

**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 9 November 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  
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 - 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****C091121/2461**

**That the minutes of the Ordinary Meeting of Council held on 26 October 2021 be taken as read and confirmed.**

Moved Councillor Lonie, Seconded Councillor Patton

**Carried Unanimously**

**9. PUBLIC PRESENTATIONS**

9.1 **Petitions - Nil**

9.2 **Presentations - Nil**

9.3 **Deputations**

9.3.1 **Botten Levinson Lawyers**

*Mayor Wilson approved a deputation from Botten Levinson Lawyers on behalf of Ms Christine Grant regarding the request to remove a significant tree in front of 10A Augusta Street, Glenelg.*

*Representatives from Botten Levinson Lawyers did not attend. Confidential Item 18.2 – Request to remove significant tree in front on 10A Augusta Street, Glenelg (Report No: 347/21) was adjourned to a later date, to be advised to Botten Levinson Lawyers.*

**10. QUESTIONS BY MEMBERS**

10.1 **Without Notice**

10.1.1 **Seawall Apartment Squatters**

Councillor Miller asked if Administration has the ability to undertake a site inspection at the Seawall Apartments.

General Manager Community and Business provided a response.

10.1.2 **Carpark Opposite Windsor Theatre, Brighton**

Councillor Snewin asked a question in relation to activity in the car park opposite Windsor Theatre, Brighton.

General Manager Community and Business provided a response.

10.1.3 **Caretaker Period Provisions**

Councillor Bradshaw asked a question in relation to the caretaker period provisions.

CEO provided a response.

**10.1.4 Brighton Road Corridor Study**

Councillor Lindop asked for an update on the Brighton Road Corridor Study and the traffic lights at Edwards Street corner.

General Manager Assets and Delivery provided a response.

**10.1.5 Glenelg Jetty Storm Damage**

Councillor Smedley asked if the damage to the Jetty would be removed and if there was a public safety concern.

General Manager Assets and Delivery and General Manager Community and Business provided a response.

**10.1.6 Glenelg Town Hall Restoration Update**

Councillor Chabrel asked for an update on the restoration works at the Glenelg Town Hall.

General Manager Assets and Delivery provided a response.

**10.1.7 Glenelg Jetty Storm Damage – Depth of Water Indicators**

Councillor Clancy asked if water depth indicators could be considered for the Jetty.

General Manager Assets and Delivery provided a response.

**10.2 On Notice****10.2.1 Collaboration with West Torrens and Marion Councils  
(Report No: 367/21)**

Councillor Clancy asked the following questions:

“Could administration advise what meetings have been held with adjoining councils to collaborate to reduce costs or improve our environment in the last two years?

What has been the result of those meetings?

What approaches have been made by the adjoining councils”?

Cr Clancy is aware of discussions in relation to storm water.

**ANSWER – Chief Executive Officer**

The table attached identifies where City of Holdfast has or is collaborating with other local authorities and organisations to improve outcomes, quality of services, take advantage of economies of scale and utilise specific expertise to deliver improved outcomes for the community. Adjoining Councils are identified in the table. Approaches made by adjoining councils are included in this table and are normally worked through with the approaching council to see if there is mutual benefit in being involved [Refer Attachment 1].

**11. MEMBER'S ACTIVITY REPORTS - Nil****12. MOTIONS ON NOTICE****12.1 Motion on Notice – Purchase of Land - Councillor Fleming (Report No: 385/21)****Leave of the Meeting**

Mayor Wilson sought leave of the meeting to move Item 12.1 Notice on Motion – Purchase of Land – Councillor Fleming (Report No: 385/21) in confidence at Item 18, Items in Confidence.

Leave of the meeting was granted.

**13. ADJOURNED MATTER - Nil****14. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES****14.1 Minutes – Audit Committee – 20 October 2021 (Report No: 383/21)**

The public minutes of the meeting of the Audit Committee held 20 October 2021 were presented to Council for information and endorsement.

