive lighting around the Summertown Studio, Somerton Park and the pizza business as there are often queues on the footpaths surrounding them.

Chief Executive Officer took the question on notice.

10.2 On Notice

10.2.1 Rubbish and Microplastics on Brighton Beach (Report No: 314/21)

Councillor Lindop asked the following questions:

Is Council Administration aware of public and residents' concerns regarding a very visual apparent increase in rubbish, and in particular micro-plastics at Brighton Beach?

Can Council Administration please investigate this matter further? Is it coming from the pumped slurry sand? Is there a way to filter the microplastics to stop this contamination?

Has the Environment Protection Agency been brought in? Or are the Coast Protection Board aware or able to help with this issue?

BACKGROUND

There have been a lot of comments and concern from residents about the amount of "microplastics" found at Brighton Beach.

Some of this rubbish comes through the Edward St drain, however, there has been a significant increase of microplastics found along the beach. This is occurring between Beach Rd and the edge of the slurry coming from the pumped sand from Glenelg.

ANSWER – M de Heus, General Manager Assets & Delivery

Council Administration has been in contact with the Coast Protection Board (CPB) in regard to the plastics on the beach. The Environmental Protection Agency visited the sand pumping operation during the week of 30th August 2021 in response to complaints.

The cause of the pollutants is people littering either at the beach, in the water or within the catchment and the stormwater carrying the pollutants to the beach.

CPB through screening and Council through street sweeping, beach combing, catchment management and GPT installation and maintenance reduces the pollution on the beach.

CPB has advised that the sand pumping operation screens out items sized larger than 20 mm and has removed thousands of pieces of plastic and other rubbish from the coast through its screening process.

Some of the items in the photos appears to be larger than this, which means that the sand pumping screening would have removed it. The Coast Protection Board will investigate whether a smaller screen size can be used but it will not be a complete solution.

The coastal storms this year mobilised a large amount of sand from the beach into nearshore waters including the pollutants that the sand contains. It is possible that some of the pollutants in the sand are being brought back onto the beaches through tidal movements.

Council's stormwater pipes are a carrier of road pollution including microplastics which ultimately discharge into the marine environment. Winter 2021 was a wetter than average winter with more pollutants on roads being carried into Councils stormwater network prior to being collected by Councils frequent and targeted street sweeping program. There are several stormwater outlets around Brighton beach, some with Gross Pollutant Traps (GPTs). The GPTs are designed to trap pollutants in small to medium rainfall events only and allow bypass in less frequent larger storms.

Council Administration have arranged an additional beach cleaning commencing 9 September to collect the larger plastics and litter on the beach. The annual beach cleaning program will commence in October. The GPTs are due for their post winter clean in the next few weeks and are generally cleaned 3-4 times per year.

10.2.2 Responsible Dog Ownership and Compliance Management along the Coast Park (Report No: 315/21)

Councillor Lindop asked the following questions:

Can Council Administration please provide information in regard to the City of Holdfast Bay Community Safety Team and the patrols they do, in particular along the Esplanade and Coast Path in the whole of the City?

Do the Council Community Safety Team check for people walking dogs "off leash" on the footpath?

Has Council Community Safety Team issued any fines or warnings in the past 6 months to anyone walking their dogs and who has not picked up after their dog/s or were not carrying a bag to pick up after their dog/s?

Has Council Community Safety Team performed a "dogs on leash" or "pick up after your dogs" "blitz" in the past 12 months?

BACKGROUND

There has been a lot of comments and concern from residents about dog faeces along the coast path in particular from Brighton to Seacliff.

The other complaint is dogs “off leash” along the footpath and if you want to walk your dog off leash, the beach is an option for you.

The issue is many people choose to walk along the coast path, instead of the beach due to the fact that this is supposed to be a location where dogs are on lead.

Some people even choose to take their dog on the footpath/coast path because they have a nervous dog, or a dog that they think can be aggressive, so prefer to walk where the dogs are on lead.

ANSWER – M Lock, General Manager Community & Business

Community Safety Officers undertake patrols every morning, beginning at 7am, 7 days a week. Throughout the day the Community Safety Officers carry out 2-3 additional patrols along the coast. The frequency of additional patrols is subject to the number of call outs and investigations citywide. A dedicated Beach Patrol Officer focuses on specific areas of the beach each day for a 6 month period over spring and summer.

