

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 December 2021 at 7:00pm.

MEMBERS PRESENT

Mayor A Wilson
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
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 – Councillor R Abley

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****C141221/2494**

That the minutes of the Ordinary Meeting of Council held on 23 November 2021 be taken as read and confirmed.

Moved Councillor Clancy, Seconded Councillor Patton

Carried**9. PUBLIC PRESENTATIONS**

9.1 **Petitions** - Nil

9.2 **Presentations** - Nil

Conflict of Interest

Councillors Fleming and Miller declared an actual conflict of interest for Item 9.3 Deputations regarding the request to remove a significant tree in front of 10A Augusta Street, Glenelg. The nature of the actual conflict of interest (pursuant to Section 75 and 75A of the 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 conflict of interest by leaving the meeting at 7.04pm.

Councillor Lonie joined the meeting at 7.08pm.

9.3 Deputations**9.3.1 Mr Bob Fisk and Ms Christine Grant**

Mayor Wilson approved a deputation request from Mr Bob Fisk on behalf of Ms Christine Grant to attend regarding the request to remove a significant tree in front on 10A Augusta Street, Glenelg.

Councillors Fleming and Miller re-joined the meeting at 7.14pm.

10. QUESTIONS BY MEMBERS**10.1 Without Notice****10.1.1 Ferry Services to Kangaroo Island from Glenelg**

Councillor Patton asked a question in relation to whether Sealink has contacted Council about providing services from Glenelg.

Chief Executive Officer provided a response.

10.1.2 Parking Restrictions around Broadway

Councillor Miller asked a question in relation to parking restrictions around Broadway.

General Manager Assets and Delivery provided a response.

10.1.3 Summer Solstice for 2022

Councillor Fleming asked a number of questions in relation to the Summer Solstice for 2022.

General Manager Business and Community provided a response.

10.1.4 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.

10.1.5 Summertown Studios

Councillor Lindop asked a question in relation to street lighting around Summertime Studios.

General Manager Assets and Delivery provided a response.

10.1.6 Mawson Oval

Councillor Snewin asked a question in relation to the use of the Mawson Oval by Sturt Thunder Soccer Club.

General Manager Business and Community took the question on notice.

10.2 On Notice**10.2.1 Management of Feral Pigeons – Councillor Smedley (Report No: 419/21)**

Councillor Smedley asked the following question:

“What is Holdfast Bay’s current policy for the management of feral pigeons, and what other steps can be taken/recommended to effectively reduce and manage their prevalence city wide?”

Answer – General Manager, Community & Business

Council manage pigeons on Council buildings as part of the maintenance program. Methods include trapping and introducing deterrents to reduce roosting locations. Furthermore, food business are required to clear their tables regularly and Moseley Square has a number of signs prohibiting bird feeding. Enforcement action is taken when excessive, repeated feeding occurs.

Feral pigeons will generally breed in line with available food, water and safe nesting locations and with limited natural predators, this problem needs to be managed.

Administration have received feedback from pest control companies that not all property owners or landlords are actively controlling pigeons on their properties.

City of Holdfast Bay undertakes preventative measures which include regular cleaning within Moseley Square and the broader precinct and trimming date palms – a common roosting location.

10.2.2 **Boundary Realignment, Glengowrie – Councillor Abley** (Report No: 421/21)

Councillor Abley asked the following question:

“Could administration please inform if /when a community meeting will occur to seek interest in Glengowrie residents making an application for a boundary realignment.

If there is no meeting scheduled, can administration please advise reason why.”

Answer – Manager, Strategy and Governance

Administration have been in contact with the Commission several times regarding the submission process.

Most recently, Administration have been advised that if a proposal is to be community-led, relevant community leaders should get in touch with the Boundaries Reform Commission to directly request a briefing regarding the process. Council can provide some support to the community during the process but must not in effect be leading it.

Administration has responded to the community members who have enquired about a boundary proposal, advising that a community-led proposal requires a direct approach to the Commission, not via Council. Administration has, however, offered logistical support by offering to

book a venue and advertise the meeting, once a date has been set by the community and Commission.