**Motion****C091121/2462**

**That Council notes the public minutes of the meeting Audit Committee of 20 October 2021 namely:**

- 1. 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**
  - **Alwyndor Investment Strategy**
  - **Public Interest Disclosures – previously Whistle-Blowing**
  - **Economy and Efficiency Audits**
  - **Audit Committee Meeting Schedule**
- 2. That the Audit Committee has reviewed the General Purpose Financial Reports for the year ending 30 June 2021, as required under Section 126(4)(a) of the Local Government Act 1999, and found them to present fairly the state of affairs of the Council as required under the Local Government (Financial Management) Regulations 2011;**
- 3. That the Audit Committee recommends that Council adopts the 2020-21 Annual Report, subject to design and minor alterations, and the inclusion of the audited financial statements;**
- 4. That the Audit Committee recommends to Council the approval of the Business Continuity Policy.**

Moved Councillor Smedley, Seconded Councillor Snewin

**Carried Unanimously**

**14.2 Information Report – Southern Region Waste Resource Authority Board Meeting – 25 October 2021 (Report 386/21)**

The information reports of the Southern Region Waste Resource Authority (SRWRA) Board meeting held on 25 October 2021 were attached and provided for information.

**Motion****C091121/C2463**

1. That the Information Reports of the Southern Region Waste Resource Authority Board meeting held on 25 October 2021 are noted.

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

2. That having considered Attachment 2 to Report No: 386/21 Information Report – Southern Region Waste Resource Authority Board Meeting – 25 October 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****15. REPORTS BY OFFICERS****15.1 Items in Brief (Report No: 368/21)**

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****C091121/2464**

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

1. Commencement of update of the Regional Plan for Greater Adelaide
2. Glenelg Policing Petition
3. Christmas in Holdfast Bay
4. 2021-2022 Open Space Grant Program
5. Green Adelaide Grant Agreements

Moved Councillor Lonie, Seconded Councillor Lindop

**Carried Unanimously****15.2 Appointment of Deputy Mayor (Report No: 376/21)**

Section 51 of the *Local Government Act 1999* allows Council to appoint a Deputy Mayor for a term not exceeding four years. The Deputy Mayor may act in the absence of the Mayor, in the Office of the Mayor.

The current appointed Deputy Mayor was Councillor Abley. This appointment was up to 30 November 2021.

Council has previously made the appointment for a Deputy Mayor for a term of one year. It was Council's prerogative to choose a different length of term.

**Nominations**

Her Worship the Mayor called for nominations.

A nomination was received for Councillor Smedley. Her Worship the Mayor announced that Councillor Smedley had been nominated for the appointment as Deputy Mayor, which was included in the Council's motion.

**Conflict of Interest**

Councillor Smedley declared a material conflict of interest for Item 15.2 Appointment of Deputy Mayor (Report No: 376/21) before the vote. The nature of the material conflict of interest (pursuant to Section 73 and 74 of the *Local Government Act 1999*) was that if successful he will receive an additional allowance.

Councillor Smedley dealt with the conflict of interest by leaving the meeting at 7.24pm.

**Motion****C091121/2465**

**That Councillor Smedley be appointed as Deputy Mayor from 1 December 2021 to the end of this Council's term.**

Moved Councillor Snewin, Seconded Councillor Lonie

**Carried Unanimously**

Councillor Smedley re-joined the meeting at 7.26pm.

15.3 **Civic Centre Redevelopment** (Report No: 377/21)

Council's 2020-21 Annual Business Plan included an Elected Member initiative and budget to undertake concept designs and a feasibility assessment for the redevelopment of the Brighton Civic Centre as a community hub.

After an extensive procurement process, JPE Design Studio were engaged to undertake concept development. The development process included targeted engagement and consultation with users of the site, as well as a desktop review of previously developed concepts and reviews.

Taking into account views expressed during engagements and experiences from previous processes, three concepts were developed on the basis of future sustainability, what is most cost-effective in the long term and what gives the overall best outcome. A fourth option was included by Administration based on what would be required to meet minimum legislative standards, noting that this did not address the original intent to redevelop the site as a community hub.

