

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 22 March 2022 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
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 7.01pm.

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 would like to acknowledge 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

Councillor Clancy joined the meeting at 7.02pm.

7. DECLARATION OF INTEREST

Members were reminded to declare their interest before each item.

8. CONFIRMATION OF MINUTES**Motion****C220322/2565**

That the minutes of the Ordinary Meeting of Council held on 8 March 2022 be taken as read and confirmed.

Moved Councillor Lonie, Seconded Councillor Patton

Carried Unanimously**9. PUBLIC PRESENTATIONS**

- 9.1 **Petition** - Nil
- 9.2 **Presentation** - Nil
- 9.3 **Deputations** - Nil

10. QUESTIONS BY MEMBERS**10.1 Without Notice****10.1.1 Feral Pigeon Management**

Councillor Smedley asked for an update on the motion for Feral Pigeon Management.

Chief Executive Officer provided a response.

10.1.2 Vacant Land, The Crescent

Councillor Fleming asked for an update on the vacant land at The Crescent.

General Manager, Strategy and Corporate provided a response.

10.1.3 Glenelg Town Hall Restoration Works

Councillor Chabrel asked a number of questions in relation to the Glenelg Town Hall.

General Manager, Assets and Delivery took the questions on notice.

10.2 **With Notice - Nil**

11. MEMBER'S ACTIVITY REPORTS

11.1 **Mayoral Report** (Report No: 78/22)

Presented for the information of Members was the Activity Report for the Mayor for October 2021 to December 2021.

Motion

C220322/2566

That the Mayor's Activity Report for October 2021 to December 2021 be received and noted.

Moved Councillor Abley, Seconded Councillor Miller

Carried Unanimously

12. MOTIONS ON NOTICE

12.1 **Motion on Notice – Road Treatments to Divert Traffic Down Wattle Avenue at the Esplanade - Councillor Clancy** (Report No: 80/22)

Motion

That administration provide the costs of removing the road treatments and increasing the width of the shared pathway on the western side.

Moved Councillor Clancy, Seconded Councillor Lonie

Amendment:

C220322/2567

Councillor Snewin proposed the following amendment:

That Administration bring back a report on the costs and wider traffic implications of the removal of the realigned T Intersection road treatments at the intersection of Esplanade/Wattle Avenue Hove and increasing the width of the shared pathway on the western side.

The Mover Councillor Clancy and Seconder Councillor Lonie agreed to the amendment proposed by Councillor Snewin, and it became the motion.

The motion on being put was

Carried

Division Called

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

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

Those voting against: Councillor Fletcher (1)

Her Worship the Mayor declared the motion

Carried

13. ADJOURNED MATTERS

13.1 Adjourned Report – Nominations Sought for the Libraries Board of South Australia (Report No: 79/22)

The Local Government Association of South Australia (LGA) was seeking nominations from a suitably qualified Council member, employees of Council, or other Local Government entities to fill up to three (3) positions on the Libraries Board of South Australia for a three-year term. The term commences on 1 August 2022.

Any member who would like to be nominated will need 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.

This report was most recently tabled at the ordinary meeting of Council on 8 March 2022 (Item 15.2 - Nominations Sought for the Libraries Board of South Australia (Report No: 49/22) and was adjourned under *Regulation 19, Local Government (Proceedings at Meetings) Regulations 2013*, for want of a quorum.

Her Worship the Mayor asked for nominations and Councillor Abley was nominated. There was no motion moved therefore a motion needs to be moved.

Nomination

Her Worship the Mayor called for nominations.

Nominations were received for Councillor Abley.

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

Conflict of Interest

Councillor Abley declared a material conflict of interest for Item 13.1 Adjourned Report – Nominations Sought for the Libraries Board of South Australia (Report No: 79/22) 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 Abley dealt with the conflict of interest by leaving the meeting at 7.19 pm.

Motion

C220322/2568

That Council:

nominates Councillor Abley for consideration by the LGA to be nominated for the Libraries Board of South Australia.

Moved Councillor Miller, Seconded Councillor Fleming

Carried Unanimously

Councillor Abley re-joined the meeting at 7.20

14. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES**14.1 Minutes – Jetty Road Mainstreet Committee – 2 March 2022** (Report No: 74/22)

The Minutes of the Jetty Road Mainstreet Committee meeting held on 2 March 2022 were attached and presented for Council's information.

