

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 10 November 2015 at 7:02pm.

MEMBERS PRESENT

His Worship the Mayor, S Patterson
Deputy Mayor R Patton
Councillor R Aust
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 Services & Assets - SG Hodge
General Manager Business Services - IS Walker

1. OPENING

His Worship the Mayor declared the meeting open at 7.02pm.

2. KAURNA ACKNOWLEDGEMENT

With the opening of the meeting His Worship the Mayor stated:
We acknowledge Kaurna people as the traditional owners and custodians of this land.

We respect their spiritual relationship with country that has developed over thousands of years, and the cultural heritage and beliefs that remain important to Kaurna People today.

3. PRAYER

His Worship the Mayor requested all present to pray and read the following Prayer:

Heavenly Father, we pray for your presence and guidance at our Council Meeting.

Grant us your wisdom and protect our integrity as we carry out the powers and responsibilities entrusted to us on behalf of the community that we serve.

4. APOLOGIES

- 4.1 Apologies Received – Councillor R Bouchée
- 4.2 Absent - Nil

5. ITEMS PRESENTED TO COUNCIL - Nil**6. DECLARATION OF INTEREST**

Members were reminded to declare their interest before each item.

7. CONFIRMATION OF MINUTES**Motion****C101115/242**

That the minutes of the Ordinary Meeting of Council held on 27 October 2015 be taken as read and confirmed.

Moved by Councillor Clancy, Seconded by Councillor Lonie

Carried**8. PUBLIC PRESENTATIONS**

8.1 **Petitions** - Nil

8.2 **Presentation** - Nil

8.3 **Deputations**

8.3.1 **Ms Shani Wood, Education & Projects Officer - Environment**

Mayor Patterson approved a deputation from Ms Wood for 5 minutes regarding Greening our Communities Grants.

9. QUESTIONS BY MEMBERS

9.1 **Without Notice** - Nil

9.2 **With Notice** - Nil

10. MEMBER'S ACTIVITY REPORTS

10.1 **Councillor Patton**

Councillor Patton reported that he attended the Plympton/Glenelg RSL Remembrance Day dinner.

10.2 **Councillor Clancy**

Councillor Clancy reported that she had attended the St Jude's Fete.

10.3 **Councillor Yates**

Councillor Yates reported that she had attended the St Jude's Fete.

10.4 **Mayor Patterson**

His Worship the Mayor, reported that she attended the Planning Institute Australia Awards dinner.

11. MOTIONS ON NOTICE

11.1 **Motion on Notice – Small Venue Licences – Councillor Wilson** (Report No: 332/15)

BACKGROUND

In 2013 the State Government introduced Small Venue Licences (SVL) under section 40A of the Liquor Licensing Act 1997 ("Act"). SVL can operate between the hours of 8:00 am and 2:00 am Monday to Sunday, provide entertainment, and cater to up to 120 patrons at any one time.

To date the operation of SVL has only been permitted within the boundaries of the Adelaide Central Business District (CBD) due to an extended State Government trial. However, as the State Government has expressed its intention of eventually amending section 40A of the Act to allow SVL to operate in other metropolitan areas, it is important that Council be prepared through strategic direction and policy for their establishment.

Therefore, in addition to Council's 2014 resolution (C270514/1116) that saw the Administration write to the Liquor and Gambling Commissioner identifying suitable locations for SVL, and the 2015 Motion (C271015/228) that saw the Administration write to the Premier requesting the current legislation be amended to permit the operation of SVL outside the Adelaide CBD, it is recommended that the Administration draft a policy that will govern the operation of Small Venue Licences within Holdfast Bay.

At the request of Councillor Wilson an alternate motion was proposed.

Motion

C101115/243

That a policy for Small Venue Licences be drafted for consultation with Elected Members and Jetty Road Traders and endorsement by Council and presented by March 2016.

The mover and seconder agreed to include an amendment from Councillor Clancy to include Jetty Road Traders in the motion.

Moved Councillor Wilson, Seconded Councillor Donaldson

Carried

Division called

A division was called:

Those voting for: Councillors Smedley, Wilson, Patton, Yates, Lonie, Bradshaw, Clancy and Donaldson (9)

Those voting against: Councillors Charlick and Aust (2).

His Worship the Mayor declared the motion

Carried

- 11.2 **Motion on Notice – Usage of Community Buildings – Councillor Snewin** (Report No: 333/15)

Motion

C101115/244

That Administration provide a report to Council on the usage of the City of Holdfast Bay community buildings.