If Council was to lead a proposal, it would require a budget allocation. While the precise amount cannot be known until the Commission scopes its investigation, indicators suggest that a budget requirement in the order of \$250,000 could be required.

10.2.3 **Project Costs – Councillor Clancy** (Report No: 431/21)

Councillor Clancy asked the following question:

“Could Administration please provide the cost for concept designs, community consultation for:

- Glenelg Town Hall
- Buffalo site
- Civic Centre at Brighton
- Seacliff toilets including the additional \$7.5 million enhancement of the area.

In relation to Seacliff roundabout - I am unaware of any motion to Council which asked for the extensive report. Who authorised the expenditure as it was not part of the original motion for toilets and greening the roundabout”.

Answer – General Manager, Strategy and Corporate

The cost of the concept designs, including community consultation, are:

Project	Cost
Glenelg Townhall	\$168,160
Buffalo Redevelopment	\$72,775
Civic Centre Redevelopment	\$75,000
Seacliff Plaza Upgrade	\$133,860

Please note that costs also include geotechnical analysis, surveying, traffic analysis and quantity surveying where it was required and that all projects were endorsed by Council through Annual Business Planning processes.

The Seacliff Plaza Upgrade Stage 1 was endorsed by Council as part of the 2021-22 Annual Business Plan process. The scope of this project was to construct new amenities block and develop a detailed design for an upgrade to Seacliff Plaza which includes landscaping, new traffic controls and improved pedestrian access.

11. MEMBER’S ACTIVITY REPORTS - Nil

Leave of the Meeting

Mayor Wilson sought leave of the meeting to move Item 12.3 in the Agenda to be considered after Item 10.2.3.

Leave of the meeting was granted.

12. MOTIONS ON NOTICE

Conflict of Interest

Councillors Fleming and Miller declared an actual conflict of interest for Item 12.3 Motion on Notice – Somerton Surf Life Saving Club – Councillor Clancy (Report No: 424/21). 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 conflict of interest by leaving the meeting at 7.22pm.

12.3 **Motion on Notice – Somerton Surf Life Saving Club - Councillor Clancy** (Report No: 434/21)

Motion

Councillor Clancy proposed the following motion:

That if the Council Assessment Panel

1. approves the Somerton Surf Life Saving Club's current development application, Council approval to the Club's Management Agreement with its manager Gambell & Sutton Pty Ltd be extended until after the proposed sub-lease from the club to the manager commences and the manager gains a restaurant liquor licence, or
2. refuses the Club's application, Council approval to the Management Agreement is extended until 6 calendar months after the date of refusal.

Moved Councillor Clancy

Amendment:

C141221/2495

Councillor Snewin proposed the following amendment:

1. That Council extend the approval for the Club's management agreement with Gambell & Sutton Pty Ltd until the Council Assessment Panel decision.
2. That if the Council Assessment Panel:
 - a. approves the Somerton Surf Life Saving Club's current development application, Council approval to the Club's Management Agreement with its manager Gambell & Sutton Pty Ltd be extended until after the proposed sub-lease from the club to the manager commences and the manager gains a restaurant liquor licence, up to a maximum of 6 months or
 - b. refuses the Club's application, Council approval to the Management Agreement is extended until 6 calendar months after the date of refusal.

The Mover Councillor Clancy agreed to the amendment proposed by Councillor Snewin, and it became the motion and seconded by Councillor Snewin. The motion, as amended was put.

