

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 14 February 2023 at 7:00pm.

MEMBERS PRESENT

Mayor A Wilson
Councillor R Abley
Councillor A Bradshaw
Councillor J Fleming
Councillor A Kane
Councillor C Lindop
Councillor M O'Donohue
Councillor R Patton
Councillor J Smedley
Councillor A Venning

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 R Shewin

5.2 Absent – Councillor W Miller

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****C140223/7330**

That the minutes of the Ordinary Meeting of Council held on 24 January 2023 be taken as read and confirmed.

Moved Councillor Patton, Seconded Councillor Smedley

Carried Unanimously**9. PUBLIC PRESENTATIONS****9.1 Petitions****9.1.1 Calvary Brighton Aged Facility (Report No: 25/23)**

A non-conforming petition has been received from the Calvary Brighton Aged Facility, requesting Council consider installing an aged crossing or push-button lights on Brighton Road, in front of the facility.

The petition does not meet the criteria outlined in the Council's Code of Practice – Meeting Procedures as it does not include the Head Petitioners contact details on each page of the petition; it does not restate the whole of the request or submission of the petitioners; and the names and addresses are not included in the submission.

The residents of the Calvary Brighton Aged Facility have been advised that whilst their petition is non-conforming, the Mayor has agreed to include the item on the Council agenda for noting.

Motion**C140223/7331****That Council:**

- 1. Note the non-conforming petition; and**
- 2. That a letter and the petition be provided to Sarah Andrews MP which will also ask for a copy of the Brighton Road corridor study.**

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

9.2 **Presentation** - Nil

9.3 **Deputations** - Nil

10. **QUESTIONS BY MEMBERS**

10.1 **Without Notice**

10.1.1 **Partridge Street Carpark**

Councillor Patton asked a question in relation to cars driving dangerously in the upper deck of the Partridge Street Carpark.

General Manager, Assets and Delivery provided a response.

10.1.2 **FOGO**

Councillor Abley asked several questions in relation to the FOGO program.

General Manager, Assets and Delivery provided a response.

10.1.3 **Kauri Community Sports Centre Update**

Councillor Lindop asked a question in relation to the completion of the public toilet.

General Manager, Assets and Delivery provided a response.

10.1.4 **King George Avenue**

Councillor Bradshaw asked a question in relation to land sale at King George Avenue.

Chief Executive Officer provided a response.

10.1.5 **Margaret Messenger Reserve**

Councillor O'Donohue asked a question in relation to the community consultation for Margaret Messenger Reserve.

General Manager, Strategy and Corporate provided a response.

10.2 **With Notice**

10.2.1 **Partridge House Maps Classification – Councillor Smedley (Report No: 39/22)**

Councillor Smedley asked the following question:

“Could Administration please advise what further steps have been taken, since February 2022, to give effect to Council resolution C080222/2536 - Partridge House Maps Classification, and advise the current status of negotiations with Google?”

ANSWER – Manager, Communications and Engagement

In response to Council resolution C080222/2536, Administration has endeavoured to create a new Google listing for Partridge House Gardens, in order to maintain a separate listing for Partridge House to support the commercial viability of the venue.

Google oversees and approves all listings and to have two listings for one location (Partridge House and Partridge House Gardens) can be problematic. Several attempts have been made over the past year to submit the Gardens as a separate listing, including using different location markers to distinguish between the Garden and the House, but each time Google has eventually assessed it to be a duplicate listing and rejected it. A review request was submitted to Google, but this was also rejected.

Administration have now engaged a third-party digital services specialist to provide expert advice and investigate further options at an estimated cost of \$1,000.

Additionally, the following actions have been undertaken by Administration to increase the profile of Partridge House Gardens:

- created a separate Partridge House Gardens listing on the Council's website: <https://www.holdfast.sa.gov.au/discover-our-place/parks-and-reserves/partridge-house-gardens>;
- created a Partridge House Gardens listing on the Holdfast Bay map, featured on the holdfast.sa.gov.au home page and on the My Holdfast App; and
- full page article about Partridge House Gardens in the Autumn 2022 edition of Our Place magazine.

