

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 9 June 2020 at 7:00pm.

MEMBERS PRESENT

Mayor A Wilson
Councillor R Abley
Councillor M Bouchee
Councillor A Bradshaw
Councillor P Chabrel
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 City Assets and Services – H Lacy
General Manager Community Services – M Lock
General Manager Strategy and Business Services – P Jackson

1. OPENING

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

2. KAURNA ACKNOWLEDGEMENT

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

We acknowledge Kurna people as the traditional owners and custodians of this land.

We respect their spiritual relationship with country that has developed over thousands of years, and the cultural heritage and beliefs that remain important to Kurna People today.

3. SERVICE TO COUNTRY ACKNOWLEDGEMENT

The City of Holdfast Bay 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 - Nil

6. ITEMS PRESENTED TO COUNCIL - Nil**7. DECLARATION OF INTEREST**

Members were reminded to declare their interest before each item.

8. CONFIRMATION OF MINUTES**Motion****C090620/1920**

That the minutes of the Ordinary Meeting of Council held on 26 May 2020 be taken as read and confirmed.

Moved Councillor Miller, Seconded Councillor Lonie

Carried Unanimously**9. PUBLIC PRESENTATIONS**

- 9.1 **Petitions** - Nil
- 9.2 **Presentation** - Nil
- 9.3 **Deputations** - Nil

10. QUESTIONS BY MEMBERS**10.1 Without Notice****10.1.1 Chapel St Plaza Update**

Councillor Miller asked for an update on the Chapel Street plaza project.

General Manager Strategy and Business Services provided a response.

10.1.2 Painting of Liberty Apartments

Councillor Chabrel asked a question in relation to painting of the liberty tower block and queried the period of time for the storage of their equipment on the road and if Council will be checking any damage caused from the works.

General Manager City Assets provided a response.

10.1.3 New Policy for Blocking of Sidewalks and Roads by Contractors

Councillor Bouchee asked a question in relation to creating/ modifying a Council policy to manage contractors using Council road verge and roads for building maintenance.

General Manager City Assets provided a response.

10.2 On Notice

10.2.1 Question on Notice – Business Case – Glenelg Oval Masterplan (Report No: 154/20)

Councillor Bradshaw asked the following questions:

1. *“Please confirm if a Business Case has been undertaken on the Glenelg Oval Master Plan. If so, when did that occur?”*
2. *“If a Business Case has not yet been conducted on the redevelopment of the Glenelg Oval, do Council intend to conduct one and if so, at what point?”*

Background

Discussions have now commenced on the Glenelg Oval Stage 2 Master Plan Funding.

During the planned redevelopment of the Brighton Oval Sporting Complex, Elected Members were advised, in order for a project to be considered for funding through the State Government, Council were required to undertake a Full Business Case.

It was further stated, the Office of Recreation Sport and Racing (ORSR) guidelines require a Full Business Case when seeking State Government funding for major facilities through Grant Funding Programs, Cabinet or the State budget process.

Council Administration advised a Business Case would be used in all Grant funding submissions, lobbying to State and Federal Government and to help inform future State budget.

ANSWER – Manager Active Communities

1. A full business case has not yet been undertaken for the Glenelg Oval Masterplan
2. Once the planned review of the remaining stages of the Glenelg Oval Masterplan is completed and updated cost estimations are provided, Administration will seek to undertake a full business case on the masterplan to analyse the options, costs, benefits, possible staging and timeframes. As there are likely to be changes to the endorsed masterplan scope and project components, it is recommended to undertake a business case at the conclusion of this review.

A Full Business Case is a requirement for seeking State Government funding for major facilities (>\$1million) through grant funding programs, Cabinet or the State budget process. The Office for Recreation, Sport and Racing developed a base template that is to be used by all major project proponents. This template was used in the undertaking of the full business case for the Brighton Oval redevelopment which was vital in securing State and Federal funding. Given the probable costs to undertake the remaining stages of the Glenelg Oval masterplan, Council would be seeking external project partners (State and Federal) to assist in funding the project.

