

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 13 September 2022 at 7:00pm.

MEMBERS PRESENT

Mayor A Wilson
Councillor R Abley
Councillor A Bradshaw
Councillor P Chabrel
Councillor R Clancy
Councillor J Fleming
Councillor J Fletcher
Councillor C Lindop
Councillor W Miller
Councillor R Patton
Councillor J Smedley
Councillor R Snewin

STAFF IN ATTENDANCE

Chief Executive Officer – R Bria
General Manager Assets and Delivery – M de Heus
General Manager Community and Business – M Lock
General Manager Strategy and Corporate – P Jackson
General Manager Alwyndor – B Davidson-Park

1. OPENING

Her Worship the Mayor declared the meeting open at 7.00pm.

2. KAURNA ACKNOWLEDGEMENT

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

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

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

3. SERVICE TO COUNTRY ACKNOWLEDGEMENT

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

4. PRAYER

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

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

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

5. APOLOGIES

- 5.1 Apologies Received - Councillor S Lonie
- 5.2 Absent - Nil

Council acknowledged the passing of Her Majesty Queen Elizabeth II and our thoughts and prayers are with the family during this difficult time. Councillor Miller foreshadowed an urgent motion to be considered under Item 17 in this agenda.

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****C130922/7243**

That the minutes of the Ordinary Meeting of Council held on 23 August 2022 be taken as read and confirmed.

Moved Councillor Miller, Seconded Councillor Smedley

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 Proposed Sale of land**

Councillor Bradshaw asked a question in relation to Council's proposed sale of land.

The Chief Executive Officer took the question on notice.

10.1.2 Brighton Dunes

Councillor Patton asked a question if newsletters can be provided to residents at Brighton Dunes.

The Chief Executive Officer took the question on notice.

10.1.3 Tree Audit

Councillor Miller asked a question in relation to accessing data on the tree audit.

General Manager, Assets and Delivery provided a response.

10.1.4 John Miller Reserve

Councillor Miller asked a question in relation to maintenance of the garden beds at John Miller Reserve.

General Manager, Assets and Delivery provided a response.

10.1.5 Seacliff and Brighton Rail Care

Councillor Lindop asked for an update on Rail Care for Seacliff and Brighton.

General Manager, Assets and Delivery provided a response.

10.1.6 Pathway near Seacliff Railway Station

Councillor Lindop asked for an update on the investigation into a pathway near the Seacliff City-Bound Railway Station.

General Manager, Assets and Delivery provided a response.

10.1.7 Database for Trees

Councillor Smedley asked a question in relation to a database for trees within the Council area.

General Manager, Assets and Delivery provided a response.

10.2 With Notice**10.2.1 Heritage Properties 2014 – 2022 – Councillor Miller
(Report No: 380/22)**

Councillor Miller asked the following question:

Can Administration advise:

1. *How many properties in Holdfast Bay have received heritage listing during this current term of Council?*
2. *How many properties in Holdfast Bay have lost heritage listing during this current term of Council?*
3. *How this compares to the previous Council term?*

BACKGROUND

Many planning changes have been made since 2014 and it is important to know what the implications have been for heritage properties, the protection of which forms part of our strategic plan.

ANSWER – Manager, Development Services

1. During the term of the current Council, 27 properties have received elevated heritage recognition, through their promotion from Contributory Item status to Local Heritage Place status on 1 October 2021.
2. No properties have lost their heritage listing during the term of the current Council. All Contributory Items listed in the repealed Holdfast Bay Development Plan retained their tier-three protection by being transitioned to Representative Building status under the Planning and Design Code on 29 October 2020.
3. There were no additional properties that received heritage listing during the term of the previous Council. However, one property, being the former Brighton Town Hall, was elevated from its status as a Local Heritage Place to a State Heritage Place on 29 December 2014. There was one property that lost its State Heritage status by virtue of its demolition on 21 November 2014 following an emergency order due to its dangerous structural condition. That property was Berkshire Court located at 617 Anzac Highway, Glenelg North. No other properties lost their assigned heritage status during the term of the previous Council.

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

12. **MOTIONS ON NOTICE - Nil**

13. **ADJOURNED MATTERS - Nil**

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

14.1 **Information Report – Southern Region Waste Resource Authority Board Meeting – 15 August 2022** (Report No: 379/22)

The information report of the Southern Region Waste Resource Authority (SRWRA) Board meeting held on 15 August 2022 was provided for information.

Motion

C130922/7244

That Council notes the Information Report of the Southern Region Waste Resource Authority Board meeting held on 15 August 2022.

