

## CITY OF HOLDFAST BAY

**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 10 April 2012 at 7:04pm.**

### PRESENT

His Worship the Mayor	A K Rollond
Deputy Mayor	R A Clancy
Councillor	R M Bouchée
Councillor	P W Dixon
Councillor	K M Donaldson
Councillor	L R Fisk
Councillor	J D Huckstepp
Councillor	S C Lonie
Councillor	T D Looker
Councillor	S Patterson
Councillor	R C Patton
Councillor	A P Roe
Chief Executive Officer	J P Lynch
General Manager City Assets	S G Hodge
General Manager City Services	R A Cooper
General Manager Corporate Services	I S Walker

### 1. Opening

His Worship the Mayor declared the meeting open at 7.04pm.

### 2. Kaurna Acknowledgement

With the opening of the meeting His 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. Prayer

His 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.

### 4. Apologies

4.1	Apologies Received	Councillor L J Yates
4.2	Absent	Nil

**5. Items Presented to Council** Nil

**6. Declaration of Interest**

Members were reminded to declare their interest before each item.

**7. Confirmation of Minutes**

**C100412/458**

**Councillor Bouchee moved and Councillor Clancy seconded that the minutes of the Ordinary Meeting of Council held on 27 March 2012 be taken as read and confirmed.**

**CARRIED**

**8. Questions by Members**

**8.1 Without Notice**

**8.1.1 Brighton Performing Arts Centre**

Councillor Looker asked a question regarding the operation of the Brighton Performing Arts Centre during its first twelve months of operation.

**The Chief Executive Officer, Mr J Lynch provided a response.**

**8.2 With Notice**

**8.2.1 Value of Backlog Maintenance**

In accordance with his notice, Councillor Looker asked the following question:

**What is the approximate current dollar value of the backlog of maintenance?**

**The General Manager City Services, Mr S Hodge's response.**

The question has been taken on notice and an answer will be provided in the next agenda.

**9. Member's Activity Reports**

**9.1 Holdfast Bay Community Centre Board**

Councillor Donaldson, Council Representative and Councillor Looker, Board Member attended the Holdfast Bay Community Centre Board Meeting on 19 March 2012.

**9.2 Norman Waterhouse Governance Breakfast Seminar**

On Thursday 29 March 2012, Councillor Looker attended the Governance seminar hosted by Norman Waterhouse Lawyers. Speakers included Mr Richard Bingham – South Australian Ombudsman, an Elected Member and the Chief Executive Officer from City of Charles Sturt and Legal Counsel from Norman Waterhouse.

The focus was on lessons learned from the unique, \$1 million investigation into the Charles Sturt Council – St Clair Land Swap and the wider lessons for all councils.

It is appropriate that at some future time City of Holdfast Bay Councillors and Management have a more detailed briefing on these issues and invite the Ombudsman to address a future workshop.

A number of relevant issues were highlighted

- The need for more elected member training to address the generally poor understanding of their roles especially those under common and administrative law.
- The need to understand the higher standard required from those in public office. As the ombudsman pointed out you cannot function at the level of a local club committee.
- The need to understand the application of 'common law' principles that apply in addition to requirements under the Local Government Act.
- The need to understand "apprehension of bias" where every matter must be considered with an open mind and on its merits. For instance claiming 'That was part of my election platform' is not a valid defence under common law as it indicates bias as a decision maker must not have a predisposition on a matter for decision.
- The need for community engagement/consultations to be sufficiently robust to avoid expensive investigations or litigation. Also to ensure consultation results are not distorted by small vocal groups or individuals.

Present at the seminar were Council Officers Patricia Aukett and Wendy Mathews and I expect that further follow up for the City of Holdfast Bay will follow in particular community engagement, the issue of confidentiality under common law and a better explanation of duties under administrative law. I would also suggest that an invitation be extended to the South Australian Ombudsman who has expressed a great interest in Local Government governance.

### 9.3 Glenelg Football club Home Game

Councillor Patterson reported that he had attended the Glenelg vs West Adelaide night match at the Glenelg Oval.

