

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 28 February 2023 at 7:00pm.

MEMBERS PRESENT

Deputy Mayor C Lindop
Councillor R Abley
Councillor J Fleming
Councillor A Kane
Councillor S Lonie
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 – M de Heus
General Manager Community and Business – M Lock
General Manager Strategy and Corporate – P Jackson

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 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

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 – Mayor A Wilson, Councillor A Bradshaw

5.2 Absent – Councillor W Miller

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****C280223/7348**

That the minutes of the Ordinary Meeting of Council held on 14 February 2023 be taken as read and confirmed.

Moved Councillor Lonie, Seconded Councillor Abley

Carried Unanimously**9. PUBLIC PRESENTATIONS**

9.1 **Petitions** - Nil

9.2 **Presentation** - Nil

9.3 **Deputations** - Nil

10. QUESTIONS BY MEMBERS

10.1 **Without Notice**

10.1.1 Greening of Rail Corridor at Hove

Councillor Fleming asked a question in relation to the greening of the rail corridor at Hove and tree planting on Addison Road.

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

10.1.2 Lawns at Glenelg Foreshore after AsiaFest

Councillor Smedley asked a question in relation to the condition of the lawns at Glenelg foreshore after events.

General Manager, Assets and Delivery provided a response.

10.1.3 Recycling Bins at AsiaFest

Councillor Smedley asked a question in relation to the recycling bins at AsiaFest.

General Manager, Community and Business provided a response.

10.1.4 Works at Corner of Moseley Street and Broadway

Councillor Smedley asked a question in relation to the works by SA Water at the corner of Moseley Street and Broadway.

General Manager, Assets and Delivery provided a response.

10.1.5 Brighton Railway Station

Councillor Snewin asked a question in relation to the condition of the Brighton Railway Station.

General Manager, Assets and Delivery provided a response.

10.1.5 Patawilya Reserve

Councillor Patton asked a question in relation to the works currently undertaken at Patawilya Reserve.

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

10.2 With Notice**10.2.1 New Year's Eve – Councillor Fleming (Report No: 57/23)**

Councillor Fleming asked the following questions:

1. "What was the State Government financial contribution received for the New Year's Eve celebrations delivered by Council in 2022?"
2. What was Council's expenditure for the New Year's Eve celebrations delivered in 2022?"
3. If Council were to match only the 2022 State Government contribution for the 2023 New Year's event, what could be delivered for the reduced funding?"

ANSWER – Manager, City Activation

1. Council received \$25,000 as the State Government's financial contribution from the Department of Premier and Cabinet in 2022 for the New Year's Eve celebration.
2. In order to deliver the event, Council's total expenditure was \$290,000, which can be broken down as follows:
 - \$110,000 public safety, which includes expenditure on security guards, additional toilets, safety lighting, fencing and St John triage facility and staff.

- \$74, 000 entertainment including musicians and fireworks.
- \$72,000 on staging, which includes stage set up, AV, green room, event power.
- \$30,000 on staffing which includes Depot overtime (implementing and supervising road closures) and stage manager.
- \$4,000 on miscellaneous expenditure which includes event signage, etc.

In addition, Council received \$10,000 in sponsorship for the event totalling income received at \$35,000, thus the net position for the event was \$255,811.

3. If Council were to match only the 2022 State Government contribution for the 2023 New Year's event, this would result in a total reduction of budget to deliver the event of \$25,000 (State Government) + \$25,000 (Council Construction) equalling a total of \$50,000. This would not be sufficient to deliver the necessary public safety measures to a satisfactory level. Security contractor costs alone exceeded \$40,000, and this does not include costs of road closure, Depot overtime, first aid, additional toilets or safety lighting.

11. MEMBER'S ACTIVITY REPORTS - Nil

12. MOTIONS ON NOTICE

Item Withdrawn

At the request of Councillor Smedley prior to the meeting, Item 12.1 **Motion on Notice – Pedestrian Safety and Traffic Calming Measures – Councillor Smedley** (Report No: 58/23) was withdrawn from the Council Agenda.

