

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 27 September 2022 at 7:00pm.

MEMBERS PRESENT

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

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 Alwyndor – B Davidson-Park

1. OPENING

The Deputy Mayor declared the meeting open at 7.00pm.

2. KAURNA ACKNOWLEDGEMENT

With the opening of the meeting the Deputy 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

The Deputy 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 – Mayor Wilson, Councillor R Snewin, Councillor P Chabrel

5.2 Absent

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****C270922/7253**

That the minutes of the Ordinary Meeting of Council held on 13 September 2022 be taken as read and confirmed.

Moved Councillor Abley, Seconded Councillor Lonie

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 Policy regarding Poultry and Roosters

Councillor Miller asked a question in relation to Council's policy on keeping poultry.

General Manager, Community and Business provided a response.

10.1.2 Expression of Interest for Town Hall Pop-up Business

Councillor Fletcher asked a question in relation to the Expression of Interest for the pop-up business in the vacant area of Glenelg Town Hall.

General Manager, Community and Business provided a response.

10.1.3 Works in the Glenelg Town Hall

Councillor Bradshaw asked a question in relation to the work being done on the second floor in the Glenelg Town Hall.

General Manager, Community and Business provided a response.

10.1.4 Glenelg Town Hall Restoration

Councillor Miller asked a question in relation to the state of the paint on Glenelg Town Hall.

General Manager, Assets and Delivery took the question on notice.

10.1.5 Kauri Sporting Complex Public Toilet

Councillor Lindop asked a question in relation to the completion date for the public toilet at the Kauri Sporting Complex.

General Manager, Assets and Delivery provided a response.

10.2 With Notice

10.2.1 Environment, Resources and Development (ERD) Court Costs – Councillor Clancy (Report No: 399/22)

Councillor Clancy asked the following question:

“What are the estimated costs to Council for the appeal to the Environment, Resources and Development Court for the Seacliff Plaza Stage 1 Project?”

ANSWER – Manager, Development Services

From the respondent’s perspective, there are no initial costs payable for external professional services in answering the appeal, as the Preliminary Conference stage before the Environment, Resources and Development (ERD) Court will be managed and attended by planning staff under delegation without the need for legal representation. However, the estimated cost incurred by all staff to date in dedicating time to preparing and attending to all matters relating to the appeal are estimated at \$2,075. From the appellant’s perspective, professional fees totalling \$4,335 have been incurred for the preparation of a compromise proposal to resolve the appeal, in the form of a re-designed concept for consideration by the Council Assessment Panel (CAP) at its meeting scheduled for 28 September 2022. It is anticipated that additional fees of approximately \$2,457 will be incurred to resolve the administrative matters associated with the appeal following the decision of the CAP.

Should the re-designed concept not appease the CAP's concerns, then either further amendments to the concept may be required or the matter could progress to a hearing before the ERD Court for adjudication. Whilst direction will be sought from Council prior to taking the matter to a hearing, where cost disclosures providing a breakdown of expenses will be provided to both contest and defend the appeal, past experience suggests that each party can be expected to incur costs of between \$15k-\$20k for an appeal of this type, which is required to retain separate legal representation and expert witnesses.

11. MEMBER'S ACTIVITY REPORTS - Nil

12. MOTIONS ON NOTICE - Nil

13. ADJOURNED MATTER - Nil

14. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES

14.1 Minutes – Jetty Road Mainstreet Committee – 7 September 2022
(Report No: 397/22)

The minutes of the Jetty Road Mainstreet Committee meeting held on 7 September 2022 were attached and presented for Council's information.

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

Motion

C270922/7254

That Council notes the minutes of the Jetty Road Mainstreet Committee of 7 September 2022.

Moved Councillor Abley, Seconded Councillor Miller

Carried Unanimously

15. REPORTS BY OFFICERS

15.1 Items in Brief (Report No: 398/22)

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

C270922/7255

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

- 1. 2022 National General Assembly of Australian Local Government Association**
- 2. Condolence letter to His Majesty The King.**

Moved Councillor Lindop, Seconded Councillor Lonie

Carried Unanimously

15.2 Monthly Financial Report – 31 August 2022 (Report No: 400/22)

Financial reports were presented to Council as at 31 August 2022. 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 on 23 August 2022.

No changes to Municipal budgets were recommended, but the report highlighted items that show a material variance from the year to date budget. The report also detailed decisions made by Council that will affect the budget and these will be included in the first quarterly budget review due in October.

Motion**C270922/7256**

That Council receives the financial reports and budget update for the 2 months to 31 August 2022 and notes:

- **no change to the Municipal activities 2022/23 revised budget forecast; and**
- **no change to the Alwyndor Aged Care 2022/23 revised budget forecast.**

Moved Councillor Fleming, Seconded Councillor Abley

Carried Unanimously**Conflict of Interest**

Councillor Smedley declared an actual conflict of interest for Item 15.3 **Local Government Finance Authority (LGFA) Board of Trustees Election** (Report No: 384/22) 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 7.09 pm.

In the absence of the Mayor and Deputy Mayor, the Chief Executive Officer called for a Presiding Member for Item 15.3 of the meeting.

Motion**C270922/7257**

That Council appoint Councillor Abley as Presiding Member for Item 15.3 of the meeting.

Moved Councillor Miller, Seconded Councillor Bradshaw

Carried Unanimously

Councillor Abley took over the meeting as the Presiding Member.

15.3 **Local Government Finance Authority (LGFA) Board of Trustees Election**
(Report No: 384/22)

On 1 September 2022 the Chief Executive Officer received correspondence from the Local Government Finance Authority (LGFA) in regards to the elections for the purpose of representative members of the LGFA Board of Trustees. Six nominations were received for the two positions and an election will be conducted by postal ballot.

