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 11 February 2014 at 7:00pm.

MEMBERS PRESENT

Deputy Mayor, S Patterson
Councillor RM Bouchée
Councillor PW Dixon
Councillor KM Donaldson
Councillor LR Fisk
Councillor JD Huckstepp
Councillor SC Lonie
Councillor TD Looker
Councillor RA Clancy
Councillor RC Patton
Councillor AP Roe — 7.15pm.
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

1. OPENING

The Acting Mayor declared the meeting open at 7.00pm.

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

The Acting 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 His Worship the Mayor K Rollond
- 4.2 Absent

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 C110214/1024

That the minutes of the Ordinary Meeting of Council held on 21 January 2014 be taken as read and confirmed.

Moved by Councillor Huckstepp, Seconded by Councillor Yates

Carried

8. QUESTIONS BY MEMBERS

8.1 Without Notice

8.1.1 Winter Wonderland Program

Councillor Patton read a statement regarding the proposed Winter Wonderland program.

8.1.2 Redevelopment of Glenelg Foreshore following the removal of the Scampis Building

Councillor Patton asked a question regarding of the redevelopment of the Scampis site if the building was to be removed.

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

8.1.3 Investigation on Recording Meetings

Councillor Looker asked a question regarding the possible recording of Council meetings.

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

8.1.4 Mayor/Chief Executive Officer Regular Meetings

Councillor Looker asked if the mayoral activity report showing no meetings between the mayor and CEO correct.

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

Councillor Bouchee asked if the Chief Executive Officer requested that the meetings are removed from the calendar.

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

Point of Order

Councillor Looker called a point of order under Regulation 29 as Councillor Bouchee was making comments to the meeting not directed through the chair.

The Presiding Member, Acting Mayor Councillor Patterson allowed Councillor Bouchee to respond to the chamber.

The Presiding Member, Acting Mayor Councillor Patterson ruled that as he did not hear the comments he was unable to rule for or against the point of order.

8.2 With Notice

8.2.1 Question on Notice – Rutland Avenue – Councillor Looker (Report No: 30/14)

"In the light of the current Hove DPA and of the objections by residents of Rutland Avenue would administration please provide an explanation showing what construction could be possible under the current planning rules, the 'status quo' and how this may compare to what is proposed."

Background

In the public consultation regarding the Brighton and Hove DPA many submissions were received objecting to changes. What has not been discussed or explained are the full implications of maintaining the status quo. This includes permission to build under the current Development Plan which has conditions which may deliver buildings that are less desirable, having no transitional interface with existing, may be double storey with smaller setbacks permitted. In recent years a new building in Rutland Avenue did attract many complaints but was deemed 'complying' under the current rules. I think it important for the public to fully realise that the current situation is not guaranteed long term and may deliver less pleasant options than the amended rules of the proposed plan.

ANSWER – Team Leader, Strategic Policy & Planning

Below are two tables and two diagrams indicating some of the quantitative requirements that would apply to a development proposal for a dwelling under the current Development Plan, and those that would apply to proposals under the revised draft DPA.

Current Development Plan	Proposed Development Plan
desired minimum measurements	policies
Side setback	
1 metre for walls up to 3 metres	If adjacent to residential:
in height (equivalent to single	2.5 m for first storey
storey);	8.5m for second floor
2.5 metres for walls up to 6	14.5m for third floor
metres in height (equivalent to	
two storeys)	
Rear setback	
4 metre for walls up to 3 metres	If adjacent to residential:
in height	2.5 m for first storey
(equivalent to single storey);	8.5m for second floor
6 metres for walls up to 6 metres	14.5m for third floor
in height	
(equivalent to two storeys),	
Garage/ carport wall on	
boundary (side and/or rear)	
On boundary for maximum length	
of 8 metres, and maximum height	
2.75m	
Front setback	
No numerical provision, but	Less than 3m from Brighton Road
generally either the average of	Property boundary, but achieving at
adjacent dwellings if the	least 5m from Brighton Road kerb
difference between them is over	and building facade.
2m, OR the same as one dwelling	
if the difference between them is	
less than 2m	
Porches, front verandah etc can	
be setback less.	
Garage to be set back minimum	
5.5m, and at least 0.5 m behind	
the main façade of the dwelling.	

