

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 26 April 2022 at 7:00pm.

MEMBERS PRESENT

Deputy Mayor J Smedley
Councillor R Abley
Councillor A Bradshaw
Councillor P Chabrel
Councillor R Clancy
Councillor J Fleming
Councillor J Fletcher
Councillor S Lonie
Councillor W Miller
Councillor R Patton
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

1. OPENING

Deputy Mayor Smedley declared the meeting open at 7.00pm.

2. KAURNA ACKNOWLEDGEMENT

With the opening of the meeting Deputy Mayor Smedley stated:

We acknowledge Kurna people as the traditional owners and custodians of this land.

We respect their spiritual relationship with country that has developed over thousands of years, and the cultural heritage and beliefs that remain important to Kurna People today.

3. SERVICE TO COUNTRY ACKNOWLEDGEMENT

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

4. PRAYER

Deputy Mayor Smedley 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 – Mayor Wilson, Councillor C Lindop

5.2 Absent

6. ITEMS PRESENTED TO COUNCIL

Deputy Mayor Smedley presented a framed Indigenous jersey from the Glenelg District Cricket Clubs annual awards dinner, held 22 April 2022.

7. DECLARATION OF INTEREST

Members were reminded to declare their interest before each item.

8. CONFIRMATION OF MINUTES**Motion****C260422/2573**

That the minutes of the Ordinary Meeting of Council held on 12 April 2022 be taken as read and confirmed.

Moved Councillor Lonie, Seconded Councillor Fletcher

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 Jetty Road/Colley Terrace Development

Councillor Bradshaw asked a question in relation to when the development on Jetty Road/Colley Terrace will commence.

CEO provided a response.

10.1.2 Carl Cox and Eric Powell Mobile Disco Event

Councillor Fletcher asked a question in relation to Carl Cox and Eric Powell Mobile Disco Event.

General Manager Community and Business took the question on notice.

10.1.3 28 Sturt Road, Brighton

Councillor Fleming asked a question in relation to the trees felled at 28 Sturt Road, Brighton.

General Manager, Strategy and Corporate provided a response.

10.1.4 Shop Front Grants

Councillor Miller asked a question in relation to Shop Front Grants.

General Manager, Community and Business took the question on notice.

10.1.5 Jetty Road Mainstreet Committee

Councillor Miller asked a question in relation to the recruitment process for Jetty Road Mainstreet Committee members.

General Manager, Community and Business provided a response.

10.1.6 Art Deco Heritage Review

Councillor Miller asked a question in relation to the Art Deco Heritage Review.

General Manager, Strategy and Corporate provided a response

10.1.7 Homelessness in the City

Councillor Abley asked a question in relation to homelessness in the City.

General Manager, Community and Business provided a response.

10.2 With Notice**10.2.1 Dover Square Capital Expenditure – Councillor Snewin (Report No: 123/22)**

Councillor Snewin asked the following question:

“What is the amount of capital expenditure that has been spent on Dover Square over the last two years including the planned upgrade to the tennis courts?”

ANSWER – Team Leader, Sport and Recreation Planning

Two projects have been undertaken in Dover Square in the last two years including ‘Improving Equity of use at Dover Square’ and more recently the ‘Dover Square Tennis Club Court and Lighting Upgrade’.

Total capital expenditure spent on Dover Square in the last two years and the planned expenditure committed is outlined below.

Capital Projects	External Funds (State/Federal Govt. Funding)	Council Funded Capital Expenditure	Total Capital Expenditure (Actual & Budget)
Dover Square Improvements including fence alterations, landscaping, signage and additional amenities.		\$60,452	\$60,452
Dover Square Tennis Club Court and Lighting Upgrade	\$110,000	\$331,783	\$466,721
Total	\$110,000	\$392,235	\$527,173

Note: * Of the \$466,721 project budget, \$24,938 has been expended to date.

