

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 23 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 J Fletcher
Councillor C Lindop
Councillor S Lonie
Councillor W Miller
Councillor R Patton
Councillor J Smedley

STAFF IN ATTENDANCE

Chief Executive Officer – R Bria
General Manager Assets and Delivery – M de Heus
General Manager Strategy and Corporate – P Jackson
General Manager Alwyndor – B Davidson-Park

1. OPENING

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

2. KAURNA ACKNOWLEDGEMENT

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

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

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

3. SERVICE TO COUNTRY ACKNOWLEDGEMENT

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

4. PRAYER

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

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

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

5. APOLOGIES

5.1 Apologies Received – Councillor R Snewin

5.2 Absent - Nil

6. DECLARATION OF RESULTS

Chief Executive Officer, Mr R Bria read the declaration of the results of the Supplementary Election for the Somerton Ward.

7. DECLARATION OF OFFICE

Section 60 of the *Local Government Act 1999* and Regulation 6 of the *Local Government (General Regulations) 2013* prescribe the declaration be made before a Justice of the Peace or a person authorised under the *Oaths Act 1936*.

Her Worship the Mayor called on Mr Robert Hughes JP, to witness Ms Janet Fletcher's declaration.

8. CONGRATULATORY MESSAGE BY HER WORSHIP THE MAYOR

The Mayor, Amanda Wilson congratulated Councillor Fletcher on her election win in the 2021 Somerton Ward Supplementary Election.

9. MESSAGES OF ACKNOWLEDGEMENT FROM THE NEW COUNCIL

Councillor Fletcher had the opportunity to acknowledge her family and friends for their support.

10. ITEMS PRESENTED TO COUNCIL - Nil**11. DECLARATION OF INTEREST**

Members were reminded to declare their interest before each item.

12. CONFIRMATION OF MINUTES**Motion****C231121/2478**

That the minutes of the Ordinary Meeting of Council held on 9 November 2021 be taken as read and confirmed.

Moved Councillor Lonie, Seconded Councillor Miller

Carried Unanimously

13. PUBLIC PRESENTATIONS

13.1 **Petitions** - Nil

13.2 **Presentations** - Nil

13.3 **Deputations** - Nil

14. QUESTIONS BY MEMBERS**14.1 Without Notice****14.1.1 Art Deco Heritage Review**

Councillor Miller asked for an update on the Art Deco Heritage review.

General Manager Strategy and Corporate took the question on notice.

14.1.2 Fireworks for New Year's Eve

Councillor Miller asked a question in relation to this years New Year's Eve fireworks.

Chief Executive Officer provided a response.

14.1.3 Works on Old Tapleys Hill Road

Councillor Smedley asked a question in relation to the roundabout on the corner of St Annes Terrace and Old Tapleys Hill Road and the reinstatement of the footpath.

General Manager Assets and Delivery provided a response.

14.1.4 LOCAL Magazine Distribution

Councillor Patton asked a question in relation to the distribution list for the LOCAL magazine.

Chief Executive Officer provided a response.

14.1.5 Drainage for Sea Squirt Sculpture

Councillor Patton asked a question in relation to the Sea Squirt sculpture and whether drainage should be present.

General Manager Strategy and Corporate provided a response.

14.1.6 Sand Pumping

Councillor Lindop asked a question in relation to Coast Path and the Tjilbruke springs and clearing for pedestrian access.

General Manager Assets and Delivery provided a response.

14.2 On Notice**14.2.1 Tree Removal Newland Avenue, Kingston Park – Councillor Fleming (Report No: 404/21)**

Councillor Fleming asked the following questions:

1. “Is it true that Council have decided to remove 15 well-established, healthy 60 year old Aleppo Pines on Newland Ave Kingston Park on the City of Holdfast Bay side of the road?
2. Does Council plan to remove non-native healthy trees from all around our Council area regardless of whether they are healthy and established just because they are ‘ non-natives’ to our state?
3. Why have Elected Members not been notified formally from Admin in regards to plans to remove such a significant number of well-established trees in one street in our Council area?
4. The Pine Gully Reserve Biodiversity Action Plan, speaks in 4.1.1 about Aleppo Pines being a declared weed in SA but the dilemma of removing them versus retaining them as important food sources for YTBCs so it recommends only removing scattered pines and new seedlings on this site (Pine Gully). It states 'Broadscale removal of Aleppo Pines would need to consider potential impacts on YTBC feeding habitat and also potential erosion risks if pines were to be removed from steep slopes.' Have the above impacts been considered for Newland Ave?”