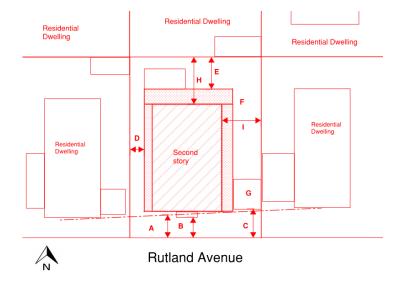


Diagram 1 – Indicative dwelling envelope for a single/two storey dwelling on Rutland Avenue in the existing Residential Zone

Key

- A: Front setback of a dwelling- No numerical provision, but generally either the average of adjacent dwellings if the difference between them is over 2m, OR the same as one dwelling if the difference between them is less than 2m.
- B: Porches / front verandah and other 'minor' protrusions can be setback a lesser distance than the average/same setback as the adjoining dwellings
- C: Garage /carport setback of at least 5.5 metres from front boundary and at least 0.5 metres behind the main facade of the associated dwelling
- D & I: Dwelling setback from a side boundary; 1 metre for walls up to 3 metres in height, 2.5 metres for walls up to 6 metres in height
- E & H: Dwelling setback from a rear boundary; 4 metre for walls up to 3 metres in height, 6 metres for walls up to 6 metres in height
- G: Garage / carport wall on boundary for maximum length of 8 metres and maximum height of 2.75 metres
- F: Private Open Space; 20% of the total site area with a minimum dimension of 2.5 metres and an area measuring 5 metres X 5 metres. Located to the side / rear of the dwelling

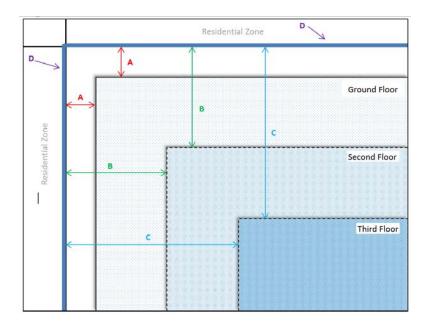


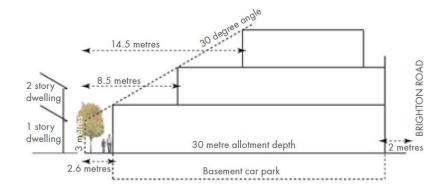
Diagram 2 – Indicative envelope for development on Rutland Avenue in the proposed District Centre Zone

Кеу

A: 2.5 metre setback from boundary for ground floor
B: 8.5 metre setback from boundary for second floor
C: 14.5 metre setback from boundary for third floor

D: Policies to reduce impact on adjacent residential properties (e.g. fencing which reduces noise, landscaping of a suitable width to allow for small trees on the edge of the property, servicing areas to be placed away from residential boundaries (or at least suitably screened, etc.)

Diagram 3 – Elevation view of Indicative envelope for development on Rutland Avenue in the proposed District Centre Zone



The proposed policies will give greater protection to the amenity of adjacent residents in respect to setbacks, overshadowing, and visual bulk, as well as acoustic fencing and landscaping. It is important to note that

matters such as compatibility with existing housing stock, the zone's desired future character (including design elements), overall building design, articulation and massing, site curtilage and landscaping, stormwater management, external colours and finishes are all considered as part of a 'merits' based assessment for a dwelling in the Zone. Thus, while a proposal that complies with minimum quantitative standards does not guarantee development consent, likewise a proposal may not necessarily be rejected if some minimum quantitative standards or guidelines are not met.

