

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 22 May 2012 at 7:02pm.

MEMBERS PRESENT

His Worship the Mayor, AK Rollond
Deputy Mayor, RA Clancy
Councillor RM Bouchée
Councillor PW Dixon
Councillor KM Donaldson
Councillor LR Fisk
Councillor JD Huckstepp
Councillor TD Looker
Councillor RC Patton
Councillor AP Roe
Councillor LJ Yates

STAFF IN ATTENDANCE

Chief Executive Officer - JP Lynch
General Manager City Assets - SG Hodge
General Manager City Services - RA Cooper
General Manager Corporate Services - IS Walker
Manager Community Engagement – M Berghuis
Manager Finance – J Newton
Manager Organisational Sustainability – T Aukett

APOLOGIES

Apologies Received - Councillor SC Lonie, Councillor S Patterson
Absent - Nil

1. OPENING

His Worship the Mayor declared the meeting open at 7.02pm.

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.

5. ANNUAL BUSINESS PLAN CONSULTATION

Under Section 123 (4)(a)(i)(B) of the Local Government Act 1999, Council will provide a period of at least one hour for members of the public to ask question and make submissions on the Annual Business Plan and Budget.

Representations, Comments and Questions were received from members of the public.

6. DECLARATION OF INTEREST

Members were reminded to declare their interest before each item.

7. CONFIRMATION OF MINUTES

Motion

C220512/508

That the minutes of the Ordinary Meeting of Council held on 8 May 2012 be taken as read and confirmed.

Moved by Councillor Looker, Seconded by Councillor Huckstepp

Carried

8. QUESTIONS BY MEMBERS

8.1 Without Notice

8.1.1 Car Parking Fund– Councillor Bouchee

Is the car parking fund record audited?

The General Manager Corporate Services, Mr I Walker took the question on notice.

Councillor Dixon left the chamber at 8.01pm.

8.1.2 Lock Gates Meeting – Councillor Fisk

Was there an agreement to for the Government pay for an extra walkway?

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

Councillor Dixon rejoined the chamber at 8.03pm.

8.1.3 Former Brighton Town Hall– Councillor Looker

8.1.3.1 What is the cost to outlay to keep the Former Brighton Town Hall is the figures published in the question on notice are just

to restore the building to retain the fabric but not for community use.

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

Councillor Bouchee left the chamber at 8.04pm.

8.1.3.2 What is the cost of the excluded items that would bring the Brighton Town Hall Building up to code.

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

Councillor Bouchee rejoined the chamber at 8.05pm.

8.1.3.3 What is the cost for new toilets in the building?

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

8.1.4 Mayoral Report Presented at Council Meeting Held 8 May 2012 – Councillor Looker

In the last Council agenda in the Mayoral Report showed that the regular meetings ceased with the Chief Executive Officer in February 2012, can the Mayor please explain why has this occurred.

His Worship the Mayor provided a response.

Councillor Roe left the chamber at 8.09pm.

8.1.5 Former Brighton Town Hall– Councillor Yates

What is the point of removing the construction made after the 1870's.

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

8.1.6 Non Smoking Policy– Councillor Clancy

Has Council considered a non smoking policy.

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

Councillor Roe rejoined the chamber at 8.11pm.

8.1.7 Alcohol Policy– Councillor Fisk

Has Council considered having an alcohol policy.

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

8.2 With Notice

8.2.1 Former Brighton Town Hall – Councillor Looker (Report No: 156/12)

Councillor Looker asked the following questions:

What would be the total capital outlay for council to retain the old Brighton town hall and associated land in a restored state?

What would be the annual cost, including depreciation, and cost of finance for council to retain a restored old Brighton town hall and adjacent land?

Should a community group offer to take a standard council lease for a community property what would be the areas of cost they would need to meet as part of their obligations?

Should Council offer the property in restored condition for use for a 'youth services' organisation such as we have done in the past with "Drug Arm" and "Workskil" what would the total annual cost to council which would in effect be a subsidy to that group?

Background

A resident group has called for the old town hall to be retained as a community centre. A previous idea to use the building as a volunteer centre was abandoned due to the unsafe state of the property with faulty wiring, asbestos and unsound structure in parts. Should council retain this building and adjacent land what would be the minimum cost of restoration to a point where it was structurally sound meeting all building, electrical codes, regulations for a community hall and all Australian Standard required of a council property to enable community use?

ANSWER – General Manager City Assets

In 2009 Council resolved to develop a Conservation Management Plan for the former Brighton Town Hall site.

The impact of any proposed adaptation can only be fully assessed when future accommodation requirements are identified in some detail, feasibility planning undertaken and the design of critical elements and junctions developed. This work should be undertaken in conjunction with suitably qualified conservation professional(s) and/or the City of Holdfast Bay. Development Approval will be required prior to the commencement of any work to the former Brighton Town Hall building and surrounds.

The identification and understanding of appropriate methods of repair is important in protecting the significance of the fabric.

The ongoing management of the former Brighton Town Hall should be reviewed to ensure conservation works are undertaken in accordance with approved practices and methods.

The City of Holdfast Bay has recognised the local heritage significance associated with this structure, despite its ambiguously compromised appearance. Part of the Council's vision for this site is to adaptively re-use the former Brighton Town Hall and investigate sympathetic development options affecting the structure and surrounding land.

