

**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 12 October 2021 at 7:00pm.**

**MEMBERS PRESENT**

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

**STAFF IN ATTENDANCE**

Chief Executive Officer – R Bria  
General Manager 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 – Nil

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****C121021/2433**

**That the minutes of the Ordinary Meeting of Council held on 28 September 2021 be taken as read and confirmed.**

Moved Councillor Lonie, Seconded Councillor Miller

**Carried Unanimously****9. PUBLIC PRESENTATIONS**

9.1 **Petitions** - Nil

9.2 **Presentation** - Nil

9.3 **Deputations** - Nil

**10. QUESTIONS BY MEMBERS**

10.1 **Without Notice**

**10.1.1 Opening of Somerton Yacht Club Bridge**

Councillor Fleming asked a question in relation to the opening of the bridge and if the lamp post on the corner could be relocated.

General Manager Assets and Delivery provided a response.

**10.1.2 Glenelg Town Hall Restoration Works**

Councillor Miller asked a question in relation to progress on the Glenelg Town Hall restoration works and when they will be completed.

General Manager Assets and Delivery provided a response.

10.2 **On Notice** - Nil

**11. MEMBER'S ACTIVITY REPORTS****11.1 Mayor's Activity Report for August 2021 to September 2021 (Report No: 336/21)**

Presented for the information of Members was the Activity Report for the Mayor for August 2021 to September 2021.

**Motion****C121021/2434**

**That the Mayor's Activity Report for August 2021 to September 2021 be received and noted.**

Moved Councillor Lonie, Seconded Councillor Lindop

**Carried Unanimously****12. MOTIONS ON NOTICE****12.1 Motion on Notice – Renaming of Hindmarsh Lane to Bouchee Lane - Mayor Wilson (Report No: 346/21)****Motion****C121021/2435**

Mayor Wilson proposed the following motion:

**That Hindmarsh Lane be renamed Bouchee Walk in honour of the late Councillor Mikki Bouchee's 25 years of service to Local Government, subject to consultation in line with Council policies.**

Moved Councillor Smedley, Seconded Councillor Miller

**Carried Unanimously****Adjournment**

That the report be adjourned until further information can be provided on the renaming of a public place in accordance with the *Local Government Act*.

Moved Councillor Clancy, Seconded Councillor Bradshaw

**Lost****BACKGROUND**

A motion was passed asking Administration to investigate a suitable place for a memorial for Councillor Bouchee.

Construction at Hindmarsh Lane was completed last week and the Lane will be officially opened at the end of October.

A situation has presented itself where it would be appropriate to rename the Lane.

Hindmarsh Lane was named after Governor Hindmarsh who has a square in the City and a suburb named after him.

**13. ADJOURNED MATTER - Nil**

**14. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES****14.1 Information Reports - Southern Region Waste Resource Authority Board Meeting – 20 September 2021 (Report No: 338/21)**

The Information Reports of the Southern Region Waste Resource Authority Board meeting held on 20 September 2021 were provided for information.

**Motion****C121021/2436**

1. That the Information Reports of the Southern Region Waste Resource Authority Board meeting held on 20 September 2021 be noted.

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

2. That having considered Attachment 2 to Report No: 338/21 Information Reports – Southern Region Waste Resource Authority Board Meeting – 20 September 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 Lonie, Seconded Councillor Smedley

**Carried Unanimously****15. REPORTS BY OFFICERS****15.1 Items in Brief (Report No: 342/21)**

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****C121021/2437**

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

1. Community Alliance SA Inc. Request
2. Release of Green Adelaide's Regional Landscape Plan 2021-26 and Annual Business Plan 2021/2022
3. Library Services Activation
4. Community Shed
5. Duke of Edinburgh Award
6. HoldUp Youth Committee Update
7. Youth Development – Pilot Program
8. Memorial to Recognise Impacts of War – Update on Progress
9. Post COVID Kick Start Program

Moved Councillor Lonie, Seconded Councillor Abley

**Carried**

**15.2 Section 270 Draft Representation Review Report (Report No: 345/21)**

The Chief Executive Officer received a request in accordance with Section 270 of the *Local Government Act 1999* to review a decision of Council, from Mr Timothy Looker, in which he raised concerns regarding the decision-making process in relation to the Representation Review.

The decision under review was that Council at its meeting of 27 July 2021, as part of the Representation Review, resolved to maintain the existing composition and structure of the Council, and report to the Electoral Commission of South Australia of the same for certification.

In accordance with Council's Internal Review of Council Decisions (s270) Policy, the review must be conducted by Council, as the decision in question was a decision of Council. The Chief Executive Officer engaged Kelledy Jones to examine the matter and produce a report to Council for it to review its decision.

