



# Minutes of the Council Meeting

Held on 20 November 2023

**Alexandrina Council**

11 Cadell Street (PO Box 21) Goolwa SA 5214

ABN 20 785 405 351

**P** (08) 8555 7000

**E** [alex@alexandrina.sa.gov.au](mailto:alex@alexandrina.sa.gov.au)

**W** [alexandrina.sa.gov.au](http://alexandrina.sa.gov.au)

# Minutes of the Alexandrina Council Ordinary Meeting Monday, 20 November 2023 commencing at 5.30 pm

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## 1. Opening of Meeting

An audio recording of this meeting was made for minute-taking purposes and lasted the length of the open meeting. The audio file will be available on the Council website.

### **Present**

Mayor Keith Parkes (Presiding Member), Councillors Bill Coomans, Margaret Gardner, Milli Livingston, Craig Maidment, Sue Miller, Lou Nicholson, Peter Oliver, Michael Scott and Christie Thornton.

### **Apologies / Leave of Absence**

Nil

### **In Attendance**

Nigel Morris (Chief Executive Officer), Stacey Bateson (General Manager Community), Andy Baker (General Manager Infrastructure), Trish Kirkland (General Manager Corporate), and other staff as required.

### **Acknowledgement of Traditional Owners**

The Alexandrina Council and its communities acknowledge the Ngarrindjeri, Peramangk and Kaurna people as the traditional custodians of the lands and waters of our Council District.

### **Local Government Prayer**

Almighty God, we humbly beseech thee to grant thy blessing upon the works of this Council, guide us in our deliberations for the advancement and the true welfare of the people of this district.

### **Declarations of Interest**

If a Council Member has an interest in a matter which will be before the Council at this meeting, they are asked to disclose the interest to the Council and provide full and accurate details of the relevant interest at the beginning of the meeting. Members are reminded they must also declare their interest and provide details at the time the relevant item arises for consideration.

### **Condolence Message**

Deputy Mayor, Cr Bill Coomans provided the following condolence message:

*'Our thoughts go out to Police Commissioner Grant Stevens and his family on the loss of their youngest son Charlie. Charlie was hit by a car on Beach Road, Goolwa on Friday night 17 November 2023. He was airlifted to Flinders Medical Centre in a critical condition but sadly died on Saturday night, he was only 18 years old.'*

*As a Council, we pass on our condolences to the family and friends in this time of grief. Rest in Peace Charlie.'*

### **Confirmation of Minutes**

#### **C23429**

**Moved Cr Craig Maidment seconded Cr Margaret Gardner**

**That the Minutes of Alexandrina Council meeting held on 16 October 2023 be received as a true and correct record.**

**CARRIED**

## 2. Adjourned Debate

Nil

## 3. Presentations / Deputations

### 3.1. Proposed Development - Flying Fish Cafe and Restaurant, Horseshoe Bay, Port Elliot

Cr Bill Coomans declared a general conflict of interest in the matter for consideration due to being a member on the Fleurieu Regional Assessment Panel (FRAP) who will consider this development application in the future and left the Chamber at 5.34 pm.

The Mayor sought and was granted leave of the meeting for the deputation to be up to 10 minutes in duration.

Ms Bronwyn Lewis made a deputation regarding the proposed development by the Flying Fish Cafe and Restaurant, Horseshoe Bay, Port Elliot. Ms Lewis has submitted a petition on this matter, to be considered at Item 4.2 later in this meeting.

The Presiding Member thanked Ms Lewis for her deputation.

Cr Bill Coomans returned to the Chamber at 5.46 pm

### 3.2. Objection against the Revocation of Community Land (Lot 87, 1 Stirling Court, Strathalbyn)

The Mayor sought and was granted leave of the meeting for the deputation to be up to 10 minutes in duration.

Mr Tony Hixson made a deputation regarding an objection against the revocation of community land at Lot 87, 1 Stirling Court, Strathalbyn. A petition has been submitted on this matter, to be considered at Item 4.1 later in this meeting.

The Presiding Member thanked Mr Hixson for his deputation.

## 4. Petitions

### 4.1. Petition - Objection against the Revocation of Community Land (Lot 87,1 Stirling Court, Strathalbyn)

**C23430**

**Moved Cr Michael Scott seconded Cr Sue Miller**

**That Council receive the petition and that it be referred to in the current consultation process on '1 Stirling Court Strathalbyn - Revocation of Community Land Classification' to be presented to Council for consideration.**

**CARRIED UNANIMOUSLY**

## 4.2. Petition - Proposed development - Flying Fish Cafe and Restaurant, Horseshoe Bay, Port Elliot

Cr Bill Coomans declared a general conflict of interest in the matter for consideration due to being a member on the Fleurieu Regional Assessment Panel (FRAP) who will consider this development application in the future, and advised he will remain in the Chamber to participate in discussion and vote on this matter.

**C23431**

**Moved Cr Peter Oliver seconded Cr Lou Nicholson**

**That Council receive the petition and that the Head Petitioner be informed that:**

- **The Flying Fish Cafe Development Application is currently being assessed by an independent consultant before being presented to the Fleurieu Regional Assessment Panel (FRAP) for consideration.**
- **That it will be FRAP that will determine from a planning perspective if an expansion is possible (Council does not have influence over this decision).**
- **That once planning consent is obtained and the proposed expansion area determined that the leaseholder will then need to apply to Council as their landlord to expand the area to accommodate the development.**
- **If Council receives an expansion request this will require community consultation prior to consideration of approval.**

**CARRIED UNANIMOUSLY**

Conflict of Interest declaration: Cr Bill Coomans voted in the affirmative.

## 5. Questions with Notice

### 5.1. Cr Sue Miller - Ratalang Basham Beach Conservation Reserve Management

#### Question

1. *Having regard to the Ratalang Basham Beach and Horseshoe Bay Advisory Committee:*
  - a. *how were the community representatives appointed?*
  - b. *how is the chair of the committee appointed?*
  - c. *who is the delegate from the Ngarrindjeri Regional Authority?*
  - d. *what are the terms of appointment for all committee members (i.e. when do they expire)?*
2. *Having regard to the Ratalang Basham Beach and Horseshoe Bay Advisory Committee page of the website, why isn't the Ratalang Basham Beach Conservation Reserve Master Plan 2018 available on this website page?*
3. *Why is there no reference to the Ratalang Basham Beach Conservation Reserve Master Plan 2018 in the Ratalang Basham Beach and Horseshoe Bay Advisory Committee Terms of Reference, which have been updated at least twice since 2019?*
4. *At 18 September 2023 council meeting, agenda item 8.10. Report from Section 41 Committee – Ratalang Basham Beach and Horseshoe Bay Advisory Committee - Establishment of Native Grasslands Proposal for Ratalang Basham Beach Conservation Reserve advises on page 267 “that in January 2023, the licensee took up the one-year licence and advised that the family sought consideration to a longer-term licensing option (with option for Council to terminate at any time) and could supply background information including expenditure to show that the site is not profitable as a commercial grazing and cropping site, but rather as an ongoing family and community concern” –*

- a. *was the licensee consulted*
  - b. *was consideration given to a longer-term licensing option; and*
  - c. *if there is to be no third party grazing licence, who will be doing the grazing?*
5. *On page 28 of the Ratalang Basham Beach Conservation Reserve Master Plan 2018 is a recommendation to create 'a link path in existing road reserve to connect residents of Frenchman's Drive(Waterport Road) area to Ratalang' – it is a medium priority (defined in the Master Plan as having a time frame 2-10 years) – are there any plans to create a dolomite path link in Ratalang Basham Beach Reserve for use of residents from Frenchman's Drive, Waterport Road to continue the existing road reserve (which is maintained by Mr Roger Basham) through the wetlands to the bitumen path in the reserve?*
6. *On page 28 of the Ratalang Basham Beach Conservation Reserve Master Plan 2018 is a recommendation 'to explore the introduction of experimental native grass seed crops in existing agistment paddocks' – it is a low priority (defined in the Master Plan as having a time frame of 10-20 years):*
- a. *why has this low priority for 7.5ha been prioritised above other high and medium recommendations?*
  - b. *is there is a rabbit problem at Ratalang Basham Beach reserve? Will rabbits pose a risk to the establishment of native grass seedlings?*
  - c. *will council members receive an information briefing and site tour on this proposal before any further progress occurs?*
  - d. *have any other native grass seed suppliers been considered – that is, what procurement process was followed to engage Seeding Natives Inc?*
7. *What consultation occurred regarding the establishment of native grasses, how was it done, and by whom?*
8. *What is the balance of funds in the Basham Beach Trust? Is Council fully reimbursed for council staff time associated with the care and control of this Basham Beach Trust land?*

## **Answer**

### **1. Having regard to the Ratalang Basham Beach and Horseshoe Bay Advisory Committee:**

#### **a. how were the community representatives appointed?**

In accordance with the Terms of Reference for the Committee, the Committee may recommend new members as required. Any recommendations to appoint new members would then be presented to the next available Council meeting for endorsement.

#### **b. how is the chair of the committee appointed?**

In accordance with the Terms of Reference for the Committee, the Committee elect the Chair. Prior to 18 September 2023, the Committee elected a Chair on an as need's basis; however the Terms of References have been recently updated and as approved by Council at its meeting held on 18 September 2023, the Chairperson position is now subject to an election to be held at the first committee meeting, following the declaration of the Council following the Local Government Elections, every 4 years.