The broad objective of the Conservation Management Plan (CMP) was to guide the conservation, restoration and adaptation of the building and consider options for the potential redevelopment of the building and its surrounds.

The following tasks were undertaken in order to develop an understanding of the subject site and formulate relevant policies for its future use and development:

- Research into and preparation of the history and development of the former Brighton Town Hall.
- Preparation of measured drawings and completion of a physical survey of the former Brighton Town Hall to define the various parts of the fabric in decay.
- Assessment of the causes of deterioration to the fabric.
- Costing for their installation.
- Future adaptive re-use options for the former Brighton Town Hall, potential development opportunities and pressure associated with the adjacent land.

The Conservation Management Plan (CMP) outlines a schedule of priority works to conserve, restore and adapt the building for future use in context to the overall redevelopment potential of the surrounding public land. In order to ensure its future conservation, it will be critical for Council to consider a future 'ongoing' use of the building and in advancing any decisions in this regard would need to be mindful of Council's Strategic Property Review to ensure the site is considered in the context of other key sites owned or under the care and control of Council.

However, before any type of community based use can be considered for occupancy even for a temporary period, Council will need to invest in a range of improvements in order to bring the building up to a minimum standard that can satisfy the Building Code of Australia and Disability Discrimination Act requirements. These issues have been highlighted in the Building Condition Audit Report for the former Brighton Town Hall dated September 2009.

The CMP has indicated that the former Brighton Town Hall presents a significant and dominant feature to the area of Brighton with much of

the building in sound condition. Specifically, the CMP has concluded that:

- the original building form built in 1869 is considered to be of primary significance and worthy of retention;
- the later additions built to the north, east and south have no significance and detract from the value of the original building;
- the western addition built in 1954 circa, adds minimal value to the historical significance to the original form and may be removed;
- the estimated conservation works has been projected at \$587,580 (subject to certain exemptions).
- NB. there were no estimates sought for the restoration of the northern, southern or western annexes to the building but a cost to remedy these areas to a state of habitation would be expected to cost in the order of \$700,000.

Brighton Town Hall – Conservation Works

Estimate Summary

Main Hall External

Demolish Surrounding Single Story Building

Paving Where Building Demolished

Steps and Access Ramp

Remove Paint, Clean Parapet and Re point Western Façade

Remove Paint, Clean Parapet and Re point Northern Façade

Remove Paint, Clean Parapet and Re point Southern Façade

Replace roof and Rainwater Goods

Rationalise and Internalise Electrical Cabling

\$226,000

Eastern Lean-To External

Steps and Access ramp

Remove Paint, Clean Parapet and Repoint Northern Façade

Remove Paint, Clean Parapet and Repoint Southern Façade

Replace Roof and rainwater Goods

Rationalise and Internalise Electrical Cabling

Repaint Eastern Wall and Apply Anti-Graffiti Coating

Glass replacement and paint to Eastern Windows

\$68,000

Main Hall Internal

Repair Floor

Remove timber Wall Panelling and repair Plaster

Ceiling Repairs

Repairs to Stage Wall

Window Repairs

Skirtings

Replace Western Doors and Infill North/South Openings

Replace Western Architraves
 Remove Bar and Make Good
 Rewire and Upgrade Electrical Services
 Terminate Existing Plumbing
 \$142,000

Eastern Lean-To Internal

Remove Carpet and Repair Floor	
Remove Timber Wall Panelling/Joinery and repair Plaster	
Replace Ceiling	
Replace Doors	
Window repairs	
Skirtings	
Rewire and Upgrade Electrical Services	\$41,000
	\$477,000
GST (10%)	\$47,700
Professional, Council/Certification and CITB Fees	\$62,880
Estimated current project cost	\$587,580

Excluded Items:

Upgrade of the annexes to the Town Hall to the south, north and west of the Town Hall Building
 Loose furniture, curtains and equipment
 Latent conditions, site access difficulties and out of hours work
 Property acquisition, legal, financing and associated costs
 Site remediation and removal of contaminated spoil (if required)
 Complying toilet facilities (BCA)
 Adequate lighting (DDA)
 Egress and emergency exits (BCA)
 Fire rating issues (BCA)
 The construction of adequate access to the car park from McPherson Avenue
 Removal of all asbestos from the building which will become a legislative requirement post 2015.

The holding costs of the former Brighton town Hall site per annum comprise of:

Cost of Capital – assuming that the property was able to be sold in it's entirety at the minimum of the capital value determined by the Valuer General.

