

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 21 January 2014 at 7:00pm.

MEMBERS PRESENT

His Worship the Mayor, AK Rollond
Deputy Mayor, RA Clancy
Councillor RM Bouchée
Councillor PW Dixon
Councillor KM Donaldson
Councillor LR Fisk
Councillor JD Huckstepp
Councillor TD Looker
Councillor S Patterson
Councillor RC Patton
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 - Councillor AP Roe and Councillor SC Lonie

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

C210114/1108

That the minutes of the Ordinary Meeting of Council held on 10 December 2013 be taken as read and confirmed.

Moved by Councillor Clancy, Seconded by Councillor Looker

Carried

8. QUESTIONS BY MEMBERS

8.1 Without Notice

8.1.1 Moseley Square Water Feature – Councillor Bouchee

Find out when the fountain is working

Is there going to be a report on the lifespan of the fountain and how to make it more reliable (evaluation)

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

8.1.2 Congratulations

Councillor Bouchee congratulated all of the staff through the Christmas/New Year period on their work in keeping the city tidy.

8.1.3 Young Street Crossing

Councillor Yates asked a question regarding the letter to DPTI regarding the Young Street Crossing.

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

8.2 With Notice

8.2.1 **Question on Notice – Rutland Avenue – Councillor Looker** (Report No: 12/14)

“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 -

The question is taken on notice and staff will be preparing a response for the meeting on 11 February 2014.

9. MEMBER’S ACTIVITY REPORTS

9.1 **Holdfast Bay Community Centre**

Councillor Donaldson and Councillor Looker reported that they had attended a meeting of the Holdfast Bay Community Centre about income streams.

9.2 **Bay Sheffield**

Councillors Patton and Fisk reported that they attended the Bay Sheffield and congratulated all involved with the event.

9.3 **Marina Clean Up**

Councillor Fisk reported that he and Mr S Hodge, participated in the Marina Clean Up where 18 bags of rubbish was collected.

9.4 **Blessing of the Waters**

Councillor Yates reported that she and Councillor Huckstepp attended the Blessing of the Waters at Glenelg.

9.5 **Western Region Waste Management Authority**

Councillor Bouchee provided the chamber an update on the activities of Western Region Waste Management Authority.

9.6 **Ben and Jerry's Outdoor Cinema**

Councillor Yates reported that she attended the Grease sing along night.

Councillor Patterson reported that he attended the Outdoor Cinema night with the Glenelg Advertising Campaign Launch.

9.7 **Proclamation Day**

Councillor Patterson reported that he attended the Proclamation Day commemorations.

10. PUBLIC PRESENTATIONS

10.1 **Petitions** - Nil

10.2 **Presentation** - Nil

10.3 **Deputations**

10.3.1 Lisa Crago – State Heritage Nomination for the former Brighton Town Hall

Ms Lisa Crago made a 10 minute deputation to Council on the State Heritage Nomination for the former Brighton Town Hall.

Point of Order

Councillor Bouchee called a point of order regarding the question Councillor Looker was asking of Ms Crago following her deputation.

His Worship the Mayor ruled that Councillor Looker's question was irrelevant.

Councillor Looker withdrew the question.

11. MOTIONS ON NOTICE

11.1 **Motion on Notice – Establishment of a Caravan Park Committee – Councillor Clancy** (Report No: 19/14)

Background

It was always a very good committee and I think worth setting up.

Suggest some councillors, caravan park management and two or three staff including Steve Hodge, Ian Walker or their representatives.

Motion

C210114/1109

That Council establish an advisory committee for the caravan park to guide redevelopment of the area to be reviewed in 12 months.

Moved Councillor Clancy, Seconded Councillor Looker

Carried

Division called

A division was called:

Those voting for: Councillors Patton, Dixon, Patterson, Looker, Clancy and Huckstepp (6)

Those voting against: Councillors Fisk, Bouchee, Donaldson and Yates (4).

