



Minutes of the Ordinary Meeting of Council Held in the Kingston Room, Brighton Civic Centre on Tuesday 22 October 2024 at 7.00pm

MEMBERS PRESENT

Deputy Mayor S Lonie
Councillor A Bradshaw
Councillor J Fleming
Councillor A Kane
Councillor C Lindop
Councillor W Miller
Councillor M O'Donohue
Councillor R Patton
Councillor R Snewin
Councillor A Venning

STAFF IN ATTENDANCE

Acting Chief Executive Officer – P Jackson
Acting General Manager, Assets and Delivery – B Blyth
General Manager, Community and Business – M Lock
General Manager, Strategy and Corporate – S Wachtel
General Manager, Alwyndor – B Davidson-Park

1. OPENING

The Deputy Mayor declared the meeting open at 7.00pm.

2. KAURNA ACKNOWLEDGEMENT

With the opening of the meeting the Deputy 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

The Deputy 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 Smedley

5.2 Absent – Councillor Abley (Approved Leave of Absence), Amanda Wilson (Leave of Absence)

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

C221024/7903

That the minutes of the Ordinary Meeting of Council held on 8 October 2024 be taken as read and confirmed.

Moved Councillor Miller, Seconded Councillor Kane

Carried

9. PUBLIC PRESENTATIONS

9.1 **Petitions – Nil**

9.2 **Presentations – Nil**

9.3 **Deputations – Nil**

10. QUESTIONS BY MEMBERS

10.1 **Without Notice**

10.1.1 **Free compost bag program**

Councillor Fleming asked a question in relation to the free compost bag program.

The Acting General Manager Assets and Delivery provided a response.

10.1.2 **Night Time Economic Development Policy**

Councillor Miller asked a question in relation to the night time economic development policy.

The General Manager Community and Business provided a response.

10.1.3 **Tree lopping**

Councillor O'Donohue asked a question in relation to the large tree cut down on the Sacred Heart School site along Brighton Road.

The Acting General Manager Assets and Delivery took the question on notice.

10.1.4 **Seacliff Plaza Amenities Block**

Councillor Lindop asked a question in relation to access to the new Seacliff Plaza amenities block.

The Acting Chief Executive Officer provided a response.

10.1.5 **Plantings at Nest Kiosk**

Councillor Lindop asked a question in relation to plant loss in the garden beds adjacent to Nest Kiosk.

The Acting General Manager Assets and Delivery took the question on notice.

10.1.6 Protection of a tree at 28 Sturt Road, Brighton

Councillor Lindop asked a question in relation to the gum tree at 28 Sturt Road, Brighton.

The General Manager Strategy and Corporate provided a response.

10.1.7 Canning Street, Glenelg North

Councillor Patton asked a question about the road closure around the development at Canning Street and if this will pose a problem for the Tour Down Under.

The Acting Chief Executive Officer took the question on notice.

10.1.8 Shipping containers

Councillor Miller asked a question about shipping containers that have been placed between the Rotunda and the Beachouse.

The Acting Chief Executive Officer took the question on notice.

10.1.9 Christmas Decorations in front of the Brighton Civic Centre

Councillor Fleming asked a question about the lights inside the boat that is part of the Christmas decorations at the front of the Civic Centre.

The General Manager Community and Business took the question on notice.

10.2 On Notice

Nil

11. MEMBER'S ACTIVITY REPORTS

Nil

12. MOTIONS ON NOTICE

12.1 Motion on Notice – Hooded Plovers - Councillor Lindop (Report No: 359/24)

Motion

C221024/7904

That Administration provides a report to Council on a review of the enforcement of the City of Holdfast By-laws in relation to Hooded Plover breeding zone areas and the current inspection patrols for general compliance, including responsible dog ownership. That the report explores options for improving public awareness and education about the Hooded Plovers, recommends 'best practice' strategies to enhance protection, and identifies any necessary budget allocation to support increased patrols or any other initiatives or other protective measures that may be able to be implemented.

