

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 November 2023 at 7:00pm.

MEMBERS PRESENT

Mayor A Wilson
Councillor R Abley
Councillor A Bradshaw
Councillor J Fleming
Councillor A Kane
Councillor S Lonie
Councillor W Miller
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 – P Jackson
Acting General Manager, Community and Business – A Hill
General Manager, Strategy and Corporate – S Wachtel
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 O’Donohue, Councillor C Lindop

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****141123/7596**

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

Moved Councillor Lonie, Seconded Councillor Smedley

Carried Unanimously**9. PUBLIC PRESENTATIONS**

9.1 **Petitions - Nil**

9.2 **Presentation - Nil**

9.3 **Deputations**

9.3.1 **Mr Trevor Tiller**

Mayor Wilson approved a deputation from Mr Trevor Tiller regarding the Sturt River Linear Park Pathway.

Leave of meeting

Her Worship the Mayor with the approval of two-thirds of the members present sought leave of the meeting to propose that Agenda Item 15.2 **Sturt River Linear Park Pathway** (Report No: 349/23) be considered after Item 9.3.1.

Leave of the meeting was granted.

15.2 **Sturt River Linear Park Pathway** (Report No: 349/23)

The report provided a summary of the options and a recommendation for the proposed alignment of the Sturt River Linear Path in the section between David Avenue / Fisher Terrace and Bridge Street, Glenelg North.

This section of the proposed new Sturt River Linear Path was subject to consultation with local residents, discussions with the contracted engineering and design team along with a recent Council workshop to help inform Elected Members of the design options.

In order to finalise the detailed designs, enable plans to be fully costed and then apply for grant funding to assist in the construction of the path, Administration sought Council approval to alter the route of this section of path that was originally endorsed in May 2022.

Motion

That Council:

- 1. notes the report; and**
- 2. approves Administration to proceed with detailed design to retain the endorsed path alignment but with diversion of all cyclists and pedestrians in the section between David Avenue / Fisher Terrace and Bridge Street, Glenelg North through Bridge Street as per Option 3 listed in this report.**

Moved Councillor Abley, Seconded Councillor Smedley

Adjournment

141123/7597

That the report be adjourned for two months to seek further information on funding from Federal Government Representatives.

Moved Councillor Bradshaw, Seconded Councillor Fleming

Carried

*Councillors Abley and Smedley spoke to the motion.
Councillor Abley has the right of reply as the mover.*

10. QUESTIONS BY MEMBERS

10.1 Without Notice

10.1.1 Stronger Community Grants

Councillor Snewin asked several questions in relation to the cancellation of the Federal Governments' Community Grants.

Acting General Manager, Community and Business took the questions on notice.

10.1.2 Glenelg Town Hall Restoration Works

Councillor Abley asked for an update on the restoration works for the Glenelg Town Hall.

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

10.1.3 Volunteer Based Grants

Councillor Bradshaw asked a question whether there would be any impact for Alwyndor with reduction in volunteer-based grants.

General Manager, Alwyndor provided a response.

10.1.4 Pumping Stations

Councillor Smedley asked a question regarding the coastal pumping stations between Glenelg and Kingston Park.

The Mayor took the question on notice.

10.1.5 Sanding Pumping

Councillor Smedley asked whether Administration will be writing to the Department of Environment and Water to thank them for recent sand carting efforts along the coast.

Chief Executive Officer provided a response.

10.1.6 Christmas Decorations

Councillor Fleming asked a question in relation to Christmas decorations out the front of the Brighton Civic Centre.

Acting General Manager, Community and Business took the question on notice.

10.1.7 Shark Net Barrier

Councillor Miller asked a question in relation to the installation of a shark net barrier.

The Mayor provided a response.

10.2 On Notice - Nil**11. MEMBER'S ACTIVITY REPORTS - Nil****12. MOTIONS ON NOTICE****12.1 Motion on Notice – Leave of Absence - Councillor Bradshaw
(Report No: 374/23)****Motion****141123/7598**

That Councillor Bradshaw be granted a leave of absence for the Council meeting of 28 November 2023.

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

- 12.2 **Motion on Notice – Aesthetics of Hoardings – Councillor Abley**
(Report No: 377/23)

Motion

141123/7599

That Administration draft provisions, within Council’s Hoarding, Scaffolding or Other Equipment and Damage Policy, to better manage and control the aesthetics of hoardings installed within the City. That the draft provisions be tabled with Council within a six-month period.