Moved Councillor Snewin, Seconded Councillor Lonie

Carried

- 11.3 **Motion on Notice – Portable Beach Ramp Donation – Councillor Donaldson** (Report No: 337/15)

BACKGROUND

The purpose of the ramp is to allow people with physical disabilities to access the sea, an enormous difficulty for those who are wheelchair dependent. State Liberal MP for Bright, David Speirs, launched a 'crowd funding campaign' for a portable ramp last month and he hopes that there are sufficient funds to enable this to go ahead by December 2015. The cost of the ramp is expected to be in excess of \$10,000.

The ramp would allow people who experience physical challenges to access the sea. The logistics of manoeuvring a wheelchair on Sand is extremely difficult. Such a ramp would also be pram friendly.

Made of interlocking plastic matting, the rolling out of the ramp each morning and rolling in of an evening, will be undertaken by members of the Seacliff Surf Life Saving Club.

This will be the first ramp of its kind in South Australia. As it will be available to assist people in the City of Holdfast Bay, a donation by the council is an appropriate gesture and one that will further promote positive community inclusion.

Motion**C101115/245**

That Council make a donation of \$1,000 towards the purchase of a portable ramp to be installed adjacent to the Seacliff Surf Life Saving Club and travelling to the water's edge, to be paid to the Seacliff Surf Life Saving Club when total donations reach \$10,000.

Moved Councillor Donaldson, Seconded Councillor Yates

Carried**12. ADJOURNED MATTERS - Nil****13. REPORTS OF MANAGEMENT COMMITTEES, SUBSIDIARIES AND THE DEVELOPMENT ASSESSMENT PANEL****13.1 Minutes – Jetty Road Mainstreet Management Committee – 7 October 2015 (Report No: 315/15)**

The Minutes of the Jetty Road Mainstreet Management Committee meeting held 7 October 2015 are attached and presented for Council's information.

Motion**C101115/246**

That the minutes of the Jetty Road Mainstreet Management Committee held on 7 October 2015 be noted.

Moved Councillor Wilson, Seconded Councillor Patton

Carried**14. REPORTS BY OFFICERS****14.1 Items in Brief (Report No: 327/15)**

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**C101115/247**

That the following items be noted and items of interest discussed:

- **Australia Day 2016**
- **Random Acts of Light**
- **Elected Member – Breach of the DAP Code of Conduct**
- **Broadway Kiosk – Changes to Air Conditioning System Requested by Operator**

Moved Councillor Clancy, Seconded Councillor Yates

Carried

14.2 Greening our Community Grants 2015-16 (Report No: 328/15)

The Greening Our Community Grants are being conducted for a fifth year. Four applications were received when the assessment panel met on 28 September 2015. The application request totalled \$11,573. After thorough assessment of all applications, the panel recommended that all four applicants receive the requested funding amounts.

Motion**C101115/248**

That Council approves funding for four Greening Our Community Grant applications for the 2015-2016 financial year.

Moved Councillor Lonie, Seconded Councillor Yates

Carried**14.3 Granting of an Easement for Extension of Electricity Supply, 30 Milton Street Glenelg** (Report No: 329/15)

SA Power Networks has installed equipment underground as part of the Cinema and Car Park development in land at 30 Milton Street Glenelg. This report recommends that an easement over that infrastructure be granted by Council in favour of South Australian Power Networks.

Motion**C101115/249**

That Council approve the granting of an easement to SA Power Networks, and that the Mayor and Chief Executive Officer be authorised to sign the associated documents with the seal of Council affixed thereto.

Moved Councillor Clancy, Seconded Councillor Lonie

Carried**14.4 Lonestar Rib House – Application for Restaurant Liquor Licence** (Report No: 330/15)

Lonestar Rib House will soon take up occupancy at the former McDonald Restaurant site located at 15 Moseley Square Glenelg. Council has received a Development Application (DA 110/00824/15) for internal fitout of the premises, as well as a subsequent Outdoor Dining Permit application to occupy approximately 34m² of council land adjacent to the southern frontage of the business.

The operator (Annstep Pty Ltd) has also lodged an application with Consumer and Business Services to obtain a Restaurant Liquor Licence (which includes a section 34 (1) (c) authorisation) to operate from premises.