Moved Councillor Lindop, Seconded Councillor Bradshaw

Carried

12.2 Motion on Notice – Accessibility Parking for Brighton and Somerton Surf Life Saving Clubs - Councillor Fleming (Report No: 358/24)

Motion

C221024/7905

That Administration:

1. investigates the feasibility of installing accessible parking spaces adjacent to both the Brighton and Somerton Surf Lifesaving Clubs. This investigation should consider the proximity to club entrances and the current usage of existing parking facilities; and
2. provides a report to Council outlining potential locations, costs, and any associated infrastructure changes required for the installation of accessible parking.

Moved Councillor Fleming, Seconded Councillor Venning

Carried

13. ADJOURNED MATTERS - Nil

14. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES

14.1 Audit and Risk Committee – 16 October 2024 (Report No: 352/24)

The public and confidential minutes of the meeting of the Audit and Risk Committee held 16 October 2024 are presented to Council for information.

Motion

C221024/7906

That Council notes the public and confidential minutes of the meeting of the Audit and Risk Committee of 16 October 2024, namely that the Audit and Risk Committee:

- 1. advises Council it has received and considered a Standing Items Report addressing:
 - **Monthly Financial Statements**
 - **Risk Management and Internal Control**
 - **External Audit**
 - **Public Interest Disclosures**
 - **Economy and Efficiency Audits**
 - **Audit and Risk Committee Meeting Schedule 2024 and 2025****
- 2. has received an annual reflection from external auditors, Dean Newbery, in confidence as required under the *Local Government (Financial Management) Regulations 2011*;**
- 3. informs Council it has reviewed the General Purpose Financial Statements for the year ending 30 June 2024, as required under section 126(4)(a) of the *Local Government Act 1999*, and found them to present fairly the state of affairs of the council as required under the *Local Government (Financial Management) Regulations 2011*;**
- 4. recommends that Council adopts the 2023-24 Annual Report, subject to design and minor alterations and the inclusion of the audited financial statements of Council along with those of Council's regional subsidiary, the Southern Region Waste Resource Authority;**
- 5. advises Council it has noted the progress of the review of the Strategic Plan, *Our Holdfast 2050+* and has provided input to the Review Report;**
- 6. notes the community consultation report and updates to the asset management documentation and recommends the Asset Management Plans and Asset Management Strategy for endorsement by Council; and**
- 7. endorses the Public Interest Disclosure Policy, for presentation and adoption by Council.**

RETAIN IN CONFIDENCE - Section 91(7) Order

8. That having considered Agenda Item 14.1 352/24 – Minutes – Audit and Risk Committee – 16 October 2024 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 Attachment 2 to this report be retained in confidence for a period of 12 months and/or the Chief Executive Officer is authorised to release the documents when a new energy contract is signed and that this order be reviewed every 12 months.

Moved Councillor Snewin, Seconded Councillor Fleming

Carried

Conflict of Interest

Councillor Fleming declared a general conflict of interest for Item 14.2 (Report No: 349/24). The nature of the general conflict of interest (pursuant to Section 74 and 75A of the *Local Government Act 1999*) was that the matter may be referred to the Council Assessment Panel of which Councillor Fleming is a member.

Councillor Fleming dealt with the general conflict of interest by leaving the meeting at 7.20pm.

14.2 **Transforming Jetty Road Committee – 3 October 2024** (Report No: 349/24)

The minutes of the meeting of the Transforming Jetty Road Committee held 3 October 2024 are presented to Council for information.

Motion

C221024/7907

1. That Council notes the minutes of the meeting of the Transforming Jetty Road Committee of 3 October 2024.

RETAIN IN CONFIDENCE - Section 91(7) Order

2. That having considered Agenda Item 14.2, 349/24 – Minutes – Transforming Jetty Road Committee – 3 October 2024 in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999*, Council, pursuant to section 91(7) of that Act orders that Attachment 2 be retained in confidence and the Chief Executive Officer is authorised to release the report, attachments and minutes when the construction contract is awarded for the City Zone.