8.2.2 Questions on Notice – Partridge Street/Cowper/Milton Street Carpark Counters – Councillor Bouchee

Councillor Bouchee asked the following question:

- "1. How much did this system cost initially?
- 2. Is there any warranty period allowed for?
- 3. Do Council have any issues with the provider?
- 4. How much is Council spending on maintenance and servicing?
- 5. Why does the system not work?"

ANSWER – General Manager City Assets

- The project was identified in QED Report dated October 2007 and a budget of \$100,000 was approved by Council in 2009/10 budget.
- 2. Signs were installed in 2011 and 12 month warranty period has expired.
- When Council entered into the arrangement, the supplier was in a partnership with another company and the partnership has subsequently dissolved. Council staff continue to work with one of the companies but the other company is no longer involved.
- 4. There has been NIL charge to Council for the ongoing maintenance and troubleshooting.
- 5. Cowper Street Car Park

The signs for this car park are working effectively, with very occasional troubleshooting to resolve. Due to the car park layout and some drivers disobeying the entry and exit signage, we

accept a variable difference of up to 10% error in the number displayed.

Partridge Street Car Park

We have not been able to successfully resolve the ongoing malfunction for this car park and at this time, have decided to cover the word VACANT on the display board which reduces the element of incorrect information for drivers. The signs now display 120 spaces, instead of 120 vacant spaces.

Again, due to the car park layout and drivers disobeying the entry and exit signs, we initially accepted a variable difference of up to 10% in the number displayed. We are currently working with a new technician and making every effort to resolve the ongoing malfunction.

9. MEMBER'S ACTIVITY REPORTS

9.1 Mayoral Report – November 2013 – January 2014 (Report No: 38/14)

Presented for the information of Members is the Activity Report for the Mayor for November 2013 - January 2014

<u>Motion</u> C110214/1025

That the Mayor's Activity Report for November 2013 - January 2014 report be received and noted.

Moved Councillor Dixon, Seconded Councillor Donaldson

Carried

9.2 Members' Activity Report – Seacliff Community recreation Association Annual General Meeting (Report No: 41/14)

Mayor Rollond and Councillor Huckstepp have provided a Members' Activity Report for the Seacliff Community Recreation Association Annual General Meeting held on 29 November 2013.

Motion C110214/1026

That the Members Activity Report from Mayor Rollond and Councillor Huckstepp be received and noted.

Moved Councillor Bouchee, Seconded Councillor Yates

Carried

9.3 **Resilient South Workshop**

Councillor Yates reported that she had attended the Resilient South Workshop on 6 February 2014.

9.4 Southern Region Waste Resource Authority

Councillor Yates reported that she and Councillor Huckstepp attended the Southern Region Waste Resource Authority meeting.

9.5 **Brighton Jetty Classic Swim & Sculptures**

Councillors Yates, Donaldson and Bouchee reported that they had attended the Brighton Jetty Classic Swim and Sculptures.

9.6 Holdfast Bay Residents Alliance

Councillor Donaldson reported that she attended the Holdfast Bay Residents Alliance meeting.

Councillor Roe joined the chamber at 7.15pm.

9.7 **Kingston House**

Councillor Patterson reported that he had attended a handover of historical items to the Friends of Kingston House.

10. PUBLIC PRESENTATIONS

10.1 **Petitions** - Nil

10.2 Presentation

10.2.1 Holdfast Bay Community Centre

Stephen Hay from the Holdfast Bay Community Centre made a 5 minutes presentation to Council.

10.3 **Deputations**

10.3.1 **Jade Seskis – Bay City Holler**

This deputation was withdrawn.

11. MOTIONS ON NOTICE - Nil

12. ADJOURNED MATTER - Nil

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

13.1 Minutes – Special Meeting Jetty Road Mainstreet Management Committee – 15 January 2014 (Report No: 25/14)

The Minutes of the Special Meeting of Jetty Road Mainstreet Management Committee meeting held 15 January 2014 are attached and presented for Council's information.