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

Motion**C220322/2569**

That Council notes the minutes of the Jetty Road Mainstreet Committee of 2 March 2022.

Moved Councillor Miller, Seconded Councillor Abley

Carried Unanimously**14.2 Information Report – Southern Region Waste Authority Board Meetings – 6 December 2021 and 7 March 2022** (Report No: 83/22)

The information reports of the Southern Region Waste Resource Authority (SRWRA) Board meeting held on 6 December 2021 and 7 March 2022 were attached and provided for information.

Motion**C220322/2570**

That Council notes the Information Reports of the Southern Region Waste Resource Authority Board meeting held on 6 December 2021 and 7 March 2022.

Moved Councillor Lindop, Seconded Councillor Smedley

Carried Unanimously**15. REPORTS BY OFFICERS****15.1 Items in Brief** (Report No: 59/22)

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**C220322/2571**

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

- 1. Glenelg Oval Masterplan Stage 3 and 4 Update**
- 2. Keeping Bees @ Kibby Project**
- 3. Tree Grants Update**

Moved Councillor Smedley, Seconded Councillor Fleming

Carried Unanimously**15.2 Monthly Financial Report – 28 February 2022** (Report No: 81/22)

Attached were the financial reports as at 28 February 2022. 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 two quarterly budget updates approved by Council 26 October 2021 and 8 February 2022.

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

Motion

C220322/2572

That Council receives the financial reports and budget update for the 8 months to 28 February 2022 and notes:

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

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

15.3 **Street Trees and the Electricity (Principles of Vegetation Clearance) Regulations 2021** (Report No: 61/22)

Administrative staff from all four Resilient South councils (Holdfast Bay, Marion, Mitcham and Onkaparinga) have been advocating with SA Power Networks staff regarding tree removals, allowed tree species and unclear interpretation of sections of the *Electricity (Principles of Vegetation Clearance) Regulations 2021*. This report proposed that we elevate this advocacy to Ministerial level, via a joint letter from the Resilient South councils, to both seek clarity around these regulations and at the same time gain protection for our urban forest.

Motion

C220322/2573

That the Council support the advocacy letter to the Ministers responsible for Energy and the Environment portfolios from all Resilient South councils and authorise the Mayor to sign on behalf of the City of Holdfast Bay.

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

15.4 **Australian Local Government Association – National General Assembly** (Report No: 60/22)

Each year, the Australian Local Government Association (ALGA) holds a National General Assembly (Assembly) in Canberra where councils from around Australia discuss current and emerging challenges and opportunities, and advocate to the Federal Government on critical issues facing the sector.

The next Assembly will be held on 19-22 June. The theme for the event is Partners in Progress, focussing on how partnerships can tackle the challenges facing communities and prepare for the future.

The ALGA called for motions for the Assembly and a possible motion was prepared for Council's consideration.

Motion

C220322/2574

That Council endorses the suggested motion as provided in Attachment 1, to be submitted for consideration by the Australian Local Government Association for inclusion in the National General Assembly agenda.

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

15.5 Local Government Association (LGA) Ordinary General Meeting 8 April 2022 (Report No: 67/22)

The Local Government Association SA (LGA) Ordinary General Meeting (OGM) will be held on 8 April 2022.

Council's voting delegate to LGA meetings has historically been the Mayor.

Council is required to select a delegate and consider the items on the OGM agenda in order to provide guidance to Council's voting Delegate on how to vote for each item. Suggested positions were provided for consideration by Council.

Motion

C220322/2575

That for the LGA Ordinary General Meeting, to be held on Friday 8 April 2022, Council:

- 1. endorses the Mayor's attendance or delegate as the voting Delegate on behalf of the City of Holdfast Bay; and**
- 2. agrees to the proposed voting positions as detailed in Attachment 2.**

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

15.6 Appointment to the Executive Committee Vacancy for the Somerton Ward (Report No: 68/22)

The Executive Committee is a Council Committee established under Section 41 of the *Local Government Act 1999* (The Act) to undertake the annual performance appraisal of the Chief Executive Officer (CEO). Council adopted the Committee's Terms of Reference (C290119/1355) at its meeting on 29 January 2019, and made the following appointments to the Executive Committee for the remaining term of Council:

- The Mayor
- Deputy Mayor
- Councillor Lonie - Seacliff Ward
- Councillor Snewin - Brighton Ward
- Councillor Smedley - Somerton Ward
- Councillor Abley - Glenelg Ward

As Councillor Smedley is currently the Deputy Mayor there is a vacancy on the Executive Committee for the Somerton Ward. Councillor Fletcher or Councillor Miller may be appointed to the Executive Committee for the Somerton Ward, for the duration of the current Council term.