10.2.2 Glenelg Town Hall Clock Tower and Façade Renovations – Councillor Smedley (Report No: 44/23)

Councillor Smedley asked the following question:

“Could Administration please advise the current status and estimated time for completion of paint and necessary repairs to the façade of the Glenelg Town Hall, following the failure of some aspects of renovation works in 2021?”

ANSWER – Manager, Buildings and Facilities

The southern facade of the Glenelg Town Hall has shown some deterioration following major repair works conducted in 2021. The cause of the deterioration has been investigated by a specialist and the deterioration is considered as a result of a number of contributing factors. A methodology for repair works has been proposed. The contractor who undertook the works will undertake an investigation and if the substrate is suitable, undertake a trial repair.

The trial repair will assess both the methodology and materials as well as the extent of works. Once repairs are completed, the repair site will be monitored before further works are undertaken.

The contractor is about to commence the trial and the trial should be completed within a week.

11. MEMBER'S ACTIVITY REPORTS - Nil

12. MOTIONS ON NOTICE

Item Withdrawn

At the request of Councillor Patton prior to the meeting, Item 12.1 **Motion on Notice – Expansion of Existing Glenelg Dry Area - Councillor Patton** (Report No: 30/23) was withdrawn from the Council Agenda.

13. ADJOURNED MATTER - Nil

14. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES

14.1 Minutes – Jetty Road Mainstreet Committee – 1 February 2023
(Report No: 38/23)

The Minutes of the Jetty Road Mainstreet Committee meeting held on 1 February 2023 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

C140223/7333

That Council notes the minutes of the Jetty Road Mainstreet Committee meeting of 1 February 2023.

Moved Councillor Abley, Seconded Councillor Kane

Carried Unanimously

14.2 Minutes – Executive Committee – 24 January 2023 (Report No: 34/23)

The minutes of the meeting of the Executive Committee held 24 January 2023 were presented to Council for information.

Motion

C140223/7334

That Council notes the minutes of the meeting of the Executive Committee of 24 January 2023.

Moved Councillor Lonie, Seconded Councillor Patton

Carried Unanimously

15. REPORTS BY OFFICERS

15.1 Items in Brief (Report No: 29/23)

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

C140223/7335

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

1. **Living Memory Photographic Exhibition**
2. **Glenelg Greek Festival with Blessing of the Waters**
3. **Australia Day Awards 2023**
4. **Enhanced Electromagnetic Energy (EME) Communications Program – Stakeholder Kit**
5. **Local Government Election Feedback, Sam Telfer MP**
6. **Second Quarter Grants Update**
7. **State Planning System Implementation Review – Letter to Minister for Planning**

Moved Councillor Lonie, Seconded Councillor Lindop

Carried Unanimously

15.2 Budget and Annual Business Plan Update – as at 31 December 2022 (Report No: 45/23)

This report covered the second update of Council's 2022/23 budget conducted as at 31 December 2022.

A comprehensive review of Municipal budgets has decreased the forecast operating surplus by \$227,070 to a forecast surplus of \$262,911. This includes a provision of \$303,000 to allow for a potential timing issue of when Council receives its annual allocation of the Financial Assistance Grant (FAG). Other unfavourable variances of \$289,000 include increased electricity costs, additional GPT cleaning and extra expenditure resulting from the severe storm in November. This has been offset by positive variances identified of \$365,000 for revenue raised through the Brighton Caravan Park, the sum of hoarding fee applications processed, savings on the cost of borrowings and additional investment earnings due to higher interest rates.

There are currently no changes to the revised budget forecast for Alwyndor, however, this will be reviewed in February and any proposed update will subsequently be reported to Council.

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

Motion

C140223/7336

1. **That Council notes the second 2022/23 budget update for Council's municipal operations including:**

- (a) a movement in the forecast operating result for 2022/23 of \$227,070 from a surplus of \$489,981 to a surplus of \$262,911;
 - (b) no change in forecast capital expenditure of \$30.749 million;
 - (c) no change in forecast capital revenue of \$6.418 million;
 - (d) an increase in forecast net financial liabilities of \$277,070 at 30 June 2023 from \$35.279 million to \$35.506 million.
2. That Council notes for Alwyndor operations no change to the 2022/23 revised budget forecast.
 3. That Council note the Annual Business Plan quarterly update for December 2022.

