

**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 9 July 2013 at 7:03pm.**

**MEMBERS PRESENT**

His Worship the Mayor, AK Rollond  
Deputy Mayor, RA Clancy  
Councillor RM Bouchée  
Councillor PW Dixon  
Councillor LR Fisk  
Councillor SC Lonie  
Councillor TD Looker  
Councillor S Patterson  
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 Organisational Sustainability – PE Aukett  
Manager Assets and Open Spaces – P Smith  
Manager Community Development – C Linnell

**1. OPENING**

His Worship the Mayor declared the meeting open at 7.03pm.

**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 RC Patton, Councillor KM Donaldson and Councillor JD Huckstepp

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**

**Motion**

**C090713/951**

**That the minutes of the Ordinary Meeting of Council held on 25 June 2013 and the Special Meeting of Council held on 1 July 2013 be taken as read and confirmed.**

Moved by Councillor Clancy, Seconded by Councillor Fisk

**Carried**

**8. QUESTIONS BY MEMBERS**

**8.1 Without Notice**

**8.1.1 Privately Funded Development Plan Amendments**

Councillor Bouchee asked a question regarding the process Council undertakes when preparing a developer funded Development Plan Amendment and how does Council ensure that resident interests are considered.

The Manager Organisational Sustainability, Ms T Aukett provided a response.

**8.1.2 Brighton Caravan Park**

His Worship the Mayor asked the following questions:

1. In a previous council meeting, a request was made by Senator Xenophon for council to agree to mediation with the permanent residents of the caravan park. Council refused this request because there was no firm evidence that legal action was pending. With an article in the Messenger outlining probable legal action, will Administration of Council be recommending:
  - a. Conciliation, mediation or compromise?
  - b. Standing firm and await legal action with request for funds to fight it in court?
  - c. Do nothing and let elected members decide?

2. Can Administration put an estimated total cost, to council, since January related to the Caravan Park including staff, legal and consultants' costs?
3. How many hours is the Consultant, on \$250 per hour, contracted to work?
4. Is the Council aware that many of the homes in the park, occupied by permanent residents, are insured for many thousands of dollars?
5. If council demolishes these buildings, will the insurers be able to claim compensation from council?

Of interest, it was reported on radio today, that cars left in the street cannot be disposed of by councils without a lengthy process. Does this apply to caravans and homes?

The Chief Executive Officer, Mr J Lynch took the questions on notice.

## 8.2 With Notice

- 8.2.1 Questions on Notice – Brighton Caravan Park – Legal Costs and Compensation – Councillor Bouchee (Report No: 228/13)

- “1. To date, how much has the council paid in legal advice and consultant fees concerning the intended termination of leases of Brighton Caravan Park tenants?”*
- 2. To date, how much compensation has been given to the residents?”*

### **ANSWER – Manager Organisational Sustainability**

1. Approx. \$2,250
2. To date no one has taken up our offer.

## 9. MEMBER'S ACTIVITY REPORTS

### 9.1 Deputy Mayoral Report (Report No: 222/13)

Presented is a summary of the activities of the Deputy Mayor, Councillor RA Clancy for the period 1 January 2013 to 30 June 2013.

### 9.2 30<sup>th</sup> Anniversary of Holdfast Bay Concert Band

Councillor Yates reported that she had attended the 30<sup>th</sup> Anniversary of Holdfast Bay Concert Band.

9.3 Farewell for Director of Nursing, Alwyndor Aged Care

Councillor Clancy reported that she attended a farewell for Donna Cox, Director of Nursing at Alwyndor after 20 years' service.

**10. PUBLIC PRESENTATIONS**

- 10.1 **Petitions** - Nil
- 10.2 **Presentation** - Nil
- 10.3 **Deputations** - Nil

**11. MOTIONS ON NOTICE**

- 11.1 **Motion on Notice** - Nil

**12. ADJOURNED MATTER** - Nil

**13. REPORTS OF MANAGEMENT COMMITTEES, SUBSIDIARIES AND THE DEVELOPMENT ASSESSMENT PANEL**

- 13.1 **Minutes – Jetty Road Mainstreet Management Committee – 5 June 2013** (Report No: 212/13))

The Minutes of the Jetty Road Mainstreet Management Committee meeting held 5 June 2013 are attached and presented for Council's information.

**Motion**

**C090713/952**

1. **That the minutes of the Jetty Road Mainstreet Management Committee held 5 June 2013 is received.**
2. **That Council notes that Jetty Road Mainstreet Management Committee recommends that Council approves the Mobile Trading Policy.**

Moved Councillor Looker, Seconded Councillor Yates

**Carried**

**14. REPORTS BY OFFICERS**

- 14.1 **Items in Brief** (Report No: 221/13)

These items are presented for the information of Members.

