



Minutes of the Ordinary Meeting of Council Held in the Council Chamber, Glenelg Town Hall on 14 May 2024 at 7.00pm

MEMBERS PRESENT

Mayor A Wilson
Councillor R Abley
Councillor A Bradshaw
Councillor J Fleming
Councillor A Kane
Councillor C Lindop
Councillor W Miller
Councillor M O'Donohue
Councillor R Snewin
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

1. OPENING

Her Worship the Mayor declared the meeting open at 7.00pm.

2. KAURNA ACKNOWLEDGEMENT

With the opening of the meeting Her Worship the Mayor stated:

We acknowledge Kurna people as the traditional owners and custodians of this land.

We respect their spiritual relationship with country that has developed over thousands of years, and the cultural heritage and beliefs that remain important to Kurna People today.

3. SERVICE TO COUNTRY ACKNOWLEDGEMENT

The City of Holdfast Bay would like to acknowledge all personnel who have served in the Australian forces and services, including volunteers, for our country.

4. PRAYER

Her Worship the Mayor requested all present to pray and read the following Prayer:

Heavenly Father, we pray for your presence and guidance at our Council Meeting.

Grant us your wisdom and protect our integrity as we carry out the powers and responsibilities entrusted to us on behalf of the community that we serve.

5. APOLOGIES

5.1 Apologies Received – Councillor S Lonie, Councillor B Patton

5.2 Absent – Councillor J Smedley (Approved Leave of Absence)

Acknowledgement

Her Worship the Mayor advised the chamber that the City of Holdfast Bay won the Excellence in Community Partnerships and Collaboration Award for *Signal Fires Team – Signal Fires: A revival of Culture* at the Local Government Annual Leadership Excellence Awards ceremony held 10 May 2024 and council were finalists in the Excellence in Infrastructure Delivery Award for *Engineering Team – Pine Gully Restoration* and Excellence in Environmental Leadership and Sustainability Award for *Waste Management Team – Council-wide Implementation of Weekly FOGO*. The Mayor, on behalf of the Chamber congratulated the staff for all their efforts.

Conflict of Interest

Councillor Fleming declared a general conflict of interest for Item 6 - **Annual Business Plan Consultation** (pursuant to sections 74 and 75A of the *Local Government Act 1999*), on the basis that she is a member of the Council Assessment Panel which may consider items referred to the Panel.

Councillor Fleming dealt with the general conflict of interest by making it known to the meeting and leaving the chamber at 7.03pm.

6. ANNUAL BUSINESS PLAN CONSULTATION

Under section 123(4)(a)(i)(b) of the *Local Government Act 1999*, Council provided a period of at least one hour for members of the public to ask questions and make a submission in relation to the draft 2024-25 Annual Business Plan and Budget.

Her Worship the Mayor asked if anyone in the gallery would like to make a submission on the draft 2024-25 Annual Business Plan and Budget.

Her Worship the Mayor received the following submissions:

- 6.1 Mr Ken Daly on behalf of the Holdfast Bay Residents Alliance
- 6.2 Mr Maurice Dunstall on behalf of the Holdfast Bay Residents Alliance
- 6.3 Mr Ian Young on behalf of the 5049 Community Association
- 6.4 Mr Andrew Taplin

The agenda item was suspended to later in the meeting to allow for further presentations to be made if the public arrived.

Councillor Fleming re-joined the Chamber at 7.29pm.

7. ITEMS PRESENTED TO COUNCIL - Nil

8. DECLARATION OF INTEREST

Members were reminded to declare their interest before each item.

9. CONFIRMATION OF MINUTES

Motion

C140524/7752

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

Moved Councillor Miller, Seconded Councillor Abley

Carried Unanimously

10. PUBLIC PRESENTATIONS

10.1 Petitions

10.1.1 **Petition – Movement and Transport Plan 2024-2028** (Report No: 136/24)

A petition has been received from Mr Maurice Dunstall, President Holdfast Bay Residents Alliance

The petition states as follows:

“We the undersigned clearly reject the introduction of a blanket 40km/h speed limit across the Holdfast Bay area as proposed in Section 4.1 of the Draft Movement and Transport Plan 2024/28 noted as ‘work with State Government to implement a 40km/h area speed limit’.”

