

Minutes of the Ordinary Meeting of Council of the City of Holdfast Bay held via Electronic Means in a Virtual Waiting Room, on 26 May 2020 at 6:01pm.

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 6.01pm.

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 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

C260520/1902

That the minutes of the Ordinary Meeting of Council held on 12 May 2020 be taken as read and confirmed.

Moved Councillor Clancy, Seconded Councillor Lonie

Carried

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 Chapel Street Plaza Re-development

Councillor Miller asked for an update in relation to the Chapel Street Plaza re-development.

General Manager, Strategy and Business Services provided a response.

10.1.2 Face to Face Council Meetings

Councillor Chabrel asked a question in relation to when face to face Council meetings could resume at the Glenelg Town Hall.

Chief Executive Officer provided a response.

10.1.3 Access by Emergency Services to Minda Coast Park Boardwalk

Councillor Chabrel asked a question in relation to whether the emergency services are able to access the area of the Minda Coast Park beyond the bollards (i.e. the boardwalk).

Chief Executive Officer provided a response.

10.1.4 Vacant Land at King George Avenue

Councillor Bradshaw asked a question in relation to two blocks of land at King George Avenue.

Chief Executive Officer provided a response.

10.1.5 Chapel Street Plaza Re-development

Councillor Bouchee asked a question in relation to the project management of the Chapel Street Plaza Re-Development project.

Chief Executive Officer provided a response.

10.2 On Notice - Nil

11. MEMBER'S ACTIVITY REPORTS - Nil

12. MOTIONS ON NOTICE - Nil

13. ADJOURNED MATTERS - Nil

14. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES

14.1 Minutes – Jetty Road Management Committee Meeting – 6 May 2020 (Report No: 129/20)

The Minutes of the Jetty Road Mainstreet Committee meeting held on 6 May 2020 were attached and presented for Council's information.

Motion

C260520/1903

That Council notes the minutes of the Jetty Road Mainstreet Committee of 6 May 2020.

Moved Councillor Lonie, Seconded Councillor Miller

Carried

14.2 Minutes – Audit Committee Meeting – 6 May 2020 (Report No: 123/20)

The minutes of the meeting of the Audit Committee held 6 May 2020 were presented to Council for information and endorsement.

Motion**C260520/1904**

1. That Council notes the minutes of the meeting Audit Committee of 6 May 2020 namely:
 - (a) That the Audit Committee advises Council it has received and considered a Standing Items Report addressing:
 - Monthly Financial Statements
 - Risk Management and Internal Control
 - Audit – External/Internal
 - Public Interest Disclosures – previously Whistle Blowing
 - Economy and efficiency audits
 - Audit Committee Meeting Schedule for 2020
 - (b) That the Audit Committee noted the presentation on the updated Annual Business Plan and Budget Update 2019-2020.
 - (c) That the Audit Committee noted the COVID – 19 Update Report.

Moved Councillor Smedley, Seconded Councillor Snewin

Carried

Councillor Patton left the virtual meeting at 6:14pm.

14.3 **Information Report – Southern Region Waste Resource Authority Board Meeting – 4 May 2020** (Report No: 136/20)

The information reports of the Southern Region Waste Resource Authority (SRWRA) Board meeting held on 4 May 2020 were attached and provided for information.

Motion**C260520/1905**

1. That the Information Reports of the Southern Region Waste Resource Authority Board meeting held on 4 May 2020 be noted.

RETAIN IN CONFIDENCE - Section 91(7) Order

2. That having considered Attachment 2 to Report No: 136/20 Information Report – Southern Region Waste Resource Authority Board Meeting – 4 May 2020 in confidence under Section 90(2) and 3(b) and 3(d) 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 Smedley, Seconded Councillor Lindop

Carried

15. REPORTS BY OFFICERS**15.1 Items in Brief (Report No: 130/20)**

These items were presented for the information of Members.