ANSWER – General Manager, Assets and Delivery

As there has been no decision to remove 15 Aleppo Pines on Newland Ave Kingston Park I have provided information in regards to the Aleppo pines on Newland Avenue.

The investigation into the Aleppo Pines on Newland Avenue commenced a number of years ago with a number of residents contacting Council concerned about the Aleppo Pines in regard to safety, nuisance and property damage. Councils Senior Urban Forest Officer has met with a number of residents on Newland Avenue, some of whom have requested removal of the trees.

As part of the investigation, a rare opportunity was identified in Newland Avenue to replace the Aleppo Pines with large gums (red or blue gums) due to the wide verge and no overhead power. In addition to the canopy replacement, the investigation also identified the opportunity to include native biodiverse understorey planting, which would contribute to biodiversity improvement targets in the Environment Strategy.

Council staff, as part of our urban forest management, considered a number of factors around selection of new trees and maintenance of existing trees including safety, tree health, biodiversity, street tree diversity, effects on infrastructure and flora and fauna. Tree selection includes both native and non-native trees.

Although Aleppo Pines are a declared species under the Landscape SA Act 2019, there are no current plans to remove this entire species across Council. Over the past few years Aleppo Pines considered unsafe or creating a fire risk have been removed/pruned.

One of the Aleppo pines on Newland Avenue would be considered regulated and should it be recommended for removal, Council staff would provide a report to seek landowner consent. In addition, Elected Members and the adjoining residents would be consulted prior to a decision being made for any proposal for a significant change to the landscape.

This section of verge was included for further investigation in a grant application as part of the Greener Neighbourhoods 2021/22 together with a number of other areas. At this time, in discussion with Green Adelaide, the Newland Avenue site has not been pursued due to the immediate canopy loss associated with the works and the habitat that the trees provide for the yellow-tailed black cockatoos.

Council staff will continue to work with individual residents on Newland Avenue around individual street tree management.

15. MEMBER'S ACTIVITY REPORTS – Nil

16. MOTIONS ON NOTICE

- 16.1 **Motion on Notice – Civic Centre Redevelopment - Councillor Clancy** (Report No: 403/21)

Motion

C231121/2479

Councillor Clancy proposed the following motion:

That Administration only proceed with option 4 (Minimum Compliance) in Council Report 377/21 into budget discussions for 2022/23.

Moved Councillor Clancy, Seconded Councillor Fleming

Background

It is important that council ensures that the Civic Centre is disability compliant. Holdfast Bay is a small council and with the development of the Brighton Sports' Precinct, Kauri Parade it is unnecessary to provide additional community space in buildings.

Adjournment

That the report be adjourned until the next Council meeting on the basis that Council provide further information.

Moved Councillor Lonie

Lapsed for want of a Seconder

The substantive motion on being put was

Carried

Division Called

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

Those voting for: Councillors Fletcher, Patton, Fleming, Abley, Clancy, Smedley, Bradshaw (7)

Those voting against: Councillors Lindop, Miller, Lonie, Chabrel (4)

Her Worship the Mayor declared the motion

Carried

17. ADJOURNED MATTER - Nil

18. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES

18.1 Draft Minutes – Alwyndor Management Committee – 28 October 2021 (Report No: 399/21)

The draft minutes of the Alwyndor Management Committee meeting held on 28 October 2021 were provided for information.

Motion

C231121/2480

- 1. That the draft minutes of the Alwyndor Management Committee meeting held on 28 October 2021 be noted.**

RETAIN IN CONFIDENCE - Section 91(7) Order

- 2. That having considered Attachment 2 to Report No: 399/21 Draft Minutes – Alwyndor Management Committee – 28 October 2021 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 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 Clancy

Carried Unanimously

18.2 Minutes – Jetty Road Mainstreet Committee – 3 November 2021 (Report No: 395/21)

The Minutes of the Jetty Road Mainstreet Committee meeting held on 3 November were presented for Council's information.

