

**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 March 2023 at 7:00pm.**

**MEMBERS PRESENT**

Mayor A Wilson  
Councillor A Bradshaw  
Councillor J Fleming  
Councillor A Kane  
Councillor C Lindop  
Councillor S Lonie  
Councillor W Miller  
Councillor M O'Donohue  
Councillor R Patton  
Councillor J Smedley  
Councillor R Snewin  
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 Abley

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****C140323/7367**

**That the minutes of the Ordinary Meeting of Council held on 28 February 2023 be taken as read and confirmed.**

Moved Councillor Lonie, Seconded Councillor Patton

**Carried Unanimously****9. PUBLIC PRESENTATIONS**

9.1 **Petitions** - Nil

9.2 **Presentation** - Nil

9.3 **Deputations**

**Leave of the Meeting**

Mayor Wilson with two-thirds of the members present sought leave of the meeting for Ms Helen Finlay, Principal, St Peters Woodlands Grammar School to provide a deputation to Council.

Leave of the meeting was granted.

9.3.1 **St Peters Woodlands Grammar School**

*Ms Helen Finlay, Principal, St Peters Woodlands Grammar School provided a deputation to Council regarding the proposed Motion on Notice – Pedestrian Safety and Traffic Calming Measures.*

**10. QUESTIONS BY MEMBERS**

10.1 **Without Notice**

10.1.1 **Heart Sculpture, Moseley Square**

Councillor Patton asked a question in relation to the heart sculpture in Moseley Square.

General Manager, Community and Business provided a response.

**10.1.2 Poultry Policy**

Councillor Miller asked for an update on the Poultry Policy.

General Manager, Community and Business provided a response.

**10.1.3 Tree Audit**

Councillor Miller asked a question in relation to when the results from the Tree Audit would be available to Council.

General Manager, Assets and Delivery provided a response.

**10.14 Outstanding Council Actions**

Councillor Miller asked a question in relation to the Outstanding Council Actions.

Chief Executive Officer provided a response.

**10.1.5 Pine Gully**

Councillor Lindop asked a question in relation to works at Pine Gully.

General Manager, Assets and Delivery provided a response.

**10.1.6 Waste Recycling Promotion**

Councillor O'Donohue asked a question in relation to waste recycling promotion.

General Manager, Assets and Delivery provided a response.

**10.2 With Notice****10.2.1 City of Holdfast Bay By-Laws – Councillor Lindop (Report No: 73/22)**

Councillor Lindop asked the following question:

“Can Administration please advise how the City of Holdfast Bay By-laws are promoted so as to raise awareness within the Community?”

**Background**

The City of Holdfast Bay has By-laws which are designed to provide good governance of the area, and assist us to provide a convenient, safe and comfortable space for our community. Many of our residents and visitors may not be aware of the By-laws. Some examples of raising awareness could be by social media, newsletter or posters in libraries and other forms of education.

To raise awareness a suggestion could be to educate the reasons behind the By-laws, such as the City of Holdfast Bay By-law No 3 10.4 which prohibits Helium Balloons Release. Examples could be provided of the environmental impact of Helium Balloon Release and provide alternative ways to celebrate or commemorate without the use of these balloons.

#### **ANSWER – Manager, Communications and Engagement**

By-laws are promoted to the community through a variety of channels including through signage, social media, letters, emails, inclusion in newsletters and Our Place magazine, and education and enforcement by Community Safety Officers.

Many By-laws are consistent across other Council areas, however some By-Laws are specific to City of Holdfast Bay and those that are issues of compliance identified by the Community Safety Team are prioritised for promotion.

Significant communication has been undertaken on By-laws that have been determined as a priority including those for dogs on leads, the hooded plover exclusion area and jetty jumping.

Communication promoting the prohibition of helium balloons releases will be undertaken in the coming weeks. Administration will continue to review By-law compliance and determine appropriate targeted communications to address areas that would benefit from increased community education.

