

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 25 February 2014 at 7:00pm.

MEMBERS PRESENT

Deputy Mayor, S Patterson
Councillor RM Bouchée
Councillor PW Dixon
Councillor KM Donaldson
Councillor LR Fisk – 7.03pm
Councillor JD Huckstepp
Councillor SC Lonie
Councillor TD Looker
Councillor RA Clancy
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 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, AK Rollond

4.2 Absent - Nil

5. ITEMS PRESENTED TO COUNCIL - Nil

6. DECLARATION OF INTEREST

Members were reminded to declare their interest before each item.

Councillor Bouchee left the chamber at 7.02pm.

Councillor Yates left the chamber at 7.02pm.

Councillor Yates re-joined the chamber at 7.02pm.

Councillor Fisk joined the chamber at 7.03pm.

Councillor Bouchee re-joined the chamber at 7.03pm.

7. CONFIRMATION OF MINUTES

Motion

C250214/1040

That the minutes of the Ordinary Meeting of Council held on 11 February 2014 be taken as read and confirmed.

Moved by Councillor Huckstepp, Seconded by Councillor Clancy

Carried

8. QUESTIONS BY MEMBERS

8.1 Without Notice

8.1.1 Brighton and Hove District Centre DPA– Councillor Yates

Councillor Yates asked a question regarding when Brighton and Hove District Centre DPA report will be available for public viewing.

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

8.1.2 Order of Items on the Agenda

Councillor Looker asked a question about changing the order of the council agenda.

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

8.1.3 **Staff Training Sessions**

Councillor Bouchee asked a question regarding the scheduling of staff training sessions to ensure that Senior Staff are available to answer their questions prior to council meetings.

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

8.2 **With Notice - Nil**

9. **MEMBER'S ACTIVITY REPORTS**

9.1 Holdfast Bay Community Centre

Councillor Donaldson reported that she and Councillor Looker attended a Holdfast Bay Community Centre Board Meeting.

9.2 OMG

Councillor Looker reported that he and Councillor Yates judged the Open Mike Glenelg event.

9.3 Clean Up Australia Day Launch

Councillor Patterson reported that he attended the launch of Clean Up Australia Day.

9.4 Resilient South Workshops

Councillor Bouchee reported that she attended a Resilient South Workshop.

Councillor Huckstepp reported that he attended a Resilient South Workshop.

9.5 Jetty Road Mainstreet Management Committee Summer Soiree

Councillor Yates reported that she attended the Jetty Road Mainstreet Management Committee Summer Soiree.

10. **PUBLIC PRESENTATIONS**

10.1 **Petitions - Nil**

10.2 Presentation**10.2.1 Tim Voss**

Tim Voss and his son, Bill, made a presentation to Council on the proposed Brighton Pump Track.

10.3 Deputations - Nil**11. MOTIONS ON NOTICE - Nil****12. ADJOURNED MATTERS - Nil****13. REPORTS OF MANAGEMENT COMMITTEES, SUBSIDIARIES AND THE DEVELOPMENT ASSESSMENT PANEL****13.1 Minutes – Jetty Road Mainstreet Management Committee – 5 February 2014 (Report No: 43/14)**

The Minutes of the Jetty Road Mainstreet Management Committee meeting held 5 February 2014 are attached and presented for Council's information.

Motion**C250214/1041**

- 1. That the minutes of the Jetty Road Mainstreet Management Committee held on 5 February 2014 be received.**
- 2. That Council approves re-allocation of \$35,000 from the existing 2013/14 Jetty Road Mainstreet budget for Mott MacDonald to further develop concept plans for their Glenelg Jetty Proposal.**
- 3. That Council approves this expenditure which is outside its Procurement (Contracts and Tendering) Policy, because:**
 - a. It is a unique proposal to Mott MacDonald and therefore there are no other likely businesses able to develop the proposal**
 - b. Mott MacDonald has shown an ongoing interest in the development of Glenelg**
 - c. Mott MacDonald has the ability to develop the concept to a stage where it may be considered by both State and Federal governments**
- 4. That Council note that the JRMMC recommends for the 2014/15 separate rate to be set at the same level as the 2013/14 separate rate (i.e. \$535,121 total separate rate collection).**

Moved Councillor Patton, Seconded Councillor Dixon

Carried

13.2 Minutes – Development Assessment Panel – 22 January 2014 (Report No: 26/14)

Council's Development Assessment Panel is established under the Development Act 1993.

The minutes of the Development Assessment Panel meeting held 22 January 2014 are presented to Council for information.

Motion

C250214/1042

That the minutes of the Development Assessment Panel meetings held on 22 January 2014 be received.

