



## **Minutes of the Ordinary Meeting of Council Held in the Council Chamber, Glenelg Town Hall on 23 July 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  
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 - 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**

**C230724/7820**

**That the minutes of the Ordinary Meeting of Council held on 9 July 2024 be taken as read and confirmed.**

Moved Councillor Abley, Seconded Councillor Lonie

**Carried Unanimously**

## 9. PUBLIC PRESENTATIONS

### 9.1 Petitions - Nil

### 9.2 Presentation - Nil

### 9.3 Deputations

#### 9.3.1 Temporary Street Traders - Mr Ryan Fox, Holdfast Beach Club

*Mayor Wilson approved a deputation from Mr Ryan Fox, Holdfast Beach Club regarding the Mobile Trading Policy. Due to a longstanding family commitment Mr Fox was unable to attend the meeting in person and requested that Mr Grant Freeman present to Council on his behalf.*

## 10. QUESTIONS BY MEMBERS

### 10.1 Without Notice

#### 10.1.1 Art Deco Review

Councillor Miller asked a question in relation to the Art Deco review.

General Manager, Strategy and Corporate took the question on notice.

#### 10.1.2 Patawalonga Lock Replacement

Councillor Smedley asked a question in relation to lock replacement for the Patawalonga.

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

#### 10.1.3 Seawall Development

Councillor Abley asked a question in relation to the Seawall Development.

General Manager, Strategy and Corporate took the question on notice

#### 10.1.4 Edwards Street Traffic Flow

Councillor Snewin asked a question in relation to traffic flow on Edwards Street.

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

10.1.5 **Da Costa Playground**

Councillor O'Donohue asked a question in relation to a missing fly fox at the Da Costa Park Reserve playground.

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

10.2 **On Notice - Nil**

**11. MEMBER'S ACTIVITY REPORTS**

11.1 **Mayor's Activity Statement – 1 April to 30 June 2024 (Report No: 228/24)**

Presented for the information of Members was the Activity Report for the Mayor for 1 April to 30 June 2024.

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

**Motion**

**C230724/7821**

**That the Mayor's Activity Report for 1 April to 30 June 2024 be received and noted.**

Moved Councillor Lonie, Seconded Councillor O'Donohue

**Carried Unanimously**

**12. MOTIONS ON NOTICE**

12.1 **Motion on Notice – Leave of Absence - Councillor O'Donohue**  
(Report No: 249/24)

**Motion**

**C230724/7822**

**That Council grant Councillor O'Donohue a Leave of Absence from Council for the period 20 to 27 August 2024.**

Moved Councillor Miller, Seconded Councillor Smedley

**Carried Unanimously**

**13. ADJOURNED MATTERS - Nil**

## 14. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES

### 14.1 Information Report – Southern Region Waste Resource Authority – 27 June 2024 (Report No: 250/24)

The Information Report of the Southern Region Waste Resource Authority Board meeting held 27 June 2024 was provided for information.

**Motion**

**C230724/7823**

**That Council notes the Information Report of the Southern Region Waste Resource Authority Board meeting held 27 June 2024.**

Moved Councillor Smedley, Seconded Councillor O’Donohue

**Carried Unanimously**

### 14.2 Minutes – Jetty Road Mainstreet Committee – 3 July 2024 (Report No: 225/24)

The Minutes of the Jetty Road Mainstreet Committee meeting held on 3 July 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**

**C230724/7824**

**That Council notes the minutes of the Jetty Road Mainstreet Committee of 3 July 2024.**

Moved Councillor Abley, Seconded Councillor Kane

**Carried Unanimously**

## 15. REPORTS BY OFFICERS

### 15.1 Items in Brief (Report No: 226/24)

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**

**C230724/7825**

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

1. **South Australia History Festival 2024**
2. **Illumination Request – DonateLife Week**
3. **New Year’s Eve State Government Funding**
4. **State Government’s Housing Roadmap**

5. **National Urban Policy**
6. **Jetty Road, Glenelg – Letter to the Leader of the Liberal Party**

Moved Councillor Lonie, Seconded Councillor Miller

**Carried Unanimously**

15.2 **Internal Review of a Council Decision (Section 270) Report** (Report No: 246/24)

An application was made to the City of Holdfast Bay (the Council) for an internal review of a Council decision to install a new Public Toilet at the Patawalonga Lake, Glenelg North. The application was made under section 270 of the *Local Government Act 1999* (the Act).

The Chief Executive Officer determined, in accordance with the Internal Review of a Council Decision Policy (s270), to engage Kelledy Jones Lawyers (Kelledy Jones) to conduct an independent investigation.

In summary, the independent report has found that “the decision:

7.1.1 was within the Council’s powers under the Act

7.1.2 was open to be made on the information available to the Council

7.1.3 was not and is not improper or legally flawed

7.1.4 was reasonable and, in all respects, lawful, in the circumstances

7.1.5 that in the circumstances, the Council was able (but chose not) to refuse to accept the application as being ‘out of time’.”

There was no cause found by the investigation to amend the existing decision, but it is Council’s discretion whether to reaffirm, revoke or vary the decision.

**Motion**

**C230724/7826**

**That Council, having considered the Kelledy Jones Lawyers report into Council’s decision to install a new public toilet at Patawalonga Lake, Glenelg North has reaffirmed its decision.**

Moved Councillor Abley, Seconded Councillor Patton

**Carried Unanimously**

**Conflict of Interest**

Councillor Snewin declared a general conflict of interest for Item 15.3 – **Council Temporary Street Traders Policy** (Report No: 248/24) (pursuant to sections 74 and 75A of the *Local Government Act 1999*), on the basis that he has a family member that has a mobile trading business. Councillor Snewin dealt with the general conflict of interest by making it known to the meeting and leaving the chamber at 7.28pm.