In addition, once the masterplan is reviewed and updated cost estimations provided, a Section 48 Prudential Report would also be undertaken as the project would meet certain criteria specified in Section 48 of the Local Government Act 1999, namely the expected capital cost of the project over the ensuing five years is likely to exceed \$4 million.

10.2.2 **Kingston Park Revegetation** (Report No: 158/20)

Councillor Lindop asked the following question:

“Can Council please provide an update for when Council will commence revegetation of what has been referred to as the ‘overflow carpark’ in the Kingston Park/Tjilbruke Springs area?”

Background

As one of the recommendations from the Kingston Park Masterplan (Report No: 184/19) on 14 May 2019, Council approved some initiatives to support the development of the Kingston Park Masterplan and surrounding amenity (Resolution No: C140519/1481).

The carpark is now adequately fenced with some great timber fencing and bollards, which looks good. However the ‘overflow carpark’ has remained in the neglected state with potholes and weeds and piles of gravel from left over from the installation of the fence posts.

This is the area that was recommended to be vegetated some 12 months ago.

ANSWER – General Manager, Strategy and Business Services

The fencing was completed in November 2019. Revegetation did not commence immediately after the fencing due to the summer months, and the likelihood of new vegetation not surviving the heat. A project has commenced to finalise concept designs for Kingston Park Reserve, and this will include the area referred to as the ‘overflow carpark’. SA Water and Natural Resources Management have been engaged to assess the vegetation surrounding the Tjilbruke Spring and the area adjacent to the ‘overflow carpark’. Once the assessments and designs have been completed and approved, work will commence on the revegetation of the

area. It is anticipated this occur before the end of October 2020 to ensure that planting does not occur in the warmer months.

11. MEMBER'S ACTIVITY REPORTS - Nil

12. MOTIONS ON NOTICE - Nil

13. ADJOURNED MATTER

13.1 Adjourned Report – Holdfast Quays Marina – Application for Landowner Consent – Management and Amenities Building (Report No: 150/20 and 128/20)

Administration had submitted Item 15.7, Report No: 128/20 Holdfast Quays Marina – Application for Landowner Consent – Management and Amenities Building for consideration by Council at its meeting on 26 May 2020 (Refer Attachment 1).

Council subsequently resolved to adjourn consideration of the matter until the next Council meeting on the basis that Council required further information relating to the lease and the proposal.

The adjourned motion needed to be considered before any new motions could be considered. Councillor Lonie having moved the motion had spoken to the motion and Councillor Bradshaw seconded the motion and reserved her right to speak.

Motion

That in its capacity as landowner, Council consents to the installation of a floating amenities and meeting room on a barge to be moored in Berth C2 of Holdfast Quays Marina subject to the following conditions:

- 1. all costs to be borne by HQMA including building and future maintenance;**
- 2. all work to be undertaken by qualified trades persons and in a workman like manner;**
- 3. HQMA to indemnify the City of Holdfast Bay against any claims, losses, suits etc. that may arise from this project;**
- 4. all works to comply with the Building Code of Australia, all conditions of any Development Approval and any requirements imposed by any other statutory authority or applicable legislation including but not limited to the Harbours and Navigation Act 1993(SA), Environment Protection Authority, SA Water and the Department of Planning, Transport and Infrastructure;**
- 5. final construction plans to be submitted to Council for final approval prior to the commencement of construction;**

6. the City of Holdfast Bay is permitted to inspect the works at any time during construction;
7. no part of the work is to cause a nuisance or disturbance to any neighbours or visitors to adjoining properties;
8. the cost(s) to rectify any defects or any other variations identified during or after construction to be borne in full by HQMA;
9. all conditions of the current lease are to be complied with; and
10. the facility shall not be used as an office for the management/operation of the marina or the Marina Association.

