

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 24 November 2020 at 6:00pm.

MEMBERS PRESENT

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

Chief Executive Officer – R Bria
General Manager City Assets and Services – H Lacy
General Manager Community Services – M Lock
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 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****C241120/2131**

That the minutes of the Ordinary Meeting of Council held on 10 November 2020 be taken as read and confirmed.

Moved Councillor Abley, Seconded Councillor Lindop

Carried Unanimously

Councillor Lonie joined the meeting at 6.10pm.

9. PUBLIC PRESENTATIONS

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

Her Worship the Mayor congratulated Councillor Abley on her appointment as Deputy Mayor.

Her Worship the Mayor acknowledged the work of all Council's Administration involved in managing the required changes for Council activities for the recent COVID-19 Stay at Home lock down.

10. QUESTIONS BY MEMBERS**10.1 Without Notice****10.1.1 Environmental Considerations in Council Report**

Councillor Lindop asked a question in relation to Council reports including environmental considerations in line with the Environmental Strategy.

Chief Executive Officer provided a response.

10.1.2 Speed Limit near Tutti Arts Centre

Councillor Snewin asked a question in relation to speed limits near the Tutti Arts Centre.

General Manager City Assets and Services provided a response.

10.1.3 **Father Christmas Post Box**

Councillor Bouchee asked a question in relation to Council providing a post box for Father Christmas letters.

General Manager Community Services provided a response.

10.1.4 **Environmental Strategy Report**

Councillor Chabrel asked a question in relation to when the Environmental Strategy will be presented to Council for endorsement.

General Manager City Assets and Services provided a response.

10.1.5 **Laneway Development**

Councillor Bouchee asked a question in relation to the current number of development applications for properties facing laneways.

General Manager City Assets and Services took the question on notice.

10.2 **On Notice**

10.2.1 **Lighting on Laneways – Councillor Bouchee (Report No: 378/20)**

Councillor Bouchee asked the following question:

Could the Chief Executive Officer please advise:

1. **Number of laneways in our City owned by Council?**
2. **What are the regulations in relation to lighting requirements in these laneways when residential developments front onto these laneways?**
3. **Has administration initiated/assessed the budget implications of having to build infrastructure for lighting in these lanes?**

Background

In the last two to three years there have been a few changes to the use of these laneways.

As the larger blocks are redeveloped, I have noted that the block is halved with one residential house fronting the laneways. This has occurred in Brighton and Seacliff in several sites.

I am concerned with the financial impact of providing lighting in these laneways which are now the primary entrance, not the back entrance.

ANSWER – General Manager City Assets and Services/ Manager Engineering

1. There are 217 lanes identified across the City. Council owns 72.

Of the 72 Council owned laneways, our data shows that:

- a. 6 have private property frontage;
- b. most provide rear access to private property, businesses or car parking;
- c. approximately 20 -25 are unsealed laneways;
- d. 13 laneways have street lighting installed (street lighting standard unknown); and
- e. 27 laneways were named. 45 are unnamed.

The 13 laneways with street lighting (lighting level of service not assessed) are:

- o Mason Lane
- o Carey Close
- o Laycock Lane
- o Ashton Street
- o Chittleborough Lane
- o Clayton Place
- o Flinders Lane
- o Hahns Lane
- o Gregory Lane
- o 3 X Unnamed laneways

The definition of a lane is unclear. Generally a lane is a narrow section of road which provides services or access to the rear of a property. They generally do not meet the current technical standards and dimensions for a road – hence their role has primarily been for rear access.

Some lanes now have been renamed as roads and named, as well as being used for direct property frontage/access. An example is James Place shown below:



Because lanes have essentially evolved from an access path at the rear of a property, they often do not have verges, their width is sub-standard and this in turn creates vehicle access problems, problems with parking, problems with bin presentation and collection and access issues for service and emergency vehicles. Lanes often have no drainage or street lighting.