10.2.2 Tennis Court Lighting – Councillor Miller (Report No: 131/22)

Councillor Miller asked the following question:

“Can administration advise:

1. Which tennis courts in Holdfast Bay have lighting?
2. Whether any tennis courts could be identified as appropriate locations to have lighting installed.”

ANSWER – Team Leader, Sport and Recreation Planning

1. The City of Holdfast Bay has a total of 46 courts across 11 locations for the residents and community to enjoy.

Lights are provided at five locations, soon to be six with the installation of new lights at Dover Square Tennis Club which will be completed in 2023. Lights are available at locations that are home to Tennis Clubs. These lights are metered separately from Council and operation of the lights are at the Club's expense. For this reason, community access to lights is by arrangement with the club.

The following table provides a summary of the courts available within the City of Holdfast Bay.

Location	# Courts	Details	Lights
Kingston Historic House Grounds 5 Cameron Ave, Kingston Park	2	Community courts	
Kauri Community Sports Centre Scholefield Road, Seacliff	12	8 club use 4 community accessible outside of club use	✓
Dover Square Tennis Club Dover Square Reserve 45A Broadway, South Brighton	4	All are community accessible outside of club use	✓ (2023)
Brighton Tennis Club Keelara Reserve 19 Keelara Street, Brighton	6	4 club use 2 community accessible outside of club use	✓
Wattle Reserve 100 Esplanade, Hove	1	½ court, not full size Community court	
Bowker Oval Reserve Bowker Street, North Brighton	1	Community Court	
Somerton Tennis Club Paringa Park Reserve 34 Paringa Avenue, Somerton Park	6	All are community accessible outside of club use	✓
Seaforth Park Tarlton Street, Somerton Park	1	Community court	
Sutherland Reserve 66 Bath Street, Glenelg South	1	Community court	
Holdfast Tennis Club Margaret Messenger Reserve Williams Avenue, Glenelg East	8	6 club use 2 community accessible outside of club use	✓
Helmsdale Tennis Club Sandison Reserve Third Avenue / Augusta Street, Glenelg	4	2 club use 2 community accessible	✓

2. Upon assessment of the community courts without lights, three are directly adjoining private residential properties (Bowker Oval, Seaforth Park and Sutherland Reserve). Wattle Reserve half court and Kingston Historic House courts are within 35m of the nearest resident. Installation of new sports lighting would be subject Council approval and to community consultation through a Development Assessment process.

11. MEMBER'S ACTIVITY REPORTS - Nil

12. MOTIONS ON NOTICE

Leave of the Meeting

Councillor Miller sought leave of the meeting to propose that Item 12.1 Beach Concert Pass Outs (Report No: 122/22) be considered in confidence at 18.1, Items in Confidence.

Leave of the meeting was granted.

12.2 **Review of Planning, Development and Infrastructure Act 2016 – Councillor Fleming** (Report No: 124/22)

Motion

C260422/2574

1. That Council authorise the Mayor to write to the Premier of South Australia, The Hon. Peter Malinauskas, advocating in support of a comprehensive review of the Planning, Development and Infrastructure Act 2016 in acknowledgement that the new planning system has resulted in a loss of community voices in its decision making process. That the review focus on:
 - a. returning appeal rights for representors to the Environment, Resources and Development Court against some performance assessed developments, similar to previous appeal rights for category 3 merit developments under the Development Act 1993;
 - b. an increase in elected member representation on Council Assessment Panels;
 - c. increasing the level of protection of local heritage places and historic areas; and
 - d. the preservation of neighbourhood character through consideration of appropriate design principles
2. That the above points be communicated in writing to the Local Government Association, the Premier and the Leader of the Opposition with copies to all SA Councils.

Moved Councillor Fleming, Seconded Councillor Lonie

Carried Unanimously

12.3 **Leave of Absence – Councillor Smedley** (Report No: 130/22)

Motion

C260422/2575

That Councillor John Smedley be granted a leave of absence from Council from 27 April 2022 until 12 June 2022 inclusive.

