

**Minutes of the Ordinary Meeting of Council of the City of Holdfast Bay held via Electronic Means in a Virtual Meeting Room on 28 April 2020 at 6:00pm.**

**MEMBERS PRESENT**

Visual and Audio presence:

Mayor A Wilson  
Councillor R Abley  
Councillor M Bouchee  
Councillor A Bradshaw  
Councillor P Chabrel  
Councillor R Clancy  
Councillor J Fleming  
Councillor C Lindop  
Councillor S Lonie  
Councillor W Miller  
Councillor R Patton  
Councillor J Smedley  
Councillor R Snewin

**STAFF IN ATTENDANCE**

Visual and Audio presence:

Chief Executive Officer – R Bria  
General Manager City Assets and Services – H Lacy  
General Manager Community Services – M Lock  
General Manager Strategy and Business Services – P Jackson  
General Manager Alwyndor – B Davidson-Park

**1. OPENING**

Her Worship the Mayor declared the meeting open at 6.00pm.

**2. KAURNA ACKNOWLEDGEMENT**

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

We acknowledge Kaurna 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 Kaurna People today.

**3. SERVICE TO COUNTRY ACKNOWLEDGEMENT**

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

**4. PRAYER**

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

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

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

**5. APOLOGIES**

- 5.1 Apologies Received - Nil
- 5.2 Absent - Nil

**6. ITEMS PRESENTED TO COUNCIL - Nil**

**7. DECLARATION OF INTEREST**

Members were reminded to declare their interest before each item.

**8. CONFIRMATION OF MINUTES**

**Motion**

**C280420/1881**

**That the minutes of the Ordinary Meeting of Council held on 14 April 2020 be taken as read and confirmed.**

Moved Councillor Lonie, Seconded Councillor Bouchee

**Carried Unanimously**

**9. PUBLIC PRESENTATIONS**

- 9.1 **Petitions** - Nil
- 9.2 **Presentations** - Nil
- 9.3 **Deputations** - Nil

**10. QUESTIONS BY MEMBERS**

**10.1 Without Notice**

**10.1.1 Weed Control in Rain Gardens**

Councillor Miller asked a question in relation to what weed control measures are in place for the rain gardens in the City and in particular for White Street and Walkers Road.

General Manager City Assets and Services took the question on notice

**10.1.2 Street Sweeping to Prevent Drain Blockages**

Councillor Bouchee asked a question in relation to any notifications in place to advise the community which days the street sweepers will operate to allow residents to assist with preventing drain blockages.

General Manager City Assets and Services provided a response.

**10.2 On Notice**

**10.2.1 Question on Notice – “Lifesaver Lollies” Sculpture**

Councillor Lindop asked the following question:

*Could Administration please provide an update on the “Lifesaver Lollies” sculpture which has been removed from its position in front of the Seacliff Life Saving Club along the Coast Path.*

**Background**

Walking along the Coast Path past the Seacliff Surf-Lifesaving Club I noticed that this much loved “Lifesaver Lollies” Sculpture had been removed, and had enquiries from residents about if it was currently being “repaired” and if and when it was going to be “put back?”

**ANSWER – Community, Arts and Culture Coordinator**

The Life Savers on Patrol Sculpture was removed from the Seacliff Esplanade and is currently being stored at the Depot.

The sculpture had deteriorated considerably and the artwork needed to undergo a review to ensure that it is still suitable for permanent public display. This included a risk assessment, damage to work, deterioration and future maintenance requirements.

The review has been undertaken with the outcome being that the Life Saver Sculpture will be rejuvenated by the Depot and then reinstalled along the Seacliff Esplanade sometime in May 2020.

**11. MEMBER’S ACTIVITY REPORTS - Nil**

**12. MOTIONS ON NOTICE - Nil**

**13. ADJOURNED MATTERS – Nil**

**14. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES**

**14.1 Draft Minutes – Alwyndor Management Committee – 19 March 2020 and 16 April 2020 (Report No: 99/20)**

The draft minutes of the Alwyndor Management Committee meeting held on 19 March 2020 and 16 April 2020 were provided for information.