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

Background

1. The club first applied to the Council to sub-lease its bistro area to the manager in January 2020, but also had to gain development approval.
2. At the end of that month, to make it easier to gain approval and avoid financial risk, it put off its development application until after the introduction of the new Planning & Design Code, then expected on 1st July 2020, but subsequently deferred by the State Government until 1st September 2020 and later indefinitely.
3. The club and the manager devised an alternative arrangement which did not require development approval and entered into a management agreement. This is a temporary arrangement until all approvals can be obtained for the sub-lease.
4. In July 2020 the Council approved the management agreement for 12 months.
5. The Planning & Design Code eventually came into operation in March 2021.
6. As the club's first application for Council approval to the proposed sub-lease had not progressed within Council, the club lodged a second application in June 2020.
7. In July 2021 the Council extended its approval of the management agreement until 1st February 2022.
8. After the Planning and Design Code came into operation in March 2021, the club's development application was held up for other reasons which were beyond the club's control and the club eventually lodged its application in September 2021.
9. The club has received 13 representations opposing its application and 424 supporting representations. Two of the opposing representations gave no supporting reason/s for their opposition. They may have been mistakes. The club is meeting with 10 of the other opposing representors, who are Brighton Dunes residents. These residents have concerns but none of them want to completely close down the bistro. The club has already satisfied one of their two major concerns and partially satisfied the other and it is confident that a resolution will be reached as talks progress. The other opposing representor from The Dunes submitted her representation in support of the group of 10 and not based on personal concerns.
10. The Council Assessment Panel is expected to hear the club's development application on 27th January 2022, although if deferred, a

decision may not be made until a later date. If the decision is favourable, the club's managers Kate & Charles (Gambell & Sutton Pty Ltd), who do an excellent job and were highly praised in many of the representations, will still not be able to operate their own business under a sub-lease for quite some months. After the development approval there still must be negotiations between the Council and the club regarding possible amendments to the club's lease and the terms and conditions of the sub-lease. Then these documents must be prepared by the Council's solicitors and signed by the parties. Subsequently the club must apply for a redefinition of its liquor licence and Gambell & Sutton Pty Ltd must apply for its restaurant licence. This is expected to take several months during which the business must continue to be operated by the club under its club licence. The club can only do this if approval to the management agreement is extended. If it is not, Kate and Charles will temporarily and unnecessarily be thrown out of work, staff will lose their jobs, functions and events booked in advance will have to be cancelled and the club will suffer a significant loss.

11. Although the club believes the Council Assessment Panel will approve its development application, the outcome of such an application is never certain and it is possible that the application may be refused. If that happens, the club needs to re-assess its position. It may wish to seek legal advice on an appeal and depending on that advice it may want to appeal. The club may seek to carry on the operations under an alternative arrangement. This will take time to consider. The club has in the past employed managers for the food and beverage operations which ended in financial disaster for the club. It has also previously used volunteers to perform this task, however this model resulted in operations being cut back to such an extent that they became unprofitable. It will not be easy for the club to come up with a workable arrangement and the club may need to close down its bistro and functions operations, altogether. This would have a huge financial effect on the club and Kate and Charles would need time to close the business. They have functions booked in advance and they must consider their own and their staff's future. They will need time to look for other opportunities. The club owes a responsibility to treat Kate and Charles with decency and respect as they have worked so hard and managed the business so well for the club. With so many unknowns and uncertainties to resolve, an extension of six months is likely to be needed to transition away from the current arrangement.

Councillors Fleming and Miller re-joined the meeting at 7.27pm.

- 12.1 **Motion on Notice – Collaboration with West Torrens and Marion Councils - Councillor Clancy** (Report No: 430/21)

Motion

Councillor Clancy proposed the following motion:

That the Audit Committee review the response from Administration and to recommend what opportunities it believes are possible to reduce costs by working collaboratively.

Moved Councillor Clancy, Seconded Councillor Bradshaw

Lost

Background

I believe that it is extremely important to work with other councils and the breadth of knowledge of the Audit Committee members may provide Council with other options which need investigating and reports from Local Government Association and comments from political parties see this as being very important to reduce costs to ratepayers.

12.2 Motion on Notice – Investigate Traffic Calming Methods using Greening and Water Sensitive Urban Design (WSUD) - Councillor Lindop (Report No: 432/21)

Motion

C141221/2496

Councillor Lindop proposed the following motion:

That Council Administration investigate and bring a report back to Council on Myrtle Road and Waratah Street, Seacliff for the installation of "Tree bays" or similar as a greening and cooling initiative by adding a space for trees or WSUD garden with the outcome also of a traffic calming measure.