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

15.3 Instrument of Delegation for the Council's By-Laws (Report No: 31/23)

By-laws are local laws established by councils to deal with issues specific to the relevant council area. The City of Holdfast Bay has six By-laws, which apply only within the City of Holdfast Bay's boundaries.

Following a review in early-mid 2019, the By-laws commenced operation on 1 January 2020. For reasons that are unknown, the relevant delegations were not completed at the time the By-laws were adopted by Council. This means that Council currently is, and has technically been, the approving authority for permits under By-law applications since the new By-laws were adopted.

A delegation is now requested to rectify this oversight, so that long-standing processes relating to permit approvals can continue. Notwithstanding the low risk of the current situation, Administration will re-issue all current permits to ensure they comply with Council's delegated authority.

Motion

C140223/7337

That Council delegates the powers contained in the instrument of delegation under the Council's By-laws to the delegate specified therein to ensure the appropriate employees in Council can exercise the power to grant, revoke or vary permission to undertake the various activities regulated under its By-laws.

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

15.4 IT Policies (Report No: 33/23)

A number of IT Policies have been developed, following recommendations from an Internal Audit relating to Cyber Security. The draft policies provided apply to both Council and Alwyndor and relate to the acceptable use of technologies and information security.

These are new policies that are also recommended to apply to Elected Members, hence they require adoption by Council.

Motion**C140223/7338****That Council endorses:**

- 1. Council Acceptable Use Policy**
- 2. Council Information Security Policy**
- 3. Council Mobile Device Policy**
- 4. Council Social Media Policy**

Moved Councillor Smedley, Seconded Councillor Bradshaw **Carried Unanimously****15.5 Parliamentary Inquiry into the Urban Forest (Report No: 46/23)**

The Environment, Resources and Development Committee (ERDC) are undertaking a Parliamentary Inquiry into Adelaide's urban forest. Administration has developed a submission to the inquiry, and this was presented for Council's endorsement. Submissions close 24 February 2023.

Motion**C140223/7339****That Council endorse the submission to the Environment, Resources and Development Committee Parliamentary Inquiry into the urban forest.**Moved Councillor Lindop, Seconded Councillor Abley **Carried Unanimously****15.6 Sea to Shore: Glenelg Seafood Festival (Report No: 28/23)**

The inaugural Sea to Shore: Glenelg Seafood Festival, a curated food and beverage experience showcasing the best of South Australian seafood, was held on the Glenelg Foreshore and Jetty Road, Glenelg on 29 October 2022. It attracted around 25,000 patrons over the course of the event.

Subject to Council endorsement, it was proposed for Sea to Shore to become an annual event, with the event design to be evolved and refined in response to feedback received this year.

Motion**C140223/7340****That Council:**

- 1. notes this report; and**
- 2. considers that the Sea to Shore: Glenelg Seafood Festival become an annual event subject to endorsement of the 2023/24 Annual Business Plan and budget.**

Moved Councillor Abley, Seconded Councillor Bradshaw **Carried Unanimously****15.7 Call for Nominations – Dog and Cat Management Report (Report No: 36/23)**

The Local Government Association of South Australia (LGA) is seeking nominations for two Local Government representatives on the Dog and Cat Management Board.

Nominations

Her Worship the Mayor called for nominations. Councillor Fleming nominated herself and provided reasons for nomination.

Her Worship the Mayor announced that Councillor Fleming had been selected for the nomination which was included in the Council's motion.

Conflict of Interest

Councillor Fleming declared a material conflict of interest for Item 15.7 **Call for Nominations – Dog and Cat Management Report** (Report No: 36/23). The nature of the material conflict of interest was that she nominated for the position and would have a direct financial advantage.

Councillor Fleming dealt with the material conflict of interest by making it known to the meeting and leaving the chamber at 7.54pm

Motion

C140223/7341

That Council nominates Councillor Fleming for consideration by the Local Government Association of South Australia to be nominated for the Dog and Cat Management Board.

Moved Councillor Lonie, Seconded Councillor Lindop

Carried Unanimously

Cr Fleming re-joined the chamber at 7.56pm.

