

Minutes of the Ordinary Meeting of Council of the City of Holdfast Bay held in the Council Chamber, Glenelg Town Hall, Moseley Square, Glenelg, on 28 September 2021 at 7:00pm.

MEMBERS PRESENT

Mayor A Wilson
Councillor R Abley
Councillor A Bradshaw
Councillor R Clancy
Councillor J Fleming
Councillor C Lindop
Councillor S Lonie
Councillor W Miller
Councillor R Patton
Councillor J Smedley
Councillor R Snewin

STAFF IN ATTENDANCE

Chief Executive Officer – R Bria
General Manager Assets and Delivery – M De Heus
General Manager Community and Business – M Lock
A/ General Manager Strategy and Corporate –A Marroncelli
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.

Her Worship the Mayor acknowledged the recent passing of Senior Kurna Meyunna Tribal Woman, Georgina Williams. Georgina Williams was Senior Custodian/Traditional Owner from the Williams Family Clan, Keeper of the Peace lore of Tjilbruke.

The meeting observed one minutes silence to pay its respects.

3. SERVICE TO COUNTRY ACKNOWLEDGEMENT

The City of Holdfast Bay acknowledged 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 - Councillor P Chabrel (Leave of Absence)

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

C280921/2417

That the minutes of the Ordinary Meeting of Council held on 14 September 2021 be taken as read and confirmed.

Moved Councillor Lonie, Seconded Councillor Patton

Carried Unanimously

9. PUBLIC PRESENTATIONS

9.1 **Petitions** - Nil

9.2 **Presentation** - Nil

9.3 **Deputations** - Nil

10. QUESTIONS BY MEMBERS

10.1 **Without Notice**

10.1.1 Chapel Plaza/Hindmarsh Lane, Glenelg Seating

Councillor Smedley asked a question in relation to the seating at the Chapel Plaza/Hindmarsh Lane, Glenelg works.

Chief Executive Officer took the question on notice.

10.1.2 Chapel Plaza/Hindmarsh Lane, Glenelg Project

Councillor Patton asked a question in relation to the Hindmarsh Lane works and what the anticipated completion date is.

Chief Executive Officer provided a response.

10.1.3 **Vandalism in the City**

Councillor Patton asked a question in relation to recent vandalism in the City.

General Manager Community and Business provided a response.

10.1.4 **Patawalonga Algae Bloom**

Councillor Smedley asked a question in relation to increasing algae bloom growing in the Patawalonga.

General Manager Assets and Delivery provided a response.

10.2 **On Notice**

10.2.1 **McAuley School (Report No: 325/21)**

Councillor Clancy asked the following questions:

What Council funds have been spent and on what projects in the last two years?

The lease includes payments to be shared on a percentage basis. What percentage has the school paid to Council to cover it's percentage of the payments?

ANSWER – General Manager Assets and Delivery

The McAuley School via the Catholic Church Endowment Society Inc (CCES) has a licence to use the Council owned Mawson Oval and facilities, subject to a joint use agreement. This agreement requires the McAuley School to maintain the facilities and for any capital works to be cost shared based on 56% payment by the CCES and 44% by Council. The agreements do allow for some variation to this.

Over the past few years, the agreed capital works have included a carpark (small extension of the school carpark into the Mawson Oval area) constructed as part of the site redevelopment and also upgrade of the tennis courts.

The tennis court upgrade is being constructed by Council contractors and is due for completion in the next few weeks and the CCES has agreed to pay its 56% proportion of \$95,200 upon completion. This amount was approved by Council on 9 April 2019.

The car park upgrade was constructed by the school and Council paid \$42,730 towards this in 2019.

In late 2020 some ball stop netting was installed at Council cost as residents on Wattle Avenue were affected by soccer balls and this was a non-school activity. The cost of this installation was \$12,858.

10.2.2 Agreements for the use of Mawson Oval (Report No: 238/21)

Councillor Clancy asked the following questions:

Which groups have agreements to use Mawson Oval?

How much do they pay and what times are they using it?

How much has been paid to council from rent received?

What times are available?

