

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 9 August 2022 at 7:00pm.

MEMBERS PRESENT

Mayor A Wilson
Councillor A Bradshaw
Councillor P Chabrel
Councillor J Fleming
Councillor J Fletcher
Councillor C Lindop
Councillor S Lonie
Councillor W Miller
Councillor R Patton
Councillor J Smedley
Councillor R Snewin

STAFF IN ATTENDANCE

Chief Executive Officer – R Bria
General Manager Assets and Delivery – M de Heus
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, Councillor R Clancy
- 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****C090822/2689**

That the minutes of the Ordinary Meeting of Council held on 26 July 2022 be taken as read and confirmed.

Moved Councillor Fletcher, Seconded Councillor Patton

Carried Unanimously**9. PUBLIC PRESENTATIONS**

- 9.1 **Petitions - Nil**
- 9.2 **Presentation - Nil**
- 9.3 **Deputations**

Conflict of Interest

Councillor Fleming declared a perceived conflict of interest for Item 9.3.1 Somerton Surf Lifesaving Club. The nature of the perceived conflict of interest (pursuant to Section 75 and 75A of the *Local Government Act 1999*) was that she is a member of the Council Assessment Panel which may consider this item.

Councillor Fleming dealt with the perceived conflict of interest by making it known and leaving the meeting at 7.02 pm.

9.3.1 Somerton Surf Lifesaving Club

Mayor Wilson approved a deputation from Mr Warrick Holland, President and Mr Davey Taylor, Facilities Director of the Somerton Surf Lifesaving Club regarding the sub-lease.

Councillor Fleming re-joined chamber at 7.31pm

10. QUESTIONS BY MEMBERS**10.1 Without Notice****10.1.1 Car Park on Wheatland Street**

Councillor Lindop asked a question in relation to a car park/line marking on Wheatland Street.

General Manager, Assets and Delivery provided a response.

10.1.2 Partridge House

Councillor Miller asked a question in relation to the mapping of Partridge House on Google maps.

The Chief Executive Officer took the question on notice.

10.1.3 Art Deco Review

Councillor Miller asked a question in relation to the Art Deco review.

General Manager, Strategy and Corporate provided a response.

10.2 With Notice - Nil**11. MEMBER'S ACTIVITY REPORTS - Nil****12. MOTIONS ON NOTICE****12.1 Motion on Notice – New Year's Eve - Councillor Miller (Report No: 321/22)****Motion****C090822/2690**

That Council authorise the Mayor to write to the Premier, Peter Malinauskas MP detailing in the strongest terms the need for an equitable funding arrangement in Council's delivery of New Year's Eve celebrations, which are an important event for the whole of SA.

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

12.2 Motion on Notice – Leave of Absence - Councillor Clancy (Report No: 323/22)
Refer to Item 18.1 under Items in Confidence.**13. ADJOURNED MATTER - Nil**

14. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES**14.1 Minutes – Executive Committee – 26 July 2022 (Report No: 324/22)****Motion****C090822/2691****That Council:**

1. notes the minutes of the Executive Committee of 26 July 2022; and

RETAIN IN CONFIDENCE - Section 91(7) Order

2. That having considered Agenda Item 14.1 Minutes – Executive Committee – 26 July 2022, Report No 324/22 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, attachments 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 Snewin

Carried Unanimously**15. REPORTS BY OFFICERS****15.1 Items in Brief (Report No: 322/22)**

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**C090822/2692****That the following items be noted and items of interest discussed:**

1. Seacliff Suburb Boundary
2. Implementation of Local Government Advice Scheme
3. Dover Square Tennis Club upgrade Sod Turning
4. FOGO Update
5. Bay Discovery Centre Visitor Numbers 2021/22

Moved Councillor Lindop, Seconded Councillor Lonie

Carried**15.2 Climate Change Adaption Governance Assessment (Report No: 325/22)**

The City of Holdfast Bay undertook an external assessment of its climate change adaptation governance. This assessment indicated how well Council was incorporating climate change adaptation governance into their corporate processes and frameworks.

The findings of this assessment provided a range of recommendations to assist Council in improving their climate change adaptation governance.

The report identified City of Holdfast Bay as having excellent coverage of climate change in its governance mechanisms and overall achieved a well above-average score in the quantitative climate change governance assessment. The City of Holdfast Bay's score ranked third of the 341 Australian Local Governments assessed so far using this methodology.

Motion

C090822/2693

1. **That Council notes the report; and**
2. **That as part of the budget process in 2023/24, Council consider funding for an ongoing FTE role that works in the areas encompassing Climate Change Governance, Adaption, Carbon Neutral planning implementation.**

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

15.3 **Anti-Discrimination Policy** (Report No: 326/22)

On 12 July 2022, Council considered and endorsed an Anti-Racism Policy and Inclusion Policy. As part of the motion (C120722/2659), Council requested that an Anti-Discrimination Policy be developed and brought back for Council's consideration.

An Anti-Discrimination Policy has been drafted and was provided for Council's consideration.

Motion

C090822/2694

That Council endorses the Anti-Discrimination Policy.

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

Item Withdrawn

At the request of the Chief Executive Officer, **Item 15.4 Brighton Cricket Club Licence** (Report No: 330/22) was withdrawn from the Council Agenda.

16. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil

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

- 17.1 Councillor Miller sought to bring forward a motion without notice. The Mayor deemed the matter was one of urgency and accepted the motion.