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

Motion

C231121/2481

That Council notes the minutes of the Jetty Road Mainstreet Committee of 3 November 2021.

Moved Councillor Abley, Seconded Councillor Miller

Carried Unanimously

19. REPORTS BY OFFICERS

19.1 Items in Brief (Report No: 391/21)

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

C231121/2482

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

1. **2021 Business Confidence Survey**
2. **The Bay Sports Festival**
3. **Partridge House Gardens Beautification**
4. **Local Government Reforms**

Moved Councillor Lonie, Seconded Councillor Lindop

Carried

19.2 SRWRA Audit Committee – Appointment of Independent Member (Report No: 392/21)

The Southern Region Waste Resource Authority (SRWRA) requested Council to appoint one independent member to the SRWRA Audit Committee.

Motion

C231121/2483

That Council re-appoints Mr Sam Spadavecchia to the Southern Region Waste Resource Authority Audit Committee for a term of 24 months.

Moved Councillor Smedley, Seconded Councillor Lindop

Carried

19.3 Council Meeting Schedule for 2022 (Report No: 380/21)

The *Local Government Act 1999* requires Council to hold at least one ordinary meeting of Council per month.

A resolution of Council was required to adopt the meeting schedule. Meeting schedules can be reviewed and amended at any time by the Council. Council adopted the schedule for 2021 and for January 2022 on 10 November 2020.

Currently, ordinary meetings of Council are scheduled on the second and fourth Tuesday of each month from February to November. There was only one meeting scheduled for December 2021 and one for January 2022 due to the holiday period. It was proposed that Council continue with this meeting schedule and the frequency of meetings, noting that a Caretaker Period will commence in September 2022 due to Local Government elections, which will be held in November 2022.

Motion

C231121/2484

That Council:

1. hold ordinary meetings of Council on the second and fourth Tuesday of each month, commencing February 2022 with the exceptions of December 2022 and January 2023;
2. hold ordinary meetings of Council once in the months of December 2022 and January 2023 due to the holiday period;
3. resolve that all ordinary meetings of Council be held in the Glenelg Town Hall Chamber;
4. resolve that all ordinary meetings of Council commence at 7.00pm;
5. review the schedule of ordinary meetings of Council for the year ahead by December 2022.

Moved Councillor Abley, Seconded Councillor Lindop

Carried Unanimously

19.4 **Elected Member Appointments to the Council Assessment Panel** (Report No: 393/21)

The tenure of the Elected Member appointed to the City of Holdfast Bay Council Assessment Panel expires on 14 December 2021. This report recommended that Council appoint one (1) incumbent Elected Member to serve on the Council Assessment Panel for the remainder of the Council term and one (1) deputy Elected Member to serve on the Council Assessment Panel for the remainder of the Council term as the need arises when the incumbent is either unable or unavailable to participate.

Nominations

Her Worship the Mayor called for nominations.

A nomination was received for Councillor Fleming to be the incumbent Elected Member on the Council Assessment Panel.

A nomination was received for Councillor Miller to be the Deputy Elected Member on the Council Assessment Panel.

Her Worship the Mayor announced that Councillor Fleming had been nominated to be the incumbent Elected Member on the Council Assessment Panel and Councillor Miller had been nominated to be the Deputy Elected Member on the Council Assessment Panel, which was included in the Council's motion.

Conflict of Interest

Councillors Fleming and Miller declared a material conflict of interest for Item 19.4 Elected Member Appointments to the Council Assessment Panel (Report No: 393/21) 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 they would receive a sitting fee.

Councillors Fleming and Miller dealt with the conflict of interest by leaving the meeting at 7.43pm.

Motion**C231121/2485****That Council:**

1. **Appoint Councillor Fleming to serve as the incumbent Elected Member on the City of Holdfast Bay Council Assessment Panel for the period commencing 14 December 2021 until the end of the Council term; and**
2. **Appoint Councillor Miller to serve as the deputy Elected Member on the City of Holdfast Bay Council Assessment Panel during the incumbent Elected Member's absence for the period commencing 14 December 2021 until the end of the Council term.**

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

Councillors Fleming and Miller re-joined the meeting at 7.44pm.

