

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 11 March 2014 at 7:00pm.

MEMBERS PRESENT

His Worship the Mayor, AK Rollond
Deputy Mayor, S Patterson – 7.01pm
Councillor RM Bouchée
Councillor PW Dixon
Councillor KM Donaldson
Councillor LR Fisk
Councillor JD Huckstepp
Councillor TD Looker
Councillor SC Lonie – 7.01pm
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

His Worship the 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

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 - Nil
- 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 Patterson joined the chamber at 7.01pm.

7. CONFIRMATION OF MINUTES**Motion****C1103014/1056**

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

Moved by Councillor Clancy, Seconded by Councillor Huckstepp

Carried**8. PUBLIC PRESENTATIONS**

- 8.1 **Petitions** - Nil
- 8.2 **Presentation** - Nil
- 8.3 **Deputations**

Councillor Lonie joined the chamber at 7.01pm.

8.3.1 Glenelg Cinema and Car park Development

Mayor Rollond approved a deputation from Campbell Crouch a resident regarding increased vehicle activity and vehicle exhaust fumes and noise associated with the cinema for 5 minutes.

9. QUESTIONS BY MEMBERS**9.1 Without Notice****9.1.1 Paving Option for Jetty Road Glenelg– Councillor Bouchee**

Councillor Bouchee asked a question regarding the future paving options for Jetty Road Glenelg

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

9.1.2 Sand Pumping Station Locations

Councillor Yates asked a question regarding the beautification of sand pumping station at southern end of the city.

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

9.2 With Notice

9.2.1 Questions on Notice – Glenelg Cinema and Car park Development – Councillor Bouchee (Report No: 77/14)

- “1. Could the CEO explain why the above planning assessment report was presented to DAC on behalf of Council?”**
- 2. When was the above report presented for Council’s endorsement?**
- 3. Could the CEO please advise the details of the brief that was given to the Consultant?**
- 4. What was the cost of the Consultant?**
- 5. How was the Consultant chosen:**
 - Expression of interest, or**
 - chosen by administration?**
- 6. Could the CEO please advise when the Council/Council Administration asked for Expressions of Interest in relation to the Cowper/Milton Street and Partridge Car Parks? (the Barrister for the Cinema Development advised the DAC that this development was a result of call of Expressions of Interest for this site).”**

Background

On several occasions it was indicated to Council members and to residents that council would not assess the planning application but DAC would be the authority.

ANSWER – Manager Development Services

1. The City of Holdfast Bay was formally advised by the Minister for Planning’s Delegate by way of communication dated 12 September 2013 that it has a significant financial interest in the matter pursuant to section 34(1)(b)(iii) of the Development Act 1993. Notwithstanding, administration considered it important that the council’s interests were

represented in the assessment process. As such, the City of Holdfast Bay provided constructive input by providing separate reports prepared by independent town planning and traffic experts to add value to the Development Assessment Commission's (DAC's) assessment of each cinema proposal, and to ensure that the long-term town planning and traffic impacts on the locality were considered. The City of Holdfast Bay's administration and Development Assessment Panel, appreciating that they have a significant interest in the development site and were heavily compromised, could not prepare or consider town planning and traffic reports, and therefore should not have been providing the DAC with an opinion as to whether the proposal should be approved or not. However, the council's administration felt it important that the City of Holdfast Bay's interests need to be represented as part of the DAC's assessment, but through reports prepared by independent experts with unbiased and unsolicited views.

2. The Council is not delegated under the Development Act to provide comments or provide an assessment on any matter involving development applications.
3. The brief was to assess each cinema proposal against the relevant provisions of the City of Holdfast Bay Development Plan and provide an unbiased and unsolicited report to the DAC.
4. The cost of engaging the town planning consultant is estimated to be approximately \$4,500, although the final invoice is yet to be received.
5. The consultants were chosen by administration as normal practice using funds from the Council approved professional services budget for these situations. The consultants are regularly engaged to prepare expert witness statements and represent Council in the Environment, Resources and Development Court. Neither the town planning nor traffic consultants chosen had any prior association with this matter and were suitably credentialed to provide an unbiased assessment of the traffic and land use issues. Both have an excellent understanding of the City of Holdfast Bay Development Plan, having regular involvement in planning matters on council's behalf.
6. Administration is unable to comment on any references made at the DAC hearing. In the absence of a transcript, it is problematic to provide a specific response. We can advise that Council did seek expressions of interest from consultants in late 2011 to provide advice and concepts for a decked car park on the Partridge Street East site.

10. MEMBER'S ACTIVITY REPORTS

10.1 Glenelg Surf Life Saving Carnival

Councillors Yates, Dixon, Donaldson and Patton reported that they attended the Glenelg Surf Life Saving Carnival.