Moved Councillor Lindop, Seconded Councillor Fleming

Carried Unanimously

Background

Historically Myrtle Road and Waratah Street were laneways in Seacliff that were widened in the 1930's to make a roadway. However, they are very narrow and with parking on one side creates problems when cars meet coming in both directions as it can only accommodate one car travelling down it at any time.

Visually the side streets do become like "raceways", rather than being treated as a residential street and "breaking up" this raceway appearance with tree bays and garden beds has been very effective in other areas.

The streets in Seacliff are narrow and the footpaths are unable to be planted with street trees. The installation of tree bays or similar will align with our targets to green and cool the city, and increase the capture of storm water retention.

I have had correspondence from residents on Myrtle Road and Waratah Street who have complained about traffic concerns and this issue has been raised separately by many residents in Seacliff.

13. ADJOURNED MATTER

13.1 Adjourned Report – Tree Management Policy (Report No: 422/21)

The Tree Management Policy had a substantial review, 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.

This report was recently tabled at the ordinary meeting of Council on 23 November 2021 (Item 19.10 Tree Management Policy Review Report No: 396/21) and was adjourned under Regulation 19, *Local Government (Proceedings at Meetings) Regulations 2013*, to allow Council to undertake further revisions.

The adjourned motion needed to be considered before any other motion could be considered. Councillors Lindop and Clancy had spoken to the motion, however Councillor Lindop had the right of reply (as the mover).

Motion

C141221/2497

That Council endorse the updated Tree Management Policy.

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

13.2 **Adjourned Report – Verge Management Policy** (Report No: 423/21)

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.

This report was recently tabled at the ordinary meeting of Council on 23 November 2021 (Item 19.9 Verge Management Policy Review Report No: 394/21) and was adjourned under Regulation 19, *Local Government (Proceedings at Meetings) Regulations 2013*, to allow Council to undertake further revisions.

The adjourned motion needed to be considered before any new motion could be considered. Administration recommended that the substantive motion be amended with the acceptance of the mover (Councillor Chabrel) and the Secunder (Councillor Abley) or as a formal amendment to reflect the amendment to the policy that was undertaken.

Councillors Chabrel and Abley had spoken to the motion, however Councillor Chabrel had the right of reply (as the mover).

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

Amendment

C141221/2498

That Council endorse the updated Verge Management Policy.

Moved Councillor Snewin, Seconded Councillor Miller

That the amendment on being put was
The motion, as amended, on being put was

Carried
Carried Unanimously

13.3 Adjourned Report – Request to remove significant tree in front of 10A Augusta Street, Glenelg (Report No: 407/21)

Leave of the Meeting

Mayor Wilson sought leave of the meeting to move Item 13.3 Adjourned Report – Request to Remove significant tree in front on 10A Augusta Street, Glenelg (Report No: 407/21) to be considered in confidence at Item 18, Items in Confidence.

Leave of the meeting was granted.

14. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES

14.1 Minutes – Jetty Road Mainstreet Committee – 1 December 2021 (Report No: 429/21)

The Minutes of the Jetty Road Mainstreet Committee meeting held on 1 December 2021 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

C141221/2499

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

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

14.2 Draft Minutes – Alwyndor Management Committee – 25 November 2021 (Report No: 435/21)

The draft minutes of the Alwyndor Management Committee meeting held on 25 November 2021 were provided for information.