\$1.955 million x the interest of 6.25%	\$122,188
being the short term debenture rate	
Lost revenue from rates (based on existing capital value only, would be higher once redeveloped)	
If sold, we should expect the following rate revenues per annum for the	Rate in the \$

currently vacant Parcel A:

Allot 61 Sec 206 FP 146089 Vol 5830 \$530,000 0.003344 \$1,772
Fol 838 (Capital Value \$530,000)

Vacant Land Council Rate

Allot 1 Sec 206 DP 36909 Vol 5148 Fol 1,425,000 0.002230 \$3,177
889 (Capital Value \$1,425,000)

SA Water Charges \$1,700

Insurance

RSL Hall \$1,436

Greenkeeper's Shed \$34

Toilet Block \$71

Depreciation

Calculation of Depreciation 2012

Replacement Cost \$1,451,682

Residual \$227,023

Accumulated Depreciation \$787,861

Annual Depreciation \$21,524

TOTAL: \$21,524

Comprising:

Building \$19,116

Toilet Block \$1,666

Shed \$742

Electricity Charges (connection fees and minimum useage) \$400

Grounds **Maintenance and Security** contract \$600

\$152,901

8.2.2 Glenelg Car Parking and Proposed Cinema Development (Report No: 163/12)

Councillor Bouchée asked the following questions:

1. What are the total \$ amount contributed by developers to the City of Holdfast Bay –Glenelg District Centre Car parking Register as at the end April 2012.
2. Since the inception of the City of Holdfast Bay –Glenelg District Centre Car parking Register what is the total number of car parking spaces recorded as “Gross CP demand” where the developer/s have made No monetary contribution?
3. What is the total monetary value of loss income to the fund where the developer/s have made no monetary contribution to the fund where their development has an increase in car parking demand
4. Has the City of Holdfast Bay made any monetary contribution to the City of Holdfast Bay –Glenelg District Centre Car parking Register and what is the total value of money contributed by the council contributed to the fund?

5. What is the value of the single highest individual contribution to the City of Holdfast Bay –Glenelg District Centre Car parking Register and who made this contribution?
6. What is the value of the next highest individual contribution to the City of Holdfast Bay –Glenelg District Centre Car parking Register, who made this contribution and what site did this relate too?
7. Please provide at list of developers/companies who have recorded a Gross CP demand but not made a monetary contribution to the fund?
8. Please provide a copy of the City of Holdfast Bay –Glenelg District Centre Car parking Register as at the end April 2012.
9. What is the current contributions rate under the Holdfast Bay Car Parking Contributions Fund as published in the Government Gazette pursuant to Section 50A(6) of the Development Act 1993 and how has this been determined?
10. Under the current City of Holdfast bay development plan dated the 26 April 2012 what would be the basis of calculating the car parking demand for the proposed cinema complex on the Partridge street site? i.e X number per square metre of floor area or X number per cinema seats.
11. Does the current City of Holdfast bay development plan dated the 26 April 2012 allow for a new cinema to be built in the City of Holdfast bay district centre zone on the basis or the old Wallis Cinema where quote *"The cinema has never provided on-site carparking or loading facilities. The cinema building is built boundary to boundary. There is evidence that there was, for a period of 10 years, an agreement between the cinema proprietor and the next door shopping centre regarding the use by cinema patrons of the shopping centre carpark, but there was no evidence that this was a planning requirement. As we understand it, the cinema is lawfully able to be used, and has been used, for most of its life, without the provision of any carparking."* WALLIS HOLDINGS NO. 2 P/L v CITY OF HOLDFAST BAY [2011] SAERDC 9
12. Can our planning department determine the basis of calculating the car parking demand for the proposed cinema complex on the Partridge street site based on the expert evidence provide in the ERD court case WALLIS HOLDINGS NO. 2 P/L v CITY OF HOLDFAST BAY [2011] SAERDC 9
Quote
Fig CP/1, on page 159 of the Development Plan, identifies existing Council carparks, existing privately owned car parks,

possible future car park expansions, possible future carpark decks, and a possible new car park.

55 These provisions acknowledge that Jetty Road and the area around it have a specific set of opportunities and challenges which arise from the fact that Jetty Road was fully developed before planning controls, so that car parking to contemporary standards on a site by site basis has not been provided, and, at the same time, the area is a busy, lively retail commercial and entertainment precinct, and should be further developed so as to maintain and enhance that character. The use of land for small isolated carparks is unlikely to be consistent with that character, and, in the provisions quoted above, various alternative approaches to the provision of carparking are suggested, such as the development of public carparking (such as Council car parks), and the co-ordination and sharing of carparking on private land. The text under Council wide Objective 25 acknowledges the precise difficulty with which the appellant in this case is faced; the redevelopment of a site in circumstances where meeting the Development Plan's numerical requirement for carparking is not practical. The size of the site makes it impractical for a basement carpark to be established, because that would lead to a significant area being devoted to ramps, and the provision of relatively few carparks.

56 The proposed developments are to replace a lawfully existing use; the cinema. The cinema has never provided on-site carparking or loading facilities. The cinema building is built boundary to boundary. There is evidence that there was, for a period of 10 years, an agreement between the cinema proprietor and the next door shopping centre regarding the use by cinema patrons of the shopping centre carpark, but there was no evidence that this was a planning requirement. As we understand it, the cinema is lawfully able to be used, and has been used, for most of its life, without the provision of any carparking.

57 Both of the traffic engineers considered the question of the extent of carparking, available to the public, which is likely to have been taken up by users of the cinema when it was open for business. The cinema seats 1158 people and has three screens. It must have had staff. Mr Weaver, in his report, said that the cinema, in theory, would generate a car parking requirement of 232 spaces, based upon the concert hall requirement of one

parking space per 5 seats, there being no standard specifically for cinemas. However, Mr Weaver said that on the basis of his experience, he believed that the peak demand of the cinema would most likely have been in the order of 193 spaces, noting that there would be much lower levels of parking demand outside of peak periods. Mr Weaver had figures for the cinema for 2006 which indicated, at that time, that it was not trading vigorously.