His Worship the Mayor declared the motion

Carried

12. ADJOURNED MATTER - Nil

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

13.1 Minutes – Jetty Road Mainstreet Management Committee – 4 December 2013 (Report No: 01/14)

The Minutes of the Jetty Road Mainstreet Management Committee meeting held 4 December 2013 are attached and presented for Council's information.

Motion

C210114/1010

That the minutes of the Jetty Road Mainstreet Management Committee held 4 December 2013 be received.

Moved Councillor Patton, Seconded Councillor Clancy

Carried

13.2 Minutes – Development Assessment Panel – 18 December 2013 (Report No: 06/14)

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

The minutes of the Development Assessment Panel meeting held 18 December 2013 are presented to Council for information.

Motion**C210114/1011**

That the minutes of the Development Assessment Panel meetings held on 18 December 2013 be received.

Moved Councillor Clancy, Seconded Councillor Huckstepp

Carried**13.3 Minutes – Audit Committee – 11 December 2013 (Report No: 11/14)**

The minutes of the Audit Committee meeting held 11 December 2013 are presented to Council for information and endorsement.

Motion**C210114/1012**

That the minutes of the Audit Committee meeting held 11 December 2013 be received and noted.

Moved Councillor Bouchee, Seconded Councillor Looker

Carried**14. REPORTS BY OFFICERS****14.1 Items in Brief (Report No: 04/14)**

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**C210114/1013**

That the report be noted and items of interest discussed.

Moved Councillor Clancy, Seconded Councillor Looker

Carried**Motion****C210114/1014**

In response to Minister Rau's letter, the Holdfast Bay Council wishes to advise that it has received a deputation from Ms Lisa Crago and will now do its own investigations regarding the benefits and disadvantages of keeping the original Brighton Town Hall in Council's ownership.

Moved Councillor Donaldson, Seconded Councillor Yates

Carried**Division called**

A division was called:

Those voting for: Councillors Fisk, Bouchee, Patton, Dixon, Patterson, Looker, Clancy, Donaldson, Huckstepp and Yates (10)

Those voting against: Nil (0).

His Worship the Mayor declared the motion

Carried

14.2 **Glenelg Football Club – Proposed Signage** (Report No: 02/14)

The Glenelg Football Club Inc. is proposing to erect two new sponsors' signs on the eastern side of the Gliderol Stadium. As Lessee, the club is seeking Council's consent, as landowner, to carry out this work

Motion

C210114/1015

That in its capacity as Landowner, Council consents to the erection of the two sponsor signs on the eastern side of Gliderol Stadium subject to the following conditions:

1. **All costs to be borne by the Glenelg Football Club Inc.**
2. **All work to be carried out by qualified tradesperson and in a workmanlike manner.**
3. **The Glenelg Football Club Inc. and its agents, contractors, workers, employees etc. indemnifies the City of Holdfast Bay against any claims, suits, losses etc. that may arise from this work.**
4. **The City of Holdfast Bay to be permitted to inspect the work at any time during construction.**
5. **No part of the work is to cause a nuisance or disturbance to any neighbours or visitors to adjoining properties.**
6. **The cost(s) to rectify any defects after construction to be borne by the Glenelg Football Club Inc.**
7. **All works to comply with the Building Code of Australia and any relevant Development Approvals, which the seeking off shall be the responsibility of the Glenelg Football Club Inc.**

Moved Councillor Bouchee, Seconded Councillor Patterson

Carried

14.3 **Kauri Parade and Barwell Avenue Seacliff – Glenelg Rotary Club Inc - Lease** (Report No: 03/14)

The Glenelg Rotary Club Inc. has been occupying portion of the premises located on the corner of Kauri Parade and Barwell Avenue Seacliff for a number of years without a formal lease.

Subject to the approval of Council, a new lease for a period of five years from 1 November 2013 was offered to and accepted by the Glenelg Rotary Club Inc.

Motion

C210114/1016

That approval be granted to enter into a new lease with the Glenelg Rotary Club Inc. for a term of five years from 1 November 2013 to 31 October 2018 over portion of the land contained allotment 62 in DP54730 in Certificates of Title Volume 5828 Folio 590.