ANSWER - General Manager, Community and Business

There are two groups which have agreements to use Mawson Oval as follows:

1. Council has a verbal agreement with Nicole Williams of Brighton Cricket Club (Juniors and Girls teams) to use Mawson Oval during the following times/dates:

- trials - Friday 17th Sept – 4.30-6.00pm
- training - Wednesday evenings 5.00-6.00pm commencing 20th Sept, finishing on 23rd Feb
- Games – Friday evenings commencing 8th Oct (girl's games start at 5.30-7.30pm). They are all finished by Friday 25th Feb
- games – Sunday mornings 9.00-11.30am commencing 10th Oct, all finished by Sunday 27th Feb

No fees are payable pursuant to that verbal agreement.

2. Warradale Cricket Club (WCC) has an agreement with the Catholic Church Endowment Society Inc. to use the cricket pitch, cricket nets and a storage shed, as well as to access the toilets on the school grounds. This arrangement is long standing and has been in place for many years.

WCC's use is during the school's designated hours and pays an annual hire fee (as at 1 October 2020) of \$1,350 plus GST increasing annually by CPI.

11. MEMBER'S ACTIVITY REPORTS – Nil**12. MOTIONS ON NOTICE**

- 12.1 **Motion on Notice – Trial Parklet Installation - Councillor Miller (Report No: 321/21)**

Motion

C280921/2418

Councillor Miller proposed the following motion:

1. **bring to Council a report identifying the feasibility and suitability of parklet installations within the City of Holdfast Bay with particular reference to the Jetty Road Glenelg Precinct; and**
2. **bring back recommendations for the installation of parklets for a trial period if deemed suitable.**

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

BACKGROUND

With the recent installation of parklet outdoor dining on Jetty Road due to the Chapel Plaza / Hindmarsh Lane development, it is worthwhile for Council to look into utilising them further as other Councils have done to great effect.

The Jetty Road Mainstreet Committee has recently been engaged on this matter and have indicated support for this initiative. As the Jetty Road Masterplan continues to move forward we should look in to adding parklets to increase vibrant aesthetics and outdoor dining opportunities.

- 12.2 **Motion on Notice - Request for attendance at EM Forum 3# Leadership – Lessons for the Future – Councillor Lindop** (Report No: 322/21)

Motion

C280921/2419

Councillor Lindop proposed the following motion:

In accordance with the Elected Member Training and Development Policy, Council approve for Councillor Lindop to attend the LGA training ‘EM Forum #3 Leadership – Lessons for the Future’ at LG House, 148 Frome Street, Adelaide on 24 November 2021.

Moved Councillor Snewin, Seconded Councillor Lonie

Carried

BACKGROUND

I would appreciate the support of the Council to attend the LGA training ‘EM Forum #3 Leadership – Lessons for the Future’ at LG House, 148 Frome Street, Adelaide on 24 November 2021.

Council is required to approve my attendance in accordance with clause 2.9 of the Elected Member Training and Development Policy. The cost to attend is \$385.

This is an opportunity to learn and to help gain better understanding, reflecting on personal leadership skills with peers. The workshop is focused on discovering new perspectives, shaping direction and developing better interpersonal skills. I would appreciate the Council’s support to attend.

- 12.3 **Motion on Notice - Code of Practice - Meeting Procedures - Councillor Clancy** (Report No: 327/21)

Councillor Clancy proposed the following motion:

Motion

C280921/2420

That the Code of Practice – Meeting Procedures be amended to include that mobile phones may not be used during a Council workshop by members or Council Officers for non-Council or non-emergency use.

Moved Councillor Clancy Seconded Councillor Bradshaw **Carried Unanimously**

BACKGROUND

It is disrespectful to those who put so much work into their presentations. Information is missed which is a lost opportunity to learn new information or refresh your memory.

At many events people are asked to turn off their phones. We at Holdfast Bay should do the same.

13. ADJOURNED MATTER - Nil

14. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES

14.1 Draft Minutes – Alwyndor Management Committee - 26 August 2021 (Report No: 320/21)

The draft minutes of the Alwyndor Management Committee meeting held on 26 August 2021 were provided for information.