<u>Motion</u> C110214/1027

That the minutes of the Special Meeting Jetty Road Mainstreet Management Committee held 15 January 2014 be received.

Moved Councillor Patton, Seconded Councillor Bouchee

Carried

14. REPORTS BY OFFICERS

14.1 Items in Brief (Report No: 31/14)

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 C110214/1028

That the report be noted and items of interest discussed.

Moved Councillor Lonie, Seconded Councillor Looker

Carried

Councillor Patton left the chamber at 7.35pm.

Councillor Patton rejoined the chamber at 7.37pm.

14.2 Uniting Church of Australia – Renewal of Lease (Report No: 32/14)

The Uniting Church of Australia has been leasing the property located on the corner of Kauri and Portland Street Seacliff for use by the Seacliff Uniting Church Tennis Club for a number of years, with the existing lease expiring on 30 June 2013, with an option to renew for five years.

The Uniting Church of Australia has exercised the option to renew the lease in accordance with the terms and conditions of the existing lease.

Motion C110214/1029

That the Chief Executive Officer and Mayor be authorised to execute the Deed of Extension of Lease document giving effect to the extension of this lease for 5 years from 1 July 2013.

Moved Councillor Clancy, Seconded Councillor Huckstepp

Carried

14.3 Extinguishment of Easement to Allow for its Realignment (Report No:27/14)

The easement that appears on the Certificate of Title for the former council depot site on Buckle Street at Glenelg requires extinguishment because it does not reflect the true alignment of the stormwater infrastructure. A new easement has been created on the recently approved land division. This report seeks council's approval for the Mayor and Chief Executive Officer to extinguish the superfluous easement.

Motion C110214/1030

That Council approves the signing by the Mayor and Chief Executive Officer, and the affixing of the Common Seal of the City of Holdfast Bay, to the document marked Attachment 1 to this report seeking the extinguishment of the easement shown on the Certificate of Title for the former depot site on Buckle Street at Glenelg, in lieu of a new easement created through a newly approved land division.

Moved Councillor Patton, Seconded Councillor Dixon

Carried

14.4 **Proposed Dog Registration Fee Increase** (Report No: 33/14)

Dog Registration fees for the City of Holdfast Bay assist with the funding of the necessary administration and support for the management of animals which is a statutory obligation under the Dog and Cat Management Act 1995. Dog registration fees have not increased since 2011.

This report seeks endorsement for a recommendation to increase dog registration fees for the future.

Motion C110214/1031

1. Council supports the re-assessment of dog registration fees in the range of \$60 to \$85 to be implemented over the next 5 years in increments of \$5 covering the following financial years:

2014-2015

2015-2016

2016-2017

2017-2018

2018-2019

- 2. That the Dog Registration fees include ongoing rebates/concessions for the following:
 - Guide dogs
 - Working Dogs
 - Desexed dogs

- Obedience training dogs
- Aged Pensioner concessions

Moved Councillor Bouchee, Seconded Councillor Yates

Carried

14.5 **Broadway Hotel – Application for Variation of Liquor Licence** (Report No: 37/14)

The licensee of the Broadway Hotel (Broadway 61 Pty Ltd) has lodged an application with Consumer and Business Services (CBS) seeking to amend the hours of trade for both liquor service and gaming rights as outlined on Special Circumstances Licence 51204259. The proposal seeks to amend these hours in order to permit the hotel to trade Monday to Sunday between the hours of 8:00am and 2:00am the following day.

A growing number of licensed premises are seeking to amend their liquor licence conditions and trading hours in an attempt to create consistency between venues in Holdfast Bay; thus minimising patron migration between different licensed premises in the early hours of the morning, and to create a consistent approach to the operation of their individual business. By supporting this application it brings the Broadway Hotel into line with other licensed premises within Holdfast Bay that operate parallel trading hours with a closure time of 2:00am; such as the Stamford Grand Hotel, the Dublin Hotel, the Watermark Hotel, Glenelg Pier Hotel, Glenelg Jetty Hotel and the Brighton Metro.