10.2 **Metro Seaside Councils Committee**

Councillor Dixon reported on the activities of the Metro Seaside Councils committee.

10.3 **Clean Up Australia Day**

Councillors Patterson, Roe and Yates reported that they participated in Clean Up Australia Day.

11. MOTIONS ON NOTICE

11.1 **Motion on Notice – School Participation in Food to Greens Program** (Report No: 79/14)

Background

At present the kindergartens and schools have not been supplied with the Kitchen Organics Baskets. Many of these facilities have a healthy snack each morning (fruit) and there is always a lot of peel etc. that could be diverted to green waste. Some facilities endeavour to divert a percentage of this to composting but inevitably some of the waste goes directly into the bin.

The initial roll out of the program was directed at residents, however, since the roll out I understand that there are a reasonable amount of baskets that remain due to residents in multi-story dwellings etc. not participating in a green waste collection. It would be possible to offer up to 2 for each kindergarten and not for profit/community childcare and one per class room to each of our schools = 20 facilities. As an estimate this would lead to a maximum of 200 baskets going to local education facilities and an accompanying reduction in waste to landfill.

The children are always a good source of education at home for the parents and this is a good way the kids can reinforce recycling behaviour in the home - which is where the real benefit of the Food to Greens Program will be realised.

This would be a good use of the "left over" baskets and a good way to further penetrate the community with our food to green behaviour change program.

Motion

C1103014/1057

That Administration contact all local kindergartens, not for profit/community childcare centres and schools within the City of Holdfast Bay offering to provide them with Kitchen Organics Baskets and liners so they can actively participate in Council's Food to Greens Program. The baskets can be accompanied with educational materials and information regarding additional school waste

education programs and an offer of a presentation at a school assembly or similar by councils waste education officers.

Moved Councillor Patterson, Seconded Councillor Donaldson

Carried

12. ADJOURNED MATTER - Nil

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

13.1 Minutes – Audit Committee – 19 February 2014 (Report No: 61/14)

The minutes of the Audit Committee meeting held 19 February 2014 are presented to Council for information and endorsement.

Motion

C1103014/1057

- 1. That the minutes of the Audit Committee meeting held 19 February 2014 be received and noted.**
- 2. That a 10 year forward forecast be included in the Long Term Financial Plan document released to the public, while the 20 year forecast continue to be used by Administration as a management tool.**

Moved Councillor Looker, Seconded Councillor Roe

Carried

14. REPORTS BY OFFICERS

14.1 Items in Brief (Report No: 75/14)

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

C1103014/1058

That the report be noted and items of interest discussed.

Moved Councillor Looker, Seconded Councillor Donaldson

Carried

14.2 Somerton Surf Lifesaving Club – Sub-Lease (Report No: 76/14)

The Somerton Surf Lifesaving Club Inc. has a lease over the Somerton Surf Lifesaving Club building for a term of 21 years from 7 December 2005 to 6 December 2026.

The Somerton Surf Lifesaving Club Inc. previously operated a café on the premises by using staff within the Club itself. However changes in the Clubs SA Award have

resulted in significantly higher hourly rates than the Somerton Surf Lifesaving Club Inc had previously been required to pay. The resulting impact on the Kiosk's operating costs meant that it was simply not viable to open in the winter months.

The Somerton Surf Lifesaving Club Inc. is seeking approval to enter into a sub-lease with an external operator to operate the Cafe.

Motion

C1103014/1059

That approval be granted for:

- 1. the lease to the Somerton Surf Lifesaving Club be amended to allow the club to sublease the kiosk to an external operator;**
- 2. the rental payable under this lease be increased from \$10 to \$2,865 per annum, payable quarterly in advance, subject to annual reviews on the anniversary of the commencement of the lease based on the Consumer Price Index, All Groups, Adelaide;**
- 3. the Somerton Surf Life Saving Club Inc be granted approval to enter into a sub-lease with Penelope McEwan Wallbridge as Trustee of the Yellow Fin Trust for a period of two (2) years from a date to be confirmed over the area marked as A on the attached plan, together with an option to renew for a further two (2) years.**

Moved Councillor Bouchee, Seconded Councillor Clancy

Carried

14.3 Kauri Parade Sporting Precinct Master Plan (Report No: 70/14)

This report seeks Council's endorsement to commence construction of the Kauri Parade Sporting and Community Precinct.

The central facility plays a pivotal role in the Kauri Parade Master Plan as it provides a home for the current users (Hockey, Tennis and Music Centre) as well a community facility that can be used for a number of purposes and a variety of user groups.

The cost for this project is \$11.3 million, with \$6.75 million already secured.

