

**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 Tuesday 8 September 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 Community Services – M Lock  
General Manager Strategy and Business Services – P Jackson  
General Manager Alwyndor – B Davidson-Park  
A/General Manager City Assets – R Whitfield

**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**

Mayor Wilson advised the chamber of a presentation to her of a wooden chopping block from William Kittle, which was provided to the Council.

**7. DECLARATION OF INTEREST**

Members were reminded to declare their interest before each item.

**8. CONFIRMATION OF MINUTES**

**Motion**

**C080920/2022**

**That the minutes of the Ordinary Meeting of Council held on 25 August 2020 be taken as read and confirmed.**

Moved Councillor Lonie, Seconded Councillor Clancy

**Carried Unanimously**

**9. PUBLIC PRESENTATIONS**

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

**10. QUESTIONS BY MEMBERS**

- 10.1 **Without Notice** - Nil
- 10.2 **On Notice** - Nil

**11. MEMBER'S ACTIVITY REPORTS**

**12. MOTIONS ON NOTICE**

- 12.1 **Motion on Notice – Petition Glenelg Police Station – Mayor Wilson** (Report No: 263/20)

Mayor Wilson proposed the following motion:

**Motion****C080920/2023**

**That Council approve for Administration to organise a petition, to be tabled in the South Australian House of Assembly, requesting increased operating hours for an operational presence for the Glenelg police station from 8.00am – 11.00pm Monday to Sunday and increased presence in Glenelg during the summer months including increased foot patrols Friday to Sunday nights between 11.00pm and 2.00am.**

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

**BACKGROUND**

The operating hours of the Glenelg police station have been reduced radically in recent times, resulting in an increase in police response times to incidents. Council has corresponded with the State Government on a number of occasions seeking an increase to the operating hours of the police station. This has been responded to by the South Australian Police providing dedicated patrols during peak times, however the Council does not deem this sufficient given the current environment and impacts of COVID.

COVID-19 restrictions are placing increased pressure on entertainment and licenced venues within the Glenelg precinct, due to the reduction in venue capacity to meet social distancing measures. Subsequently Council is seeking further action from the State Government to address community concerns.

**13. ADJOURNED MATTERS - Nil****14. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES - Nil****15. REPORTS BY OFFICERS****15.1 Items in Brief (Report No: 259/20)**

This item was presented for the information of Members.

**Motion****C080920/2024**

**That the following item be noted and discussed:**

**1. Procurement Policy Exemption**

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

**15.2 Representation Review Commencement 2020-21 (Report No: 242/20)**

Council is required to conduct a Representation Review when prescribed by the Minister for Planning and Local Government in accordance with Section 12 of the *Local Government Act 1999* (the Act). The relevant period prescribed for the City of Holdfast Bay to conduct its review is October 2020 to October 2021 (gazetted on 9 July 2020).

This report sought Council's endorsement to commence the review and the appointment of a qualified person to undertake the review process on Council's behalf.

**Motion**

**C080920/2025**

**That Council:**

- 1. endorse the commencement of the Representation Review 2020/21 and the allocation of a budget of \$23,000; and**
- 2. note that Administration will appoint CL Rowe and Associates to conduct the Representation Review as they are deemed qualified to address the representation and governance issues that may arise with respect to the matters under review to commence from October 2020.**

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

**15.3 Outcomes of the 24 August 2020 Economic Recovery Taskforce Meeting (Report No: 258/20)**

The Economic Recovery Taskforce met on 24 August 2020 and discussed a range of possible strategies to support economic activity in the City.

A number of initiatives were discussed by the Taskforce, and were submitted to Council for consideration.

**Nominations**

Her Worship the Mayor called for nominations.

Nominations were received from Deputy Mayor Snewin and Councillor Bradshaw for one vacancy. A secret ballot was conducted by the General Manager Strategy and Business Services, Ms P Jackson.

Her Worship the Mayor announced that Deputy Mayor Snewin had been selected for the nomination and was included in the Council's resolution.