As a subsequent aspect of the application, the licensee also seeks a review and amendment of various licence conditions which have now become outdated and irrelevant to the operation of the hotel under the licensee's new business model. This includes the removal of 'authorisation condition' 6 (p.3); the amendment of 'conditions' 1 (a), (c), (d) & (e) (pp.3-4); and the removal of 'conditions' 6, 7, 8 & 9 (p.4).

Consumer and Business Services are now seeking Council comment in relation to this matter.

Motion C110214/1032

- That Council advise Consumer and Business Services that it supports the application to amend the hours of Liquor and Gaming Licence No.: 51204259 to:
 - i. Monday to Saturday 8:00am to 2:00am the following day;
 - ii. Sunday 8:00am to 12:00 midnight.
- 2. That Council advise Consumer and Business Services that it supports the:
 - i. Removal of licence 'authorisation condition' 6;
 - ii. The amendment of 'conditions' 1 (a), (c), (d) & (e); and
 - iii. The removal of 'conditions' 6, 7, 8 & 9.

Moved Councillor Looker, Seconded Councillor Donaldson

Carried

14.6 Glenelg Pier Hotel – Application for Variation of Liquor Licence (Report No: 36/14)

The Glenelg Pier Hotel has submitted an application to Consumer and Business Services seeking to extend the hours of trade for liquor service/supply for Hotel Licence 50107933. The application seeks to amend the hours of operation to permit the hotel to trade Monday to Sunday between the hours of 8:00am and 2:00am the following day.

It should be noted that Licence No.: 50107933 has eight (8) individual areas operating under the licence with varying closing times for each. The purpose of this application is to create uniform trading hours for the licence and aid in the minimisation of patron migration between different licensed premises in the early hours of the morning.

By supporting this application Council will be promoting and maintaining a consistent approach of licensee trading hours between various venues in Holdfast Bay that operate parallel trading hours with a closure time of 2:00am; such as the Stamford Grand Hotel, the Dublin Hotel, the Watermark Hotel, Broadway Hotel, Glenelg Jetty Hotel and the Brighton Metro.

It should be noted that due to current legislation requirements for licensed premises closure, the late night code of conduct and recently imposed lock-outs, it is unlikely that further trading hour amendments will be requested by the licensee.

Consumer and Business Services are now seeking Council comment in relation to this matter.

Motion C110214/1033

That Council advise Consumer and Business Services that it supports the application to vary the hours of existing extended trading authorization for Licence No.: 50107933, as outlined in this report.

Moved Councillor Dixon, Seconded Councillor Patton

Carried

Division called

A division was called:

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

Those voting against: Councillor Fisk and Bouchee (2).

The Acting Mayor, Councillor Patterson declared the motion

Carried

14.7 Mestizo Cocina Peruara – Application for Restaurant Licence (Report No: 35/14)

A new Glenelg South business is set to open in early 2014. 114 Partridge Street has been leased and a development application (no.: 110/00013/14) for 'change of use' has been lodged to establish a Peruvian themed restaurant/café called 'Mestizo Cocina Peruana'. Additionally, the applicants are also in the process of preparing an application for Consumer and Business Services to procure a 'Restaurant Liquor Licence' to operate from the premises.

Though a restaurant category liquor licence allows the licensee to supply liquor at any time on any day when food is provided, the application indicates that the operating times of the business will be Monday to Sunday between 11:00am and 11:00pm.

As an ancillary aspect of the Restaurant Liquor Licence, the applicants have applied for a section 34 (1) (c) exemption which will allow the licensee to supply liquor to a patron seated at a table without the provision of a meal.