On 6 September 2022, Council were advised by the LGFA Administration that Mr Nathan Cunningham had withdrawn his nomination from the LGFA Board and this was taken into account in the preparation of this report.

The Council was requested to indicate which two candidates it wishes to be elected to the Board and the appropriate ballot paper was marked and will be forwarded to the LGFA Returning Officer by 5.00pm Friday 14 October 2022.

Motion

C270922/7258

1. **That Council nominates the following two candidates as their preferred Local Government Finance Authority representative members on the LGFA Board of Trustees.**
 - **John Smedley**
 - **Michael Sedgman**
2. **That the Deputy Mayor mark the appropriate ballot paper with the two preferred candidates.**

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

The Presiding Member, Councillor Abley left the chair at 7.13pm.

The Deputy Mayor re-joined the Chamber and resumed the chair at 7.13pm.

15.4 **Election of West Regional Grouping Representatives to Greater Adelaide Regional Organisation of Councils** (Report No: 385/22)

At the Council meeting on 12 July 2022, a report was presented to Council in relation to nominations sought for representatives to the Greater Adelaide Regional Organisation of Councils (GAROC). Representatives on the GAROC committee are filled by two candidates from each regional grouping of members. The City of Holdfast Bay nominated Mayor Amanda Wilson by way of Council resolution.

At the close of nominations, the Local Government Association received four nominations for the GAROC West Regional Grouping. In accordance with Clause 4.4.4 of the GAROC Terms of Reference, the Local Government Association must now conduct an election for GAROC representatives and are requesting councils to cast their vote for their preferred candidates.

Motion**C270922/7259****That Council nominates the following candidates as their preferred candidates:**

1. **Amanda Wilson**
2. **Michael Coxon**

Moved Councillor Abley, Seconded Councillor Lonie

Carried15.5 **Election of Local Government Association President (Report No: 386/22)**

The Local Government Association of South Australia (LGA) wrote to councils on 4 July 2022 calling for nominations for the position of LGA President. Five nominations were received by the LGA, and in accordance with clause 29.4 of the LGA Constitution an election for the position will now take place.

Following a resolution of Council, Administration is required to return the marked ballot papers to the LGA before the closing date of 5.00pm Monday 17 October 2022.

Motion**C270922/7260****That Council:**

1. **Nominates Mayor Erika Vickery as their vote for the Local Government Association President; and**
2. **Delegates Administration to mark the ballot paper with the vote, and return the ballot paper to the Returning Officer.**

Moved Councillor Bradshaw, Seconded Councillor Lonie

Carried Unanimously15.6 **Coastal Adaptation Plan Stage 1 (Report No: 387/22)**

Sea level rise is a consequence of climate change. In order to understand the risks from coastal hazards associated with sea level rise, and to develop adaptation pathways to manage this risk over time, Council has embarked on the development of a Coastal Adaptation Plan. This was identified as a high priority action in the Environment Strategy 2020 – 2025. This report provided the final version of the first stage of the planning process.

Motion**C270922/7261****That Council note the Coastal Adaptation Plan Stage 1 report.**

Moved Councillor Miller, Seconded Councillor Patton

Carried Unanimously

15.7 **Pathway at Seacliff City-Bound Railway Platform** (Report No: 388/22)

On 28 June 2022, Council directed Administration to investigate, including consultation with the Department for Infrastructure and Transport (DIT) and the Seacliff Rail Care Group, options for creating a pathway through the trees and bushes along the eastern verge of Kauri Parade, between Bus Stop 40A and the steps to the Seacliff city-bound platform. The area, a distance of approximately 95 metres, is on land under the ownership and care and control of DIT.

Administration consulted with both DIT and the Seacliff Rail Care group. DIT has agreed to assist the Rail Care group to remove weeds, and Council will support through provision of traffic management an installation of a path and provide plants for revegetation and the Seacliff Rail Care group will undertake planting and maintenance.

Motion

C270922/7262

That Council note the report.

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

15.8 **Sand in the Glenelg to Kingston Park Beach System** (Report No: 389/22)

Administration were directed by Council to work with the Coast Protection Board to report on the amount of sand in the Glenelg to Kingston Park system, and whether any additional sand is required. The Coast Protection Board advised that no additional sand was required in the system.

Motion

C270922/7263

That Council note the report.

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

15.9 **2022 New Year's Eve Dry Glenelg Temporary Dry Zone Extension** (Report No: 390/22)

Over the years, the extension of the Glenelg Dry Area on New Year's Eve has not only proven vital in assisting South Australian Police to regulate alcohol related anti-social behaviour in the area, but it has also assisted Council in creating a 'family-friendly' atmosphere on the night.

As a result of this, Administration sought to temporarily extend the boundaries of the Glenelg Long-Term Dry Area for 2022 New Year's Eve to ensure adequate crowd control and prevention of alcohol related anti-social behaviour.

Motion**C270922/7264**

1. That in accordance with section 131 of the Liquor Licensing Act 1997, Council temporarily extends the boundaries of the Glenelg Dry Zone for 2022 New Year's Eve as outlined in Attachment 1 for the period 6:00pm Saturday 31 December 2022 to 6:00am Sunday 1 January 2023; and
2. That the associated boundaries and conditions of the 2022 extension remain the same as in 2021.

Moved Councillor Patton, Seconded Councillor Lonie

Carried

16. **RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil**
17. **URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING**
18. **ITEMS IN CONFIDENCE – Nil**
19. **CLOSURE**

The Meeting closed at 7.27pm.

CONFIRMED 11 October 2022**MAYOR**