



Minutes of the Ordinary Meeting of Council Held in the Council Chamber, Glenelg Town Hall on Tuesday 12 November 2024 at 7.00pm

MEMBERS PRESENT

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

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 7.01pm.

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 - Councillor A Venning

5.2 Absent - Mayor A Wilson (Approved 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

C121124/7924

That the minutes of the Ordinary Meeting of Council held on 22 October 2024 be taken as read and confirmed.

Moved Councillor Miller, Seconded Councillor Smedley

Carried Unanimously

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 **Christmas Decorations in front of Brighton Civic Centre**

Councillor Fleming asked a question in relation to the lights in the boat at the front of the Brighton Civic Centre.

The General Manager, Assets and Delivery provided a response.

10.1.2 **Patawalonga Frontage toilets**

Councillor Patton asked a question in relation to proposed toilets on the Patawalonga Frontage.

The Acting Chief Executive Officer provided a response.

10.1.3 **Seacliff Amenities building**

Councillor Fleming asked a question in relation to the official opening of the new Seacliff Amenities building.

The Acting Chief Executive Officer provided a response.

10.2 **On Notice**

10.2.1 **Rate Capping – Councillor Bradshaw (Report No: 372/24)**

Councillor Bradshaw asked the following question:

“Following the Rates Update in Items in Brief 15.1 on 24 September which stated 27% of rate capping applications were successful, could you provide further information on why this is the case and how Council decides on the percentage of the rate cap?”

ANSWER – GENERAL MANAGER, STRATEGY AND CORPORATE

Pursuant to section 153 (3) and (4) of the *Local Government Act 1999*, Council declares a residential rate cap percentage on an annual basis with their adoption of that year's Rates Declaration report. The Rates cap percentage gives consideration to significant changes in market forces. In the last couple of years the increase from 6% to 10% was attributed to the need to keep pace with the increase in property values, to align with the overall rate revenue increase and the higher rate cap percentage of other councils (some are at 12.5%).

Council's rate capping conditions are included in the Rating Policy. Rate capping for residential properties (subject to certain criteria) recognises that in some circumstances residents have no control over increases in property valuations. Where a significant valuation increase is the result of market forces and not as a result of changing, improving or purchasing the property, the rates levied as a result of that valuation increase can be capped at a level that minimises the impact to a reasonable level.

The residential rate cap does not apply if any of the following conditions arise:

- Improvements are made to the property in excess of \$50,000 in the previous two financial years; or
- Changes in land use, wholly or partially, or
- Changes in zoning, or
- The ownership of the rateable property has changed since 1 July of the previous year, or
- The property is no longer the principal place of residence.

In line with the Rating Policy, ratepayers need to apply for the rebate by lodging the appropriate form. The Rates cap application process is published on council's website, on the Rates notice and in the Rating Policy. A Council review of all rate increases with a letter sent to all owner occupiers who have had an increase in rates greater than the adopted rate cap is not possible at this time as this would result in a significant administrative burden and associated cost.

In a report to Council on 24 September 2024 (311 – Items in Brief: Rates Updated 2024) it was noted that 73% of residential rate capping applications received were unsuccessful as they did not meet the eligibility requirements outlined above. In the majority of applications received, the general residential rate had not increased by more than the adopted 10% residential rate capping. A small number of the applications were for properties that were not the principal place of residence or had a change in land use from vacant land to residential.

Of the 44 successful applicants processed in this current financial year, repayments due to rate capping ranged from \$2-\$199.20 with half below \$100. Council sets aside an allocation for repayments for rate capping applications.

Council is currently not able to automatically apply the residential rate capping assessment to all residential properties due to the difficulties in accurately determining the eligibility criteria and integrating data from the SA Government Planning Portal with the Council data set. If Council chose to change its policy regarding applying rate capping across all eligible ratepayers there would need to be a significant investment in the development of an automated system.