Motion

- 1. Council endorses the construction of the Kauri Parade Master Plan, including a 3 storey central community and sporting facility as its preferred option;**
- 2. Council agrees to fund any shortfalls through borrowings of up to \$4.5 million, to be drawn on over the construction period of 2014/15 and 2015/16.**

Moved Councillor Huckstepp, Seconded Councillor Roe

Amendment

C1103014/1060

- 1. Council endorses the construction of the Kauri Parade Master Plan, including a 3 storey central community and sporting facility as its preferred option;**
- 2. Council agrees to fund any shortfalls through borrowings of up to \$4.5 million, to be drawn on over the construction period of 2014/15 and 2015/16.**
- 3. That in the planning process investigate geo-thermal air-conditioning for this building within the budget.**

Moved Councillor Looker, Seconded Councillor Donaldson

The amendment on being put was

Carried

The motion, as amended, on being put was

Carried

14.4 Glenelg Cinema and Car park Proposal – Development Agreement (Report No: 78/14)

In agreeing to enter into a Heads of Agreement (HOA) with the Taplin Group for a proposal to construct a cinema complex above Council's at grade car park in Cowper/Milton Street and a deck parking facility over Council's eastern Partridge Street carpark, Council authorised the Chief Executive Officer to negotiate and enter into a formal development contract with Taplin provided that the terms and conditions are consistent with the HOA.

While negotiations on a Development Agreement have continued, a number of changes have been made to the proposed plans as a result of the planning assessment phase and approval granted by the Development Assessment Commission, which are considered a departure from the original Concept Plans included in the HOA and its Fundamental Terms.

The purpose of this report is therefore to confirm and seek Council's approval of the changes made to the proposed plans prior to the Chief Executive Officer executing a formal Development Agreement with Taplin based on these varied plans.

Motion

C1103014/1061

That Council:

- 1. Acknowledges the expiry on 28 February 2014 of the arrangement referred to in point 2 of Council resolution C101213/1105 dated 10 December 2013, whereby Council agreed to continue with the arrangement as documented in the heads of agreement entered into**

between City of Holdfast Bay and Partridge Street Holdings Pty Ltd and Partridge Street Investments Pty Ltd (Taplin) dated 6 September 2013 (HOA).

2. Notes that the development agreement to be negotiated and agreed between the Chief Executive Officer and Taplin pursuant to and in accordance with the HOA was unable to be finalised and entered into by the 28 February 2014 because Taplin has submitted final concept plans that have varied from those proposed by and attached to the HOA.
3. Receives and approves the varied concept plans located at Attachment 2 to the report to Council No: 78/14 (Varied Concept Plans).
4. Authorises the Chief Executive Officer to enter into the development agreement to be negotiated and agreed between the Chief Executive Officer and Taplin pursuant to the HOA with the Varied Concept Plans attached as Annexure 1 to the development agreement.
5. Resolves that, for the purposes of point 5 of Council resolution C270813/1003 dated 27 August 2013, the Chief Executive Officer must consider any detailed design and construction plans and specifications submitted by Taplin for approval for consistency with the Varied Concept Plans, rather than the original concept plans attached to the HOA.

Motion

That the question be put.

Moved Councillor Huckstepp

Lapsed for want of a seconder

Motion

That the question be put.

Moved Councillor Roe

Lapsed for want of a seconder

Councillor Bouchee left the chamber at 8.22pm.

Councillor Bouchee rejoined the chamber at 8.23pm.

Moved Councillor Patton, Seconded Councillor Dixon

Carried

Division called

A division was called:

Those voting for: Councillors Patton, Dixon, Looker, Clancy, Lonie Roe and Huckstepp (7)

Those voting against: Councillors Fisk, Bouchee, Patterson, Donaldson and Yates (5).

His Worship the Mayor declared the motion

Carried

15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil

16. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING - Nil

16.1 Tabling Documents

Councillor Bouchee tabled a document regarding the Brighton and Hove District Centre DPA.

Motion

C1103014/1062

That the document regarding the Brighton and Hove District Centre DPA be received by Council.

Moved Councillor Bouchee, Seconded Councillor Yates

Carried

Councillor Bouchee tabled a document from the Holdfast Bay Residents Alliance Inc. regarding the Cinema Development and Car Park Proposal – Development Agreement.

Motion

C1103014/1063

That the document regarding the Brighton and Hove District Centre DPA be received by Council.

Moved Councillor Bouchee, Seconded Councillor Fisk

Carried

17. ITEMS IN CONFIDENCE - Nil

CLOSURE

The Meeting closed at 8.35pm.

CONFIRMED 25 March 2014

MAYOR