2. In regard to street lighting, Council is generally not required to provide street lighting. However Council is responsible to ensure that areas are safe for residents by virtue of the Local Government Act Section 7 which describes one function of a Council as:

(f) to provide infrastructure for its community and for development within its area (including infrastructure that helps to protect any part of the local or broader community from any hazard or other event, or that assists in the management of any area);

Council therefore has the discretion. Lighting on residential streets is typically for pedestrian safety (as cars have lights) and for road safety where intersections, pedestrian crossings and other traffic hazards are illuminated to improve driver awareness.

There are some areas such as Colonel Light Gardens and the Adelaide Hills where no or limited street lighting is provided.

Where lighting is provided, it generally should be provided to the relevant Australian Standards (AS 1158) however in many locations this is not the case and lower standards are acceptable.

3. No assessments of the budget implications of having to build infrastructure for lighting in lanes has been undertaken or initiated.

10.2.2 Rates Discount - Councillor Bouchee (Report No: 386/20)

Councillor Bouchee asked the following question:

Could the Chief Executive Officer please advise why Administration does not provide a discount for residents who pay their first rates instalment in full?

ANSWER – General Manager Strategy and Business Services

The main reason a discount is not provided to residents who pay their first rates instalment in full is that the cost exceeds the benefit for both Council and ratepayers as a whole.

Research of rate payments over the past three financial years show that on average 7% of rate payments are paid in full by the first due date. This equates to approximately \$2m. If a 1% discount was offered on this basis it would result in \$20,000 lost revenue. If Council were to invest that \$2m for 9 months at the current interest LGFA at call rate of 0.3% this would generate \$4,500 of additional income, resulting in a net effect of \$15,500 cost to Council. These costs would have to be absorbed by Council or the burden spread to ratepayers who pay by instalment. In addition, Council would incur additional costs for the administrative processing of these discounts.

The median residential rate in 2020/21 is \$1,386. A 1% discount on the median rate would result in a saving to that ratepayer of \$13.86. While it is recognised the saving is not insignificant, the amount a single ratepayer would benefit for this type of reduction is minimal in comparison to the overall impact a discount could have on ratepayers as a whole.

Other service providers have addressed the incentivisation of paying in full by charging a premium on instalments for their services. Council does not charge for quarterly instalments, allowing all ratepayers to benefit from paying instalments.

10.2.3 Kingston Park Kiosk Rent – Councillor Clancy (Report No: 389/20)

Councillor Clancy asked the following question:

Could Administration provide the last ten (10) years of rental income from the food outlets at Kingston Park?

ANSWER – General Manager City Assets and Services

Venue Type	Period	Licencee	Rental
Brick kiosk	2010 to 2013	Brigitte Ritter	\$8,676 + GST + annual CPI
Bricks and mortar kiosk closed in May 2013			
Food Van	2014 to 2019	David Easson (Cookies 'n Cream)	\$5,200 + GST
Food Van	2019	Andrew Malak (Ocean Foods)	\$5,200 + GST
Food Van	2020	Richard Wilson (Ocean Foods)	\$5,304 + GST

11. MEMBER'S ACTIVITY REPORTS - Nil**12. MOTIONS ON NOTICE****12.1 Motion on Notice – Rescission Notice- Proposed Memorial to Honour Squadron Leader Robert Wilton Bungey (C271020/2095) - Councillor Clancy (Report No: 387/20)**

Councillor Clancy proposed the following motions:

Motion**C241120/2132**

That Council rescind the motion (C271020/2095) in relation to Report No: 290/20 being that Council endorses:

- 1. the construction of a bronze plaque memorial dedicated to Squadron Leader Robert Wilton Bungey be placed along the Esplanade coast park to the south of Phillipps Street, Somerton Park;**
- 2. funds of \$2,000 be allocated to undertake the project; and**
- 3. that Squadron Leader Robert Wilton Bungey continue to be acknowledged in relevant projects carried out at the Glenelg Air-Raid Shelter and by the History Centre.**

Moved Councillor Clancy, Seconded Councillor Chabrel

Carried**Motion**

That Council liaise with the Department of Veterans Affairs to determine where a plaque should be placed and the wording on the bronze plaque memorial dedicated to Squadron Leader Robert Wilton Bungey.