Motion

C141221/2500

1. That the draft minutes of the Alwyndor Management Committee meeting held on 25 November 2021 be noted.

RETAIN IN CONFIDENCE - Section 91(7) Order

2. That having considered Attachment 2 to Report No: 435/21 Draft Minutes – Alwyndor Management Committee – 25 November 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 Snewin **Carried Unanimously**

15. REPORTS BY OFFICERS

15.1 Items in Brief (Report No: 406/21)

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 **C141221/2501**

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

1. **Glenelg Oval Masterplan Stage 3 and 4 Update**
2. **Appointment to SA Public Health Council**
3. **Letter from ESCA – Certification for Representation Review**
4. **Ice Cream Festival**
5. **Volunteering Services**
6. **Community Wellbeing CHSP Transport and Social Support Group Services**
7. **Suicide Prevention Network**
8. **Beach Accessibility – Come ‘n Try Day**
9. **Green Industries SA (GISA) discussion paper on proposed measures to address single use plastic products**

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

Councillor Lindop left the meeting at 8.09pm.

Conflict of Interest

Councillor Fletcher declared a material conflict of interest for Item 15.2 Glenelg Football Club – Financial Support Review (Report No: 379/21). The nature of the material conflict of interest (pursuant to Section 73 and 74 of the of the *Local Government Act 1999*) is that Councillor Fletcher's Daughter and Fiancé play for the Glenelg Football Seniors and Women's Teams'.

Councillor Fletcher dealt with the conflict of interest by leaving the meeting at 8.10pm.

Councillor Lindop re-joined the meeting at 8.11pm.

15.2 **Glenelg Football Club – Financial Support Review** (Report No: 379/21)

Since 2016, Council resolved to grant the Glenelg Football Club several financial concessions to assist the Club in meeting its objective of long-term sustainability (C131216/622; C230517/787; C221019/1658). The concessions included reducing the annual lease up to 31 October 2022, writing off of past interest and not charging interest on existing borrowings up to 31 October 2022. These concessions continue to contribute to the sustainability of the Club.

In October 2019 Council resolved to review the arrangements at least six months prior to October 2022. The impact of the COVID-19 pandemic has delayed by 12 months the distributions from the SANFL from the sale of AAMI stadium. These distributions were being paid directly to Council and reducing the debt outstanding by the club to Council. The Council resolution in 2019 was based on a review occurring six months prior to the last distribution, which has now been extended by 12 months.

This report reviewed the current ability of the Club to make lease and interest payments on borrowings by assessing its current financial performance and future budgets. The report also identified that COVID-19 had significantly impacted the Club as well as the SANFL financial performance resulting in the deferral of the annual land divestment distribution to Council and recommended extending the financial assistance by 12 months to coincide with the last distribution from the SANFL.

Motion

C141221/2502

- 1. That Council notes the report and affirms its commitment to the long-term sustainability of the Glenelg Football Club.**
- 2. That the Glenelg Football Club continue to not be charged interest on existing borrowings up to 31 October 2023.**
- 3. That the Glenelg Football Club annual lease be maintained at \$40,000 pa (including GST) up to 31 October 2023.**
- 4. That a review of these arrangements be undertaken at least six months prior to the 31 October 2023.**

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

Councillor Fletcher re-joined the meeting at 8.14pm.

15.3 Sturt River Linear Park Concept (Report No: 408/21)

A concept report was prepared for Council's consideration for a shared path along the Sturt River Linear Park corridor, between Pine Avenue and Tapleys Hill Road. This development will deliver a missing link for the existing Sturt River Linear Park which intends to be a continuous link between the Patawalonga River and the Adelaide Foothills. It was recommended that the concept presented in this report be used for the purposes of community consultation.

Adjournment

That the report be adjourned to allow for further information to be provided in regards to biodiversity.

Moved Councillor Chabrel

Lost for want of a Seconder

Motion **C141221/2503**

That Council:

- 1. approves the concept report for the proposed Sturt River Linear Park Pathway for the purposes of community consultation; and**
- 2. approves Administration to proceed to the next phase of the project and undertake community consultation on the concept report.**

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

15.4 **Waste Management Policy Review** (Report No: 416/21)

The Waste Management Policy was reviewed and updated, and presented to Council for endorsement. Public consultation on the Policy was not required to be undertaken.

Motion **C141221/2504**

That Council endorse the updated Waste Management Policy.

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

Councillor Patton left the meeting at 8.46pm.