Moved Councillor Lonie, Seconded Councillor Bradshaw

Lost Unanimously

Motion

C090620/1921

1. That in its capacity as landowner, Council declines to accede to a request from the Holdfast Marina Quays Association for the installation of a floating facility on a barge to be moored in Berth C2 of Holdfast Quays Marina on the basis that the proposal enables a use that is in contravention of Part 3.4 of the Memorandum of Lease between the parties. Specifically, the area designated for use as a 'First Aid Room and Common Area' on the plan is excessive and disproportionate to the areas allocated for toilets and showers, to a degree that the fully serviced facility lends itself to operate as a meeting place where business can be conducted.
2. That Council Administration investigate options for the provision of unencumbered toilet facilities that are accessible to the general public, including Marina users, to ensure that the amenity of the Marina and surrounding locality is maintained, and that reliable access to toilet facilities are provided in an appropriate location for the broader community's use.
3. The Association be approached to contribute to the construction of the toilets.

Moved Councillor Chabrel, Seconded Councillor Fleming

Carried

Division called

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

Those voting for: Councillors Bouchee, Lindop, Snewin, Smedley, Lonie, Fleming, Abley, Miller, Bradshaw, Clancy and Chabrel (11)

Those voting against: Councillor Patton (1)

Her Worship the Mayor declared the motion

Carried

13.2 **Adjourned Report – Draft Financial Hardship Policy and Procedures** (Report No: 155/20 and 142/20)

Administration submitted Item 15.9, Report 142/20 Draft Financial Hardship Policy and Procedures for consideration by Council at its meeting on 26 May 2020.

Council subsequently resolved to adjourn the matter until the next Council meeting on the basis that Council required further time to discuss and consider the report.

As the adjournment was moved prior to the consideration of the motion, any Councillor could move, second and/or speak to the motion.

Motion

C090620/1922

That Council:

1. **endorse the draft Financial Hardship Policy included in Attachment 1a to this report; and**
2. **notes the draft Financial Hardship Procedure document.**

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

14. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES

14.1 **Minutes – Audit Committee – 25 May 2020** (Report No: 152/20)

The minutes of the meeting of the Audit Committee held 25 May 2020 were presented to Council for information and endorsement.

Motion

C090620/1923

That Council notes the minutes of the meeting Audit Committee of 6 May 2020 namely:

- (a) **That the Audit Committee advises Council it has received and considered a Standing Items Report addressing:**
 - **Monthly Financial Statements**
 - **Risk Management and Internal Control**
 - **Audit – External/Internal**
 - **Public Interest Disclosures – previously Whistle Blowing**
 - **Economy and efficiency audits**
 - **Audit Committee Meeting Schedule**
 - **Business Continuity Planning - Update**
- (a) **That the Audit Committee supported the draft 2020-21 Annual Business Plan for presentation to Council for the purpose of public consultation.**
- (b) **That the Audit Committee supported the draft Financial Hardship Policy for adoption by Council and noted the Financial Hardship Procedure.**

Moved Councillor Smedley, Seconded Councillor Snewin

Carried

15. REPORTS BY OFFICERS

15.1 Items In Brief (Report No: 147/20)

The item was presented for the information of Members.

Motion

C090620/1924

That the following item be noted and discussed (as required):

1. Adelaide Airport Master Plan

Moved Councillor Lonie, Seconded Councillor Lindop

Carried Unanimously

15.2 Update to Beach Wrack (Seagrass) Removal Policy (Report No: 144/20)

This report sought approval of the Beach Wrack (Seagrass) Removal Policy. The policy has been reviewed. The changes to the policy have been highlighted through a tracked changes version (refer Attachment 2) together with the original policy (refer Attachment 1).

The revised Policy is based on the previous policy with minor updates and so does not require community consultation.

Motion

C090620/1925

That Council approve the revised Beach Wrack (Seagrass) Removal Policy as per Attachment 2.

Moved Councillor Abley, Seconded Councillor Clancy

Carried Unanimously

15.3 Brighton Lacrosse Club and Brighton Sports and Social Club Lease Agreements (Report No: 156/20)

Following the 2017 expiration of the Memoranda of Lease held with the Brighton Lacrosse Club (**Lacrosse**) and with the Brighton Sports and Social Club (**BS&SC**), the long-term tenants of the Brighton Oval continued to occupy and use their former buildings and playing fields in Hold Over mode.

As part of the current Brighton Oval precinct redevelopment, the two Clubs' former clubrooms were demolished to allow for the construction of two new, substantially larger and more complex facilities. The footprint of the land remains the same in both cases.