## 10. Public Presentations

### 10.1 Petitions

#### 10.1.1 Friends of Wattle Reserve – Shade Structure and Community Land Management Plan

Two separate petitions have been received from the Friends of Wattle Reserve regarding the proposed Shade Structure and a Community Land Management Plan.

Each petition contains 34 signatures.

The petitions states as follows:

*"We, the neighbours of Wattle Reserve, oppose any shade structure that does not include community consultation with the residents around the reserve."*

*"We, the neighbours of Wattle Reserve, demand a Community Land Management Plan for Wattle Reserve. The current Regional Development Plan does not meet the needs of the community, nor address the requirement for community consultation."*

C100412/459

**Councillor Dixon moved and Councillor Clancy seconded that the petitions be received by Council and forwarded to the appropriate department for a response.**

**CARRIED**

### 10.1.2 Save Our Community Land

A petition has been received from 171 residents of South Australia regarding the community land status of the Former Brighton Town Hall.

The petition states:

*"We the undersigned request that the Original Brighton Town Hall and bowling greens be retained as community land. That the heritage listed hall built in 1869 be restored, respected and retained by the Council for use by the community.*

*For the following reasons; due to its significant heritage and location it is unsuitable for private development and should be retained as open space."*

**C100412/460**

**Councillor Lonie moved and Councillor Bouchee seconded that the petition be received by Council and forwarded to the appropriate department for a response.**

**CARRIED**

### 10.1.3 Seacliff Foreshore Vegetation

A further three pages of the Seacliff Foreshore Vegetation petition has been received from 16 citizens of South Australia, accompanied by further letters of support.

The Petition states as follows:

*"Petition to the City of Holdfast Bay*

*In support of the maintenance and ongoing control of the tree bushes to a maximum height of 1.3 metres situated along the coastal footpaths located in front of resident dwellings (refer letter dated 25<sup>th</sup> November 2011).*

The extra pages submitted are attached for Members information.

**C100412/461**

**Councillor Clancy moved and Councillor Lonie seconded that the further pages of the petition be received by Council.**

**CARRIED**

### 10.2 Presentations

Nil

### 10.3 Deputations

Councillors Clancy, Dixon and Huckstepp declared an interest in the matter due to the membership of the Development Assessment Panel and left the chamber at 7.13pm.

Councillor Bouchee left the chamber at 7.14pm.

### 10.3.1 Friends of Wattle Reserve

Councillor Bouchee rejoined the chamber at 7.17pm.

Councillor Bouchee left the chamber at 7.29pm.

Councillor Bouchee rejoined the chamber at 7.31pm.

Mr Dean Littlefield, Spokesperson for the Friends of Wattle Reserve made a five minute deputation to Council regarding the ad hoc planning of Wattle Reserve.

Councillors Clancy, Dixon and Huckstepp rejoined the chamber at 7.33pm.

**11. Motions on Notice****11.1 Proposed Cinema Development, Glenelg**

In accordance with her notice:

**C100412/461**

**Councillor Bouchée moved and Councillor Roe seconded that the City of Holdfast Bay resolves to continue discussions with Mr Andrew Taplin on his proposal for the development of a cinema complex over Council owned land at Cowper Street on the following basis:**

- 1. That no commitment is to be entered into by any party negotiating for or on behalf of Council until Council has received, debated and agreed to a firm and detailed proposal and Council has authorised the issue of a letter agreeing to the lodgment of a detailed formal development application for its land;**
- 2. That the land tenure arrangement be only a lease to Mr Taplin for no more than 21 years;**
- 3. That the lease be conditional on the development being only for a cinema complex;**
- 4. That there be no more than a 5% reduction in the number of car parks following the construction on the Western Side Development;**
- 5. That all car parks be fully available for public use with no park available for more than two hours use at any time of the day;**
- 6. That Council record in its annual report every year for the term of the lease the value of any assistance that is offered including any rental foregone;**
- 7. That the administration fully reports back to a public Council meeting (not in confidence, except commercial items) before the end of June 2012 on the outcome of the discussions with a recommendation for future action including a full report on any financial or cost implications.**

**CARRIED**

A division was called.