Motion**C260520/1906**

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

- 1. Congratulations letter from Nicolle Flint MP, Member for Boothby**
- 2. Letter from the Hon Steven Marshall MP, Premier of South Australia**
- 3. Partridge Street Carpark, Rooftop Parking Trial – Update**
- 4. Brighton Oval Redevelopment - Update**

Moved Councillor Lindop, Seconded Councillor Snewin

Carried

Councillor Patton re-joined the virtual meeting at 6:19pm.

15.2 Monthly Financial Report – 30 April 2020 (Report No: 133/20)

Attached were the financial reports as at 30 April 2020. They comprised a Funds Statement and a Capital Expenditure Report for Council's municipal activities and Alwyndor Aged Care, month by month variance report for Council's municipal activities. The adjusted forecast budget included the carried forward amount as approved by Council on 13 August 2019 and the three quarterly budget updates approved by Council 22 October 2019, 11 February 2020 and 28 April 2020.

The report included Council's resolution (C280420/1884) to decrease the capital expenditure budget by \$71,810, originally intended for the installation of a bike jump line. No other changes to the Alwyndor and Municipal budgets are recommended at this time, but the report highlighted items that show a material variance from the YTD budget.

Motion**C260520/1907**

That Council receives the financial reports and budget update for the 10 months to 30 April 2020 and notes:

- **no change to the Municipal activities 2019/20 revised operating budget forecast;**
- **a decrease in forecast Municipal capital expenditure of \$71,780 from \$34.618 million to \$34.547 million; and**
- **no change to the Alwyndor Aged Care 2019/20 revised budget forecast.**

Moved Councillor Smedley, Seconded Councillor Abley

Carried

15.3 Community Centre Leasing Policy- Consultation (Report No: 131/20)

This report sought Council endorsement of the draft Community Centre Leasing Policy, enabling formal community consultation to be undertaken with the Community Centres and then subsequent finalisation of the policy. Informal consultation has been undertaken with representatives from the community centres in preparation of the draft policy, with feedback helping to form the draft policy.

Motion**C260520/1908**

That Council endorse the draft Community Centre Leasing Policy for community consultation with the following amendments to the Policy:

- **replace clause 2.1.1 with:**
“Council will consult, collaborate and negotiate with Community Centre management to encourage broad community access to the leased Council owned facilities through appropriate and relevant programming and ‘after hours’ hire.”; and
- **replace clause 3.6 with:**
“Council will negotiate with centre management a long term maintenance plan and provide an annual maintenance schedule for community centres for the structure and fixtures in accordance with lease provisions. Timing of maintenance work will be arranged with centre to minimise disruption to programmes and user group.”

Moved Councillor Clancy, Seconded Councillor Lonie

Carried

15.4 Draft 2020-21 Annual Business Plan (Report No: 125/20)

The Draft 2020-21 Annual Business Plan was presented for endorsement and release for community engagement. It has been developed having regard to the “Our Place” 2030 Strategic Plan (Our Place) Asset Management Plans, Long Term Financial Plan and directions provided by Council.

Provisions have been made to support our community and businesses through COVID-19 and the ensuing recovery phase. This includes \$179,000 in measures and \$250,000 in a COVID-19 Fund to support the community and businesses through recovery. The budget also includes forecast loss of non-rate revenue associated with the pandemic of \$766,500.

The draft budget has been developed with a general rate increase of 2.4% which includes a 0.8% provision for the Waste Levy.

The Draft 2020-21 Annual Business Plan was reviewed by Council’s Audit Committee on 25 May 2020.

Motion**C260520/1909**

1. **That, subject to minor alterations and design, the Draft 2020-21 Annual Business Plan contained in Attachment 1 be released for community consultation.**
2. **That the process for community consultation on the Draft 2020-21 Annual Business Plan, as described in this report, be endorsed.**

Moved Councillor Lonie, Seconded Councillor Lindop

Carried Unanimously

15.5 **Local Government Act Emergency Variations – Update to Informal Gatherings Policy** (Report No: 124/20)

At the Special Council Meeting on 7 April 2020, Council resolved for Council meetings to be held electronically (Report No. 88/20). In light of the recent public health emergency (COVID-19), it is now recommended Council's Informal Gatherings of Council Policy be varied to enable informal gatherings to be held electronically and live streaming/recording provided for public participation (except where matters are discussed confidentially).