Moved Councillor Clancy, Seconded Councillor Lonie

Adjournment**C241120/2133**

That the motion proposed be adjourned until such time as Administration has further information from the Department of Veterans Affairs.

Moved Councillor Smedley, Seconded Councillor Lindop

Carried Unanimously**BACKGROUND**

I wish to move a rescission motion for the Bungey Memorial on the Esplanade as it is not appropriate due to the circumstances and is not in line with current practices.

Domestic violence organisations do not support such memorials and Barry Heffernan from the Veterans Shed said that it would not have the support of any of those at the Shed. In raising the matter with residents none supported the motion.

Barry Heffernan is prepared to put his name on a plaque in the Harmony Garden at Kibby Avenue as discussed with the Mayor. At the time of the discussion with The Mayor he was unaware of the circumstances and believes that it would be included in a special area along with others who have committed suicide.

The War Memorials at Glenelg and Brighton celebrate the lives of all who have served, given their lives in service and those who returned. They are all equal.

12.2 Motion on Notice – Pride Flag – Councillor Miller (Report No: 388/20)

Councillor Miller proposed the following motion:

Motion**C241120/2134**

That Council give approval for the Pride Flag to be flown on an annual basis during the Feast Festival, in support of the LGBTIQ+ community.

Moved Councillor Miller, Seconded Councillor Clancy

Carried Unanimously**BACKGROUND**

The City of Holdfast Bay in previous years has received a request from the organisers from the Feast Festival to participate by flying the Pride Flag in Moseley Square during the Feast Festival event. Feast is Adelaide's only not-for-profit LGBTIQ+ Queer Arts and Cultural Festival that celebrates Pride and Diversity. Feast began in 1997 providing a safe and inclusive platform for the LGBTIQ+ community to share and express themselves through art and culture.

It is important for the City of Holdfast Bay to show leadership in supporting pride and diversity in our community. Endorsement of this motion will mean the Festival will not be required to seek annual approval, and send a message to the community within the City of the Holdfast Bay that Council embraces pride and diversity.

13. ADJOURNED MATTER - Nil**14. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES****14.1 Information Reports – Southern Region Waste Resource Authority Board Meeting – 2 November 2020 (Report No: 384/20)**

The information reports of the Southern Region Waste Resource Authority (SRWRA) Board meeting held on 2 November 2020 were attached and provided for information.

Motion**C241120/2135**

- 1. That the Information Reports of the Southern Region Waste Resource Authority Board meeting held on 2 November 2020 be noted.**

RETAIN IN CONFIDENCE – Section 91(7) Order

- 2. That having considered Attachment 2 to Report No: 384/20 Information Report – Southern Region Waste Resource Authority Board Meeting – 2 November 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 Unanimously**

Leave of the Meeting

Her Worship the Mayor sought leave of the meeting for a discussion to be held at Item 18, Items in Confidence to provide an update on the Southern Regions Waste Resource Authority (Item 18.3).

Leave of the meeting was granted.

14.2 Minutes – Jetty Road Mainstreet Committee – 4 November 2020 (Report No: 372/20)

The Minutes of the Jetty Road Mainstreet Committee meeting held on 4 November 2020 were attached and presented for Council's information.

Motion**C241120/2136**

- That Council notes the minutes of the Jetty Road Mainstreet Committee of 4 November 2020.**

Moved Councillor Abley, Seconded Councillor Miller

Carried Unanimously

15. REPORTS BY OFFICERS**15.1 Items in Brief (Report No: 379/20)**

These items were presented for the information of Members.

