

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 9 May 2023 at 7:00pm.

MEMBERS PRESENT

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

STAFF IN ATTENDANCE

Chief Executive Officer – R Bria
Acting General Manager Assets and Delivery – J Mitchell
General Manager Community and Business – M Lock
General Manager Strategy and Corporate – P Jackson
General Manager Alwyndor – B Davidson-Park

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 J Smedley
- 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****C090523/7429**

That the minutes of the Ordinary Meeting of Council held on 26 April 2023 be taken as read and confirmed.

Moved Councillor Miller, Seconded Councillor Patton

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 - Nil
- 10.2 On Notice - Nil

11. MEMBER'S ACTIVITY REPORTS - Nil**12. MOTIONS ON NOTICE - Nil****13. ADJOURNED MATTERS - Nil****14. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES**

- 14.1 Minutes – Audit and Risk Committee – 3 May 2023 (Report No: 148/23)

Motion**C090523/7430**

- 1. That Council notes the minutes of the meeting of the Audit and Risk Committee of 3 May 2023, namely;

- a) **that the Audit and Risk Committee supports the Draft 2023-24 Annual Business Plan for presentation to Council for community consultation.**

Moved Councillor Snewin, Seconded Councillor Lonie

Carried Unanimously

15. REPORTS BY OFFICERS

15.1 Items in Brief (Report No: 149/23)

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

C090523/7431

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

- 1. Request to Premier for New Year's Eve funding**
- 2. Coronation of His Majesty King Charles III**

Moved Councillor Lindop, Seconded Councillor Lonie

Carried Unanimously

15.2 Draft 2023-24 Annual Business Plan (Report No: 143/23)

The Draft 2023-24 Annual Business Plan was presented for endorsement and release for community engagement. It has been developed having regard to the "Our Place" 2050+ Strategic Plan, Asset Management Plans, Long-Term Financial Plan and directions provided by Council.

The draft budget has been developed with a general rate increase of 6.9% and satisfies Council's financial sustainability and performance measures.

The Audit and Risk Committee supports the presentation to Council of the Draft 2023-24 Annual Business Plan for the purpose of community consultation.

The Draft 2023-24 Annual Business Plan and consultation results are due for review by Council's Audit and Risk Committee on 7 June 2023.

Motion

C090523/7432

- 1. That, subject to minor alterations and design and the inclusion of the Draft Alwyndor budget, the Draft 2023-24 Annual Business Plan contained in Attachment 1 be released for community consultation.**
- 2. That the process for community consultation on the Draft 2023-24 Annual Business Plan, as described in this report, be endorsed.**

Moved Councillor Abley, Seconded Councillor Snewin

Carried Unanimously

15.3 Significant Tree Removal (Report No: 151/23)

A tree that is classified as significant under the *Planning, Development and Infrastructure Act 2016* requires removal. The tree is a willow myrtle (*Agonis flexuosa*) at 2 Mayfair Avenue, Somerton Park. The tree requires removal because it has a significant split in the trunk, which has excessive decay and the tree will present an increasing level of risk if left in place. The *Planning, Development and Infrastructure Act 2016* requires a development application for the removal and Council's Tree Management Policy requires Council to provide landowner's consent for the application.

Motion**C090523/7433**

That Council provide landowner's consent for a development application for the removal of the willow myrtle (*Agonis flexuosa*) at 2 Mayfair Avenue, Somerton Park.

Moved Councillor Abley, Seconded Councillor Snewin

Carried Unanimously**15.4 Paringa Park Reserve Playground Renewal (Report No: 157/23)**

The Paringa Park Reserve Playground is scheduled for renewal. A budget of \$200,000 has been allocated to fund the new Playground upgrade. The community were invited to provide their feedback on the proposed designs from 30 March to 20 April 2023. The results of this engagement have now been evaluated, and based on the feedback and responses, equipment options have been selected.

Motion**C090523/7434**

That Council notes the Community Engagement Finding Report regarding the Paringa Park Reserve Playground Renewal.

Moved Councillor Fleming, Seconded Councillor Miller

Carried Unanimously**15.5 Review of Items Held in Confidence (Report No: 141/23)**

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.

The purpose of this report was to present to Council a summary of standing confidential orders, as well as recommended actions (release/retain confidentiality) for review and decision.

This report recommends that 22 Confidential Items (reports and/or attachments and/or minutes) be released from confidence and 71 Confidential Items reviewed at this time should be retained in confidence.

Motion**C090523/7435****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 Miller, Seconded Councillor Fleming

Carried Unanimously**16. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil****17. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING - Nil****18. ITEMS IN CONFIDENCE**18.1 **Legal Claim** (Report No: 150/23)**Motion** – Exclusion of the Public – Section 90(3)(h)&(i) Order**C090523/7436**

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: 150/23 Legal Claim 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: 150/23 Legal Claim on the following grounds:
 - h. pursuant to section 90(3)(h) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is legal advice that is strictly confidential and subject to Legal Professional Privilege, and
 - i. pursuant to section 90(3)(i) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information relating to litigation that is in progress.
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 Lindop

Carried Unanimously**Motion**

1. That Council notes this report.

RETAIN IN CONFIDENCE - Section 91(7) Order**C090523/7437**

2. That having considered Agenda Item 150/23 Legal Claim in confidence under section 90(2) and (3)(h) and (i) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report, attachment and minutes be retained in confidence until further notice and the Chief Executive Officer is authorised to release the documents when the matter is concluded, giving due consideration to any relevant legal considerations, and that this order be reviewed every 12 months.

Moved Councillor Lonie, Seconded Councillor Patton

Carried Unanimously18.2 **Review of Service** (Report No: 152/23)**Motion** – Exclusion of the Public – Section 90(3)(j) Order**C090523/7438**

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: 152/23 Review of Service 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: 152/23 Review of Service on the following grounds:
 - j. pursuant to section 90(3)(j) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would divulge information provided on a confidential basis by the Auditor-General's Department.

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 Lonie

Carried Unanimously**Motion**

1. That Council notes the report.

RETAIN IN CONFIDENCE - Section 91(7) Order

C090523/7439

2. That having considered Agenda Item 152/23 Review of Service in confidence under section 90(2) and (3)(j) 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 12 months and/or the Chief Executive Officer is authorised to release the documents when the final report is published and that this order be reviewed every 12 months.

Moved Councillor Lindop, Seconded Councillor Lonie

Carried Unanimously

CLOSURE

The Meeting closed at 7.33pm.

CONFIRMED 23 May 2023

MAYOR