#### **c. who is the delegate from the Ngarrindjeri Regional Authority?**

Uncle Archie Kartinyeri was formally endorsed as Committee Member of the Ratalang Basham Beach & Horseshoe Bay Advisory Committee by Council at the Council meeting held on 16 December 2019.

The last meeting Uncle Archie attended was 20 February 2020 and unfortunately Uncle Archie Kartinyeri passed away on 15 July 2020.

Since this time, the Committee made a recommendation at its meeting held on 12 August 2021 to appoint Jade McHughes as a new community member of the Committee. Council subsequently endorsed this appointment at the Council meeting held on 20 September 2021 (ACM211142).



It is worth noting that Council administration also invite the Ngarrindjeri Regional Association via an email to their generic email address to attend upcoming meetings and send them copies of agendas and minutes.

**d. what are the terms of appointment for all committee members (i.e. when do they expire)?**

In accordance with the Terms of Reference for the Committee, the term of office for Community members and Chairperson shall be set by the Committee and recommended to Council for endorsement. The term of office for Councillors shall be at the term of the Council.

The Committee, through a group vote, may at any time, recommend to Council the removal of a member of the Committee but shall observe the principles of natural justice and be respectful of the rights of the said member.

The Committee may also recommend new members as required.

**2. Having regard to the Ratalang Basham Beach and Horseshoe Bay Advisory Committee page of the website, why isn't the Ratalang Basham Beach Conservation Reserve Master Plan 2018 available on this website page?**

The Masterplan is available on Council's website under 'Council Plans' available at the following link: [here](#)

Administration as an enhancement will now also provide a link direct from the Committee page to access the Masterplan.

**3. Why is there no reference to the Ratalang Basham Beach Conservation Reserve Master Plan 2018 in the Ratalang Basham Beach and Horseshoe Bay Advisory Committee Terms of Reference, which have been updated at least twice since 2019?**

The previous two updates to the Terms of Reference have been in relation to the membership of the committee. A full review of the Terms of Reference has not been undertaken recently. At the most recent Committee meeting held on 2 November 2023, Committee members requested this matter be placed on the next Committee agenda for discussion. This meeting is scheduled to be held on 18 February 2024 at which time the Terms of Reference will be fully reviewed and Administration will include a reference to the most recent 2018 Master Plan.

It is also worth noting that the current Terms of Reference does mention 'future master plans for the area', so whilst it does not explicitly mention the 2018 plan, it is currently covered by the reference to future master plans.

**4. At 18 September 2023 council meeting, agenda item 8.10. Report from Section 41 Committee – Ratalang Basham Beach and Horseshoe Bay Advisory Committee - Establishment of Native Grasslands Proposal for Ratalang Basham Beach Conservation Reserve advises on page 267 “that in January 2023, the licensee took up the one-year licence and advised that the family sought consideration to a longer-term licensing option (with option for Council to terminate at any time) and could supply background information including expenditure to show that the site is not profitable as a commercial grazing and cropping site, but rather as an ongoing family and community concern” –**

**a. was the licensee consulted**

The following correspondence and timeline occurred (noting by definition, this is more correspondence than consultation):

- 26 Sept 2022 – Letter to Mr Basham advising of expiry of licence in December 2022.
- 5 October 2022 – Letter from Mr Basham requesting to continue licence for 4 years.
- 10 November 2022 – Ratalang Committee Agenda item included Mr Basham's request for 4 year licence. Resolution was to permit a one year holding over term.
- 21 December 2022 – Letter to Mr Basham advising of outcome of Ratalang Meeting and holding over for one year (includes reasons from Ratalang for the holding over)
- 4 January 2023 - Response from Mr Basham regarding holding over, cost of managing site, and consideration to an ongoing annual licence agreement

- 20 January 2023 - Confirmation to Mr Basham of holding over for 12 months while Ratalang determine future use.
- 10 August 2023 - Ratalang Basham Beach and Horseshoe Bay Advisory Committee minutes recommend to Council From 1 January 2024, the Committee will no longer support the licensing of the area for third party grazing or cropping purposes.
- 24 August 2023 - Licensee with knowledge of the Committee recommendation contacts the CEO by phone with concerns. This resulted in the CEO adding to the Council's Officer's Recommendation the following recommendation to that of the Committee's:

5. *That Council's Compliance Team perform a review of the detailed maintenance plans to ensure fire prevention is considered, particularly with regards to the area surrounding the Pleasant Banks homestead including fire breaks and slashing to be undertaken as required.*

- 18 September 2023 - Council Report and Minutes from the Ratalang Committee noted and endorsed (C23327). Carried Unanimously.
- 18 September 2023 – Council Report endorsed not to support the licence (C23328). Carried Unanimously
- 26 September 2023 - Letter from Property team to D Basham with outcome of Ratalang Meeting to recover land for Ratalang management. Option to appeal provided in letter.
- The Property team have not received any further correspondence from D Basham.
- 28 September 2023 - Licensee contacted CEO to discuss Council resolution.

***b. was consideration given to a longer-term licensing option; and***

At the 10 November 2022 Ratalang Basham Beach & Horseshoe Bay Advisory Committee meeting, the letter from Mr Basham seeking a long term (4 year licence) was tabled with the Report to continue the licence or otherwise (Item 2.5 Basham Grazing Licence – Proposal).

The recommendations were to support a four (4) year Licence or to reclaim the land for revegetation and / or experimental native pasture/crops purposes.

At this meeting, the Committee resolved to provide a one (1) year holding over to the current licensee, with the Committee consulting with administration in the interim to review the viability, timing and costs of converting the area to native grassland.

***c. if there is to be no third-party grazing licence, who will be doing the grazing?***

- If there was no third-party grazing licence, there would be no grazing of the land as Council does not graze or crop its own land as a core activity.
- The land would need to be managed by the Ratalang Committee via an alternative management solution to putting stock on it (such as mowing, seeding or ploughing).
- Council has three (3) other paddocks that are cropped. The licenses for these land parcels were awarded following a tender process for each location.
- Council receives an annual commercial rent return from these Licenses.

5. ***On page 28 of the Ratalang Basham Beach Conservation Reserve Master Plan 2018 is a recommendation to create 'a link path in existing road reserve to connect residents of Frenchman's Drive (Waterport Road) area to Ratalang' – it is a medium priority (defined in the Master Plan as having a time frame 2-10 years) – are there any plans to create a dolomite path link in Ratalang Basham Beach Reserve for use of residents from Frenchman's Drive, Waterport Road to continue the existing road reserve (which is maintained by Mr Roger Basham) through the wetlands to the bitumen path in the reserve?***

This path construction continues to be considered annually via Council's Assets Team during Capital budget consideration. To date, no budget has been allocated to progressing this project.

As part of the stormwater management project upstream of Ratalang Basham Beach Conservation Park, a number of improvements to walking trails is being considered to improve access within the park and link to the Encounter Bikeway upgrade project. Consideration for appropriate and safe crossing facility over Port Elliot Road would require approvals to enable this linkage.

**6. On page 28 of the Ratalang Basham Beach Conservation Reserve Master Plan 2018 is a recommendation 'to explore the introduction of experimental native grass seed crops in existing agistment paddocks' – it is a low priority (defined in the Master Plan as having a time frame of 10-20 years):**

**a. why has this low priority for 7.5ha been prioritised above other high and medium recommendations?**

The Ratalang Basham Beach Advisory Committee has previously recommended to Council that upon expiry of the Basham Grazing Licence, the land be used for conservation purposes to compliment the Ratalang Basham Beach Conservation Reserve. Council decided to not renew the grazing licence, hence a proposal for native grasslands can now be prioritised and budgeted.

**b. is there is a rabbit problem at Ratalang Basham Beach reserve? Will rabbits pose a risk to the establishment of native grass seedlings?**

Rabbits continue to be pest animal across Council region, however there are a number of sites that Council's Field Services Team does actively manage/control rabbits via a baiting program, including the Ratalang Basham Beach Conservation Reserve. The establishment of native grasslands does require proactive rabbit control and management; however, it is envisaged this active rabbit control on the external areas of Ratalang Conservation Reserve will better protect rabbit impacts in more delicate areas of the Park.

**c. will council members receive an information briefing and site tour on this proposal before any further progress occurs?**

At this stage, there is no proposal to conduct a site tour or briefing on the proposal. Elected Members who sit on the Ratalang Basham Beach Advisory Committee have been involved in the project discussions since November 2022.

**d. have any other native grass seed suppliers been considered – that is, what procurement process was followed to engage Seeding Natives Inc?**

As part of project delivery, Council Administration will seek tenders & consider proposals by experienced contractors to implement the Native Grasslands project. Seeding Natives Inc was invited to present the concept of native grasslands to the Ratalang Basham Beach Advisory Committee for greater understanding of Committee members, not part of the procurement process.

