



Minutes of the Ordinary Meeting of Council Held in the Council Chamber, Glenelg Town Hall on 13 August 2024 at 7.00pm

MEMBERS PRESENT

Mayor A Wilson
Councillor A Bradshaw
Councillor J Fleming
Councillor A Kane
Councillor C Lindop
Councillor S Lonie
Councillor M O'Donohue
Councillor R Patton
Councillor J Smedley
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 - Councillor Abley, Councillor Miller

5.2 Absent - Councillor R Snewin

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

C130824/7832

That the minutes of the Ordinary Meeting of Council held on 23 July 2024 be taken as read and confirmed.

Moved Councillor Lonie, Seconded Councillor Patton

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 **Durham Apartments, Colley Terrace**

Councillor Patton asked a question in relation to a temporary car park on the Durham Apartments site.

Chief Executive Officer provided a response.

10.1.2 **Old Buffalo Site**

Councillor Patton asked a question in relation to the Old Buffalo site.

Chief Executive Officer provided a response.

10.1.3 **Seawall Apartments**

Councillor Patton asked a question in relation to the Seawall Apartments matter in the Environment, Resources and Development Court.

Mayor Wilson provided a response.

10.1.4 **Sand Pumping**

Councillor Smedley asked a question in relation to sand pumping for Glenelg Jetty.

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

10.2 **On Notice**

10.2.1 **Traffic Light Coordination, Brighton Road – Councillor Lonie**
(Report No: 269/24)

Councillor Lonie asked the following question:

‘With the current installation of traffic lights on the corner of Edwards Street and Brighton Road, is Council aware of any plan for coordination of the sequencing of these lights with other, existing lights, such as the pedestrian lights near Brighton Post Office? In such a way as I believe Jetty Road lights coordinate with the nearby ‘School’ pedestrian lights on Brighton Road further north.

ANSWER – MANAGER, ENGINEERING

DIT have advised that the retained Pedestrian Actuated Crossing (signalised push-button crossing) on Brighton Road, south of Gregory Street, will be sequenced with the new traffic lights at the Brighton Road and Edwards Street junction to manage traffic flow.

10.2.2 Tree Planting Brighton Road – Councillor Lonie (Report No: 270/24)

Councillor Lonie asked the following question:

“With Council’s Tree policy, does Council have the approval from the Department of Transport to plant within the median strips and footpaths on Brighton Road where trees are missing? If so, does Administration have any future plans for tree planting along Brighton Road?”

ANSWER – MANAGER, FIELD SERVICES

The City of Holdfast Bay, in collaboration with the Department of Transport (DIT), does have the ability to plant trees both in the central median strip and along the footpaths on either side of Brighton Road.

Council’s Senior Urban Forest Officer is currently mapping potential planting sites along Brighton Road, starting from the Seacliff end. Once the audit is complete, we will look to include these locations in our street tree planting program in the future.

There are several challenges that need to be considered with plantings along this corridor including:

Traffic Management and Infrastructure Upgrades

Planting trees along Brighton Road, especially in the median strip, entails significant costs due to the need for traffic management during planting and ongoing maintenance. Major infrastructure upgrades are required since the median strip was not originally designed to support mature trees. This has led to issues like the upheaval of concrete and artificial turf (artificial turf is scheduled to be removed as part of the upcoming DIT renewal project), compromising both tree stability and surrounding infrastructure.

Shared Responsibilities

Under the current agreement with the Department of Transport, the council is responsible for maintaining the trees. This arrangement poses significant cost implications, particularly considering the engineering challenges mentioned above.

Underground Infrastructure on the Eastern Side

The eastern side of Brighton Road presents complications due to extensive underground infrastructure beneath existing trees. While planting new trees is possible, it requires additional engineering solutions to accommodate the new trees, further increasing costs.

Powerlines on the Western Side

On the western side, the presence of high-voltage powerlines restricts our choice of tree species to those approved by SA Power Networks, which typically do not exceed six metres in height. This restriction makes it challenging to maintain the clearance envelopes recommended by the Department of Transport, resulting in a limited selection of tree species.

11. MEMBER'S ACTIVITY REPORTS - Nil

12. MOTIONS ON NOTICE

12.1 Motion on Notice – Leave of Absence - Councillor Venning (Report No: 253/24)

Motion

C130824/7833

That Councillor Venning be granted a Leave of Absence for the period 6-13 October 2024 and for the Council meetings of 22 October 2024 and 12 November 2024.

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

12.2 Motion on Notice – Leave of Absence - Councillor Snewin (Report No: 259/24)

Motion

C130824/7834

That Councillor Snewin be granted a Leave of Absence for the Council meeting of 10 September 2024.

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

12.3 Motion on Notice – Leave of Absence - Councillor Abley (Report No: 271/24)

Motion

C130824/7835

That Councillor Abley be granted a Leave of Absence for the period 15 September to 31 October 2024.

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

13. ADJOURNED MATTERS - Nil

14. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES

14.1 Public Minutes – Executive Committee – 30 July 2024 (Report No: 263/24)

The public minutes of the meeting of the Executive Committee held 30 July 2024 were presented to Council for information.

