

**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 20 January 2015 at 7:00pm.**

**MEMBERS PRESENT**

His Worship the Mayor, S Patterson  
Deputy Mayor R Patton  
Councillor R Bouchée  
Councillor A Bradshaw  
Councillor S Charlick  
Councillor R Clancy  
Councillor K Donaldson  
Councillor S Lonie  
Councillor J Smedley  
Councillor R Snewin  
Councillor L Yates  
Councillor A Wilson

**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 Kurna 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 Kurna People today.

**3. APOLOGIES**

- 4.1 Apologies Received - Councillor R Aust
- 4.2 Absent - Nil

**4. ITEMS PRESENTED TO COUNCIL - Nil**

**5. DECLARATION OF INTEREST**

Members were reminded to declare their interest before each item.

**6. CONFIRMATION OF MINUTES****Motion****C200115/026**

**That the minutes of the Ordinary Meeting of Council held on 9 December 2014 be taken as read and confirmed.**

Moved by Councillor Lonie, Seconded by Councillor Yates

**Carried****7. PUBLIC PRESENTATIONS****7.1 Petitions - Nil****7.2 Presentation****7.2.1 Former Brighton Town Hall – Business Case**

*Jo Close made a presentation to Council for 10 minutes on her business case for the community use of the Former Brighton Town Hall.*

His Worship the Mayor sought leave of the meeting to extend the presentation by Jo Close to 10 minutes.

Leave was granted by the Council.

**7.3 Deputations - Nil****8. QUESTIONS BY MEMBERS****8.1 Without Notice****8.1.1 Buffalo Redevelopment– Councillor Patton**

Councillor Patton asked a question regarding the redevelopment of the Buffalo.

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

**8.1.2 Depreciation – Alwyndor – Councillor Bouchee**

Councillor Bouchee asked a question regarding the depreciation amount for Alwyndor.

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

**8.2 With Notice****8.2.1 Questions on Notice – Kingston Park Kiosk – Councillor Donaldson (Report No: 17/15)**

Councillor Donaldson asked the following questions:

- "1. Has council administration commenced undertaking this report including costings?"***
- 2. Once investigation of options has been completed, will a meaningful consultation of residents take place to ensure that council is best catering for their needs?"***

### **Background**

At the council meeting on 24 June, 2014, a report was presented regarding the Kingston Park Kiosk. The Kiosk required demolition of the pergola and veranda as it posed 'a significant Public Liability risk to Council'. This part of the building was demolished.

A four part motion was included. Motion 2 stated 'That a formal expression of interest for a mobile kiosk to be placed on the site under licence from Council for a period of up to 12 months'. This has been undertaken and a mobile kiosk is in operation.

Part three of the motion stated that 'A further report be presented to council on the options for a long term facility within this precinct, with consideration given to funding the project in the 2015/2016 budget'. This included updating of the existing kiosk or building a new kiosk.

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

1. Before preparing a report to Council on options for a permanent kiosk in Kingston Park it is necessary to first understand the community's expectations and requirements for such a facility. The redevelopment of the Kingston Park kiosk as intrinsically linked with the development of Precinct 7 of the Coast Park.

In 2009/10 Council commissioned a Cultural Heritage Survey and partnered with the Kurna people to prepare a concept plan for Kingston Park that would see the enhancement of the springs site and integration of the Coast Park pathway through a redeveloped Coastal Reserve.

The concept design was developed and sought to both protect and enhance the Tjilbruke Spring site and included areas for interpretative signage, landscaping and artwork. The design was intended to celebrate the cultural aspects of the landscape and also included a possible future interpretive node/ visitor attraction and kiosk centre as an option in the same location as the previous kiosk. A Community Reference Group and Council and State Government staff were also involved in the design process.

At its meeting held 12 April 2011, Council endorsed the Draft Precinct 7 Concept Design for wider community and State Agency Consultation. However this consultation was not undertaken as a Master Plan for the Brighton Caravan Park site was still to be developed and there was some uncertainty as to whether the state government would continue to fund the Coast Park project.