Moved Councillor Miller, Seconded Councillor Lonie

Carried Unanimously

13. ADJOURNED MATTERS

13.1 **Sister City Agreements** (Report No: 103/22)

On 14 September 2021, Council considered a report (290/21) regarding existing Sister City Agreements signed in 1997 with the City of Hayama, Japan and in 2001 with the City of New Orleans, United States of America.

A motion was put forward that “Administration take the necessary steps to reinvigorate the Sister City Agreements with the City of Hayama, Japan dated 15 December 1997 and renewed on 27 May 2007, and the Sister City and Trade Agreement with the City of New Orleans dated 20 April 2001.” The motion was moved by Councillor Smedley and seconded by Councillor Miller.

Councillors Miller and Clancy spoke to the motion and Councillor Smedley as the mover retained the right of reply.

Council resolved that “the motion be adjourned until Administration brings back a report with further information and to allow Administration to contact the Cities to see if they wish to reinvigorate the Agreements” (C140921/2405), under Regulation 19, *Local Government (Proceedings at Meetings) Regulations 2013*. Councillor Lonie moved the motion and Councillor Patton seconded it.

The adjourned motion needs to be considered before any new motion can be considered.

Contact has been made with both Cities and replies have been received.

Motion

From Council Meeting 14 September 2021:

That Administration take the necessary steps to reinvigorate the Sister City Agreements with the City of Hayama, Japan dated 15 December 1997 and renewed on 27 May 2007, and the Sister City and Trade Agreement with the City of New Orleans dated 20 April 2001.

Moved Councillor Smedley, Seconded Councillor Miller

Formal Motion

That the motion be put.

Moved Councillor Fleming, Seconded Councillor Snewin

Lost

Motion:

C260422/2576

That Council:

1. **maintain the Sister City and Trade Agreement with the City of New Orleans at this time, noting that Council should undertake a workshop to establish its strategic interests and willingness to invest in the relationship, pending further information from the City of New Orleans; and**
2. **terminate the Sister City Agreement with the City of Hayama, in a spirit of goodwill and friendship, noting that neither city is in a position to invest in the relationship.**

Moved Councillor Lonie, Seconded Councillor Fleming

Carried Unanimously

14. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES

14.1 Minutes – Jetty Road Mainstreet Committee – 6 April 2022 (Report No: 112/22)

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

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

Motion

C260422/2577

That Council notes the minutes of the Jetty Road Mainstreet Committee of 6 April 2022.

Moved Councillor Abley, Seconded Councillor Miller

Carried Unanimously

15. REPORTS BY OFFICERS

15.1 Items in Brief (Report No: 113/22)

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

C260422/2578

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

- 1. Enabling Resilient Food Systems In South Australia Project**
- 2. Bay Discovery Centre's Latest Exhibition, The Finishing Touch**
- 3. Third Quarter Grants Update**

Moved Councillor Lonie, Seconded Councillor Fleming

Carried Unanimously

15.2 Budget and Annual Business Plan Update – as at 31 March 2022 (Report No: 126/22)

This report covered the third update of Council's 2021/22 budget conducted as at 31 March 2022.

A comprehensive review of Municipal budgets increased the forecast operating surplus by \$97,946 to \$970,881. Major variances accounted for include additional revenue from the Brighton Caravan Park and Partridge House, and savings on the cost of borrowings. The high forecast operating surplus included Local Roads and Community Infrastructure (LRCI) funding, accounted for in the December 2021 budget update, which due to accounting standard requirements was included as operational revenue. If this accounting anomaly was excluded then the underlying surplus forecast for 2021/22 is \$281,704.

Capital expenditure increased by \$442,721 mostly to account for additional funding already approved by Council.