19.5 Nominations Sought for the Dog and Cat Management Board (Report No: 402/21)

The Local Government Association (LGA) was seeking nominations from a suitably qualified Council member or employee of Council to fill a position on the Dog and Cat Management Board (DCMB) for a term of up to three years.

Elected members considered if they met the selection criteria of the position as outlined on the Call for Nominations Information Sheet.

Any member who would like to be nominated, needed to have their nomination endorsed by Council prior to submission to the LGA. If Council did not have a nominee, it would just note the report.

Nominations

Her Worship the Mayor called for nominations.

A nomination was received for Councillor Fleming.

Her Worship the Mayor announced that Councillor Fleming had been nominated, which was included in the Council's motion.

Conflict of Interest

Councillor Fleming declared a material conflict of interest for Item 19.5 Nominations Sought for the Dog and Cat Management Board (Report No: 402/21) 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 she would receive a sitting fee.

Councillor Fleming dealt with the conflict of interest by leaving the meeting at 7.44pm.

Motion**C231121/2486****That Council nominates Councillor Fleming for consideration by the LGA to be nominated for the Dog and Cat Management Board.**

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

Councillor Fleming re-joined the meeting at 7.45pm.

19.6 **Monthly Financial Report – 31 October 2021** (Report No: 398/21)

Attached were financial reports as at 31 October 2021. They comprised a Funds Statement and a Capital Expenditure Report for Council's municipal activities and Alwyndor Aged Care. The adjusted forecast budget included the carried forward amount as approved by Council 24 August 2021 and the first quarterly budget update approved by Council 26 October 2021.

No changes to Alwyndor and Municipal budgets were recommended at this time, but the report highlighted items that showed a material variance from the YTD budget.

Motion

C231121/2487

That Council receives the financial reports for the four (4) months to 31 October 2021 and notes:

- **no change to the Municipal activities 2021/22 revised budget forecast; and**
- **no change to the Alwyndor Aged Care 2021/22 revised budget forecast.**

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

19.7 **Trial Parklet Installation** (Report No: 397/21)

On 28 September 2021, Councillor Miller put forward a Motion on Notice (C280921/2418), requesting a report identifying the feasibility and suitability of parklet installations within the City of Holdfast Bay with particular reference to Jetty Road Glenelg Precinct, and bringing back recommendations for the installation of parklets for a trial period if deemed suitable.

A parklet is a small footpath extension that provides an extension of space and amenities, usually using street parking spaces. Using as a street activation method, they typically provide seating and landscaping. Whilst often offering additional capacity for outdoor dining for adjacent businesses, they can be used simply as public spaces.

Parklets have been used internationally and locally for some time. A parklet was installed at 63 Jetty Road, Glenelg in front of Gloria Jean's Coffees for the duration of the Chapel Street Plaza redevelopment, to offset space the trader lost in Hindmarsh Lane during construction.

There are many potential purposes for a parklet and many potential design approaches that could fulfil each purpose. The costs (both capital and operating) will depend on the nature of the parklet selected. Council's Open Space and Public Realm Strategy supports innovative responses to increasing needs for open space, nevertheless there are a substantial number of policy and operational considerations required when deciding whether and where to install parklets.

To assist in narrowing down the variables, it was proposed that a public Expression of Interest be held in early 2022 to determine levels of interest/public support for parklets and that concurrently, a high level traffic assessment be undertaken to develop standards against which proposals can be evaluated.

Motion

C231121/2488

That Council:

1. **notes the complexities of installing parklets as outlined in this Report;**
2. **Administration put together an Expression of Interest to gauge interest from traders and the community in parklets and their preferred locations;**
3. **allocates \$15,000 to undertake a high level traffic assessment to identify standards against which proposals can be evaluated, along with up to 10 locations that would be most suitable for parklet trials; and**
4. **Administration bring back a Report on the outcome of the Expression of Interest and traffic assessment, along with further recommendations.**

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

19.8 **Review of Items Held in Confidence (Report No: 400/21)**

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

The Confidential Items Review considered the nature of the information contained within the confidential items, the grounds on which it was originally held in confidence and the length of time the information can be kept confidential. Each item was reviewed individually, resulting in a determination as to whether the confidentiality order for each item was still current under the Act.