## **11. MEMBER'S ACTIVITY REPORTS**

### **11.1 Members' Activity Report – Deputy Mayor Clare Lindop – 22 November 2022 – 28 February 2023 (Report No: 71/22)**

This activity report was presented for the information of Members.

After noting the report any items of interest were discussed, if required, with the leave of the meeting.

#### **Motion**

**C140323/7368**

**That the following activity report for Deputy Mayor Clare Lindop be noted.**

Moved Councillor Lonie, Seconded Councillor Smedley

**Carried Unanimously**

## 12. MOTIONS ON NOTICE

### Leave of meeting

Mayor Wilson with the approval of two-thirds of the members present sought leave of the meeting to propose that Agenda Item 12.4 **Motion on Notice - Pedestrian Safety and Traffic Calming Measures – Councillor Smedley** (Report No: 58/23) be considered after Item 11.

Leave of the meeting was granted.

### Conflict of Interest

Mayor Wilson declared a general conflict of interest for Item 12.4 **Motion on Notice – Pedestrian Safety and Traffic Calming Measures – Councillor Smedley** (pursuant to section 74 and 75A(a) of the *Local Government Act 1999*), on the basis that she is a parent of children attending the school.

Mayor Wilson dealt with the general conflict of interest by making it known to the meeting and remaining in the meetings as she was acting in the interests of the community.

Councillor O’Donohue declared a general conflict of interest for Item 12.4 **Motion on Notice – Pedestrian Safety and Traffic Calming Measures – Councillor Smedley** (pursuant to section 74 and 75A(a) of the *Local Government Act 1999*), on the basis that she is a parent of children attending the school.

Councillor O’Donohue dealt with the general conflict of interest by making it known to the meeting and remaining in the meetings as she was acting in the interests of the community. Councillor O’Donohue voted for the motion.

#### 12.4 **Motion on Notice - Pedestrian Safety and Traffic Calming Measures – Councillor Smedley** (Report No: 58/23)

##### Motion

**C140323/7369**

1. **That Council installs a raised wombat crossing with amber flashing lights, to replace the existing emu school crossing on Partridge Street, Glenelg adjacent to St Peter’s Woodlands School and Council allocates a budget of \$150,000 in the 2022/23 financial year to undertake this work. The preference is for the flashing lights to be school activated.**
2. **Administration to bring back to Council a report identifying other needed locations for crossings with lights as appropriate, along local and collector roads within the City, adjacent schools and aged care facilities, particularly Alwyndor. Such report is to suggest prioritised locations for gradual rollout as part of annual budget processes.**

Moved Councillor Smedley, Seconded Councillor Miller

**Carried Unanimously**

#### 12.1 **Motion on Notice - GAROC Meeting – Nationwide House Energy Rating Scheme - Mayor Wilson** (Report No: 61/23)

##### Motion

**C140323/7370**

**That Council submit a motion to the LGA’s Annual General Meeting via GAROC, seeking that the LGA:**

1. **Lobbies the Australian Government to further expand the Nationwide House Energy Rating Scheme (NatHERS) to ensure that all future buildings are nature positive in as short a timeframe as possible**
2. **Lobbies the Australian Government to ensure NatHERS is reviewed biennially**
3. **Lobbies State and Australian Governments to provide programs, incentives and appropriate economic supports and interventions to encourage rapid transformation of the housing market**
4. **Campaigns actively to achieve nature positive buildings throughout all council areas.**

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

12.2 **Motion on Notice - Ferris Wheel Permit Extension – Councillor Abley** (Report No: 86/23)

**Motion** **C140323/7371**

**That the Extraordinary Mix 102.3 Giant Ferris Wheel be given an extension of time until the end of the school holidays, 1 May 2023.**

Moved Councillor Kane, Seconded Councillor Patton **Carried**

### **Division Called**

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

Those voting for: Councillors Patton, Kane, Snewin, Venning, Lonie, Bradshaw, O’Donohue, Smedley (8)

Those voting against: Councillors Fleming, Lindop, Miller (3)

Mayor Wilson declared the motion **Carried**

### **Conflict of Interest**

Councillor Fleming declared a general conflict of interest for Item 12.3 **Motion on Notice – Tree Protection – Councillor Abley** (pursuant to section 74 and 75A of the *Local Government Act 1999*), on the basis that she is a member of the Council Assessment Panel which may consider Items that require Tree Removal.

