

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 12 September 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 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
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 - Nil

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****C120923/7536**

That the minutes of the Ordinary Meeting of Council held on 22 August 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**

10.1.1 **Moseley/Jetty Road Pedestrian Crossing**

Councillor Patton asked a question in relation to pedestrian crossing near Moseley/Jetty Road.

General Manager, Assets and Delivery provided a response.

10.1.2 **Waratah Street Consultation**

Councillor Lindop asked a question in relation to whether residents will receive an update on the community consultation.

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

10.1.3 **Elected Member Request Management System**

Councillor Snewin asked a question in relation to the rollout of the Request Management System with Elected Members.

Chief Executive Officer provided a response.

10.2 **On Notice** - Nil

11. MEMBER'S ACTIVITY REPORTS - Nil**12. MOTIONS ON NOTICE**

- 12.1 **Motion on Notice – Informal Sport Infrastructure - Councillor Lindop**
(Report No: 296/23)

Motion**C120923/7537**

That Administration undertake a review of the provision of informal sport and recreation infrastructure and spaces and provide a report to Council summarising current projects underway and what future opportunities can be explored for unorganised or informal sport infrastructure. The report is to include recommendations of future budget allocations needed to enable unorganised sport and recreation infrastructure to be incorporated into open space and reserve upgrades.

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

- 12.2 **Motion on Notice – Leave of Absence - Councillor Miller** (Report No: 299/23)

Motion**C120923/7538**

That Councillor Miller be granted a Leave of Absence for the Council meeting of 10 October 2023.

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

13. ADJOURNED MATTER - Nil**14. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES**

- 14.1 **Minutes Alwyndor Management Committee** (Report No: 282/23)

The minutes of the Alwyndor Management Committee meeting held 27 July 2023 were provided for information.

Motion**C120923/7539**

1. That the minutes of the Alwyndor Management Committee meeting held on 27 July 2023 be noted.

RETAIN IN CONFIDENCE - Section 91(7) Order

2. That having considered Attachment 2 to Report No: 282/23 Minutes – Alwyndor Management Committee – 27 July 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**

14.2 Information Report – Southern Region Waste Resource Authority Board Meeting – 21 August 2023 (Report No: 288/23)

The Information Report of the Southern Region Waste Resource Authority (SRWRA) Board meeting held 21 August 2023 was provided for information.

Motion

C120923/7540

That Council notes the Information Report of the Southern Region Waste Resource Authority Board meeting held 21 August 2023.

Moved Councillor Smedley, Seconded Councillor Lonie

Carried Unanimously

15. REPORTS BY OFFICERS

Conflict of Interest

Councillor Fleming declared a general conflict of interest for Item **15.1 Items in Brief** (Report No: 294/23). The nature of the general conflict of interest (pursuant to section 74 and 75A of the *Local Government Act 1999*) was that one of the items may need to be considered by the Council Assessment Panel in the future.

Councillor Fleming dealt with the general conflict of interest by making it known and leaving the meeting at 7.18 pm.

Conflict of Interest

Councillor Snewin declared a general conflict of interest for Item **15.1 Items in Brief** (Report No: 294/23). The nature of the general conflict of interest (pursuant to section 74 and 75A of the *Local Government Act 1999*) was that one of the items may need to be considered by the Council Assessment Panel in the future.

Councillor Snewin dealt with the general conflict of interest by making it known and leaving the meeting at 7.18 pm.

15.1 Items in Brief

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

C120923/7541

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

- 1. Federal Government proposed Cardboard and Paper Export Bans**
- 2. The Uniting Church in Australia – Alcohol and Other Drug Rehabilitation Service – Uniting Communities**
- 3. Appointment to the SA Public Health Council**
- 4. Green Business Awards**

Moved Councillor Abley, Seconded Councillor Lindop

Carried Unanimously

Councillor Fleming rejoined the chamber at 7.24pm.

Councillor Snewin rejoined the chamber at 7.24pm.

15.2 2022/23 Annual Review of Investments (Report No: 287/23)

Section 140 of the *Local Government Act 1999* (the Act) requires Council to review the performance of its investments on an annual basis. This report explained the process for investing funds, amount of funds invested during 2022/23, and investment performance against budget for Council's municipal and Alwyndor activities.

The Audit and Risk Committee received and noted the Municipal and Alwyndor investment performance reviews at its meeting on 16 August 2023.

Motion

C120923/7542

That Council receives and notes the report comprising a performance review of 2022/23 investments, as required under section 140 of the *Local Government Act 1999*.