Motion

C130824/7836

That Council notes the public minutes of the meeting of the Executive Committee of 30 July 2024.

Moved Councillor Fleming, Seconded Councillor Lonie

Carried Unanimously

15. REPORTS BY OFFICERS

15.1 Items in Brief (Report No: 254/24)

The 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

C130824/7837

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

1. **Illumination Request – Paris Olympic Games Green and Gold Day – 2 August 2024**
2. **Correspondence from Minister for Planning regarding Cybersecurity Provider ‘CrowdStrike’**
3. **Too Quirky! Exhibition**

Moved Councillor Lonie, Seconded Councillor Smedley

Carried

15.2 Planets Sculpture (Report No: 272/24)

Council at its meeting of 9 July 2024 received a report that noted the deteriorated condition of the Planets Sculpture and recommended the removal of the artwork from the public realm, including the deaccession of the artwork from Council’s Assets Register. Council endorsed the removal of the artwork (Resolution No: C090724/7813).

Former Brighton Ward Councillor and Donor, Mrs Rosemary Clancy has since contacted Council with an offer to pay for the restoration work on the Planets Sculpture, so it can be repaired and maintained as a permanent public art asset with the City of Holdfast Bay.

Motion

C130824/7838

That Council:

1. **notes the Donor's offer to repair the Planets Sculpture as a donation; and**
2. **approves the Planets Sculpture to be retained as a permanent public art installation in the City of Holdfast Bay.**

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

Leave of the 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 15.3 **Glenelg Football Club Sub-Lease** (Report No: 267/24) be adjourned and heard in confidence at Item 18, Items in Confidence.

Leave of the meeting was granted.

15.4 **Elected Member Appointment to the Executive Committee** (Report No: 266/24)

Council established an Executive Committee pursuant to section 41 of the *Local Government Act 1999* with responsibility for undertaking the annual performance appraisal of the Chief Executive Officer and recently increased the scope of the Committee to manage the recruitment process of the Chief Executive Officer.

Councillor O'Donohue has indicated her intention to resign from the Executive Committee.

Motion

C130824/7839

That Council appoints Councillor Smedley as the Somerton Ward representative on the Executive Committee for the remainder of the Council term.

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

15.5 **Southern Region Waste Resource Authority – Appointment of Deputy Board Member** (Report No: 265/24)

Southern Region Waste Resource Authority (SRWRA) is a regional subsidiary established by the Cities of Onkaparinga, Marion and Holdfast Bay (the “Constituent Councils”), pursuant to Section 43 of the *Local Government Act 1999*.

The SRWRA Charter 2024 provides for Council to appoint two members to its Board (one of which must be an officer of Council) along with one specific deputy for each Board member or one non-specific deputy for both such Board members.

SRWRA has recommended that two Deputy Members (one Elected Member and one Council Officer) be appointed to ensure business continuity across Board meetings.

Councillor O’Donohue has requested to vacate the position of Deputy Member, and the report sought for Council to appoint another Councillor to the Deputy Member position.

Motion

C130824/7840

That Council appoints Councillor Venning as Deputy Member to the Board of Southern Region Waste Resource Authority for the remaining term of Council.

Moved Councillor Lindop, Seconded Councillor O’Donohue

Carried

15.6 **Call for Nominations – SA Flood Warning Consultative Committee** (Report No: 258/24)

The Local Government Association (LGA) is seeking nominations for one local government representative on the SA Flood Warning Consultative Committee for a two-year term until October 2026. The representative must be a currently serving council member or employee of a council or other local government entity (unless otherwise determined by the LGA Board of Directors). can either be an officer of a council or an elected member.

Nominees need to have their nomination endorsed by Council prior to submission to the LGA. If Council does not have a nominee, it may just note the report. Nominees should consider the selection criteria of the position as outlined on the Call for Nominations Information Sheet.

Motion

C130824/7841

That Council nominates Councillor Lonie for consideration by the Local Government Association to be nominated for the SA Flood Warning Consultative Committee.

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

16. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil

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

18. ITEMS IN CONFIDENCE

Item 15.3 **Glenelg Football Club Sub Lease** (Report No: 267/24) was considered in Item 18, Items in Confidence, as per leave of the meeting granted.

15.3 Glenelg Football Club Sub-Lease (Report No: 267/24)

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

C130824/7842

- 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: 267/24 – Glenelg Football Club 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: 267/24 – Glenelg Football Club Sub-Lease 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 O'Donohue, Seconded Councillor Bradshaw **Carried Unanimously**

The report sought Council's approval for the Glenelg Football Club to commence negotiations with ACH Group for a sub-lease over a portion of the Club's building.

Motion

C130824/7843

That:

1. **Council approves the Glenelg Football Club enters negotiations for the sub-lease of portion of its building to ACH Group; and**
2. **a further report be brought back to Council for endorsement of the terms of the sub-lease between the Glenelg Football Club and ACH Group informed by an independent valuation in accordance with Council's Commercial Leasing and Licensing Policy.**

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

Conflict of Interest

Councillor Smedley declared a general conflict of interest for Item 18.1 **Alwyndor Management Committee Appointment** (Report No: 255/24) (pursuant to sections 74 and 75A of the *Local Government Act 1999*), on the basis that he is personally known to the applicant. Councillor Smedley dealt with the general conflict of interest by making it known to the meeting and leaving the chamber at 7.21pm.

