

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 22 July 2014 at 7:00pm.

MEMBERS PRESENT

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

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. 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.

7. CONFIRMATION OF MINUTES

Motion

C220714/1177

That the minutes of the Ordinary Meeting of Council held on 8 July 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**

8.3.1 David Hutchison on behalf of Mr George Polites

Mayor Rollond approved a deputation from Mr George Polities regarding the impacts of the Holdfast Bay Car Parking Contributions Fund for 5 minutes.

8.3.2 Mr Gerald England

Mayor Rollond approved a deputation from Mr Gerald England on behalf of residents regarding the extension of the Somerton Yacht Club lease for 5 minutes.

8.3.3 Graham Bruce from Somerton Yacht Club

Mayor Rollond approved a deputation from Graham Bruce from the Somerton Yacht Club for 5 minutes.

8.3.4 Stan Tuglie

Mayor Rollond approved a deputation from Mr Stan Tuglie on behalf of residents regarding the extension of the Somerton Yacht Club lease for 5 minutes.

9. QUESTIONS BY MEMBERS

9.1 Without Notice

9.1.1 Cinema – Councillor Bouchee

Councillor Bouchee asked that administration regularly update Councillors on the Cinema Development.

The Chief Executive Officer, Mr Lynch provided a response.

9.2 With Notice

- 9.2.1 “1. *Could the CEO please advise if Mr Taplin has advised Council if an operator has been appointed/signed?*
2. *Please advise if Mr Taplin has advised if ingress/egress will be the north or south of the Cinema Development?*
3. *Could the CEO please advise of any information re:*
- *Start of demolition of Partridge Street shops*
 - *Start of excavation on East and west side*

Residents adjacent to the site still have not been advised of any of the above details even though " The Messenger" has a finish time of November 2015.

If this is the finish time then construction and build would impact Jetty Road during the high summer season.”

ANSWER – Manager Organisational Sustainability

1. Mr Taplin has been asked to provide information regarding the appointment of a cinema operator. He has responded that he is still in the process of negotiation with an appropriate operator.
2. No advice has been received in regard to the preference for either the north or south entry. The preference for entry will need to be determined once all the traffic impact studies have been finalised.
3. In relation to the timing for proposed works no program has been confirmed at this time. Any program will be subject to the Taplin Group obtaining full development approval for the project and procuring the amalgamation of the Titles for the western (cinema) site via a formal land division. Mr Taplin has 12 months from the date the Development Agreement was signed (30 June 2014) to obtain full development approval.

The Development Agreement anticipates practical completion within 18 months of commencement, which is not unusual for a project of this scale and nature and includes demolition works, site clearance and preparation. As mentioned above no program of works has been confirmed.

The Development Agreement requires the Taplin Group to use its reasonable endeavours to minimise disruption to the public and local businesses during the construction period (eg enabling as many car parking spaces to remain available for as long as possible) and it is likely that construction will need to occur over at least one summer period to meet the date for practical completion under the Agreement (within 18 months of commencement).

Council will work with the Taplin Group on a communication plan to ensure that residents, businesses and the wider public are kept informed on the project once required approvals have been obtained and a works program is confirmed.

10. MEMBER'S ACTIVITY REPORTS

10.1 **Members Activity Report – Councillor Patterson – National General Assembly of Local Government, Canberra, June 2014** (Report No: 216/14)

Councillor Patterson attended the National General Assembly of Local Government – National Convention Centre, Canberra June 2014.

Motion

C220714/1178

That the activity report be received and noted.

Moved Councillor Patton, seconded Councillor Donaldson

Carried

10.2 **Holdfast Bay Community Centre - Councillor Donaldson**

Councillors Looker and Donaldson attended the Holdfast Bay Community Centre meeting.

10.3 **Patawalonga Watch Meeting - Councillor Patton**

Councillors Patton, Fisk and Dixon attended the Patawalonga Watch meeting.

10.4 **Tour Down Under Launch – Councillor Patterson**

Councillor Patterson and the Mayor attended the Tour Down Under Launch.