15.8 **Call for Nominations – SA Country Arts Trust** (Report No: 37/23)

The Local Government Association of South Australia (LGA) is seeking nominations for one Local Government representative on the SA Country Arts Trust.

Motion

C140223/7342

That Council notes the report.

Moved Councillor Fleming, Seconded Councillor Lonie

Carried Unanimously

15.9 **Executive Committee Terms of Reference** (Report No: 35/23)

At its meeting on 24 January 2023, the Executive Committee considered two options to satisfy the legislative requirements in relation to obtaining independent advice for the purpose of the Chief Executive Officer's performance review. The recommended option requires changes to the Executive Committee's Terms of Reference.

Motion**C140223/7343**

That Council endorses the following recommendations from the Executive Committee:

1. an amendment to the Committee's Terms of Reference to remove the need for the appointment of an Independent Member;
2. seek Expressions of Interest for a Qualified Independent Person, for a contract period of two plus two years aligning with the Council term, to provide advice to the Committee on the Chief Executives Officer's Performance Review; and
3. a panel comprising of the Mayor, Councillor Fleming and Councillor Lindop to undertake the procurement process for the qualified independent person and provide recommendation to the Executive Committee.

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

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

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

18. **ITEMS IN CONFIDENCE**

18.1 **Event Activation (Report No: 27/23)**

Motion – Exclusion of the Public – Section 90(3)(g) Order**C140223/7344**

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: 27/23 Event Activation 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: 27/23 Event Activation on the following grounds:
 - g. pursuant to section 90(3)(g) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information concerning matters that must be considered in confidence in order to ensure that the Council does not breach any duty of confidence with the South Australian Tourism Commission.
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 Abley

Carried Unanimously

RETAIN IN CONFIDENCE - Section 91(7) Order**C140223/7345**

That having considered Agenda Item 26/23, Event Activation in confidence under section 90(2) and (3)(g) 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 until the event organisers make their public announcement and/or the Chief Executive Officer is authorised to release the documents when the official announcement is made and that this order be reviewed every 12 months.

Moved Councillor Abley, Seconded Councillor Kane

Carried Unanimously18.2 **Tram 361 Expressions of Interest Results (Report No: 32/23)****Motion – Exclusion of the Public – Section 90(3)(b) Order****C140223/7346**

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: 32/23 Tram 361 Expressions of Interest Results 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: 32/23 Tram 361 Expressions of Interest Results 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 on a person with whom the Council is proposing to conduct business; or would prejudice the commercial position of the Council and the information would prejudice the commercial position on the Council in that the Council will be engaged in a post Expression of Interest negotiation with the preferred applicant to finalise the terms and conditions of engagement for the removal of Tram 361.
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 Bradshaw, Seconded Councillor Lonie

Carried Unanimously

Short Term Suspension of Meeting Procedures

Her Worship the Mayor with the approval of two-thirds of the members present suspended the meeting procedures pursuant to Regulation 20(1) of the *Local Government (Procedures at Meetings) Regulations 2013* for a period of 10 minutes to allow Elected Members to discuss Item 18.2. **Tram 361 Expressions of Interest Results** (Report No: 32/23).

Leave of the meeting was granted. The meeting procedures were suspended at 8.15pm.

Her Worship the Mayor with the approval of two-thirds of the members present sought leave of the meeting to extend the short-term suspension of the meeting procedures for a further 10 minutes at 8.24 pm.

Leave of the meeting was granted. The meeting resumed at 8.28 pm.

RETAIN IN CONFIDENCE - Section 91(7) Order**C140223/7347**

That having considered Agenda Item 18.2 32/23 Tram 361 Expressions of Interest Results in confidence under section 90(2) and (3)(b) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report, attachment and minutes relevant to this item be retained in confidence for a period of 18 months and the Chief Executive Officer is authorised to release the documents when the results of the Expression of Interest process has been completed and that this order be reviewed every 12 months.

Moved Councillor Lonie, Seconded Councillor Abley

Carried Unanimously

CLOSURE

The Meeting closed at 8.28 pm.

CONFIRMED 28 February 2023

MAYOR