12.2 Expansion of Existing Glenelg Dry Area – Councillor Patton (Report No: 30/23)

Motion

C280223/7349

That Council Administration bring back a report to Council on the considerations of extending the current Glenelg Dry Area to align with the boundaries of the New Year's Eve Extended Dry Areas.

Moved Councillor Patton, Seconded Councillor Abley

Carried Unanimously

13. ADJOURNED MATTERS - Nil

14. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES - Nil

15. REPORTS BY OFFICERS**15.1 Items in Brief (Report No: 48/23)**

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**C280223/7350**

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

- 1. National Epilepsy Awareness Day “Purple Day” 26 March 2023**
- 2. Brighton Jetty Classic**
- 3. Changes to Road Traffic Act Statutory Declaration Process for Alleged Parking Offences**
- 4. FOGO Update**
- 5. Nominations for the Freight and Supply Chain Strategy Consultative Committee**
- 6. Glenelg Town Hall commercial pop-up businesses**

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

15.2 Monthly Financial Report – 31 January 2023 (Report No: 64/23)

Attached were financial reports as at 31 January 2023. They comprise a Funds Statement and a Capital Expenditure Report for Council’s Municipal activities and Alwyndor Aged Care. The adjusted forecast budget included the carried forward amount as approved by Council 23 August 2022 and the two quarterly budget updates approved by Council 25 October 2022 and 14 February 2023.

No changes to Alwyndor and Municipal budgets are recommended at this time, but the report highlights items that showed a material variance from the YTD budget.

Motion**C280223/7351**

That Council receives the financial reports and budget update for the 7 months to 31 January 2023 and notes:

- no change to the Municipal activities 2022/23 revised budget forecast;**
- no change to the Alwyndor Aged Care 2022/23 revised budget forecast.**

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

15.3 Proposed EPA PFAS Guidelines (Report No: 55/23)

Per- and poly-fluoroalkyl substances, known as PFAS, are manufactured chemicals that have been used in a range of industrial and consumer products since the 1950s. They are of concern around the world because they are not broken down in the environment and can bioaccumulate in food and travel through groundwater.

The Environment Protection Authority SA has proposed guidelines for site suitability and the re-use of PFAS-contaminated waste soils and have invited key stakeholders to provide feedback on the draft guidelines. Administration is supportive of the guidelines.

Motion**C280223/7352**

That Council endorses the proposed draft response to the Environment Protection Authority SA.

Moved Councillor Abley, Seconded Councillor Lonie

Carried Unanimously**15.4 Single Use Plastics – Proposed 2023 Amendments (Report No: 54/23)**

The South Australian Government has proposed to ban an additional four single-use plastic products by 1 September 2023. Green Industries SA have invited key stakeholders to provide feedback on the draft regulations.

Motion**C280223/7353**

That Council endorses the proposed draft letter response to Green Industries SA.

Moved Councillor Lonie, Seconded Councillor Smedley

Carried Unanimously**15.5 Proposed Changes to the *Local Nuisance and Litter Control Act 2016* and Variation Regulations (Report No: 63/23)**

The report sought that Council notes the feedback provided to the Environment Protection Authority regarding their proposed changes to the *Local Nuisance and Litter Control Act 2016* and Variation Regulations. The changes include:

- Amendments to streamline a number of existing provisions of the Act.
- Clarification on how abandoned trolleys can be managed using the Act.
- More expiations for offences and new offence provisions.
- Duty for business owners to minimise litter.
- Clarification that the Act does not apply to nuisance associated with the service of alcohol.

Motion**C280223/7354**

That Council notes the feedback to the Environment Protection Authority regarding their proposed changes to the *Local Nuisance and Litter Control Act 2016* and Variation Regulations.

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

15.6 Brighton Jetty Sculptures (Report No: 62/23)

Brighton Jetty Sculptures is a major fundraising event for the Brighton Surf Life Saving Club and is planned, managed and run by a small volunteer committee. This year the Brighton Jetty Sculptures Festival was held 18 – 29 January 2023, attracting more than 120,000 people.