The Community Safety Officers, as part of the daily patrols, are checking for dogs off leash on footpaths and report high levels of community compliance.

During beach patrols, the Community Safety Officers approach dog owners and check they have a dog poo bag and provide education around responsible dog ownership in cleaning up after their dog. Administration are currently assessing the need for patrolling earlier, in low light, where offenses may be occurring.

The Community Safety Officers have conducted a minor ‘blitz’ with 1-2 officers in particular areas of the coast across a condensed period. In addition to Community Safety Officers being present, VMS signage indicating a ‘blitz’ in the area coupled with digital media education campaigns have resulted in improved compliance. However, this year the Community Safety Officers are planning a more comprehensive ‘blitz’ with all 4 officers and beach patrol officer in the morning patrolling during peak morning during school holidays - replacing morning school patrols.

Importantly since these measures have been implemented the number of expiations issued to dog owners has increased from 7 in 2019-20 to 82 in 2020-21. Another positive result is that Customer Service has estimated an approximate 40% decrease in dog related complaints.

Administration will continue to explore a number of other strategies to mitigate the impacts of non – compliance on the broader community.

11. MEMBER’S ACTIVITY REPORTS - Nil

12. MOTIONS ON NOTICE - Nil

13. ADJOURNED MATTER - Nil

14. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES

14.1 Minutes – Audit Committee – 25 August 2021 (Report No: 302/21)

The public minutes of the meeting of the Audit Committee held 25 August 2021 were presented to Council for information and endorsement.

Motion

C140921/2401

1. That Council notes the public minutes of the meeting Audit Committee of 25 August 2021 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/Cyber Security**
- **Disaster Recovery Plans**
- **Public Interest Disclosures – previously Whistle Blowing**
- **Economy and Efficiency Audits**
- **Audit Committee Meeting Schedule**

(b) That the Audit Committee:

- (i) supports the draft Internal Audit Policy and Internal Audit Procedure to be submitted to Council for approval; and**
- (ii) notes the steps taken to address the recommendations in the Report.**

(c) That the Audit Committee endorsed the 2021-22 Internal Audit Plan for adoption by Council.

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

14.2 **Information Report – Southern Region Waste Resource Authority Board Meeting – 23 August 2021** (Report No: 301/21)

The information reports of the Southern Region Waste Resource Authority (SRWRA) Board meeting held on 23 August 2021 were attached and provided for information.

Motion

C140921/2402

1. **That the Information Reports of the Southern Region Waste Resource Authority Board meeting held on 23 August 2021 be noted.**

RETAIN IN CONFIDENCE – Section 91(7) Order

2. **That having considered Attachment 2 to Report No: 301/21 Information Report – Southern Region Waste Resource Authority Board Meeting – 23 August 2021 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 Lindop, Seconded Councillor Smedley **Carried Unanimously**

14.3 **Minutes – Jetty Road Mainstreet Committee – 1 September 2021** (Report No: 309/21)

The Minutes of the Jetty Road Mainstreet Committee meeting held on 1 September 2021 were attached and presented for Council's information.

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

Motion

C140921/2403

That Council notes the minutes of the Jetty Road Mainstreet Committee of 1 September 2021.

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

15. REPORTS BY OFFICERS

15.1 **Items in Brief** (Report No: 297/21)

These items are presented for the information of Members.

Motion

C140921/2404

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

1. **Glenelg Oval Masterplan Implementation Update**

2. **Greening our Community Grants**
3. **Commercial/Shopfront Grant for the City of Holdfast Bay**
4. **Letter of Support for Redevelopment of 'Quarry Hill' from Minister for Planning and Local Government**
5. **Internal Review of Council Decision Report**

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

15.2 **Sister City Agreements** (Report No: 290/21)

The Australian Foreign Arrangements (State and Territory) Arrangements Act 2020 (the Act) came into effect on 10 December 2020. The Act fosters a systematic and consistent approach to foreign engagement across all levels of Australian government. Any pre-existing local government foreign arrangements entered into prior to 10 March 2021 were required to be declared to the Department of Foreign Affairs and Trade (DFAT) via the online portal by 10 June 2021.