Nominations

Her Worship the Mayor called for nominations.

Nominations were received for Councillors Fletcher and Miller. A secret ballot was conducted by the General Manager, Strategy and Corporate for one vacancy.

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

Motion

C220322/2576

That Council appoint Councillor Miller to the Executive Committee to be the Elected Member for the Somerton Ward for the duration of the current Council term.

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

15.7 **Significant/Regulated Tree Removal** (Report No: 73/22)

A tree that was classified as significant (3.7 m girth) under the *Planning, Development and Infrastructure Act 2016* requires removal. The tree is a willow myrtle (*Agonis flexuosa*) located between the Brighton Tennis Club and the back of the Brighton Civic Centre. The tree required removal because it has a fault that presents an unacceptable risk to community safety. The *Planning, Development and Infrastructure Act 2016* requires a development application for the removal and Council's Tree Management Policy requires Council to provide landowner's consent for the application.

Motion

C220322/2577

That Council provide landowner's consent for a development application for the removal of a willow myrtle (*Agonis flexuosa*) located between the Brighton Tennis Club and the back of the Brighton Civic Centre.

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

15.8 **Local Government Grants Best Practice Guide** (Report No: 77/22)

The City of Holdfast Bay coordinated as lead Council for the SA Local Government Grants Network to develop a Local Government Grants Best Practice Guide through the Local Government Association Research and Development Grant Scheme.

Motion

C220322/2578

That Council notes:

1. **the report;**

2. **our adoption of the Local Government Grants Best Practice Guide into practice; and**
3. **the nomination as a finalist in the Local Government Professionals Australia Leadership Excellence Award in the category of Excellence in Cross Council Collaboration.**

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

15.9 **Appointment of Independent Member to Audit Committee** (Report No: 84/22)

The term of Ms Paula Davies on Council's Audit Committee expires on 26 March 2022 and it was recommended that she be re-appointed for a further 3-year term.

Conflict of Interest

Councillor Chabrel declared a perceived conflict of interest for Item 15.9 Appointment of Independent Member to Audit Committee (Report No: 84/22). The nature of the perceived conflict of interest (pursuant to Section 75 and 75A of the *Local Government Act 1999*) was that he is a personal friend of Ms Davies.

Councillor Chabrel dealt with the perceived conflict of interest by making it known and leaving the meeting at 7.43 pm.

Motion

C220322/2579

That Council re-appoint Ms Paula Davies as an independent member of its Audit Committee for a further term of 3 years.

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

Councillor Chabrel re-joined the meeting at 7.44pm.

16. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil

17. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING

Councillor Bradshaw sought leave of the meeting to raise an item of Urgent Business. Her Worship the Mayor deemed the matter urgent business and granted the leave of the meeting.

Council offered their congratulations to Councillor Clancy on her daughter Nadia's success in winning the State seat of Elder.

It was noted that the Mayor had already congratulated Peter Malinauskas on being the 47th Premier of South Australia and that Council would acknowledge key stakeholders for both political parties following the declaration of results.

18. ITEMS IN CONFIDENCE**18.1 Kauri Community and Sporting Complex – Extension of Management Agreement (Report No: 82/22)****Motion – Exclusion of the Public – Section 90(3)(b & d) Order C220322/2580**

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: 82/22 Kauri Community and Sporting Complex – Extension of Management Agreement 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: 82/22 Kauri Community and Sporting Complex – Extension of Management Agreement 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 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.

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 Lindop

Carried Unanimously

RETAIN IN CONFIDENCE - Section 91(7) Order

C220322/2581

4. having considered Agenda Item 18.1 Kauri Community and Sporting Complex - Extension of Management Agreement (Report No: 82/22) in confidence under Section 90(2), 90(3)(b) and 90(3)(d) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that

Act orders that the report be retained in confidence for a period of 24 months with the Chief Executive Officer authorised to release the documents following conclusion of the Management Agreement with Belgravia Health and Leisure Group or the expiry of the 24 month confidentiality period.

Moved Councillor Lindop, Seconded Councillor Bradshaw

Carried/Lost

CLOSURE

The Meeting closed at 8.12 pm.

CONFIRMED 12 April 2022

MAYOR