Though section 34 of the Act allows a Restaurant Licence to operate any time on any day, in accordance with section 2.12.1 of Council's current Liquor Licensing Policy and section 2.10.2 of Council's current Outdoor Dining Policy, it is

recommended that liquor trade cease no later than 12:00 midnight Sunday to Thursday, and 1:00 am the following day Friday and Saturday for all internal areas; and that liquor only be provided in the Outdoor Dining Area Monday to Sunday between 8:00 am and 12:00 midnight on any day.

Motion

C101115/250

That Council advises the applicant and Consumer and Business Services that it supports the granting of a Restaurant Liquor Licence and 34 (1) (c) authorisation for the premises located at 15 Moseley Square Glenelg subject to the following conditions:

- 1. In accordance with section 2.12.1 of Council's current *Liquor Licensing Policy* liquor trade ceases no later than:

 - a. 12:00 midnight Sunday to Thursday; and**
 - b. 1:00 am the following day Friday and Saturday;****
- 2. In accordance with section 2.10.2 of Council's current *Outdoor Dining Policy* liquor may only be served in the Outdoor Dining Area:

 - a. Monday to Sunday 8:00 am to 12:00 midnight the same day;****
- 3. That the sought section 34 (1) (c) authorisation reflect the above hours.**

Moved Councillor Patton, Seconded Councillor Charlick

Carried

14.5 Brighton Oval – Telecommunications Site (Report No: 331/15)

Pro Realty on behalf of the Telstra Corporation have recently contacted Council, as land owner, seeking to reopen negotiations to enter into a lease with the City of Holdfast Bay, as land owner, for the purpose of erecting a telecommunications tower with associated infrastructure within the Brighton Oval Complex.

This report details the history of this proposal, the results of the public consultation undertaken by Pro Realty on behalf of Telstra in 2013 and the current lease proposal submitted by Telstra.

As the land is classified as Community Land, in accordance with Section 202 of the Local Government Act, 1999, public consultation is required to be undertaken by Council.

Motion

C101115/251

- 1. That Council receives and notes the outcomes of the community consultation undertaken by Telstra in 2013 on the proposal to install a telecommunications Facility at Brighton Oval.**
- 2. That Council undertakes its own public consultation, in accordance with its Public Consultation and Engagement Policy, to consider entering into**

a lease with Telstra to install a telecommunications tower on the Brighton Oval Complex, for an initial term of ten years from a date to be negotiated with two options to renew, each of five years.

Councillor Patton left the chamber at 7.48pm.

Councillor Patton rejoined the chamber at 7.50pm.

Moved Councillor Charlick, Seconded Councillor Lonie

Carried

Division called

A division was called:

Those voting for: Councillors Smedley, Wilson, Charlick, Patton, Aust, Yates, Lonie, Bradshaw, Clancy and Snewin (10)

Those voting against: Councillor Donaldson (1).

His Worship the Mayor declared the motion

Carried

15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil

Councillor Wilson left the chamber at 7.57pm.

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

16.1 Correspondence from Minda regarding land and infrastructure matters

Motion

C101115/252

- 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 Correspondence from Minda regarding land and infrastructure matters outweighs the public interest at this time.

Moved Councillor Lonie, Seconded Councillor Smedley

Carried

The Chief Executive Officer, Mr J Lynch, provided members an update on further correspondence received from Minda in relation to land and infrastructure matters.

Councillor Wilson rejoined the chamber at 7.58pm

This matter was not retained in confidence.

16.2 382-388 Brighton Road, Hove

Motion

C101115/253

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 382-388 Brighton Road, Hove outweighs the public interest at this time.

Moved Councillor Lonie, Seconded Councillor Smedley

Carried

Order to Retain Documents in Confidence**Motion****C101115/255**

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 382-388 Brighton Road, Hove 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).
2. That the Chief Executive Officer is authorised to release the minutes relating to 382-388 Brighton Road, Hove when settlement has occurred.

Moved Councillor Lonie, Seconded Councillor Aust

Carried**17. ITEMS IN CONFIDENCE****17.1 Partridge Street Carpark Operations (Report No: 336/15)****Motion****C101115/256**

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.
 - k. tenders for the supply of goods, the provision of services or the carrying out of works.

Moved Councillor Lonie, Seconded Councillor Smedley

Carried**ORDER TO RETAIN DOCUMENTS IN CONFIDENCE**

Motion

C101115/258

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: 286/15 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. This resolution will be reviewed within 12 months by the Council or when the Minister releases the draft DPA for consultation.

Moved Councillor Lonie, Seconded Councillor Donaldson

Carried

CLOSURE

The Meeting closed at 8.57pm.

CONFIRMED Tuesday 24 November 2015

MAYOR