

**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 25 July 2023 at 7:00pm.**

**MEMBERS PRESENT**

Mayor A Wilson  
Councillor R Abley  
Councillor A Bradshaw  
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  
Acting General Manager Assets and Delivery – J Mitchell  
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 Kaurna 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 Kaurna 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 – Nil

5.2 Absent - Councillor J Fleming (approved Leave of Absence)

**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****C250723/7493**

**That the minutes of the Ordinary Meeting of Council held on 11 July 2023 be taken as read and confirmed.**

Moved Councillor Miller, 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** - Nil

10.2 **On Notice**

**Item Withdrawn**

The Chief Executive Officer prior to the meeting withdrew Item 10.2.1 **Moseley Beach Bar – Councillor Miller** (Report No: 235/23) from the Council Agenda.

10.2.2 **Angus Neill Reserve Garden Bed – Councillor Lindop**  
(Report No: 244/23)

Councillor Lindop asked the following question:

**“Could Council Administration please advise of the current plans and timeline to reinvigorate the garden bed at Angus Neill Reserve, specifically around the stone monument area?”**

### **Background**

The Angus Neill Reserve monument recognises Mr Neill's service to Rotary, and the community.

Angus Neill was President of the Rotary Club of Glenelg between 1962-63.

The garden bed around the Angus Neill monument/plaque has become overgrown and some plants are reaching their end of life. It has been tidied up, but now is a little bare.

### **ANSWER – A/General Manager Assets and Delivery**

Appropriate plants for the monument garden bed have been identified, ordered and are currently maturing in Council's nursery. It is expected they will be ready to plant in September, which will be the optimal planting time.

The site will be remediated in August, including removal of overgrown vegetation, creation of trails and stepping-stones through the garden and new plantings. All works are expected to be completed by October 2023.

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

### **11.1 Members' Activity Report – Deputy Mayor Lindop – 6 March to 27 June 2023 (Report No: 243/23)**

An updated members' activity report was tabled at the meeting.

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**

**C250723/7494**

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

Moved Councillor Smedley, Seconded Councillor Abley

**Carried Unanimously**

## **12. MOTIONS ON NOTICE**

### **12.1 Motion on Notice – Review of Moseley Square Dining Precinct - Councillor Smedley (Report No: 243/23)**

#### **Motion**

**C250723/7495**

**That Administration undertake a review of outdoor dining activities and policies as they relate to Moseley Square Glenelg, and to bring back recommendations to improve the dining amenity, aesthetic, cleanliness and best fee mechanism for this, our City's most well-known and frequented Square.**

Moved Councillor Smedley, Seconded Councillor Patton

**Carried Unanimously**

- 12.2 **Motion on Notice – Sir Douglas Mawson Memorial - Councillor Fleming**  
(Report No: 246/23)

**Motion**

**C250723/7496**

That Administration investigate the commissioning of a memorial bronze bust and plaque in honour of Sir Douglas Mawson and bring back a report to Council by October 2023 for consideration. The investigation should also include an assessment of potential locations for its placement including the corner of Wattle Avenue and Colton Avenue in front of the sign/or on the roadside of the oval fencing (on the Mawson Oval, previously Mawson High School) and the corner of King Street and Mawson Close, Brighton (where Sir Douglas's home was prior to demolition).

Moved Councillor Snewin, Seconded Councillor Lonie

**Carried Unanimously**

13. **ADJOURNED MATTERS- Nil**

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

- 14.1 **Minutes – Executive Committee – 27 June 2023** (Report No: 236/23)

The minutes of the meeting of the Executive Committee held 27 June 2023 were presented to Council for information.