Moved Councillor Yates, Seconded Councillor Huckstepp

Carried

14.4 **Hove and Glenelg North Meals on Wheels - Lease** (Report No: 05/14)

Meals on Wheels (SA) Incorporated wishes to enter into a new ground lease over the premises located on the corner of Golflands Terrace and David Avenue Glenelg North and 15 Goodes Crescent Hove for a period of ten years from 1 November 2013 and 1 July 2014 respectively.

As the property has been excluded from the Community Land Register Council is not required to undertake public consultation in accordance with Section 202 of the Local Government Act, 1999.

Motion

C210114/1017

Council approves the following ground leases to Meals on Wheels (SA) Inc:

- 1. 15 Goodes Crescent Hove, contained in allotment 26 in Deposited Plan 5039, contained in Certificate of Title Volume 1290 Folio 71 for a period of 10 years from 1 July 2014.**
- 2. Corner of Golflands Terrace and David Avenue Glenelg North contained in allotment 201 in Filed Plan 1612, contained in Certificate of Title Volume 5788 Folio 669 for a period of 10 years from 1 November 2013.**

Moved Councillor Fisk, Seconded Councillor Dixon

Carried

14.5 **Event Approval – High Tea on Glenelg Jetty** (Report No: 20/14)

An event application has been received from the Stamford Grand with the intent of holding a charity 'high tea' on the Glenelg Jetty between the hours of 2.30pm and 4.00pm on Sunday 23 March 2014. This event will be jointly sponsored by the Stamford Grand and Novita Children's Charity.

The event will require the Glenelg Jetty to be closed to the public between the hours of 11.30am and 6.30pm to allow bump-in and bump-out of the event infrastructure.

This report seeks Council endorsement for both the event and the closure of a public facility (Glenelg Jetty).

Motion

C210114/1018

That Council endorse the closing of the Glenelg Jetty to the public between the hours of 11.30am and 6.30pm to allow preparation and the holding of a charity 'high tea' on Sunday 23 March 2014.

Moved Councillor Fisk, Seconded Councillor Patton

Carried

14.6 **Cosmo Food and Café – Outdoor Dining Permit and Shisha Use** (Report No: 21/14)

In November 2013 a new business (Cosmo Food & Café) opened at 33 Jetty Road Glenelg. On 4 December 2013 the operators of the premises lodged an outdoor dining permit application through Council's Regulatory Services Department.

The outdoor dining permit was granted on 18 December 2013, however, in addition to providing food and beverages in the outdoor area, the applicant also seeks Council's permission to allow patrons to operate hookahs (water-pipes) within the area for the purpose of smoking shisha (flavored tobacco).

It is recommended that the use of hookahs in the outdoor dining area be declined on the basis that their use presents a health risk to the community and their operation in a sanctioned outdoor area is not conducive to or in line with the intention or aim of an outdoor dining area.

Motion

C210114/1019

That Council advise the applicant that the use of hookahs and shisha in the designated outdoor dining area is refused.

Moved Councillor Patton, Seconded Councillor Clancy

Carried

Councillor Patton left the chamber at 8.18pm.

14.7 **Glenelg Jetty Hotel – Application for Variation of Liquor Licence Conditions** (Report No: 22/14)

The Australia Hotels Association (AHA), on behalf of the Glenelg Jetty Hotel, has submitted an application seeking to extend the hours of trade for the venue by one (1) hour on Sunday nights. This extension will permit the hotel to trade on Sundays in both the hotel and gaming area until 1:00am the following morning.

It should be noted that the hotel currently has licence to trade on any Sunday preceding Christmas Day and any day preceding a public holiday until 2:00am the following morning. This application therefore will not only bring some further uniformity between the trading hours of this and other venues in the area, but also poses to aid in the minimisation of patron migration between different licensed premises in the early hours of the morning.