Moved Councillor Kane, Seconded Councillor Miller

Carried

Councillor Fleming rejoined the meeting at 7.22pm

14.3 **Alwyndor Management Committee – 26 September 2024** (Report No: 361/24)

The minutes of the Alwyndor Management Committee meeting held on 26 September 2024 are provided for information.

Motion

C221024/7908

1. **That the minutes of the Alwyndor Management Committee meeting held on 26 September 2024 be noted.**

RETAIN IN CONFIDENCE - Section 91(7) Order

2. **That having considered Attachment 2 to Report No: 361/24 Minutes – Alwyndor Management Committee –26 September 2024 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 after that this order be reviewed every 12 months.**

Moved Councillor Snewin, Seconded Councillor Fleming

Carried

14.4 **Public Minutes – Executive Committee – 8 October 2024** (Report No: 350/24)

The public minutes of the Executive Committee meeting held on 8 October 2024 are provided for information.

Motion

C221024/7909

That Council notes the public minutes of the meeting of the Executive Committee of 8 October 2024.

Moved Councillor Patton, Seconded Councillor Fleming

Carried

14.5 **Information Report – Southern Region Waste Resource Authority – 23 September 2024** (Report No: 346/24)

The minutes of the Southern Region Waste Resource Authority Board meeting held 23 September 2024 is provided for information.

Motion

C221024/7910

That Council notes the Information Report of the Southern Region Waste Resource Authority Board meeting held 23 September 2024.

Moved Councillor Venning, Seconded Councillor Lindop

Carried

15. REPORTS BY OFFICERS

15.1 Items in Brief (Report No: 353/24)

These items are presented for the information of Members.

After noting the report any items of interest can be discussed and, if required, further motions proposed.

Motion

C221024/7911

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

- 1.1 Letter of Thanks from Glenelg Football Club**
- 1.2 Outstanding Council Actions**
- 1.3 South Australian Premier's Business and Export Awards**

RETAIN IN CONFIDENCE - Section 91(7) Order

- 2. That having considered Agenda Item 15.1 Items in Brief in confidence under section 90(2) and (3)(d, g & k) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that Attachment 3 be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.**

Moved Councillor Lindop, Seconded Councillor O'Donohue

Carried

15.2 2023-24 General Purpose Financial Statements (Report No: 343/24)

The completed financial statements for the year ended 30 June 2024 have been reviewed by the Audit and Risk Committee and audited by Council's external audit firm, Dean Newbery, who have indicated that an unqualified audit opinion will be provided. They were presented to Council to be received, noted, and authorised.

Motion

C221024/7912

1. That the financial statements for the City of Holdfast Bay for the year ended 30 June 2024 as contained in Attachment 1 to Report No: 343/24 2023-24 General Purpose Financial Statements be received and noted.
2. That the Deputy Mayor and the Acting Chief Executive Officer be authorised to sign the following certification of the financial statements;

In our Opinion:

- (a) the accompanying (2023-24) financial statements comply with the *Local Government Act 1999, Local Government (Financial Management) Regulations 2011* and Australian Accounting Standards;
- (b) the financial statements present a true and fair view of the Council's financial position at 30 June 2024 and the results of its operations and cash flows for the financial year;
- (c) internal controls implemented by Council provide a reasonable assurance that the Council's financial records are complete, accurate and reliable and were effective throughout the financial year; and
- (d) the financial statements accurately reflect the Council's accounting and other records.

Moved Councillor Snewin, Seconded Councillor Miller

Carried

15.3 **2023-24 Annual Report** (Report No: 364/24)

Council's Annual Report is a legislative requirement under section 131 of the *Local Government Act 1999*. The information contained within the publication provides legislators and the community with assurance that the City of Holdfast Bay is meeting its strategic and governance requirements. The publication also provides a detailed overview of the Council's services and achievements during the year.

The 2023-24 Annual Report has been prepared to meet all statutory requirements. The report shows that Council has continued to deliver quality and improved services and facilities to its community.

Motion

C221024/7913

That Council adopts the 2023-24 Annual Report as recommended by the Audit and Risk Committee at their meeting on the 16 October 2024, subject to design and minor alterations and the inclusion of the audited financial statements of Council along with those of Council's regional subsidiary, the Southern Region Waste Resource Authority.