**Motion**

**C250723/7497**

1. That Council notes the minutes of the meeting of the Executive Committee of 27 June 2023.

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

2. That having considered Attachment 2 to Report No: 236/23 Minutes – Executive Committee Meeting – 27 June 2023 in confidence under section 90(2) and (3)(a) 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 Patton, Seconded Councillor Lonie

**Carried Unanimously**

- 14.2 **Minutes – Jetty Road Mainstreet Committee – 5 July 2023** (Report No: 230/23)

The Minutes of the Jetty Road Mainstreet Committee meeting held 5 July 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****C250723/7498**

**That Council notes the minutes of the Jetty Road Mainstreet Committee of 5 July 2023.**

Moved Councillor Kane, Seconded Councillor Abley

**Carried Unanimously**

**14.3 Draft Minutes – Alwyndor Management Committee (Report No: 247/23)**

The draft minutes of the Alwyndor Management Committee meeting held 29 June 2023 were provided for information.

**Motion****C250723/7499**

- 1. That Council notes the draft minutes of the Alwyndor Management Committee meeting held on 29 June 2023.**

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

- 2. That having considered Attachment 2 to Report No: 247/23 Draft Minutes – Alwyndor Management Committee – 29 June 2023 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**

**15. REPORTS BY OFFICERS**

**15.1 Items in Brief (Report No: 234/23)**

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****C250723/7500**

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

- 1. Friends of Libraries Australia – State Funding of South Australia’s Public Libraries**
- 2. Citizenship Ceremony**
- 3. Youth Achievement Sponsorship**
- 4. 5 Maturin Road, Glenelg – Correspondence with Uniting Communities**

Moved Councillor Lonie, Seconded Councillor Lindop

**Carried**

**15.2 Appointment of Office Bearer – Chair to the Alwyndor Management Committee**  
(Report No: 237/23)

The Terms of Reference for the Alwyndor Management Committee (AMC) required Council approval for the appointment of Office Bearers to the Alwyndor Management Committee.

The Chair appointment expired on 30 June 2023. Following the appropriate process to engage and seek nominations and recommendations by the AMC on 29 June 2023, this report sought Council approval for the reappointment of Kim Cheater to the position of Chair for a further term aligned with his term as an AMC member.

**Motion**

**C250723/7501**

**That Council endorses the appointment of Kim Cheater to the position of Chair of the Alwyndor Management Committee for a term of three (3) years to expire on 31 July 2026.**

Moved Councillor Lonie, Seconded Councillor Snewin

**Carried Unanimously**

**15.3 Local Government Finance Authority Annual General Meeting and Notice of Motions** (Report No: 241/23)

The Local Government Finance Authority of South Australia (LGFA) provided advance notice of its upcoming Annual General Meeting to be held on Thursday 26 October 2023 at the National Wine Centre.

Section 15(1) of the *Local Government Finance Authority of South Australia Act 1983* provides that "Every council is entitled to appoint a person to represent it at a general meeting of the Authority". The LGFA were calling for the appointment of the Council Representative for the Annual General Meeting.

The appointment of the Council Representative for the Annual General Meeting must be lodged with the LGFA no later than Friday 18 August 2023.

**Motion**

**C250723/7502**

**That Council:**

- 1. notes the arrangements of the Local Government Finance Authority of South Australia for the Annual General Meeting; and**
- 2. approves Mayor Wilson to attend the Local Government Finance Authority Annual General Meeting as Council's representative and voting member, to be held on Thursday 26 October 2023.**

Moved Councillor Miller, Seconded Councillor Lindop

**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 Somerton Surf Life Saving Club Restaurant and Function Centre Sub Lease  
(Report No: 238/23)****Motion - Exclusion of the Public – Section 90(3)(b & d) Order C250723/7503**

- 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: 238/23 Somerton SLSC Restaurant and Function Centre Sub-Lease of 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: 238/23 Somerton SLSC Restaurant and Function Centre Sub-Lease 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 would prejudice the commercial position of the Council.**
  - 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 Miller, Seconded Councillor Abley

**Carried Unanimously**

**RETAIN IN CONFIDENCE – Section 91(7) Order****C250723/7504**

Having considered Agenda Item 18.1 Somerton Surf Life Saving Club Restaurant and Function Centre Sub-Lease (Report No: 238/23) in confidence under Section 90(2), 90(3)(b) and 90(3)(d) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report, attachments and minutes be retained in confidence for a period of 24 months with the Chief Executive Officer authorised to release the documents on the expiry of the 24 month confidentiality period.