58 Ms Mellen calculated the theoretical carparking demand for the cinema based on one carpark per three seats as 386 spaces, or one carpark per four seats as 290 spaces. Ms Mellen thought that this was unrealistic, however, because all three screens are unlikely to be operating to capacity simultaneously. Ms Mellen thought that a calculation based upon the 85th percentile usage was more realistic. Ms Mellen considered figures obtained by her for the Piccadilly Cinema in O'Connell Street, North Adelaide. Ms Mellen thought that the Piccadilly Cinema was the closest of the Wallis Cinemas to the Glenelg Cinema, in terms of its potential to generate a need for carparking, because both cinemas have three screens, and both are stand alone cinemas, rather than being part of a shopping centre, albeit that they are in a Main Street style shopping area. However, Ms Mellen compared the Piccadilly figures with the figures for the Wallis Cinemas at Mitcham, and noted that the 85th percentile figures were similar for both, indicating that the patronage levels reflect the film which is showing rather than the size of the cinema. Ms Mellen analysed attendance figures for the period from 26 December 2009 to 31 March 2010. The Piccadilly figures yielded an 85th percentile patronage level of approximately 210 patrons at lunchtime and an 85th percentile patronage level of approximately 260 patrons in the early evening. The corresponding carparking requirement would be 70 spaces at lunchtime and 87 spaces during the early evening.

59 Mr Weaver criticised Ms Mellen's selection of the Piccadilly data. He would have preferred to see an analysis of a whole year. He analysed the figures provided by Ms Mellen, and showed that, if the period between Christmas and New Year is excluded, the 85th percentile patronage level would be 165. This would yield a demand for 55 carparking spaces at one space per three patrons, or 33 at one space per five patrons. His calculations in relation to the period if Christmas and New Year

are not excluded yielded results of the same order as Ms Mellen's.

60 Mr Weaver pointed out that there are differences in the characteristics of the carparking demand between the proposed developments and the cinema. The cinema generated a demand, chiefly, for short or medium term parking. The proposed developments would generate some demand for short or medium term parking, but the consulting rooms, and the offices in the two storey proposal in particular, would generate a demand for long term parking.

61 Characteristics of the locality would affect the generation of carparking demand by both the cinema, on one hand, and either of the proposed developments, on the other, in a similar way. For example, specialty shops, restaurants and cinemas are likely to be busier at Glenelg during the summer months and during school holidays generally. The availability of public transport may have a similar impact upon the cinema and the proposed developments in terms of car parking demand.

62 In relation to the assumed car parking demand for the cinema, we accept and rely upon Ms Mellen's analysis. Mr Weaver was not in a position to advance a competing analysis. Mr Weaver provided a critique of Ms Mellen's assessment, which yielded similar results to hers at the end of the day. We do not think that there is any warrant for excluding the Christmas to New Year period in formulating an assessment of car parking demand for the cinema. Both peaks and troughs need to be included in an assessment. We prefer the evidence of the traffic engineers to all other evidence regarding carparking.

63 We consider that Ms Mellen's assessment of the 85th percentile parking demand for the cinema as 70 spaces at lunchtime and 87 in the early evening is reasonable. On either Ms Mellen's prediction of a peak carparking demand of 55 spaces at lunchtime and 50 spaces in the evening, or Mr Weaver's prediction of 56 spaces at lunchtime and 44 in the evening for the single storey development, the proposed single storey development will represent an overall improvement in car parking demand from the lawfully existing use of the land. This is so even when the five carparks on Rose Street which will either cease to be available or be taken out of use for several hours per day are taken into account. Ms Mellen predicted a peak evening demand

arising from the double storey development of 42 spaces, and Mr Weaver predicted a demand for 37 spaces for the same period. Both of these are better than Ms Mellen's assessment for the cinema of 87 spaces. However, Ms Mellen predicted a demand for 85 spaces for the two storey proposal, and Mr Weaver predicts a demand for 92 spaces for the lunchtime period, which represents a deficit of 15 spaces or 22 spaces (or 17 or 24 spaces if the 2 spaces on Rose Street which will have to be eliminated are accounted for) when compared to the assessment for the cinema for the same period, which is 70.

64 We note Ms Mellen's evidence of a survey conducted over two days – Thursday 12 August 2010 (11am to 1pm) and Friday 13 August 2010 (10am to 3.30 pm) – which showed that there was a minimum of 21 carparks and a maximum of 52 carparks available in the Cowper Street carpark and a minimum of 23 carparks and a maximum of 43 carparks available in the Elizabeth Street carpark in the survey period. It was suggested by Mr Weaver and Mr Batge that these carparks were too far away from the site to provide convenient long term parking for users of the proposed development. We disagree. The Cowper Street carpark is about 250 metres from the site and the Elizabeth Street carpark is about 600 metres from the site. These are not unreasonable distances for office workers to walk to work in this part of Glenelg.