Motion

C280921/2421

- 1. That the draft minutes of the Alwyndor Management Committee meeting held on 26 August 2021 be noted.**

RETAIN IN CONFIDENCE - Section 91(7) Order

- 2. That having considered Attachment 2 to Report No: 320/21 Draft Minutes – Alwyndor Management Committee – 26 August 2021 in confidence under section 90(2) and (3)(b) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of the Act orders that Attachments 1 and 2 be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.**

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

15. REPORTS BY OFFICERS

15.1 Items in Brief (Report No: 317/21))

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

C280921/2422

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

1. **A non-clinical, community based mental health support pilot in southern Adelaide**
2. **Condolences received for the passing of Councillor Bouchee**
3. **Film Screening - I'm not a Runner by Anna Liptak**

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

15.2 **Monthly Financial Report – 31 August 2021** (Report No: 319/21)

Attached were financial reports as at 31 August 2021. They comprised a Funds Statement and a Capital Expenditure Report for Council's municipal activities and Alwyndor Aged Care. The adjusted forecast budget included the carried forward amount as approved by Council 24 August 2021.

No changes to Municipal budgets were recommended at this time, but the report highlighted items that showed a material variance from the year to date budget. The report also detailed decisions made by Council that will affect the budget and will be included in the first quarterly budget review due in October.

Alwyndor required a capital expenditure budget amount of \$190,508 to be carried forward from 2020/21 to 2021/22 to finalise projects not completed at 30 June 2021.

Motion

C280921/2423

That Council receives the financial reports and budget update for the 2 months to 31 August 2021 and notes:

- **no change to the Municipal activities 2021/22 budget forecast other than the approved carried forward budgets;**
- **that Council approved 2021/22 budget variations will be included in the first budget update as at 30 September 2021; and**
- **Alwyndor Aged Care carry forward capital expenditure of \$190,508 from the 2020/21 budget to the 2021/22 budget for the completion of existing projects.**

Moved Councillor Smedley, Seconded Councillor Snewin **Carried Unanimously**

15.3 **Internal Audit Policy and Procedure** (Report No: 300/21)

In June 2021, Council's Internal Auditor, Galpins, submitted an Internal Audit Report – Recommendations Follow Up, which assessed the control environment

in place to ensure the implementation of previous audit recommendations (the Report).

The Report made a number of recommendations to improve the oversight of the Internal Audit function. In response to the recommendations made, a policy and procedure were drafted and internal roles and responsibilities were clarified.

The Audit Committee considered the Report, policy and procedure and resolved to support the Internal Audit Policy and Internal Audit Procedure to be submitted to Council for approval.

Motion

C280921/2424

That Council approves the Internal Audit Policy.

Moved Councillor Smedley, Seconded Councillor Snewin **Carried Unanimously**

15.4 **Holdfast Bay Bowls and Croquet Club Incorporated – Grant of Sublease** (Report No: 312/21)

The Holdfast Bay Bowls and Croquet Club Incorporated (Club) has a lease over the facility located at 583 Anzac Highway Glenelg North (Premises) for a term of ten (10) years commencing on 1 July 2012 and expiring on 30 June 2022 (Headlease). Pursuant to clause 2.5.3 of the Headlease, the Club is not entitled to sublease the Premises (or any part thereof) without first obtaining Council's consent (as landowner and headlessor).

On 28 February 2017, Council resolved to permit the Club to sublease that portion of the Premises delineated and hatched in red on the plan annexed hereto as Attachment 1 (Subleased Area) to Bowls SA Incorporated (Bowls SA) for the purpose of a bowling club and associated activities for a term of three (3) years commencing on 1 June 2017 and expiring on 31 May 2020 (Original Sublease) (Resolution No. C280217/694).

The Original Sublease expired on 31 May 2020 and the Club is seeking Council's consent to enter into a new sublease with Bowls SA for a further term of two (2) years and twenty nine (29) days commencing on 1 June 2020 and expiring on 29 June 2022 (being the penultimate day of the Headlease).