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

15.3 King George Avenue – Koala Crossing (Report No: 291/23)

Council carried two motions on 14 March 2023 to undertake design and construction of two separate school crossing points at King George Avenue, Hove and Partridge Street, Glenelg.

Design has reached a hold point for King George Avenue as the construction estimate has exceeded the allocated funding.

Administration sought approval to increase the adopted budget for the King George Avenue koala crossing from \$40,000 to \$100,000 for design and construction. Delivery is to be undertaken during the summer school holidays.

It is anticipated the budget for the Partridge Street wombat crossing project will increase by a similar factor.

Motion

C120923/7543

That Council:

- 1. notes the report and project progress; and**
- 2. endorses the additional budget of \$60,000 to complete the King George Avenue koala crossing.**

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

15.4 Stormwater Harvesting Scheme – Frederick Street Catchment (Report No: 293/23)

The City of Holdfast Bay is currently undertaking a jointly funded stormwater project with the City of Marion and the Department for Environment and Water to reduce the stormwater flows to Gulf St Vincent through a rainwater tank subsidy scheme pilot.

The pilot has been unsuccessful due to an insufficient uptake of the scheme and the project steering group sought Council approval for the projects next steps.

The steering group were presented with three options and recommended using the remaining funding to install infiltration devices into the streetscapes of the Frederick Street catchment for stormwater harvesting to meet the intent of the funding through reduction of polluted stormwater flows to Gulf St Vincent.

Motion

C120923/7544

That Council:

- 1. notes the project progress;**
- 2. notes the uptake of residents who accepted the grant for private rainwater tanks; and**
- 3. endorses the Option 3 proposal to use the remainder of the project funding to install infiltration devices on the streetscape of the Frederick Street Catchment.**

Moved Councillor Abley, Seconded Councillor Lonie

Carried Unanimously

15.5 Public Lighting Policy (Report No: 292/23)

The Public Lighting Policy has been established to inform decision making to provide after dark safe, active and vibrant neighbourhoods and open spaces making it easier to enjoy and move around our city.

The policy is supported by a Public Lighting Framework to guide a standardised process for anyone in the role of planning, design and management of Council public lighting.

Motion

C120923/7545

That Council endorses the Public Lighting Policy and Framework.

Moved Councillor Miller, Seconded Councillor Lindop

Carried Unanimously

15.6 Independent Commission Against Corruption Discussion Paper: Lobbying and Influence (Report No: 298/23)

The Independent Commission Against Corruption released a discussion paper for comment regarding potential corruption risks that accompany lobbying and influencing activities directed towards public officers.

The Commission has invited any interested party to provide comments by Friday 15 September 2023 in relation to the regulation of lobbying and influencing practices. The discussion paper is provided in Attachment 1.

The discussion paper raised several issues relevant to Council, including the question of whether local governments should be subject to any regulatory schemes relating to lobbying and influence.

Motion**C120923/7546****That Council:**

1. notes the issues raised in the discussion paper released for comment by ICAC regarding Lobbying and Influence (Attachment 2); and
2. endorses the proposed response (Attachment 1), subject to minor typographical amendments if needed, and authorises the Chief Executive Officer to send it to ICAC by 15 September 2023.

Moved Councillor Smedley, Seconded Councillor Abley **Carried Unanimously****15.7 Code of Practice – Access to Meetings and Documents (Report No: 283/23)**

Section 92 of the *Local Government Act 1999* requires Council to have a Code of Practice – Access to Meetings and Documents (the Code). The Code sets out the commitment of the City of Holdfast Bay to provide public access to Council and Council Committee meetings and documents.

Before Council adopts, alters or substitutes a Code of Practice under section 92(5) it must make copies of the proposed Code available for inspection at the Brighton Civic Centre and on Council's website and follow the relevant steps in the public consultation policy (Community Consultation and Engagement Policy).

Motion**C120923/7547****That Council:**

1. endorses the proposed Code of Practice – Access to Meetings and Documents for the purpose of public consultation;
2. notes the public consultation will commence on 14 September 2023 and conclude on 5 October 2023, in accordance with Council's Community Consultation and Engagement Policy, and the legislative requirement of a minimum 21 days public consultation; and
3. notes that a report is to come back to Council's 24 October 2023 meeting that includes:
 - a. any submissions received during the public consultation period regarding the Code of Practice – Access to Meetings and Documents; and
 - b. a final proposed Code of Practice – Access to Meetings and Documents for Council to consider and adopt.