Moved Councillor Abley, Seconded Councillor Miller

Carried Unanimously

13. **ADJOURNED MATTERS - Nil**

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

Leave of meeting

Her Worship the Mayor with the approval of two-thirds of the members present sought leave of the meeting to propose that Item 14.1 **Minutes – Alwyndor Management Committee – 28 September 2023** (Report No: 383/23) be adjourned and heard in confidence at Item 18, Items in Confidence.

Leave of the meeting was granted.

- 14.2 **Minutes – Jetty Road Mainstreet Committee – 1 November 2023**
(Report No: 381/23)

The Minutes of the Jetty Road Mainstreet Committee meeting held on 1 November 2023 were attached and presented for Council’s information.

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

Motion

141123/7600

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

Moved Councillor Kane, Seconded Councillor Abley

Carried Unanimously

15. **REPORTS BY OFFICERS**

- 15.1 **Items in Brief** (Report No: 367/23)

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**141123/7601****That the following items be noted and items of interest discussed:**

- 1. Boundary Realignment at Seacliff, Seacliff Park and Marino**
- 2. Sea to Shore: Glenelg Seafood Festival 2023 event update**
- 3. Tram Safety Concerns – Response from The Hon Tom Koutsantonis MP**
- 4. Outstanding Council Actions**
- 5. Independent Review of the Landscape SA Act 2019**
- 6. Resilient South Climate Action Plan – Community Engagement**

Moved Councillor Lonie, Seconded Councillor Abley

Carried Unanimously**Conflict of Interest**

Councillor Fleming declared a general conflict of interest for Item 15.3 **Art Deco Heritage Review** (Report No: 378/23) (pursuant to section 74 and 75A(a) of the *Local Government Act 1999*), on the basis that she is a member of the Council Assessment Panel which may consider items referred to the panel.

Councillor Fleming dealt with the general conflict of interest by making it known to the meeting and leaving the chamber at 7.43pm.

Councillor Snewin declared a general conflict of interest for Item 15.3 **Art Deco Heritage Review** (Report No: 378/23) (pursuant to section 74 and 75A(a) of the *Local Government Act 1999*), on the basis that he is the Deputy member of the Council Assessment Panel which may consider items referred to the panel.

Councillor Snewin dealt with the general conflict of interest by making it known to the meeting and leaving the chamber at 7.43pm.

15.3 Art Deco Heritage Review (Report No: 378/23)

The report presented the findings of the review of several properties from the Art Deco era within the City of Holdfast Bay that are deemed to meet the statutory criteria for Local Heritage listing. Council was asked to note the report prepared by Hosking Willis Architects, and to apply its findings to a future Planning and Design Code Amendment that will seek to have the nominated properties, along with others, recognised and protected for their historic significance to Holdfast Bay.

Motion**141123/7602**

- 1. That Council notes the report provided as Attachment 2 to this report and prepared by Hosking Willis Architects as to the heritage value attributable to a selection of properties incorporating Art Deco design themes.**
- 2. That the findings in the Hosking Willis Architects report provided as Attachment 2, including its previous findings provided as Attachment 1 to this report, inform a future Planning and Design Code**

Amendment process under the *Planning, Development and Infrastructure Act 2016* to consider the properties for formal recognition as Local Heritage Places.

Moved Councillor Miller, Seconded Councillor Abley

Carried Unanimously

Councillor Fleming re-joined the chamber at 7.46pm

Councillor Snewin re-joined the chamber at 7.46pm

Her Worship the Mayor left the chamber at 7.46pm. At this time the meeting was paused until the Chair returned to the chamber.

Her Worship the Mayor re-joined the chamber at 7.48pm.

15.4 Naming of New Roads (Report No: 379/23)

The report sought Council's authorisation to nominate names for two new roads currently under construction as part of a new residential estate located on Sturt Road, Brighton. The community will be consulted on the nominated road names in accordance with Council's Naming of Public Places Policy, with a subsequent report brought back to Council to consider the outcomes of the consultation process prior to ratification of the road names.

Motion

That Council:

- 1. provides preliminary endorsement for 'Le Cornu Drive' and 'Shirleys Lane' as the preferred names for two new public roads currently under construction on land located at 28 Sturt Road, Brighton, in accordance with Attachment 2 to this report;**
- 2. authorises the undertaking of community consultation on the preferred road names in accordance with the City of Holdfast Bay's Naming of Public Spaces Policy; and**
- 3. is provided with the results of the community consultation process for consideration prior to the ratification of the new road names.**

Moved Councillor Snewin, Seconded Councillor Smedley

Amendment

Councillor Abley proposed the following amendment:

That Council:

- 1. authorises the undertaking of community consultation on the Developer's proposed road names Le Cornu Drive and Shirley's Lane in accordance with the City of Holdfast Bay's Naming of Public Spaces Policy; and**

2. is provided with the results of the community consultation process for consideration prior to the ratification of the new road names.