Motion

C280921/2425

That Council:

- 1. approves a new sublease between The Holdfast Bay Bowls and Croquet Club Incorporated (as Sublessor) and Bowls SA Incorporated (as Sublessee) in respect of the area delineated in red on the plan annexed hereto as Attachment 1 for a term of two (2) years and twenty nine (29) days commencing on 1 June 2020 and expiring on 29 June 2022 and otherwise on the terms and conditions detailed in Table 1 herein;**
- 2. considers recommendation 1 above is subject to and conditional upon the rent payable by the Holdfast Bay Bowls and Croquet Club**

Incorporated to Council pursuant to the Headlease being increased from to \$3,055.80 per annum to \$8,449.14 as outlined in Option 2 from the date hereof with the rent to be increased thereafter by CPI; and

- 3. that the Mayor and Chief Executive Officer be authorised to execute and seal any documents required to give effect to the proposed sublease and the variation of the rent payable under the Headlease.**

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

15.5 Former Buffalo Site Revitalisation – Engagement Results & Tram Condition Assessment (Report No: 316/21)

Two high level concept designs for the former Buffalo site were presented to the relevant stakeholders and the wider community during May and June 2021. The results of this engagement were provided in this report. A condition assessment was also undertaken of the tram for the former Buffalo site. It was recommended that a final concept is developed based on community and stakeholder feedback with consideration of the condition assessment. Therefore it was recommended to exclude the tram from the final concept. Once a concept has been finalised, a high level cost estimate will be undertaken and will be tabled at a future Council meeting for approval.

Motion

C280921/2426

That Council:

- 1. notes the Phase 2 Engagement Summary Report regarding community consultation on the two concepts for the former Buffalo site;**
- 2. notes that Option 1 is the preferred concept with some alterations based on feedback;**
- 3. approves Administration to proceed with the finalisation of a concept design based on Option 1 which excludes the tram; and**
- 4. notes a report will be tabled with Council with options for Tram relocation.**

Moved Councillor Abley, Seconded Councillor Patton

Carried Unanimously

15.6 2021-21 Annual Review of Investments (Report No: 318/21)

Section 140 of the *Local Government Act 1999* (the Act) requires Council to review the performance of its investments on an annual basis. This report explained the process for investing funds, amount of funds invested during 2020-21, average interest rate earned and investment performance against budget for Council's municipal activities and Alwyndor Aged Care.

Motion

C280921/2427

That Council receive and note this report comprising a performance review of 2020-21 investments, as required under Section 140 of the *Local Government Act 1999*.

Moved Councillor Snewin, Seconded Councillor Smedley **Carried Unanimously**

15.7 **Application to be Joined to Appeal (Report No: 324/21)**

Following the decision by the State Commission Assessment Panel (SCAP) to refuse consent to a development application involving a 13 storey apartment building located at 21-25 South Esplanade, Glenelg, the developer has lodged an appeal against that decision in the Environment, Resources and Development (ERD) Court. Having submitted a representation at the time of the assessment, this report recommended that Council formally apply to be joined to the appeal as a means to reserve its rights to remain involved in the discussion on any compromise proposals that might be put forward by the developer to the SCAP as a means to resolve the appeal. This report sought a resolution from Council to make an application to the ERD Court for Council to be joined to the appeal for the reasons expressed in its previous resolution on the matter.

Motion

C280921/2428

That Council:

1. **authorise the preparation and lodgement of an interlocutory application with the Environment, Resources and Development Court pursuant to section 17(1) of the *Environment, Resources and Development Court Act 1993* for the City of Holdfast Bay to be joined as a party to an appeal in relation to ERD-21-000117 for the demolition of existing structures including local heritage places and construction of a 13 storey residential flat building with associated basement car parking and porte cochere on the land at 21-25 South Esplanade, Glenelg in Development Application Number 110/M019/21 lodged with the State Commission Assessment Panel ('SCAP').**
2. **seeks to be joined as a party to the proceedings outlined in Part 1 of this resolution, pursuant to section 17(1) of the *Environment, Resources and Development Court Act 1993* on the basis that:**
 - a. **the Proposed Development is adjacent to the Council Land;**
 - b. **the Council Land is available for enjoyment of the general public;**
 - c. **the Council considers that the Council Land will be negatively impacted should the Proposed Development be approved; and**
 - d. **in addition to the reasons for refusal given by SCAP, if permitted to join the proceedings the Council will be submitting that the Application should be refused, and calling expert evidence in support, on the following grounds:**
 - i. **the height, size and scale of the Proposed Development is excessive, and is contrary to the**