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

Motion**C260422/2579**

1. That Council notes the third 2021/22 budget update for Council's municipal operations including:
 - (a) an increase in the forecast operating surplus for 2021/22 of \$97,946 from \$872,935 to \$970,881;
 - (b) an increase in forecast capital expenditure of \$442,721 from \$26.924 million to \$27.366 million;
 - (c) an increase in forecast capital revenue of \$50,000 from \$4.075 million to \$4.125 million; and
 - (d) an increase in forecast net financial liabilities of \$294,775 at 30 June 2022 from \$34.096 million to \$34.391 million.
2. That Council notes for Alwyndor operations no change to the 2021/22 revised budget forecast.
3. That Council note the Annual Business Plan quarterly update for March 2022.

Moved Councillor Snewin, Seconded Councillor Abley

Carried Unanimously15.3 **Pigeon Control** (Report No: 76/22)

A motion was raised at the 25 January 2022 Council meeting, to investigate best practices for the management of feral pigeons in the City of Holdfast Bay. With many treatments available, research has shown that best practise suggests a combination of methods is the most effective at keeping pigeon numbers low. Importantly, pigeon flocks increase due to the availability of food, fresh water and secure breeding sites and it is unlikely that feral pigeons can be eliminated, though a combination of strategies were recommended to assist in keeping the numbers down.

Motion**C260422/2580****That Council:**

1. Endorses the following additional strategies for pigeon control:
 - Review and update the existing bird feeding prohibited signage.
 - Provide signage to businesses with outdoor dining permits to encourage patrons not to feed birds and to discard their waste.
 - Investigate and trial grants for businesses to assist property owners undertaking approved pigeon management actions for proofing and deterrents.
 - Increased communication and enforcement with businesses to clear food waste from tables.
 - Provision of information and education campaign via the council's website, social media channels and newsletters.
2. Endorses \$10,000 to be included in the 2022/23 Draft Annual Business Plan for the additional pigeon control strategies.

3. **Review the success of the above strategies over the next 12 months and report back to Council with the results and draft Pigeon Management Policy.**

Moved Councillor Abley, Seconded Councillor Patton

Carried

Division Called

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

Those voting for: Councillors Fletcher, Snewin, Patton, Abley, Lonie, Clancy, Bradshaw, Chabrel (8)

Those voting against: Councillors Miller, Fleming (2)

His Worship the Deputy Mayor declared the motion

Carried

15.4 **Draft 2022-2023 Annual Business Plan** (Report No: 129/22)

The Draft 2022-23 Annual Business Plan was presented for endorsement and release for community engagement. It has been developed having regard to the "Our Place" 2050+ Strategic Plan, Asset Management Plans, Long Term Financial Plan and directions provided by Council.

The draft budget has been developed with a general rate increase of 3.2% and satisfies Council's financial sustainability and performance measures.

The Draft 2022-23 Annual Business Plan and consultation results are due for review by Council's Audit Committee on 1 June 2022.

A number of changes to the legislative requirements for our Annual Business Plan were included in the *Statutes Amendment (Local Government Review) Act 2021*. These were outlined in the report.

Motion

C260422/2581

1. **Subject to minor alterations and design, the Draft 2022-23 Annual Business Plan contained in Attachment 1 be released for community consultation.**
2. **That the process for community consultation on the Draft 2022-23 Annual Business Plan, as described in this report, be endorsed.**

Moved Councillor Clancy, Seconded Councillor Lonie

Carried Unanimously

15.5 **Policy – Fees and Charges** (Report No: 102/22)

Pursuant to section 188 of the *Local Government Act 1999*, Council may set a range of discretionary fees and charges.

Recently, two separate instances of requests for fee reductions were received and considered by Council. While decisions on these instances were made in a principled manner, it highlighted a need in Council's policy suite.

Discretionary fees and charges are generally set annually via the Annual Business Planning process. To improve consistency and ensure clear rationale for any fees and charges, a draft Fees and Charges Policy has been developed, and was provided for Council's consideration as Attachment 2.