Motion**C241120/2137**

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

- 1. Appointment to West Beach Trust - Councillor Abley**
- 2. Wigley Reserve Lighting**
- 3. Heritage Plaque for Brighton Town Hall Site**

Moved Councillor Lonie, Seconded Councillor Lindop

Carried Unanimously

15.2 Monthly Financial Report – 31 October 2020 (Report No: 376/20)

Attached were financial reports as at 31 October 2020. They comprised of 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 11 August 2020 and the first quarterly budget update approved by Council 27 October 2020.

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**C241120/2138**

That Council receives the financial reports for the 4 months to 31 October 2020 and notes:

- no change to the Municipal activities 2020/21 revised budget forecast; and**
- no change to the Alwyndor Aged Care 2020/21 revised budget forecast.**

Moved Councillor Smedley, Seconded Councillor Snewin

Carried Unanimously

15.3 2019-2020 Annual Report (Report No: 377/20)

Council's Annual Report is a legislative requirement under Section 131 of the *Local Government Act 1999*. The information contained within the publication provides legislators and the community with assurance that the City of Holdfast Bay is meeting all its strategic and governance requirements. The publication also provides a detailed overview of the Council's services and achievements during the year.

The 2019-20 Annual Report was prepared to meet all statutory requirements. The report showed that Council has continued to deliver high quality services and facilities to its community.

Motion

C241120/2139

That Council adopts the 2019-20 Annual Report, subject to final design and minor alterations.

Moved Councillor Lonie, Seconded Councillor Clancy

Carried

15.4 **Feasibility of a Dog Park at Gregory Reserve, Hove** (Report No: 375/20)

The purpose of this report was to investigate the feasibility of a dedicated dog park at Gregory Reserve, Hove. Analysis was undertaken, evaluating the criteria for a dog park including strategic alignment, location, size of the space and associated core infrastructure and amenities required for a successful dog park. The feasibility recommended that further investigations were required to find an alternative suitable location for a dedicated dog park within Holdfast Bay.

Motion

C241120/2140

That Council:

1. **notes the feasibility findings of a dog park at Gregory Reserve;**
2. **endorses no further investigation is undertaken to establish a dog park at Gregory Reserve; and**
3. **considers during the 2021/22 Annual Budget process, an upgrade to Gregory Reserve to improve the amenity of the reserve for passive recreation ie benches, fountain.**

Moved Councillor Fleming, Seconded Councillor Snewin

Carried Unanimously

15.5 **Suicide Prevention Network in Holdfast Bay** (Report No: 373/20)

This report provided a summary of information regarding Suicide Prevention Networks (SPN) across local government, and the City of Holdfast Bay's proposed next steps in seeking to establish a SPN within the city.

Motion

C241120/2141

That Council:

1. **notes this report;**
2. **appoint Councillor Chabrel and Councillor Miller to attend a meeting with the Office of the Premier's Advocate for Suicide Prevention; and**

- 3. allocates a budget of \$5,000 to facilitate the establishment of a local Suicide Prevention Network within the 2020/21 Budget from the COVID – 19 Economic Recovery Fund.**

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

15.6 Private Laneway – 54A Cedar Avenue, Brighton (Report No: 327/20)

A private laneway runs off Cedar Avenue Brighton. The private laneway is included within the title of 54A Cedar Avenue Brighton which is registered to the estate of the late Thomas Edwards, who died in 1918. The Public Trustee is administering the estate of the late Mr Edwards.

Council received a request from a resident on Edwards Street whose property backs onto the private laneway together with a request from local State Member Cory Wingard MP on behalf of an unnamed constituent(s) to see if Council would take over the lane, upgrade it and maintain it.

There are 6 properties on Edwards Street that back onto the laneway, each having rear access to the private laneway supported by a right of way. SA Water also has an easement over a portion of the laneway. The private laneway is unsealed and in poor condition. The resident has requested that Council take over the lane and then upgrade and maintain it. The Public Trustee has also asked whether Council would be interested in taking over the land.

To further complicate the matter, there is also a section of the private allotment that contains the laneway that extends out into Cedar Ave and over which the Council road and footpath have been constructed. Whilst this is low risk for Council, any works to convert the private lane into Council ownership would also benefit Council by resolving the encroachment of Council's footpath and road over private land.