The Mover Councillor Snewin and Seconder Councillor Smedley agreed to the amendment proposed by Councillor Abley, and it became the motion.

Leave of the meeting was sought to allow Councillor Fleming to speak to the motion for a second time. Leave of the meeting was granted.

Leave of the meeting was sought to allow Councillor Miller to speak to the motion for a second time. Leave of the meeting was granted.

The motion on being put was

Lost

15.5 Glenelg Oval Masterplan Stages 3 & 4 – Deed of Variation (Report No: 382/23)

On 21 March 2021, the State Government formally advised the City of Holdfast Bay was successful in obtaining a grant of \$1,400,000 towards the costs of the Glenelg Oval Masterplan Stages 3 & 4. The grant was awarded through the State Government's Local Government Infrastructure Partnership Program. Council finalised the grant by signing and affixing the Common Seal of the City of Holdfast Bay to the funding deed of agreement.

Since the signing of the original grant deed and full geotechnical investigations being undertaken of the Masterplan works site and discovery of contamination and latent conditions, a number of changes have had to be made in construction order and timing of the milestone deliverables. This has resulted in the State Government requiring the original Deed of Agreement being updated to reflect the changes in delivery milestones.

The report sought delegated authority for the Mayor and Chief Executive Officer to sign and affix the Common Seal of the City of Holdfast Bay to the funding Deed of Variation to endorse reflecting the changes to the Deed milestones due to work site latent conditions.

Motion

141123/7603

That Council delegates authority to the Mayor and Chief Executive Officer to sign the Local Government Infrastructure Partnership Program Deed of Variation and affix the Common Seal of the City of Holdfast Bay.

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

15.6 Informal Sport and Recreation Infrastructure (Report No: 368/23)

Following Councillor Lindop's Motion on Notice on 12 September 2023, regarding Informal Sport and Recreation Infrastructure, Administration provided a summary of informal sport and recreation infrastructure opportunities and current projects underway.

Motion**141123/7604****That Council:**

- 1. considers a budget allocation of \$25,000 annually, as part of the 2024-25 Annual Business Plan process, for three years to enable a long term and strategic approach to the planning and provision of informal sport and recreation infrastructure; and**
- 2. notes that new initiatives for the provision of informal sport and recreation infrastructure items in excess of \$25,000 will be submitted via the Annual Business Plan and budget process.**

Moved Councillor Smedley, Seconded Councillor Abley **Carried Unanimously****15.7 Elected Member Appointments to the Council Assessment Panel**
(Report No: 380/23)

The term of the Elected Members appointed to the City of Holdfast Bay Council Assessment Panel expires on 30 November 2023. The report recommended that Council appoint one incumbent Elected Member to serve on the Council Assessment Panel for a maximum period of one year, and one deputy Elected Member to serve on the Council Assessment Panel for a maximum period of one year as the need arises when the incumbent is either unable or unavailable to participate.

Nominations

Her Worship the Mayor called for nominations to serve as the incumbent Elected Member on the City of Holdfast Bay Council Assessment Panel.

A nomination was received for Councillor Fleming.

Her Worship the Mayor announced that Councillor Fleming had been selected for Item 15.7 **Elected Member Appointments to the Council Assessment Panel** which was included in the Council's motion.

Her Worship the Mayor called for nominations to serve as the deputy Elected Member on the City of Holdfast Bay Council Assessment Panel.

A nomination was received for Councillor Snewin.

Her Worship the Mayor announced that Councillor Snewin had been selected for Item 15.7 **Elected Member Appointments to the Council Assessment Panel** which was included in the Council's motion.

Conflict of Interest

Councillor Fleming declared a material conflict of interest for Item 15.7 **Elected Member Appointments to the Council Assessment Panel** (Report No: 380/23 (pursuant to section 75 of the *Local Government Act 1999*), on the basis that she would have a direct financial advantage.

Councillor Fleming dealt with the material conflict of interest by making it known and leaving the meeting at 8.10pm.