**Motion****C091121/2466**

**That Council:**

1. **notes the Concept Design Options Report developed by JPE Design Studio (Attachment 2); and**
2. **considers the next step in development of the concept as part of the 2022/23 Annual Business Planning process.**

Moved Councillor Lonie, Seconded Councillor Snewin

**Carried Unanimously**15.4 **Strategic Plan – Approval** (Report No: 378/21)

The *Local Government Act 1999* (the Act) requires Council to undertake a comprehensive review of its strategic management plans within two years after each general election. As the last general election was held in November 2018, a review of the current strategic plan - Our Place 2030 - was undertaken and received by Council in February 2021 (Report No 60/21). The review recommended that a new strategic plan be developed, which was provided for Council's consideration as a draft in June 2021 (Report No 208/21).

Section 122(6) of the Act requires that "members of the public are given a reasonable opportunity to be involved in the development and review of its strategic management

plans". An engagement process was undertaken between 12 July and 8 August 2021 via both digital and analogue methods.

Comments were received and incorporated, to form a proposed final Strategic Plan. It was therefore recommended that Council accept this Strategic Plan for commencement from 1 January 2022.

**Motion**

**C091121/2467**

**That Council:**

1. **endorses the Strategic Plan Our Holdfast 2050+, subject to any minor typographical corrections that may be required; and**
2. **approves the Strategic Plan Our Holdfast 2050+ commence from 1 January 2022.**

Moved Councillor Lindop, Seconded Councillor Abley

**Carried**

**Division Called**

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

Those voting for: Councillors Abley, Bradshaw, Chabrel, Clancy, Fleming, Lindop, Lonie, Miller, Patton, Smedley, Snewin. (11)

Those voting against: No Councillors (0)

Her Worship the Mayor declared the motion

**Carried Unanimously**

- 15.5 **Nominations Sought for the Industrial Relations Consultative Council** (Report No: 381/21)

The Local Government Association (LGA) sought nominations for a Local Government member on the Industrial Relations Consultative Council (IRCC) for a three year term commencing 17 March 2022. Ideally, nominees will have demonstrated experience relevant to industrial relations and work, health and safety matters, and ability to represent the views of the Local Government Association.

Elected members should consider if they meet the Selection Criteria on the Call for Nominations Information Sheet (Part A) for the position.

Any member who wishes to be nominated for the position needs to have their nomination endorsed by Council prior to submission to the LGA. If Council does not have a nominee it may just note the report.

**Motion**

**C091121/2468**

**That Council notes the report.**

Moved Councillor Smedley, Seconded Councillor Patton

**Carried Unanimously**

- 15.6 **Local Government Reform and Update to Code of Practice – Access to meetings and Documents** (Report No: 382/21)

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 Review Act updates the *Local Government Act 1999*.

As the legislation relating to Informal Gatherings has changed (Council Policy revoked on 12 October 2021 – C121021/2440) it was also necessary to update Council's Code of Practice – Access to Meetings and Documents (the Code), to refer to 'Information and Briefing Sessions' and implement changes recommended by the Local Government Association. Other minor updates were included to the Code and all proposed amendments were shown as tracked changes.

Section 92(5) of the *Local Government Act 1999* requires that before a council adopts, alters or substitutes a Code of Practice under that section, it must make copies of the proposed Code available for inspection at the Brighton Civic Centre and on Council's website and follow the relevant steps in the public consultation policy (Community Consultation and Engagement Policy). This would be managed by Administration as 'Consult' under Council's Community Consultation and Engagement Policy.

**Motion**

**C091121/2469**

**That Council:**

- 1. endorses the proposed changes to the Code of Practice – Access to Meetings and Document; and**
- 2. approves for Community Consultation the changes to the Code of Practice for 21 days, pursuant to Section 92(5) of the *Local Government Act 1999*.**

Moved Councillor Lonie, Seconded Councillor Smedley

**Carried Unanimously**

**15.7 Container Deposit Scheme (Report No: 375/21)**

The Minister for Environment and Water, the Hon David Speirs announced the release of the "Improving South Australia's recycling makes cents" Container Deposit Scheme (CDS) discussion paper for community, industry and business feedback, which asked for feedback on presented options and opportunities to modernize the CDS. Consultation opened Friday 24 September and closes Friday 19 November.

A review of the CDS commenced in January 2019, with the release of the "Improving South Australia's Recycling makes cents" scoping paper to which Council submitted a response to.

A draft response was prepared, which mirror some of the same sentiments as those listed within the 2019 submission.

