



Minutes of the Ordinary Meeting of Council Held in the Council Chamber, Glenelg Town Hall on 27 February 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 S Lonie
Councillor W Miller
Councillor M O'Donohue
Councillor R Patton
Councillor J Smedley
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 - Nil

5.2 Absent - Nil

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

C270224/7680

That the minutes of the Ordinary Meeting of Council held on 13 February 2024 be taken as read and confirmed.

Moved Councillor Miller, Seconded Councillor Lonie

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 **Arch of Remembrance**

Councillor Fleming asked a question in relation to repair maintenance of the Arch of Remembrance and whether the Arch is heritage listed.

General Manager, Assets and Delivery provided a response.

10.1.2 **Paver Renewal at Jetty Road, Brighton**

Councillor Fleming asked a question in relation to paver renewal on Jetty Road, Brighton.

General Manager, Assets and Delivery provided a response.

10.1.3 **Cleaning Schedule on Jetty Road, Brighton**

Councillor Fleming asked a question in relation to the cleaning schedule of Jetty Road, Brighton.

General Manager, Assets and Delivery provided a response.

10.1.4 **Pruning of Palm Trees at Jetty Road, Brighton**

Councillor Fleming asked a question in relation to pruning of palm trees at Jetty Road, Brighton.

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

10.1.5 **Moseley Street and Broadway Roundabout**

Councillor Miller asked for an update on the remediation of the Moseley Street and Broadway roundabout.

General Manager, Assets and Delivery provided a response.

10.1.6 Partridge Street Crossing

Councillor O'Donohue asked a question in relation to the Partridge Street crossing and the timeframe of its completion.

General Manager, Assets and Delivery provided a response.

10.1.7 Margaret Messenger Reserve

Councillor O'Donohue asked a question in relation to the opening of Margaret Messenger Reserve.

General Manager, Assets and Delivery provided a response.

10.1.8 Service Level Timeframes

Councillor O'Donohue asked a question in relation to service level timeframes for tree pruning requests.

General Manager, Assets and Delivery provided a response.

10.1.9 Demonstrators in Moseley Square

Councillor Patton asked a question in relation to demonstrators in Moseley Square.

General Manager, Community and Business provided a response.

10.1.10 Moseley Street and Jetty Road Cross Point

Councillor Abley asked a question in relation to the Moseley Street and Jetty Road cross point.

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

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 – Jetty Road Mainstreet Committee – 7 February 2024 (Report No: 47/24)

The Minutes of the Jetty Road Mainstreet Committee meeting held 7 February 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

C270224/7681

That Council notes the minutes of the Jetty Road Mainstreet Committee meeting held 7 February 2024.

Moved Councillor Abley, Seconded Councillor Kane

Carried Unanimously

14.2 Minutes – Audit and Risk Committee – 14 February 2024 (Report No: 53/24)

The minutes of the special meeting of the Audit and Risk Committee held 14 February 2024 were presented to Council for information.

Motion

C270224/7682

That Council:

1. notes the minutes of the special meeting of the Audit and Risk Committee of 14 February 2024.

RETAIN IN CONFIDENCE - Section 91(7) Order

2. That having considered Attachment 2 - Minutes –Audit and Risk Committee –14 February 2024 in confidence under section 90(2) and (3) (b & j) 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 12 months and that this order be reviewed every 12 months.

Moved Councillor Smedley, Seconded Councillor Snewin

Carried Unanimously

15. REPORTS BY OFFICERS

15.1 Items in Brief (Report No: 49/24)

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

C270224/7683

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

1. **Summer Street Meets**
2. **National Epilepsy Awareness Day**
3. **Cancer Council SA - Marilyn Jetty Swim**

Moved Councillor Lonie, Seconded Councillor Abley

Carried Unanimously

15.2 Monthly Financial Report – As at 31 January 2024 (Report No: 52/24)

The financial report for Municipal activities to 31 January 2024 confirms that Council is on target to meet its estimated surplus of \$617,520 in 2023-24. Favourable minor variances indicate a positive financial position for the remainder of the year.

Motion

C270224/7684

That Council receives the financial report for Municipal activities for the seven months to 31 January 2024.

