



Minutes of the Ordinary Meeting of Council Held in the Council Chamber, Glenelg Town Hall on 12 March 2024 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
General Manager, Assets and Delivery – P Jackson
General Manager, Community and Business – M Lock
General Manager, Strategy and Corporate – S Wachtel

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 – Councillor J Fleming

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

C120324/7697

That the minutes of the Ordinary Meeting of Council held on 27 February 2024 be taken as read and confirmed.

Moved Councillor Lonie, Seconded Councillor Abley

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**

10.2.1 **Old Kiosk Site at Seacliff – Councillor Lindop** (Report No: 62/24)

Councillor Lindop asked the following question:

“Could Administration please give Council an update on the Old Kiosk site at Kingston Park and advise of the process to remediate this area. Is there any temporary measures or plans to help improve the amenity and look of the old slab and uneven pavers in this location?”

ANSWER – General Manager, Assets and Delivery

During the demolition of the old Kiosk site, the decision was made to remove all above ground infrastructure and structures, terminate services and retain the slab and pavers in situ. This was done to ensure no ground disturbance or excavation was required in the location which forms part of the Kingston Park Reserve and is adjacent the Tjilbruke Spring site. As a temporary measure, barrier mesh has been placed around the site to prevent unauthorised access to the site.

Administration has been in discussions with Kaurua in relation to the most appropriate ways to manage the cultural heritage of the Reserve rehabilitation site, and these discussions are ongoing. Updates will be provided to Council as these discussions progress.

Administration will investigate if there is further work that can be done to tidy up the site without disturbing groundworks while discussions regarding cultural heritage management continue.

11. MEMBER’S ACTIVITY REPORTS - Nil

12. MOTIONS ON NOTICE

12.1 Motion on Notice – Creation of Foundation for Glenelg Town Hall - Councillor Snewin (Report No: 68/24)

Motion

C120324/7698

That Administration

1. investigate the feasibility and seek all relevant financial and legal advice for establishing a charitable foundation with a mission to support the redevelopment of the Glenelg Town Hall.
2. submits a report to council for consideration outlining the investigation findings.

Moved Councillor Snewin, Seconded Councillor Abley

Carried Unanimously

13. ADJOURNED MATTERS

13.1 Adjourned Report – Sturt River Linear Park Pathway (Report No: 63/24)

Council at its meeting held 14 November 2023 resolved to adjourn *Report No: 349/23 Sturt River Linear Park Pathway* to a future meeting of Council, to seek further information on funding from Federal Government Representatives.

Council needed to determine the outcome of the adjourned motion from the meeting held 14 November 2023 before any new motion could be considered, with the debate to commence at the point of interruption. Councillors Abley, Smedley, Bradshaw and Fleming spoke to the motion, Councillor Abley has the right of reply as the mover.

Following the 14 November 2023 Council meeting, Administration met with Mr David Elliot, Chair of Bike Adelaide, and Mr Reggie Martin MLC to discuss the Sturt River Linear Pathway project in more detail and Council's commitment thus far. The outcome of the meeting was that while the cantilever option for the path behind the properties along Bridge Street, Glenelg North, would be a better long-term option, without funding commitments from either the State and/or Federal Governments for the design of that option, council would need to continue with current plans.

Administration will finalise the current plans to 100% detailed design, and if any additional design funding is made available through the State Government or other sources, then these plans will be integrated into the current plans.

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

Lost

Motion

C120324/7699

That Council:

1. approves Administration to proceed with finalising design documentation as per Option 2 outlined in this report, to retain the endorsed path as documented but removing the on-street diversion for cyclists; and
2. notes Administration will continue to liaise with funding partners to pursue Option 4 outlined in this report to investigate cantilever design for approximately 50m of path to increase distance between the proposed pathway and residential properties.

Moved Councillor Patton, Seconded Councillor Abley

Carried Unanimously

14. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES - Nil

15. REPORTS BY OFFICERS

15.1 Items in Brief (Report No: 64/24)

This item was presented for the information of Members.