Councillor Fleming dealt with the general conflict of interest by making it known and leaving the meeting at 7.59pm.

12.3 **Motion on Notice - Tree Protection – Councillor Abley** (Report No: 89/23)

**Motion**

**That Administration write to Jarvis Toyota Group to advise that Council no longer seeks their contribution to the National Tree Planting Day. Also, that Administration sends a copy of this letter to Planet Ark highlighting the reason for our decision.**

Moved Councillor Lindop, Seconded Councillor Miller

**Variation:**

**C140323/7372**

The Mover Councillor Lindop and the Seconder Councillor Miller agreed to the variation proposed by Councillor Smedley, for the word Group to be added to the motion.

The motion, as varied, on being put was

**Carried Unanimously**

Councillor Fleming re-joined the meeting at 8.12pm.

Agenda Item 12.4 - **Motion on Notice - Pedestrian Safety and Traffic Calming Measures – Councillor Smedley** (Report No: 58/23) was considered after Item 11, as per leave of the meeting granted.

**Conflict of Interest**

Councillor Snewin declared a general conflict of interest for Item 12. 5 **Koala Crossing King George Avenue, Hove – Councillor Fleming** (pursuant to section 74 and 75A(a) of the *Local Government Act 1999*) on the basis he is a grandparent of children attending the school.

Councillor Snewin dealt with the general conflict of interest by making it known to the meeting and remaining in the meetings as he was acting in the interests of the community. Councillor Snewin voted for the motion.

Councillor Bradshaw declared a general conflict of interest for Item 12. 5 **Koala Crossing King George Avenue, Hove – Councillor Fleming** (pursuant to section 74 and 75A(a) of the *Local Government Act 1999*) on the basis she is a grandparent of children attending the school.

Councillor Bradshaw dealt with the general conflict of interest by making it known to the meeting and remaining in the meetings as she was acting in the interests of the community. Councillor Bradshaw voted for the motion.

12.5 **Motion on Notice - Koala Crossing King George Avenue, Hove – Councillor Fleming** (Report No: 88/23)

**Motion**

**C140323/7373**

**That Council:**

1. **approves the installation of a koala crossing on King George Avenue outside McAuley Community School to replace the existing emu crossing; and**
2. **allocates a budget of \$40,000 in the 2022/23 financial year to undertake this work.**

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

12.6 **Motion on Notice - Motion on Notice – Order of Australia Nomination – Councillor Lindop** (Report No: 85/23) Refer to Item 18.1 under Items in Confidence.

**13. ADJOURNED MATTERS - Nil**

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

14.1 **Minutes – Alwyndor Management Committee – 15 December 2022** (Report No: 78/23)

The minutes of the Alwyndor Management Committee meeting held on 15 December 2022 were provided for information.

**Motion** **C140323/7374**

1. **That the minutes of the Alwyndor Management Committee meeting held on 15 December 2022 be noted.**

**RETAIN IN CONFIDENCE - Section 91(7) Order**

2. **That having considered Attachment 2 to Report No: 78/23 Minutes - Alwyndor Management Committee – 15 December 2022 in confidence under section 90(2) and (3) (b) 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 Lonie, Seconded Councillor Snewin **Carried Unanimously**

14.2 **Minutes – Jetty Road Mainstreet Committee – 1 March 2023** (Report No: 74/23)

The Minutes of the Jetty Road Mainstreet Committee meeting held on 1 March 2023 were 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** **C140323/7375**

**That Council notes the minutes of the Jetty Road Mainstreet Committee of 1 March 2023.**

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



14.3 **Minutes – Executive Committee – 28 February 2023** (Report No: 80/23)

The minutes of the meeting of the Executive Committee held 28 February 2023 were presented to Council for information.