15.5 **Business Continuity Policy and Plans** (Report No: 420/21)

In early 2020, draft business continuity and crisis management documents were developed for the organisation and immediately 'pressure tested' via the COVID-19 pandemic.

The Audit Committee reviewed a draft Business Continuity Policy on 20 October 2021 and commended it to Council for approval.

Motion **C141221/2505**

That Council:

- 1. approves the Business Continuity Policy; and**
- 2. notes the Crisis Management Plan and example Business Continuity Plan.**

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

Councillor Patton re-joined the meeting at 8.48pm.

15.6 **Review of Items Held in Confidence** (Report No: 425/21)

An extensive review of all items held in confidence was undertaken, in stages, pursuant to 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 five (5) Confidential Items (reports and/or attachments and/or minutes) be released from confidence and that 41 Confidential Items reviewed at this time be retained in confidence.

Motion

C141221/2506

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 Lonie

Carried Unanimously

15.7 Nominations Sought for Stormwater Management Authority (Report No: 426/21)

The Local Government Association (LGA) was seeking nominations for the positions of Ordinary Members and Presiding Member, from suitably qualified council members or employees of Council to fill four positions on the Stormwater Management Authority (SMA) for a term of up to three (3) years.

Nominees should consider the selection criteria of the position as outlined on the Call for Nominations Information Sheet. Nominees can be Elected Members or staff, noting that staff are not paid sitting fees.

Any nominees 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.

Nominations were received for Mayor Wilson.

Conflict of Interest

Mayor Wilson declared a material conflict of interest for Item 15.7 Nominations Sought for Stormwater Management Authority (Report No: 426/21) 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.

Mayor Wilson dealt with the conflict of interest by leaving the meeting at 8.49pm.

Deputy Mayor, Councillor Smedley assumed the chair at 8.49pm.

The Deputy Mayor announced that Mayor Wilson had been nominated, which was included in the Council's motion.

Motion

C141221/2507

That Council nominates Mayor Wilson for consideration by the LGA to be nominated for the Stormwater Management Authority.

Moved Councillor Miller, Seconded Councillor Snewin

Carried Unanimously

Her Worship the Mayor, resumed the chair at 8.50pm.

Councillor Lonie left the meeting at 8.50pm.

15.8 Nominations Sought for the SA Power Networks Community Advisory Board (Report No: 427/21)

The Local Government Association (LGA) was seeking nominations from a suitably qualified Elected Member or employee of Council to fill a position on the SA Power Networks Community Advisory Board for a term of up to two (2) 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.

Nominations were received for Councillor Clancy.

Her Worship the Mayor announced that Councillor Clancy had been selected for the nomination which was included in the Council's motion.

Conflict of Interest

Councillor Clancy declared a material conflict of interest for Item 15.8 Nominations Sought for the SA Power Networks Community Advisory Board (Report No: 427/21) 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 Clancy dealt with the conflict of interest by leaving the meeting at 8.52pm.

Motion

C141221/2508

That Council nominates Councillor Clancy for consideration by the LGA to be nominated for the SA Power Networks Community Advisory Board.

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

Councillor Clancy re-joined the meeting at 8.53pm.

15.9 **Commonwealth Home Support Program (CHSP) Update** (Report No: 428/21)

The grant funded Commonwealth Home Support Program (CHSP) was novated to Alwyndor from 1 July 2020. Alwyndor brokers the Transport and Social Support Group services to Community Wellbeing at the City of Holdfast Bay.

This report provided an overview of the transition since novation; it highlighted the impact of COVID-19 on service delivery and provided information on future changes as part of the aged care reform process.

Councillor Lonie re-joined the meeting at 8.54pm.

Motion

C141221/2509

That Council note the report.

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

15.10 **Review of Authorisations and Delegations under the Instrument of General Approval and Delegation (Dated 22 August 2013) to Council – Road Traffic Act 1961** (Report No: 433/21)

The Minister for Transport and Infrastructure granted general authorisations and delegations to councils for the purpose of exercising specific powers and functions under the *Road Traffic Act 1961*.