To reflect the new build and to apply the provision set out in the Sporting and Community Club Leasing Policy (as approved by Council on 24 April 2018), it was recommended that Council enter into a new lease with each club governing their exclusive use of the relevant new clubroom and their non-exclusive use of the

relevant portion of Brighton Oval. Full details of the proposal are outlined within this report.

Motion

C090620/1926

That Council:

1. enters into a new Lease with the Brighton Lacrosse Club Incorporated over a portion of land at Brighton Oval for a period of five years commencing from the date of occupation, with an Option to Renew for a subsequent five years;
2. charges the Brighton Lacrosse Club (as lessee) an annual rent in the first year of \$5,971 (plus GST) with annual incremental increases in subsequent years as outlined in Table 1 of the report;
3. enters into a new Lease with the Brighton Sports and Social Club over a portion of land at Brighton Oval for a period of five years commencing from the date of occupation, with an Option to Renew for a subsequent five years;
4. charges the Brighton Sports and Social Club (as lessee) an annual rent in the first year of \$8,207 (plus GST) with annual incremental increases in subsequent years as outlined in Table 1 of the report;
5. endorses the Mayor and Chief Executive Officer to be authorised to execute and seal any documents required to give effect to these two leases; and
6. endorse that the Brighton Rugby Club lease be changed to reflect the agreed changes during negotiations, as have been incorporated in the other club leases. (Attachment 4)

Moved Councillor Lonie, Seconded Councillor Snewin

Carried Unanimously

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

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

18. **ITEMS IN CONFIDENCE**

18.1 **New Management Agreement – Brighton Caravan Park (Report No: 146/20)**

Motion – Exclusion of the Public – Section 90(3)(a)&(d) Order C090620/1927

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: 146/20) New Management Agreement – Brighton Caravan Park 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: 146/20 New Management Agreement – Brighton Caravan Park on the following grounds:

- a. pursuant to Section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to Report No: 146/20 New Management Agreement – Brighton Caravan Park is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).
- d. Pursuant to Section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to Report No: 146/20 New Management Agreement – Brighton Caravan Park is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information or to confer a commercial advantage on a third party.

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

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

Moved Councillor Clancy, Seconded Councillor Lindop

Carried Unanimously

RETAIN IN CONFIDENCE - Section 91(7) Order

C090620/1928

That having considered Agenda Item 18.1, New Management Agreement – Brighton Caravan Park in confidence under section 90(2) and (3)(a)&(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 24 months and this order be reviewed every 12 months.

Moved Councillor Lindop, Seconded Councillor Bradshaw

Carried Unanimously

18.2 **Chief Executive Officer Performance Review** (Report No: 157/20)

Motion – Exclusion of the Public – Section 90(3)(a)&(e) Order

C090620/1929

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 General Manager Community Services and the staff minute taker in attendance at the meeting in order to consider Report No: 157/20, Chief Executive Officer's Performance Review 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: 157/20, Chief Executive Officer's Performance Review on the following grounds:
 - a. pursuant to section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to Report No: 157/20, Chief Executive Officer's Performance Review is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being Chief Executive Officer, Mr Roberto Bria, because in that details of his performance review will be discussed, which are sensitive and are details only known to those who have participated in the review process.
 - e. pursuant to section 90(3)(e) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is related to matters affecting the security of an employee of the Council. As details of the Chief Executive's performance review will be discussed, which are sensitive and are details only known to those who have participated in the review process.
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 Clancy, Seconded Councillor Abley

Carried Unanimously

RETAIN IN CONFIDENCE - Section 91(7) Order

C090620/1930

That having considered Agenda Item 18.2, Chief Executive Officer's Performance Review, Report No: 157/20 in confidence under Section 90(2) and (3)(a)&(e) of the *Local Government Act 1999*, the Council, pursuant to Section 91(7) of that Act orders that the report, attachment and minutes be retained in confidence for a period of 24 months and this order be reviewed every 12 months.

Moved Councillor Snewin, Seconded Councillor Patton

Carried Unanimously

CLOSURE

The Meeting closed at 8.05pm.

CONFIRMED 23 June 2020

MAYOR