Moved Councillor Smedley, Seconded Councillor Snewin

Carried Unanimously

15.3 Holdfast Bay Music Centre Lease (Report No: 50/24)

The Holdfast Bay Music Centre holds a five-year lease to occupy a section of the Kauri Community and Sports Centre, with an option to renew for a further five years to August 2027. Having exercised its right of renewal prior to the expiration of the current lease, the report sought Council's endorsement for a lease extension to be issued to the Holdfast Bay Music Centre for a further five-year period.

Motion

C270224/7685

That Council enters into a Deed of Extension of Lease Agreement with Holdfast Bay Music Centre Incorporated over a portion of land comprised in Certificate of Title Volume 6184 Folio 142 until 4 August 2027 in accordance with the terms and conditions in the document provided to this report.

Moved Councillor Bradshaw, Seconded Councillor O'Donohue

Carried Unanimously

15.4 **North Brighton Community Garden Licence** (Report No: 51/24)

The North Brighton Community Garden (under the auspice of Holdfast Bay Community Gardens Incorporated) holds a five-year licence to occupy a section of Bowker Oval Reserve until 2024, with an option to renew for a further five years. Having exercised its right of renewal prior to the expiration of the current licence, the report sought Council's endorsement for a new licence to be issued to the North Brighton Community Garden for a further five-year period.

Motion

C270224/7686

That Council enters into a new Licence Agreement with Holdfast Bay Community Gardens Incorporated (North Brighton Community Garden) over a portion of land comprised in Certificate of Title Volume 5737 Folio 272 for a period of five years commencing on 1 March 2024 in accordance with the terms and conditions in the document provided to this report.

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

Item Withdrawn

At the request of the Chief Executive Officer prior to the meeting, Item 15.5 **Regulation of Personal Watercrafts** (Report No: 44/24) was withdrawn from the Council Agenda.

Item Withdrawn

At the request of the Chief Executive Officer prior to the meeting, Item 15.6 **Public Art and Monuments Policy** (Report No: 23/24) was withdrawn from the Council Agenda.

15.7 **Wayfinding for Brighton Beachfront Holiday Park** (Report No: 55/24)

At its meeting on 10 October 2023, Council moved a Motion on Notice tabled by Councillor Lindop relating to wayfinding to the Brighton Beachfront Holiday Park and the Kingston Park precinct. The report outlined an audit undertaken and made recommendations on improvements to wayfinding to the Holiday Park, with associated costs.

Motion

C270224/7687

The Council approves:

1. **the unofficial naming of the access road to Brighton Beachfront Holiday Park, with Administration to bring back to Council options for names;**

2. consideration of a new initiative of \$8,000 for a precinct sign for the Kingston Park Precinct in the 2024-25 budget process; and
3. Administration monitors the safety of the Kingston Park car park for a period of 12 months and provide a report back to Council prior to the 2025-26 budget process, to determine if further car park signage is a future requirement.

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

15.8 **Local Government Participation and Elections Review – Response to Office of Local Government (Report No: 43/24)**

In late October 2023, the Minister for Local Government, Hon Geoff Brock MP, launched a review of Local Government Participation and Elections (the Participation Review) to enable all South Australians to provide feedback and ideas about how communities can better engage with their councils throughout councils' terms and at election time.

The State Government issued a discussion paper and the Local Government of South Australia (LGA) issued a consultation paper to assist in gathering input to the Participation Review. Council considered and endorsed a response to the LGA on 23 January 2024 (Resolution No. C230124/7661). A draft response to the State Government via the Office of Local Government was presented for Council's consideration.

Motion

C270224/7688

It is recommended that Council endorses, subject to any required amendments or the correction of typographical errors, the proposed response to the Office of Local Government in response to the review of Local Government Participation and Elections.

Moved Councillor Snewin, Seconded Councillor Miller **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 **Winter Activation** (Report No: 46/24)

Motion - Exclusion of the Public – Section 90(3)(d) Order **C270224/7689**

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: 46/24 Winter Activation 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: 46/24 Winter Activation 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 Lonie, Seconded Councillor Miller

Carried Unanimously

RETAIN IN CONFIDENCE - Section 91(7) Order

C270224/7690

That having considered Agenda Item 18.1 - Winter Activation 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, attachment and minutes be retained in confidence for a period of 36 months and that this order be reviewed every 12 months.