Since the 2011 concept plan was adopted for consultation, a number of changes have occurred – along with the closure of the old kiosk, Council has adopted the Open Space and Public Realm Strategy and endorsed the development of the Kauri Parade Community and Sporting Hub which both impact on the nature of the reserve and local facilities.

It is intended to review the 2011 concept plan with stakeholders, including community groups and individuals, Kauri and other government departments through a process of consultation and analysis of design options. Only when this work has been completed will it be possible to provide a report on recommendations and costs to Council.

2. Yes, consultation will occur on a revised draft concept plan for Kingston Park, including a kiosk / interpretive node/ visitor attraction centre.

Council will seek the views of the broader community as well as the relevant government agencies and cultural groups who have a vested interest in the land. Council is aiming to undertake this consultation between February and March with Council endorsement of the revised concept plan expected between April and May.

## 9. COUNCIL MEETING ADJOURNMENT

### Motion

C200115/027

**That the Council Meeting be adjourned so that the Strategic Planning and Development Policy Committee can meet at this time.**

Moved Councillor Bouchee, Seconded Councillor Lonie

**Carried**

## 10. RESUMPTION OF COUNCIL MEETING

### Motion

C200115/028

**That the Council Meeting be resumed following the Strategic Planning and Development Policy Committee.**

Moved Councillor Bouchee, Seconded Councillor Lonie

**Carried**

**11. CONFIRMATION OF STRATEGIC PLANNING & DEVELOPMENT POLICY COMMITTEE RESOLUTIONS****Motion****C200115/029**

That the minutes of the Strategic Planning & Development Committee are confirmed, noting in particular:

That the Committee recommends to Council that:

1. Council notes the outcomes from the review of the draft Minda Brighton Campus and General Section Amendments Development Plan Amendment (by the Minister) as identified in Report Number 10/15 and draft response to the Minister located at Attachment 1 to this report
2. Elected Members provide any further comments on the draft Minda Brighton Campus and General Section Amendments Development Plan Amendment (by the Minister) to Administration by 30 January 2015 to enable comments to be incorporated in the draft response for Council's final consideration on 10 February 2015.
3. The following additions be made to the letter – the aim of the site is to be stated as a retirement village (in accordance with the *Retirement Village Act 1987*) and non-compliant development be allocated a floor area cap.

Moved Councillor Clancy, Seconded Councillor Lonie

**Carried**

**Division called:**

A division was called:

Those voting for: Councillors Patton, Bouchée, Bradshaw, Charlick, Clancy, Donaldson, Lonie, Smedley, Snewin, Yates, Wilson (11)

Those voting against: Nil.

**His Worship the Mayor declared the motion**

**Carried**

**12. MEMBER'S ACTIVITY REPORTS****12.1 New Year's Eve Celebrations**

Councillor Patton represented the Mayor at the Glenelg New Year's Eve celebrations.

**12.2 Mary's Kitchen Christmas Dinner**

Councillor Bouchee represented the Mayor at Mary's Kitchen Christmas dinner.

**12.3 St Peters Woodlands Year 7 Graduation**

Councillor Bouchee represented the Mayor at St Peters Woodlands Year 7 graduation.

12.4 **Western Region Waste Management Authority**

Councillor Bouchee attended the WRWMA meeting following on from the Audit Committee meeting.

12.5 **CCTV Cameras with the Sussex Street Police Station**

Councillor Bouchee inspected the CCTV cameras with SAPol Staff.

12. **MOTIONS ON NOTICE - Nil**

13. **ADJOURNED MATTER - Nil**

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

14.1 **Minutes – Jetty Road Mainstreet Management Committee – 3 December 2014**  
(Report No: 01/15)

The Minutes of the Jetty Road Mainstreet Management Committee meeting held 3 December 2014 are attached and presented for Council's information.