After noting the report any item of interest was discussed and, if required, further motions proposed.

Motion

C120324/7700

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

1. **Adelaide Festival Baleen Moondjan**

Moved Councillor Lonie, Seconded Councillor Abley

Carried Unanimously

15.2 **Public Art and Monuments Policy** (Report No: 67/24)

Monuments in the form of plaques, commemorative busts or other installations are valued in the community as evidenced by at least one being commissioned each year over the past six years. Currently there is no dedicated policy or procedure outlining a strategic and structured approach to the selection of monuments including identification of suitable locations, budget allocation, asset management and maintenance. It was proposed that Council's Public Art policy be updated and expanded to specifically address the selection and management of monuments, with an associated procedure outlining processes and selection criteria for the purchase, commissioning or receipt of donated monuments.

Motion

C120324/7701

That Council approves the new Public Art and Monuments Policy subject to minor revisions of a typographical nature.

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

15.3 **Regulation of Personal Watercrafts** (Report No: 44/24)

Every summer, council receives nuisance and safety complaints about the use of jet skis (personal watercrafts) along the City of Holdfast Bay's coast.

A Motion on Notice was endorsed by Council at the 24 October 2023 meeting (Resolution No: C240123/7581) to explore what enforcement mechanisms were available to mitigate resident concerns.

In November 2023, the Department of Infrastructure and Transport commenced a review on the myriad of current restrictions for recreational watercrafts, along the South Australian coastline, with a view to simplify and strengthen the laws and to improve safety.

The report highlighted the Department of Infrastructure and Transport's review as an opportunity to influence enforcement mechanisms to address the jet ski's complaints received.

Councillor Miller left the chamber at 7.45pm

Councillor Miller re-joined the chamber at 7.46pm

Motion

C120324/7702

That Council endorses the submission, included as Attachment 2, subject to minor amendments and typographical errors, to the Department of Infrastructure and Transport's review of current restrictions and controls contained in Schedule 5 of the Harbors and Navigation Regulations 2023.

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

15.4 Council Delegation Updates (Report No: 66/24)

Due to recent legislative updates, an update to Council's Delegations Framework was required.

The report recommended the revocation of existing delegations pursuant to the *Local Government Act 1999*, which are contained in Appendix 22 of the Delegations Register, and a subsequent replacement of that Appendix with new delegations.

Motion

C120324/7703

It is recommended that, on the basis of ongoing review of Council's Instruments of Delegation in accordance with section 44(6a) of the *Local Government Act 1999*, Council:

- 1. Hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the *Local Government Act 1999*.**
- 2. Delegations made under *Local Government Act 1999*:**
 - 2.1 In exercise of the power contained in section 44(1) of the *Local Government Act 1999*, the powers and functions under the *Local Government Act 1999*, specified in the proposed Instruments of Delegation and marked Appendix 22 are delegated this 27 February 2024 to the person occupying the office of Chief Executive Officer (and any person appointed to act in that position) subject to the conditions and/or limitations specified in the proposed Instruments of Delegation included as Attachment 1 to this Report.**

- 2.2 Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.

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

16. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil

18. ITEMS IN CONFIDENCE

18.1 Code of Conduct (Report No: 65/24)

Motion - Exclusion of the Public – Section 90(3)(a & j) Order C120324/7704

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: 65/24 – Code of Conduct 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: 65/24 – Code of Conduct 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: 65/24 – Code of Conduct is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead),
 - j. pursuant to section 90(3)(j) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would divulge information provided on a confidential basis by the State Planning 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 Miller, Seconded Councillor Lonie **Carried Unanimously**

RETAIN IN CONFIDENCE – Section 91(7) Order

C120324/7705

That having considered Agenda Item 18.1 - Code of Conduct in confidence under section 90(2) and (3)(a & j) 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 Lonie, Seconded Councillor Smedley

Carried Unanimously

CLOSURE

The Meeting closed at 7.52pm.

CONFIRMED 26 March 2024

MAYOR