Prior to lodging an application with Consumer and Business Services, the applicants are seeking Council endorsement to obtain a liquor licence to operate from the

Motion C110214/1034

That Council advise Consumer and Business Services that it supports the approval of a Restaurant Liquor Licence to sell and/or supply liquor in accordance with approvals issued under section 34 (1) (a), (b) & (c) of the Liquor Licensing Act 1997, subject to the following:

Development Assessment:

 That Council endorsement for a Restaurant Liquor Licence be dependent on the final approval of Development Application 110/00013/14, including any conditions imposed in the approval;

Restaurant Liquor Licence – Section 34:

- 2. That the section 34 (1) (c) exemption be restricted to the operational hours indicated in the application:
 - a. Monday to Sunday 11:00am to 11:00pm
- 3. That the restaurant be restricted to a maximum capacity of 45 patrons for the internal area;
- 4. That any Outdoor Dining Area (approved under section 69 of the *Act*) be limited to a maximum capacity of 6 patrons (subject to allowable and usable square metres);

General

- The proposal be subject to a standard trial period of twelve (12) months from the date of the licence grant, which at the end of this period an assessment and review will be made;
- 6. 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 interim licence and associated conditions prior to the conclusion of the twelve (12) month trial period.

Moved Councillor Looker, Seconded Councillor Bouchee

Carried

14.8 Hahn Lane – Convert to One-Way Traffic Only (Report No: 34/14)

Following concerns raised with Council regarding traffic movements at Hahn Lane, consultation was conducted with residents, business operators and property owners, proposing to convert Hahn Lane, between Margate Street and Brighton Road, Brighton from two-way to one-way traffic in a westerly direction.

This report outlines the consultation process and the outcomes determined from the responses received.

<u>Motion</u> C110214/1035

That Report No: 34/14 be adjourned until the 25 March 2014 Council meeting so that the report can be presented with additional information regarding traffic movements and the suitability of Flinders Lane for traffic movements.

Moved Councillor Huckstepp, Seconded Councillor Yates

Carried

14.9 Local Government Energy Efficiency Funding (Report No: 42/14)

The City of Holdfast Bay successfully applied for a grant to upgrade six Council owned community buildings to solar hot water. The Commonwealth Community Energy Efficiency Branch of the Department of Industry will contribute \$42,486 providing the balance of \$28,324 is matched by Council.

Motion C110214/1036

- 1. That Council accepts the grant funding from the Department of Industry of \$42,486.
- 2. That the remaining costs of \$28,324 be funded from Council current Buildings Project Maintenance account.

3. That the clubs benefiting be approached to refund the council a portion of the savings achieved i.e. 30-60% to be negotiated with clubs on an annual basis until repaid.

Moved Councillor Bouchee, Seconded Councillor Looker

Carried

- 15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS Nil
- 16. URGENT BUSINESS SUBJECT TO THE LEAVE OF THE MEETING Nil
- 17. ITEMS IN CONFIDENCE
 - 17.1 The Buffalo Surrender of Licence and New Licence (Report No: 40/14)

Motion C110214/1037

Pursuant to Section 83 (5) of the Local Government Act 1999 the Report attached to this agenda and the accompanying documentation is delivered to the Council Members upon the basis that the Council consider the Report and the documents in confidence under Part 3 of the Act, specifically on the basis that Council will receive, discuss or consider:

- information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person or persons (living or dead).
- d. commercial information of a confidential nature (not being a trade secret) the disclosure of which -
 - could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party;
 - (ii) would, on balance, be contrary to the public interest and the benefit or detriment to a third party in the matter of *The* Buffalo – Surrender of Licence and New Licence outweighs the public interest at this time.

Moved Councillor Lonie, Seconded Councillor Donaldson

Carried

The Buffalo – Surrender of Licence and New Licence (Report No: 40/14)

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

Motion C110214/1039

 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: 40/14 including:

- Minutes
- Report
- Attachments

Relating 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)(a).

2. That the Minutes, Report and Attachments are released from confidence once all of the parties involved have been formally informed of Council's decisions.

Moved Councillor Clancy, Seconded Councillor Bouchee

Carried

CLOSURE

The Meeting closed at 8.41pm.

CONFIRMED Tuesday 25 February 2014

MAYOR