Motion

C140524/7753

- 1. That the petition be received by Council.**
- 2. That Council notes the petition from Mr Dunstall regarding the rejection of the introduction of a blanket 40km/h speed limit across the whole of Holdfast Bay area.**

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

10.2 **Presentations - Nil**

10.3 **Deputations - Nil**

11. QUESTIONS BY MEMBERS

11.1 Without Notice

11.1.1 Newly installed sculpture - Seacliff foreshore

Councillor Lindop asked a question in relation to the newly installed sculpture along Seacliff foreshore.

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

11.1.2 Rotunda Roof

Councillor Miller asked a question in relation to the new roof on the Rotunda.

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

11.2 On Notice

11.2.1 Ownership of the Brighton Beachfront Holiday Park – Councillor Bradshaw (Report No: 141/24)

Councillor Bradshaw asked the following question:

“Can Administration please confirm the status on the ownership or otherwise of the Brighton Beachfront Holiday Park?”

If it’s a Leasehold situation between Council and the State Government as I’ve been told, please supply a copy of any Lease in this response.”

ANSWER – MANAGER, DEVELOPMENT SERVICES

The land containing the Brighton Beachfront Holiday Park is held in trust (i.e. not a lease) to the former City of Brighton and now the City of Holdfast Bay (the Council) and dedicated for amusement and recreation purposes pursuant to the Crown Lands Act 1929 by way of a Governor’s decree. The land is effectively dedicated to the Council as a custodian in perpetuity for the specified purpose until such time as the Governor declares that it be released from trust.

The land was later assigned Community Land status in 2007 pursuant to the *Local Government Act 1999*. A copy of the Certificate of Title indicating the existence of the trust in the Schedule of Endorsements, and a copy of the gazette notice declaring Community Land status are provided.

Refer 14 May 2024 Council Agenda for attachments

12. MEMBER’S ACTIVITY REPORTS - Nil

13. MOTIONS ON NOTICE

13.1 Motion on Notice – Leave of Absence - Councillor Lonie (Report No: 132/24)

Motion

C140524/7754

That Council grant Councillor Susan Lonie a Leave of Absence from Council for the period 15 May to 27 May 2024.

Moved Councillor Miller, Seconded Councillor Snewin

Carried Unanimously

14. ADJOURNED MATTERS - Nil

15. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES

15.1 Minutes – Alwyndor Management Committee – 24 April 2024 (Report No: 145/24)

The minutes of the Alwyndor Management Committee meeting held on 24 April 2024 were provided for information.

Motion

C140524/7755

- 1. That the minutes of the Alwyndor Management Committee meeting held on 24 April 2024 be noted.**

RETAIN IN CONFIDENCE - Section 91(7) Order

2. That having considered Attachment 2 to Report No: 145/24 Minutes - Alwyndor Management Committee – 24 April 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 that this order be reviewed every 12 months.

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

15.2 **Minutes – Jetty Road Mainstreet Committee – 1 May 2024** (Report No: 146/24)

The Minutes of the Jetty Road Mainstreet Committee meeting held on 1 May 2024 were presented to Council for information.

Jetty Road Mainstreet Committee Agenda, Report and Minutes are available on council's website and the meetings are open to the public.

Motion

C140524/7756

That Council notes the minutes of the Jetty Road Mainstreet Committee meeting of 1 May 2024

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

15.3 **Minutes – Executive Committee – 7 May 2024** (Report No: 142/24)

The minutes of the meeting of the Executive Committee held 7 May 2024 were presented to Council for information.

Motion

C140524/7757

That Council:

1. notes the minutes of the meeting of the Executive Committee of 7 May 2024; and
2. approves amendments to the position description of the Chief Executive Officer as recommended by the Executive Committee.

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

16. REPORTS BY OFFICERS

16.1 Items in Brief (Report No: 139/24)

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

C140524/7757

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

1. **New Year's Eve Funding Request Letter to the Premier**
2. **Illumination Request - SA State Emergency Services – Wear Orange Wednesday**
3. **Local Government Association – Nominations to the Libraries SA Board Update**

Moved Councillor Abley, Seconded Councillor Lindop

Carried Unanimously

16.2 Budget and Annual Business Plan Update – As at 31 March 2024 (Report No: 140/24)

The report covered the third update of Council's 2023-24 budget conducted as at 31 March 2024.

