

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 Wednesday 26 April 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 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 S Lonie, 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****C260423/7413**

That the minutes of the Ordinary Meeting of Council held on 11 April 2023 be taken as read and confirmed.

Moved Councillor Snewin, 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 - Nil

10.2 On Notice - Nil

11. MEMBER'S ACTIVITY REPORTS

11.1 **Mayor's Activity Report – 1 January to 31 March 2023** (Report No: 130/23)

Presented for the information of Members was the Activity Report for the Mayor for 1 January to 31 March 2023.

After noting the report any items of interest were discussed, if required with leave of the meeting.

Motion**C260423/7414**

That the Mayor's Activity Report for 1 January to 31 March 2023 be received and noted.

Moved Councillor Miller, Seconded Councillor Patton

Carried Unanimously

12. MOTIONS ON NOTICE**12.1 Motion on Notice – Guidelines for Council Led Order of Australia Submissions - Councillor Venning (Report No: 136/23)****Motion****C260423/7415****That:**

- 1. Administration draft nomination guidelines, assessment criteria and selection process for Council led Order of Australia submissions; and**
- 2. A report and draft guidelines to be returned to Council within three months.**

Moved Councillor Venning, Seconded Councillor Snewin

Carried**Division Called**

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

Those voting for: Councillors Patton, Snewin, Venning, Fleming, Lindop, Miller, O'Donohue (7)

Those voting against: Councillors Kane, Abley, Bradshaw (3)

13. ADJOURNED MATTER - Nil**14. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES****14.1 Minutes – Jetty Road Mainstreet Committee – 5 April 2023 (Report No: 128/23)**

The Minutes of the Jetty Road Mainstreet Committee meeting held 5 April 2023 were attached and presented for Council's information.

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

Motion**C260423/7416****That Council notes the minutes of the Jetty Road Mainstreet Committee of 5 April 2023.**

Moved Councillor Kane, Seconded Councillor Abley

Carried Unanimously**14.2 Minutes Alwyndor Management Committee – 13 and 23 February 2023 (Report No: 131/23)**

The minutes of the Special Alwyndor Management Committee meeting held on 13 February 2023 and the minutes of the Alwyndor Management Committee meeting held on 23 February 2023 were provided for information.

Motion**C260423/7417****That Council:**

1. notes the minutes of the Special Alwyndor Management Committee meeting held on 13 February 2023; and
2. notes the minutes of the Alwyndor Management Committee meeting held on 23 February 2023 be noted; and

RETAIN IN CONFIDENCE - Section 91(7) Order

3. That having considered Attachment 1 and Attachment 2 to Report No: 131/23 Minutes – Special Alwyndor Management Committee - 13 February 2023 and Minutes – Alwyndor Management Committee - 23 February 2023 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 the Attachments 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**

14.3 **Minutes – Executive Committee – 11 April 2023** (Report No: 134/23)

The minutes of the meeting of the Executive Committee held 11 April 2023 were presented to Council for information.

Motion**C260423/7418**

That Council notes the minutes of the meeting of the Executive Committee of 11 April 2023.

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

15. REPORTS BY OFFICERS

15.1 **Items in Brief** (Report No: 132/23)

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**C260423/7419**

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

1. **Privately Owned Personal Mobility Devices**
2. **2022/23 Local Government Association Workers Compensation Scheme Awards**
3. **Illumination Request – Coronation of Their Majesties – 6 May 2023**

4. Somerton Bowling Club

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

15.2 **Budget and Annual Business Plan Update – as at 31 March 2023** (Report No: 139/23)

This report covered the third update of Council's 2022/23 budget conducted as of 31 March 2023.

A comprehensive review of Municipal budgets has increased the forecast operating surplus by \$445,750 to a forecast surplus of \$708,910. Major favourable variances accounted for included savings on the cost of borrowings, savings on the cost of the FOGO rollout and additional revenue from development fees and car parking. This has been offset by unfavourable variances in increased legal fees for development appeals and higher diesel costs due to increased fuel prices.

Capital expenditure has increased by \$420,000 to account for funding already approved by Council and expenditure on grant funded projects.

There were no changes to the revised budget forecast for Alwyndor.