**7. What consultation occurred regarding the establishment of native grasses, how was it done, and by whom?**

On 10 November 2022, the Ratalang Basham Beach Advisory Committee considered a report (Item 2.5 within published Minutes) on Basham Grazing Licence – Proposal and recommended the following:

1. That the Ratalang Basham Beach and Horseshoe Bay Advisory Committee support a holding over of the current licence for a term of one year, commencing 1 January 2023 for non-exclusive grazing and cropping purposes to David Basham and Kate Basham, over a portion of Ratalang Basham Beach Conservation Reserve, Certificate of Record Volume 5744 Folio 926. 2.
2. That during the holding-over period the Committee will consult with administration and review the viability, timing, and costs of converting the area to native grasslands.

CARRIED UNANIMOUSLY

On 10 August 2023, the Ratalang Basham Beach Advisory Committee considered a report (Item 8.2 within published Minutes) on Restoration of Native Grasslands and recommended the following:

1. That the report be received and noted by the Committee.

2. *From 1 January 2024, the Committee will no longer support the licensing of the area for third party grazing or cropping purposes.*
  - a. *The Committee will then take over the ongoing maintenance of the grazing area through the ongoing maintenance budgets.*
3. *That the Ratalang Basham Beach and Horseshoe Bay Advisory Committee support the proposal to restore native grasslands as detailed within this report, subject to further information being provided to the Committee regarding actual costs to engage Seeding Natives Inc. a. A budget of \$30,000 be allocated from the Trust funds to the works program for 2023/2024 for the restoration of native grasslands.*
4. *That the Ratalang Basham Beach and Horseshoe Bay Advisory Committee recommend to Council that an application for Heritage Agreement be submitted for Ratalang Basham Beach Conservation Reserve.*

**CARRIED UNANIMOUSLY**

On 2 November 2023, the Ratalang Basham Beach Advisory Committee received a Presentation from Seeding Natives Inc regarding Native Grasslands.

No formal public consultation has been undertaken on the Native Grasslands proposal by the Ratalang Basham Beach Advisory Committee, as the proposal aligns to the Conservation Masterplan protecting and enhancing native and endemic vegetation.

**8. *What is the balance of funds in the Basham Beach Trust? Is Council fully reimbursed for council staff time associated with the care and control of this Basham Beach Trust land?***

At 30 June 2023, the Ratalang Basham Beach Trust Fund was \$460,453.49. In 2022/23, Council adopted (as recommended by Ratalang Basham Beach Advisory Committee to allocate \$68,000 budget for labour resources towards the Coastal Officer and Trainee Coastal Worker to deliver scheduled and reactive maintenance works. In 2023/24, The Ratalang Basham Beach Advisory Committee allocated \$70,000 budget for labour resources towards the Coastal Officer and Trainee Coastal Worker. Council has a full time Coastal Officer and full time Trainee Coastal Worker, hence any hours not used in Ratalang Basham Beach Conservation Park is absorbed by Council's Coastal maintenance and operational budgets, not via the Trust.

**5.2. Cr Sue Miller - Memorandum of Understanding - Friends of PS Oscar W Incorporated**

**Question**

1. *Will the Memorandum of Understanding with the Friends of the PS Oscar W Inc – an MOU that expired in February 2020 - be finalised and executed before the \$250,000 fit out for the Friends of PS Oscar W Inc portion of the Wharf Shed commences?*
2. *Will the Memorandum of Understanding with the Friends of the PS Oscar W Inc reference the additional tenancies of the PS Oscar W for the 'wood yard' located in the Goolwa Community Precinct (Kessell Road Goolwa) and the Mooring of the PS Oscar W paddle steamer."*
3. *Notwithstanding the one page 'What's It Worth' provided by Mr Nigel Robinson (spokesperson for Friends of PS Oscar W) in his presentation 'Oscar W – Update on the Riverboat Centre Refit' to council members on 9 October 2023, and considering the significant funds to be spent and additional infrastructure provided for in resolution C23008 of 16 January 2023, what are the next steps following the Nigel Robinson presentation to council on 9 October?*
4. *When will Council Members receive as an agenda item for an ordinary council meeting the analysis of the financials, and governance and risk management practices for the PS Oscar W?*
5. *Will there be any duplication of resources/technology/content proposed by Friends of PS Oscar W in the Wharf Shed and that proposed by Council for the Signal Point Experience?*

## Answer

1. The governance structure for the Friends of the PS Oscar W will need to be finalised prior to committing major funding towards the project. However, in order to meet tight timeframes, discussions on the fit-out and the governance structure will need to occur concurrently. This will require a proportion of the fit-out costs to be spent on consultants assisting with the project.
2. The governance structure (this is likely to include leases/licences and a Memorandum of Understanding) will need to be put in place over the Wharf Shed allocation, the Goolwa Community Precinct (Kessell Road Goolwa), the Mooring of the PS Oscar W paddle steamer and the actual paddle steamer.
3. Council will engage Exhibition Studios to work with the Friends of the PS Oscar W to turn their high-level design into a detailed design and provide the design and costings to Council for endorsement prior to proceeding to the construction phase.
4. The analysis of the financials, and governance and risk management practices for the PS Oscar W is presented later in this the 20 November 2023 Council Meeting.
5. The Signal Point Experience has been created by Exhibition Studios, the consultants that will also be engaged on the fit-out of the Wharf Shed for PS Oscar W. The two locations will be designed to complement each other and not compete. The fit-out designs are in early concepts and will be presented to Council for endorsement prior to construction. Any proposed duplication of resources/technology/content can be detailed at this time.

### 5.3. Cr Sue Miller - Strathalbyn Swimming Pool - Minimum Opening Temperature

#### Question

1. *Since the Strathalbyn Swimming Pool opened on 16 October 2023, how many afternoons has the pool been closed for swimmers because the minimum temperature at which it will open is 25 degrees?*
2. *In the 2022/23 season, how many afternoons was the Strathalbyn Swimming Pool closed to swimmers because the minimum temperature at which it would open was 23 degrees?*
3. *How many days was the Strathalbyn Swimming Pool open in the afternoons when the opening temperature was 23 degrees in the 2022/23 season?*
4. *To cater for lap swimmers 6.30am to 8.30am the Strathalbyn Swimming Pool is heated regardless of whether the pool is open or not in the afternoons - what proportion of the costs of running the pool are due to heating?*
5. *How much money is being saved by closing the pool in the afternoons when the temperature doesn't get to 25 degrees? Is it only staffing costs that are reduced?*
6. *Are attendance figures maintained for the Strathalbyn Swimming Pool, and regularly analysed in the context of the growth the Strathalbyn township is experiencing? What is the current dwellings growth figure for Strathalbyn?*
7. *Has the community ever been formally consulted on the temperature at which the Strathalbyn Swimming Pool will be open in the afternoon?*

#### Answer

1. *Since the Strathalbyn Swimming Pool opened on 16 October 2023, how many afternoons has the pool been closed for swimmers because the minimum temperature at which it will open is 25 degrees?*

**The pool was closed 21 days inclusive of weekend afternoons 16th October to 12th November as the forecast temp was under 25 degrees. However, if the opening temperature had of been 23 not 25 the pool would have still been closed for 18 days in this period, hence the temperature change has only resulted in a reduction of 3 afternoons.**



2. *In the 2022/23 season, how many afternoons was the Strathalbyn Swimming Pool closed to swimmers because the minimum temperature at which it would open was 23 degrees?*

**A total of 74 afternoon sessions did not run as the forecast was under 23 degrees. Notably 19 of these were in November and 15 in October. The remainder of the afternoon closures would have occurred February to April – noting also, that due to very cool temperatures in March and April, there was excessive gas usage, including a couple of instances whereby the gas refill could not keep up with the heating demand.**

3. *How many days was the Strathalbyn Swimming Pool open in the afternoons when the opening temperature was 23 degrees in the 2022/23 season?*

**The 2022-23 season commenced 17 October 2022 through to 9 April 2023. This is a total of 175 days, less closure for Christmas Day, New Year's Day and Good Friday. As per question 2, with 74 of those days having a temperature less than 23 degrees, the pool was open 149 days either from 3pm or because it was the peak season and open all day regardless of temperature.**

4. *To cater for lap swimmers 6.30am to 8.30am the Strathalbyn Swimming Pool is heated regardless of whether the pool is open or not in the afternoons - what proportion of the costs of running the pool are due to heating?*

**The total operating cost for the Strathalbyn Pool in 2022-23 was \$365,858. The total gas / (heating) cost was \$46,924 – representing 13% of total operating cost.**

5. *How much money is being saved by closing the pool in the afternoons when the temperature doesn't get to 25 degrees? Is it only staffing costs that are reduced?*

**Whilst there are savings by not opening in the afternoons, this is predominately staffing costs. The decision to close the pool when the temperature doesn't reach 25 degrees has been made due to very low, and at times even nil attendances when the pool has been open in the afternoons. Even at a temperature of 25 degrees plus, afternoon attendance is still very low during the off peak season opening times, except when it is very hot.**

**It is important to note, that during the peak season, 18 December 2023 through to 28 January 2024, the pool will be open all day (Weekdays: 6:00am-7:00pm, Weekends: 7:00am-6:00pm), every day, regardless of temperature. This would not have occurred in previous years and aligns with school holidays, to enable families and children and provide improved access to the facility. Furthermore, the pool hours can be extended at the discretion of management if the temperature is 32 degrees and over in Strathalbyn at 5:30pm.**