The lane is approximately 60 metres long by 5 metres wide and should Council agree to upgrade it, the estimated costs would be in the order of \$80,000 as the works would include survey, design and most likely permeable paving as there is no underground drainage. In addition legal fees, survey and costs associated with the public trustee, conveyancing and transfer would add an estimated \$10,000 to the transfer costs.

The adjoining owners do not wish to purchase the land from the Public Trustee as they already have legal rights of way over the land. They would therefore prefer for Council to purchase the laneway and maintain it at Council's cost.

The Public Trustee has advised that it has no objection to Council acquiring the land subject to meeting the Public Trustee's costs - estimated at around \$3,000.

Motion**That Council:**

1. **advise the applicant, Minister Cory Wingard and The Public Trustee that it does not wish to acquire the laneway (Allotment 615 shown in the title included in Attachment 1);**
2. **advise the Public Trustee that it will acquire the section of land within the road reserve (Allotment 10 DP 2498 shown in the title included in Attachment 1) within the Council road reserve; and**
3. **allocate a budget of \$10,000 to undertake the acquisition process for the portion of land within the road reserve.**

Adjournment**C241120/2142**

That the report be adjourned until a report is provided back to Council, on the basis that Council requires further information relating to the environmental considerations and upgrade options if Council purchases the land.

Moved Councillor Lindop, Seconded Councillor Lonie

Carried**15.7 St Leonards Primary School – Road Safety Improvements (Report No: 328/20)**

Concerns were raised by the Principal and the school community of St Leonards Primary School, Glenelg North regarding safety and congestion around the school especially during afternoon pick up. St Leonards Primary is a public school and included in the Department for Infrastructure and Transport's Way2Go Program.

Meetings between Council staff and the school principal Mr David Henty-Smith, along with subsequent investigations identified a number of low cost improvements that could be implemented to improve pedestrian safety, efficiency of vehicle movements and improved parking compliance around the school.

The proposal included two additional pick up and drop off zones on surrounding roads to ease congestion on the existing pick up and drop off on Russell Street. One is proposed for Jervois Street to accommodate the recently installed transportable classroom in addition to one on Chalmers Street near the school entrance.

In addition it is proposed to prohibit parking on the southern side of Jervois Street and the western side of Morris Street during pick up time (2.30pm – 4pm school days) to allow two-way traffic flow and reduce pedestrian crossing movements. Remove the current 30 minute parking on the western side of Chalmers Street to allow school staff to park instead of the southern side of Jervois Street and install protuberances on the southern side of the emu crossing on Russell Street to improve pedestrian sight lines and provide additional on street parking. The attached map provides a plan of the proposed traffic management layout for reference.

The recommendations are supported by school Council, subsequently consultation was undertaken with affected residents on Jervois Street. Of the 20 consults we had responses from three households, two were supportive of the changes whilst one resident is strongly opposed. This objection mainly stems from not wanting to move his car during the PM school pick up time and believes the changes will devalue his property.

The resident suggested indented parking on the northern side of Jervois Street instead of prohibiting parking on the southern side. The cost of indented parking is estimated at \$30,000. This option would result in vehicles queuing on the approach therefore not addressing the issues. From a cost / benefit perspective this proposal is not warranted as there is ample on street parking outside of school time.

A street corner meeting organised by Mr Matt Cowdrey MP resulted in broader consultation being undertaken. The extended consultation included all residents on Jervois Street, Russell Street and Chalmers Street as well as households on Morris Street between Jervois Street and Russell Street. In total an additional 95 letters were sent out. From these council received three responses, all of which were addressed individually.

Motion

C241120/2143

That Council approves the installation of the proposed traffic management scheme aimed at improving safety, efficiency and improved compliance around St Leonards Primary School.

Moved Councillor Chabrel, Seconded Councillor Abley

Amendment

That Council review the proposed traffic management scheme after twelve months.