Moved Councillor Abley, Seconded Councillor Smedley

**Division Called**

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

Those voting for: Councillors Patton, Kane, Abley, Snewin, Venning, Lonie, Lindop, Miller, O'Donohue, Smedley (10)

Those voting against: Councillor Bradshaw (1)

The Mayor declared the motion

**Carried****18.2 Hoarding Fee Relief (Report No: 239)****Motion - Exclusion of the Public – Section 90(3)(b & d) Order** **C250723/7505**

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: 239/23 Hoarding Fee Relief 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: 239/23 Hoarding Fee Relief in confidence 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 conducting business; or would prejudice the commercial position of Council.
  - 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, or to confer a commercial advantage on a third party.



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 Lindop, Seconded Councillor Lonie

**Carried**

Following Council's decision from its meeting held 14 December 2021 to grant partial dispensation for the payment of hoarding fees associated with the hotel and retail development occurring on the corner of Jetty Road and Colley Terrace, Glenelg, the developer, Andrew Taplin, formally requested an extension to the initial discount period of twelve months. The report recommended that Council provide conditional support for a modest extension of six months to the current discount period on the basis that the project had been delayed by some unforeseen challenges, and that its continual progress towards completion is in the community's best interest.

**Motion**

**C250723/7506**

1. That Council accede to the request made by Andrew Taplin in the email dated 6 July 2023 for an extension to the initial twelve-month discount period for the payment of hoarding fees associated with the retail and hotel development occurring on the corner of Jetty Road and Colley Terrace at Glenelg, on the basis that:
  - a) the hoarding fee payable to Council is \$31,075 incl. GST and limited to a six-month period from 8 September 2023 to 8 March 2024; and
  - b) the fee reduction ends on 8 March 2024, after which time the hoarding fees payable shall be in-line with Council's Fees and Charges schedule published at the time.

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

2. That having considered Agenda Item 18.2 Report No: 239/23 Hoarding Fee Relief in confidence under section 90(2) and (3)(b) and (d) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report and attachments be retained in confidence until further notice and the Chief Executive Officer is authorised to release the documents when the matter is concluded, giving due consideration to any relevant legal considerations, and that this order be reviewed every twelve months.

Moved Councillor Patton, Seconded Councillor Abley

**Division Called**

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

Those voting for: Councillors Patton, Kane, Abley, Venning, Lonie, Lindop, Bradshaw, Smedley (8)

Those voting against: Councillors Snewin, Miller, O'Donohue (3)

The Mayor declared the motion

**Carried**

**18.3 Performance Review – Chief Executive Officer (Report No: 245/23)**

**Motion - Exclusion of the Public – Section 90(3)(a) Order C250723/7507**

- 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 General Manager, Strategy and Corporate and staff minute taker in attendance at the meeting in order to consider Report No: 245/23 Performance Review – Chief Executive Officer 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: 245/23 Performance Review – Chief Executive Officer 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: 245/23 Performance Review – Chief Executive Officer is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being Chief Executive Officer, Mr Roberto Bria, in that details of his performance review will be discussed, which are sensitive and are details only known to those who have participated in the discussion.**
- 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 Miller

**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 18.3. **Performance Review – Chief Executive Officer (Report No: 245/23)**

Leave of the meeting was granted.

The meeting procedures were suspended at 8.06pm.

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 8.16pm.

Leave of the meeting was granted.

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 two minutes at 8.26pm.

Leave of the meeting was granted.

The meeting resumed at 8.28pm.

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

**C250723/7508**

**That having considered Agenda Item 18.3 245/23 Performance Review – Chief Executive Officer 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, attachment and minutes be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.**

Moved Councillor Smedley, Seconded Councillor Lindop

**Carried Unanimously**

**CLOSURE**

The Meeting closed at 8.33 pm.

**CONFIRMED**

**8 August 2023**

**MAYOR**