These authorisations and delegations were made under the Instrument of General Approval and Delegation dated 22 August 2013 (the General Approval).

The Instrument of sub-delegation and authorisations were presented to Council to resolve to grant the powers under the *Road Traffic Act 1961*.

Motion

C141221/2510

That Council:

1. **revokes any previous sub-delegations relating to section 33(1) of the *Road Traffic Act 1961* and resolves to grant the sub-delegation of powers under the *Road Traffic Act 1961*.**
2. **authorises the employees of Council to exercise the powers under sections 17 and 20 of the *Road Traffic Act 1961* conferred on or delegated to Council by the General Approval, subject to the conditions set out in the General Approval and any additional**

conditions noted in the table with respect to the exercise of the power provided in Attachment 2; and

3. resolves in accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure (the General Approval) to authorise the following persons pursuant to Clause A.7 of the General Approval to endorse Traffic Impact Statements for the purposes of Clause A provided that such persons shall take into account the matters specified in Clause A.7 of the General Approval:

- Mr Roberto Bria, Chief Executive Officer
- Mr Michael de Heus, General Manager Assets and Delivery
- Mr James Mitchell, Manager Engineering
- Rhys Skipper, Traffic and Transport Lead
- Mr Kaushal Karki, Technical Officer Traffic

4. in accordance with Clause A.7 of the General Approval, the Council is of the opinion that the following persons are experienced traffic engineering practitioners for the purposes of preparing Traffic Impact Statements as required by Clause A.7 of the General Approval:

- Mr Roberto Bria, Chief Executive Officer
- Mr Michael de Heus, General Manager Assets and Delivery
- Mr James Mitchell, Manager Engineering
- Rhys Skipper, Traffic and Transport Lead
- Mr Kaushal Karki, Technical Officer Traffic

5. in accordance with Clause E.2 of the General Approval, the Council is of the opinion that the following persons have an appropriate level of knowledge and expertise in the preparation of Traffic Management Plans:

- Mr Roberto Bria, Chief Executive Officer
- Mr Michael de Heus, General Manager Assets and Delivery
- Mr James Mitchell, Manager Engineering
- Rhys Skipper, Traffic and Transport Lead
- Mr Kaushal Karki, Technical Officer Traffic

Moved Councillor Lonie, Seconded Councillor Fletcher

Carried Unanimously

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

17. **URGENT BUSINESS**

17.1 **Statement by the Mayor**

The Mayor made a statement in relation to the contents of a Facebook site during the Somerton Ward Supplementary Election.

17.2 **Motion on Notice – Vote of Thanks - Sand Replenishment – Glenelg North – Councillor Smedley** (Report No: 436/21)

Councillor Smedley proposed the following motion:

Motion

C141221/2511

1. **That Council acknowledge the lobbying efforts of the Mayor, as our Coast Protection Board member, and write to the Minister of Environment & Water, to thank him and his team at the Coast Protection Board/DENR for their recent, timely and comprehensive sand replenishment response at Glenelg North beach.**
2. **Together with the recently completed offshore oyster reef restoration project, we hope that despite being excluded from the Adelaide Living Beaches program, the earnest trucking effort this spring will be a benchmark commitment for the annual program in coming years.**

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

Background

After what was a stormy winter that denuded the beach of sand between Cygnet Court and Margaret Street, the welcome result will now hopefully afford Glenelg North residents with a broad, sandy beach to enjoy over the coming and future summer and holiday periods.

18. ITEMS IN CONFIDENCE

Item 13.3 Adjourned Report – Request to Remove Significant Tree in Front of 10A Augusta Street, Glenelg (Report No: 407/21) was considered in Item 18, Items in Confidence, as per leave of the meeting granted.

Conflict of Interest

Councillors Fleming and Miller declared an actual conflict of interest for Item 18.1 Adjourned Report – Request to Remove Significant Tree in Front of 10A Augusta Street, Glenelg (Report No: 407/21). 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 conflict of interest by leaving the meeting at 9.04pm.