**Motion****C121021/2438**

- 1. That Council note the report.**
- 2. That Council ratifies the decision made at the Council Meeting on 27 July 2021 in maintaining the existing composition and structure of the Council, and to report to the Electoral Commission of South Australia for certification of the same.**

Moved Councillor Smedley, Seconded Councillor Snewin

**Carried****Division Called**

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

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

Those voting against: Councillors Clancy and Bradshaw (2)

Her Worship the Mayor declared the motion

**Carried****15.3 Green Adelaide National Park City Charter (Report No: 329/21)**

Green Adelaide returned a final version of the Adelaide National Park City Charter and invited the City of Holdfast Bay to sign it to demonstrate support for the proposal.

**Motion****C121021/2439**

**That Council approves for the Mayor to sign the National Park City Charter on behalf of the City of Holdfast Bay.**

Moved Councillor Lindop, Seconded Councillor Lonie

**Carried Unanimously**

15.4 **Statutes Amendment (Local Government Review) Act 2021 – Implementation of Commenced Provisions** (Report No: 337/21)

The *Statutes Amendment (Local Government Review) Act 2021* (the Review Act) was assented to by the Governor on 17 June 2021, and the first round of changes commenced on 20 September 2021.

The Local Government Association (the LGA) advised that the first round changes were not expected to result in significant policy changes, however, two Council policies required amendment.

There are also a number of matters that did not require policy amendment but that would be of interest to Elected Members. Information Sheets from the LGA were provided.

**Motion**

**C121021/2440**

**That Council:**

1. **approves the amended Elected Members Entitlements Policy;**
2. **rescinds the Informal Gatherings of Council Policy, noting relevant provisions are now contained in the *Local Government Act 1999*; and**
3. **note the four information sheets provided by the Local Government Association.**

Moved Councillor Clancy, Seconded Councillor Smedley

**Carried Unanimously**

15.5 **Request by Brighton Sports and Social Club to Affix Plaques to Brighton Football Field Picket Fence** (Report No: 341/21)

The Brighton Sports and Social Club Incorporated (Club) proposed to affix an acrylic plaque to each of the pickets comprising the picket fence surrounding the football field of the Brighton Oval Complex (approximately 1800 pickets).

The use of the pickets would be equitably distributed between the Club, Brighton Districts and Old Scholars Football Club (BDO) and Brighton District Cricket Club (BDCC). Each club would use a portion of its allocated plaques to acknowledge Life Members, Hall of Fame players and administrators of the respective clubs, whilst the remaining plaques would be sold to players, supporters, sponsors, residents and Members of Parliament at a cost of \$100 plus GST per picket with the proceeds to be retained by the relevant club.

The Club sought Council's approval, in its capacity as landowner, to affix acrylic plaques to the picket fence.

**Motion**

**C121021/2441**

1. **That Council in its capacity as landowner, permit the Brighton Sports and Social Club Incorporated and exclusive right to affix plaques to the picket**

fence surrounding the football field of the Brighton Oval Complex provided always that:

- a. only one (1) plaque per picket is permitted;
  - b. plaques must not be affixed to the gated part of the picket fence;
  - c. all plaques must be acrylic, 90mm (H) x 65mm (W) x 4mm (D) in size and produced in a professional and tradesman like manner;
  - d. all plaques must be positioned facing outwards above the top rail of the picket fence and affixed to the picket fence using gallium-based glue or such other reversible compound adhesive (or such other material as may be directed by Council to the Club in writing from time to time acting reasonably) by a person approved by the Club in a professional and tradesman like manner;
  - e. the format display of plaques must be uniform according to the type of plaque and the relevant club;
  - f. Council have the right to require that the Club remove any plaque which is considered by Council to be inappropriate or contrary to Council's values (acting reasonably) within fourteen (14) days of receiving written notice; and
  - g. the Club be responsible for the insurance, maintenance, repair and replacement obligations and costs of and incidental to each picket to which a plaque is affixed and its section of rail, howsoever damaged or requiring repair, replacement or maintenance.
2. That the Lease Agreement dated 12 July 2020 between Council and the Club be varied to include a special condition granting the Club the right to use the picket fence for the purpose of affixing plaques on the terms and conditions contained herein and imposing any other requirements on the Club as Council may, in its absolute discretion, deem reasonable and necessary.
  3. That the Chief Executive Office and Mayor are authorised to affix the Council Seal and execute a Deed of Variation of Lease to give effect to this resolution.

Moved Councillor Lonie, Seconded Councillor Clancy

**Carried Unanimously**

#### **15.6 Regional Public Health Plan 2021-2026 (Report No: 343/21)**

Section 51 of the *SA Public Health Act 2011* required Council to prepare a Regional Health Plan (the 'Plan') for a five year period. The draft plan was first submitted to the Health Minister, Women's and Children's Health Network, Southern Adelaide Health Network and the Chief Public Health Officer.

The Health Minister congratulated Council for the development of the plan. No feedback was received from South Adelaide Health Network and the Women's and Children's Health Network suggested that the Plan could be strengthened by the inclusion of the role of the City of Holdfast Bay in supporting the national effort to

create awareness about domestic family violence and recognise the additional safety risks to safety, health and wellbeing of women and children.