11. MEMBER'S ACTIVITY REPORTS - Nil

12. MOTIONS ON NOTICE

12.1 Motion on Notice – Fairy Lights Jetty Road Brighton - Councillor Fleming
(Report No: 365/24)

Motion

C121124/7925

- 1. That Administration investigate the cost and feasibility of installing fairy lights in the trees along both sides of Jetty Road, Brighton, from Elm Street and Gurrs Road to the Esplanade, specifically for the Christmas season**
- 2. That a report on the findings be presented to Council by the end of November 2024.**

Moved Councillor Fleming, Seconded Councillor Snewin

Carried

13. ADJOURNED MATTERS - Nil

14. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES - Nil

15. REPORTS BY OFFICERS

15.1 Items in Brief (Report No: 371/24)

These items were presented for the information of Members.

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

Motion

C121124/7926

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

1. **Glenelg Ice Cream Festival wins a Silver Medal at the 2024 South Australian Tourism Awards**
2. **Baby's Day Out**

Moved Councillor Lindop, Seconded Councillor Kane

Carried

15.2 **Budget and Annual Business Plan Update – as at 30 September 2024**
(Report No: 380/24)

This report covered the first update of Council's 2024-25 budget conducted as at 30 September 2024.

A comprehensive review of municipal budgets has increased the forecast operating surplus by \$113,002 to a forecast surplus of \$916,558. Major favourable variances accounted for include additional revenue received through the Supplementary Road Grant program offset by an increase in Technology One SaaS fees.

Capital expenditure has increased by \$1,437,000 due to several grant-funded projects including Tarlton Street stormwater upgrades and the Special Local Roads Program and additional project funding required to complete the Somerton Park Tennis Club upgrade. This has been offset by an increase in capital revenue of \$1,323,000.

There are currently no changes to the revised budget forecast for Alwyndor.

Motion

C121124/7927

That Council:

1. **notes the first 2024-25 budget update for Council's municipal operations including:**
 - (a) **a movement in the forecast operating result for 2024-25 of \$113,002 from a surplus of \$803,556; to a surplus of \$916,558;**
 - (b) **an increase in forecast capital expenditure of \$1.437 million from \$39.283 million to \$40.720 million;**
 - (c) **an increase in forecast capital revenue of \$1.323 million from \$3.207 million to \$4.530 million;**
 - (d) **a decrease in forecast net financial liabilities of \$499,000 at 30 June 2025 from \$48.889 million to \$48.390 million;**

2. notes there is no change to the 2024-25 revised budget forecast for Alwyndor operations; and
3. notes the Annual Business Plan quarterly update for September 2024.

Moved Councillor Smedley, Seconded Councillor Snewin

Carried

15.3 **Strategic Plan Review** (Report No: 375/24)

Section 122(4)(b) of the *Local Government Act 1999* (the Act) requires that Council “undertake a comprehensive review of its strategic management plans within two years after each general election of the council”.

Pursuant to section 126 (4) (b) of the Act, the “functions of a council audit and risk committee include...proposing, and providing information relevant to, a review of the council's strategic management plans.” To this end the Audit and Risk Committee considered this review at its meeting on 16 October.

As the last general election was in November 2022, a review must be completed before the end of November 2024. The Audit and Risk Committee were invited to provide any comments or input to the review, at their meeting of 16 October 2024.

A Strategic Plan Review Report has been completed and makes recommendations regarding an update to Council’s Strategic Plan *Our Holdfast 2050+*.

Motion

C121124/7928

That Council:

1. notes the Strategic Plan Review Report which includes items raised by the Audit and Risk Committee which appears as Attachment 1;
2. notes the results of the Strategic Plan Review consultation which appear in Attachment 3;
3. approves the recommendations in the Strategic Plan Review Report noting that an updated version of *Our Holdfast 2050+* will be presented to Council for final adoption; and
4. formally declares that the Strategic Plan, Asset Management Policy, Asset Management Strategy and associated Plans and Long Term Financial Plan make up the strategic management plans of the Council as described in section 122(8) of the *Local Government Act 1999*.