**Motion****C280420/1882**

1. That the draft minutes of the Alwyndor Management Committee meeting held on 19 March 2020 and 16 April 2020 be noted.
2. That having considered Attachments 3 and 4 to Report No: 99/20 Draft Minutes – Alwyndor Management Committee – 19 March 2020 and 16 April 2020 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 3 and 4 be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.

Moved Councillor Lonie, Seconded Councillor Smedley

**Carried Unanimously****15. REPORTS BY OFFICERS****15.1 Items in Brief (Report No: 94/20)**

These items were presented for the information of Members.

**Motion****C280420/1883**

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

1. **Planning Reforms Update**
2. **Brighton Oval Redevelopment Update**
3. **Wigley Reserve Playspace and Fitness Hub Supply and Install Contract**
4. **Grants Update**
5. **Premier's Response to Request for Funding Assistance**

Moved Councillor Miller, Seconded Councillor Lonie

**Carried Unanimously****15.2 Bike Jump Line Site Analysis (Report No: 103/20)**

In January 2020, Council received revised concept plans for the proposed Bike Jump Line at Cedar Ave, Brighton. Council resolved at its meeting on 25 March 2020 to endorse Administration to seek an alternative suitable site for the Bike Jump line and cease any further investigations on the Cedar Avenue site.

Following Council's endorsement, Administration have since assessed four sites deemed to have suitable attributes needed for a facility of this type. These sites were Fordham, Les Scott and Susan Grace Benny Reserves and Adelphi Terrace (adjacent to pump station). Subsequent to the assessment on the alternative sites Council could resolve to continue investigations on Cedar Avenue site.

This report outlined the analysis criteria and the suitability for this type of facility located within the City of Holdfast Bay.

**Motion****C280420/1884****That Council:**

- 1. note the site analysis findings for Fordham, Les Scott and Susan Grace Benny Reserves and Adelphi Terrace;**
- 2. ceases any further investigation for this Bike Jump Line proposal at the alternative locations of Fordham, Les Scott and Susan Grace Benny Reserves and Adelphi Terrace; and**
- 3. endorse that no further work be undertaken on the Bike Jump Line project and that unexpended funds be allocated back into General Revenue and be used to reduce the 2019/20 capital expenditure forecast.**

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

Councillor Smedley left the virtual meeting at 6.38pm.

Councillor Smedley re-entered the virtual meeting at 6.39pm.

**15.3 Dover Square Reserve (Report No: 97/20)**

Dover Square Reserve is a popular space for passive recreation and it is highly used by the local community. Over time, petitions and reports regarding conflict of use between dog owners and other recreational users have been submitted to Council. As a result, minor works such as installation of gates and fences have been implemented to manage the space. Due to the high level of interest from the community, it was recommended that Council undertake a community engagement process with three options that aim to provide safety and achieve equity of use between all recreational users at Dover Square Reserve.

**Motion****C280420/1885**

- 1. That Council endorses Administration to undertake a community engagement process with options to resolve/reduce user conflict at Dover Square Reserve, and provide equitable access to the reserve for all user groups;**
- 2. Include the Dover Square Kindergarten and the Dover Square Tennis Club in the Community Engagement Process; and**
- 3. Include an "Option D" which extends the current playground fence west and encloses the BBQ, the picnic table adjacent to the BBQ, and one entry into the "Recreation Zone" - separating it from the Dog off lead area.**

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

**15.4 Dog Registration Fees for 2020-2021 (Report No: 95/20)**

Dog registration fees for the City of Holdfast Bay provide the funding for administration of the *Dog and Cat Management Act 1995* ("Act"). The cost associated with administering this Act will increase significantly as a result of the pricing changes for dog and cat detention. Therefore a number of changes to our existing processes are required to ensure Council can reduce these costs and not increase dog registration fees. This report sought endorsement of proposed changes and the adoption of dog registration fees for 2020/21.

**Motion****C280420/1886****That Council:**

- 1. approve the proposed annual dog registration fees for 2020-2021 as detailed in Table 1 of this report and that these proposed fees be advised to the Dog and Cat Management Board and included in Council's 2020-2021 Fees and Charges; and**
- 2. endorse changes to the Animal Management Plan and Cat Management Policy to reflect changes dog and cat management strategies proposed in this report.**

Moved Councillor Lindop, Seconded Councillor Snewin

**Carried Unanimously**

Councillor Snewin left the virtual meeting at 6.54pm.