13. This question divulges confidential information so has not been reproduced. Refer to answer in 13 following.
14. How does council propose to provide these 17 car parks if a contribution of \$300,000 has been made to the council?
15. If council decides to allow the Partridge street site for the use of a proposed cinema what other sites are identified in either the City of Holdfast bay development plan dated the 26 April 2012 or the Glenelg access strategy for future car parking needs and what is the potential growth capacity of these sites?
16. To establish a concept of what a 7 cinema complex may look like can council determine from the City of Marion or Megaplex Marion what the seating capacity is of their 7 smallest cinemas are?
17. In relation to the parking proposal for the proposed cinema complex in Glenelg, has administration identified any

automatic/electronic parking machine that would enable the machines to identify patrons from a cinema complex and thus give them 4 hours free?

18. How would a discriminatory policy allowing 4 hours free parking patrons from a private cinema complex built over community land, in a car park constructed on community land using ratepayers money fit with the Community Land Management Plan for the Partridge street sites and the objectives of Community Land under the Local Government Act?
19. Does administration anticipate that you would have to actually view a film in the complex to get 4 hours free parking or would purchasing a coffee or ice cream from a kiosk qualify you for 4 hours free parking?
20. In relation to the parking proposal for the proposed cinema complex in Glenelg, has administration identified if the invasive photo registration recognition cameras at Woolworths Glenelg would be capable of identifying patrons from a cinema complex and thus give them 4 hours free?
21. Can administration establish in the Adelaide City Council has any discriminatory policy allowing free parking for patrons from specific private businesses to park in Adelaide city council owned car parks?
22. What company is Mr Taplin representing in his proposal to build a Cinema over council owned land?
23. What is the Australian Securities and Investments Commission number for the company?
24. What type of company is it? ie Public/private/limited by shares?
25. Who are the Directors of the Company?
26. What is the extent of the financial borrowings the company will need to secure using the transfer of title over the council owned land for the project to proceed?
27. Could you please provide a copy of the original report (and include in the agenda) the original report and attachments that went to council for the decision to purchase to properties at 3,5,7 Partridge Street Glenelg?

ANSWER – Manager Strategic Planning

1. \$986,732

2. 420 Gross Car Parking Demand. Total Gross Contribution \$2,943,782 (344 spaces @ \$6,378 per space + 59 spaces @ \$9,250 + 17 spaces @ \$12,000).
3. \$997,148 (91 spaces @ \$6,378 + 23 spaces @ \$9,250 + 17 spaces @ \$12,000)
4. Yes. \$ 800,000 was contributed by the City of Holdfast Bay to the Reserve Fund as part of Holdfast Shores 2B (Irish Pub in Moseley Square)
5. \$800,000 (contributed by the City of Holdfast Bay to the Reserve Fund in 1998).
6. \$76,232 (contributed by McDonald's Family Restaurant for the Moseley Square outlet in 1999.)
7. Please refer to the attached Register (Attachment 1).
8. Please refer to the attached Register (Attachment 1).
9. \$31,000 (Determined by Council at its meeting held on 26 October 2010, having regard to an independent report prepared by Colliers International).
10. The car parking ratio for the cinema may be based on the number of seats provided. As there is no specific car parking rate prescribed by Council's Development Plan for cinema buildings, the rate is based on the quota recommended by an independent traffic expert or the requirement for a 'concert hall' which requires the provision of one car parking space per five seats able to be provided (the 'concert hall' ration was applied to the development application for the former Wallis Cinema site).
11. No, the new cinema will be sited on land previously not occupied by a building and therefore cannot benefit from any longstanding car parking 'credits' associated with a previous use. The new cinema will be required to provide the car parking quota as determined by the planning authority at the time of assessment or make equivalent payment into the Car Parking Fund in lieu of any car parking shortfall.
12. No, the Wallis Cinema matter was unique in that it involved a site that was already operating as a cinema prior to its demolition and therefore was entitled to significant dispensation from the car parking requirements.
13. Please refer to Confidential Minutes for the meeting held 8 February 2011, resolution number CV080211/011.
14. This will be a strategic decision as part of a broader assessment of where car parking spaces are required (and able to be provided) – considering the broader issue of access to and within the Glenelg Precinct. Under s50A of the *Development Act, 1993* – contributions to the parking fund can be utilized by Council in the following ways (refer s50A(8))
(8) The money standing to the credit of a carparking fund may be applied by the council for any of the following purposes (and for no other purpose):
(a) to provide carparking facilities within the designated area;
or

(b) to provide funds for (or towards) the maintenance, operation or improvement of carparking facilities within the designated area; or

(c) to provide funds for (or towards) the establishment, maintenance or improvement of transport facilities within the area of the council with a view to reducing the need or demand for carparking facilities within the designated area

As such, whilst a contribution from the Wallis Group was required to offset the 15 car park shortfall, Council has the discretion to use these funds as it sees fit, in accordance with the legislation.