**Motion**

**C140323/7376**

1. That Council notes the minutes of the meeting of the Executive Committee of 28 February 2023.

**RETAIN IN CONFIDENCE - Section 91(7) Order**

2. That having considered Attachment 2 to Report No: 80/23 Minutes - Executive Committee Meeting – 28 February 2023 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 attachment be retained in confidence for a period of 12 months and that this order be reviewed every 12 months.

Moved Councillor Lonie, Seconded Councillor Fleming

**Carried Unanimously**

15. **REPORTS BY OFFICERS**

15.1 **Items in Brief** (Report No: 84/23)

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**

**C140323/7377**

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

1. **Sister City Agreement with the City of Hayama**
2. **Race Discrimination Commissioner**

Moved Councillor Lindop, Seconded Councillor Lonie

**Carried Unanimously**

15.2 **Public Toilets, Patawalonga Lake** (Report No: 79/23)

At the Council meeting on the 24 January 2023, Administration was asked to investigate and report on potential locations for public toilets around the Patawalonga Lake. An assessment was undertaken, and four locations were provided in this report together with costs.

**Motion**

**C140323/7378**

**That Council notes the report and considers the inclusion of new toilet facilities along the Patawalonga Banks in the 2023/24 Annual Business Plan Budget process.**

Moved Councillor Smedley, Seconded Councillor Patton

**Carried Unanimously**

**15.3 Australian Local Government Association - National General Assembly**  
(Report No: 83/23)

Each year, the Australian Local Government Association (ALGA) holds a National General Assembly (Assembly) in Canberra where councils from around Australia can discuss current and emerging challenges and opportunities, and advocate to the Federal Government on critical issues facing the sector.

The next Assembly will be held 13-16 June 2023. The theme for the 2023 National General Assembly will be 'Our Communities, Our Future'. The ALGA are specifically looking for ideas for new federal programs and policies that would support councils to build stronger communities in the future.

The ALGA have called for motions for the Assembly and two possible motions have been prepared for Council's consideration.

**Motion**

**C140323/7379**

**That Council endorses the suggested motion as provided in Attachment 2, to be submitted for consideration by the Australian Local Government Association for inclusion in the National General Assembly agenda.**

Moved Councillor Smedley, Seconded Councillor Lonie

**Carried Unanimously**

**15.4 Significant Tree Removal** (Report No: 53/23)

A tree that is classified as significant under the *Planning, Development and Infrastructure Act 2016* (PDI Act) requires removal. The tree is a willow myrtle (*Agonis flexuosa*) at 4 Harberton Road, South Brighton. The tree requires removal because it is displaying poor health and structure and is likely to decay and fail. The *Planning, Development and Infrastructure Act 2016* requires a development application for the removal and Council's Tree Management Policy requires Council to provide landowner's consent for the application.

**Motion**

**C140323/7380**

**That Council provide landowner's consent for a development application for the removal of the willow myrtle (*Agonis flexuosa*) at 4 Harberton Road, South Brighton.**

Moved Councillor Lindop, Seconded Councillor Lonie

**Carried Unanimously**

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

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

17.1 The Mayor raised an urgent business item to bring forward a motion without notice.

### **Conflict of Interest**

Councillor Miller declared a material conflict of interest for Item 17 **Urgent Business** (pursuant to section 75 of the *Local Government Act 1999*), on the basis that he would have a direct financial advantage.

Councillor Miller dealt with the material conflict of interest by making it known and leaving the meeting at 8.36pm.

#### **Motion**

**C140323/7381**

That Council endorses the appointment of Councillor Miller to the City of Holdfast Bay Council Assessment Panel as the proxy for the deputy Elected Member, Councillor Snewin, in his absence.

Moved Councillor Fleming, Seconded Councillor Lonie

**Carried Unanimously**

Councillor Miller re-joined the meeting at 8.40pm.