11. MOTIONS ON NOTICE**11.1 Motion on Notice – Old Brighton Town Hall – Councillor Looker (Report No: 199/14)**

This item was withdrawn and the motion incorporated into Item 14.8 (Review of the Use of the Former Brighton Town Hall)

12. ADJOURNED MATTER - Nil**13. REPORTS OF MANAGEMENT COMMITTEES, SUBSIDIARIES AND THE DEVELOPMENT ASSESSMENT PANEL - Nil****14. REPORTS BY OFFICERS**

His Worship the Mayor sought leave of the meeting to bring forward Agenda items 14.10 and 14.11. Leave was granted.

14.11 Section 270 Review – Somerton Yacht Club Lease (Report No: 227/14)

The Chief Executive Officer received a request in accordance with Section 270 of the Local Government Act 1999 to review a decision of Council from Mr England a resident of the Council area.

Mr England is seeking a review of Council's decision of its meeting on 8 April 2014, "that Council supports the request by the Somerton Yacht Club Inc to renew its lease over the land for a period of 5 years" (Resolution no. C080414/1083).

Mr England believes that this decision was made without taking into account the long-held concerns of the residents in the adjacent area and was therefore not a decision which was fully informed.

In accordance with Council's Customer Feedback and Complaints policy, as the decision in question was a decision of Council, the review must be conducted by Council. The Chief Executive Officer requested the Manager Organisational Sustainability to investigate the circumstances which led to Council's decision and to prepare a report to Council.

A copy of this report has been provided to Mr England.

Motion**C220714/1179**

- 1. That the Section 270 Review be received and noted.**
- 2. Council seeks further information on the issues and concerns as raised by Mr England, before confirming or otherwise its intention to enter into a 5 year lease with the Somerton Yacht Club and seeks a further report which will include the outcomes of a formal community consultation.**

- 3. That Mr Gerald England be advised of Council's decision regarding this review.**

Moved Councillor Bouchee, Seconded Councillor Clancy

Carried

His Worship the Mayor called for a division:

Those voting for: Councillors Bouchee, Patton, Dixon, Patterson, Looker, Clancy and Donaldson (7)

Those voting against: Councillors Fisk, Roe, Lonie, Huckstepp and Yates (5)

14.10 Review of Car Parking Contributions Fund Rate (Report No: 226/14)

The Jetty Road Mainstreet Management Committee has requested that Council consider a reduction to the Holdfast Bay Car Parking Fund Contributions Fund rate. Concerns have been raised by the Committee, landlords and prospective traders that the current policy settings may be a disincentive to attracting new businesses and business investment within the Glenelg District Centre, particular within the current economic climate. This report reviews the effectiveness of the Fund within this context and recommends a reduction in the rate where a significant car parking shortfall is proposed for a development within the precinct.

Motion

That the motion be adjourned until further information is made available.

Moved Councillor Bouchee, Seconded Councillor Fisk

Lost

Motion

That Council:

- 1. Reduces the current car parking rate under the Holdfast Bay Car Parking Contributions Fund from \$31,500 to \$7,000 per space.**
- 2. Publishes the new rate adopted in the South Australian Government Gazette pursuant to Section 50A(6) of the Development Act 1993 prior to taking effect.**
- 3. Review the effectiveness of this policy change in 12 months.**

Moved Councillor Looker, Seconded Councillor Huckstepp

The Chief Executive Officer objected to statements made by Councillor Bouchee.

Councillor Bouchee clarified her comment.

Councillor Looker raised a Point of Order on the basis that Councillor Bouchee had spoken longer than 3 minutes.

His Worship the Mayor accepted the Point of Order and requested Councillor Bouchee to finalise her remarks.

Amendment**C220714/1180****That:**

- 1. Reduces the current car parking rate under the Holdfast Bay Car Parking Contributions Fund from \$31,500 to \$7,000 per space.**
- 2. Publishes the new rate adopted in the South Australian Government Gazette pursuant to Section 50A(6) of the Development Act 1993 prior to taking effect.**
- 3. Review the effectiveness of this policy change in 12 months.**
- 4. That the carparking levy not be applied for a change of use from a shop to a restaurant or café where the premises were previously used for that purpose (within ten years of the application for a change of use).**

Moved Councillor Patterson, Seconded Councillor Roe

The amendment on being put was

Carried

The motion, as amended, on being put was

Carried

Councillor Clancy called for a division:

Those voting for: Councillors Patton, Dixon, Looker, Clancy, Roe, Huckstepp Patterson, Bouchée, Donaldson, Lonie, and Yates (11)

Those voting against: Councillor Fisk (1)

His Worship the Mayor declared the motion

Carried

Councillor Looker, under Regulation 29, asked the Mayor to sanction Councillor Bouchee regarding her attack on Administration.

