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 24 May 2022 at 7:00pm.

MEMBERS PRESENT

Mayor A Wilson Councillor R Abley Councillor P Chabrel Councillor R Clancy Councillor J Fleming Councillor J Fletcher Councillor C Lindop Councillor S Lonie Councillor W Miller Councillor R Patton 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 General Manager Strategy and Corporate – P Jackson General Manager Alwyndor – B Davidson-Park

1. OPENING

Her Worship the Mayor declared the meeting open at 7.00pm.

2. KAURNA ACKNOWLEDGEMENT

With the opening of the meeting Her Worship the Mayor stated:

We acknowledge Kaurna 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 Kaurna People today.

3. SERVICE TO COUNTRY ACKNOWLEDGEMENT

The City of Holdfast Bay would like to acknowledge all personnel who have served in the Australian forces and services, including volunteers, for our country.

4. PRAYER

Her Worship the Mayor requested all present to pray and read the following Prayer:

Heavenly Father, we pray for your presence and guidance at our Council Meeting.

Grant us your wisdom and protect our integrity as we carry out the powers and responsibilities entrusted to us on behalf of the community that we serve.

5. APOLOGIES

- 5.1 Apologies Received Councillor Bradshaw
- 5.2 Absent Councillor Smedley (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

<u>Motion</u>

C240522/2599

That the minutes of the Ordinary Meeting of Council held on 10 May 2022 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 Vacancy Rate on Jetty Road, Glenelg

Councillor Miller asked a question in relation to the vacancy rate along Jetty Road, Glenelg.

General Manager, Community and Business took the question on notice.

10.1.2 Toilets at Bouchee Walk

Councillor Patton asked a question in relation to the toilets at Bouchee Walk.

Chief Executive Officer took the question on notice.

10.1.3 Traffic Calming Investigation, Seacliff

Councillor Lindop asked for an update on the traffic calming investigation for Seacliff.

General Manager, Assets and Delivery provided a response.

10.1.4 Kauri Community Centre

Councillor Lindop asked a question in relation to the proposed public toilets at Kauri Community Centre.

General Manager, Assets and Delivery provided a response.

10.1.5 Trees on Addison Road

Councillor Fleming asked a question in relation to the health of some of the trees on Addison Road.

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

10.2 With Notice - Nil

11. MEMBER'S ACTIVITY REPORTS - Nil

12. MOTIONS ON NOTICE

12.1 Motion on Notice – New Year's Eve Budget - Councillor Miller (Report No: 167/22)

Motion

C240522/2600

That Council endorses the Mayor to write to the Premier Peter Malinauskas, Holdfast Bay state representatives and any other relevant Ministers to request greater State Government support in delivering Council's New Year's Eve celebrations with particular reference to:

- 1. The genesis and purpose of NYE at the Bay in its current form having come from state government to aid in crowd control and its overall benefit to the entire state; and
- 2. The financial burden of safety and other requirements determined by the state on Council to comply with making up a significant portion of costs; and
- **3.** The current fiscal imbalance between Council and state government in delivery of the events.

Moved Councillor Miller, Seconded Councillor Fleming Carried Unanimously

13. ADJOURNED MATTER - Nil

14. **REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES**

14.1 Minutes – Jetty Road Mainstreet Committee – 4 May 2022 (Report No: 147/22)

The Minutes of the Jetty Road Mainstreet Committee meeting held on 4 May 2022 were attached and presented for Council's information.

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

Motion

C240522/2601

That Council notes the minutes of the Jetty Road Mainstreet Committee of 4 May 2022.

Moved Councillor Abley, Seconded Councillor Miller Carried Unanimously

14.2 Information Report – Southern Region Waste Resource Authority Board Meeting - 2 May 2022 (Report No: 168/22)

The information report of the Southern Region Waste Resource Authority (SRWRA) Board meeting held on 2 May 2022 were attached and provided for information.