6. a. *Are attendance figures maintained for the Strathalbyn Swimming Pool, and regularly analysed in the context of the growth the Strathalbyn township is experiencing?*

**Attendance figures are maintained by and reviewed monthly by the YMCA SA and Council staff. There were 17,346 attendances in 2022-23 – this amounts to a cost to Council of \$21.09 per visit to the pool.**

b. *What is the current dwellings growth figure for Strathalbyn?*

**The official .idcommunity population forecast statistics have the Strathalbyn township (not including Willyaroo or surrounding areas) increasing from 6,721 to 8,759 by 2041. However, anecdotal dwelling construction figures indicate that new dwellings in Strathalbyn are being approved at a rate of approximately 150 per year. With an average household size of 2.3 residents, this equates to about 350 persons per year, which is a much higher rate than the .idcommunity forecast predicts.**

7. *Has the community ever been formally consulted on the temperature at which the Strathalbyn Swimming Pool will be open in the afternoon?*

**No. Decisions on opening times have been made in response to actual utilisation, demand and for best outcomes for all of the community (less opening in cooler periods and greater opening in peak/school holidays). As an example of this, and with the pool experiencing very low utilisation in the off peak times at 23 degrees (with the exception of lap swimming), the decision was made to increase the operating hours during the summer school holiday period.**

## 6. Questions without Notice

A number of Questions without Notice were asked and answered, and Questions without Notice that were taken on notice will appear as a Question with Notice, and the answer will be provided in the agenda of the next Council meeting.

## 7. Notice of Motions

### 7.1. Cr Lou Nicholson - Goolwa Food Market Fees

Cr Lou Nicholson declared a general conflict of interest in the matter for consideration due to being a friend of the organiser, Ms Rojina Duval and advised that she will move the motion, remain in the Chamber and vote on this matter.

**C23432**

**Moved Cr Lou Nicholson seconded Cr Michael Scott**

**That Administration:**

- 1. Waive the \$30 per stall Council fee for the proposed Goolwa Food Market during the 12-month trial period, while the markets are established.**
- 2. Contact organiser, Ms Rojina Duval to inform her of the 12-month fee waiver and finalise lease agreement, in order for the market to commence.**

Cr Peter Oliver, with consent of the mover and seconder, sought and was granted leave of the meeting to vary the motion as follows:

**That (as varied) Administration:**

- 1. Waive the \$30 per stall Council fee for the proposed Goolwa Food Market during the 6-month trial period, while the markets are established.**
- 2. Contact organiser, Ms Rojina Duval to inform her of the 6-month fee waiver and finalise lease agreement, in order for the market to commence.**

**CARRIED**

Conflict of Interest declaration: Cr Lou Nicholson voted in the affirmative.

### 7.2. Cr Lou Nicholson - Tree Protection in Alexandrina

**C23433**

**Moved Cr Lou Nicholson seconded Cr Milli Livingston**

**That Administration prepare a report for Council Members with options and recommendations for protection of trees within Alexandrina, including:**

- Examples of models used by other Councils in South Australia and interstate;**
- Options for classification of trees to protect (ie by size, species, heritage, significance, exemptions);**
- Mechanisms of protection; and**
- Penalties applicable.**

Cr Peter Oliver, with consent of the mover and seconder, sought and was granted leave of the meeting to vary the motion as follows:

**That (as varied) Administration prepare a report for Council Members with options and recommendations for protection and planting of trees within Alexandrina, including:**

- Examples of models used by other Councils in South Australia and interstate;**
- Options for classification of trees to protect (ie by size, species, heritage, significance, exemptions);**

- Mechanisms of protection; and
- Penalties applicable.

CARRIED UNANIMOUSLY

### 7.3. Cr Sue Miller - Holding of Council meeting in Strathalbyn, May 2024 (History Month)

C23434

Moved Cr Sue Miller seconded Cr Craig Maidment

That Council hold the May 2024 Council meeting in the Strathalbyn Town Hall during History Month (May 2024) in recognition of the 185-year celebration of European history, St Andrew's Church celebrating 180 years of history in 2024, and to celebrate and showcase the renovations to the Strathalbyn Town Hall.

CARRIED

### 7.4. Cr Margaret Gardner - Mobile Food Van Exemption

Cr Margaret Gardner advised that she wished to withdraw her Notice of Motion '*Mobile Food Van Exemption*'.

### 7.5. Cr Sue Miller - Ratalang Basham Beach Conservation Reserve Establishment of Native Grasslands

Cr Miller sought and was granted leave of the meeting to speak to her Notice of Motion longer than the allowed 5 minutes if required.

Moved Cr Sue Miller seconded Cr Christie Thornton

1. until such time that a detailed report is received and considered by Council at an ordinary council meeting providing an update on the status of completed, ongoing and outstanding recommendations contained on page 28 of the Ratalang Basham Beach Master Plan 2018 that the establishment of native grasslands in areas of Ratalang Basham Beach Conservation Reserve that has been the subject of a grazing and cropping licence that expires 31 December 2023 be paused.
2. until such time that further information being provided to Council regarding actual costs to engage Seeding Natives Inc, a workplan, a business plan, including proposed market for seed sales and predicted profit and loss to inform the spending of \$30,000 and \$80,000 from the Basham Beach Trust to plant 7.5 hectares down to shrubs and grasses that the establishment of native grasslands in areas of Ratalang Basham Beach Conservation Reserve that has been the subject of a grazing and cropping licence that expires 31 December 2023 be paused.
3. until such time that Council's Compliance Team has performed and provided to Council at an ordinary council meeting a review:
  - a. of the declared feral cat, rabbit and foxes and declared plant/weed pests
  - b. of the (yet to be established) detailed maintenance plans to ensure fire prevention is considered, particularly with regards to the area surrounding the Pleasant Banks homestead including fire breaks and slashing to be undertaken as required

that the establishment of native grasslands in areas of Ratalang Basham Beach Conservation Reserve that has been the subject of a grazing and cropping licence that expires 31 December 2023 be paused.



4. until such time that Ratalang Basham Beach & Horseshoe Bay Advisory Committee representative(s) have presented to Council Members at an information session, and a site tour has been undertaken by Council Members that the establishment of native grasslands in areas of Ratalang Basham Beach Conservation Reserve that has been the subject of a grazing and cropping licence that expires 31 December 2023 be paused.
5. Undertake community consultation, and until such time that Community Consultation on the decision to establish native grasslands in areas of Ratalang Basham Beach Conservation Reserve has occurred immediately for a minimum of 21 days that the establishment of native grasslands in areas of Ratalang Basham Beach Conservation Reserve that has been the subject of a grazing and cropping licence that expires 31 December 2023 be paused.
6. The grazing and cropping licence date be extended to 31 December 2024 and Council undertake a tender process for use of this 7.5ha parcel that is consistent with the Master Plan, under a licence, lease or permit arrangement, under similar arrangements to the other 3 parcels of land council has in its care and control that are cropped and/or grazed.

#### **FORMAL MOTION**

**C23435**

**Moved Cr Michael Scott seconded Cr Margaret Gardner**

**That this matter be adjourned for consideration at the next available Council meeting and referred to the Ratalang Basham Beach Committee for further consideration and a further report provided to Council.**

**CARRIED**

Cr Sue Miller sought and was granted leave of the meeting to make a personal explanation in regard to her Notice of Motion at Item 7.5 – *Ratalang Basham Beach Conservation Reserve Establishment of Native Grasslands*.

*'I apologise unreservedly to those I did not check in with first before naming them in my motion regarding consultation on the decision to establish native grasslands in areas of Ratalang Basham Beach Conservation Reserve; I thank the CEO for, on Friday afternoon, drawing this oversight to my attention. I also apologise to my colleagues, Council administration and community for this oversight. I ask that my personal explanation of apology be recorded in its entirety in the minutes of this meeting.'*

#### **7.6. Cr Michael Scott - First Australian Grand Prix Track**

**C23436**

**Moved Cr Michael Scott seconded Cr Bill Coomans**

**That Alexandrina Council acknowledge the significance of the heritage value and tourism potential of the track of the first Australian Grand Prix at Pt Elliot and Hayborough and that a working group comprising interested local residents and Council Staff be formed to progress the project with a report being presented at or before the Council Meeting in May 2024.**

**CARRIED**

#### **7.7. Cr Michael Scott - Roadside Tree Removal**

**C23437**

**Moved Cr Michael Scott seconded Cr Margaret Gardner**

**That due to the recent (non-council organised) poisoning of non-native trees along the roadsides in the Alexandrina Council area which has left the trees in an unsightly, potentially unsafe and bushfire prone state; that Council write a letter to the General Manager at the Hills and Fleurieu Landscape Board, seeking confirmation of, and timelines for, their removal. Furthermore, that the letter request that Council, in the future, be consulted on, and have input to, any future plans for tree removal in their Council area.**

Cr Peter Oliver, with consent of the mover and seconder, sought and was granted leave of the meeting to vary the motion as follows:

**That (as varied) due to the recent (non-council organised) poisoning of non-native trees along the roadsides in the Alexandrina Council area which has left the trees in an unsightly, potentially unsafe and bushfire prone state; that Council write a letter to the General Manager at the Hills and Fleurieu Landscape Board, seeking confirmation of, and timelines for, their removal. Furthermore, that the letter request that Council, in the future, be consulted on, and have input to, any future plans for tree removal and possible replacement in their Council area.**

**CARRIED**

## **7.8. Cr Lou Nicholson - Retention of Historic Trees**

**C23438**

**Moved Cr Lou Nicholson seconded Cr Bill Coomans**

- 1. That Council seek Local Heritage listing for the three (3) historic Moreton Bay Fig Trees, located adjacent to the southern side of the Port Elliot Railway Station at Lot 11 The Strand, 3 Young Street and 6 Freeling Street, Port Elliot, by including these trees within the survey for the Port Elliot Heritage Code Amendment.**
- 2. That Council contact the owner of 6 Freeling Street, Port Elliot, to determine their intentions for the land and the Moreton Bay Fig Tree; and that a report be presented to Council at the December 2023 meeting with options available to facilitate the retention of the tree.**

**CARRIED UNANIMOUSLY**

## **7.9. (Confidential) Cr Lou Nicholson - Retention of Historic Trees**

The Presiding member sought and was granted leave of the meeting for Item 7.9 (*Confidential*) Cr Lou Nicholson – Retention of Historic Trees to be considered later in the confidential section of this meeting in order to accommodate members of the public in attendance at the meeting.