Councillor Bouchee apologised and withdrew her comment.

Councillor Bouchee raised a Point of Order about Councillor Looker objecting to his Point of Order. His Worship the Mayor ruled that it was not a Point of Order.

14.1 Items in Brief (Report No: 223/14)

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**C220714/1181****That the following items:**

- **PLEC Application for Funding Undergrounding of Power Lines - Augusta Street, Glenelg - Stage 1**
- **Local Government Finance Authority (LGFA) – Annual General Meeting and Call for Nominations**
- **Charter of Affordability**

be noted and items of interest discussed.

Moved Councillor Dixon, Seconded Councillor Lonie

Carried

Councillors Yates and Huckstepp left the chamber at 8.58pm

Councillor Donaldson left the chamber at 8.59pm

Councillors Yates and Huckstepp rejoined the chamber at 9.01pm

Councillor Donaldson rejoined the chamber at 9.02pm

Motion**C220714/1182****That Administration write to the Treasurer accepting the invitation to participate in the Charter of Affordability.**

Moved Councillor Clancy, seconded Councillor Bouchee

Carried**14.2 Development Assessment Panel Extension of Appointments (Report No: 202/14)**

The current term for Independent Members serving on the City of Holdfast Bay Development Assessment Panel (the Panel) expires on 31 December 2014. The Local Government Elections scheduled for November 2014 will leave insufficient time for the new council to select and appoint a new Panel before the current appointments expire. This report recommends that Council extends the period of appointment for a further 4 months until 30 April 2015 to allow sufficient time for the new council to select and appoint Independent Members to the Panel.

Motion**C220714/1183**

1. **That the term of appointment for Graham Goss, Jenny Newman, Nathan Sim and Ivan Winter to serve as Independent Members of the City of Holdfast Bay Development Assessment Panel is extended for the period commencing 1 January 2015 and ending 30 April 2015.**
2. **That the term of appointment for Graham Goss to serve as Presiding Independent Member of the City of Holdfast Bay Development Assessment Panel is extended for the period commencing 1 January 2015 and ending 30 April 2015.**

Moved Councillor Bouchee, Seconded Councillor Cr Yates

Carried

14.3 **Jetty Road Mainstreet Management Committee Extension of Appointments**
(Report No: 203/14)

The current term for Independent Members serving on the Jetty Road Mainstreet Management Committee (the Committee) expires at the end of the term of the current Council. The Local Government Elections scheduled for November 2014 will leave insufficient time for the new council to select and appoint a new Committee before the current appointments expire. This report recommends that Council extends the period of appointment until February 2015 to allow sufficient time for the new council to select and appoint Independent Members to the Committee.

Motion

C220714/1184

1. **That the term of appointment for the Independent Members of the City of Holdfast Bay Jetty Road Mainstreet Management Committee is extended for the period commencing 30 November 2014 and ending 28 February 2015.**
2. **That the term of appointment for Mark Faulkner to serve as Chair of the Jetty Road Mainstreet Management Committee is extended for the period commencing 30 November 2014 and ending 28 February 2015.**

Moved Councillor Patton, Seconded Councillor Fisk

Carried

14.4 **Request for Funds to Defend an Appeal before the Environmental Resource & Development Court for Hungry Jacks Development** (Report No: 204/14)

This report seeks Council's endorsement 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 (the Panel) made on 23 April 2014. The appeal is against the Panel's decision to refuse an application for the demolition of an existing office and dwellings, and construction of a two-storey detached dwelling and 24 hour restaurant (Hungry Jack's) with associated advertising signage, car parking and landscaping.

Motion

C220714/1185

Council endorses funds to be spent 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 the demolition of an existing office and dwellings, and construction of a two-storey detached dwelling and 24 hour restaurant (Hungry Jack's) with associated advertising signage, car parking and landscaping.