<u>Motion</u>

C240522/2602

That Council notes the Information Report of the Southern Region Waste Resource Authority Board meeting held on 2 May 2022.

Moved Councillor Lindop, Seconded Councillor Fleming Carried Unanimously

14.3 Draft Minutes – Alwyndor Management Committee – 28 April 2022 (Report No: 171/22)

The draft minutes of the Alwyndor Management Committee meeting held on 28 April 2022 were provided for information.

Motion

C240522/2603

1. That the draft minutes of the Alwyndor Management Committee meeting held on 28 April 2022 be noted.

RETAIN IN CONFIDENCE - Section 91(7) Order

2. That having considered Attachment 2 to Report No: 171/22 Draft Minutes - Alwyndor Management Committee – 28 April 2022 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 Attachment 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: 153/22)

After noting the report any items of interest were discussed and, if required, further motions proposed.

Motion

C240522/2604

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

1. Local Government Transport Advisory Panel (LGTAP) – Call for Nominations

Moved Councillor Lonie, Seconded Councillor Fleming Carried Unanimously

15.2 Monthly Financial Report – 30 April 2022 (Report No: 165/22)

Attached were financial reports as at 30 April 2022. They comprised of 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 and the three quarterly budget updates approved by Council 26 October 2021, 8 February 2022 and 26 April 2022.

A revised forecast of Council's expected equity accounted share in Southern Region Waste Resource Authority (SRWRA) for 2021/22 resulted in an increase to the Municipal forecast operating surplus of \$273,650 to \$1,244,531.

Alwyndor forecasted an increase in their operating deficit of \$140,493 to \$1,126,113 principally due to additional COVID related expenditure but partially offset by related grant funding. Increased revenue due to higher than forecast growth in Support at Home services has required associated increases in employment and contractual expenditure. For Residential, generally there were higher acuity residents, reduced average stay time and increased clinical care costs.

Alwyndor estimated capital expenditure increased by \$348,508 to \$984,000 for the construction of kitchenettes as approved by Council (C120422/2572) and additional kitchen works. The total funding requirement for 2021/22 of \$733,235 will be funded from Alwyndor's existing cash reserves.

<u>Motion</u>

C240522/2605

- 1. That Council notes the fourth 2021/22 budget update for Council's municipal operations with an increase in the forecast operating surplus for 2021/22 of \$273,650 from \$970,881 to \$1,244,531.
- 2. That Council notes the second 2021/22 budget update for Alwyndor operations including:

- (a) an increase in the forecast operating deficit for 2021/22 of \$140,493 from an operating deficit of \$985,620 to an operating deficit of \$1,126,113;
- (b) an increase in forecast capital expenditure for 2021/22 of \$348,508 from \$635,492 to \$984,000;
- (c) an increase in the forecast funding required for 2021/22 of \$613,559 from a funding requirement of \$119,676 to a funding requirement of \$733,235.

Moved Councillor Snewin, Seconded Councillor Fletcher Carried Unanimously

15.3 Art Deco Review (Report No: 150/22)

The City of Holdfast Bay retains many examples of buildings in the Art Deco style, some of which remain undocumented or protected. On 27 April 2021 Council endorsed a motion to undertake a review of Art Deco style building across Holdfast Bay. Hosking Willis were engaged to undertake the review and completed their first draft of highlighted properties. This report recommended that Council note the work undertaken to date, and support the ongoing process to analyse the individual merits of each property as a means to determine whether formal heritage protection for each is warranted.

Motion

C240522/2606

- 1. That Council notes the first draft of the Art Deco Review provided as Attachment 1 to this report.
- 2. That Administration proceed with the completion of the Art Deco Review, followed by a further report to Council with recommendations as to the most appropriate process for formally recognising and protecting all exemplary buildings of the Art Deco period.