Councillor Abley declared a general conflict of interest for Item 15.3 – **Council Temporary Street Traders Policy** (Report No: 248/24) (pursuant to sections 74 and 75A of the *Local Government Act 1999*), on the basis that she has an extended family member that has a mobile trading business.

Councillor Abley dealt with the general conflict of interest by making it known to the meeting and remaining in the meeting as she was acting in the interests of the community. Councillor Abley voted in favour of the motion.

15.3 **Council Temporary Street Traders Policy** (Report No: 248/24)

The Council Temporary Street Traders Policy (formally referred to as the Council Mobile Trading Policy) aims to ensure an appropriate balance is reached between the interests of the Council, local business operators, vending permit holders, and the residents of the City of Holdfast Bay.

Councillor Abley left the chamber at 7.47pm.

Councillor Abley re-joined the chamber at 7.48pm.

Leave of the meeting was sought to allow Councillor Fleming to speak to the motion for an additional three minutes. Leave of the meeting was granted.

**Motion**

**C230724/7827**

**That Council adopts the new policy name from the Council Mobile Trading policy to the Council Temporary Street Traders Policy and the updated content of the Policy.**

Moved Councillor Miller, Seconded Councillor Lonie

**Carried**

**Division Called**

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

Those voting for: Councillors Patton, Kane, Abley, Venning, Fleming, Lonie, Lindop, Miller, O'Donohue, Smedley (11)

Those voting against: Councillor Bradshaw (1)

The Mayor declared the motion

**Carried**

Councillor Snewin re-joined the chamber at 8.11pm

### **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* to allow for a five-minute break. Leave of the meeting was granted.

The meeting procedures were suspended at 8.11pm.  
The meeting resumed at 8.13pm.

### **Nominations**

Her Worship the Mayor called for nominations for the Local Government Finance Authority Board. Councillor Smedley nominated and provided reasons for the nomination. Councillor Smedley was included in the Council's motion.

### **Conflict of Interest**

Councillor Smedley declared a material conflict of interest for Item 15.4 **Local Government Finance Authority Annual General Meeting, Call for Nominations and Notice of Motions** (Report No: 227/24). The nature of the conflict of interest (pursuant to sections 75 and 75A of the *Local Government Act 1999*) was that if successful he would receive a sitting fee.

Councillor Smedley dealt with the conflict of interest by making it known to the meeting and leaving the chamber at 8.15pm.

#### **15.4 Local Government Finance Authority Annual General Meeting, Call for Nominations and Notice of Motions (Report No: 227/24)**

The Local Government Finance Authority of South Australia (LGFA) has provided advance notice of its upcoming Annual General Meeting to be held Friday 22 November at the National Wine Centre. This meeting precedes the Annual General Meeting of the Local Government Association of South Australia.

The LGFA is seeking nominations for members of the Board to fill two positions currently held by Ms Annette Martin (City of Charles Sturt) and Mr Michael Sedgman (City of Adelaide), as well as calling for Notice of Motions which requires endorsement by councils prior to being submitted to the LGFA.

#### **Motion**

**C230724/7828**

#### **That Council:**

- 1. notes the arrangements of the Local Government Finance Authority of South Australia for their Annual General Meeting;**
- 2. approves Mayor Wilson to attend the Local Government Finance Authority Annual General Meeting as Council's representative and voting member, to be held on 22 November 2024; and**



3. **nominates Councillor Smedley to fill one of the two vacancies on the Local Government Finance Authority Board.**

Moved Councillor Snewin, Seconded Councillor Lonie

**Carried Unanimously**

Councillor Smedley re-joined the chamber at 8.16pm.

**16. RESOLUTIONS SUBJECT TO FORMAL MOTIONS – Nil**

**17. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING**

Mayor Wilson sought to bring forward an urgent motion without notice.

**17.1 Retirement of Chief Executive Officer**

**Motion**

**C230724/7829**

**That Council:**

1. **notes the retirement of the Chief Executive Officer, Mr Roberto Bria;**
2. **appoints the Executive Committee of Council as the Chief Executive Officer Selection Panel pursuant to s98 (4) of the *Local Government Act 1999* for the CEO Recruitment process;**
3. **revises and adopts the Executive Committee Terms of Reference for the period of the Chief Executive Officer recruitment;**
4. **delegates to the Executive Committee the decision to appoint a suitably qualified person to assist Council in the recruitment process;**
5. **approves a budget variation to be included in a future budget review to cover the cost of the Chief Executive Officer recruitment; and**
6. **delegates to the Executive Committee, the consideration and recommendation to Council of an appointment of the Acting Chief Executive Officer.**

Moved Councillor Smedley, Seconded Councillor Lonie

**Carried Unanimously**

**18. ITEMS IN CONFIDENCE**

**18.1 Beach Activation (Report No: 247/24)**

**Motion - Exclusion of the Public – section 90(3)(d) Order C230724/7830**

- 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: 247/24, Beach 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: 247/24, Beach 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, or 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.**

Moved Councillor Abley, Seconded Councillor Patton

**Carried Unanimously**

Councillor Patton left the chamber at 8.25pm.

Councillor Patton re-joined the chamber at 8.27pm.

Councillor O'Donohue left the chamber at 8.29pm.

Councillor O'Donohue re-joined the chamber at 8.32pm.

**Motion**

**C230724/7831**

**That having considered Agenda Item 18.1 Report No: 247/24, Beach 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 12 months and that this order be reviewed every 12 months.**

Moved Councillor Abley, Seconded Councillor Kane

**Carried**

**CLOSURE**

The Meeting closed at 8.43 pm.

**CONFIRMED      13 August 2024**

**MAYOR**