This report recommended that 14 Confidential Items (reports and/or attachments and/or minutes) be released from confidence and that 27 Confidential Items reviewed at this time be retained in confidence.

Motion

C231121/2489

That Council approves:

1. **the Confidential Items presented as Attachment 1 to this report be released from confidence; and**
2. **the Confidential Items presented as Attachment 2 to this report be retained in confidence and included in future stages of the Confidential Items Review.**

Moved Councillor Clancy, Seconded Councillor Fleming **Carried Unanimously**

19.9 Verge Management Policy Review (Report No: 394/21)

The Verge Management Policy had a substantial review, particularly with reference to other Council's policies and feedback from residents and the community. An internal consultation process was undertaken. Public consultation on the Policy was not required to be undertaken.

The Verge Management Policy was presented to Council for endorsement.

Motion

That Council endorse the updated Verge Management Policy, subject to the removal of 2.4.1 (6) and 2.10.2.

Moved Councillor Chabrel, Seconded Councillor Abley

Adjournment**C231121/2490**

That the report be adjourned until the next Council meeting to allow Administration to review the dolomite provisions in the Verge Management Policy.

Moved Councillor Clancy, Seconded Councillor Fleming **Carried Unanimously**

Councillors Chabrel and Abley have spoken to the motion, however Councillor Chabrel has the right of reply.

19.10 Tree Management Policy Review (Report No: 396/21)

The Tree Management Policy had a substantial review that has taken approximately a year, and included both internal and external stakeholders including an independent consulting arborist, as well as numerous internal Administrative staff and an Elected Member workshop.

Public consultation on the Policy was not required to be undertaken.

Motion

That Council endorse the updated Tree Management Policy.

Moved Councillor Lindop, Seconded Councillor Clancy

Adjournment**C231121/2491**

That the report be adjourned until the next Council meeting to allow Administration to clarify regulation of significant trees under the Planning Code.

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

Councillors Lindop and Clancy have spoken to the motion, however Councillor Lindop has the right of reply.

19.11 **Statutes Amendment (Local Government Review) Act 2021 – Round 2 Regulations** (Report No: 401/21)

The *Statutes Amendment (Local Government Review) Act 2021* (the Review Act) substantially amends the *Local Government Act 1999*. The Office of Local Government (OLG), through the Local Government Association (LGA), sought feedback on the second round of draft regulations which will support the implementation of the Review Act.

The Round 2 Regulations were:

- *Local Government (Financial Management) (Review) Variation Regulations 2021*
- *Local Government (General) (Annual Report) Variation Regulations 2021*
- *Local Government (Transitional Provisions) (Stage 2) Variation Regulations 2021*

Motion

C231121/2492

That Council:

1. **endorses the position outlined in the report; and**
2. **authorises the Chief Executive Officer to respond on Council's behalf.**

Moved Councillor Lonie, Seconded Councillor Patton

Carried Unanimously

20. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil

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

22. ITEMS IN CONFIDENCE

22.1 **Question without Notice – Somerton Surf Club**

Motion – Exclusion of the Public – Section 90(3)(b) and (d) Order C231121/2493

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 Question without Notice – Somerton Surf Club 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 Question without Notice – Somerton Surf Club 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 Miller, Seconded Councillor Abley

Carried Unanimously

A question was asked in relation to the Somerton Surf Club.

Conflict of Interest

Councillors Fleming and Miller declared an actual conflict of interest for Item 22.1 Question without Notice - Somerton Surf Club. The nature of the actual conflict of interest (pursuant to Section 75 and 75A of the *Local Government Act 1999*) is that Councillors Fleming and Miller are on the Council Assessment Panel.

Councillors Fleming and Miller dealt with the actual conflict of interest by making it known and leaving the meeting at 8.10pm.

Councillors Fleming and Miller left the meeting at 8.10pm.

General Manager Strategy and Corporate provided a response.

Councillors Fleming and Miller re-joined the meeting at 8.16pm.

CLOSURE

The Meeting closed at 8.16pm.

CONFIRMED 14 December 2021

MAYOR