15. The City of Holdfast Bay Development Plan contains Concept Plan CP/1 (attached), which identifies possible future locations for public car parks within the District Centre Zone. Investigations into the potential growth of these sites have not been undertaken at this stage.
16. The Taplin Proposal incorporates a seven-screen cinema with a total seating capacity in the order of 1000 to 1100 seats. A comparison with the Marion Megaplex has not been undertaken as seating capacity will vary depending on a number of factors, including type of seats (specifically the width of the seat), floor area available and other construction factors (eg fire exits, supportive columns, etc).
17. Not at this stage. The Taplin Proposal only requires that 4-hr free parking be available for cinema users and does not preclude Council from allowing 4-hr free parking for all car-park users (i.e. Council can choose not to discriminate and simply make the entire park available for 4-hr free parking).
18. Refer response to Question 17. Administration is yet to determine the full legal ramifications/requirements of the Local Government Act with respect to the proposed subdivision and use of current community land. This matter has been listed for consideration in the Prudential Review.
19. Refer response to Question 17.
20. Refer response to Question 17.
21. This has not been investigated and further time would be required to investigate. In the previous council report relating to the cinema proposal, it is proposed that four hour free parking be provided for both the general population and cinema patrons at the Partridge Street car parks and also at the Bayside Village Site.
22. Jetty Road Holdings Pty Ltd and or nominees
23. 075 935 438
24. Proprietary Limited Company
25. Noel Eaton Taplin and Andrew Halliday Taplin
26. Not disclosed – commercial in confidence.
27. Refer Attachment 2.

9. MEMBER'S ACTIVITY REPORTS

9.1 Holdfast Bay Community Centre Board

Councillor Donaldson reported that she and Councillor Looker attended the Board meeting held 15 May 2012.

9.2 Brighton and Seacliff Yacht Club

Councillor Roe reported that he had attended the Brighton and Seacliff Yacht Club monthly management committee meeting.

9.3 Somerton Yacht Club End of Season

Councillor Roe reported that he, Councillor Patterson and His Worship the Mayor attended the Somerton Yacht Club End of Season celebration.

10. PUBLIC PRESENTATIONS

10.1 Petitions

10.1.1 Petition – The Proposed Cinema and Car Park Development (Report No: 162/12)

A petition has been received from 103 Property Owners and Traders of the Glenelg Precinct regarding the proposal to develop a seven screen state of the art Cinema, supported by 370 car parks on Partridge Street.

The petition states as follows:

“We, the undersigned Property Owners and Traders of the Glenelg precinct are aware of and fully understand the current proposal before Council to develop a 7 screen state of the art Cinema, supported by 370 car parks on Partridge Street.

We understand that Council will contribute not more than \$2.5m to the construction of the car parks, which by and large has been accumulated in the Car Parking Fund (established in 1987).

The benefits of the proposal are numerous and represents the only real prospect to revitalise the Glenelg precinct and bring economic prosperity.

By signing this document, we expressly endorse the proposal with the expectation that Council will support this unique opportunity to collaborate with the Taplin Group and utilise the Council Car Parking fund for the benefit of the entire community.”

Motion

C220512/509

That the petition be received by Council and referred to the appropriate department for a response.

Moved Councillor Clancy, Seconded Councillor Bouchee

Carried

10.2 Presentations

10.2.1 Glenelg Surf Club

His Worship the Mayor presented two framed certificates to Council from the Glenelg Surf Life Saving Club thanking Council for their support with the IRB Championships in 2011.

10.3 Deputations - Nil

11. MOTIONS ON NOTICE

11.1 Council Workshops – Councillor Bouchée (Report No: 164/12)

Motion

That the chamber moves to the next item of business

Moved Councillor Looker, Seconded Councillor Huckstepp

Lost

Motion

That the CEO initiate the following:

- 1. Publish the Workshop dates / Location/ Subject matter on the City of Holdfast Website**
- 2. Indicate if the Workshop is Open/Confidential as indicated under the Local Government Act (Section 90)**
- 3. Reports/Presentations/Publications presented at open Workshops be published on the City of Holdfast Bay Website within 8 working days**

Moved Councillor Bouchee, Seconded Councillor Fisk

Lost

Division called

A division was called.

Those voting for: Councillors Bouchée, Fisk and Yates (3).

Those voting against: Councillors Patton, Dixon, Looker, Clancy, Donaldson, Roe and Huckstepp (7).

His Worship the Mayor declared the motion

Lost

Motion**C220512/510**

1. That written reports regarding the workshops be received on the Thursday prior to a workshop.
2. That Admin investigate ways to report topics in workshops to the public.

Moved Councillor Clancy, Seconded Councillor Bouchee

Carried**12. ADJOURNED MATTERS - Nil****13. REPORTS OF MANAGEMENT COMMITTEES, SUBSIDIARIES AND THE DEVELOPMENT ASSESSMENT PANEL****13.1 Minutes – Jetty Road Mainstreet Management Committee (Report No: 157/12)**

The Minutes of the Jetty Road Mainstreet Management Committee meeting held 2 May 2012 are attached and presented for Councils' information.

The committee has considered and is recommending that Correspondence has been received by JRMMC from Fassina Liquor Store with regards to the use of CCTV cameras in the precinct

Motion**C220512/511**

That the minutes of the Jetty Road Mainstreet Management Committee held 2 May 2012 is received and that the resolution for Item 5.6 be noted i.e. "that there be CCTV camera coverage for 75% of the Precinct and lighting coverage of 25% of the Precinct".