Moved Councillor Miller, Seconded Councillor Bradshaw

Carried Unanimously

15.4 **Glenelg Primary School Oval Licence** (Report No: 376/24)

Glenelg Primary School is a longstanding co-tenant of Glenelg Oval, where the Oval provides its students with access to play space, enables the school to hold special events such as sports days and end of year concerts, as well as utilising the car park for school drop off and pick up. The current licence between the City of Holdfast Bay and Minister for Education, Training and Skills has expired, and this report sought Council's consent to enter into a new agreement to allow the school continued access to Glenelg Oval for a further five years.

Motion

C121124/7929

- 1. That Council enters into a new Licence Agreement with the Minister for Education, Training and Skills for a term of five years commencing 1 July 2024 over a portion of the land contained within Certificate of Title Volume 5869 Folio 949 (Glenelg Oval).**
- 2. That a commencing annual licence fee of \$6,000 (plus GST) be charged to the Licensee for the portion of Glenelg Oval.**
- 3. That the Deputy Mayor and Acting Chief Executive Officer be authorised to execute and seal any documents required to give effect to the licence for a portion of Glenelg Oval provided as Attachment 1 to this report.**

Moved Councillor Abley, Seconded Councillor Snewin

Carried Unanimously

15.5 **Appointment of Deputy Mayor** (Report No: 374/24)

The *Local Government Act 1999* section 51(3) provides that Council may, if it chooses, appoint a Deputy Mayor from one of their Council members, for a term not exceeding four years.

Council has previously made appointments of Deputy Mayor for a term of one year. It is Council's prerogative to determine another term if it chooses.

In the absence of the Mayor, a Deputy Mayor may act in the office of Mayor.

Motion

That Councillor _____ be appointed as Deputy Mayor for a period of one year, from 1 December 2024 to 30 November 2025.

Adjournment

C121124/7930

That the Council defers the vote for the Deputy Mayor position until the next Council meeting on the 26th of November after the outcome of the Mayor's candidacy for the State seat is determined.

Moved Councillor Lindop, Seconded Councillor Bradshaw

Carried

Division Called

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

Those voting for: Councillors Patton, Kane, Abley, Lindop, Bradshaw, O'Donohue, Smedley (7)

Those voting against: Councillors Snewin, Fleming, Miller (3)

The Deputy Mayor declared the motion

Carried

15.6 Appointment to the Public Art Acquisition Selection Panel (Report No: 378/24)

Each year, a Public Art Acquisition Selection Panel is assembled to consider potential acquisitions to Council's public art collection, making recommendations to Council regarding suitable works. The role of this panel includes, but is not limited to, the selection of a work from the annual Brighton Jetty Sculptures event.

In accordance with Council policy, an Elected Member must be included on the Selection Panel. Administration sought Council's appointment of their representative on the 2025 panel.

Motion

C121124/7931

That Councillor Miller be appointed to the Public Art Selection Panel for 2025.

Moved Councillor Bradshaw, Seconded Councillor O'Donohue

Carried

15.7 Nominations – West Beach Trust Board (Report No: 373/24)

The Hon Nick Champion, Minister for Planning has written to Council advising that the term of appointment for Councillor Abley on the West Beach Trust (the Trust) expires on 28 February 2025.

It is required that the City of Holdfast Bay provide a panel of three proposed nominees to represent the City of Holdfast Bay on the Trust pursuant to Section 7 of the *West Beach Reserve Act 1987* (the Act) by 13 December 2024. Nominated persons need not be members or employees of the council.

The proposed nomination must include at least one male and female as per the Act. The Act also requires that the nominees must have knowledge of, and experience in business or management, tourism, accounting and finance, environmental protection and management, operation of regional recreational facilities or government. Council can re-nominate the existing member.

Motion

C121124/7932

That Council nominates Councillors Snewin, Smedley and Abley to the Hon Nick Champion MP for consideration for appointment to the West Beach Trust.

Conflict of Interest

Councillor Snewin declared a material conflict of interest for Item 15.7 (Report No: 373/24). The nature of the material conflict of interest (pursuant to Section 73 and 74 of the *Local Government Act 1999* was that he was nominating for a paid position.

Councillor Snewin dealt with the material conflict of interest by leaving the meeting at 7.43pm.