Moved Councillor Huckstepp, Seconded Councillor Looker

Carried

13.3 **Minutes – Western Region Waste Management Authority – 12 December 2013**
(Report No: 64/14)

The minutes of the Western Region Waste Management Authority are presented for the information of Members.

Motion

C250214/1043

That the minutes of the Western Region Waste Management Authority held 12 December 2013 be received and noted.

Moved Councillor Bouchee, Seconded Councillor Huckstepp

Carried

14. REPORTS BY OFFICERS

Change in the Order of the Agenda

The Presiding Member, Councillor Patterson sought and was granted leave of the meeting to consider Item 14.11 Proposal for a Brighton Pump Track (Report No: 73/14) prior to the listed business on the agenda.

14.11 **Proposal for a Brighton Pump Track** (Report No: 73/14)

The following report outlines a proposal to construct a cycling pump track adjacent to the Noarlunga rail corridor at Commercial Road Brighton, immediately south of the park and ride facility between Jetty Road and Old Beach Road, Brighton.

Motion

C250214/1044

That Council endorse the development of the proposed pump track as a possible project, subject to a positive outcome to a public consultation process.

Moved Councillor Clancy, Seconded Councillor Roe

Carried

14.1 **Items in Brief** (Report No: 63/14)

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

C250214/1045

That the report be noted and items of interest discussed.

Moved Councillor Looker, Seconded Councillor Bouchee

Carried

14.2 **Amendments to the City of Holdfast Bay Building Inspection Policy – Swimming Pool Safety Regulations (Report No: 46/14)**

This report recommends Council's endorsement for amendments to the City of Holdfast Bay's Building Inspection Policy to reflect the new minimum inspection requirements for swimming pools. The amendments are intended to strengthen pool safety across by mandating that councils inspect 100% of new swimming pools constructed in their area. The new requirements come into force on 1 April 2014.

Motion

C250214/1046

That Council adopt the revised Building Inspection Policy provided as Attachment 1 to this report.

Moved Councillor Looker, Seconded Councillor Yates

Carried

14.3 **Request for Funds to Defend an Appeal before the Environment, Resources and Development Court at 11 Ozone Parade, Seacliff (Report No: 45/14)**

This report seeks Council's permission to engage legal assistance to defend a third party appeal lodged with the Environment, Resources and Development Court against a decision of the Development Assessment Panel made on 27 November 2013 to allow variations to the conditions of approval for a dwelling located at 11 Ozone Parade, Seacliff.

Motion

C250214/1047

That Council Administration is permitted to expend funds to resource the proper defence of the appeal described in Attachment 1 to this report lodged with the Environment, Resources and Development Court against a decision of the City of Holdfast Bay Development Assessment Panel to allow variations to the conditions of approval for a dwelling located at 11 Ozone Parade, Seacliff.

Point of Order

Councillor Looker called a point of order regarding the content of the question Councillor Yates was asking as it was not directly relevant to the motion.

The Presiding Member upheld the point of order.

Moved Councillor Looker, Seconded Councillor Huckstepp

Carried

Division called

A division was called:

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

Those voting against: Councillors Fisk and Yates (2).

The Presiding Member, Councillor Patterson declared the motion

Carried

14.4 **Community Land Revocation – Corner Kauri Parade and Portland Street, Seacliff**
(Report No: 68/14)

To allow the disposal of land on the corner of Kauri Parade and Portland Street, Seacliff, Council first needs to revoke the Community Land status of this land.

The land is currently classified as Community Land – Sporting Reserve.

Should the Seacliff United Tennis Club relocate from this site to the Kauri Parade Sports Precinct this land will become surplus to requirements. Before selling the land, it is first necessary to revoke the community its land status.

The purpose of this report is to seek approval to commence the process to revoke the Community Land status of this property in accordance with Section 194 of the Local Government Act, 1999.

Motion

C250214/1048

That subject to Section 194 of the Local Government Act, 1999, Council commences the process to revoke the Community Land status of the land on the corner of Kauri Parade and Portland Street Seacliff contained in Certificate of Title Volume 6016 Folio 189 and undertakes the necessary Section 194 report.

Moved Councillor Lonie, Seconded Councillor Yates

Carried

14.5 **Information Report – Southern Region Waste Resource Authority – 10 February 2014** (Report No: 62/14)

Southern Region Waste Resource Authority (SRWRA) is a regional subsidiary established by the Cities of Onkaparinga, Marion and Holdfast Bay (the “constituent councils”), pursuant to Section 43 of the Local Government Act, 1999.

Under its charter, SRWRA is responsible for providing and operating waste management services on behalf of the constituent councils and ensuring that a long term waste management strategy exists in the southern region of Adelaide.

Motion

C250214/1049

That the information report of the Southern Region Waste Resource Authority for its meeting held 10 February 2014 be received and noted.