Moved Councillor Patton
The amendment on being put was

Lapsed for want of a Seconder

Further Amendment

That a review of the new traffic management scheme in relation to success/impacts of its intent occurs within twelve months.

Moved Councillor Bouchee, Seconded Councillor Patton

The further amendment on being put was

Tied

Her Worship the Mayor used her casting vote for the motion and declared the motion as further amended was

Lost

The substantive motion on being put was

Carried Unanimously

15.8 **Da Costa Reserve Playspace Redevelopment Engagement Results** (Report No: 374/20)

A combined New Initiative and capital budget of \$150,000 for the redevelopment of Da Costa Reserve Playspace and basketball half court was endorsed by Council at the 28 July 2020 meeting. Administration undertook an open tender process in August and September 2020 to select a contractor to design, supply and install the renewed playspace.

The community was invited to provide their feedback on the proposed design for the new playspace from 6 to 28 October 2020. The results of this engagement have now been evaluated and adjustments have been made to the initial concept plans based on the feedback received during the consultation period.

Motion

C241120/2144

That Council:

- 1. notes the engagement findings of Da Costa Reserve Playspace Redevelopment Engagement Summary Report; and**
- 2. endorse the final concept design for the new Da Costa Reserve Playspace as shown in Attachment 2.**

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

15.9 **Formalise Parking - Esplanade and Side Streets** (Report No: 380/20)

At the 13 October 2020 Council meeting a motion was passed (C131020/2069) that Administration bring back a report to Council in regard to marking parking bays along Esplanade as well as any roads off the Esplanade where marked parking would increase parks.

Council Administration undertook a review of parking along Esplanade from Broadway to Seacliff and North Esplanade between Cygnet Court to Anderson Avenue as well as eligible side streets leading to Esplanade.

Criteria:

- Identify parking lanes not marked with individual parks;
- Identify locations to mark parking lanes and individual parks where eligible

To provide formalised parking the total road width should be a minimum 10.2m. This provides 2.1m parking lanes and 3 m traffic lanes.

A review of parking lanes along Esplanade between Seacliff and Broadway and North Esplanade between Cygnet Court and Anderson Avenue identified 1.7km and 700m respectively of existing parking lanes not formalised with transverse lines to define each parking space. This equates to approximately 377 marked car parking spaces.

Additionally, 350m of eligible unmarked parking is located on the eastern side of North Esplanade and 260m on the eastern side of Esplanade between Seacliff and Broadway equating to approximately 100 spaces.

There are four roads leading off Esplanade that have adequate width to accommodate formal parking along both sides combining to a length of 2,460m or approximately 400 formalised parking spaces

Whilst a parking occupation survey has not been undertaken formalising parking would be only marginally more than current occupancy rates based on Australian Standard requirements.

Based on the schedule of fees provided by Council's line marking contractor and approximate cost of design the installation of the transverse white lines would cost approximately \$15,000 and an average of \$2,000 per year to maintain.

Taking into consideration Council's strategy to encourage active transport, the wider roads leading to esplanade should also be considered for alternative treatments to create pedestrian and cycling connectivity to Esplanade.

Motion

C241120/2145

1. **That Council support installation of transverse line marking to mark individual bays on the Esplanade in existing marked areas.**
2. **That Council does not support line marking in the side streets.**
3. **That Council does not support line marking on the eastern side of Esplanade and North Esplanade.**
4. **That Council allocate a budget to design and undertake line marking of \$7,000.**

Moved Councillor Clancy, Seconded Councillor Lonie

Carried

Division Called

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

Those voting for: Councillors Bouchee, Miller, Smedley, Patton, Abley, Fleming, Clancy, Lindop, Lonie and Bradshaw (10)

Those voting against: Councillors Chabrel and Snewin (2)

Her Worship the Mayor declared the motion

Carried

15.10 Elected Member Appointment to the Council Assessment Panel (Report No: 371/20)

The tenure of the single Elected Member appointed to the City of Holdfast Bay Council Assessment Panel expires on 14 December 2020. This report recommended that Council appoint one (1) Elected Member to serve on the

Council Assessment Panel for a maximum period of one (1) year, and one (1) Elected Member to be appointed as the deputy to serve on the Council Assessment Panel for a maximum period of one (1) year as the need arises should the incumbent either be unable or unavailable to participate.