**Motion**

**C080920/2026**

**That Council:**

- 1. notes the draft minutes of the Economic Recovery Taskforce Meeting of 24 August 2020;**
- 2. approves the allocation of \$5,000 for digital advertising;**
- 3. approves the allocation of \$14,000 for the Southern Business Mentoring Program for 2020/21; and**

4. **notes the resignation of Councillor Fleming from the Economic Recovery Taskforce and nominates Deputy Mayor Snewin to fill the vacant position.**

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

15.4 **Greening our Community Grants 2020-21** (Report No: 251/20)

Greening Our Community Grants have been provided to the City of Holdfast Bay community since 2011-12 to help our community contribute to making our city greener. All applicants are required to provide 50% of the total project cost, including any in-kind component.

The Greening Our Community Grant round opened on Monday 1st June and closed on Friday 10th July 2020. Eight (8) applications were received from a range of community organisations.

One application was ineligible due to a prior outstanding grant which was yet to be acquitted at the time the applications were assessed (has now been acquitted). The remaining applications have now been assessed by an Assessment Panel comprising Councillor Abley and two administrative staff (Ms Gaut and Ms Karzek) using six criteria.

Six (6) applications were recommended for approval for funding.

**Motion**

**C080920/2027**

**That Council:**

1. **approve funding for the following six (6) community environmental projects under Council's Greening Our Community Grants for 2020-21 financial year totalling \$18,596.30;**
2. **direct Administration to advise the unsuccessful applicants and to detail the reasons why their application was unsuccessful; and**
3. **note the forecast total spend for these funded grants projects is \$18,596.30 out of a total program budget of \$20,000.**

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

15.5 **Council Policy Review** (Report No: 254/20)

A selection of Council policies had been reviewed and were presented to Council for adoption. The following policies have been marked with track changes and were presented to Council for adoption:

1. Holdfast Bay Car Parking Contributions Fund Policy;
2. Heritage Conservation Incentives Policy; and
3. Development Application Policy.

As these policies did not require substantive changes or public consultation, they were presented as a collective, for administrative efficiency.

A tracked changes copy marked with proposed changes was attached for each policy.

**Motion**

**C080920/2028**

**That Council approve and endorse the following policies as amended:**

- 1. Holdfast Bay Car Parking Contributions Fund Policy;**
- 2. Heritage Conservation Incentives Policy; and**
- 3. Development Application Policy.**

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

15.6 **Stamford Grand Hotel – Construction of Enclosed Dining Area and Installation of External Lift (Report No: 253/20)**

The Grand Hotel (S.A.) Pty Ltd is proposing to convert an existing 1st floor balcony on the northern end of the western façade of the building into an enclosed dining area, initially to be used to serve high teas. The balcony is currently open, but will be enclosed with windows that can be opened if weather conditions permit as per details provided in Attachment 1.

Part of the works includes installation of a new passenger lift to be constructed externally on the building's western façade which will transfer guests from the Esplanade to the balcony dining area.

The proposed lift installation encroaches over Council land which is already the subject of an Encroachment Licence Agreement (effective from 1 July 2013 to 7 March 2032), between Council (as licensor) and The Grand Hotel (S.A.) Pty Ltd (as licensee).

The Grand Hotel (S.A.) Pty Ltd sought Council's approval, in its capacity as landowner and licensor, to install the lift and carry out the other proposed works.

**Motion**

**C080920/2029**

- 1. That Council note the proposal by The Grand Hotel (S.A.) Pty Ltd to convert an existing 1st floor balcony on the northern end of the western façade of the Stamford Grand Hotel building into an enclosed dining area, including installation of a new external glass lift on the western façade of the building to provide public access from Esplanade to the new balcony dining area (the Works);**
- 2. that in its capacity as landowner and licensor pursuant to the existing Encroachment Permit (effective from 8 March 1990 to 7 March 2032) and the existing Encroachment Licence (effective from 1 July 2013 to 7 March 2032), Council consent to the Works subject to the following conditions:**