Motion

C260422/2582

That Council adopt the proposed Fees and Charges Policy.

Moved Councillor Snewin, Seconded Councillor Lonie

Carried Unanimously

15.6 **Traffic Volumes and Congestion – Sixth Avenue Maxwell Terrace and Buttrose Street Glenelg East (Report No: 121/22)**

Council at its meeting on the 25 January 2022, resolved the following Motion C250122/2519:

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.

The roundabout at the intersection of Sixth Avenue, Buttrose Street and Maxwell Terrace is adjacent the only tram level crossing between Brighton Road and Morphett Road and the preferred crossing location for a significant residential catchment. The intersection has been reported and observed to have a number of safety and performance issues.

The key causes of congestion at this intersection are the proximity of the roundabout to the tram level crossing, as well as the Dunbar Terrace intersection's proximity to single-lane treatments on Sixth Avenue.

Based on a traffic investigation including consultation with a number of residents, retaining the roundabout is considered the most operationally effective solution noting that some congestion will occur during peak times. Improvements to the traffic control devices on Sixth Avenue to improve traffic flow together with pedestrian ramp upgrades are recommended.

Motion

C260422/2583

That Council note the report to retain the roundabout and proceed with Option 1 to improve the Sixth Avenue traffic control devices and undertake improvements to pedestrian access.

Moved Councillor Fletcher, Seconded Councillor Patton

Carried Unanimously

16. **RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil**

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

- 17.1 Councillor Patton sought to bring forward a motion without notice. The Deputy Mayor deemed the matter was one of urgency and accepted the motion.

Motion: **C260422/2584**

That Council acknowledge the framed Indigenous jersey from the Glenelg District Cricket Club, presented to Deputy Mayor Smedley at the Club's annual awards dinner and the Club be congratulated for the design of their Indigenous round jersey.

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

- 17.2 Councillor Bradshaw sought to bring forward a motion without notice. His Worship the Deputy Mayor deemed the matter was one of urgency and accepted the motion.

Motion: **C260422/2585**

That a letter of congratulations be sent to the newly appointed Leader of the Opposition of South Australia, Mr David Speirs, MP.

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

18. ITEMS IN CONFIDENCE

Item 12.1 Beach Concert Pass Outs – Councillor Miller (Report No: 122/22) was considered in Item 18, Items in Confidence, as per leave of the meeting granted.

- 12.1 **Beach Concert Pass Outs – Councillor Miller (Report No: 122/22)**

Motion - Exclusion of the Public – Section 90(3)(b) Order **C260422/2586**

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: 122/22 Beach Concert Pass Outs – Councillor Miller 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 Report No: 122/22 Beach Concert Pass Outs – Councillor Miller 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 and Council would prejudice the commercial position of the Council.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

- 3. The Council is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential**

Moved Councillor Lonie, Seconded Councillor Clancy

Carried Unanimously

Beach festivals such as Castaway, By the C, Summersalt have been held in Holdfast Bay for many years now. One of the major feedbacks from ticket holders and local traders is the inability to leave and return. Given that beach concerts coincide with sunset markets, the Ferris wheel, and street parties it should stand to reason that allowing pass outs would be a beneficial outcome for the community.

This motion is not intending to encompass concert style events such as La Boheme, but rather festival style events, particularly the three aforementioned.

Motion

C260422/2587

Councillor Miller proposed the following motion:

That:

- 1. Council advocates for pass outs to be provided for ticket holders at major festival events being held on the beach in Glenelg and that organisers for these events be strongly encouraged to allow them;**
- 2. refusal to provide pass outs must include correspondence as to why; and**
- 3. Council reserve the right to require pass outs as a condition of trade.**

Moved Councillor Miller, Seconded Councillor Fleming

Carried Unanimously

CLOSURE

The Meeting closed at 8.21 pm.

CONFIRMED

12 May 2022

MAYOR