For	Against
R M Bouchée	J D Huckstepp
R A Clancy	S C Lonie
P W Dixon	T D Looker
K M Donaldson	
L R Fisk	
S Patterson	
R C Patton	
A P Roe	

**HIS WORSHIP THE MAYOR DECLARED THE MOTION CARRIED**

**12. Adjourned Matters****12.1 Adjourned Report – Bicycle Lanes, Cliff Street, Glenelg (Report No: 87/12)**

This report was adjourned at the Council meeting of 13 March 2012 and is represented for members' consideration following the receipt of a petition from the community.

Council resolution C081111/322 requested Administration aim to extend the bicycle lanes on Cliff Street, Glenelg East from Diagonal Road to the boundary with City of Marion. The existing bicycle lanes on Cliff Street, within City of Marion, operate 7am-9am Monday to Friday on the northern side of the road; and, 3pm-6pm Monday to Friday on the southern side of the road.

In December 2012, consultation was conducted with residents, businesses and property owners on this portion of Cliff Street. This report outlines the consultation process and the outcomes determined from the responses received from the consultation.

**C100412/462**

**Councillor Patterson moved and Councillor Patton seconded:**

- 1. That Council approves the installation of part-time bicycle lanes on Cliff Street, between Diagonal Road and the boundary with City of Marion, that operate 7am-9am Monday to Friday on the northern side of the road and 3pm-6pm Monday to Friday on the southern side of the road.**
- 2. That the head petitioner, residents and property owners be informed of Council's decision.**

**CARRIED**

**13. Reports of Management Committees, Subsidiaries and the Development Assessment Panel**

**13.1 Minutes – Alwyndor Management Committee (Report No: 90/12)**

The Alwyndor Aged Care Management Committee was established to manage the affairs of Alwyndor Aged Care Facility. The Council has endorsed the Committee's Terms of Reference and given the Committee delegated authority to manage the business of Alwyndor Aged Care Facility.

The Minutes of the Alwyndor Aged Care Management Committee for March 2012 are provided for information.

**C100412/463**

**Councillor Clancy moved and Councillor Lonie seconded that the Minutes of the Alwyndor Aged Care Management Committee for March 2012 be noted by Council.**

**CARRIED**

**14. Reports by Officers**

**14.1 Items in Brief (Report No: 91/12)**

Report No: 91/12 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

**C100412/464**

**Councillor Huckstepp moved and Councillor Clancy seconded that the report be noted and items of interest be discussed.**

**CARRIED**

**14.2 Lease Somerton Yacht Club (Report No: 92/12)**

Councillor Roe declared an interest in the matter as he is a member of the Somerton Yacht Club.

Councillor Lonie declared an interest in the matter as she is a member of the Brighton and Seacliff Yacht Club.

His Worship the Mayor determined that this was a shared interest and allowed the Members to participate in the debate.

The Somerton Yacht Club's lease expired in 2009 and a report was presented to Council in January 2010 recommending a five year lease. The item was adjourned until the John Miller Reserve Master Plan process was complete. The Club recently indicated that it is preparing a submission for Council's consideration regarding its long term future. Granting a lease period to the end of July 2014 would allow sufficient time for both the Club and Council to consider a range of options for the site.

**Councillor Clancy moved and Councillor Looker seconded that Council writes to the Yacht and Sailing clubs from Seacliff to Outer Harbour asking if their club would be willing to take boats (number to be provided by the club) to be reviewed in two months.**

**LOST**

**C100412/465**

**Councillor Bouchee moved and Councillor Patterson seconded:**

- 1. That Council enter into a lease with the Somerton Yacht Club Inc over the land it occupies on the John Miller Reserve for a period of five years from 1 August 2009 at a commencing rental of \$2335 per annum plus GST.**
- 2. That a report be presented outlining discussions with the club regarding the future of the site by March 2013.**

**CARRIED**

#### **14.3 Glenelg and Glenelg South Licensed Premises Audit (Report No: 88/12)**

As a result of ongoing complaints made by residents and the various Neighbourhood Watch group(s) an investigation was conducted into claims of untoward activities and practices occurring within specific licensed premises in Glenelg South, namely the Broadway Hotel.