Councillor Snewin re-entered the virtual meeting at 6.57pm.

**15.5 Commemoration of Gladys Mathwin at Brighton Oval (Report No: 96/20)**

With the removal of the Gladys Mathwin Memorial Grandstand as part of the Brighton Oval Master Plan redevelopment, the Mathwin family have requested that Gladys Mathwin again be officially commemorated on site.

**Motion****C280420/1887**

**That Council resolve to name the new playspace to be located immediately south of the Football / Cricket rooms, the "Gladys Mathwin Memorial Playspace", with signage placed on the playspace fence.**

Moved Councillor Miller, Seconded Councillor Fleming

**Carried****15.6 Local Government Act Emergency Variations – Public Access and Public Consultation (Report No: 98/20)**

The second variation to the *Local Government Act 1999* (the LG Act) has been received through the *Public Access and Public Consultation Notice No 2 (Notice No 2)* made by the Minister for Transport, Infrastructure and Local Government on 8 April 2020.

These variations are in addition to those contained in Report No. 88/20 (Update to Code of Practice- Meeting Procedures and Code of Practice- Access to Meetings and Documents- Special Meeting held on 7 April 2020).

The key effects from Notice No.2 are that Councils are now required to formally close the principal offices if they have been temporarily closed, provided certain requirements are met and Council is now excused from undertaking certain mandatory public meetings in respect of certain types of public consultation. These variations are temporary and will cease to apply 28 days after all relevant State major emergency declarations end.

Council was required to endorse the changes in light of the COVID-19 public health emergency in relation to closure of the principal office, alternative arrangement to access services, inspection of documents and the amended Community Consultation and Engagement Policy.

**Motion**

**C280420/1888**

**That Council:**

1. **pursuant to Section 45(2) of the *Local Government Act 1999*, as substituted under the *Public Access and Public Consultation Notice (No 2) 2020*, being satisfied that it is reasonably necessary as a result of the public health emergency declared by the Chief Executive of the Department for Health and Wellbeing on 15 March 2020 (and the related major emergency declared under the Emergency Management Act 2004 on 22 March 2020 and extended on 2 April 2020), the Council, for the period the *Public Access and Public Consultation Notice (No 2) 2020* closes the principal office of the Council effective from 27 March 2020 until further notice or until emergency declarations end, whichever is sooner;**
2. **enables alternative arrangements for the local community to access the services of the Council which are ordinarily available at the principal office of the Council, which are detailed on Council's main website (and may include contact by phone, written correspondence, theMyHoldfast App, Council's website (e.g. report an issue, make a payment) or via email ([mail@holdfast.sa.gov.au](mailto:mail@holdfast.sa.gov.au)) or such other mechanisms as are available and useful;**
3. **in relation to any obligation under the *Local Government Act 1999* to make a document available for inspection at the principal office of the Council, documents be available for inspection on Council's website and, if not available via the website, to be provided on request in electronic or hard copy (with the exception of the assessment record where only copies of entries in the assessment record will be provided, on payment of a fee); and**
4. **pursuant to Section 50(5a) of the *Local Government Act 1999*, as inserted under the *Public Access and Public Consultation Notice (No 2) 2020*, endorses the amended Community Consultation and**

**Engagement Policy by including the provisions as highlighted in the Policy.**

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

**15.7 Adelaide100 Walking Trail Proposal (Report No: 102/20)**

Walking SA requested Council's approval to establish signage for the Adelaide100® project within the City of Holdfast Bay. The Adelaide100® is a 100km circuit walk that traverses the city and the suburbs of Adelaide. The walk can be started from any point along the circuit, and spans from the beautiful coastline, through the CBD and suburbs, and into the Adelaide Hills. The circuit utilises existing trails and promotes local accommodation and services.

The proposal requested 27 posts with post decals to be installed within the City of Holdfast Bay. Once installed these items would become the property of Council with maintenance assistance from Walking SA.