Councillor Smedley declared a material conflict of interest for Item 15.7 (Report No: 373/24). The nature of the material conflict of interest (pursuant to Section 73 and 74 of the *Local Government Act 1999* was that he was nominating for a paid position.

Councillor Smedley dealt with the material conflict of interest by leaving the meeting at 7.43pm.

Councillor Abley declared a material conflict of interest for Item 15.7 (Report No: 373/24). The nature of the material conflict of interest (pursuant to Section 73 and 74 of the *Local Government Act 1999* was that she was nominating for a paid position.

Councillor Abley dealt with the material conflict of interest by leaving the meeting at 7.43pm.

Moved Councillor Miller, Seconded Councillor O'Donohue

Carried

Councillors Snewin, Smedley and Abley re-joined the meeting at 7.44pm

15.8 Update on Adelaide Coastal Councils Network (Report No: 370/24)

This report provided an overview and update of the achievements of the newly formed Adelaide Coastal Councils Network (ACCN) from when the Executive Officer started on 20 January 2023 to 30 June 2024 (noting that the Executive Officer position was vacant for 20 weeks in the second half of 2023), and to serve as the first Annual Report to ACCN members.

Motion

C121124/7933

That Council notes the Adelaide Coastal Councils Network Progress Report 2023-24 and new Strategic Plan 2024 – 2026.

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

15.9 **Western Adelaide Tourism Alliance - Tourism Destination Action Plan 2024**
(Report No: 383/24)

The Western Adelaide Tourism Alliance (WATA) Tourism Destination Action Plan 2024 (TDAP 2024) was adopted by all four participating councils (Cities of Holdfast Bay, Charles Sturt, West Torrens and Port Adelaide Enfield) in April 2023.

The vision for the TDAP 2024 is to position the Western Adelaide region as a must-visit destination for all visitors travelling to Adelaide and South Australia. The primary goal is to capitalise on increasing visitation, economic growth and sustainable tourism jobs within the region. This report outlined the outcomes and achievements over 2023-24.

Motion

C121124/7934

That Council notes this report.

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

16. **RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil**

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

17.1 **Letter of congratulations**

Motion

C121124/7935

That a letter of congratulations be written to Alwyndor Food Services Manager, Linda James, for being awarded the National *Values in Action* Award and the Rosemary Anne Pirie OAM Award by the Institute of Hospitality in HealthCare.

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

17.2 **Letter of condolence**

C121124/7936

Motion

That a letter of condolence be sent to the chef of the Broadway Kiosk on the recent loss of family.

Moved Councillor Bradshaw, Moved Councillor Abley **Carried**

18. ITEMS IN CONFIDENCE

18.1 Event Activation (Report No: 379/24)

Motion - Exclusion of the Public – Section 90(3)(b) Order C121124/7937

- 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: 379/24 Event Activations 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: 379/24 Event Activations 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 Snewin, Seconded Councillor Kane

Carried

Motion - RETAIN IN CONFIDENCE – Section 91(7) Order C121124/7938

That having considered Agenda Item 18.1, Report No: 379/24 Event Activation 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 12 months and/or the Chief Executive Officer is authorised to release the

documents when each event is publicly announced and that this order be reviewed every 12 months.

Moved Councillor Abley, Seconded Councillor Miller Carried Unanimously

18.2 **Beach Activation** (Report No: 377/24)

Motion - Exclusion of the Public – Section 90(3)(d) and (k) Order C121124/7939

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: 377/24 Beach Activation 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: 377/24 Beach Activation Agreement 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.
 - 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 provision of services or carrying out of works.
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 Patton, Seconded Councillor Kane Carried



Motion - RETAIN IN CONFIDENCE – Section 91(7) Order

C121124/7940

That having considered Agenda Item 18.2 377/24 Beach Activation Agreement in confidence under section 90(2) and (3)(d) and (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 12 months 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 cleaning services must be released once the contract has been entered into by all concerned parties.

Moved Councillor Patton, Seconded Councillor Smedley

Carried unanimously

CLOSURE

The Meeting closed at 7.59pm.

CONFIRMED

26 November 2024

DEPUTY MAYOR