

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 25 January 2022 at 7:00pm.

MEMBERS PRESENT

Mayor A Wilson
Councillor R Abley
Councillor A Bradshaw
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 P Chabrel

5.2 Absent

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****C250122/2518**

That the minutes of the Ordinary Meeting of Council held on 14 December 2021 be taken as read and confirmed.

Moved Councillor Miller, Seconded Councillor Lonie

Carried Unanimously**9. PUBLIC PRESENTATIONS**

9.1 **Petitions** - Nil

9.2 **Presentation** - Nil

9.3 **Deputations** - Nil

10. QUESTIONS BY MEMBERS

10.1 **Without Notice**

10.1.1 Chapel Street Decals

Councillor Miller asked a question in relation to when the Chapel Street closure decals will be removed.

Chief Executive Officer provided a response.

10.1.2 Partridge House

Councillor Miller asked a question in relation to Partridge House and whether Administration can work with Google maps to identify Partridge House as a public garden/park/playground.

General Manager Community and Business provided a response.

10.2 On Notice

10.2.1 Strategy for Greening of Roundabouts – Councillor Smedley (Report No: 16/22)

Councillor Smedley asked the following question:

“Could Administration please advise our current strategy for the beautification and greening of roundabouts across the City? Is there a current program underway and what is its scope?”

Periodically I am asked by residents, who point to various roundabouts among them, those along Partridge Street and Moseley Street, as well as some in Glenelg North, what is being done to improve these often barren or poorly maintained spaces.

They draw attention as they offer an easy opportunity to add color and beauty to our days, with so many of us having to negotiate them each day.

Answer - General Manager, Assets and Delivery

Roundabouts (and traffic islands) provide opportunities to increase landscaping across the Council area. Until recently landscaping of roundabouts was discouraged from a traffic safety perspective and a maintenance safety perspective. More recently through changes in traffic practice and traffic management for works on roads, there are more opportunities to landscape roundabouts and traffic islands.

Since 2016, Council has been progressively planting trees in roundabouts. Trees planted in 2016 are now established and adding value to the local area. Examples include Buttrose Street Glenelg East, Scholefield Road and Singleton Road Seacliff. Council does have an internal goal to achieve a tree and landscaping in every suitable roundabout, based on a traffic safety assessment (sight distance and impact risk) and underground services investigation. Where trees are not possible other landscaping is considered. In the last financial year the roundabouts on Patawalonga Frontage were upgraded with improved exposed aggregate outer ring and landscaping with a tree. These locations were high priority as they were not previously landscaped. The roundabouts on Partridge Street and Moseley Streets were assessed previously for trees but these locations are constrained by underground services. Other groundcover has been planted.

The costs associated with street tree planting in roundabouts is high as typically the roundabouts are constructed over existing road pavements and services.

Roundabouts throughout the Council are maintained on a schedule. Most roundabouts are attended either monthly or fortnightly dependent on location. Maintenance of the spaces is more labour

intensive as there was a Council decision for weed control to be undertaken by hand and not using poison. This is both more costly, time consuming and requires additional traffic management to reduce the risk for Council staff.

Council will continue to progressively landscape and maintain our roundabouts and traffic islands.

10.2.2 **Questions Without Notice Minutes – Councillor Abley** (Report No: 18/22)

Councillor Abley asked the following question:

“Can the minutes of a Council meeting record the questions without notice and the responses provided?”

Answer – Chief Executive Officer

To answer this, the starting position are the following sub-regulations under regulation 9 of the Meeting Regulations:

- (3) A member may ask a question without notice at a meeting.
- (4) The presiding member may allow the reply to a question without notice to be given at the next meeting.
- (5) A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made.

The Council’s Code of Practice – Meeting Procedures is consistent with the statutory position, and provides as follows:

A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve the entry should be made.

The members present at the meeting at which the reply is given, must therefore resolve on each occasion that an entry be made in the minutes (or not, as the case may be).

The Council is unable, in a ‘blanket’ manner, to resolve that all such replies will be entered into the minutes. Indeed, any such resolved position would be beyond the power of the Council and regulation 9 is not capable of variation under regulation 6 of the Meeting Regulations.