Councillor Snewin declared a material conflict of interest for Item 15.7 **Elected Member Appointments to the Council Assessment Panel** (Report No: 380/23 (pursuant to section 75 of the *Local Government Act 1999*), on the basis that he would have a direct financial advantage.

Councillor Snewin dealt with the material conflict of interest by making it known and leaving the meeting at 8.10pm.

Motion

141123/7605

That Council:

- 1. appoints Councillor Fleming to serve as the incumbent Elected Member on the City of Holdfast Bay Council Assessment Panel for the period commencing 29 November 2023 and ending 30 November 2024; and**
- 2. appoints Councillor Snewin to serve as the deputy Elected Member on the City of Holdfast Bay Council Assessment Panel during the incumbent Elected Member's absence for the period commencing 29 November 2023 and ending 30 November 2024.**

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

Councillor Fleming re-joined the chamber at 8.11pm.

Councillor Snewin re-joined the chamber at 8.11pm.

15.8 Appointment to the Executive Committee Vacancy for the Seacliff Ward
(Report No: 375/23)

The Executive Committee is a Council Committee established under section 41 of the *Local Government Act 1999* to undertake the annual performance appraisal of the Chief Executive Officer).

At its meeting on 13 December 2022, Council made the following appointments to the Executive Committee for the duration of the Council term:

- The Mayor
- Deputy Mayor
- Councillor Lonie - Seacliff Ward
- Councillor Fleming - Brighton Ward
- Councillor O'Donohue - Somerton Ward
- Councillor Patton - Glenelg Ward

Following the appointment of Councillor Lonie to Deputy Mayor, there is now a vacancy on the Committee for the Seacliff Ward. Councillor Lindop or Councillor Bradshaw may be appointed to the Executive Committee for the Seacliff Ward, only for the duration that Councillor Lonie is the Deputy Mayor.

Nomination

Her Worship the Mayor called for nominations for the Seacliff ward.
A nomination was received for Councillor Lindop.

Her Worship the Mayor announced that Councillor Lindop had been selected for the Seacliff Ward vacancy which was included in the Council's motion.

Motion

141123/7606

That Council appoint Councillor Lindop to the Executive Committee to be the Elected Member for the Seacliff Ward, for the duration that Councillor Lonie is the Deputy Mayor (Councillor Lonie to revert back to be the Seacliff Ward Executive Committee member when her term as Deputy Mayor ends).

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

16. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil

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

The Mayor acknowledged the passing of Mrs Mary Trott of Seacliff and recognised her commitment for the environment, particularly the Kingston Park and Pine Gully areas.

Councillor Smedley sought leave of the meeting to raise an item of Urgent Business. Her Worship the Mayor deemed the matter urgent business and granted the leave of the meeting.

17.1 Motion

141123/7607

That Council acknowledge the passing of former Mayor Dr Ken Rollond OAM and his dedication to public service and healthcare.

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

18. ITEMS IN CONFIDENCE

Item 14.1 Minutes – Alwyndor Management Committee – 28 September 2023

(Report No: 383/23) was considered in Item 18, Items in Confidence, as per leave of the meeting granted.

14.1 Minutes – Alwyndor Management Committee – 28 September 2023 (Report No: 383/23)

Motion - Exclusion of the Public – Section 90(3)(d)

141123/7608

- 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: 383/23 Minutes – Alwyndor Management Committee – 28 September 2023 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: 383/23 Minutes – Alwyndor Management Committee – 28 September 2023 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 Lonie, Seconded Councillor Miller

Carried Unanimously

The minutes of the Alwyndor Management Committee meeting held on 28 September 2023 were provided for information.

Motion

141123/7609

1. That the minutes of the Alwyndor Management Committee meeting held on 28 September 2023 be noted.

RETAIN IN CONFIDENCE - Section 91(7) Order

2. That having considered Attachment 2 to Report No: 383/23 Minutes - Alwyndor Management Committee –28 September 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

18.1 Question without Notice – Legal Matter – Councillor Smedley**Motion** - Exclusion of the Public – Section 90(3)(h & i)**141123/7610**

- 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 the Question without Notice 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 discussion on the following grounds:**
 - h. pursuant to section 90(3)(h) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is legal advice that is strictly confidential and subject to Legal Professional Privilege, and**
 - 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 actual litigation.**

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

Councillor Smedley asked a question in relation to a current legal matter.

Manager, Development Services provided a response.

CLOSURE

The Meeting closed at 8.31 pm.

CONFIRMED 28 November 2023**MAYOR**