

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 23 September 2014 at 7:01pm.

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 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
Manager Organisational Sustainability – PE Aukett

1. OPENING

His Worship the Mayor declared the meeting open at 7.01pm.

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

- 5.1 Stormwater South Australia Commendation

Council has been awarded a commendation by Stormwater South Australia for the work that the Cities of Holdfast Bay and Marion have done in strategic and master planning for Water Sensitive Cities project.

- 5.2 2014 KESAB Sustainable Cities Award

On August 28 the City of Holdfast Bay was the successful winner of the SA 2014 KESAB Sustainable Cities Award. The application included many of the initiatives in the Eco City Plan 2012-15. Some of the innovations highlighted were our award winning interpretive indigenous gardens, Healthy Holdfast Projects, Greening Our Community Grants, Food to Greens, Wheelie Bin Jackpot, Public Waste Recycling, maintenance and improvement of our dunes and gullies, Biodiversity Corners, energy reduction projects, cycling infrastructure, water management and conservation projects, and heritage and culture programs.

6. DECLARATION OF INTEREST

Members were reminded to declare their interest before each item.

7. CONFIRMATION OF MINUTES**Motion****C230914/1243**

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

Moved by Councillor Donaldson, Seconded by Councillor Clancy

Carried**8. PUBLIC PRESENTATIONS**

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

9. QUESTIONS BY MEMBERS

- 9.1 **Without Notice** - Nil
- 9.2 **With Notice**

9.2.1 Questions on Notice – Deed of Gift – John Miller Reserve – Councillor Looker (Report No: 309/14)

Councillor Looker asked the following question:

“Will Administration please advise council of the terms of the deed of gift for the John Miller Reserve in particular to the placement of buildings on the site?”

ANSWER – Manager Organisational Sustainability

On 22 December 1939, Mrs Bessie Miller made a Deed of Indenture providing that a portion of land on the foreshore be gifted to the then Municipality of Brighton.

The Indenture outlines the trusts on which the park is held by the Council, being: to set aside and dedicate the land as a *“public park garden and pleasure ground for the use and benefit of the inhabitants of the Municipality of Brighton and all other persons resorting thereto.”*

In 1950 the Somerton Yacht Club successfully petitioned Mrs Miller to allow them to occupy a portion of the reserve. In 1954 an act of the South Australian Parliament, *The John Miller Park Act (“the Act”)* provided that the Club could lease a portion of the Reserve. Recent searches have confirmed that this 1954 Act remains in force.

The Act does list three restrictions over any such lease:

1. The area subject to the lease must not exceed one quarter of an acre in area; and
2. The term of any lease shall not exceed 15 years and may be granted on any such terms, conditions and restrictions as are deemed fit by the Corporation (City of Holdfast Bay) provided that no buildings, fences or other structures are erected on the land except with the prior approval in writing of the Council; and
3. No such lease shall be granted during the lifetime of Ms Bessie Edith Miller unless Ms Miller approves of the lease.

Therefore, the Council will be acting lawfully and entirely within its rights to grant a lease to the Somerton Yacht Club where the area of the lease does not exceed one quarter of an acre in area (1/4 of an acre = 1011.714 square metres) and the term of the lease does not exceed 15 years. Since Mrs Miller is deceased her approval is not required.

9.2.2 Questions on Notice – Financial Update on Brighton Caravan Park Redevelopment – Councillor Bouchee (Report No: 310/14)

Councillor Bouchee asked the following question at the Council Meeting held 9 September 2014, which was taken on notice and an answer is provided below.

“Councillor Bouchee asked for a financial update on the Brighton Caravan Park redevelopment.”

ANSWER – Manager Organisational Sustainability

As was reported to Council in August 2014 (Report No: 273/14) Council’s expenditure in the previous financial year on the redevelopment for the Brighton Caravan Park was approximately \$260,000

The table below shows the actual figures up to the end of the financial year, and further includes expenditure in the 2014/15 financial year to date.

Item	Actual (\$) June 2014	Actual (\$) September 2014
Office Equipment	\$6,371	
Infrastructure Upgrades	\$70,230	\$4,230
Plant and Equipment	\$59,962	
Cabins	\$95,518	\$49,173
Furniture and Fittings	\$37,445	\$7,304
Total	\$269,526	\$60,707
Balance Available	\$2,730,474	\$2,669,767

As reported in Council’s Report No: 285/14 on 9 September 2014, a further \$75,000 was paid to FreeSpirit over the course of 12 months as a project management fee.

10. MEMBER’S ACTIVITY REPORTS

10.1 Western Region Waste Management Authority

Councillor Bouchee provided an update on the Western Region Waste Management Authority’s activities.

10.2 Holdfast Bay Community Centre

Councillor Donaldson reported that she and Councillor Looker attended a board meeting of the Holdfast Bay Community Centre.

10.3 Jetty Road Mainstreet Management Committee Traders Award Night

Councillor Patton reported that he attended Jetty Road Mainstreet Management Committee Traders Award Night.

10.4 Rejuvenate the Original Brighton Town Hall

Councillor Yates reported that she and Councillors Patterson, Lonie and Donaldson attended the Rejuvenate the Original Brighton Town Hall day.

10.5 Southern Region Waste Resource Authority

Councillor Yates reported that she and Councillor Huckstepp attended a Southern Region Waste Resource Authority board meeting.