Moved Councillor Huckstepp, Seconded Councillor Clancy

Carried

14.6 **Brighton Surf Life Saving Club Inc – Proposed Alterations** (Report No: 65/14)

The Brighton Surf Life Saving Club Inc. is proposing to construct a new gym area to the south of the existing first floor area of the current facility at the Esplanade Brighton as detailed in Attachments 1 and 2. The Brighton Surf Life Saving Club Inc is seeking Council’s consent, as landowner, to carry out the work.

Councillors Clancy, Looker and Huckstepp declared an interest in the matter due to their membership of the Councils Development Assessment Panel and left the chamber at 8.23pm.

Motion

C250214/1050

That in its capacity as landowner, Council consents to the construction of a new gym area at the Brighton Surf Life Saving Club subject to the following conditions;

- 1. All costs to be borne by the Brighton Surf Life Saving Club Inc.**
- 2. All work to be undertaken by qualified trades persons and in a workman like manner.**
- 3. The Brighton Surf Life Saving Club Inc. to indemnify the City of Holdfast Bay against any claims, losses, suits etc. that may arise from this project.**
- 4. Final construction plans to be submitted to Council for final approval prior to the commencement of construction.**
- 5. The City of Holdfast Bay is permitted to inspect the works at any time during construction.**
- 6. No part of the work is to cause a nuisance or disturbance to any neighbours or visitors to adjoining properties.**
- 7. The cost(s) to rectify any defects, identified during or after construction to be borne in full by the Brighton Surf Life Saving Club Inc.**
- 8. The cost(s) of any variations identify during construction to be borne by the Brighton Surf Life Saving Club Inc.**

9. All works to comply with the Building Code of Australia, all conditions of any Development Approval and legislation.

Moved Councillor Yates, Seconded Councillor Lonie

Carried

Councillors Looker, Clancy and Huckstepp re-joined the chamber at 8.27pm.

14.7 Budget Update – as at 31 December 2013 (Report No: 66/14)

This report covers the second update of Council's 2013/14 budget conducted as at 31 December 2013.

It has resulted in a reduction in the projected consolidated operating surplus of \$577,397 to a consolidated forecast operating deficit of \$52,635. The major reasons are a \$193,000 Caravan Park backlog maintenance and revised operational forecasts, \$60,000 net Caravan Park relocation assistance packages, \$189,000 reduced Caravan Park operating income forecast, \$270,000 reduced parking fines and ticket machine income offset by \$104,000 open space developer contributions.

Council's net financial liabilities at 30 June 2014 are projected to increase by \$2.38 million to \$29.07 million (comprising \$16.77 million for municipal operations and \$12.3 million for Alwyndor). The major reasons include the operating surplus deficit result \$577,397 and the cost of settlement of the Broadway Kiosk \$1.8m. This projected increase will increase the net financial liabilities ratio for municipal funds up to 43% in excess of its adopted target ceiling of 35%.

Motion

C250214/1051

- 1. That Council notes the second 2013/14 budget update for Council's municipal operations including:**
 - (a) a decrease of \$577,397 in the projected operating surplus from \$18,401 to (\$558,996) deficit (compared to an operating surplus of \$309,327 in the original budget);**
 - (b) an increase in the projected capital expenditure of \$3.387million to \$16.284 million (compared with \$11.6 million in the original budget);**
 - (c) an increase in projected net financial liabilities at 30 June 2014 of \$2.387million from \$14.37 million to \$16.757 million (compared to a net financial liabilities amount of \$14.96 million in the original budget).**

- 2. That Council notes the first 2013/14 budget update for Alwyndor operations including:**
 - (a) no change to the projected operating surplus of \$612,000 (compared to \$612,000 in the original budget);**
 - (b) no change to the projected capital expenditure of \$2.631 million (compared with \$2.631 million in the original budget);**

(c) **no change in projected net financial liabilities of \$12.3 million as at 30 June 2014 (compared to a net financial liabilities amount of \$12.3 million in the original budget).**

3. **That Council approves total loan borrowings of up to \$5.937 million, comprising the original budget requirement of \$3.55 million and additional borrowings of \$2.387 million in accordance with Council's treasury policy, to meet projected funding requirements through to June 2014 as required.**

Moved Councillor Looker, Seconded Councillor Yates

Carried

14.8 **Ombudsman SA Half Yearly Report and Outcome of Investigation** (Report No: 67/14)

The Ombudsman SA has sent to Council a summary of his investigations for the period July 2013 – December 2013 inclusive. He has also provided Council with his Full Investigation report into a complaint received by his office in September 2013. This report summarises both documents.