The Plan was also presented for public consultation and eight submissions were received. The public consultation phase was completed in July 2021. All feedback received was taken into consideration and changes made accordingly.

Administration requested endorsement from Council for the City of Holdfast Bay's Regional Health Plan.

**Motion**

**C121021/2442**

**That Council endorse the City of Holdfast Bay Regional Public Health Plan 2021 - 2026.**

Moved Councillor Lonie, Seconded Councillor Patton

**Carried Unanimously**

**15.7 Alpine Winter Festival 2021 (Report No: 344/21)**

The report provided an overview on the results of the Alpine Winter Festival 2021 staged in Moseley Square and Glenelg Foreshore, held 25 June to 20 July 2021 during the school holidays.

**Motion**

**C121021/2443**

**That Council note the report.**

Moved Councillor Patton, Seconded Councillor Miller

**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 Hoarding Fee Relief (Report No: 339/21)**

**Motion Exclusion of the Public – Section 90(3)(b)&(d) Order C121021/2444**

**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: 339/21 Hoarding Fee Relief 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: 339/21 Hoarding Fee Relief in confidence 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; or would prejudice the commercial position of 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, 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.

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 Fleming, Seconded Councillor Snewin

**Carried Unanimously**

Councillor Lonie left the meeting at 8.04pm.

Councillor Lonie re-joined the meeting at 8.06pm.

**Motion**

**C121021/2445**

**That Council:**

1. **Accede to the request made by Alexander Brown Architect on behalf of the Taplin Group for partial dispensation from future hoarding fees associated with an approved hoarding plan by Council for the construction of a multi-storey retail and hotel building located at 13-23 Jetty Road and 1-3 Colley Terrace, Glenelg and approved by the State Commission Assessment Panel in Development Application Number 110/M104/20, on the basis that:**
  - a) **dispensation of 30% (limited to \$100,000) is provided from the fees otherwise payable for the aboveground hoardings that do not encumber safe and effective pedestrian and vehicle movement through the area;**
  - b) **dispensation of fees is not applicable to any on-street paid and unpaid carparks that are obstructed by the developer or its agents by virtue of construction activity; and**

- c) dispensation from hoarding fees cease to be offered following a period of eighteen (18) months from the commencement date of construction, after which time all aboveground hoardings will be invoiced at the full amount found in Council's fees and charges schedule operative at the time.
  - d) receipt of confirmation of the cost provided in the Architect's correspondence of implementing the hoarding solution through provision of a Quantity Survey prepared by an accredited professional.
  - e) dispensation from hoarding fees is provided in recognition of the development site's strategic value as a gateway location for the economic functioning of the Glenelg District Centre, with the broader benefits of continued access through the public realm during the period of construction facilitated by a unique hoarding solution, the cost of which is partly offset by a discount of fees otherwise payable directly to Council.
2. Part 1(a) to (c) of this resolution is valid until 30 March 2022, with construction commenced after this date not entitled to dispensation from hoarding fees otherwise attributable to the construction of a multi-storey retail and hotel building located at 13-23 Jetty Road and 1-3 Colley Terrace, Glenelg and approved by the State Commission Assessment Panel in Development Application Number 110/M104/20.

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

That having considered Agenda Item 18.1 Report No: 339/21 Hoarding Fee Relief in confidence under section 90(2) and (3)(b)&(d) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report and attachments be retained in confidence 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 Abley, Seconded Councillor Clancy

**Carried Unanimously**

**Conflict of Interest**

Councillor Fleming declared an actual conflict of interest for Item 18.2 Somerton SLSC Development Application (Report No: 340/21). The nature of the actual conflict of interest (pursuant to Section 75 and 75A of the *Local Government Act 1999*) was that she is on the Council Assessment Panel.

Councillor Fleming dealt with the actual conflict of interest by making it known and leaving the meeting at 8.18pm.

Councillor Clancy declared a perceived conflict of interest for Item 18.2 Somerton SLSC Development Application (Report No: 340/21). The nature of the perceived conflict of interest (pursuant to Section 75 and 75A of the *Local Government Act 1999*) was that she is Vice Patron of the Somerton Surf Lifesaving Club.

Councillor Clancy dealt with the perceived conflict of interest by making it known to the meeting and remaining in the meeting as she was acting in the best interests of the community.

Councillor Clancy voted for the motion.

18.2 **Somerton SLSC Development Application** (Report No: 340/21)

**Motion** Exclusion of the Public – Section 90(3)(b)&(d) Order **C121021/2446**

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: 340/21 Somerton SLSC Development Application 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: 340/21 Somerton SLSC Development Application in confidence 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; or 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, 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.
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 Lonie

**Carried Unanimously**

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

**C121021/2447**

That having considered Agenda Item 18.2 Report No: 340/21 Somerton Surf Life Saving Club – Development Application 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 the matter is concluded, giving due consideration to any relevant legal considerations, and that this order be reviewed every 12 months.**

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

**CLOSURE**

The Meeting closed at 8.42pm.

**CONFIRMED      26 October 2021**

**MAYOR**