Moved Councillor Miller, Seconded Councillor Fleming Carried Unanimously

15.4 **Sturt River Linear Park Pathway** (Report No: 146/22)

A high level concept for the Sturt River Linear Park corridor between Pine Avenue and Tapleys Hill Road in Glenelg North was presented to the relevant stakeholders and the wider community between 17 February and 10 March 2022. This report presented the results of this engagement, which demonstrated overall support for the project. This report also sought approval on the concept design and proposed that Administration proceed to the next project phase of detailed design incorporating feedback received during the engagement process and from Elected Members.

Motion

C240522/2607

That Council:

- 1. notes the Engagement Summary Report regarding community consultation on the two concepts for the Sturt River Linear Park pathway; and
- 2. approves the concept design for Sturt River Linear pathway, including Option 1 as the preferred path route through Fordham Reserve, and endorses Administration to proceed with detailed design for the project based on the key design moves from stakeholder engagement.

Moved Councillor Patton, Seconded Councillor Chabrel Carried Unanimously

15.5 Brighton Oval Sporting Clubs Lease Update (Report No: 145/22)

The three Brighton Oval sporting clubs were required to provide Council with copies of the club's annual reports and audited financial statements for each financial year. They were also required to undertake an annual maintenance inspection of the premises in accordance with the maintenance schedule of the lease. A site inspection on 13 January 2022 found all three clubroom buildings were being maintained well and are generally in good condition with regards to repairs and maintenance, wear and tear. Despite some negative impact from COVID-19, each club returned very strong financial results, underpinned by strong bar sales, food and beverage and venue hire.

Motion

C240522/2608

That Council:

- 1. notes the audited financial reports for each Brighton Oval sporting club for the 2020/21 financial year; and
- 2. notes the building maintenance summary for each clubroom building.

Moved Councillor Snewin, Seconded Councillor Fleming Carried Unanimously

15.6 Regulated Tree Removals – 24 Pier Street and 12 Hawkes Avenue, Glenelg East (Report No: 138/22)

Two trees that were both classified as regulated (any tree with a trunk circumference of 2.0m or more measured at a point 1.0m above natural ground level) under the *Planning, Development and Infrastructure Act 2016* required removal. A Norfolk Island pine (Araucaria heterophylla) at 5/24 Pier Street, Glenelg required removal because it was diseased and dying. A Eucalyptus species at 12 Hawkes Avenue, Glenelg East required removal because it had a poor form that, if left unattended, would increase risk to both pedestrians and nearby powerlines. The *Planning, Development and Infrastructure Act 2016* required a development application for the removal and Council's Tree Management Policy requires Council to provide landowner's consent for the application.

Motion

C240522/2609

- 1. That Council provide landowner's consent for a development application for the removal of the Norfolk Island pine (Araucaria heterophylla) at 5/24 Pier Street, Glenelg; and
- 2. That Council provide landowner's consent for a development application for the removal of a Eucalyptus species at 12 Hawkes Avenue, Glenelg East.

Moved Councillor Miller, Seconded Councillor Lindop <u>Carried Unanimously</u>

15.7 Intersection Treatment – Wattle Avenue and The Esplanade (Report No: 152/22)

Council at its meeting on the 22 March 2022, resolved the following motion C220322/2567:

That Administration bring back a report on the costs and wider traffic implications of the removal of the realigned T Intersection road treatments at the intersection of Esplanade/Wattle Avenue, Hove and increasing the width of the shared pathway on the western side.

This request has been investigated, with the following report concluding that the current realigned T does not unduly encourage traffic along Wattle Avenue, and that the current arrangement correctly prioritises the flow of traffic to suit the majority of users. To prioritise traffic continuing along the Esplanade, is not recommended. Should Council wish to proceed with this realignment, design and civil construction costs were estimated at \$100,000.

Motion

C240522/2610

That Council note the report to retain the intersection in its current arrangement.