- provisions of the Development Plan (see, for example, the Desired Character Statements for the Urban Glenelg Policy Area 15 ('Policy Area 15'); Precinct 4 Five Storey Precinct ('Precinct 4') of Policy Area 15; and Principle of Development Control ('PDC') 19 of Policy Area 15, all in the Residential High Density Zone ('the Zone')) and general character of the locality (and particularly Pier Street);
- ii. the Proposed Development has a negative visual impact on the amenity of residential properties located to the east and south of the site;
 - iii. the scale of the Proposed Development negatively impacts on the outlook from, and quality of, the public realm, contrary to the provisions of the Development Plan (see, for example, the Desired Character statement for Policy Area 15);
 - iv. the Proposed Development does not provide sufficient on-site visitor car parking (see, for example, PDC 15 of the Zone), such that greater pressure will be placed on the already at-capacity local road network, such as Pier Street, to cater for the overflow;
 - v. there is limited capacity for Pier Street to cater for the volume of traffic envisaged as part of the Proposed Development;
 - vi. the higher than anticipated density of the Proposed Development is such that the capacity of State utilities, including waste water services, may exacerbate existing localised pressures;
 - vii. a Council kerbside collection service cannot be offered to the Proposed Development on the basis that it is logistically impractical to collect the number of bins envisaged from the local street network, and as such, a formal commitment is required to ensure that waste collection is managed on-site by private agreement; and
 - viii. the Proposed Development has insufficient visual connectivity at the interface between private and public spaces.
3. if joined in relation to ERD-21-000117, the City of Holdfast Bay intends to give evidence; call expert evidence; make submissions to the Court; participate in the conference; provide an accompanying affidavit by an officer of the Council in support of the interlocutory application.
 4. receive a further report seeking permission to proceed with the legal process based on a costed strategy should Council be successful in being joined to the appeal.

Moved Councillor Miller, Seconded Councillor Smedley

Carried Unanimously

16. RESOLUTIONS SUBJECT TO FORMAL MOTION - Nil
17. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING - Nil
18. ITEMS IN CONFIDENCE

18.1 Event Activation (Report No: 323/21)

Motion - Exclusion of the Public – Section 90(3)(d) Order C280921/2429

- 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: 323/21, Event 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: 323/21, Event Activation on the following ground:
 - 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.

Zaccaria Concerts and Touring and Frontier Touring (not being an employee of the Council, or a person engaged by the Council), has requested this information to remain confidential.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.
3. The Council is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.

Moved Councillor Lonie, Seconded Councillor Lindop

Carried Unanimously

RETAIN IN CONFIDENCE - Section 91(7) Order

C280921/2430

That having considered Agenda Item 18.1 Event Activation (Report No: 323/21) 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 and

minutes be retained in confidence for a period of 12 months and/or the Chief Executive Officer is authorised to release the documents when the public announcement is made by event organiser.

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

18.2 **Claim Against Council** (Report No: 326/21)

Motion Exclusion of the Public – Section 90(3)(h)&(i) Order C280921/2431

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: 326/21, Claim Against Council 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: 326/21, Claim Against Council on the following grounds:
 - h. pursuant to section 90(3)(h) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is legal advice that is strictly confidential & subject to Legal Professional Privilege, and
 - i. pursuant to section 90(3)(i) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information relating to litigation that the Council believes on reasonable grounds will take place involving the Council regarding a claim for payment.
3. The Council is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential

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

RETAIN IN CONFIDENCE - Section 91(7) Order C280921/2432

That having considered Agenda Item 18.2 Report No: 326/21, Claim Against Council in confidence under section 90(2) and (3)(h)&(i) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report, attachments and minutes be retained in confidence until further notice and the Chief Executive Officer is authorised to release the documents when the matter is concluded, giving due consideration to any relevant legal considerations, and that this order be reviewed every 12 months.

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

CLOSURE

The Meeting closed at 7.44pm.

CONFIRMED 12 October 2021

MAYOR