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

**Motion**

**C090713/953**

**That the report be noted and items of interest discussed.**

Moved Councillor Clancy, Seconded Councillor Bouchee

**Carried**

14.2 **Hotel Licence Variations – Moseley Square Venues (Glenelg Jetty Hotel and the Dublin Irish Pub) – Trial Period Review (Report No: 219/13)**

In July 2012 the Liquor and Gambling Commissioner granted a temporary trial order for both the Glenelg Jetty Hotel and the Dublin Irish Pub. The temporary order permitted Liquor to be sold/supplied for consumption in the licensed premises outdoor dining areas by persons seated at a table without a meal between the hours of 10am and 10pm Monday to Sunday. This interim order was approved for a period of twelve (12) months.

As the twelve (12) month trial period expires in early July 2013, the City of Holdfast Bay has been asked to review the temporary conditions for both licensed premises by the Liquor and Gambling Commissioner.

The purpose of this report is to obtain the Council's comments prior to advising the Office of the Liquor and Gambling Commissioner (OLGC) of the Administration's position.

**Motion**

**C090713/954**

**That Council advises the Office of the Liquor and Gambling Commissioner that it does not object to the trial period variations becoming permanent conditions of Hotel Licence No's: 5108167 (Glenelg Jetty Hotel) and 50107802 (The Dublin Irish Pub).**

Moved Councillor Dixon, Seconded Councillor Looker

**Carried**

14.3 **2013 New Years Eve Glenelg Dry Zone Temporary Boundary Extension (Report No: 218/13)**

The City of Holdfast Bay will again lodge an application with the Office of the Liquor and Gambling Commissioner to temporarily extend the boundaries of the Glenelg Long-Term Dry Zone for New Year's Eve celebrations in 2013.

The application is based upon the feedback and responses received from 2012 New Year's Eve stakeholder debrief. The boundaries and conditions of the 2013 extension will emulate those of previous years, full details of which are listed below.

**Motion**

**C090713/955**

**That Council endorse this report and attached plan for the 2013 New Year's Eve temporary extension to the Glenelg Dry Zone and lodges an application to the Office of the Liquor and Gambling Commissioner for legislative enactment of this extension.**

Moved Councillor Fisk, Seconded Councillor Lonie

**Carried**

14.4 **Approval of the Kurna/Local Government Indigenous Land Use Agreement (ILUA)**  
(Report No: 220/13)

The Kurna/Local Government Indigenous Land Use Agreement (ILUA) presents a unique opportunity for to reach agreement with Kurna people.

The ILUA is will also constitute a unique achievement on a national basis in bringing together 28 Participating Councils and the relevant native title claim group.

The ILUA will provide lasting positive benefits to the participating Councils and the Kurna people. The investment of the proposed funds will provide certainty and a high level of coordination and will far outweigh the future costs and potentially negative consequences associated with dealing with Kurna on a one to one basis.

**Motion**

**C090713/956**

1. **The Council enter into an Indigenous Land Use Agreement with Kurna Peoples native title claimants, by Garth Agius, Vince Buckskin, Lynette Crocker, Phillip Davies, Cecil Graham, Carroll Karpny, Shirley Lampard, Deceased, Joseph Mitchell, Rodney O'Brien, Deceased, Glenice Sumner, Frank Wanganeen, Maureen Wanganeen, Deceased, Georgina Williams, Kurna Yerta Aboriginal Corporation, Kurna Nation Cultural Heritage Association Incorporated and 27 other local councils (ILUA)**
2. **The execution, delivery and performance of the Council's obligations under the ILUA be, and are hereby, approved.**
3. **The Council enter into, execute and deliver the ILUA in the form of the drafts submitted at the meeting, together with any other document required in connection with the ILUA, and with such amendments as the Principal Member and Chief Executive agree to on behalf of the Council.**
4. **The ILUA and any other associated documents be executed by the Mayor and Chief Executive Officer.**
5. **The Council approve the allocation of \$7,615.40 in the Council's 2014/2015 Budget and to be adjusted by the change in the Consumer Price Index for the following three years.**

Moved Councillor Clancy, Seconded Councillor Looker

**Carried**

14.5 **Request for Funds to Defend an Appeal Before the Environment, Resources and Development Court for the Construction of a 1140 Square Metre Liquor Store at 466 Brighton Road, Brighton** (Report No: 224/13)

This report seeks Council's permission to engage legal assistance to defend an appeal lodged with the Environment, Resources and Development Court against decisions of the Development Assessment Panel made on 27 February 2013 to refuse approval for the construction of a 1140 square metre liquor store at 466 Brighton Road, Brighton.