The *Local Government Act 1999* (the Act), states Council must adopt a policy on the holding of 'informal gatherings or discussion' (Section 90(8)). Section 90(8b) of the Act requires a council policy to comply with any requirements set out in the *Local Government (General) Regulations 2013*.

Motion**C260520/1910****That Council:**

1. **endorse the variations to the Informal Gatherings of Council Policy (Attachment 1) to facilitate participation by Council and Council Committee members in informal gatherings by electronic means; and**
2. **permits informal gatherings of the Council and Council Committees to take place by electronic means in a virtual meeting room with access to live streaming and/ or visual/audio recording made available on Council's website.**

Moved Councillor Bouchee, Seconded Councillor Fleming

Carried

15.6 **Appointment to the Executive Committee Vacancy for the Brighton Ward** (Report No: 134/20)

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 Committees Terms of Reference on 29 January 2019.

As Councillor Snewin is currently the Deputy Mayor there is a vacancy on the Executive Committee for the Brighton Ward. Councillor Clancy or Councillor Fleming may be appointed to the Executive Committee for the Brighton Ward, only for the duration that Councillor Snewin is the Deputy Mayor.

Motion

C260520/1911

That Council appoint Councillor Clancy to the Executive Committee to be the Elected Member for the Brighton Ward, for the duration that Councillor Snewin is the Deputy Mayor (Councillor Snewin to revert back to be the Brighton ward Executive Committee member when his term as Deputy Mayor ends).

Moved Councillor Bouchee, Seconded Councillor Abley

Carried

15.7 Holdfast Quays Marina - Application for Landowner Consent - Management and Amenities Building (Report No: 128/20)

Holdfast Quays Marina Association Incorporated (HQMA) proposed to construct and install a floating amenities and meeting room on a barge to be moored in Berth C2 of the Holdfast Quays Marina. HQMA sought Council's consent, as landowner, to carry out the works.

Motion

That in its capacity as landowner, Council consents to the installation of a floating amenities and meeting room on a barge to be moored in Berth C2 of Holdfast Quays Marina subject to the following conditions:

- 1. all costs to be borne by HQMA including building and future maintenance;**
- 2. all work to be undertaken by qualified trades persons and in a workman like manner;**
- 3. HQMA to indemnify the City of Holdfast Bay against any claims, losses, suits etc. that may arise from this project;**
- 4. all works to comply with the Building Code of Australia, all conditions of any Development Approval and any requirements imposed by any other statutory authority or applicable legislation including but not limited to the Harbours and Navigation Act 1993(SA), Environment Protection Authority, SA Water and the Department of Planning, Transport and Infrastructure.;**
- 5. final construction plans to be submitted to Council for final approval prior to the commencement of construction;**
- 6. the City of Holdfast Bay is permitted to inspect the works at any time during construction;**
- 7. no part of the work is to cause a nuisance or disturbance to any neighbours or visitors to adjoining properties;**
- 8. the cost(s) to rectify any defects or any other variations identified during or after construction to be borne in full by HQMA; and**
- 9. all conditions of the current lease are to be complied with.**
- 10. the facility shall not be used as an office for the management/operation of the marina or the Marina Association.**

Moved Councillor Lonie, Seconded Councillor Bradshaw

Adjournment

C260520/1912

That the report be adjourned until the next Council meeting on the basis that Council requires further information relating to the lease and the proposal.

Moved Councillor Bouchee, Seconded Councillor Smedley

Carried Unanimously

Conflict of Interest

Councillor Smedley declared a perceived conflict of interest for Item 15.8 Naming of Public Places Policy Review. The nature of the perceived conflict of interest (pursuant to Section 75 of the *Local Government Act 1999*) is that a park in the City is named after a family member.

Councillor Smedley dealt with the conflict by making it known and remaining in the virtual meeting as he is acting in the interests of the community.

15.8 Naming of Public Places Policy Review (Report No: 126/20)

The Naming of Public Places Policy has been reviewed and was presented to Council for adoption. The proposed changes were relatively minor, although with greater consultation requirements and presented in a tighter governance framework.