Motion

C260423/7420

That Council:

1. **notes the third 2022/23 budget update for Council's Municipal operations including:**
 - (a) **a movement in the forecast operating result for 2022/23 of \$445,750 from a surplus of \$262,911 to a surplus of \$708,910;**
 - (b) **an increase in forecast capital expenditure of \$420,000 from \$30.749 million to \$31.169 million;**
 - (c) **an increase in forecast capital revenue of \$230,000 from \$6.418 million to \$6.648 million;**
 - (d) **a decrease in forecast net financial liabilities of \$256,000 at 30 June 2023 from \$35.506 million to \$35.250 million.**
2. **notes for Alwyndor operations no change to the 2022/23 revised budget forecast.**
3. **notes the Annual Business Plan quarterly update for March 2023.**

Moved Councillor Snewin, Seconded Councillor Miller

Carried Unanimously

15.3 **Glenelg Oval Masterplan Stages 3 and 4 Including Results of Margaret Messenger Reserve Community Engagement** (Report No: 133/23)

A review of project costs has been undertaken for the Glenelg Oval Masterplan Stages 3 and 4. This review has been based on 75% designs to provide more accurate costs. Since the original project pricing was undertaken, there has been significant escalation in cost of materials, supplies and labour. Additional site investigations and concept detail also revealed further project costs that were not initially identified in the original budget, such as the requirement for power upgrades, the need for a new borewell and additional footing design and construction for behind goal netting. Without reducing the project scope and key obligations of the funding agreement with the State Government, an additional budget allocation of \$880,000 is required to complete the delivery of the community infrastructure aspects of Stages 3 and 4 of the Masterplan. It was recommended that Council include the additional allocation in the draft 2023/24 Annual Business Plan and Budget.

A key deliverable of the Masterplan is a new Glenelg Oval Playspace and Margaret Messenger Reserve Fitness Hub. The community were invited to provide their feedback on the proposed designs from 14 February to 6 March 2023. The results of this engagement have now been evaluated, and based on the feedback and responses, equipment options have been selected. This report included the results of the community engagement.

Conflict of Interest

Councillor Snewin declared a general conflict of interest for Item 15.3 **Glenelg Oval Masterplan Stages 3 and 4 Including Results of Margaret Messenger Reserve Community Engagement** (Report No. 133/23). The nature of the general conflict of interest (pursuant to Section 74 and 75A of the *Local Government Act 1999*) was that he is a Board member of the Glenelg Cricket Club.

Councillor Snewin dealt with the general conflict of interest by making it known and leaving the meeting at 7.26pm.

Councillor Fleming declared a general conflict of interest for Item 15.3 **Glenelg Oval Masterplan Stages 3 and 4 Including Results of Margaret Messenger Reserve Community Engagement** (Report No. 133/23). The nature of the general conflict of interest (pursuant to Section 74 and 75A of the *Local Government Act 1999*) was that the project may need to be considered by the Council Assessment Panel in the future.

Councillor Fleming dealt with the general conflict of interest by making it known and leaving the meeting at 7.27pm.

Motion

C260423/7421

That Council:

1. **approves an additional budget of \$880,000 to be included in the draft 2023/24 Annual Business Plan and Budget for Stages 3 and 4 of Glenelg Oval Masterplan community infrastructure; and**

2. **notes the Community Engagement Finding Report regarding the Glenelg Oval Playspace and Margaret Messenger Reserve fitness equipment.**

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

Councillor Snewin re-joined the meeting at 7.38pm.

Councillor Fleming re-joined the meeting at 7.38pm.

15.4 **Glenelg Oval Working Party** (Report No: 125/23)

In May 2019 Council endorsed the formation of a working group (Motion C28052019/1487) to work with the Glenelg Football Club on its continued financial support and liaise with the club in relation to the Glenelg Oval Masterplan.

It was recommended that a Working Group be formed with the primary purpose to review the financial support arrangements for the Glenelg Football Club and that two Elected Members be appointed to the Group.

Nomination

The Mayor called for nominations.

Nominations were received for Councillors Abley, Snewin and Smedley.

The Mayor announced that Councillors Abley, Snewin and Smedley had been selected for the nomination which was included in the Council's motion.

Motion

C260423/7422

That Council:

1. **establishes a Glenelg Football Club Working Group with the primary purpose of reviewing the financial support arrangements provided to the Glenelg Football Club and that its objectives will only be advisory and consultative and report back to Council with any recommendations for Council consideration.**
2. **appoints Councillor Smedley, Councillor Abley and Councillor Snewin as the Elected Member representatives on the Glenelg Football Club Working Group until November 2023.**

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

15.5 **Dog Registration Fees for 2023/24** (Report No: 138/23)

Dog registration fees for the City of Holdfast Bay provide the funding for administration of the *Dog and Cat Management Act 1995* ("Act"). The costs associated with administering this Act typically increase annually; therefore, for Council to work towards a cost – neutral position, this report sought endorsement

for a price increase to dog registration fees to meet the increasing costs and extra management activities.