A search of Council records indicated that previous Councils had entered into a Sister City Agreement with the City of Hayama, Japan in 1997 (renewed in 2007), and a Sister Cities and Trade Agreement with the City of New Orleans, USA in 2001 (the Agreements).

The Agreements were reported to DFAT as required by the legislation, which raised the question of whether Council wanted to maintain them. The Agreements did not appear to have been terminated, which meant they were still in operation.

Motion

That Administration take the necessary steps to reinvigorate the Sister City Agreements with the City of Hayama, Japan dated 15 December 1997 and renewed on 27 May 2007, and the Sister City and Trade Agreement with the City of New Orleans dated 20 April 2001.

Moved Councillor Smedley, Seconded Councillor Miller

Adjournment

C140921/2405

That the motion be adjourned until administration brings back a report with further information and to allow Administration to contact the Cities to see if they wish to reinvigorate the Agreements.

Moved Councillor Lonie, Seconded Councillor Patton

Carried

[Councillors Miller and Clancy spoke to the motion and Cr Smedley as the mover retained the right of reply].

15.3 **Council Policy Review** (Report No: 291/21)

Two Council policies have been reviewed and were presented to Council for adoption:

1. Encroachments Policy - Section 202 and 221 *Local Government Act 1999*
2. Liquor Licensing Policy

A tracked changes copy marked with proposed changes and a final version was attached for each policy.

As these policies did not require substantive changes or public consultation, they were presented as a collective for administrative efficiency.

Motion

C140921/2406

That Council approve and endorse the following policies, as amended:

- **the Encroachments Policy – Section 202 and 221 *Local Government Act 1999*; and**
- **the Liquor Licensing Policy.**

Moved Councillor Lonie, Seconded Councillor Miller

Carried Unanimously

- 15.4 ***Statutes Amendment (Local Government Review) Act 2021 – Current Consultations*** (Report No: 298/21)

The *Statutes Amendment (Local Government Review) Act 2021* (the Review Act) was assented to by the Governor on 17 June 2021, however it was yet to commence.

The Local Government Association (LGA) has been working closely with the Office of Local Government on a commencement timeline and has requested feedback from Councils regarding the commencement timeframe for the Member Behaviour Framework and casual vacancy elections countback methods.

Motion

C140921/2407

That Council:

1. **notes this briefing on the Member Behaviour Provisions of the Statutes Amendment (Local Government Review) Act 2021; and**
2. **endorses the proposed response to the Local Government Association (Attachment 3) and authorises the Chief Executive Officer to send the response on Council's behalf with any minor amendments as required.**

Moved Councillor Clancy, Seconded Councillor Smedley

Carried Unanimously

- 15.5 **Building Western Adelaide Strategy 2021-2024** (Report No: 307/21)

The Building Western Adelaide Alliance is an economic partnership between the four western metropolitan Councils of City of Holdfast Bay, City of West Torrens, City of Charles Sturt and City of Port Adelaide Enfield. This report presented the

Draft 2021-2024 Building Western Adelaide Economic Strategy that will outline the key areas of collaboration over the next three years.

Motion

C140921/2408

That Council:

- 1. notes the Building Western Adelaide Strategy 2021-2024; and**
- 2. endorses the Draft Building Western Adelaide Strategy 2021-2024.**

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

15.6 Approval of the Draft Dog and Cat Management Plan (Report No: 308/21)

Section 26A of the *Dog and Cat Management Act 1995* (the Act) creates a statutory obligation on Council to develop a plan, every 5 years, relating to the management of dogs and cats in the area. The attached draft Dog and Cat Management Plan (the Plan) 2022-2026 was submitted to Council, following public consultation, for endorsement.

Feedback from the consultation has been considered and can be addressed effectively with the proposed strategies within the plan.

In addition, the draft plan was submitted to the Dog and Cat Management Board and has been approved.

Motion

C140921/2409

That Council endorse the draft Dog and Cat Management Plan to then be finalised and submitted to the Dog and Cat Management Board.

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

15.7 New Lease Agreements – Community Centres (Report No: 311/21)

Council's lease agreements with Brighton Over 50's Social Club Incorporated in respect of the Brighton Community Centre, Young Men's Christian Association Incorporated in respect of the Holdfast Bay Community Centre and Glenelg Brass Band Incorporated in respect of the Glenelg North Community Centre each expired on 30 June 2021.