- (a) The Grand Hotel (S.A.) obtaining development approval from Council;
  - (b) the proposed lift is located on the western façade of the Stamford Grand Hotel generally in the area shown on drawing Attachment 2 to this report and not extend outside the footprint of the current approved Encroachment Licence Area;
  - (c) final construction plans must be submitted to Council for final approval prior to the commencement of construction;
  - (d) all costs of and incidental to the proposed works must be borne by The Grand Hotel (S.A.) Pty Ltd;
  - (e) all Works must be undertaken by qualified trade persons and in a professional and workman like manner;
  - (f) The Grand Hotel (S.A.) Pty Ltd must indemnify the City of Holdfast Bay against any claims, losses, suits etc. that may arise from the Works;
  - (g) the City of Holdfast Bay is permitted to inspect the Works at any time during construction;
  - (h) no part of the Works are to cause a nuisance or disturbance to any neighbours or visitors to adjoining properties;
  - (i) the cost(s) to rectify any defects, identified during or after construction must be borne in full by The Grand Hotel (S.A.) Pty Ltd;
  - (j) the cost(s) of any variations identified during construction must be borne by The Grand Hotel (S.A.) Pty Ltd; and
  - (k) all Works must comply with the Building Code of Australia, any Development Approval (including any associated conditions) issued in respect of the Works and any applicable legislation.
3. that Council's consent as licensor pursuant to the Encroachment Licence Agreement be documented by way of a Deed of Variation which shall vary the Encroachment Licence Agreement to document the Works;
  4. that Council note as the Encroachment Licence Area remains unchanged, no change in the annual Encroachment Licence Fee is proposed;
  5. that the Chief Executive Officer and Mayor be authorised to affix the Council Seal and sign the said Deed of Variation of the Encroachment Licence Agreement; and
  6. that the legal costs of and incidental to preparing the Deed of Variation of the Encroachment Licence Agreement shall be borne by The Grand Hotel (S.A.) Pty Ltd.

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

**15.7 Nominations to the West Beach Trust (Report No: 261/20)**

The Hon Vicki Chapman MP, Deputy Premier and Minister for Planning and Local Government has requested that the City of Holdfast Bay provide proposed nominees to represent the Council on the Board of the West Beach Trust pursuant to Section 7 of the *West Beach Reserve Act 1987* by 5 October. The proposed nomination must include at least one male and female as per the Act.

The term of the current member appointed to the Board, Councillor Clancy, expires on 31 December 2020.

**Nominations**

Her Worship the Mayor called for nominations.

Nominations were received from Councillors Abley, Lindop, Bouchee and Deputy Mayor Snewin. As one nomination was required to be male, Deputy Mayor Snewin was nominated and a secret ballot was conducted by the General Manager Strategy and Business Services, Ms P Jackson for the remaining two nominations.

Her Worship the Mayor announced that Councillors Abley and Lindop had been selected for the nomination which was included in the Council's resolution.

**Leave of the Meeting**

Her Worship sought leave of the meeting to move Item 15.8 Impact of COVID-19 on Community Centres to be considered before concluding the nominations for Item 15.7 Nominations to the West Beach Trust while the ballot was counted.

Leave of the meeting was granted.

**Conflict of Interest**

Councillors Abley, Lindop and Deputy Mayor Snewin declared a material conflict of interest for Item 15.8 Nominations to West Beach Trust before the vote. The nature of the material conflict of interest (pursuant to Section 74 of the *Local Government Act 1999*) is that if successful they will receive a sitting fee.

Councillors Abley, Lindop and Deputy Mayor Snewin dealt with the conflict of interest by making it known and leaving the chamber at 7.45pm.

**Motion****C080920/2030**

**That Council nominate the following three (3) persons to the Minister for Planning and Local Government for consideration for appointment to the West Beach Trust Board with nominations to be received by 5 October 2020:**

- 1. Deputy Mayor Snewin**
- 2. Councillor Abley**
- 3. Councillor Lindop**

Moved Councillor Bouchee, Seconded Councillor Miller

**Carried Unanimously**



Councillors Abley, Lindop and Deputy Mayor Snewin re-joined the chamber at 7.46pm.