Councillors Clancy, Huckstepp and Looker declared an interest in the matter due to their membership on the Development Assessment Panel and left the meeting at 9.04 pm.

Moved Councillor Lonie, Seconded Councillor Yates

Carried

Councillor Lonie called for a division:

Those voting for: Councillors Patterson, Bouchée, Dixon, Donaldson, Fisk, Lonie, Patton, Yates and Roe (9)

Those voting against: Nil

Councillors Clancy, Huckstepp and Looker rejoined the chamber at 9.08pm

14.5 Request for Funds to Defend an Appeal before the Environmental Resource & Development Court for Brighton Crash Repairs (Report No: 205/14)

This report seeks Council's endorsement 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 (the Panel) made on 27 March 2013. The appeal is against the Panel's decision to refuse an application for the demolition of an existing dwelling to allow for a car park associated with adjacent premises occupied by Brighton Crash Repairs.

Motion

C220714/1186

Council endorses funds to be spent 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 the demolition of an existing dwelling to allow for a car park associated with adjacent premises occupied by Brighton Crash Repairs.

Councillors Clancy, Huckstepp and Looker declared an interest in the matter due to their membership on the Development Assessment Panel and left the meeting at 9.08 pm.

Moved Councillor Yates, Seconded Councillor Lonie

Carried

Councillors Huckstepp, Clancy and Looker rejoined the chamber at 9.12pm

Councillor Lonie left the chamber at 9.11pm

Councillor Lonie rejoined the chamber at 9.12pm

Councillor Roe left the chamber at 9.13pm

Councillor Roe rejoined the chamber at 9.15pm

14.6 Glenelg Foreshore Redevelopment (Report No: 215/14)

This report seeks Council's endorsement on the Glenelg Foreshore Master Plan, so that construction of Stage 1 can commence.

In 2013 Council was successful in securing Federal funding for the redevelopment of the Glenelg Foreshore. The foreshore Master Plan will amplify the iconic status of the Glenelg Foreshore, by providing new community facilities. The Glenelg

Foreshore remains one of the state's premier coastal destinations; however a lack of shade and shelter can leave the foreshore inhospitable during seasonal weather.

The space is well used for programmed events, however the Master Plan provides the opportunity to provide better public amenities (including toilets and change rooms) and passive recreational spaces.

A larger vision for the whole precinct has been developed through this Master Plan process that can be implemented at a later stage when more external funding has been secured. Therefore this report is focused on stage 1 works of the Master Plan.

Motion

C220714/1187

That Council endorse the progression of the conceptual Glenelg Foreshore Master Plan, so that a detailed design can be brought back to Council for discussion and approval prior to commencement of construction on site.

Moved Councillor Bouchee, Seconded Councillor Donaldson

Carried

14.7 **Review of Incentives Available to Owners of Heritage Listed Properties** (Report No: 217/14)

This report is in response to a recent Council resolution seeking a review of the current incentives offered to owners of heritage listed properties. This report provides background to the rebate and outlines other alternatives that Council has undertaken.

Motion

That this item be adjourned.

Moved Councillor Looker, Seconded Councillor Clancy

The vote was tied.

His Worship the Mayor in exercising his casting vote, voted against the motion.

The motion was

Lost

Motion

C220714/1188

That Council reaffirms its support for the current heritage rate rebate as the most equitable option at this time.

Moved Councillor Donaldson, Seconded Councillor Yates

Carried

14.8 Review of the Use of the Former Brighton Town Hall (Report No: 224/14)

There has been a long history of investigations undertaken to report on the condition, possible usage, restoration, and development options of the former Brighton Town Hall. A number of options for the former Brighton Town Hall and surrounding Council properties have been canvassed and investigated. These investigations and their associated reports focus on the responsible stewardship of the Council's property portfolio to provide the maximum benefit for the community and ensuring the locally listed heritage former Brighton Town Hall is properly protected.

Motion

That this item be adjourned until the Minister advises of his intent.

Moved Councillor Donaldson, Seconded Bouncillor Bouchee

Lost

Motion

That Council write to the Minister of Planning to expedite the release from community land status of the heritage listed Old Brighton Town Hall to reaffirm Council's decision to sell the property, reduce debt and free funds for investment in needed community facilities at Brighton Oval.