## **8. Administration Reports**

### **8.1. Request for additional funding: Rotary Christmas Carol Event 2023**

**C23439**

**Moved Cr Margaret Gardner seconded Cr Milli Livingston**

- 1. That Council approve the formal request for funding of up to an additional \$3,500 from the Rotary Club of Goolwa (in addition to the \$2,500 already provided), for the Goolwa Community Christmas Carol event.**
- 2. That the allocation of funding be taken from the existing Goolwa Christmas Pageant Budget that is no longer required.**
- 3. That Council continue to work closely with the Rotary Club of Goolwa to ensure that the event at the Goolwa Oval is a success on the 17 December 2023.**

**CARRIED UNANIMOUSLY**

## **8.2. Short Term Dry Area Applications for Christmas Events 2023**

**C23440**

**Moved Cr Michael Scott seconded Cr Craig Maidment**

**That Council supports an application being submitted to Consumer and Business Services for Short Term Dry Areas as follows:**

- 1. 4pm on Friday 15 December 2023 until 6am Saturday 16 December 2023 for the purpose of Strathalbyn's 'Christmas Where the Angas Flows' 2023 at Strathalbyn Showgrounds and Town Centre (Areas 1 and 2).**
- 2. 5.30pm to 9.30pm on Sunday 17 December 2023 for the purpose of Goolwa Christmas Carols at Goolwa Oval Recreation Precinct.**

**CARRIED UNANIMOUSLY**

## **8.3. PS Oscar W Inc: Governance, Financials and Risk Management Practices**

**C23441**

**Moved Cr Bill Coomans seconded Cr Sue Miller**

- 1. That the Report detailing the Governance, Financials and Risk Management Practices of the Friends of the Oscar W Inc be received.**
- 2. That Administration continue to negotiation with the Friends of Oscar W Inc a revised Memorandum of Understanding and appropriate leases and licences over the Wharf Shed, PS Oscar W paddle steamer and Goolwa Community Precinct including detailing the Council Financial resources to support their operations.**
- 3. That in order to progress the fit-out of the Wharf Shed that Council engage Expedition Studios to work with the Friends of Oscar W Inc to turn their floorplan concept into a detailed design and budget allocation for presentation to Council for endorsement.**
- 4. That prior to construction of the fit-out and occurring the major expense, that Council formalise governance, finances and risk management arrangements with the Friends of the Oscar W Inc.**
- 5. That Council lawyers and insurers be invited to present at a future Council Member Workshop to give assurances on governance, finances and risk mitigation measures to be put in place.**

**CARRIED UNANIMOUSLY**

## **8.4. Greater Adelaide Regional Plan Discussion Paper - Submission**

**C23442**

**Moved Cr Milli Livingston seconded Cr Lou Nicholson**

**That Council:**

- 1. Note the Report.**
- 2. Endorse the letter as contained in this meeting agenda at Attachment 1 of this report for submission to the State Planning Commission in response to the Greater Adelaide Regional Plan Discussion Paper.**

**CARRIED UNANIMOUSLY**

## **8.5. Proposed Nomination of Mayor Keith Parkes to the Local Government Grants Commission**

Mayor Keith Parkes declared a material conflict of interest in the matter for consideration due to his nomination to the Local Government Grants Commission, which is a remunerated position, being considered, and left the Chamber at 7.19 pm

Deputy Mayor Bill Coomans Took the Chair at 7.19 pm

**C23443**

**Moved Cr Michael Scott seconded Cr Peter Oliver**

**That Council endorse the nomination of Mayor Keith Parkes as a representative on the Local Government Grants Commission and duly submit the nomination form to the Local Government Association of South Australia for consideration.**

**CARRIED UNANIMOUSLY**

Mayor Keith Parkes returned to the Chamber and resumed the Chair at 7.21 pm

## **8.6. Election of SA Representatives to the Australian Coastal Councils Association Committee**

Mayor Keith Parkes declared a general conflict of interest in the matter for consideration due to his nomination to the Australian Coastal Councils Association Committee being considered and advised he would remain in the Chamber, but will not participate in debate or exercise his casting vote should he be required to do so.

Due to there being more than one (1) candidate for the two (2) positions for representatives to the Australian Coastal Councils Association Committee a secret ballot was conducted.

The CEO counted the votes and confirmed the correct number of votes were received and advised that Mayor Keith Parkes and Cr Marilyn Henderson were the successful nominations for the position of representatives to the Australian Coastal Councils Association Committee to be used in the motion for formal Council consideration.

**C23444**

**Moved Cr Margaret Gardner seconded Cr Milli Livingston**

**That Council endorse Mayor Keith Parkes and Cr Marilyn Henderson as South Australian Representatives to the Australian Coastal Councils Association Committee for a period of two years from November 2023.**

**CARRIED UNANIMOUSLY**

## **8.7. Delivering A2040 - 6 Monthly Progress Report**

**C23445**

**Moved Cr Craig Maidment seconded Cr Christie Thornton**

**That Council receive the Delivering A2040 Progress Report.**

Cr Milli Livingston left the Chamber at 7.29 pm

**CARRIED UNANIMOUSLY**

## **8.8. Heritage Strategy and Action Plan 2023-2030 - Consultation Feedback Summary and Adoption**

**C23446**

**Moved Cr Margaret Gardner seconded Cr Craig Maidment**

**That Council:**

- 1. having considered the public submissions received in response to the draft Heritage Strategy and Action Plan 2023-2030, adopts the Heritage Strategy and Action Plan 2023-2030.**
- 2. authorise Administration to make changes of a minor technical or formatting nature to the final Heritage Strategy and Action Plan 2023-2030.**

Cr Milli Livingston returned to the Chamber at 7.31 pm

**CARRIED UNANIMOUSLY**

## **8.9. Yuntulun Ku:li-war at Signal Point - Resourcing**

**C23447**

**Moved Cr Margaret Gardner seconded Cr Peter Oliver**

- 1. That Council note the update on the progress of the Yuntulun Ku:li-war exhibition at Signal Point Experience Centre.**
- 2. That Council note the ongoing operation the Experience Centre for the remainder of this Financial Year being resourced, utilising existing operational budgets, through using a mix of team members from Visitor Information Services, Customer Experience, and Arts and Culture.**

**CARRIED UNANIMOUSLY**

## **8.10. Repay SA Partnership Opportunity**

**C23448**

**Moved Cr Lou Nicholson seconded Cr Christie Thornton**

**That Council note the report regarding opportunities for Alexandrina Council to engage Repay SA should the requirement to use of their services arise.**

**CARRIED UNANIMOUSLY**

## **8.11. RSL Port Elliot Sub-branch Lease - Public Consultation Outcomes**

**C23449**

**Moved Cr Michael Scott seconded Cr Peter Oliver**

**That Council:**

- 1. Receive the Community Engagement submissions on the proposed 10-year lease for the Port Elliot RSL Sub-branch as contained in this meeting agenda at Attachment 1 of this Report.**

2. Grant consent to a ten-year (5 + 5) community lease with the Port Elliot RSL Sub branch commencing 1 December 2023 for use of the Old Guide Hall building located on a portion of 10 The Strand Port Elliot, Certificate of Title Volume 5854 Folio 472, for the purpose of an office and meeting space for social and recreational activities including welfare support for ex-servicemen and their families.
3. Grant consent for the Mayor and Chief Executive Officer to sign and seal the lease agreement.

**CARRIED UNANIMOUSLY**

#### **8.12. Strategic Land Program Group 1 - Goolwa Terrace Roundabout Public Consultation Outcomes**

**C23450**

**Moved Cr Margaret Gardner seconded Cr Peter Oliver**

**That Council:**

1. Receive the Community Engagement submissions on the proposed revocation of a portion of community land adjacent the Goolwa Terrace Roundabout as contained in this meeting agenda at Attachment 1 of this report.
2. Is satisfied that Council has complied with the due process required under Section 194 of the *Local Government Act 1999* (SA) to commence a community land revocation process over a portion of land located at Lot 9 Goolwa Terrace Goolwa, deposited plan DP 36237 / 9, as contained within Crown Record Volume 5752 Folio 189.
3. Resolves and grants consent to submit a Revocation of Community Land proposal (application) to the Minister responsible for the *Local Government Act 1999* (Minister) for consideration to approve the proposal to revoke the classification of community land over that portion of the reserve located at Lot 9 Goolwa Terrace, Goolwa, DP 36237 / 9, Crown Record Volume 5752 Folio 189 to a setback of three (3) metres from the kerb line of the road, for the purpose of opening as road.
4. Receive a further Report following the decision of the Minister.