Moved Councillor Clancy, Seconded Councillor Fleming Carried Unanimously

15.8 Jetty Road Mainstreet Committee Nominations (Report No: 163/22)

The Jetty Road Mainstreet Committee (JRMC) comprises 11 members who are a mix of the Jetty Road Mainstreet Precinct (the Precinct) business owners who contribute to the separate rate levy, commercial property owners and Elected Members of Council. Four (4) resignations were received from existing Committee Members in March and April 2022. Business owners and owners of commercial property within the boundaries of the Precinct, who contribute to the separate rate levy were invited to nominate for one (1) of the vacant positions on the Jetty Road Mainstreet Committee. Nominations were open from 11 - 22 April 2022. The selection panel met in May and this report provided their recommendations for the appointment of the committee members to fill the four (4) vacancies until the end of the current term, 31 March 2023.

Motion

C240522/2611

That Council:

- 1. acknowledges the service of the outgoing JRMC committee members and the service of the outgoing Chair Mr Con Maios; and
- 2. endorses the appointment of the following members to the Jetty Road Mainstreet Committee:
 - Mr Brock Meuris, Terra & Sol;
 - Mr Chris Morley, Echelon Studio Architecture and Design;
 - Mr Damien Murphy, Glenelg Finance; and
 - Mr Jason Rayment, Smart Hearing Solutions

Moved Councillor Miller, Seconded Councillor Abley Carried Unanimously

15.9 McGregor Tan Tourism Omnibus Report 2021 (Report No: 149/22)

McGregor Tan were commissioned by the City of Holdfast Bay to undertake research in September 2021; collecting data in relation to visitation, expenditure, consumer support and future opportunities for Holdfast Bay. This report provided an overview of the results outlined in their overall report.

Motion

C240522/2612

That Council notes this report.

Moved Councillor Lindop, Seconded Councillor Miller Carried Unanimously

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

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

17.1 Councillor Miller sought to bring forward a motion without notice. The Mayor deemed the matter was one of urgency and accepted the motion.

Motion

C240522/2613

That Council write a letter to Louise Miller Frost MP congratulating her on winning the seat of Boothby at the Federal Election.

Moved Councillor Miller, Seconded Councillor Clancy Carried Unanimously

18. ITEMS IN CONFIDENCE

18.1 Tramside Kiosk Extension of Lease (Report No: 105/22)

Motion – Exclusion of the Public – Section 90(3)(b & d) Order C240522/2614

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: 105/22 Tramside Kiosk Extension of Lease 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: 105/22 Tramside Kiosk Extension of Lease on the following grounds:
 - b. pursuant to section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would prejudice the commercial position of the Council; and
 - d. pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

3. The Council is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.

Moved Councillor Lindop, Seconded Councillor Fletcher Carried Unanimously

RETAIN IN CONFIDENCE - Section 91(7) Order

C240522/2615

4. That having considered Agenda Item 18.1 Tramside Kiosk Extension of Lease (Report No: 105/22) in confidence under section 90(2) and (3)(b & d) of the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that the Report, Attachment and Minutes be retained for the duration of the approved lease period (provided always that the release of the Report and Minutes is subject to the redaction of any financial information contained therein).

Moved Councillor Patton, Seconded Councillor Abley Carried Unanimously

Conflict of Interest

Councillor Fleming declared a perceived conflict of interest for Item 18.2 Seacliff Plaza Amenities and beach Access (Report No: 151/22). The nature of the perceived conflict of interest (pursuant to Section 75 and 75A of the *Local Government Act 1999*) was that she is a member of the Council Assessment Panel which may consider this item.

Councillor Fleming dealt with the perceived conflict of interest by making it known and leaving the meeting at 7.44 pm.