Moved Councillor Lindop, Seconded Councillor Miller

Carried

15.4 Greater Adelaide Regional Plan Consultation (Report No: 344/24)

This report sought Council's endorsement for a written submission to the State Government's invitation for comments on the Greater Adelaide Regional Plan, which was recently released for consultation. The Greater Adelaide Regional Plan identifies areas for urban growth opportunities to accommodate the anticipated population increase across metropolitan Adelaide over the next thirty years. The City of Holdfast Bay's submission proposes to proceed with caution with the growth opportunities identified along the road and rail corridors to accommodate greater urban densities, by seeking an implementation strategy that creates liveable suburbs while protecting the City's rich urban character and built heritage.

Motion

C221024/7914

That Council endorses the written submission provided as Attachment 3 to this report in response to the Greater Adelaide Regional Plan.

Moved Councillor Fleming, Seconded Councillor Miller

Carried

15.5 Time and Place of Ordinary Meetings (Report No: 348/24)

The *Local Government Act 1999* requires Council to hold at least one meeting per month.

It is a decision of the Council to determine its meeting schedule. Meeting schedules can be reviewed and amended at any time by the Council.

Council currently meets on the second and fourth Tuesdays of each month (February – November) and once in January and December due to the holiday periods. It is proposed that Council continues this meeting schedule.

Motion

C221024/7915

- 1. That Council continues to meet on the second and fourth Tuesday of February, March, April, May, June, July, August, September, October and November;**

2. That Council continues to hold a meeting once in each month of December and January due to the holiday periods;
3. That Council will meet in the Council Chamber, Glenelg Town Hall, Moseley Square Glenelg;
4. That Council meetings will commence at 7.00pm;
5. If required an information briefing session will be held prior to Council meetings commencing at 6.00pm; and
6. Information briefing sessions commencing at 6.00pm will be held on the first, third and fifth Tuesdays of each month.

Moved Councillor Patton, Seconded Councillor Fleming

Carried

15.6 **Events Season 2023-24 Summary** (Report No: 342/24)

Events form a significant part of the City of Holdfast Bay's community and economy. In the 2023-24 season, a total of 344 events were held attracting more than 750,000 visitors and contributing \$82 million to the local economy. Following an analysis of the resource impacts of delivering a growing events calendar, a more sustainable delivery model is proposed.

Motion

C221024/7916

That Council notes this report.

Moved Councillor Fleming, Seconded Councillor Miller

Carried

15.7 **Australian Local Government Association – National General Assembly 2024 – Delegates Report** (Report No: 347/24)

From 2-4 July 2024 Mayor Amanda Wilson, Councillor Rebecca Abley and former Chief Executive Officer (CEO) Roberto Bria, attended the Australian Local Government Association National General Assembly (NGA) at the National Convention Centre in Canberra.

The theme of the 2024 NGA was "Building Community Trust" which acknowledges the critical importance of trust in our democracy's different level of government, its institutions, and amongst its citizens.

The Delegates' report was presented for the information of Members.

Motion

C221024/7917

That Council notes the Delegates' report for the Australian Local Government Association National General Assembly 2024.

Moved Councillor Venning, Seconded Councillor Patton

Carried

15.8 **Appointment of Deputy Chair to the Alwyndor Management Committee**
(Report No: 347/24)

Under the requirements of the Terms of Reference 2020 the Alwyndor Management Committee, (AMC) Office Bearers i.e. Chair and Deputy Chair are appointed from amongst the AMC (with the exception of Elected Members who are ineligible to nominate for these roles). These appointments can be made on a triennial basis or commensurate with the term of the Member.

Motion

C221024/7918

That Council approves the appointment of Professor Lorraine Sheppard as Deputy Chair of the Alwyndor Management Committee for a period commensurate with her current term as a Committee member expiring 1 June 2025.

Moved Councillor Snewin, Seconded Councillor Fleming

Carried

Conflict of Interest

Councillor Fleming declared a general conflict of interest for Item 15.9 (Report No: 360/24). The nature of the general conflict of interest (pursuant to Section 74 and 75A of the *Local Government Act 1999*) as the matters relating to the Transforming Jetty Road Project may be referred to the Council Assessment Panel.