**Motion**

**C200115/030**

1. **That the minutes of the Jetty Road Mainstreet Management Committee held on 3 December 2014 be received.**
2. **That Council note a separate report relating to funding for Winter Wonderland will be presented at Council's meeting on 10 February 2015**

Moved Councillor Patton, Seconded Councillor Lonie

**Carried**

15. **REPORTS BY OFFICERS**

15.1 **Items in Brief** (Report No: 08/15)

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**

**C200115/031**

**That the following items:**

- **Brighton and Hove District Centre Development Plan Amendment Approval**
- **Former Brighton Town Hall State Heritage Listing – 388 Brighton Road, Hove**

- **Response Letter from the Prime Minister on Climate Change**
- **2014 South Australian Tourism Awards**
- **Twilight Beach Front Markets**
- **Santos Tour Down Under**

Moved Councillor Bouchee, Seconded Councillor Lonie

**Carried**

15.2 **Rescission of Land Management Agreement** (Report No: 04/15)

**Conflict of Interest:**

Councillor Bradshaw declared an interest in the matter due to her daughter's business manages the properties and left the meeting at 7.58 pm.

Councillor Patton left the chamber at 7.58pm.

Council has received a request to rescind a Land Management Agreement between the former City of Brighton and the Brighton Church of Christ, imposing a minimum age requirement for persons occupying premises at 2A and 2B Bennett Street, Brighton. The affixing of Council's seal is required to execute the documentation consenting to the rescission. The rescission of the LMA will not affect the use of the land, as it will simply allow persons under the age of 55 years to also occupy one or both of the dwellings.

**Motion**

**C200115/032**

**That His Worship the Mayor and the Chief Executive Officer be authorised to sign and seal the document to rescind a Land Management Agreement between the former City of Brighton and the Brighton Church of Christ, that imposes a minimum age requirement for persons occupying premises at 2A and 2B Bennett Street, Brighton.**

Moved Councillor Lonie, Seconded Councillor Yates

**Carried**

Councillor Bradshaw rejoined the chamber at 7.59pm

15.3 **Request for Funds to Defend an Appeal before the Environment, Resources and Development Court for a Verandah at Glenelg North** (Report No: 05/15)

This report was withdrawn prior to the Council Meeting.

15.4 **Request for Funds to Defend an Appeal before the Environment, Resources and Development Court for a Telecommunications Tower at Hove** (Report No: 06/15).

**Conflict of Interest:**

Councillor Clancy declared a conflict of interest due to her membership of the Development Assessment Panel at the time the decision was made and left the chamber at 7.59pm.

This report seeks Council's permission to engage legal assistance to defend an appeal lodged with the Environment, Resources and Development Court against a decision of the Development Assessment Panel (the Panel) made on 22 October 2014. The appeal is against the Panel's decision to refuse an application for a telecommunications tower measuring 20 metres in height and located at 352 Brighton Road, Hove.

**Motion**

**C200115/033**

**That Council expends 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 refuse an application for a telecommunications tower measuring 20 metres in height and located at 352 Brighton Road, Hove.**

Moved Councillor Bouchee, Seconded Councillor Lonie

**Carried**

Councillor Clancy rejoined the chamber at 8.00pm

Councillor Patton rejoined the chamber at 8.00pm

**15.5 Request for Nominations for Appointment to the State Development Assessment Commission (Report No: 07/15)**

The Local Government Association has been invited by the Department of Planning, Transport and Infrastructure to nominate Councillors for appointment to the State Development Assessment Commission, commencing on 1 April 2015 and concluding on 30 June 2016. The Local Government Association is seeking suitably qualified nominations from Councils by 27 January 2015.

**Motion**

**C200115/034**

**That Council advises the Local Government Association that Councillors Yates, Clancy and Bouchee be nominated for appointment to the State Development Assessment Commission, commencing 1 April 2015 and concluding on 30 June 2016.**

Moved Councillor Donaldson, Seconded Councillor Lonie

**Carried**

**15.6 Nomination to the LGA Mutual Liability Scheme Board (Report No: 11/15)**

The Local Government Association (LGA) is seeking nominations for two Local Government Members to the LGA Mutual Liability Scheme Board for a term commencing on 1 March 2015 and expiring on 31 October 2017. Nominations must be forwarded to the LGA by close of business Thursday 5 March 2015.

Councillor Lonie has expressed an interest in being nominated to this position. To enable the LGA Executive to consider the nominations at its meeting on 19 March 2015, all nominations need to be received by 5 March 2015.