**Motion**

**C280420/1889**

**That Council endorses:**

- 1. the installation and ownership of the Adelaide100 walking trail signage, through the City of Holdfast Bay at the prescribed locations;**
- 2. in-kind support in the form of Council staff time to install trail signage within the City of Holdfast Bay, at an estimated budget of \$4,500 + GST; and**
- 3. financial support for the purchase of posts and decals at a budget of \$1,050 + GST, to be funded from existing Community Program budget.**

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

**15.8 Budget Update and Annual Business Plan Update - as at 31 March 2020 (Report No: 105/20)**

This report covered the third update of Council's 2019/20 budget conducted as at 31 March 2020.

A comprehensive review of Municipal budgets has increased the forecast operating deficit by \$287,759 to \$427,863. This deficit, due to the impact of the COVID-19 pandemic and budget carry forwards, is offset by the \$1.9m surplus in 2018/19, which over the two year period still places Council in a strong financial position.

Due to social restrictions currently in place, as a result of COVID-19, major unfavourable variances are expected in car parking and caravan park revenue. Leasing income has also been reduced to account for the 3 month rent free period provided by Council to their leaseholders. This has been partly offset by identified savings in waste management, electricity charges and employment costs.



Capital expenditure has decreased by \$303,681 as budgets have been adjusted to reflect actual costs on completed projects.

Attached are financial reports for Municipal and Alwyndor operations, commercial activities and progress summaries and analysis of Annual Business Plan projects.

**Motion**

**C280420/1890**

1. That Council notes the third 2019/20 budget update for Council's municipal operations including:
  - (a) an increase in the forecast operating deficit for 2019/20 of \$287,759 from \$140,104 to \$427,863;
  - (b) a decrease in forecast capital expenditure of \$303,681 from \$34.922 million to \$34.618 million;
  - (c) a decrease in forecast capital revenue of \$54,525 from \$11.505 million to \$11.450 million; and
  - (d) an increase in forecast net financial liabilities of \$38,603 at 30 June 2020 from \$27.232 million to \$27.271 million.
  
2. That Council notes the third 2019/20 budget update for Alwyndor operations including:
  - (a) an increase in the forecast operating deficit for 2019/20 of \$790,716 from an operating deficit of \$180,076 to an operating deficit of \$970,792;
  - (b) a decrease in forecast capital expenditure for 2019/20 of \$143,484 from \$844,063 to \$700,579; and
  - (c) an increase in the forecast funding required for 2019/20 of \$572,109 from a funding surplus of \$280,537 to a funding requirement of \$291,572.
  
3. That Council note the Annual Business Plan quarterly update for March 2020.

Moved Councillor Smedley, Seconded Councillor Snewin **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**

Councillor Bouchee declared an actual conflict of interest for Item 18.1 Unsolicited Proposal – New Private Hospital and Specialist Centre. The nature of the actual conflict (pursuant to Section 75 of the *Local Government Act 1999*) is that she is a member of the Council Assessment Panel.

Councillor Bouchee dealt with the actual conflict of interest by making it known and leaving the virtual meeting at 7.10pm.

18.1 **Unsolicited Proposal – New Private Hospital and Specialist Centre (Report No: 101/20)**

**Motion – Exclusion of the Public – Section 90(3)(d) Order C280420/1891**

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: 101/20 Unsolicited Proposal – New Private Hospital and Specialist Centre 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: 101/20 Unsolicited Proposal – New Private Hospital and Specialist Centre on the following grounds:
  - 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 Abley, Seconded Councillor Snewin **Carried Unanimously**

**RETAIN IN CONFIDENCE – Section 91(7) Order C280420/1892**

4. That having considered Agenda Item 18.1 Unsolicited Proposal – New Private Hospital and Specialist Centre (Report No: 101/20) in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report including attachments be retained in confidence for a period of 12 months and that this order be reviewed every 12 months.

Moved Councillor Lonie, Seconded Councillor Clancy

**Carried Unanimously**

**CLOSURE**

The Meeting closed at 7.17 pm.

**CONFIRMED 12 May 2020**

**MAYOR**