**Motion**

**C091121/2470**

**That Council endorse the proposed response to the CDS discussion paper and authorise the Chief Executive Officer to send the response on behalf of Council, with any minor amendments as required.**

Moved Councillor Lindop, Seconded Councillor Chabrel

**Carried Unanimously**

**15.8 40 KM/H Area Speed Limit Public Consultation (Report No: 374/21)**

This report recommended broad scale community consultation with residents and the wider community regarding the proposed introduction of a 40 km/h speed limit within the City of Holdfast Bay.

The initial engagement on issues and solutions for an Integrated Transport Strategy identified speed, minimising through traffic (rat running), increasing walkability and safety



as key issues of concern. In addition, Council's traffic team continually receive complaints regarding vehicle speeds along residential streets.

A council wide or precinct based 40 km/h speed limit was one of a suite of strategies being considered to address traffic concerns.

Arterial roads under the care and control of the Department of Infrastructure and Transport (DIT) are predominately posted at 60 km/h and would not be included as part of any proposal for changes to speed limits.

**Motion**

**C091121/2471**

**That Council support community engagement to help inform a proposed 40 km/h speed limit within the City of Holdfast Bay and that the engagement findings and a recommendation report is presented back to Council.**

Moved Councillor Patton, Seconded Councillor Fleming

**Carried Unanimously**

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

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

**18. ITEMS IN CONFIDENCE**

Item 12.1 Notice on Motion – Purchase of Land – Councillor Fleming (Report No: 385/21) was considered in Item 18, Items in Confidence, as per leave of the meeting granted.

**Conflict of Interest**

Councillor Smedley declared a perceived conflict of interest for Item 18.1 Motion on Notice – Purchase of Land – Councillor Fleming (Report No: 385/21). The nature of the perceived conflict of interest (pursuant to Section 75 and 75A of the *Local Government Act 1999*) is Councillor Smedley provides advice to a party who consults to the owner of the property.

Councillor Smedley dealt with the perceive conflict of interest by making it known and leaving the meeting at 7.57 pm.

**18.1 Motion on Notice – Purchase of Land – Councillor Fleming (Report No: 385/21)**

**Motion – Exclusion of the Public – Section 90(3)(b) and (d) Order**

**C091121/2472**

- 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: 385/21 Motion on Notice – Purchase of Land – Cr Fleming 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: 385/21 Motion on Notice – Purchase of Land – Cr Fleming 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 proposing to conduct 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 Lonie, Seconded Councillor Miller

Carried

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

**C091121/2474**

That having considered Agenda Item 18.1 385/21 Motion on Notice – Purchase of Land – Cr Fleming in confidence under section 90(2) and (3)( b) and (d) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the 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 commercial transactions, and that this order be reviewed every 12 months.

Moved Councillor Miller, Seconded Councillor Lonie

Carried Unanimously

Councillor Smedley re-joined the meeting at 8.38pm.

Councillor Abley left the meeting at 8.38pm.

Councillor Abley re-joined the meeting 8.38pm.

Councillor Lonie left the meeting at 8.38pm.

- 18.2 **Request to remove significant tree in front of 10A Augusta Street, Glenelg** (Report No: 347/21)

**Motion – Exclusion of the Public – Section 90(3)(i) Order**

**C091121/2475**

- 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: 347/21 Request to Remove Significant Tree in front of 10a Augusta Street, Glenelg 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: 347/21 Request to Remove Significant Tree in front of 10a Augusta Street, Glenelg on the following ground:
- 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 potential litigation that the Council believes

on reasonable grounds will take place involving the Council if the tree is not removed, which will be discussed, and this information ought not be made available to the public as it could be detrimentally affect the Council's position if litigation is progressed.

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 Bradshaw, Seconded Councillor Clancy

**Carried Unanimously**

Councillor Lonie re-joined the meeting at 8.40pm

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

**C091121/2477**

That having considered Agenda Item 18.2 Report No: 347/21 Request to Remove Significant Tree in front of 10A Augusta Street, Glenelg in confidence under section 90(2) and (3)(i) 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 Lindop, Seconded Councillor Miller

**Carried Unanimously**

**CLOSURE**

The Meeting closed at 8.42pm.

**CONFIRMED**

**23 November 2021**

**MAYOR**