18.1 **Alwyndor Management Committee Appointment** (Report No: 255/24)

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

C130824/7844

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: 255/24 Alwyndor Management Committee Appointment 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: 255/24 Alwyndor Management Committee Appointment 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: 255/24 Alwyndor Management Committee Appointment is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being prospective members of the Alwyndor Management Committee.
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 Kane, Seconded Councillor Venning **Carried Unanimously**

Motion **C130824/7845**

That Council:

1. appoints Mr John O'Connor to the Alwyndor Management Committee for a term of three years from 1 September 2024 to 31 August 2027

RETAIN IN CONFIDENCE - Section 91(7) Order

2. That having considered Agenda Item 18.1 Alwyndor Management Committee Appointment 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 attachment be retained in confidence for a period of 12 months and that this order be reviewed every 12 months.

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

Councillor Smedley re-joined the chamber at 7.22pm.

18.2 **Car Share Update** (Report No: 268/24)

Motion - Exclusion of the Public – Section 90(3)(d) Order **C130824/7846**

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: 268/24 – Car Share Update 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: 268/24 – Car Share Update 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

Motion C130824/7847

That having considered Agenda Item 18.2 - Car Share Update 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, attachment and minutes be retained in confidence for a period of five years and the Chief Executive Officer is authorised to release the documents when the tenure expires, and that this order be reviewed every 12 months.

Moved Councillor Venning, Seconded Councillor Patton Carried

Mayor Wilson notified the Chamber that she is a parent of children attending St Peter's Woodlands Grammar School and under Section 75A (2) (d) of the *Local Government Act 1999* she does not have a conflict of interest in relation to Item 18.3 **Partridge Street, Glenelg – Wombat Crossing**.

Councillor O'Donohue notified the Chamber that she is a parent of children attending St Peter's Woodlands Grammar School and under Section 75A (2) (d) of the *Local Government Act 1999* she does not have a conflict of interest in relation to Item 18.3 **Partridge Street, Glenelg – Wombat Crossing**.

18.3 Partridge Street, Glenelg – Wombat Crossing (Report No: 273/24)

Motion - Exclusion of the Public – Section 90(3) (g&k) Order C130824/7848

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: 273/24 Partridge Street, Glenelg – Wombat Crossing 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: 273/24 Partridge Street, Glenelg – Wombat Crossing on the following grounds:
 - g. pursuant to section 90(3)(g) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information concerning matters that must be considered in confidence in order to ensure that the Council does not breach any duty of confidence.

Outcome of grant funding to be kept in confidence and confidential to those parties involved in the project and necessary project planning until such time of the Federal Minister announcement and formal notification is received.
 - k. pursuant to section 90(3)(k) of the Act, the information to be received, discussed or considered in relation to this Agenda Item are tenders for the carrying out of works.

For the provision of Partridge Street – Wombat Crossing construction.
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 O'Donohue **Carried Unanimously**

Motion C130824/7849

That having considered Agenda Item 18.3 Partridge Street, Glenelg – Wombat Crossing in confidence under section 90(2) and (3)(g&k) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report and minutes be retained in confidence for a period of six months and/or the Chief Executive Officer is authorised to release the documents when an announcement is made and that this order be reviewed every 12 months.

This order is subject to section 91(8)(b) of the Act which provides that details of the identity of the successful tenderer must be released once Council has made a selection. In addition, section 91(8)(ba) of the Act requires details of the amount(s) payable by the Council under a contract for the provision of services must be released once the contract has been entered into by all concerned parties.

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

18.4 **Confidential Minutes – Executive Committee – 30 July 2024** (Report No: 264/24)

Motion - Exclusion of the Public – Section 90(3)(a) Order **C130824/7850**

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 minute taker in attendance at the meeting in order to consider Report No: 264/24 – Confidential Minutes – Executive Committee – 30 July 2024 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: 264/24 – Confidential Minutes – Executive Committee – 30 July 2024 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: 264/24 – Confidential Minutes – Executive Committee – 30 July 2024 is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).
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 Patton **Carried Unanimously**

Motion **C130824/7851**

That Council:

1. notes the confidential minutes of the meeting of the Executive Committee of 30 July 2024;

2. endorses the recommendation of the Executive Committee as follows:
 - 2.1 the appointment of Ms Pamela Jackson to act in the position of Chief Executive Officer from 31 August 2024 until the vacancy is filled; and
 - 2.2 the acting Chief Executive Officer be remunerated at the current CEO remuneration.

RETAIN IN CONFIDENCE - Section 91(7) Order

3. That having considered Agenda Item 18.4 – Confidential Minutes – Executive Committee – 30 July 2024 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 and attachments be retained in confidence for a period of 12 months and that this order be reviewed every 12 months.

Moved Councillor Fleming, Seconded Councillor Lonie

Carried Unanimously

CLOSURE

The Meeting closed at 7.51 pm.

CONFIRMED 27 August 2024

MAYOR