At present, the following Glenelg licensed premises have licence to trade on Sundays: Stamford Grand Hotel until 3:00am; Dublin Hotel until 1:30am; Watermark

Hotel until 2:00am; Glenelg Pier Hotel until 2:00am. By supporting this application it brings the Glenelg Jetty Hotel into line with other licensed premises in the area.

It should also be noted that the application does not include an extension to the venue's entertainment consent; which will remain ceasing at 12:00 midnight on any trading day.

The AHA has lodged this application seeking Council comment prior to lodging an application with Consumer and Business Services (CBS).

Motion

C210114/1020

That Council advise the Australia Hotels Association, the Licensee, and Consumer and Business Services that it supports the licensee in seeking an increase to the hours of trade on Sundays from 12:00 midnight to 1:00am the following morning for existing Liquor Licence 50108167 subject to the following:

- 1. The licensed crowd controllers actively monitor patron behavior in all relevant outdoor areas.**

Councillor Patton rejoined the chamber at 8.20pm.

Councillor Donaldson left the chamber at 8.20pm.

Councillor Donaldson rejoined the chamber at 8.22pm.

Moved Councillor Dixon, Seconded Councillor Fisk

Carried

Councillor Dixon left the chamber at 8.23pm.

14.8 Stormwater Drainage Works for Kauri Parade (Report No: 23/14)

The recently endorsed Stormwater Management Plan (SMP) identified the area around Kauri Parade, Seacliff as an area that was subject to significant flooding and opportunities for additional or new stormwater infrastructure need to be considered as part of any future stormwater management. Council has been approached by a resident at 50AA Kauri Parade indicating that he intends to redevelop his property which in turn has presented Council with an opportunity to install much needed stormwater infrastructure to mitigate the issues identified in the SMP. This report seeks approval to negotiate an agreement with the residents and complete a design of this stormwater infrastructure.

Motion

C210114/1021

- 1. That discussion be held with the owners of the three residential properties affected by the current stormwater drain with the aim of negotiating an agreement for the inclusion of new stormwater infrastructure to connect to existing infrastructure.**

2. **That Council approve expenditure up to \$9,000 to allow detailed design and survey work to proceed.**
3. **That a further report and costing be provided to Council once the design is complete and negotiations have been concluded with the property owners affected.**

Moved Councillor Huckstepp, Seconded Councillor Yates

Carried

Councillor Dixon rejoined the chamber at 8.25pm.

14.9 **Kingston Park Kiosk** (Report No: 24/14)

The former lease over the Kingston Park Kiosk expired on 31 May 2013 and since that time the property has remained vacant. A building review undertaken at the time revealed the building structure to be in a poor condition. Furthermore it was revealed that portion of the building has been constructed over a SA Water sewer easement.

SA Water is currently considering whether it will allow the building to remain in its current location or relocated.

Because the building is in poor condition, if a kiosk is to be maintained at the site, it will need to be either rebuilt or redeveloped in its current location, if SA Water permits, or in an adjacent location, and capital funds will be required for this to occur.

Motion

1. **That a more detailed report be prepared once SA Water has provided its advice.**
2. **That development of the Kingston Park Kiosk be considered in 2014/15 budget discussion.**
3. **That a report be prepared on the demolition and the site cleared.**

Moved Councillor Looker

Lapsed for Want of a Seconder

Motion

C210114/1022

1. **That a more detailed report be prepared once SA Water has provided its advice.**
2. **That development of the Kingston Park Kiosk be considered in 2014/15 budget discussion.**

Moved Councillor Yates, Seconded Councillor Clancy

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 Possible Property Purchase

Motion

C210114/1023

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 *Possible Property Purchase* outweighs the public interest at this time.

Moved Councillor Huckstepp, Seconded Councillor Looker

Carried

Future Property Purchase

Order to Retain Documents in Confidence

Motion

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 Possible Property Purchase 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. This resolution will be reviewed within 12 months by the Council.**

Moved Councillor Clancy, Seconded Councillor Patton

Carried

CLOSURE

The Meeting closed at 8.49pm.

CONFIRMED Tuesday 11 February 2014

MAYOR