A comprehensive review of Municipal budgets has increased the forecast operating surplus by \$7,400 to a forecast surplus of \$624,920. Major variances accounted for include additional revenue from car parking fees offset by unfavourable variances in depreciation.

Capital expenditure has increased by \$250,000 mostly to account for additional funding required to complete two existing projects.

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

Motion

C140524/7758

That Council:

1. **notes the third 2023-24 budget update for Council's Municipal operations including:**
 - (a) **a movement in the forecast operating result for 2023-24 of \$7,400 from a surplus of \$617,520; to a surplus of \$624,920;**
 - (b) **an increase in forecast capital expenditure of \$250,000 from \$34.320 million to \$34.570 million;**
 - (c) **an increase in forecast capital revenue of \$30,000 from \$5.647 million to \$5.677 million;**

(d) a decrease in forecast net financial liabilities of \$202,000 at 30 June 2024 from \$39.268 million to \$39.066 million;

2. notes for Alwyndor operations no change to the 2023-24 revised budget forecast; and
3. notes the Annual Business Plan quarterly update for March 2024.

Moved Councillor Snewin, Seconded Councillor Abley

Carried Unanimously

16.3 **Holdfast Bay Community Centre – YMCA Lease Extension** (Report No: 144/24)

The YMCA lease at the Holdfast Bay Community Centre expires on 30 June 2024 with a right of extension for a further year. The report sought Council's endorsement for a one-year extension to the lease between Council and the YMCA at the Holdfast Bay Community Centre.

Motion

C140524/7759

That Council:

1. enters into a Deed of Extension of Lease with the Young Men's Christian Association of South Australia Incorporated over a portion of land contained within Certificate of Title Volume 5933 Folio 501 for a period of one (1) year commencing 1 July 2024; and
2. authorises the Mayor and Chief Executive Officer to execute and seal the Deed required to give effect to the extension.

Moved Councillor Fleming, Seconded Councillor O'Donohue

Carried Unanimously

16.4 **William Kibby VC Veterans Shed Licence** (Report No: 143/24)

The licence held by the William Kibby VC Veterans Association to occupy land for its shed at Kibby Reserve, Glenelg North expires on 30 June 2024. The report sought Council's endorsement for a new five-year licence between Council and the William Kibby VC Veterans Association to continue to occupy land at Kibby Reserve.

Motion

C140524/7760

That Council:

1. enters into a licence agreement with William Kibby VC Veterans Association Incorporated over a portion of land at Kibby Reserve contained within Certificate of Title Volume 5553 Folio 244 for a period of five years commencing 1 July 2024; and
2. authorises the Mayor and Chief Executive Officer to execute and seal any documents required to give effect to the licence.

Moved Councillor Abley, Seconded Councillor O'Donohue

Carried Unanimously

16.5 **Local Government Association Ordinary General Meeting – 23 to 24 May 2024**
(Report No: 91/24)

The Local Government Association SA (LGA) Ordinary General Meeting (OGM) and Conference is being held over two days 23-24 May 2024. The theme for the conference is **Vision 2025: The Future of Local Government**.

Council is required to select a delegate and consider the items on the OGM agenda in order to provide guidance to Council's voting delegate. Suggested voting positions are provided for consideration.

The report sought to appoint an attendee and voting delegate. Normally the Mayor would be the voting delegate, however the Mayor and Deputy Mayor are unavailable to attend.

Motion

C140524/7761

- 1. That the Chief Executive Officer be Council's voting delegate at the Local Government Association Ordinary General Meeting; and**
- 2. That Council notes the voting positions.**

Moved Councillor Abley, Seconded Councillor Kane

Carried Unanimously

16.6 **Stormwater Management Authority – Call for Nominations** (Report No: 137/24)

The Local Government Association (LGA) is seeking nominations for two Local Government representatives to fill two vacancies on the Stormwater Management Authority for a three-year term, until August 2027. Successful candidates must attend six meetings per year held at the Department for Environment and Water in Adelaide.

Nominees should consider the selection criteria of the position as outlined on the Call for Nominations Information Sheet. Nominees can be Elected Members or staff, noting that staff are not paid sitting fees.

Any 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.