18.2 Seacliff Plaza Amenities and Beach Access (Report No: 151/22)

Motion – Exclusion of the Public – Section 90(3)(i) Order C240522/2616

- 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: 151/22 Seacliff Plaza Amenities and Beach Access Concept Approval 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: 151/22 Seacliff Plaza Amenities and Beach Access Concept Approval on the following grounds:
 - 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 or an employee of the Council
- 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

<u>Motion</u>

C240522/2617

That Council:

- 1. approves Concept Option 1 Seacliff Amenities Building and Beach Access provided in Attachment 1 of this report;
- 2. provide Land Owner Consent for Option 1 Seacliff Amenities building and Beach Access design as per Attachment 1 of this report to be built on the existing toilet building site as proposed and to submitted the development application for approval; and
- **3.** approves the Concept design in Attachment 1 of this report, post Development Assessment approval, to be constructed in the low season of 2023.

RETAIN IN CONFIDENCE - Section 91(7) Order

4. That having considered Agenda Item 18.2 151/22 Seacliff Plaza Amenities and Beach Access Concept Approval in confidence under section 90(2) and (3)(i) of the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that the Report and Attachment 5 be retained in confidence until the construction of the project is complete and that this order be reviewed every 12 months.

Moved Councillor Lindop, Seconded Councillor Lonie Carried Unanimously

Cr Fleming re-joined the chamber at 7.59pm.

18.3 Feedback on ESCOSA Proposed Framework and Approach - S122 Strategic Management Plan Advice Scheme (Report No: 170/22)

Motion – Exclusion of the Public – Section 90(3)(i) Order C240522/2618

- 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: 170/22 Feedback on ESCOSA Proposed Framework and Approach - s122 Strategic Management Plan Advice Scheme 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: 170/22 Feedback on ESCOSA Proposed Framework and Approach - s122 Strategic Management Plan Advice Scheme on the following grounds:
 - j. pursuant to section 90(3)(j) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information of a confidential nature the disclosure of which would divulge information provided on a confidential basis by a public authority, being the Local Government Association of SA (LGA).

In addition, the disclosure of this information would, on balance, be contrary to the public interest because it is in the public interest for the Council to be able to communicate on a confidential basis with the LGA about proposed sector advocacy and thereby act cooperatively with the LGA in achieving positive outcomes for the local government sector. 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 Miller, Seconded Councillor Lonie Carried Unanimously

Motion

C240522/2619

That Council

- 1. note the Draft Framework and Approach for the Local Government Rates Oversight Scheme issued by ESCOSA as provided as Attachment 1;
- 2. note the LGA Consultation Paper on the Scheme provided as Attachment 2: and
- 3. endorse the proposed content for a submission on behalf of Council as provided in Attachment 3 and authorise the Chief Executive Officer to submit it to ESCOSA, copied to the LGA, on Council's behalf.

RETAIN IN CONFIDENCE - Section 91(7) Order

4. That having considered Agenda Item 18.3 Feedback on ESCOSA Proposed Framework and Approach - S122 Strategic Management Plan Advice Scheme (Report No: 170/22) in confidence under section 90(2) and (3)(j) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the Report and Attachment 2 be retained in confidence until 30 June 2022.

Moved Councillor Lonie, Seconded Councillor Clancy Carried Unanimously

18.4 **Purchasing Exemption – Alwyndor** (Report No: 166/22)

Motion – Exclusion of the Public – Section 90(3)(d) Order C240522/2620

- 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: 166/22 Purchasing Exemption - Alwyndor 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: 166/22 Purchasing Exemption - Alwyndor on the following grounds:
 - d. pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, in that it would reveal commercial information belonging to the supplier.

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 Clancy	Carried Unanimously
RETAIN IN CONFIDENCE - Section 91(7) Order	C240522/2621

That having considered Agenda Item 18.4 Purchasing Exemption – Alwyndor (Report No: 166/22) 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 five (5) years from the conclusion of the relationship with the Contractor, and that this order be reviewed every 12 months.

Moved Councillor Snewin, Seconded Councillor Abley Carried Unanimously

CLOSURE

The Meeting closed at 8.02 pm.

CONFIRMED 14 June 2022