



Minutes of the Ordinary Meeting of Council Held in the Kingston Room, Brighton Civic Centre on 24 September 2024 at 7.00pm

MEMBERS PRESENT

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

STAFF IN ATTENDANCE

Acting Chief Executive Officer – P Jackson
Acting General Manager, Assets and Delivery – B Blyth
Acting General Manager, Community and Business – A Hill
General Manager, Strategy and Corporate – S Wachtel
Acting General Manager, Alwyndor – N Stone

1. OPENING

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

2. KAURNA ACKNOWLEDGEMENT

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

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

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

3. SERVICE TO COUNTRY ACKNOWLEDGEMENT

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

4. PRAYER

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

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

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

5. APOLOGIES

5.1 Apologies Received - Councillor J Fleming

5.2 Absent

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

C240924/7877

That the minutes of the Ordinary Meeting of Council held on 10 September 2024 be taken as read and confirmed.

Moved Councillor Lonie, Seconded Councillor Miller

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 **Glenelg North Community Garden Spring Carnival**

Councillor O'Donohue asked a question in relation to promotion of the Glenelg North Community Garden's Spring Carnival.

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

10.1.2 **Security at Margaret Messenger Reserve**

Councillor O'Donohue asked a question in relation to whether security cameras are present at Margaret Messenger Reserve.

The A/Chief Executive Officer took the question on notice.

10.1.3 **Vandalism at Margaret Messenger Reserve**

Councillor O'Donohue asked a question in relation to the obligations of residents reporting observed vandalism.

The A/General Manager, Community and Business provided a response.

10.1.4 **Pageant**

Councillor O'Donohue asked a question in relation to the process for recruiting participants to be in the Pageant.

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

10.1.5 **Art Deco Review**

Councillor Miller asked a question in relation to an update on the Art Deco Review.

The General Manager, Strategy and Corporate provided a response.

10.1.6 **Seacliff Amenities Building**

Councillor Lindop asked a question in relation to progress of the construction.

The A/Chief Executive Officer provided an update.

10.2 **On Notice - Nil**

11. **MEMBER'S ACTIVITY REPORTS - Nil**

12. **MOTIONS ON NOTICE**

12.1 **Motion on Notice – Heritage Marker - Jetty Road Glenelg - Councillor Miller**
(Report No: 314/24)

Motion

C240924/7878

That Administration makes preparations for the installation of an appropriate heritage marker denoting the former Ozone/Wallis Cinema in line with the development of the Transforming Jetty Road Glenelg project.

Moved Councillor Miller, Seconded Councillor Smedley

Carried

13. **ADJOURNED MATTERS - Nil**

14. **REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES**

14.1 **Minutes - Jetty Road Mainstreet Committee – 4 September 2024**
(Report No: 303/24)

The Minutes of the Jetty Road Mainstreet Committee meeting held on 4 September 2024 were attached and presented for Council's information. Jetty Road Mainstreet Committee Agenda, Report and Minutes are available on council's website and the meetings are open to the public.

Motion

C240924/7879

That Council notes the minutes of the Jetty Road Mainstreet Committee of 4 September 2024.

Moved Councillor Kane, Seconded Councillor Abley

Carried Unanimously

14.2 **Public Minutes – Executive Committee – 10 September 2024**

(Report No: 312/24)

The public minutes of the meeting of the Executive Committee held 10 September 2024 were presented to Council for information.

Motion

C240924/7880

That Council notes the public minutes of the meeting of the Executive Committee of 10 September 2024.

Moved Councillor Lonie, Seconded Councillor Patton

Carried Unanimously

14.3 **Minutes - Transforming Jetty Road Committee – 11 September 2024**

(Report No: 313/24)

The minutes of the meeting of the Transforming Jetty Road Committee held 11 September 2024 were presented to Council for information.

Motion

C240924/7881

1. **That Council notes the minutes of the meeting of the Transforming Jetty Road Committee of 11 September 2024.**

RETAIN IN CONFIDENCE - Section 91(7) Order

2. **That having considered Agenda Item 14.3 313/24 – Minutes – Transforming Jetty Road Committee – 11 September 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 for a period of 24 months and that this order be reviewed every 12 months.**

Moved Councillor Kane, Seconded Councillor Lonie

Carried Unanimously

15. REPORTS BY OFFICERS

15.1 Items in Brief (Report No: 311/24)

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

C240924/7882

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

1. Rates Update 2024
2. Correspondence from Sam Telfer MP
3. Too Quirky! Exhibition

Moved Councillor Abley, Seconded Councillor Lindop

Carried Unanimously

15.2 Monthly Financial Report – as at 31 August 2024 (Report No: 315/24)

The financial report for municipal activities to the 31 August 2024 confirms that Council is on target to meet its estimated surplus of \$804,410 in 2024-25. Favourable minor variances indicate a positive financial position for the remainder of the year.

Motion

C240924/7883

That Council receives the financial report for municipal activities for the two months to 31 August 2024.

Moved Councillor Smedley, Seconded Councillor Abley

Carried Unanimously

15.3 Glenelg Winter Arts Festival (Report No: 319/24)

The Glenelg Winter Arts Festival was held on 5-21 July 2024 on Colley Reserve. This is the second year of the festival, and the first year of a three-year agreement with Gluttony Food and Wine Pty Ltd (Gluttony) to deliver the annual event. An estimated 40,714 people attended the Festival, of which 14,356 attended a ticketed event. Audience profiles for the 2024 event were similar to those seen in 2023, although qualitative data showed greater satisfaction overall this year.

Motion

C240924/7884

That the Council notes this report.

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

Conflict of Interest

Councillor Smedley declared a material conflict of interest for Item 15.4 - **Local Government Finance Authority (LGFA) Board of Trustees Elections** (Report No: 310/24). The nature of the material conflict of interest (pursuant to Section 73 and 74 of the *Local Government Act 1999*) was that he would gain financially from the appointment.