**CARRIED UNANIMOUSLY**

#### **8.13. Strategic Land Program Group 1 - Lot 91 Finniss/Clayton Road Public Consultation Outcomes**

**C23451**

**Moved Cr Michael Scott seconded Cr Margaret Gardner**

**That Council:**

1. Receive the Community Engagement submissions on the proposed revocation of the classification of community land over Lot 91 Finniss – Clayton Road Clayton Bay, as contained in this meeting agenda at Attachment 1 of this Report.
2. Is satisfied that Council has complied with the due process required under Section 194 of the *Local Government Act 1999* (SA) to commence a community land revocation process over the land parcel located at Lot 91 in Filed Plan 161584, Certificate of Title Volume 5890 Folio 949.
3. Resolves and grants consent to submit a Revocation of Community Land proposal (application) to the Minister responsible for the *Local Government Act 1999* (Minister) for consideration to approve the proposal to revoke the classification of community land over the land parcel described as Lot 91 Finniss – Clayton Road Clayton Bay in Filed Plan 161584, Certificate of Title Volume 5890 Folio 949.

4. Receive a further Report following the decision of the Minister.

CARRIED UNANIMOUSLY

#### 8.14. Legislative Reform - Audit and Risk Committee Draft Terms of Reference

C23452

Moved Cr Peter Oliver seconded Cr Sue Miller

That Council:

1. will have an internal audit function with scope and form to be determined.
2. adopt the revised Audit and Risk Committee Terms of Reference, as contained in this meeting agenda at Attachment 1 of this report, to take effect at the same time as the amendments to section 126 of the *Local Government Act 1999*.

CARRIED UNANIMOUSLY

#### 8.15. Establishment of Terms of Reference for Fleurieu Regional Building Fire Safety Committee

C23453

Moved Cr Craig Maidment seconded Cr Margaret Gardner

1. That Council receives the report;
2. That the Council adopts the Establishment and Terms of Reference for the Fleurieu Regional Building Fire Safety Committee as it applies under Section 157 (17) of the *Planning, Development and Infrastructure Act 2016* for the period 27 November 2023 - 27 November 2026 and hereby appoint the following persons to the committee:
  - Mr Andreas Karaiskos, Team Leader Building Assessment (Alexandrina Council)
  - Mr Grant Longbottom, Senior Building Surveyor (Alexandrina Council)
  - Mr Colin Paton (Country Fire Service)
  - Mr Peter Harmer Building Consultant (Peter Harmer Consulting)

And the following as deputy members as appointed by the Country Fire Service:

- Mr Daren Chapman (Country Fire Service)
- Mr Kevin Churchwood (Country Fire Service)

CARRIED UNANIMOUSLY

#### 8.16. Code of Practice - Access to Council and Committee Meetings and Documents - Public Consultation Outcomes

C23454

Moved Cr Sue Miller seconded Cr Christie Thornton

That Council:

1. receive the Public Consultation outcomes report as contained in this meeting agenda at attachment 1 of this report.
2. adopt the Code of Practice – Access to Council and Committee Meetings and Documents as contained in this meeting agenda at attachment 2 of this report.



3. authorise Administration to make changes of a minor technical or formatting nature to the Code of Practice – Access to Council and Committee Meetings and Documents.

CARRIED UNANIMOUSLY

### 8.17. Behavioural Management Policy

C23455

Moved Cr Craig Maidment seconded Cr Christie Thornton

That Council:

1. adopt the Behavioural Management Policy as contained in this meeting agenda at attachment 2 of this report.
2. authorise Administration to make changes of a minor technical or formatting nature to the Behavioural Management Policy.

CARRIED UNANIMOUSLY

### 8.18. Subsidiary Annual Reports 2022/23

C23456

Moved Cr Lou Nicholson seconded Cr Craig Maidment

That Council receive and note the Regional Subsidiaries 2022/23 Annual Reports, as contained in this meeting agenda at Attachment 1 of Item 9.9 Alexandrina Council Annual Report 2022/23, for:

- Adelaide Hills Region Waste Management Authority;
- Fleurieu Regional Aquatic Centre Authority;
- Fleurieu Regional Waste Authority; and
- Southern & Hills Local Government Association.

CARRIED UNANIMOUSLY

### 8.19. Chief Executive Officer Report

C23457

Moved Cr Milli Livingston seconded Cr Peter Oliver

1. That the Chief Executive Officer's Report for October 2023 be received.
2. That Council note that on the 31 October 2023, settlement occurred on the Council Strategic Land Purchase of 22-24 South Terrace, Strathalbyn.
3. That options for the future use of recently purchased 22-24 South Terrace, Strathalbyn be presented to a future Information session and meeting of Council for consideration.
4. That Council note that at the Council meeting 16 October 2023, Council resolved in part (C23385):

*That subject to negotiation with the clubs to undertake the task, that the Chief Executive Officer be authorised to reallocate the \$55,000 currently in the 2023/24 Annual Business Plan and Budget for the Turf Management Contract to purchase a lawn mower to enable the clubs to perform the ongoing Turf Management themselves.*

5. That Council further note that due to a mower not being able to be sourced in time for the deadline for decision to extend the existing Turf Management Contract, a mower was not purchased and the Turf Management Contract was extended for a period of six months.



6. That a future decision on the ongoing Turf Management on Goolwa Oval be included when considering the ongoing Management Model.

CARRIED UNANIMOUSLY

## 9. Section 41 Committees and Advisory Panels - Minutes and Reports

9.1. Minutes of Section 41 Committee - Heritage Advisory Committee - Highlights Report

C23458

Moved Cr Craig Maidment seconded Cr Bill Coomans

That Council receive and note the minutes of the Heritage Advisory Committee held on 11 October 2023.

CARRIED UNANIMOUSLY

9.2. Report from Section 41 Committee - Heritage Advisory Committee - Turnstiles in the Port Elliot Memorial Soldiers Gardens

C23459

Moved Cr Milli Livingston seconded Cr Margaret Gardner

1. That Council note the recommendation of the Heritage Advisory Committee:

That Council undertake essential maintenance and restoration works to the two (2) turnstiles located at the Port Elliot Soldier's Memorial Gardens.

2. That Council undertake essential maintenance and restoration works to the two (2) turnstiles located at the Port Elliot Soldier's Memorial Gardens through existing operational budgets.

CARRIED UNANIMOUSLY

9.3. Report from Section 41 Committee - Heritage Advisory Committee - Pre-approved Road Name

C23460

Moved Cr Margaret Gardner seconded Cr Craig Maidment

1. That Council note the 11 October 2023 resolution of the Heritage Advisory Committee:

That the following names to the pre-approved road name list:

For the Clayton area:

- Annabelle
- Spinnaker
- Pelican
- Henry Jones
- Rat Regatta
- Lagoon View
- Swamp Hen
- Snug Cove

**For the Port Elliot area:**

- Josephine
- Lapwing
- Harry
- Essery
- Saunders
- Tripp
- Harkins
- Newland
- Metcalf
- Absolam
- Mien
- Anstey
- Worsnop

**2. That Council:**

**Approve the addition of following names to the pre-approved road name list:**

**For the Clayton area:**

- Annabelle
- Spinnaker
- Pelican
- Henry Jones
- Rat Regatta
- Lagoon View
- Swamp Hen
- Snug Cove

**For the Port Elliot area:**

- Josephine
- Lapwing
- Harry
- Essery
- Saunders
- Tripp
- Harkins
- Newland
- Metcalf
- Absolam
- Mien
- Anstey

- Worsnop

**CARRIED UNANIMOUSLY**

**9.4. Minutes of Section 41 Committee - Climate and Emergency and Environment Committee - Highlights Report**

**C23461**

Moved Cr Bill Coomans seconded Cr Lou Nicholson

That Council receive and note the minutes of the Climate and Emergency and Environment Committee held on 10 October 2023.

**CARRIED UNANIMOUSLY**

**9.5. Minutes of Alexandrina Sustainable Agricultural Round Table (ASART) - Highlights Report**

**C23462**

Moved Cr Christie Thornton seconded Cr Lou Nicholson

That Council receive and note the minutes of the Alexandrina Sustainable Agricultural Round Table (ASART) meeting held on 17 October 2023.

**CARRIED UNANIMOUSLY**

**9.6. Minutes of Section 41 Committee - Audit and Risk Committee - 2 November 2023**

**C23463**

Moved Cr Peter Oliver seconded Cr Christie Thornton

That Council receive and note the minutes of the Audit and Risk Committee held on 2 November 2023.