Moved Councillor Abley, Seconded Councillor O'Donohue

Carried Unanimously

18.2 Sharing the National Collection (Report No: 48/24)

Motion - Exclusion of the Public – Section 90(3)(j) Order **C270224/7691**

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: 48/24 Sharing the National Collection 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: 48/24 Sharing the National Collection 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 or to a Minister of the Crown. It is a requirement of the Sharing the National Collection program that prospective loans are kept confidential until they can be formally announced by the Federal Minister for the Arts.

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 Lonie, Seconded Councillor O'Donohue **Carried Unanimously**

RETAIN IN CONFIDENCE - Section 91(7) Order **C270224/7692**

That having considered Agenda Item 18.2 - Sharing the National Collection 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 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 any loan agreement is announced by the Federal Minister for the Arts and that this order be reviewed every 12 months.

Moved Councillor Smedley, Seconded Councillor Kane Carried Unanimously

18.3 **Jetty Road Mainstreet Committee Independent Member Nominations**
(Report No: 45/24)

Motion - Exclusion of the Public – Section 90(3)(a) Order **C270224/7693**

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: 45/24 Jetty Road Mainstreet Committee Independent Member Nominations 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: 45/24 Jetty Road Mainstreet Committee Independent Member Nominations 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: 45/24 Jetty Road Mainstreet Committee Independent Member Nominations is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), as the nomination process is confidential and applicants are not advised of the outcome prior to Council endorsement.
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 Miller Carried Unanimously

RETAIN IN CONFIDENCE – Section 91(7) Order

C270224/7694

That having considered Agenda Item 18.3 - Jetty Road Mainstreet Committee Independent Member Nominations in confidence under section 90(2) and (3)(a) 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 until the appointments are announced and/or the Chief Executive Officer is authorised to release the documents when all the applicants have been advised of the outcomes of the nomination process.

Moved Councillor Kane, Seconded Councillor Abley

Carried Unanimously

Councillor Abley left the chamber at 7.36pm.

Councillor Abley re-joined the chamber at 7.37pm.

Conflict of Interest

Councillor Fleming declared a general conflict of interest for Item 18.4 **Jetty Road Masterplan Stage 2 Prudential Report** (Report No: 54/24) (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 7.40pm.

Conflict of Interest

Councillor Snewin declared a general conflict of interest for Item 18.4 **Jetty Road Masterplan Stage 2 Prudential Report** (Report No: 54/24) (pursuant to sections 74 and 75A of the *Local Government Act 1999*), on the basis that he is a member of the Council Assessment Panel which may consider items referred to the panel. Councillor Snewin dealt with the general conflict of interest by making it known to the meeting and leaving the chamber at 7.40pm.

18.4 Jetty Road Masterplan Stage 2 Prudential Report (Report No: 54/24)

Motion - Exclusion of the Public – section 90(3)(b & j) Order

C270224/7695

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: 54/24 Jetty Road Masterplan Stage 2 Prudential Report 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: 54/24 Jetty Road Masterplan Stage 2 Prudential Report 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; and 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.

- 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 or to a Minister of the Crown, or Department of Infrastructure and Transport (not being an employee of the Council, or a person engaged by 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 Lonie, Seconded Councillor Abley

Carried Unanimously

RETAIN IN CONFIDENCE – Section 91(7) Order

C270224/7696

That having considered Agenda Item 18.4 - Jetty Road Masterplan Stage 2 Prudential Report in confidence under section 90(2) and (3)(b & j) 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 and that this order be reviewed every 12 months.



Leave of the meeting

A Leave of the Meeting was sought to allow Councillor Smedley to speak to the motion for a second time.

Leave of the meeting was granted.

Moved Councillor Smedley, Seconded Councillor Miller

Carried Unanimously

CLOSURE

The Meeting closed at 8.10pm.

CONFIRMED 12 March 2024

MAYOR