### **18. ITEMS IN CONFIDENCE**

- 18.1 **Motion on Notice – Order of Australia Nomination – Councillor Lindop**  
(Report No: 85/23)

#### **Motion – Exclusion of the Public – Section 90(3) (a&o) Order** **C140323/7382**

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: 85/23 Motion on Notice – Order of Australia Nomination – Councillor Lindop 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: 85/23 Motion on Notice – Order of Australia Nomination – Councillor Lindop on the following grounds:
  - a. pursuant to section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to Report No: 85/23 Motion on Notice – Order of Australia Nomination – Councillor Lindop is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), because all nominations are confidential, and the person being nominated should not be advised of the nomination or approached for information.
  - o. information relating to a proposed award recipient before the presentation of the award.

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 Bradshaw **Carried Unanimously**

**RETAIN IN CONFIDENCE - Section 91(7) Order**

**That having considered Agenda Item 18.1 Report No: 85/23 Motion on Notice – Order of Australia Nomination – Councillor Lindop in confidence under section 90(2) and (3)(a)&(o) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report and minutes be retained in confidence until the recipient is given the award or until notification is received that the application is unsuccessful and/or the Chief Executive Officer is authorised to release the documents and that this order be reviewed every 24 months.**

Moved Councillor Lindop, Seconded Councillor Bradshaw

**Adjournment**

**C140323/7383**

**That the report be adjourned to seek further information on the Order of Australia nomination and be brought back to Council once the information has been attained.**

Moved Councillor Smedley, Seconded Councillor Lonie

**Carried**

*Councillors Bradshaw, Fleming and Snewin spoke to the motion. Councillor Lindop has the right of reply as the mover.*

**RETAIN IN CONFIDENCE–Section 91 (7) Order**

**C140323/7384**

**That having considered Agenda Item 18.1 Report No: 85/23 Motion on Notice – Order of Australia Nomination – Councillor Lindop in confidence under section 90(2) and (3)(a)&(o) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the minutes be retained in confidence until the recipient is given the award or until notification is received that the application is unsuccessful, the Chief Executive Officer is delegated the authority to revoke the order in whole or part, and that this order be reviewed every 12 months (provided that nothing in this order should be taken to prevent the Chief Executive Officer from gaining further information on the nomination).**

Moved Councillor Lindop, Seconded Councillor O'Donohue **Carried Unanimously**

18.2 **Commercial Licence Extension (Report No: 72/23)****Motion – Exclusion of the Public – Section 90(3)(d) Order** **C140323/7385**

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: 72/23, Commercial Licence Extension 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: 72/23, Commercial Licence Extension 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 prejudice the commercial position of the person who supplied the information.

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 Shewin, Seconded Councillor Lonie **Carried Unanimously**

**RETAIN IN CONFIDENCE - Section 91(7) Order** **C140323/7386**

That having considered Agenda Item 18.2 Report No: 72/23, Commercial Licence Extension, 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 report and minutes be retained in confidence for a period of six months and/or the Chief Executive Officer is authorised to release the documents when the extended dates are publicised.

Moved Councillor Patton, Seconded Councillor Kane **Carried**

**18.3 Jetty Road Mainstreet Committee Nominations (Report No: 87/23)****Motion – Exclusion of the Public – Section 90(3)(a) Order C140323/7387**

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: 87/23 Jetty Road Mainstreet Committee Nominations 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: 87/23 Jetty Road Mainstreet Committee Nominations on the following grounds:
  - a. pursuant to section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to Report No: 87/23 Jetty Road Mainstreet Committee Nominations is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).
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 Miller, Seconded Councillor Lonie

**Carried Unanimously****RETAIN IN CONFIDENCE - Section 91(7) Order****C140323/7388**

That having considered Agenda Item 18.3 Report no: 87/23 Jetty Road Mainstreet Committee Nominations in confidence under section 90(2) and (3)(a) 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 for a period of six (6) months or the Chief Executive Officer is authorised to release the documents when all applicants have been advised of the outcome of the nomination process.

Moved Councillor Kane, Seconded Councillor Patton

**Carried Unanimously****CLOSURE**

The Meeting closed at 9.02 pm.

**CONFIRMED 28 March 2023****MAYOR**