It was recommended that Council enters into a new lease agreement in respect of the each of the said community centres with the relevant long term tenants in respect of the relevant community centre for a term of five (5) years commencing on 1 July 2021 and expiring on 30 June 2026 and otherwise on the terms and conditions as agreed with each tenant and as set out in the Community Centre Leasing Policy.

Full details of the proposal were outlined within this report.

Motion**C140921/2410**

1. That Council enters into three (3) new leases as follows:
 - a. Brighton Over 50's Social Club Incorporated over the whole of the land contained in Certificate of Title Volume 5664 Folio 439 for a term of five (5) years commencing on 1 July 2021 and expiring on 30 June 2026 with a commencing annual rent of \$10 plus GST;
 - b. Young Men's Christian Association Incorporated over the whole of the land contained in Certificate of Title Volume 5933 Folio 501 for a term of five (5) years commencing on 1 July 2021 and expiring on 30 June 2026 with a commencing annual rent of \$458.96 plus GST; and
 - c. Glenelg Brass Band Incorporated over the whole of the land contained in Certificate of Title Volume 5511 Folio 96, and a portion of the land contained in Certificate of Title Volume 5553 Folio 244 for a term of five (5) years commencing on 1 July 2021 and expiring on 30 June 2026 with a commencing annual rent of \$237.83 plus GST.
2. That the Mayor and Chief Executive Officer be authorised to execute and seal any documents required to give effect to the said leases.

Moved Councillor Lonie, Seconded Councillor Abley

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 Minutes – Audit Committee Meeting – 25 August 2021 (Report No: 303/21)

Motion – Exclusion of the Public – Section 90(3)(d) Order**C140921/2411**

- 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: 303/21 Minutes - Audit Committee Meeting – 25 August 2021 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: 303/21 Minutes – Audit Committee Meeting – 25 August 2021 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 Abley, Seconded Councillor Smedley **Carried Unanimously**

RETAIN IN CONFIDENCE - Section 91(7) Order **C140921/2412**

That having considered Agenda Item 19.1 Minutes – Audit Committee Meeting – 25 August 2021 - Report No 303/21 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 attachment, 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**

18.2 **Event Activation** (Report No: 310/21)

Motion - Exclusion of the Public – Section 90(3)(d) Order **C140921/2413**

- 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: 310/21, Event 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: 310/21, Event Activation 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.

State Opera South Australia (not being an employee of the Council, or a person engaged by the Council), has requested this information to remain confidential.

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 Patton, Seconded Councillor Lonie **Carried Unanimously**

RETAIN IN CONFIDENCE - Section 91(7) Order **C140921/2414**

That having considered Agenda Item 18.2 Event Activation (Report No: 310/21) 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 minutes be retained in confidence for a period of 12 months and/or the Chief Executive Officer is authorised to release the documents when the public announcement is made by the Event Organiser.

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

Conflict of Interest

Councillor Miller declared a perceived conflict of interest for Item 18.3 Proposed Event Application (Report No: 313/21). The nature of the perceived conflict of interest (pursuant to Section 75 and 75A of the *Local Government Act 1999*) was that Cr Miller's employer has a business relationship with the event organiser.

Councillor Miller dealt with the perceived conflict of interest by making it known and leaving the meeting at 7.53pm.

- 18.3 **Proposed Event Activation** (Report No: 313/21)

Motion - Exclusion of the Public – Section 90(3)(d) Order **C140921/2415**

- 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: 313/21, Proposed Event 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: 313/21, Proposed Event Activation 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.**

Momentarily (not being an employee of the Council, or a person engaged by the Council), has requested this information to remain confidential.

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 Abley

Carried Unanimously

RETAIN IN CONFIDENCE - Section 91(7) Order

C140921/2416

That having considered Agenda Item 18.3 Proposed Event Activation (Report No: 313/21) 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 minutes be retained in confidence for a period of 12 months and/or the Chief Executive Officer is authorised to release the documents when the public announcement is made by the Event Organiser.

Moved Councillor Abley, Seconded Councillor Patton

Carried Unanimously

CLOSURE

The Meeting closed at 8.06pm.

CONFIRMED 28 September 2021

MAYOR