**CARRIED UNANIMOUSLY**

**9.7. Report from Section 41 Audit and Risk Committee - Audit and Risk Committee Draft Annual Report 2022/23**

**C23464**

Moved Cr Peter Oliver seconded Cr Christie Thornton

That Council endorse the Audit and Risk Committee Annual Report 2022/23.

**CARRIED UNANIMOUSLY**

**9.8. Report from Section 41 Audit and Risk Committee - First Quarter Budget Review 2023/24**

**C23465**

**Moved Cr Peter Oliver seconded Cr Christie Thornton**

**That Council:**

- 1. note the Audit and Risk Committee resolution that:**
  - a. noted the First Quarter Budget Review, incorporating the 2022/23 Draft Financial Results (prior to audit completion), identifying a revised operating deficit of \$2,128,000 and an estimated cash at end of reporting period of \$778,000.**
  - b. noted the absurdity of the Accounting Standards in relation to AASB 1058 (*Income for Not-for-Profit Entities*) and AASB 15 (*Revenue from Contracts with Customers*) and reconsider when finalising the year end accounts.**
- 2. note adjustments since consideration by the Audit and Risk Committee for:**
  - a. Council resolution C23392 of \$10,000 operating expenditure for non-Council owned community halls was already in the adopted 2023/24 Budget.**
  - b. Deferring Capital Project 200167 Braeside Road for consideration in future years and transfer the \$101,400 in Capital Expenditure to Capital Project 200266 Cleland Gully Road for urgent short term remediation works, as set out in Table 3 of this report.**
- 3. adopt the First Quarter Budget Review, incorporating the 2022/23 Draft Financial Results (prior to audit completion), identifying a revised operating deficit of \$2,118,000 and an estimated cash at end of reporting period of \$788,000.**
- 4. note the updated Adjusted Key Performance Indicators, contained at Attachment 1, which corrects the distortion in key ratios (referenced by the Audit and Risk Committee at 1. b. above) to provide a more accurate basis for comparison, as set out below:**
  - Operating Surplus/(Deficit) – (\$291,000) deficit**
  - Operating Surplus/(Deficit) Ratio – 0%**
  - Net Financial Liabilities Ratio – 78%**

**CARRIED UNANIMOUSLY**

**9.9. Report from Section 41 Audit and Risk Committee - Alexandrina Council Annual Report 2022/23**

**C23466**

**Moved Cr Peter Oliver seconded Cr Milli Livingston**

- 1. That Council note the following recommendations to Council of the Audit and Risk Committee:**

**That Council adopt the Annual Report 2022/23, subject to the inclusion of Council's 2022/23 Audited Financial Statements.**

## 2. That Council:

- adopt the Annual Report 2022/23
- note that Council's 2022/23 Audited Financial Statements will be presented to Council at a future meeting for adoption
- authorise Administration to add the Audited Financial Statements once adopted by Council into the Annual Report 2022/23
- authorise Administration to make minor amendments of a formatting, proof reading or technical nature to the Annual Report 2022/23 as required.

CARRIED UNANIMOUSLY

## 9.10. Report from Section 41 Audit and Risk Committee - Financial Aspects of Tenancy of the Wharf Shed

C23467

Moved Cr Peter Oliver seconded Cr Milli Livingston

That Council note the following resolution of the Audit and Risk Committee in consideration of the Financial Aspects of Tenancy of the Wharf Shed (ACAC346) and take into consideration the resolution for future deliberations on the tenancy of the Wharf Shed:

### 1. That the Audit and Risk Committee:

- a. note that consultants have indicated a commercial rent for the Wharf Shed of:
  - i. between \$100 per sqm, per annum and \$225 per sqm, per annum for the internal space at the time of the review in 2022, and*
  - ii. \$100 per sqm, per annum for the external space at the time of the review in 2022.**
- b. based on the Goolwa Wharf Shed Commercial Review and discussion paper, supports the occupation of a portion of the Wharf Shed by Oscar W at its existing peppercorn rent, acknowledging the commercial value of the tenancy.*

### 2. That the Audit and Risk Committee recommend to Council that:

- a. the Commercial Tenancy rental value be established by the current competitive expression of interest process, guided by updated independent market valuation.*
- b. in setting the rates, Council needs to be mindful of the resolved intention to activate the Goolwa Wharf Precinct and that this should be a consideration in the selection of the Commercial Tenant and the housing of the Friends of Oscar W.*

Cr Christie Thornton left the Chamber at 8.02 pm and returned to the Chamber at 8.04 pm

CARRIED UNANIMOUSLY

## 10. Council Member Reports

### 10.1. Presiding Member's Report - Mayor Keith Parkes

C23468

Moved Cr Christie Thornton seconded Cr Peter Oliver

That the Presiding Member's Report for October 2023 be received.

CARRIED UNANIMOUSLY

## 10.2. Council Member Activity Report - Cr Margaret Gardner

C23469

Moved Cr Craig Maidment seconded Cr Sue Miller

That the Council Member's Activity Report from Cr Margaret Gardner for September and October 2023 be received.

CARRIED UNANIMOUSLY

## 10.3. Council Member Activity Report - Cr Michael Scott

C23470

Moved Cr Christie Thornton seconded Cr Peter Oliver

That the Council Member's Activity Report from Cr Michael Scott for July to September 2023 be received.

CARRIED UNANIMOUSLY

### Verbal Updates

Cr Craig Maidment advised that the Rotary Club of Strathalbyn were recently awarded the 2023 Premier's Community Service – Health Award in recognition of the Automated External Defibrillator (AED) project. The main objective of the AED project is to bring awareness to the community of the need for more accessible AED units in the community and to encourage the public, community groups and businesses to purchase more units and have them available to the public 24/7.

Cr Sue Miller congratulated everyone involved in the successful 2023 Great Duck Race and the Adelaide Rally events held in Strathalbyn on the weekend of 19 November 2023. Cr Miller commended the Alexandrina Council Parks & Gardens staff for the magnificent presentation and maintenance of the beautiful gardens at Strathalbyn.

Cr Sue Miller advised she attended the Local Government Association – Community Engagement for Council Members business course on 16 November 2023.

## 11. Confidential Items

### 11.1. (Confidential) Report from Section 41 Audit and Risk Committee Strategic Risk Register Financial Services Review

C23471

Moved Cr Christie Thornton seconded Cr Craig Maidment

Pursuant to Section 90 (2) of the *Local Government Act 1999*, the Council orders that all members of the public be excluded, with the exception of the Chief Executive Officer, General Manager Infrastructure, General Manager Community, General Manager Corporate, Executive Manager Office of the CEO, Specialist Financial Services Consultant, and Executive Assistant to the Mayor and Council Members on the basis it will receive and consider Item 11.1 (Confidential) Report from Section 41 Audit and Risk Committee - Strategic Risk Register Financial Services Review.

The Council is satisfied, pursuant to section 90(3)(e) of the Act, that the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which are matters affecting the security of the council, members or employees of the council, or council property, or the safety of any person.

CARRIED UNANIMOUSLY

**C23472**

**Moved Cr Milli Livingston seconded Cr Christie Thornton**

- 1. That Council note the Audit and Risk Committee recommendations of Council to:**
  - 1. receive a confidential briefing on 'Alexandrina Council - Financial Services Review Briefing Report as contained in this meeting agenda at Attachment 1 of this report.**
  - 2. note the 'Alexandrina Council - Financial Services Review Briefing Report as contained in this meeting agenda at Attachment 1 of this report.**
- 2. That Council note the Financial Services Review Risk Area Remediation - Current Status and Forecast Completion Timelines, as contained in this meeting agenda at Attachment 3 of this report.**
- 3. That a further report be provided at a Council Information Session in 3 months' time on the progress of the remediation.**

**CARRIED UNANIMOUSLY**

**C23473**

**Moved Cr Craig Maidment seconded Cr Christie Thornton**

- 1. That having considered Agenda Item 11.1 (Confidential) Report from Section 41 Audit and Risk Committee - Strategic Risk Register Financial Services Review in confidence under section 90 (2) and (3) (e) of the *Local Government Act 1999* the Council, pursuant to section 91 (7) of the *Local Government Act 1999*, orders that the report and attachments and audio recordings relative to the Agenda Item 11.1 (Confidential) Report from Section 41 Audit and Risk Committee - Strategic Risk Register Financial Services Review be retained in confidence until further order.**
- 2. That pursuant to section 91 (9) (c) of the *Local Government Act 1999* the Council delegates to the Chief Executive Officer the power to revoke, in whole or in part, the order made in paragraph 1 of this resolution.**

**CARRIED UNANIMOUSLY**

**11.2. (Confidential) Strategic Land Program Land Revocation Proposal in Strathalbyn**

**C23474**

**Moved Cr Milli Livingston seconded Cr Margaret Gardner**

**Pursuant to section 90(2) of the *Local Government Act 1999*, the Council orders that all members of the public be excluded, with the exception of the Chief Executive Officer, General Manager Infrastructure, General Manager Community, General Manager Corporate, Executive Manager Office of the Chief Executive Officer, Group Manager Regional Development, Manager Property and Procurement Services, Manager Economic Development, Executive Assistant to the Chief Executive Officer, Communications Advisor and Executive Assistant to the Mayor and Council Members on the basis that it will receive and consider Item 11.2 (Confidential) Strategic Land Program Land Revocation Proposal in Strathalbyn.**

**The Council is satisfied, pursuant to section 90(3)(d)(i)(ii) that the Report contains information the disclosure of which:**

- (i) 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; and**
- (ii) would, on balance, be contrary to the public interest.**

**CARRIED UNANIMOUSLY**

C23476

Moved Cr Lou Nicholson seconded Cr Milli Livingston

1. That having considered Agenda Item 11.2 (Confidential) Strategic Land Program Land Revocation Proposal in Strathalbyn in confidence under section 90(2) and (3) (d)(i)(ii) of the *Local Government Act 1999* the Council, pursuant to section 91(7) of the *Local Government Act 1999*, orders that the minutes, report and attachments and audio recording relative to the Agenda Item 11.2 (Confidential) Strategic Land Program Land Revocation Proposal in Strathalbyn be retained in confidence until further order.
2. That pursuant to section 91(9)(c) of the *Local Government Act 1999* the Council delegates to the Chief Executive Officer the power to revoke, in whole or in part, the order made in paragraph 1 of this resolution.