Motion

C260520/1913

That Council endorse the amended Naming of Public Places Policy, included as Attachment 1 to this report, with the following amendment to the Policy:

- **replace clause 1.2 with:
“The intent of this Policy is to ensure that the name assigned to a public place, reserve or road reflects a connection with the land and/or place and is undertaken in consultation with the community.**

Moved Councillor Abley, Seconded Councillor Smedley

Carried

15.9 Draft Financial Hardship Policy and Procedures (Report No: 142/20)

With the advent of COVID-19, Council provided additional rate relief delaying the payment of rates without penalty to 31 August 2020. Ratepayers were also advised of the process to apply for additional rate relief due to hardship. Council's website was updated to enable the completion of an on-line hardship application form.

Council's hardship policy is contained within its rating policy with administrative procedures to treat each case on their merits. Given the impact of COVID-19 it is considered timely to prepare separate hardship policy and procedure documents which provide more comprehensive information on the identification and treatment of rate relief.

Adjournment**C260520/1914**

That the report be adjourned until the next Council meeting on the basis that Council requires further time to discuss and consider the report.

Moved Councillor Clancy, Seconded Councillor Bouchee

Carried**15.10 COVID-19 Update (Report No: 143/20)**

The purpose of this report is to provide an update to Council on status of response to the COVID – 19 emergency.

Motion**C260520/1915**

That Council:

- 1. note the report; and**
- 2. nominate Councillor Smedley and Councillor Fleming for membership to the Economic Recovery Taskforce.**

Moved Councillor Snewin, Seconded Councillor Miller

Carried

16. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil

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

18. ITEMS IN CONFIDENCE

18.1 The Future of Community Wellbeing (Report No: 135/20)

Motion - Exclusion of the Public – Section 90(3)(d) and (e) Order C260520/1916

- 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: 135/20 The Future of Community Wellbeing 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: 135/20 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 confer a commercial advantage on a third party. This information may prejudice the**

commercial position of the joint venture partner as the resources of the transition will be exposed.

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.

- e. **pursuant to Section 90(3)(e) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is related to matters affecting the security of employees of the Council, or Council property, or employees of Council and Council Property in that details of employment and shared access details to council assets will be discussed.**
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 Snewin

Carried

Motion

C260520/1917

That Council:

1. **note the report.**

RETAIN IN CONFIDENCE – Section 91(7) Order

2. **That having considered Agenda Item 18.1, The Future of Community Wellbeing in confidence under section 90(2) and (3)(d) and (e) 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 12 months.**

Moved Councillor Lonie, Seconded Councillor Bouchee

Carried

Conflict of Interest

Councillor Snewin declared an actual conflict of interest for Item 18.2 Appointment of Members to the Alwyndor Management Committee. The nature of the actual conflict of interest (pursuant to Section 75 of the *Local Government Act 1999*) is that he was a referee for one of the applicants.

Councillor Snewin dealt with the actual conflict of interest by making it known and leaving the virtual meeting at 7.11pm.

- 18.2 **Appointment of Members to Alwyndor Management Committee (Report No: 141/20)**

Motion - Exclusion of the Public – Section 90(3)(a) Order **C260520/1918**

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: 141/20 Appointment of Members to the Alwyndor Management Committee 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: 141/20 Appointment of Members to the Alwyndor Management Committee 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: 141/20 Appointment of Members to the Alwyndor Management Committee is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being prospective members of the Alwyndor Management Committee.
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 Chabrel

Carried

RETAIN IN CONFIDENCE – Section 91(7) Order**C260520/1919**

That having considered Agenda Item 18.2 Report No: 141/20 Appointment of Members to the Alwyndor Management Committee in confidence under Section 90(2) and (3)(a) of the *Local Government Act 1999*, the Council, pursuant to Section 91(7) of that Act orders that the minutes, report and attachment and be retained in confidence for a period of 12 months and that this order be reviewed every 12 months.

Moved Councillor Clancy, Seconded Councillor Smedley

Carried

CLOSURE

The Meeting closed at 7.18 pm.

CONFIRMED **9 June 2020**

MAYOR