Motion

C260423/7423

That Council endorses the recommended changes to the annual dog registration fees for the 2023/24 financial year as tabled in the report, with the removal of the Standard and Trained fee of \$47.50.

Moved Councillor Lindop, Seconded Councillor Miller

Carried Unanimously

15.6 Western Adelaide Tourism Alliance – Tourism Destination Action Plan 2024 (Report No: 135/23)

The Western Regional Tourism Destination Action Plan (WR TDAP) 2016-2020 has come to the end of its operative life. It has been updated by the Western Adelaide Tourism Alliance as the Tourism Destination Action Plan (WATA TDAP) 2024. The updated TDAP was presented for endorsement.

Motion

C260423/7424

That Council endorses the draft Western Adelaide Tourism Alliance Tourism Destination Action Plan 2024, subject to minor amendments of formatting and/or of a minor technical nature in conjunction with other member councils.

Moved Councillor Abley, Seconded Councillor Lindop

Carried Unanimously

15.7 Consideration of Adoption of Behavioural Support Policy (Report No: 129/23)

Section 75F of the *Local Government Act 1999* commenced operation on 17 November 2022. This section requires all councils to consider, within six months after the conclusion of each periodic election, whether it should adopt a Behavioural Support Policy (or policies) to support appropriate behaviour by members of the Council.

A Behavioural Support Policy may specify direction relating to behaviours, set out guidelines relating to compliance with the directions of the Behavioural Standards for Council Members and include any other matter relating to the behaviour of Council Members considered appropriate by the Council.

As this is the first time this provision has been in operation following a periodic election, the obligation is for Council to consider whether (or not) it will adopt a Behavioural Support Policy (or policies).

Motion

C260423/7425

That Council:

- 1. receives and notes the report; and**

2. **having considered the requirements of section 75F of the *Local Government Act 1999* a Behavioural Support Policy not be adopted at this time.**

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

- 15.8 **Appointment of Independent Member to Audit and Risk Committee** (Report No: 137/23)

The term of Independent Member, Mr Sean Tu expires on 12 May 2023 and Mr Tu had indicated that he was not going to re-apply for membership.

Council has received expressions of interest for the vacant position. Following a review of the candidates, the selection panel recommended an appointment.

Motion **C260423/7426**

That Council:

1. **appoints Corinne Garrett to Council's Audit and Risk Committee for a term of three years commencing on 13 May 2023 and expiring on 12 May 2026; and**
2. **records its appreciation to Mr Tu for his valuable service on the Audit and Risk Committee since 2017.**

Moved Councillor Snewin, 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 **Former Buffalo Site Design** (Report No: 140/23)**Motion - Exclusion of the Public – Section 90(3)(k) Order** **C260423/7427**

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: 140/23 Former Buffalo Site Design 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: 140/23 Former Buffalo Site Design on the following grounds:
 - 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 the design services for the former Buffalo site.
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 Fleming **Carried Unanimously**

Conflict of Interest

Councillor Fleming declared a general conflict of interest for Item 18.1 **Former Buffalo Site Design** (Report No: 140/23). The nature of the general conflict of interest (pursuant to Section 74 and 75A of the *Local Government Act 1999*) was that the project may be considered by the Council Assessment Panel in the future.

Councillor Fleming dealt with the general conflict of interest by making it known and leaving the meeting at 8.06 pm.

Councillor Snewin declared a general conflict of interest for Item 18.1 **Former Buffalo Site Design** (Report No: 140/23). The nature of the general conflict of interest (pursuant to Section 74 and 75A of the *Local Government Act 1999*) was that the project may be considered by the Council Assessment Panel in the future.

Councillor Snewin dealt with the general conflict of interest by making it known and leaving the meeting at 8.06 pm.

RETAIN IN CONFIDENCE - Section 91(7) Order **C260423/7428**

That having considered Agenda Item 18.1 140/23 Former Buffalo Site Design in confidence under section 90(2) and (3)(k) 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 and the Chief Executive Officer is authorised to release the documents when relevant financial

information is redacted from the documentation 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 design services must be released once the contract has been entered into by all concerned parties.

Moved Councillor Patton, Seconded Councillor Abley

Carried Unanimously

Councillor Fleming re-joined the meeting at 8.19pm.

Councillor Snewin re-joined the meeting at 8.19pm.

CLOSURE

The Meeting closed at 8.20pm.

CONFIRMED 9 May 2023

MAYOR