**Motion****C200115/035****That Council nominates Councillor Lonie to the LGA Mutual Liability Scheme Board.**

Moved Councillor Donaldson, Seconded Councillor Bradshaw

**Carried**15.7 **Reappointment to SRWRA Audit Committee** (Report No: 14/15)

The Southern Region Waste Resource Authority has established an audit committee that includes independent members appointed by each of the three constituent councils. Council is being asked to reappoint its independent member.

**Motion****C200115/036****That Council reappoints Ms Vicki Brown to the Southern Region Waste Resource Authority Audit Committee.**

Moved Councillor Bouchee, Seconded Councillor Smedley

**Carried**15.8 **Debenture Loan 153 Rollover – Glenelg Football Club** (Report No: 12/15)

The sporting club debenture loan 153 referring to the Glenelg Football Club will be eligible for rollover on 15 February 2015. The club has requested that the remaining principal outstanding of \$104,343, be rolled over and repaid on an interest only basis for two years with a further opportunity to review the loan in 2 years.

**Motion****C200115/037****That Council borrows the remaining sum of \$104,343 for an interest only term of 2 years on a 12 year repayment basis in accordance with Council's borrowing policy, for the purpose of meeting the remaining rollover funding required on debenture loan 153.**

Moved Councillor Smedley, Seconded Councillor Snewin

**Carried**15.9 **Anzac Memorial Moseley Square – Funding Request** (Report No: 15/15)

The Plympton/Glenelg RSL have in the past been unsuccessful in various applications for funding to construct a permanent war memorial to be placed in Moseley Square.

However following recent approaches to various agencies the Club has received funding in the order of \$62,000, being Federal Government \$33,000, State Government \$24,000 and the Hon Martin Hamilton Smith \$5,000.

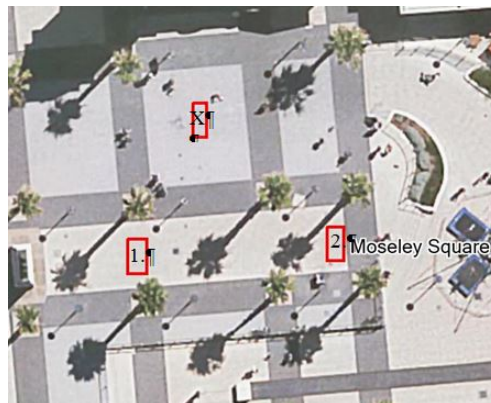
It is envisaged that the project will be completed in readiness for the April 2015 Anzac Day commemorations.

The total cost of the project is estimated at \$100,000 and on this basis Council has been approached with a request for \$11,000 to fund the short fall that the Club is unable to meet.

**Motion**

**C200115/038**

1. Council agrees to a funding grant of \$11,000 to assist the construction and launch of the Plympton/Glenelg RSL war memorial.
2. That Council agrees to the placement of the memorial on the Southern side of Jetty, fall back positions of options one and two and exclude three as per diagram presented below.



Councillor Snewin left the chamber at 8.20pm

Councillor Snewin rejoined the chamber at 8.22pm.

Moved Councillor Patton, Seconded Councillor Yates

**Carried**

15.10 **Splash Restaurant – Debt Write Off** (Report No: 13/15)

A partnership comprising Madhu Sudhanan Padmavathy Venkatraghavan, Joel Savio Andrdy, Timothy Jackson and Glendon Mathew Stephenson, trading as Splash Restaurant formerly leased a portion of the Glenelg Town Hall. On 6 May 2014 a Notice of Termination was issued due to the non-payment of rental effectively terminating the lease on 30 May 2014.

The Lessees had a bank guarantee for \$20,000 in favour of the City of Holdfast Bay. This guarantee was presented with the \$20,000 being subsequently received.

Following termination of the lease and payment of the \$20,000 from the bank guarantee an amount of \$3,567.97 remained outstanding.

As there is no reasonable prospect of recovery, it is proposed to 'write off' the current outstanding debt of \$3,567.97.