Moved Councillor Patton, Seconded Councillor Yates

Carried**14. REPORTS BY OFFICERS****14.1 Items in Brief (Report No: 138/12)**

These items are presented for the information of Members.

Motion**C220512/512**

That the report be noted and items of interest discussed.

Moved Councillor Bouchee, Seconded Councillor Donaldson

Carried**14.2 Request for Easement to ETSA Utilities for Infrastructure Associated with Sand Pumping Pipeline (Report No: 151/12)**

The State Government has committed to the construction of a sand transfer pipeline system between Glenelg and Kingston Park to eliminate the ongoing

need to transport up to 70,000 cubic metres of sand by road each year. This report seeks endorsement to undertake community consultation on the request for an easement over Community Land for the purpose of ETSA Utilities to supply electricity to enable the pumping stations to operate and deliver on the outcomes of the sand pipeline project.

Motion

C220512/513

- 1. That the request for an easement over Community Land at Brian Nadilo Reserve Certificate of Title CT5972/910 for ETSA infrastructure be noted and endorsed in principle to allow community consultation.**
- 2. That community consultation be undertaken in accordance with, Section 194(2) of the Local Government Act (1999) in respect to the request from ETSA Utilities for infrastructure on Community Land as defined in recommendation 1.**
- 3. That a further report be provided to Council once community consultation has concluded in accordance with Section 194(2) of the Local Government Act (1999)**

Moved Councillor Clancy, Seconded Councillor Donaldson

Carried

14.3 Hotel Licence Variations – Moseley Square Venues (Report No: 152/12)

The Australia Hotels Association (AHA), on behalf of both the Jetty Hotel and Dublin Irish Pub, has submitted an application to the Office of the Liquor and Gambling Commissioner (OLGC) seeking the removal or variation of a condition from each respective liquor licence. The condition, relating directly to the consumption of alcohol in the outdoor areas for each Hotel, states: *“Consumption of liquor in this area may only be with or ancillary to a meal provided by the licensee to patrons seated at tables”*.

This condition, a standard operational requirement for ‘Restaurant Licences’ [and not ‘Hotel Licences’], was initially imposed by Council under the assumption that its addition would aid in the regulation of liquor consumption in hotel outdoor dining areas (*specifically at a time when ‘Bikie’ related anti-social behaviour was ever present in Glenelg*). Council conditionally imposed this restriction in 2004 based on the general standard of the time, which the licensees accepted with little opposition.

However, due to legislative amendments over recent years resulting in the introduction and widespread exercise of s34(1)(c) on Restaurant Licence which permits a licensed restaurant to serve/supply liquor to patrons *seated* at a table *without the service of a meal* (both internally and in outdoor dining areas), a significant inconsistency in standard operational practices and regulation of premises has emerged, which is now directly affecting the businesses in question.

As a result, the AHA now seeks to have this condition either removed entirely or varied to remove the words *“with or ancillary to a meal”* to bring uniformity

between both the Hotels and Restaurants of Glenelg, and also to bring Holdfast Bay's 'Hotels' in line with that of State Licensing standards.

This report seeks Council's views on this change before Administration advises the AHA and OLGC of a final decision.

Motion

C220512/514

1. That Council advise the Office of Liquor and Gambling and the Australian Hotels Association that at this present time the City of Holdfast Bay is opposed to the immediate outright removal of said condition due to the location and nature of these venues and their close proximity to residential premises (which has in the past resulted in noise complaints emanating from Moseley Square and these premises).
However, the City of Holdfast Bay does acknowledge that regulatory inconsistencies have arisen due to past legislative changes and that any 'push' to create uniformity among liquor licensing guidelines will improve industry standard and regulation.

Moved Councillor Fisk, Seconded Councillor Looker

Carried

Motion

C220512/515

2. That Council advise the Office of the Liquor and Gambling Commissioner that it will support the implementation of a trial amendment to Hotel Licence No's: 5108167 (Glenelg Jetty Hotel); and 50107802 (The Dublin Irish Pub) which emulates the standard s34(1)(c) exemption based on the following provisions:
 - (a) That approval is given for liquor to be consumed by patrons in Hotel outdoor dining areas when seated at a table without or ancillary to a meal between the hours of 10am and 10pm Monday to Sunday; or such lesser hours as approved by the licensing authority;
 - (b) That this variation will only apply to a trial period of twelve (12) months, during which time an extensive evaluation of the amendment can be conducted by the City of Holdfast Bay, South Australian Police and the Office of Liquor and Gambling to assess any/all associated impacts caused to the amenity of the area and the surrounding residents. At the end of this period a review of the amendment's outright removal will be made;
 - (c) The City of Holdfast Bay, the Commissioner of Police, and the licensee are granted liberty to apply to the Liquor and Gambling Commissioner to review the variation to condition and associated conditions prior to the conclusion of the twelve (12) month trial period.
 - (d) The City of Holdfast Bay reserves the right to at anytime, when deemed to be based on reasonable grounds, revoke the Hotels Outdoor Dining Permit indefinitely should the area or amended condition be abused by licensee or patron.

Councillor Dixon left the chamber at 8.58pm.

Moved Councillor Fisk, Seconded Councillor Looker

Carried

Division called.