Therefore the minutes of Council meeting can have questions without notice and replies recorded if the members present at the meeting at which the reply is given, resolve on each occasion that an entry be made in the minutes (or not, as they case may be).

11. MEMBER'S ACTIVITY REPORTS - Nil**12. MOTIONS ON NOTICE****12.1 Motion on Notice – Traffic Investigation – Buttrose Street, Maxwell Terrace, and Sixth Avenue Roundabout - Councillor Fletcher (Report No: 06/22)****Motion****C250122/2519**

Councillor Fletcher proposed the following motion:

Administration undertake an investigation including consultation with the Department of Infrastructure and Transport and City of Marion on options to reduce traffic volumes and congestion during peak hour traffic flow at Maxwell Terrace, Sixth Avenue and Buttrose Street and bring a report back to Council.

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

Background

During peak traffic periods, approximately 7am to 9am and 3pm to 6pm weekdays, this intersection experiences high volumes of traffic in both the East West and North South corridors.

The traffic flow is largely unimpeded until tram boom gates are activated. At this point the traffic becomes a bottleneck at the roundabout intersection on Maxwell Terrace.

Traffic flow is impeded by any vehicles at the roundabout waiting to turn into Sixth Avenue.

This traffic is turning left from the west on Maxwell to head north into Sixth or right from the east on Maxwell to head north into Sixth. Once the boom gates are raised traffic takes time to clear as the east side of Maxwell is at the mercy of the traffic flow from the north on Sixth Avenue feeding in from Anzac Highway.

12.2 Vacant Land Corner of The Crescent and Colton Avenue, Hove – Councillor Fleming (Report No: 15/22)**Motion****C250122/2520**

Councillor Fleming proposed the following motion:

That Administration write to the relevant State Government department (Housing SA or DIT) to find out what are their plans for the vacant land located on the corner of The Crescent and Colton Avenue, Hove.

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

Background

Residents in the area are asking, as this vacant land has been overgrown at times (although recently tidied up) and the residents are keen to know what the plans are for this site.

12.3 Feral Pigeon Management – Councillor Smedley (Report No: 17/22)**Motion****C250122/2521**

That Administration investigate current best practice in pigeon management and report back to Council, in time for consideration in the current budget cycle, the report should consider the following:

- 1) Reduce/eradicate feral pigeon populations across the city, comprising both non-lethal and lethal alternatives, underpinned by actions including;
 - a. Education programs and materials for residents, visitors and hospitality providers on the roles that they play in reducing/removing opportunities for pigeons to roost and feed,
 - b. Options for financial or in-kind support of property owners undertaking approved pigeon management actions, and
 - c. Bans on active feeding of feral pigeons, both at home and in public places, with a range of penalties for non-compliance.
- 2) Establish an annual operational budget to support the above activities, and
- 3) Creation of a detailed Pigeon Management Policy, encapsulating the recommendations, for approval of Council.

Moved Councillor Smedley, Seconded Councillor Patton

Carried**Background**

I refer to Council Report 419/21 (Question on Notice – Feral Pigeons - 14/12/2021). Given the known public health implications of an uncontrolled feral pigeon population in our City I have put forward the motion to have Administration investigate the current best practice in feral pigeon management.

13. ADJOURNED MATTER - Nil**14. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES - Nil****15. REPORTS BY OFFICERS****15.1 Items in Brief (Report No: 01/22)**

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

C250122/2522

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

1. **Local Government Association (LGA) Submission Round 2 Regulations**
2. **Local Government Reforms – Regulations**
3. **Statutory Declarations Practice**
4. **Green Adelaide Urban Heat and Tree Canopy Cover Mapping Update**
5. **Successful Grant Recipients – Office for Recreation, Sport & Racing**
6. **Greener Neighbourhoods Grants program for Greening Seacliff**
7. **The Local Battle of the Bands**
8. **Purchasing exemption – Alwyndor**

Moved Councillor Lindop, Seconded Councillor Lonie

Carried Unanimously

15.2 **Caretaker Policy Review** (Report No: 07/22)

Section 91A of the *Local Government (Elections) Act 1999* (the Elections Act) require councils to prepare and adopt a caretaker policy to govern the conduct of the Council and its staff during the election period for a general election.