Item 15.8 Impact of COVID-19 on Community Centres was considered before conclusion of Item 15.7 Nominations to West Beach Trust as per leave of the meeting.

**15.8 Impact of COVID-19 on Community Centres (Report No: 264/20)**

In response to Council Motion C280720/1971, Administration conducted an audit of our four (4) community centres to report on the consequences of the COVID-19 pandemic and the subsequent impact upon delivery of key community services to the clients of the centres.

The purpose of the report was to advise Council on what actions and possible budget considerations to ensure continuity of programmes and services at the centres.

**Motion**

**C080920/2031**

**That Council endorses:**

- 1. delaying implementation of the new Community Centre Leasing Policy to the 2021/22 financial year;**
- 2. retain Holdfast Bay Community Centre funding contribution \$27,000, to help alleviate the predicted financial shortfall at the centre during 2020/21 but be reviewed as part of the draft budget 2021/22; and**
- 3. location of a Council staff member at the Glenelg Community Centre one day per week to provide increased operational support to the centre, whilst also offering an information and advocacy contact point for the community. A report be provided to Council after three months about the outcomes of the initiative.**

Moved Councillor Lindop, Seconded Councillor Lonie

**Carried Unanimously**

**15.9 Community Centres Contribution Funding (Report No: 265/20)**

This report responded to Council Motion C140720/1952 and presented a proposal for equitable distribution of the funding (\$27,000), currently paid to Holdfast Bay Community Centre on an annual basis, to all four community centres.

Due to the different manner in which each centre is managed, it is important that an equitable system is established that transcends the differences to offer each centre equal opportunity to access funds to support the operations of the centre. Administration proposed that the centres participate in the annual budget planning process, submitting new initiatives for project or program funding to ensure a fair and transparent process. It was further proposed that Administration provide business writing support and guidance around identified community needs to the centres for development of their business cases for review during the annual budget review process. This inclusion in the annual

budgeting process will promote the equitable distribution of funds in a fair and transparent way whilst also providing maximum community benefit in any given year.

**Motion**

**C080920/2032**

**That Council endorse the inclusion of the Community Centres in the annual budget planning process for equitable distribution of funding to support the operations of the four community centres within the City of Holdfast Bay, being Glenelg Community Centre, Glenelg North Community Centre, Holdfast Bay Community Centre and Brighton Community Centre.**

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

**15.10 Community Centre Leasing Policy (Report No: 266/20)**

This report sought Council endorsement of the finalisation of the draft Community Centres Leasing Policy, following formal consultation during June and July 2020. The formal consultation sought feedback from the community and directly with representatives from the community centres.

Following the engagement, the final draft was produced taking into consideration the responses from the consultation. Upon endorsement by Council, this policy forms the basis for new leases with all Council owned Community Centres.

**Motion**

**C080920/2033**

**That Council endorse the Community Centres Leasing Policy for implementation in 2021/2022 financial year.**

Moved Councillor Lonie, Seconded Councillor Bouchee **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 Broadway Kiosk – Partial Assignment of Lease (Report No: 252/20)**

**Motion – Exclusion of the Public – Section 90(3)(b)&(d)**

**C080920/2034**

- 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: 252/20 Broadway Kiosk – Partial Assignment 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: 252/20 Broadway Kiosk – Partial Assignment 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 could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting business; and 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 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**

**C080920/2035**

That having considered Agenda Item 18.1 Report No: 252/20 Broadway Kiosk – Partial Assignment of Lease in confidence under Section 90(2) and (3) of the *Local Government Act 1999*, the Council, pursuant to Section 91(7) of that Act orders that this report, all attachments and minutes associated with this report be retained in confidence for a period of two (2) years and that this order be reviewed every 12 months.

Moved Councillor Bouchee, Seconded Councillor Smedley

**Carried Unanimously**

**CLOSURE**

The Meeting closed at 7.51pm.

**CONFIRMED**      **22 September 2020**

**MAYOR**