Nominations

Her Worship the Mayor called for nominations.

Nominations were received for Councillors Bouchee as the principal nomination and for Councillors Fleming and Clancy as the deputy nomination.

A secret ballot was conducted for the deputy nominations.

Her Worship the Mayor announced that Councillor Bouchee had been selected for the principal nomination with Councillor Fleming as the deputy nomination, which was included in the Council's motion.

Conflict of Interest

Councillor Bouchee and Fleming declared a material conflict of interest for Item 15.10 Elected Member Appointment to the Council Assessment Panel (Report No: 371/20). The nature of the material conflict of interest (pursuant to Section 73 and 74 of the *Local Government Act 1999*) was that the Councillors will receive sitting fees as Council Assessment Panel member.

Councillors Bouchee and Fleming dealt with the conflict of interest by making it known and leaving meeting at 7.21 pm.

Motion

C241120/2146

That Council:

1. **appoint Councillor Bouchee to serve as the Elected Member on the City of Holdfast Bay Council Assessment Panel for the period commencing 15 December 2020 and ending 14 December 2021; and**
2. **appoint Councillor Fleming to serve as the deputy Elected Member on the City of Holdfast Bay Council Assessment Panel and to be authorised to attend during the incumbent Elected Member's absence for the period commencing 15 December 2020 and ending 14 December 2021.**

Moved Councillor Lonie, Seconded Councillor Abley

Carried Unanimously

Councillors Bouchee and Fleming re-joined the meeting at 7.22pm.

16. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil

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

Leave of the Meeting

Her Worship the Mayor sought leave of the meeting for Item 17.1 Urgent – Local Government Act Emergency Variations – Public Access to Principal Office and Access to Documents and Item 17.2 – Urgent Business – Delegations to the Chief Executive Officer for Councils Principal Office Provisions. Leave of the Meeting was granted.

17.1 Urgent – Local Government Act Emergency Variations – Public Access to Principal Office and Access to Documents (Report No: 391/20)

On 28 April 2020, Council considered Item 15.6 Local Government Act Emergency Variations – Public Access and Public Consultation (Report Number 98/20-Resolution Number C280420/1888). This report resolved to formally close the principal offices, following the State Governments *Public Access and Public Consultation Notice No 2 (Notice No 2)* dated 8 April 2020.

The Council offices were reopened following improvements with the COVID situation in South Australia and this act brought to end the operation of resolution number C280420/1888. In light of the *Emergency Management (COVID-19)(Stay at Home) Direction 2020* (the Stay at Home Direction), effective from 12.01am Thursday 19 November 2020, the Chief Executive Officer (CEO) closed Council's principal office.

Council was required to endorse the closure of the principal office and provide an alternative arrangement to access services and for the inspection of documents. These changes were to remain in place until further notice or until the emergency declarations end (whichever is sooner). The restrictions were expected to be in place until at least after this Council meeting, however, they were lifted early meaning that the principal office was re-opened prior to this Report being considered. Retrospective endorsement of the decision taken was still recommended.

Motion

C241120/2147

That Council 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 thereafter), the Council, for the period the *Public Access and Public Consultation Notice (No 2) 2020* and in accordance with *Emergency Management (Stay at Home) (COVID-19) Direction 2020* endorses the closure of the principal office of the Council, effective from 19 November 2020 until further notice or until emergency declarations end (whichever is sooner).

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

17.2 **Urgent Business – Delegations to the Chief Executive Officer for Councils Principal Office Provisions** (Report No: 390/20)

Delegations are the means by which Council can formally pass on its powers and functions to other bodies or individuals in order to efficiently and effectively manage the business of Council.