Council's existing Caretaker Period Policy, which was due for review in July 2022, was reviewed against the new Caretaker Guidelines issued by the Local Government Association, and a revised policy was attached for council's consideration and approval (Attachment 3).

Motion

C250122/2523

That Council approve the Caretaker Policy as provided in Attachment 3.

Moved Councillor Lonie, Seconded Councillor Fleming

Carried Unanimously

15.3 **Single –Use Plastic Submission** (Report No: 08/22)

Green Industries SA invited submissions on their most recent discussion paper, *Turning The Tide: The future of single-use plastic in South Australia (2021)*. Administration developed a submission for approval by Council.

Motion

C250122/2524

That Council endorse the proposed response to the Green Industries SA 'Turning the Tide' discussion paper on single-use plastics discussion paper and authorise the Chief Executive Officer to send the response on behalf of Council, with any minor amendments as required.

Moved Councillor Lindop, Seconded Councillor Abley

Carried Unanimously

15.4 Events Update (Report No: 09/22)

The purpose of this report was to provide a brief summary on the 2021-2022 events season, the impact of COVID-19 on the program and the realignment of existing budget to continue to deliver events into summer and autumn.

Motion**C250122/2525****That Council:**

- 1. note the report; and**
- 2. endorse the reinvestment of \$165,000 of the remaining 2021/2022 events budget into new event and activation opportunities, as outlined in the report.**

Moved Councillor Miller, Seconded Councillor Abley

Carried Unanimously**15.5 Seacliff Plaza Project Update (Report No: 11/22)**

The Seacliff Plaza Project was funded in the 2021/22 Budget to deliver a design for the Seacliff Foreshore and deliver stage 1 construction, which included a new amenities building.

The project was initiated to address the issues of services and amenities non-compliance with Australian standards, rectify non-compliant disability access, amenities and provisions and replace the amenities building facilities that reached the end of their useful life in 2019.

Following Council Workshops in November 2021 on the draft concepts plans and in January 2022 regarding the Stage 1 Consultation proposal, this report presented the draft community consultation package for approval and to commence public consultation on Seacliff Plaza Stage 1 on 1 February 2022 for 21 days.

Motion**That Council:**

- 1. approves the Stage 1 Seacliff Plaza Community Consultation Pack Images attached in this report; and**
- 2. approve administration to undertake consultation activities identified in this report.**

Moved Councillor Lindop, Seconded Councillor Lonie

Adjournment**C250122/2526**

That the report be adjourned until the end of March 2022 to allow for Administration to consider alternative locations for positioning of the proposed toilets and change rooms, with options and costings to be workshopped and brought back to Council for public consultation approval.

Moved Councillor Smedley, Seconded Councillor Miller

Carried

Councillors Smedley and Miller have spoken to the motion, however Councillor Smedley has the right of reply.

15.6 Renaming Hindmarsh Lane (Report No: 12/22)

At the Council meeting held on 12 October 2021, a Motion on Notice was endorsed unanimously subject to community consultation, that Hindmarsh Lane be renamed to Bouchee Walk in honour of the late Councillor Mikki Bouchee's 25 years of service to the local community. As a result, Council invited the community to provide feedback across a 21 day period from 25 October until 14 November 2021. Council also investigated the history of Hindmarsh Lane in relation to both European built history and Kaurna cultural heritage by consulting with relevant individuals, community and cultural groups.

This report provided the engagement methodology and engagement outcomes and included the findings of the investigation.

Motion**C250122/2527****That Council**

- 1. note the outcomes of the community engagement consultation; and**
- 2. *"That Hindmarsh Lane be renamed Bouchee Walk in honour of the late Councillor Mikki Bouchee's 25 years of service to Local Government".***

Moved Councillor Fletcher, Seconded Councillor Miller

Carried Unanimously**Adjournment**

That the report be adjourned on the grounds the family of Councillor Bouchee has not been contacted.