Councillor Fleming dealt with the general conflict of interest by leaving the meeting at 7.45pm.

15.9 **Internal Review of a Council Decision** (Report No: 360/24)

An application was made to the City of Holdfast Bay for an internal review of a Council decision made by the Council at its meeting on 25 June 2024 (the Decision). The Decision was to adopt the 2024-25 Council Annual Business Plan (ABP). The Applicant sought a review of the Decision as it pertains to the 'Transforming Jetty Road Project' - the Project.

Given the nature of the complaint, the Chief Executive Officer determined, in accordance with the Internal Review of a Council Decision Policy (s270), to engage Kelliedy Jones Lawyers to conduct an independent review.

In summary, Kelledy Jones Lawyers found there is nothing to support a finding that the Decision is unlawful and was reasonably made by a responsible public authority.

Motion

C221024/7919

That Council, having considered the Kelledy Jones Lawyers report into Council's decision to adopt the 2024-25 Council Annual Business Plan and as it pertains to the 'Transforming Jetty Road Project' (Resolution C250624/7795) notes the report and determines that no further action is required.

Moved Councillor Kane, Seconded Councillor Snewin

Carried

Division Called

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

Those voting for: Councillors Patton, Kane, Snewin, Venning, Lindop, Bradshaw, Miller, O'Donohue (8)

Those voting against: Nil (0)

The Deputy Mayor declared the motion

Carried

Councillor Fleming re-joined the meeting at 7.48pm

15.10 Leave of Absence – Amanda Wilson (Report No: 354/24)

Mayor Amanda Wilson recently notified the Acting Chief Executive Officer she will be contesting the seat of Black in the recently announced by-election. Ms Wilson is taking a voluntary leave of absence from the Office of Mayor from 12 October to 31 October 2024. This report seeks that Council grant a leave of absence for this period.

Motion

C221024/7920

That Amanda Wilson be granted a Leave of Absence from 12 October to 31 October 2024.

Moved Councillor Miller, Seconded Councillor Lindop

Carried

15.11 Voting Delegate – Local Government Association SA and Local Government Finance Authority Annual General Meetings (Report No: 355/24)

The Local Government Association SA and Local Government Finance Authority Annual General Meetings will be held on 22 November 2024. Mayor Wilson is the registered voting delegate for both of these meetings.

Mayor Wilson is currently on a leave of absence and unable to attend the meetings.

Council is able to appoint substitute delegates for both of these Annual General Meetings.

Motion

C221024/7921

That Council:

- 1. appoints Deputy Mayor Susan Lonie as the substitute delegate for the Local Government Association Annual General Meeting on 22 November 2024; and**
- 2. appoints Deputy Mayor Susan Lonie to attend the Local Government Finance Authority Annual General Meeting as Council's representative and voting member, to be held on 22 November 2024.**

Moved Councillor Lindop, Seconded Councillor Miller

Carried

16. RESOLUTIONS SUBJECT TO FORMAL MOTIONS – Nil

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

18. ITEMS IN CONFIDENCE

**18.1 Executive Committee – Confidential Minutes – 8 October 2024
(Report No: 351/24)**

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

C221024/7922

- 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 General Manager Strategy and Corporate and Staff minute taker in attendance at the meeting in order to consider Report No: 351/24 Confidential Minutes – Executive Committee – 8 October 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: 351/24 Confidential Minutes – Executive Committee – 8 October 2024 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 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 Venning, Seconded Councillor Fleming

Carried

RETAIN IN CONFIDENCE - Section 91(7) Order

C221024/7923

That having considered Agenda Item 18.1 – Confidential Minutes – Executive Committee – 8 October 2024 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 until the recruitment of the CEO is finalised.

Moved Councillor Fleming, Seconded Councillor Bradshaw

Carried Unanimously

CLOSURE

The Meeting closed at 8.12pm.

CONFIRMED

12 November 2024

DEPUTY MAYOR