Motion

C090822/2695

That Council:

1. **acknowledge the passing of Jack Messenger – former Alderman and Councillor for the City of Glenelg Council and the City of Holdfast Bay Council; and**

2. **acknowledge the passing of Mel Baker, former Town Clerk of Glenelg Council.**

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

- 17.2 The Mayor raised an urgent business item to bring forward a motion without notice:

Motion **C090822/2696**

1. **That in appreciation of the loyal and devoted service to the defence of Australia and outstanding achievements in the pursuit of world peace and in recognition of a close association with the City of Holdfast Bay, the Council confer on HMAS Glenelg by this Deed in perpetuity, the privilege, honour and distinction on Freedom of Entry to the City of Holdfast Bay on all ceremonial occasions with swords drawn, bayonets fixed, drums beating, bands playing, colours flying and in full panoply; and**
2. **That the Mayor and Chief Executive Officer be authorised to sign and seal the Deed of Freedom on Entry prior to the ceremony.**

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

18. ITEMS IN CONFIDENCE

- 18.1 **Leave of Absence – Councillor Clancy (Report No: 323/22)**

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

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: 323/22 Motion on Notice – Leave of Absence – Cr Clancy 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: 323/22 Motion on Notice – Leave of Absence – Cr Clancy 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 this Agenda Item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);**

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 Bradshaw

Lost

Division Called

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

Those voting for: Councillors Fletcher, Patton, Lindop, Lonie, Bradshaw (5)

Those voting against: Councillors Snewin, Miller, Fleming, Smedley, Chabrel (5)

Her Worship the Mayor used her casting vote for the motion and declared it

Lost

Motion

That Councillor Clancy be granted a leave of absence from Council from 30 July 2022 until 10 September 2022 inclusive.

Moved Councillor Lonie, Seconded Councillor Lindop

Amendment

C090822/2697

Councillor Miller proposed the following amendment:

That Councillor Clancy be granted a leave of absence from Council from 10 August 2022 until 10 September 2022 inclusive.

The Mover Councillor Lonie and Seconder Councillor Lindop agreed to the amendment proposed by Councillor Miller, and it became the motion.

The motion on being put was

Carried Unanimously

Conflict of Interest

Councillor Fleming declared a perceived conflict of interest for Item 18.2 Somerton Surf Lifesaving Club Restaurant and Function Centre Sub-Lease (Report No: 303/22). The nature of the perceived conflict of interest (pursuant to Section 75 and 75A of the *Local Government Act 1999*) was that she is a member of the Council Assessment Panel which may consider this item.

Councillor Fleming dealt with the perceived conflict of interest by making it known and leaving the meeting at 8.14 pm.

- 18.2 **Somerton Surf Lifesaving Club Restaurant and Function Centre Sub-Lease (Report No: 303/22)**

Motion – Exclusion of the Public – Section 90(3) (b & d) Order C090822/2698

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: 303/22 Somerton Surf Lifesaving Club Restaurant and Function Centre Sub-Lease 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: 303/22 Somerton Surf Lifesaving Club 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 Lonie, Seconded Councillor Snewin

Carried Unanimously

RETAIN IN CONFIDENCE - Section 91(7) Order

C090822/2699

Having considered Agenda Item 18.2 Somerton Surf Lifesaving Club Restaurant and Function Centre Sub-Lease (Report No: 303/22) 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 Lonie, Seconded Councillor Smedley

Carried Unanimously

Councillor Fleming re-joined the chamber at 8.51pm

Councillor Lonie left the chamber at 8.51pm

18.3 H-Class Tram Options (Report No: 328/22)

Motion – Exclusion of the Public – Section 90(3) (b) Order C090822/2700

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: 328/22 H-Class Tram Options 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: 328/22 H-Class Tram Options 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 proposing to conduct business; or would prejudice the commercial position of the Council for the proposed Expression of Interest process for the acquisition of the H-Class 361.

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 Fleming, Seconded Councillor Smedley **Carried Unanimously**

RETAIN IN CONFIDENCE - Section 91(7) Order C090822/2701

That having considered Agenda Item 18.3 328/22 H-Class Tram Options in confidence under section 90(2) and (3)(b) 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 18 months and the Chief Executive Officer is authorised to release the documents when the results of the Expression of Interest process has been completed and that this order be reviewed every 12 months.

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

Councillor Lonie re-joined the chamber at 8.54pm

18.4 **Glenelg Town Hall – Commercial Area – Summer Pop Up** (Report No: 315/22)**Motion – Exclusion of the Public – Section 90(3) (b) Order** C090822/2702

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: 315/22 Glenelg Town Hall – Commercial Area – Summer Pop Up 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: 315/22 Glenelg Town Hall – Commercial Area – Summer Pop Up 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 proposing to conduct business or would prejudice the commercial position of the Council

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 Fletcher, Seconded Councillor Fleming **Carried Unanimously**

RETAIN IN CONFIDENCE - Section 91(7) Order C090822/2703

That having considered Agenda Item 18.4 Report No: 315/22 Glenelg Town Hall – Commercial Area – Summer Pop Up in confidence under section 90(2) and (3) (b) 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 18 months and/or the Chief Executive Officer is authorised to release the documents thereafter.

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

Item Withdrawn

At the request of the Chief Executive Officer, Item 18.5 Glenelg Foreshore Amusement Device (Report No: 318/22) was withdrawn from the Council Agenda.

CLOSURE

The Meeting closed at 9.01 pm.

CONFIRMED **23 August 2022**

MAYOR