**Motion****C200115/039**

**That Council writes off \$3,567.97 in bad debts from Madhu Sudhanan Padmavathy Venkatraghavan, Joel Savio Andrdy, Timothy Jackson and Glendon Mathew Stephenson, trading as Splash Restaurant.**

Moved Councillor Bouchee, Seconded Councillor Smedley

**Carried**15.11 **Tree Management Policy and Verge Management Policy** (Report No: 19/15)

Council is requested to consider the adoption of the revised Council Tree Management Policy. This policy has been renamed from Street Tree Management Policy due to the inclusion of Open Space Trees. In addition this policy has been significantly expanded to give further clarity to the City of Holdfast Bay's practices to maintain our existing and future urban forest.

In addition, Council is requested to note the new proposed Verge Management Policy. This new policy has been created to provide advice and guidance on the constraints and opportunities residents should take note of when improving and maintaining the Council Street Verges.

**Motion****C200115/040**

1. **That Council endorse the Tree Management Policy as at 20 January 2015.**
2. **That Council notes the proposed Verge Management Policy and endorses the policy for public consultation presented for public comment.**
3. **That the following amendments are made:  
2.1.n – or at the General Managers discretion and  
2.5 and remove 'and'**

Moved Councillor Yates, Seconded Councillor Lonie

**Carried**15.12 **LATE ITEM - Appointment to the Audit Committee** (Report No: 19/15)

A vacancy exists for an Independent Member of Council's Audit Committee. From thirty-four quality candidates, one is recommended to Council for appointment.

**Motion****C200115/041**

**That Council appoints Mr Sam Spadavecchia as an independent member of its Audit Committee for a term of 3 years to 20 January 2018.**

Moved Councillor Smedley, Seconded Councillor Snewin

**Carried**

**16. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil****17. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING - Nil****17.1 Environmental Resources Development Committee Submission – Brighton/Hove Development Plan Amendment**

1. That the City of Holdfast Bay present a formal written submission to the Environmental Resources Development Committee prior to 9.00am, 27 January 2015 in relation to the Brighton/Hove Development Plan Amendment.
2. That the submission notes the previous objections raised as per Council's October 2014 submission to the Minister. Council does note the Minister's acceptance of a number of points and council respectfully requests the committee considers the remainder of the concerns raised by council.

**Conflict of Interest:**

Councillor Snewin read a statement, declared a conflict of interest and left the chamber at 8.41pm due to his property being in the DPA area.

Councillor Bradshaw declared an interest and left the chamber at 8.42pm due to her property being adjacent to the DPA area.

Moved Councillor Lonie, Seconded Councillor Smedley

**Carried**

**Division called:**

A division was called:

Those voting for: Councillors Bouchee, Wilson, Smedley, Donaldson, Snewin, Lonie and Yates (7)  
Those voting against: Councillors Patton, Charlick and Clancy (3).

His Worship the Mayor declared the motion

**Carried**

**18. ITEMS IN CONFIDENCE****18.1 Quantity Surveyors Report – Kauri Parade Tennis Court Construction (Report No: 16/15)****Motion**

**C200115/042**

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:
- b. 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, as the benefit or detriment to Council in not disclosing information relating to *Quantity Surveyors Report – Kauri Parade Tennis Court Construction (Report No: 16/15)* outweighs the public interest at this time.
- and
- k. tenders for the supply of goods, the provision of services or the carrying out of works

Moved Councillor Lonie, seconded Councillor Clancy

**Carried**

Quantity Surveyors Report – Kauri Parade Tennis Court Construction (Report No: 16/15)

**Conflict of Interest:**

Councillor Bradshaw declared a conflict of interest due to a close family member's employment at a firm who tendered for the contract and left the chamber at 8.55pm.

**ORDER TO RETAIN DOCUMENTS IN CONFIDENCE**

**Motion**

**200115/044**

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: 16/15) 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)(b) and (k).

2. **The Chief Executive Officer is authorised by the Council to release the report, minutes and attachments after the contract is executed.**

Moved Councillor Lonie, Seconded Councillor Yates

**Carried**

## **CLOSURE**

The Meeting closed at 9.04pm.

**CONFIRMED      Tuesday 10 February 2015**

**MAYOR**