Motion**C280223/7355****That Council:**

- 1. Notes this report; and**
- 2. Consider a capital budget allocation of \$20,000 annually through the Annual Business Plan process for potential public art acquisitions, subject to recommendations by the selection panel and alignment with the Public Art Policy and the Creative Holdfast Arts and Culture Strategy 2019-2024.**

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

15.7 Glenelg Football Club SANFL Tickets (Report No: 51/23)

The City of Holdfast Bay is the owner of the Glenelg Oval. Council has a lease agreement with the Glenelg Football Club. A special condition within the lease is the provision to Council of 40 game admission tickets. These tickets are allocated across Elected Members, Volunteers and Staff.

It was proposed that Council continues the current arrangement with the Glenelg Football Club.

Motion**C280223/7356****That Council:**

- 1. endorses the Glenelg Football Club SANFL Tickets policy;**
- 2. continues the current arrangement for the allocation of admission tickets for the term of this Council; and**
- 3. continues the current arrangement for the inclusion of a food voucher with each admission ticket for the term of this Council.**

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

15.8 **Attendance at National General Assembly 2023** (Report No: 56/23)

Each year, the Australian Local Government Association (ALGA) holds a National General Assembly (NGA) in Canberra where councils from around Australia can discuss current and emerging challenges and opportunities, and advocate to the Federal Government on critical issues facing the sector.

The next Assembly will be held on 13 - 16 June 2023 at the National Convention Centre in Canberra. The theme for this year's NGA is "Our Communities, Our Future".

Registrations are now open, with early bird registrations closing on 19 May 2023. The Mayor and one Elected Member (or two Elected Members in the absence of the Mayor) may attend the ALGA each year, with the understanding that different members will attend in different years, pursuant to Council's Elected Member Training and Development Policy.

Nomination

The Deputy Mayor called for nominations.

Mayor Wilson and Councillor Kane nominated themselves as delegates.

Conflict of Interest

Councillor Kane declared a material conflict of interest for Item 15.8 **Attendance at National General Assembly 2023** (Report No: 56/23). The nature of the material conflict of interest was that she nominated for the position.

Councillor Kane dealt with the material conflict of interest by making it known to the meeting and leaving the chamber at 7.33pm.

Motion

C280223/7357

- 1. That Council approves the attendance of Mayor Wilson and Councillor Kane at the National General Assembly from 13 – 16 June 2023, in accordance with Council's 'Elected Member Training and Development Policy'.**
- 2. That both Elected Members attending the National General Assembly 2022 present a written report back to Council.**
- 3. That Mayor Wilson be Council's voting delegate at the National General Assembly 2023.**

Moved Councillor Lonie, Seconded Councillor Fleming

Carried Unanimously

Councillor Kane re-joined the chamber at 7.34pm.

15.9 **Appointment of Behavioural Standards Panel Contact Officer** (Report No: 47/23)

The report sought that Council appoints a person as the Contact Officer for matters referred to the Behavioural Standards Panel. The Contact Person will be responsible for the provision of information to and receipt of notice from the Behavioural Standards Panel.

Motion

C280223/7358

It is recommended that:

- 1. the report be received; and**
- 2. Ms Ania Karzek, Manager Strategy and Governance be appointed as the Behavioural Standards Panel Contact Officer.**

Moved Councillor Snewin, Seconded Councillor Lonie

Carried Unanimously

15.10 **Acting Arrangements in the Absence of Chief Executive Officer** (Report No: 50/23)

Pursuant to Section 102(b) of the *Local Government Act 1999* and following consultation with Council, the Chief Executive Officer can appoint a suitable person to act in the position of Chief Executive Officer in their absence.

On a number of occasions since 2011, various General Managers have acted as the Chief Executive Officer and this arrangement has proven to be practical and effective.

It was proposed that Michael de Heus in his capacity as a General Manager, is endorsed by Council to act in the absence of the Chief Executive Officer at any time.

Motion

C280223/7359

That Michael de Heus be endorsed by Council to act in the position of Chief Executive Officer.

Moved Councillor Abley, Seconded Councillor Kane

Carried Unanimously

15.11 **Review of Items Held in Confidence** (Report No: 49/23)

An extensive review of all items held in confidence is being undertaken, in stages, under Section 90(3) of the *Local Government Act 1999*.