**CARRIED UNANIMOUSLY**

### **11.3. (Confidential) Stage 1 Wharf Tenancy Activation Strategy Registration of Interest Submissions**

C23477

Moved Cr Milli Livingston seconded Cr Peter Oliver

Pursuant to section 90(2) of the *Local Government Act 1999*, the Council orders that all members of the public be excluded, with the exception of the Chief Executive Officer, General Manager Infrastructure, General Manager Community, General Manager Corporate, Executive Manager Office of the Chief Executive Officer, Group Manager Regional Development, Manager Property and Procurement Services, Manager Economic Development, Communications Advisor and Executive Assistant to the Mayor and Council Members on the basis that it will receive and consider Item 11.3 (Confidential) Stage 1 Wharf Tenancy Activation Strategy Registration of Interest Submissions.

The Council is satisfied, pursuant to section 90(3)(d)(i)(ii), that the Report contains information the disclosure of which:

- (i) 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; and
- (ii) would, on balance, be contrary to the public interest.

**CARRIED UNANIMOUSLY**

Mayor Keith Parkes declared a general conflict of interest at Item 4 in the matter for consideration as the company is owned by friends who supported him during the 2022 Local Government Elections campaign for Mayor, and advised he would remain in the Chamber, but will not participate in debate or exercise his casting vote should he be required to do so.

Cr Margaret Gardner declared a material conflict of interest at item 6 in the matter for consideration due to being involved with an entity who presented a Registration of Interest and left the Chamber at 8.48 pm

Cr Margaret Gardner returned to the Chamber at 8.50 pm



**C23485**

**Moved Cr Craig Maidment seconded Cr Peter Oliver**

1. That having considered Agenda Item 11.3 (Confidential) Stage 1 Wharf Tenancy Activation Strategy Registration of Interest Submissions in confidence under section 90(2) and (3) (d)(i)(ii) of the *Local Government Act 1999* the Council, pursuant to section 91(7) of the *Local Government Act 1999*, orders that the minutes, report and attachments and audio recording relative to the Agenda Item 11.3 (Confidential) Stage 1 Wharf Tenancy Activation Strategy Registration of Interest Submissions be retained in confidence until further order.
2. That pursuant to section 91(9)(c) of the *Local Government Act 1999* the Council delegates to the Chief Executive Officer the power to revoke, in whole or in part, the order made in paragraph 1 of this resolution.

**CARRIED UNANIMOUSLY**

#### **11.4. (Confidential) Stage 2 Wharf Tenancy Activation Strategy Registration of Interest Submissions**

**C23486**

**Moved Cr Peter Oliver seconded Cr Sue Miller**

Pursuant to section 90(2) of the *Local Government Act 1999*, the Council orders that all members of the public be excluded, with the exception of the Chief Executive Officer, General Manager Infrastructure, General Manager Community, General Manager Corporate, Executive Manager Office of the Chief Executive Officer, Group Manager Regional Development, Manager Property and Procurement Services, Manager Economic Development, Communications Advisor and Executive Assistant to the Mayor and Council Members on the basis that it will receive and consider Item 11.4 (Confidential) Stage 2 Wharf Tenancy Activation Strategy Registration of Interest Submissions.

The Council is satisfied, pursuant to section 90(3)(d)(i)(ii), that the Report contains information the disclosure of which:

- (i) 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; and
- (ii) would, on balance, be contrary to the public interest.

**CARRIED UNANIMOUSLY**

Cr Margaret Gardner declared a material conflict of interest in the matter for consideration due to being involved with an entity who presented a Registration of Interest and left the Chamber at 8.48 pm

**C23488**

**Moved Cr Milli Livingston seconded Cr Lou Nicholson**

1. That having considered Agenda Item 11.4 (Confidential) Stage 2 Wharf Tenancy Activation Strategy Registration of Interest Submissions in confidence under section 90(2) and (3) (d)(i)(ii) of the *Local Government Act 1999* the Council, pursuant to section 91(7) of the *Local Government Act 1999*, orders that the minutes, report and attachments and audio recording relative to the Agenda Item 11.4 (Confidential) Stage 2 Wharf Tenancy Activation Strategy Registration of Interest Submissions be retained in confidence until further order.

2. That pursuant to section 91(9)(c) of the *Local Government Act 1999* the Council delegates to the Chief Executive Officer the power to revoke, in whole or in part, the order made in paragraph 1 of this resolution.

**CARRIED UNANIMOUSLY**

#### **11.5. (Confidential) Fleurieu Regional Aquatic Centre Authority Management Agreement**

**C23489**

**Moved Cr Craig Maidment seconded Cr Milli Livingston**

Pursuant to section 90(2) of the *Local Government Act 1999*, the Council orders that all members of the public be excluded, with the exception of the Chief Executive Officer, General Manager Infrastructure, General Manager Community, General Manager Corporate, Executive Manager Office of the Chief Executive Officer, Group Manager Regional Development, Communications Advisor and Executive Assistant to the Mayor and Council Members on the basis that it will receive and consider Item 11.5 (Confidential) Fleurieu Regional Aquatic Centre Authority Management Agreement.

The Council is satisfied, pursuant to section 90(3)(h) and 90(3)(d) of the Act, the information to be received, discussed, or considered in relation to this Agenda Item Fleurieu Regional Aquatic Centre Authority Management Agreement and also commercial information that 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 and would, on balance, be contrary to the public interest at this time.

**CARRIED UNANIMOUSLY**

Cr Margaret Gardner returned to the Chamber at 9.06 pm

**C23491**

**Moved Cr Milli Livingston seconded Cr Craig Maidment**

1. That having considered Agenda Item 11.5 (Confidential) Fleurieu Regional Aquatic Centre Authority Management Agreement.in confidence under section 90(2) and (3)(h) and 90(3)(d) of the Act, the Council, pursuant to section 91(7) of the *Local Government Act 1999*, orders that the minutes, report and attachments and audio recording relative to the Agenda Item 11.5 (Confidential) Fleurieu Regional Aquatic Centre Authority Management Agreement.be retained in confidence until further order.
2. That pursuant to section 91(9)(c) of the *Local Government Act 1999* the Council delegates to the Chief Executive Officer the power to revoke, in whole or in part, the order made in paragraph 1 of this resolution.

**CARRIED UNANIMOUSLY**

#### **7.9. (Confidential) Cr Lou Nicholson - Retention of Historic Trees**

This item was deferred from earlier in this meeting.

**C23492**

**Moved Cr Christie Thornton seconded Cr Michael Scott**

Pursuant to section 90(2) of the *Local Government Act 1999*, the Council orders that all members of the public be excluded, with the exception of the Chief Executive Officer, General Manager Infrastructure, General Manager Community, General Manager Corporate, Executive Manager Office of the Chief Executive Officer, Group Manager Regional Development,

Communications Advisor and Executive Assistant to the Mayor on the basis that it will receive and consider Item 7.9 Notice of Motion (Confidential) – Retention of Historic Trees.

The Council is satisfied, pursuant to section 90(3)(d) of the Act, that the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which:

- (i) 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; and
- (ii) would, on balance, be contrary to the public interest.

The Council is satisfied that the principle that the meeting should be conducted in a place open to the public has been outweighed in the circumstances because this agenda item contains official and sensitive information relating to the purchase of a property the release of this information could compromise Council's financial position in relation to the land purchase.

**CARRIED UNANIMOUSLY**

**C23493**

**Moved Cr Peter Oliver seconded Cr Craig Maidment**

1. That having considered Agenda Item 7.9 Notice of Motion (Confidential) – Retention of Historic Trees in confidence under section 90(3)(d) of the *Local Government Act 1999* the Council, pursuant to section 91(7) of the *Local Government Act 1999*, orders that the minutes, report and attachments and audio recording relative to the Agenda Item 7.9 Notice of Motion (Confidential) – Retention of Historic Trees be retained in confidence until further order.
2. That pursuant to section 91(9)(c) of the *Local Government Act 1999* the Council delegates to the Chief Executive Officer the power to revoke, in whole or in part, the order made in paragraph 1 of this resolution.

**CARRIED UNANIMOUSLY**

## **12. Closure**

The Presiding Member declared the meeting closed at 9.23 pm

**MINUTES CONFIRMED.....DATE.....**

Mayor Keith Parkes