**Motion**

**C090713/957**

**That Council funds the proper defence of the appeal described in Attachment 1 to this report lodged with the Environment, Resources and Development Court against decisions of the City of Holdfast Bay Development Assessment Panel to refuse applications for the construction of a 1140 square metre liquor store at 466 Brighton Road, Brighton.**

Moved Councillor Lonie, Seconded Councillor Yates

**Carried**

14.6 **Glenelg Foreshore Building** (Report No: 215/13)

For several years, Council has considered options for the foreshore building at Glenelg, however the major issue preventing the decision to demolish this building has been the ongoing need for the provision of substantial public toilets and changing room facilities. Administration has investigated the feasibility of removing the first floor of the building and leaving the toilets and changing facilities which could then be refurbished. Further to this the option of refurbishing the ground floor tenancy and providing a 'fit out' to enable the operation of a café/restaurant style operation has been investigated. This option would be for the ground floor portion only whilst maintaining the upstairs section as a vacant shell or demolition of the upper section and refurbishment of the lower level as toilets and Café/Restaurant. This report details the findings and opportunities from these investigations.

**Motion**

**C090713/958**

**That the report be received and options for future use of the foreshore building be further discussed.**

Moved Councillor Clancy, Seconded Councillor Patterson

**Carried**

14.7 **Revised Mobile Trading Policy** (Report No: 226/13)

This report discusses the way in which Council manages mobile trading permits. After consideration of the type and level of mobile trading activity that occurred over the 2012/13 summer period, there was an opportunity to strengthen the current policy. This report discusses the main differences between the existing and revised policies. The revised policy has been discussed at the June meeting of the Jetty Road Mainstreet Management Committee and the Committee recommends this policy to Council for endorsement.

**Motion****C090713/959****That Council endorse the revised Mobile Trading Policy.**

Moved Councillor Fisk, Seconded Councillor Lonie

**Carried****14.8 Draft Stormwater Management Plan, Coastal Catchments between Glenelg and Marino (Report No: 229/13)**

The purpose of this report is to provide Elected Members with information on the Draft Stormwater Management Plan, Coastal Catchments between Glenelg and Marino and to seek a resolution to take the plan to community consultation.

An identical report is being considered by the City of Marion Council tonight to ensure our plans are synchronised. Due to the size of the attachments discussed in the report an electronic copy will be provided to Elected Members on the night and a hard copy is available on request.

**Motion****C090713/960**

- 1. That Council note the report.**
- 2. Council endorses the Draft Stormwater Management Plan, Coastal Catchments between Glenelg and Marino for joint community consultation.**
- 3. Following public consultation the Plan be reviewed and a final Plan and a report be provided to Council for endorsement.**

Moved Councillor Clancy, Seconded Councillor Looker

**Carried****15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil****16. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING****16.1 Staff Recognition****Motion****C090713/961**

**That Council thank Ms Donna Cox for her 20 years of service to Alwyndor Aged Care and a formal letter of thanks and flowers be sent.**

Moved Councillor Clancy, Seconded Councillor Lonie

**Carried****16.2 Update on Caravan Park**

His Worship the Mayor made a personal statement on the Caravan Park.



**17. ITEMS IN CONFIDENCE**

17.1 Broadway Kiosk – Offer of Settlement (Report No: 230/13)

**Motion****C090713/962**

1. That under provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer, General Managers and administrative staff in attendance in order to consider in confidence this item.
2. That the Chief Executive Officer is satisfied that it is necessary that the public be excluded to enable the Council to discuss and to consider the matter at the meeting on the following grounds:
  - i. information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council.

Moved Councillor Clancy Seconded Councillor Bouchee

**Carried**

**Broadway Kiosk – Offer of Settlement (Report No: 230/13)**

**ORDER TO RETAIN DOCUMENTS IN CONFIDENCE****Motion****C090713/964**

1. That an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the documents relating to Report No: 230/13 including:
  - Minutes
  - Report
  - Attachmentrelating to discussion of the subject matter of that document, having been dealt with on a confidential basis under Section 90 of the Act, should be kept confidential on the grounds of information contained in 90(3)(i).
2. This resolution will be reviewed within 12 months by the Council.

Moved Councillor Lonie, Seconded Councillor Yates

**Carried****CLOSURE**

The Meeting closed at 8.09 pm.

**CONFIRMED      Tuesday 23 July 2013**

**MAYOR**