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

15. REPORTS BY OFFICERS**15.1 Items in Brief (Report No: 381/22)**

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 **C130922/7245**

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

- 1. Science at the Bay Science Week Library Program - 15-20 August 2022**
- 2. ART at Partridge Event**
- 3. New Year's Eve Funding**

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

15.2 2021-2022 Annual Review of Investments (Report No: 382/22)

Section 140 of the *Local Government Act 1999* (the Act) requires Council to review the performance of its investments on an annual basis. This report explained the process for investing funds, amount of funds invested during 2021-22, and investment performance against budget for Council's Municipal and Alwyndor activities.

The Audit Committee received and noted the Municipal and Alwyndor investment performance reviews at its meeting on 17 August 2022.

Motion **C130922/7246**

That Council receives and notes this report comprising a performance review of 2021-22 investments, as required under Section 140 of the *Local Government Act 1999*.

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

15.3 Creative Holdfast: Arts and Culture Strategy 2019-2024 Update for 2021/2022 (Report No: 319/22)

This report provided an update to Council on the implementation of the actions set out in the Creative Holdfast: Arts and Culture Strategy 2019 – 2024. Multiple actions have occurred and now completed in the period of the last twelve months.

Motion **C130922/7247**

That Council notes the report and the Creative Holdfast: Arts and Culture Strategy 2019 – 2024 Update for 2021/22.

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

15.4 **Call for Nominations – Local Government Finance Authority Board of Trustees**
(Report No: 378/22)

The Local Government Association (LGA) is seeking nominations for two Local Government representatives on the Local Government Finance Authority (LGFA) Board of Trustees for a two year term commencing on 1 January 2023.

Nominations

Her Worship the Mayor called for nominations.

A nomination was received for Councillor Smedley.

Councillor Smedley's nomination was included in the Council's motion.

Conflict of Interest

Councillor Smedley declared an actual conflict of interest for Item 15.4 **Call for Nominations - Local Government Finance Authority Board of Trustees** (Report No: 378/22) before the vote. The nature of the actual conflict of interest (pursuant to Section 73 and 74 of the *Local Government Act 1999*) is that if successful he would receive a sitting fee.

Councillor Smedley dealt with the conflict of interest by leaving the meeting at 7.19pm.

Motion

C130922/7248

That Council nominates Councillor Smedley for consideration by the Local Government Association of South Australia to be nominated for the Local Government Finance Authority Board of Trustees.

Moved Councillor Snewin, Seconded Councillor Miller

Carried Unanimously

Councillor Smedley re-joined the chamber at 7.20pm

15.5 **Call for Nominations – State Records Council** (Report No: 377/22)

The Local Government Association is seeking nominations for a Local Government member on the State Records Council for a three year term, commencing on 28 January 2023.

Motion

C130922/7249

That Council notes the report.

Moved Councillor Fleming, Seconded Councillor Abley

Carried

16. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil

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

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

Motion**C130922/7249**

1. That Council expresses condolences for the passing of Her Majesty Queen Elizabeth II and extends its sympathies to the Royal Family and all who share in their grief; and
2. That Council sends its warm regards to His Majesty King Charles III on his accession as King of Australia and his other Realms and Head of the Commonwealth.

Moved Councillor Miller, Seconded Councillor Fleming

Carried Unanimously

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

Motion**C130922/7250**

That Council acknowledge the passing of Mr Robin Kidney for his contribution to the Holdfast Bay Concert Band and as a founding member of the Somerton Surf Lifesaving Club.

Moved Councillor Clancy, Seconded Councillor Fleming

Carried Unanimously**18. ITEMS IN CONFIDENCE**

- 18.1 **Legal Claim** (Report No: 383/22)

Motion – Exclusion of the Public – Section 90(3)(i) Order**C130922/7251**

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: 383/22 Legal Claim 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: 383/22 Legal Claim on the following grounds:
 - i. pursuant to section 90(3)(i) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information relating to litigation that the Council or Council committee believes on reasonable grounds will take place involving the Council or an employee of the Council.

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

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

RETAIN IN CONFIDENCE - Section 91(7) Order

C130922/7252

That having considered Agenda Item 18.1 Report No: 383/22 Legal Claim in confidence under section 90(2) and (3)(i) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report and minutes relevant to this item be retained in confidence subject to the terms of the Settlement Agreement executed on 24 August 2022.

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

CLOSURE

The Meeting closed at 7.27 pm.

CONFIRMED 27 September 2022

MAYOR