The audit campaign consisted of three separate facets:

- audits conducted by Council's Liquor Licensing and Public Safety Officer (LLPSO) between the hours of 10:00pm and 2:00am.
- the utilisation of Council's Night Inspectors who conducted inspections and patrols of the area under direction of the LLPSO.
- and two concurrent South Australian Police (SAPol) Operations – Operation Tardy and Operation Beach Safe.

All three occurred between Monday 3 October 2011 and concluded Wednesday 7 March 2012 (21 weeks).

This report outlines evidence and observations from various separate regulatory mechanisms and, addresses the claims made, and provides reassurance to Council that Administration is working with these authorities and Licensees to combat matters related safety within the area.

**C100412/466**

**Councillor Bouchee moved and Councillor Fisk seconded that Council endorse the proposed future initiatives as intended below:**

- ***Liquor Licensing and Public Safety Officer Audits***
- ***City of Holdfast Bay Safety Audits***
- ***Drug Arm and City of Holdfast Bay Designated Driver Initiative***
- ***Drug Arm and Youth Beat Patrols***

**CARRIED**

**14.4 Somerton Park Kindergarten – Renewal of Lease (Report No: 93/12)**

Councillor Patterson declared that he had a shared interest in this matter as one of his children attends the kindergarten.

The Department for Education and Child Development has written to Council advising that it wishes to enact the renewal provision contained in its current lease agreement to renew the lease over the Somerton Park Kindergarten for a period of five years from 1 January 2011. The exercising of the option to renew is at the option of the Department for Education and Child Development.

**C100412/467**

**Councillor Patterson moved and Councillor Clancy seconded that His Worship the Mayor and the Chief Executive Officer be authorised to sign and seal any necessary documentation associated with the extension of the lease over the Somerton Park Kindergarten for a term of five years from 1 January 2011.**

**CARRIED**

**14.5 7 Partridge Street Glenelg – Lease to Workskil (Report No: 94/12)**

Workskil have been occupying portion of the ground floor and all the first floor within the property located at 7 Partridge Street Glenelg on a monthly basis since 1 January 2010. Workskil have requested to use all of the ground and first floors for a period up to and including 31 December 2012.

The proposed lease will be for a period from 11 April 2012 to 31 December 2012.

**C100412/468**

**Councillor Bouchee moved and Councillor Looker seconded:**

- 1. That a new lease from 11 April 2012 to 31 December 2012 be granted to Workskil over the whole of the premises located at 7 Partridge Street Glenelg.**
- 2. His Worship the Mayor and the Chief Executive Officer be authorised to sign and seal any necessary documentation associated with this new lease.**

**CARRIED**

**14.6 5 Partridge Street Glenelg – Lease to Mission Australia (Report No: 95/12)**

Mission Australia has been occupying the property located at 5 Partridge Street Glenelg on a monthly basis since 1 January 2010. Mission Australia have requested to formalise this occupation for a period up to and including 31 December 2012.

The proposed lease will be for a period from 11 April 2012 to 31 December 2012.



**C100412/469****Councillor Lonie moved and Councillor Fisk seconded that**

- 1. That a new lease from 11 April 2012 to 31 December 2012 be granted to Mission Australia over the whole of the premises located at 5 Partridge Street Glenelg.**
- 2. His Worship the Mayor and the Chief Executive Officer be authorised to sign and seal any necessary documentation associated with this new lease.**

**CARRIED****15. Resolutions subject to formal motions Nil****16. Urgent Business – Subject to the Leave of the Meeting****16.1 Seacliff Foreshore Vegetation**

Councillor Clancy asked if Council has sought comment from the Coastal Protection Board regarding the trees along the Seacliff foreshore.

**The General Manager City Assets, Mr S Hodge provided a response.**

**16.2 Wattle Park**

Councillor Bouchée asked a question regarding the planting of shade trees in Wattle Park in place of a shade structure.

**The General Manager City Assets, Mr S Hodge provided a response.**

Councillor Fisk asked a question regarding the size of the shade structure.

**The General Manager City Assets, Mr S Hodge provided a response.**

**17. Items in Confidence****18. Closure**

The Meeting closed at 8.55pm.

**CONFIRMED****Tuesday 24 April 2012****MAYOR**