Moved Councillor Looker, Seconded Councillor Clancy

The vote was tied.

His Worship the Mayor called for a Division:

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

Those voting against: Councillors Patterson, Bouchée, Donaldson, Fisk, Lonie, and Yates (6)

His Worship the Mayor exercised a casting vote and voted against motion.

His Worship the Mayor declared the motion

Lost

Councillor Bouchee left the chamber at 9.48pm

Councillor Bouchee rejoined the chamber at 9.49pm

Councillor Clancy left the chamber at 9.53pm

Councillor Clancy rejoined the chamber at 9.55pm

14.9 2013-14 Budgets Carried Forward (Report No: 225/14)

As at 30 June 2014, a number of programs in Council's 2013/14 annual business plan and budget are incomplete as a result of delays arising from external factors, or where the project spans more than one budget year. A number of major redevelopment projects are listed in this report including the Brighton Caravan Park \$2.7m, Kauri Parade \$1.08m and the Patawalonga Barrage Gates and Boat Lock

project \$700,000. Completion will require an allocation of funds in the form of a 'carry forward' from 2013/14 to the 2014/15 budget.

Motion

C220714/1189

That capital expenditure of up to \$5,941,895, capital income of up to \$2,445,620 and net operating expenditure of up to \$141,382 from the 2013/14 budget be carried forward for expenditure in 2014/15.

Moved Councillor Yates, Seconded Councillor Fisk

Carried

Councillors Looker and Patton left the meeting at 10.07pm

14.12 Structure of the Metropolitan Seaside Council's Committee (Report No: 230/14)

The Purpose of this report is to inform the Council, being a Constituent Council of the Metropolitan Seaside Councils Committee Incorporated ("the MSCC") of the proposal to change the structure of the MSCC from that of an incorporated association to one of an unincorporated group and the reasons why this has been proposed; and to seek the Council's support to progress this proposal.

Motion

C220714/1190

- 1. That the Report titled "The Structure of the Metropolitan Seaside Council's Committee" ("MSCC") be received and noted.**
- 2. That the Council supports the proposal to change the structure of the MSCC from an incorporated association to an unincorporated group.**
- 3. That the Council endorses the draft Memorandum of Understanding and Terms of Reference and authorises the Chief Executive Officer to take all necessary steps to execute the Memorandum of Understanding on behalf of the Council, including undertaking any necessary negotiations to determine the order in which Host Councils are to be appointed under the MOU.**
- 4. That in line with the proposals outlined in this Report, Council authorizes the CEO to:**
 - a. Invoice the MSCC for an amount of \$2,815.00. This amount represents an administrative fee that together with the same amount for all Constituent Councils, will collectively amount to 100% of the final funds of the MSCC, less any costs associated with the winding up of the Association.**
 - b. Make a financial contribution of \$2,815.00 (noting that this amount is equivalent to the administrative fee detailed above) to the Host Council for the unincorporated MSCC as a form of 'start-up' funding.**

Moved Councillor Dixon, Seconded Councillor Yates

Carried

Councillor Patton rejoined the meeting at 10.09pm

15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil

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

17. ITEMS IN CONFIDENCE

17.1 **Sale of Land - Lot 48 MacFarlane Street, Glenelg North (Report No: 229/14)**

Motion

C220714/1191

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:
 - d. commercial information of a confidential nature (not being a trade secret) the disclosure of which –
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (ii) would, on balance, be contrary to the public interest.

Moved Councillor Lonie, Seconded Councillor Yates

Carried

Sale of Land - Lot 48 MacFarlane Street, Glenelg North (Report 229/14)

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

Motion

C220714/1192

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: 229/14) 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)(d) until the sale contract has been executed.

- 2. This resolution will be reviewed within 12 months or the Chief Executive Officer is authorised by the Council to release the report, minutes and attachments at settlement of the sale of the property.**

Moved Councillor Lonie, Seconded Councillor Yates

Carried

CLOSURE

The Meeting closed at 10.15pm.

CONFIRMED Tuesday 12 August 2014

MAYOR