Moved Councillor Clancy

Lapsed for want of a Seconder

The substantive motion on being put was

Carried Unanimously**15.7 Behavioural Standards for Elected Members - Consultation (Report No: 13/22)**

In accordance with the Statutes Amendment (Local Government Review) Act 2021, a new Conduct Management Framework is expected to commence immediately following the local government elections.

The Office of Local Government is currently consulting on the proposed framework and standards for Elected Member Behaviour. There is an opportunity for councils to respond to the engagement until 16 February 2022. This report provided a summary of the proposed standards, and a recommended response.

Motion

C250122/2528

That Council request that Administration expresses Council's support for the draft Behaviour Management Standards and Conduct Management Framework, and request further information regarding training for candidates.

Moved Councillor Lonie, Seconded Councillor Fleming

Carried Unanimously

16. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil

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

18. ITEMS IN CONFIDENCE

Conflict of Interest

Mayor Wilson declared an actual conflict of interest for Item 18.1 Code of Conduct Complaint (Report No: 10/22). The nature of the actual conflict of interest (pursuant to Section 75 and 75A of the Local Government Act 1999) is that Mayor Wilson is party to the complaint.

Mayor Wilson dealt with the actual conflict of interest by making it known and leaving the meeting at 8.01 pm.

Deputy Mayor, Councillor Smedley assumed the chair at 8.01pm.

18.1 Code of Conduct Complaint (Report No: 10/22)

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

C250122/2529

- 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: 10/22 Code of Conduct Complaint 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: 10/22 Code of Conduct Complaint on the following grounds:**
 - a. pursuant to section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to Report No: 10/22 Code of Conduct Complaint is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being the Elected Member**

because clause 2.24 of the Code of Conduct for Council Members (the Code) only requires that a report be considered in a meeting whilst open to the public where a finding has been made that a Member has breached the Code. The findings in this matter were that the Elected Member did not breach the Code in the manner alleged, in which case the allegations were not made out and the disclosure would be unreasonable in that it may cause reputational damage to the Elected Member to 'air' the allegations.

- h. pursuant to section 90(3)(h) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is legal advice in that it has been provided by Kelledy Jones Lawyers on instructions from the Council.
3. The Council is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.

Moved Councillor Miller, Seconded Councillor Lonie

Carried Unanimously

RETAIN IN CONFIDENCE - Section 91(7) Order

C251022/2530

4. That having considered Agenda Item 10/22 Code of Conduct complaint in confidence under section 90(2) and (3)(a) and (h) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report, its attachments and minutes relevant to this item be retained in confidence until the Member is no longer an Elected Member with the Council and that this order be reviewed every 12 months.

Moved Councillor Lonie, Seconded Councillor Snewin

Carried

Her Worship the Mayor, resumed the chair at 8.18pm.

18.2 **Hoarding Fee Relief (Report No: 14/22)**

Motion - Exclusion of the Public – Section 90(3)(b & d) Order

C250122/2531

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: 14/22 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: 14/22 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 Lindop, Seconded Councillor Lonie

Carried Unanimously

Motion

C250122/2532

That Council:

- 1. accede to the request made by Karidis Corporation in the letter dated 12 January 2022 for partial dispensation from future hoarding fees associated with the construction of a multi-storey building located at 8 Durham Street, Glenelg on the basis that:
 - a) the maximum hoarding fee payable to Council is \$185,000 (\$203,500 including GST); and
 - b) dispensation from the hoarding fee ceases to be offered following a period of eighteen (18) 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
 - c) dispensation for the hoarding fee is provided in recognition of the construction zone's incursion onto a number of public

car parking spaces, which inflate the cost of closing Durham Street for the purpose of undertaking the development.

2. Part 1(a) to (c) of this resolution is valid until 30 April 2022, with construction commenced after this date not entitled to dispensation from the hoarding fee otherwise attributable to the construction of the development.
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 18.2 Report No: 14/22 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 Clancy, Seconded Councillor Smedley **Carried Unanimously**

CLOSURE

The Meeting closed at 8.21 pm.

CONFIRMED 8 February 2022

MAYOR