Motion

C250214/1052

1. **That Council notes the information provided by the Ombudsman SA in his Half Yearly Report; and**
2. **That the Deputy Mayor is authorised to sign a letter of apology for failing to properly consider a complaint of a breach of the council member code of conduct.**

Moved Councillor Clancy, Seconded Councillor Dixon

Carried

14.9 **Glenelg Taxi Rank Upgrade** (Report No: 71/14)

On 6 May 2013 Council lodged an application with the Federal Government seeking funding of \$165,000 to upgrade the current Glenelg taxi rank; with the vision of increasing the safety and amenity for passengers and drivers alike.

On 24 June 2013 Council received correspondence advising that the City of Holdfast Bay's application had been successful in obtaining funding.

Now that an initial planning phase has occurred and concept plans have been provided, a Development Application has been lodged and Council's endorsement is sought to finalise the proposed permanent Taxi Rank Infrastructure.

Councillors Clancy, Looker and Huckstepp declared an interest in the matter due to their membership of the Councils Development Assessment Panel and left the chamber at 8.32pm.

Councillors Donaldson left the chamber at 8.32pm

Motion

C250214/1053

That Council endorse the proposed taxi rank project, associated civil works and infrastructure.

Moved Councillor Patton, Seconded Councillor Dixon

Carried

Councillors Looker, Clancy and Huckstepp re-joined the chamber at 8.34pm.

14.10 **The Hobo Bar – Application for a Trial Special Circumstances Licence** (Report No: 72/14)

A new business is set to open in shop 3 Moseley Square Glenelg called The Hobo Bar (Vok Beverages Pty Ltd). The Hobo Bar will be a wine/cocktail bar that will also provide tapas style food as part of the licensed premises services. As such, an application has been lodged with Consumer and Business Services (CBS) for a Special Circumstances Liquor Licence.

As an ancillary aspect of the application, the applicants have also applied for an extended trading authorisation to allow the licensed premises to trade: Tuesday to Thursday between the hours of 3:00pm and 12:00 midnight, Friday and Saturday between the hours of 2:00pm and 2:00am, and Sunday between the hours of 11:00am and 12:00 midnight; as well as an entertainment consent for the internal areas of the premises.

A standard section 69 approval to serve liquor in the outdoor dining area is also being sought.

Consumer and Business Services now seeks Council endorsement in relation to this matter.

Motion

C250214/1054

That Council advise Consumer and Business Services that it supports the approval of a Special Circumstances Liquor Licence to sell and/or supply liquor in accordance with section 40, provide Entertainment in accordance with section 105, and operate a licensed Outdoor Dining Area in accordance with section 69 of the Liquor Licensing Act 1997, subject to the following conditions:

1. **That the hours of liquor trade for the internal area of the premises be restricted to:**
 - a. **Tuesday to Thursday between the hours of 3:00pm and 12:00 midnight;**
 - b. **Friday and Saturday between the hours of 2:00pm and 2:00am;**
 - c. **Sunday between the hours of 11:00am and 12:00 midnight;**
2. **That the hours of trade in the any Outdoor Dining Area (s 69 approval) be restricted to:**
 - a. **Tuesday to Thursday between the hours of 3:00pm and 10:00pm;**

- b. **Friday and Saturday between the hours of 2:00pm and 11:00pm;**
- c. **Sunday between the hours of 11:00am and 11:00pm;**

Entertainment – Section 105

- 3. **There shall be no amplification other than by an “in-house” sound system operated by the licensee;**
- 4. **No entertainment is to be provided in the outdoor area;**
- 5. **No loudspeakers are to be placed on the fascia of the premises, or adjacent to the outdoor area or footpath;**
- 6. **Measures must be taken by the licensee to ensure that the noise emanating from the licensed premises is not excessive and that the noise from the premises (including live or recorded entertainment, singing, patron noise or similar) when assessed at the nearest noise sensitive location shall be less than 8dB(A) above the level of the background noise in any octave band of the sound spectrum;**

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;

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.

Councillor Donaldson re-joined the chamber at 8.34pm.

Moved Councillor Patton, Seconded Councillor Lonie

Carried

- 15. **RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil**
- 16. **URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING - Nil**
- 17. **ITEMS IN CONFIDENCE**

Councillor Patton left the chamber at 8.36pm.

17.1 Brighton Caravan Park – Update**Motion****C250214/1055**

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:
 - h. legal advice.
 - 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 Lonie

Carried

Councillor Patton rejoined the chamber at 8.38pm.

Brighton Caravan Park – Update**Order to Retain Documents in Confidence****Motion****C250214/1056**

1. That an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the minutes relating to the Brighton Caravan Park – Update relating to discussion of the, 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)(h & i).
2. This resolution will be reviewed within 12 months by the Council.

Moved Councillor Lonie, Seconded Councillor Donaldson

Carried**CLOSURE**

The Meeting closed at 9.24pm.

CONFIRMED Tuesday 11 March 2014**MAYOR**