A division was called:

Those voting for: Councillors Fisk, Patton, Dixon, Looker, Clancy, Donaldson, Roe, Huckstepp and Yates (9).

Those voting against: Councillor Bouchée (1).

His Worship the Mayor declared the motion

Carried

Councillor Dixon rejoined the chamber at 8.59pm.

Motion

That Admin review the charges for the licensed areas with the view to increase the outdoor dining fees for the extended area.

Moved Councillor Fisk, Seconded Councillor Looker

Lost

14.4 2012/13 Property Valuations, Rate Parameter Setting (Report No: 154/12)

In setting the rates for each financial year, Council reviews its property valuations and policies in relation to minimum rates, differential rates, concessions, and rate capping.

Motion

C220512/516

- 1. The minimum rate be maintained at the 2011/12 level at \$832;**
- 2. The differential general rate for Commercial, Industrial and Vacant land be set such that the amount of rate revenue raised be in the same proportion as in the current 2011/12 budget;**
- 3. The rate capping percentage applying to residential properties for 2012/13 be 10%;**
- 4. The additional concession for eligible pensioners and self funded retirees be set as a minimum of \$45 and an additional \$1 for every \$10,000 in property valuation above \$370,000;**
- 5. The current rating policy, 2012/13 draft annual business plan and budget be updated to include the above recommendations.**

Councillor Donaldson left the chamber at 9.04pm.

Moved Councillor Looker, Seconded Councillor Clancy

Carried

14.5 Budget Update as at 30 April 2012 (Report No: 153/12)

This report covers the third budget update of Council's 2011/12 budget conducted as at 30 April 2012.

It has resulted in an increase of \$199,403 in Council's projected consolidated operating result to an operating surplus of \$1.629 million. The change in the projected consolidated operating surplus is wholly due to municipal operations, as Alwyndor has not amended its projected forecast.

Council's net financial liabilities at 30 June 2012 are projected to decrease by \$186,384 to \$22.8 million (comprising \$16.3 million for municipal operations and \$6.5 million for Alwyndor). Council's net consolidated financial liabilities ratio remains at 46%, in excess of its adopted ceiling of 35%. The increase is due to funding the property purchase at 48 McFarlane St Glenelg North and the effect of major capital works carried forward from 2010/11 including the King St. Bridge and Brighton Hove Coast park projects.

Motion**C220512/517**

1. That Council notes the third 2011/12 budget update for Council's municipal operations including:
 - (a) an increase of \$199,403 in the projected operating result from an operating surplus of \$159,619 to an operating surplus of \$359,022;
 - (b) a reduction of \$27,689 in projected net capital expenditure to \$9.18 Million;
 - (c) a reduction in projected net financial liabilities at 30 June 2012 of \$227,092.
2. That Council notes the third 2011/12 budget update for Alwyndor has resulted in no net change to its operating result, capital expenditure of funding requirements.

Councillor Donaldson rejoined the chamber at 9.06pm.

Councillor Patton left the chamber at 9.07pm.

Councillor Patton rejoined the chamber at 9.09pm.

Moved Councillor Looker, Seconded Councillor Clancy

Carried**15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil****16. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING****16.1 Hearing Impairment**

Councillor Clancy asked that members used their microphones are used and that other noise eg chatter between members be minimised as this is effecting other members with hearing impairments from hearing the debate.

16.2 Weekly Meetings with the Chief Executive Officer**Motion**

That the Deputy Mayor meets with the CEO on a weekly basis.

Moved Councillor Looker

Lapsed for Want of a Seconder

17. ITEMS IN CONFIDENCE

Staff in Attendance: Chief Executive Officer - JP Lynch, General Manager City Assets - SG Hodge, General Manager City Services - RA Cooper, General Manager Corporate Services - IS Walker, Manager Community Engagement – M Berghuis, Manager Organisational Sustainability – T Aukett and Governance Officer W Matthews

17.1 LATE ITEM - 25 Moseley Street (Report No: 171/12)**Motion****C220512/518**

That, pursuant to Section 90(2) and 90(3)(b) of the Local Government Act 1999 the Council order that the public be excluded from attendance at the meeting, with the exception of Council officers and any other visitors permitted to remain, after taking into account the relevant considerations under Section 90(3)(b), on the basis that it will receive, discuss or consider the following:

- information or matter the disclosure of which –
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest.

Moved Councillor Huckstepp, Seconded Councillor Clancy

Carried

LATE ITEM - 25 Moseley Street (Report No: 171/12)

Order to Retain Documents in Confidence**Motion****C220512/520**

That pursuant to Section 90(2), 90(3)(b) and 91(7) of the Local Government Act 1999:

1. The Council orders that the documents and minutes relating to Report No: 171/12 with the exception of Resolution No: C220512/518 for going into confidence be kept confidential and not available for public inspection on the basis that they deal with information the disclosure of which:
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and

(ii) would, on balance, be contrary to the public interest
under Section 90(2) and 90(3)(b) of the Act

2. That documents and minutes relating to Report No: 171/12 be released from Confidence by the Chief Executive Officer at the conclusion of the sale of the property.

Moved Councillor Huckstepp, Seconded Councillor Clancy

Carried

CLOSURE

The Meeting closed at 9.26pm.

CONFIRMED 12 June 2012

MAYOR