The Confidential Items Review considers the nature of the information contained within the confidential items, the grounds on which it was originally held in confidence and the length of time the information can be kept confidential. Each item is reviewed individually, resulting in a determination as to whether the confidentiality order for each item is still current under the Act.

This report recommended that 25 Confidential Items (reports and/or attachments and/or minutes) be released from confidence and 24 Confidential Items reviewed at this time should be retained in confidence.

Motion

C280223/7360

That Council approves:

1. the Confidential Items presented as Attachment 1 to this report be released from confidence; and
2. the Confidential Items presented as Attachment 2 to this report be retained in confidence and included in future stages of the Confidential Items Review.

Moved Councillor Lonie, Seconded Councillor Abley

Carried Unanimously

16. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil

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

Councillor Snewin sought leave of the meeting to make a statement to the chamber.

18. ITEMS IN CONFIDENCE

18.1 Electric Vehicle Charging (Report No: 52/23)

Conflict of Interest

Councillor Fleming declared a general conflict of interest for Item 18.1 **Electric Vehicle Charging** (Report No: 52/23). The nature of the general conflict of interest was that she is a member of the Council Assessment Panel.

Councillor Fleming dealt with the general conflict of interest by making it known to the meeting and leaving the chamber at 7.38pm.

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

C280223/7361

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: 52/23 Electric Vehicle Charging 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: 52/23 Electric Vehicle Charging 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, in that it would reveal commercial information belonging to the supplier.

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 Abley, Seconded Councillor Kane **Carried Unanimously**

RETAIN IN CONFIDENCE - Section 91(7) Order **C280223/7362**

That having considered Agenda Item 18.1 Electric Vehicle Charging 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 minutes be retained until the licence has been signed by both parties and the report and attachments be retained in confidence for a period of five years and/or the Chief Executive Officer is authorised to release the documents when the expiration of the first term of the licence is reached and that this order be reviewed every 12 months..

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

Councillor Fleming re-joined the chamber at 7.46pm.

18.2 **Council Assessment Panel Appointments (Report No: 60/23)**

Motion – Exclusion of the Public – Section 90(3)(a) Order **C280223/7363**

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: 60/23 Council Assessment Panel Appointments 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: 60/23 Council Assessment Panel Appointments 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 personal information of a confidential nature the disclosure of which could reasonably be expected to involve the unreasonable disclosure of information concerning the personal affairs of any person.

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 Patton **Carried Unanimously**

RETAIN IN CONFIDENCE - Section 91(7) Order **C280223/7364**

That having considered Agenda Item 18.2 Council Assessment Panel Appointments 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 five years, that the minutes be retained in confidence until the appointments have been made and confirmed by all applicants, and the Chief Executive Officer is delegated the authority to revoke the order in so far as it applies to the report and attachments that this order otherwise be reviewed every 12 months.

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

18.3 **Glenelg Football Club – Naming Rights Agreement (Report No: 70/23)**

Motion – Exclusion of the Public – Section 90(3)(b & d) Order **C280223/7365**

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: 70/23 Glenelg Football Club – Naming Rights Agreement 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: 70/23 Glenelg Football Club – Naming Rights Agreement 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 Fleming, Seconded Councillor Lonie

Carried Fleming

Conflict of Interest

Councillor Snewin declared a material conflict of interest for Item 18.3 **Glenelg Football Club – Naming Rights Agreement** (Report No: 70/23). The nature of the material conflict of interest was that he is the sponsorship and fundraising Chairman at the Glenelg District Cricket Club who will receive funds for signage on their building as a result of this naming rights agreement.

Councillor Snewin dealt with the material conflict of interest by making it known to the meeting and leaving the chamber at 7.50pm.

RETAIN IN CONFIDENCE - Section 91(7)

C280223/7366

That having considered Agenda Item 18.3, Glenelg Football Club – Naming Rights Agreement in confidence under section 90(2) and (3)(b)&(d) 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 12 months, and that this order be reviewed every 12 months thereafter.

Moved Councillor Smedley, Seconded Councillor Patton

Carried Unanimously

Councillor Snewin re-joined the chamber at 7.53pm.

CLOSURE

The Meeting closed at 7.55 pm.

CONFIRMED 14 March 2023

MAYOR