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

15.4 **Local Government Finance Authority (LGFA) Board of Trustees Elections**
(Report No: 310/24)

The Council is requested to indicate which two candidates it wishes to be elected to the Local Government Finance Authority Board and the appropriate ballot paper to be marked and forwarded to the LGFA Returning Officer by 5:00pm Friday 11 October 2024.

Short Term Suspension of Meeting Procedures

Her Worship the Mayor with the approval of two-thirds of the members present suspended the meeting procedures pursuant to Regulation 20(1) of the *Local Government (Procedures at Meetings) Regulations 2013* for a period of 10 minutes to allow Elected Members to discuss Item 15.4. Local Government Finance Authority (LGFA) Board of Trustees Elections (Report No: 310/24).

Leave of the meeting was granted.

The meeting procedures were suspended at 7.22pm.

The meeting resumed at 7.25pm.

Motion

C240924/7885

- 1. That Council Nominates the following two candidates as their preferred Local Government Finance Authority representative members on the LGFA Board of Trustees.**

Councillor John Smedley

Mr Jonathan Pietzsch.

2. **The Mayor marks the appropriate ballot paper with the two preferred candidates.**

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

Councillor Smedley re-joined the meeting at 7.27pm.

- 15.5 **Patawalonga Banks Toilet** (Report No: 320/24)

At the Council meeting on the 24 January 2023, Administration was asked to investigate and report on potential locations for public toilets around the Patawalonga Lake. An assessment was undertaken, and four locations were provided in the report together with costs.

Motion **C240924/7886**

That Council notes the report and considers the inclusion of new toilet facilities along the Patawalonga Banks in the 2023-24 Annual Business Plan Budget process.

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 Councillor Abley sought to bring forward a motion without notice. The Mayor deemed the matter was one of urgency and accepted the motion.

Motion **C240924/7887**

That the City of Holdfast recognises the back-to-back premiership win by the Glenelg Football Club and congratulates the President, Board, CEO, players and staff.

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

18. ITEMS IN CONFIDENCE

- 14.3 Minutes – Transforming Jetty Road Committee – 11 September 2024 (Report No: 313/24)

Motion - Exclusion of the Public – Section 90(3)(d) Order C240924/7888

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: 313/24 - Minutes – Transforming Jetty Road Committee – 11 September 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: 313/24 - Minutes – Transforming Jetty Road Committee – 11 September 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.

RETAIN IN CONFIDENCE - Section 91(7) Order

That having considered Agenda Item 14.3 313/24 – Minutes – Transforming Jetty Road Committee – 11 September 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 for a period of 24 months and that this order be reviewed every 12 months.

Moved Councillor Miller, Seconded Councillor Lonie

Carried Unanimously

Leave of Meeting

Mayor Wilson sought leave of the meeting to move Item 18.2 Release of Confidential Reports in the Agenda to be considered after Item 14.3.

Leave of the meeting was granted.

18.2 Release of Confidential Reports (Report No: 317/24)

Motion - Exclusion of the Public – Section 90(3)(d) Order C240924/7889

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: 317/24 – Release of Confidential Reports 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: 317/24 – Release of Confidential Reports 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 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 Miller, Seconded Councillor O'Donohue **Carried Unanimously**

Motion

C240924/7890

That having considered Agenda Item 18.2 317/24 – Release of Confidential Reports 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 and minutes be retained in confidence for a period of 1 month and the Acting Chief Executive Officer is authorised to release the documents when the public statement is made.

Moved Councillor Abley, Seconded Councillor Smedley

Carried Unanimously

Leave of Meeting

Mayor Wilson sought leave of the meeting to move Item 18.3 City Zone Stormwater Renewal in the Agenda to be considered after Item 18.2.

Leave of the meeting was granted.

18.3 City Zone Stormwater Renewal (Report No: 318/24)

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

C240924/7891

- 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: 318/24 – City Zone Stormwater Renewal 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: 318/24 – City Zone Stormwater Renewal 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 that may prejudice the commercial position of a contractor that Council is considering doing business with.**

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 supply of goods, the provision of services, and the carrying out of works that are related to the provision of non-intrusive construction within the City Zone of the Transforming Jetty Road project.
3. The Council is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.

Moved Councillor Lonie, Seconded Councillor Kane

Carried Unanimously

Motion

C240924/7892

That having considered Agenda Item 18.3 318/24 – City Zone Stormwater Renewal in confidence under section 90(2) and (3)(d & k) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report, attachment and minutes be retained in confidence for a period of six months and/or the Chief Executive Officer is authorised to release the documents when a contractor has been engaged 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 Miller, Seconded Councillor Abley

Carried

18.1 **Confidential Minutes – Executive Committee – 10 September 2024** (Report No: 316/24)

Motion - Exclusion of the Public – Section 90(3)(c) Order **C240924/7893**

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: 316/24 – Confidential Minutes – Executive Committee – 10 September 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: 316/24 – Confidential Minutes – Executive Committee – 10 September 2024 on the following grounds:
 - a. pursuant to section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to Report No: 316/24 – Confidential Minutes – Executive Committee – 10 September 2024 is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).
3. The Council is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.

Moved Councillor Lonie, Seconded Councillor Kane

Carried

Motion

C240924/7894

That having considered Agenda Item 18.1 – Confidential Minutes – Executive Committee – 10 September 2024 in confidence under section 90(2) and (3)(c) 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 until the recruitment of the CEO is finalised.

Moved Councillor Smedley, Seconded Councillor Lindop

Carried Unanimously

CLOSURE

The Meeting closed at 7.57pm.



CONFIRMED **8 October 2024**

MAYOR