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

15.8 **Local Government CEO Salary Remuneration Tribunal Determination**
(Report No: 304/23)

In response to the determination made by the Remuneration Tribunal in relation to the minimum and maximum remuneration of Chief Executive Officers, a draft response has been prepared for consideration.

Motion

C120923/7548

That Council endorses the proposed submission to the Remuneration Tribunal as presented in Attachment 1.

Moved Councillor Fleming, 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 **Beach Activation Licence Extension (Report No: 297/23)**

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

C120923/7549

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: 297/23 Beach Activation 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: 297/23 Beach Activation 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, 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 Bradshaw, Seconded Councillor Lonie **Carried Unanimously**

The Moseley Beach Club has operated on Glenelg Beach since 2018 with visitation numbers for 2022/23 exceeding 65,000 people. International visitors feature strongly among pre-booked guests.

Motion

C120923/7550

That Council:

1. **notes RD Jones Group has indicated they would like to exercise their option to extend for 2023/24 and 2024/25 years; and**
2. **endorses the extension of the Moseley Beach Club existing licence for the 2023/24 and 2024/25 years as per terms of the licence agreement.**

RETAIN IN CONFIDENCE - Section 91(7) Order

3. **That having considered Agenda Item 18.1 Report No: 297/23 Beach Activation Licence Agreement 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 attachments be retained in confidence for a period of 24 months and/or the Chief Executive Officer is authorised to release the documents earlier if all parties of the contract consent and that this order be reviewed every 12 months.**

Moved Councillor Bradshaw, Seconded Councillor Abley

Carried

Conflict of Interest

Councillor Fleming declared a general conflict of interest for Item **18.2 Seacliff Plaza Amenities and Beach Access** (Report No: 303/23). The nature of the general conflict of interest (pursuant to section 74 and 75A of the *Local Government Act 1999*) was that the project may need to be considered by the Council Assessment Panel in the future.

Councillor Fleming dealt with the general conflict of interest by making it known and leaving the meeting at 7.49 pm.

Conflict of Interest

Councillor Snewin declared a general conflict of interest for Item **18.2 Seacliff Plaza Amenities and Beach Access** (Report No: 303/23). The nature of the general conflict of interest (pursuant to section 74 and 75A of the *Local Government Act 1999*) was that the project may need to be considered by the Council Assessment Panel in the future.

Councillor Snewin dealt with the general conflict of interest by making it known and leaving the meeting at 7.49 pm.

18.2 Seacliff Plaza Amenities and Beach Access (Report No: 303/23)

Motion - Exclusion of the Public – Section 90(3)(d) Order C120923/7551

- 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: 303/23 Seacliff Plaza Amenities and Beach Access 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: 303/23 Seacliff Plaza Amenities and Beach Access 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, 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 Miller **Carried Unanimously**

The Seacliff Plaza Project has been funded in the 2021/22 Budget to deliver a design for the Seacliff Foreshore which includes a new amenity building and deliver construction of Stage 1 which includes a new amenities building and beach access.

The project was initiated to replace an ageing asset in line with Australian Standards, the Disability Discrimination Act, apply universal design principles, Council's sustainability strategy and increase amenities to provide services for future growth in the area. Accordingly, a concept design was presented to Council on 25 January 2022 and approved for public consultation and later development approval received on 6 October 2022 through an appeal in the Environment, Research and Development Court. The project then progressed to commenced detailed design of Stage 1 in preparation for its construction.

The project released a select tender for construction services in July 2023 and undertook a Council Workshop with Elected Members on 5 September 2023 to discuss the select tender outcome, construction cost and program timing. The report was seeking a decision approval as a result of the discussion at the workshop held on 5 September 2023.

Motion**C120923/7552****That Council:**

1. **approves the additional project budget of \$170,000 to complete the Stage 1 Amenities Building and Beach Access project;**
2. **approves Administration to request an extension and change to the State Government grant completion date from 28 February 2024 to 30 October 2024 to cover the new proposed construction period;**
3. **approves Administration to construct Stage 1 in the low season of 2024; and**
4. **approves Administration to reduce project costs and not provide temporary toilets for the duration of the construction period.**

RETAIN IN CONFIDENCE - Section 91(7) Order

5. **That having considered Agenda Item 18.2 Seacliff Plaza Amenities and Beach Access 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 be retained in confidence until the construction of the project is complete and that this order be reviewed every 12 months.**

Moved Councillor Lindop, Seconded Councillor Lonie

Carried Unanimously**CLOSURE**

The Meeting closed at 7.54 pm.

CONFIRMED**26 September 2023****MAYOR**