18.1 **Adjourned Report – Request to Remove Significant Tree in Front of 10A Augusta Street, Glenelg** (Report No: 407/21)

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

C141221/2512

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: 407/21**

Adjourned Report - 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: 407/21 Adjourned Report - 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 Lindop, Seconded Councillor Lonie

Carried

Motion

C141221/2513

That Council:

1. having considered the application from Botten Levinson Lawyers on behalf of the resident of 10A Augusta Street, decline the request to provide landowner's consent to remove the significant tree in front of 10A Augusta Street, Glenelg and advise the applicant accordingly.

RETAIN IN CONFIDENCE - Section 91(7) Order

2. having considered Agenda Item 18.1 Report No: 407/21 Adjourned Report - 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.

Formal Motion

That the motion be put.

Moved Councillor Clancy, Seconded Councillor Bradshaw

Carried

Division Called

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

Those voting for: Councillors Snewin, Lindop, Lonie, Clancy, Smedley and Chabrel (6)

Those voting against: Councillors Fletcher, Patton, and Bradshaw (3)

Her Worship the Mayor declared the motion

Carried

Councillors Fleming and Miller re-joined the meeting at 9.32pm.

18.2 **Kerbside Waste Recycling Sustainable Services Model** (Report No: 405/21)

Motion – Exclusion of the Public – Section 90(3)(b) Order **C141221/2514**

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: 405/21 Kerbside Waste and Recycling – Sustainable Services Model 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: 405/21 Kerbside Waste and Recycling – Sustainable Services Model 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.

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 Clancy, Seconded Councillor Lonie

Carried

RETAIN IN CONFIDENCE - Section 91(7) Order**C141221/2515**

That having considered Agenda Item 18.2 405/21 Kerbside Waste and Recycling – Sustainable Services Model in confidence under section 90(2) and (3)(b) 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 and the Chief Executive Officer is authorised to release the documents 24 months after signing of the waste contract and that this order be reviewed every 12 months.

Moved Councillor Lonie, Seconded Councillor Clancy

Carried Unanimously18.3 **Hoarding Fee Relief (Report No: 424/21)****Motion – Exclusion of the Public – Section 90(3)(b) & (d) Order** C141221/2516

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: 424/21 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: 424/21 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 Lonie, Seconded Councillor Patton

Carried Unanimously

Motion

C141221/2517

That Council:

1. **Accede to the request made by Andrew Taplin in the email dated 15 November 2021 for partial dispensation from future hoarding fees (estimated at \$219,000) associated with the construction of a multi-storey hotel and retail 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) **the hoarding fee payable to Council is \$76,500 (\$85,000 including GST); and**
 - b) **dispensation from the hoarding fees is based on the hoarding design shown on the Builder's Site Management Plan prepared by Alexander Brown Architects and provided by Andrew Taplin in support of the request in Attachment 1 to this report; and**
 - c) **dispensation from the hoarding fee ceases to be offered following a period of twelve (12) months from the commencement date of construction, after which time Council reserves the right to impose a hoardings fee at the amount found in Council's fees and charges schedule operative at the time; and**
 - d) **dispensation for the hoarding fee 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 the hoarding fee 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.**
3. **Part 1(a) to (c) of this resolution is contingent on the provision and approval of a formal hoarding application for assessment by Council Administration pursuant to Section 221 of the *Local Government Act 1999*. The hoarding application shall include structural details of the hoarding, methods and materials for the screening of the hoarding**

and building site from the public realm, and details relating to the method and timing for the temporary closure of Durham Street.

RETAIN IN CONFIDENCE - Section 91(7) Order

4. That having considered Agenda Item 18.3 Report No: 424/21 Hoarding Fee Relief 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 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 Bradshaw, Seconded Councillor Patton **Carried Unanimously**

CLOSURE

The Meeting closed at 9.40pm.

CONFIRMED 25 January 2022

MAYOR