Nominations

Her Worship the Mayor called for nominations to the Stormwater Management Authority. The Mayor nominated and provided reasons for the nomination and the Mayor was included in the Council's motion.

Motion

C140524/7762

That Council nominates Mayor Wilson for consideration by the LGA to be nominated for the Stormwater Management Authority.

Moved Councillor Lindop, Seconded Councillor Fleming

Carried Unanimously

16.7 **Adelaide Cemeteries Authority Board – Call for Nominations**
(Report No: 138/24)

The Local Government Association (LGA) is seeking nominations for a Local Government representative to fill one vacancy on the Adelaide Cemeteries Authority Board for a five-year term, until June 2028. Successful candidates must attend 10 meetings per year held at Enfield Memorial Park.

Nominees should consider the selection criteria of the position as outlined on the Call for Nominations Information Sheet. Nominees must be a currently serving Council member, an employee of a council or other local government entity (unless otherwise determined by the LGA Board of Directors).

Any 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.

Nominations

Her Worship the Mayor called for nominations. Councillor Fleming nominated and provided reasons for the nomination. Councillor Fleming was included in the Council's motion.

Conflict of Interest

Councillor Fleming declared a material conflict of interest for Item 16.7 **Adelaide Cemeteries Authority Board – Call for Nominations** (Report No: 1385/24). The nature of the conflict of interest (pursuant to sections 75 and 75A of the *Local Government Act 1999*) was that she nominated for the position and would have a direct financial advantage.

Councillor Fleming dealt with the conflict of interest by making it known to the meeting and leaving the chamber at 7.51pm.

Motion

C140524/7763

That Council nominates Councillor Fleming for consideration by the Local Government Association to be nominated for the Adelaide Cemeteries Authority Board.

Moved Councillor Abley, Seconded Councillor O'Donohue

Carried Unanimously

Councillor Fleming re-joined the chamber at 7.52pm.

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

18. **URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING – Nil**

19. **ITEMS IN CONFIDENCE**

19.1 Car Share (Report No: 115/24)

Motion - Exclusion of the Public – Section 90(3)(d) Order **C140524/7764**

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: 115/24 Car Share.
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: 115/24 Car Share 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, as the proposal is commercial business and data about operations will be discussed.

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

RETAIN IN CONFIDENCE – Section 91(7) Order

C140524/7765

That having considered Agenda Item 19.1 - Car Share 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, attachments and minutes be retained in confidence for the period of tenure and that the Chief Executive Officer is authorised to release the documents when the tenure period expires, and that this order be reviewed every 12 months.

Moved Councillor Venning, Seconded Councillor Lindop

Carried Unanimously

Conflict of Interest

Councillor Snewin declared a general conflict of interest for Item 19.2 - **Glenelg Football Club – New Lease and Licence** (Report No: 118/24) (pursuant to sections 74 and 75A of the *Local Government Act 1999*) on the grounds he is past president of the Glenelg District Cricket Club.

Councillor Snewin dealt with the general conflict of interest by making it known to the meeting and leaving the chamber at 8.09pm.

19.2 **Glenelg Football Club – New Lease and Licence** (Report No: 118/24)

Motion - Exclusion of the Public – Section 90(3)(b) and (d) Order C140524/7766

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: 118/24 Glenelg Football Club Lease and Licence 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: 118/24 Glenelg Football Club Lease and Licence 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 with, in that the disclosure of the rent valuation could prejudice the Glenelg Football Club's current agreement with its sublessee.
 - 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 rent valuation for the premises.

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 Abley

Carried Unanimously

RETAIN IN CONFIDENCE – Section 91(7) Order

C140524/7767

That having considered Agenda Item 19.2 - Glenelg Football Club – New Lease and Licence in confidence under section 90(2) and (3)(b and d) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report, attachments and minutes be retained in confidence for a period of 12 months and/or the Chief Executive Officer is authorised to release the documents when signing and that this order be reviewed every 12 months.

Moved Councillor Abley, Seconded Councillor O’Donohue

Carried Unanimously

The Mayor noted that no additional members of the public had attended the meeting to make a submission to Council and the one hour period had concluded.

CLOSURE

The Meeting closed at 8.28 pm.

CONFIRMED 28 May 2024

MAYOR