In light of the Emergency Management (COVID-19) (Stay at Home) Direction 2020 (the Stay at Home Direction), effective from 12.01am Thursday 19 November 2020, the Chief Executive Officer (CEO) was required to close the Council's Principal Office. Due to the ongoing COVID issue, it was recommended that Council delegate Section 45 of the *Local Government Act 1999* (the LG Act) Principle Office provisions to the CEO. This will allow flexibility for the CEO to manage the LG Act Principal Office provisions including but not limited to for future closures without the need for endorsement by Council following such closures. This provision has not been delegated in the past.

Motion

C241120/2148

That Council in exercise of the power contained in Section 44 of the *Local Government Act 1999*, hereby delegates Section 45 of the *Local Government Act 1999* on this 24th day of November 2020 to the Chief Executive Officer and anyone who may, from time to time, be appointed to act in that position.

Moved Councillor Lonie, Seconded Councillor Bouchee

Carried Unanimously

18. **ITEMS IN CONFIDENCE**

18.1 **Alwyndor Strategic Plan 2020-23** (Report No: 383/20)

Motion – Exclusion of the Public – Section 90(3)(d)

C241120/2149

1. That pursuant to Section 90(2) of the *Local Government Act 1999* Alwyndor Management Committee hereby orders that the public be excluded from attendance at this meeting with the exception of the General Manager and Staff in attendance at the meeting in order to consider Report No 383/20 in confidence.
2. That in accordance with Section 90(3) of the *Local Government Act 1999* Alwyndor Management Committee is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 18.1 Alwyndor Strategic Plan 2020-23 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.

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. 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 Clancy **Carried Unanimously**

RETAIN IN CONFIDENCE - Section 91(7) Order

C241120/2150

That having considered Agenda Item 18.1 Alwyndor Strategic Plan 2020-23 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 Alwyndor Strategic Plan 2020-23 be retained in confidence for a period of 12 months or until the plan is approved by Council.

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

Councillor Patton left the meeting at 7.29pm.

Councillor Patton re-joined the meeting at 7.31pm

18.2 **Mawson Oval - Renewal of Joint Use Agreement (Report No: 358/20)**

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

C241120/2151

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: 358/20 Mawson Oval – Renewal of Joint Use 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: 358/20 Mawson Oval – Renewal of Joint Use Agreement on the following grounds:
 - 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 provided by Kelledy Jones.
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 Fleming

Carried Unanimously

RETAIN IN CONFIDENCE - Section 91(7) Order**C241120/2152**

Having considered Agenda Item 18.2 Mawson Oval – Renewal of Joint Use Agreement Report No: 358/20 in confidence under Section 90(2) and 90(3)(h) of the *Local Government Act 1999*, the Council, pursuant to Section 91(7) of that Act orders that the Agenda Item 18.2 Mawson Oval – Renewal of Joint Use Agreement Report No: 358/20, being the report and attachments but excluding the recommendation, be retained in confidence for a period of 24 months and the Chief Executive Officer is authorised to review whether these documents and information can be released after 12 months.

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

18.3 Southern Region Waste Resource Authority Update**Motion – Exclusion of the Public – Section 90(3)(b)&(d)****C241120/2153**

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 an update from the Mayor with regards to the Southern Region Waste Resource Authority.
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 update from the Mayor with regards to the Southern Region Waste Resource Authority 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 the information from the Mayor is information the disclosure of which could reasonably be expected to confer a commercial advantage and Council 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 the information from the Mayor 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.

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. 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 Bouchee, Seconded Councillor Miller **Carried Unanimously**

RETAIN IN CONFIDENCE - Section 91(7) Order **C241120/2154**

4. That having considered information from the Mayor in regards to the Southern Waste Resource Authority under Section 90(2) and (3) (b)&(d) of the *Local Government Act 1999*, the Council, pursuant to Section 91(7) of that Act orders that the discussion be retained in confidence.

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

CLOSURE

The meeting closed at 7.56pm.

CONFIRMED 8 December 2020

MAYOR