11. MOTIONS ON NOTICE

11.1 **Motion on Notice – Road Reserve Brighton – Councillor Looker** (Report No. 312/14)

Motion

C230914/1244

That the 2015/2016 budget include provision for the design and landscaping of the eastern road reserve between McPherson Street and the train line to create an attractive entrance to Brighton including the tall trees that have been excluded from future plantings of the median strip.

Moved Councillor Looker, Seconded Councillor Yates

Carried

Background

The road reserve between McPherson Street and the train line is wide enough to carry a complying footpath and significant landscaping which would make for an attractive entrance to Brighton. Under DPTI regulations the car park entrance onto Brighton Road will need to be closed allowing landscaping all the way to the tracks potentially softening the industrial look at present caused by the railway. With DPTI also making it clear that they no longer approve planting of trees in the median strip this is an opportunity to continue the plantings of Eucalyptus Maculata or similar large tree to further soften the visual impact of the main road and surrounds.

12. ADJOURNED MATTERS - Nil

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

13.1 **Minutes - Development Assessment Panel – 27 August 2014** (Report No: 286/14)

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

The minutes of the Development Assessment Panel meeting held 27 August 2014 are presented to Council for information.

Motion**C230914/1245**

That the minutes of the Development Assessment Panel meetings held on 27 August 2014 be received.

Moved Councillor Looker, Seconded Councillor Clancy

Carried**14. REPORTS BY OFFICERS****14.1 Items in Brief (Report No: 302/14)**

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**C230914/1246**

That the following item Holdfast Bay Dry Areas be noted and items of interest discussed.

Moved Councillor Lonie, Seconded Councillor Patterson

Carried**14.2 Greening our Community Grants 2014-15 (Report No: 301/14)**

The Greening Our Community Grants are being conducted for a fourth year. Nine applications were received when the assessment panel met on 18 August 2014. The total amount applied for by the nine applicants was \$18,488. After careful and thorough assessment of all applications, the panel recommended that seven applicants receive the full amount of funding applied for and two receive partial funding applied for.

Motion**C230914/1247**

That Council approves funding for nine Greening Our Community grant applications for the 2013-2014 financial year.

Moved Councillor Yates, Seconded Councillor Lonie

Carried**14.3 Monthly Financial Report – August 2014 (Report No: 308/14)**

Presented were financial reports as at 31 August 2014. They comprise a Funds Statement and a Capital Expenditure Report for Council's municipal activities and Alwyndor Aged Care.

Motion**C230914/1248**

That Council receives the financial reports to 31 August 2014 and notes that there has been no change to the budget and notes the anticipated budget variances identified within this report.

1. **Municipal Activities**
 - a projected operating surplus for 2013/14 of \$4k
 - a projected capital expenditure for 2013/14 of \$16 million
 - a projected funding requirement for 2013/14 of \$563k

2. **Alwyndor Aged Care**
 - a projected operating surplus for 2013/14 of \$477k
 - a projected capital expenditure for 2013/14 of \$1.8 million
 - a projected funding requirement for 2013/14 of \$751k

Moved Councillor Looker, Seconded Councillor Huckstepp

Carried

14.4 **Somerton Yacht Club – Results of Community Consultation** (Report No: 304/14)

In July this year Council resolved to consider the outcomes of formal community consultation in respect to its earlier decision to enter into a 5 year lease with the Somerton Yacht Club over a portion of land on John Miller Reserve.

Investigations have confirmed that the concerns raised by a group of residents are outweighed by a strong community belief that the Somerton Yacht Club should remain in its current location. Community consultation conducted on the proposal to offer the Club a 5 year lease in its current location has shown overwhelming support for the proposal.

Motion

C230914/1249

1. **That Council notes the outcomes of the community consultation contained in the attached report; and**

2. **That Consistent with its earlier resolution of 8 April 2014, Council authorises the CEO to prepare and execute a lease with the Somerton Yacht Club over the land described as portion of Certificate of title Volume 5725 Folio 34 for a period of 5 years from 1 August 2014.**

Moved Councillor Bouchee, Seconded Councillor Patterson

Carried

14.5 **Outdoor Dining – JRMCM Request for Reduction in Fees** (Report No: 305/14)

The Jetty Road Mainstreet Management Committee was approached by Crema and Europa to look at discounting outdoor dining fees during the quieter winter months as the outdoor area is rarely frequented by patrons during this period.

Motion

C230914/1250

That Council reduces the outdoor dining fees for business premises on the southern side of Moseley Square by 25% from 1 April to 1 October each calendar year.

Moved Councillor Dixon, Seconded Councillor Patton

Carried

Councillor Patton left the chamber at 7.32pm.

14.6 **Glenelg Footballers' Club – Application for Variation of Liquor and Gaming Licence** (Report No: 307/14)

The Glenelg Footballers' Club has lodged an application with Consumer and Business Services seeking to amend the hours of trade for both liquor and gaming rights as outlined on Club Licence 50900195. The proposal seeks to increase the trading rights by one (1) hour Monday to Wednesday and three (3) hours on Sunday morning in order to create a consistent approach to the operation of the club for patrons/customers. The amendment will permit the club to operate Monday to Saturday between 8:00am to 2:00am the following day, and Sunday between 8:00am and 11:00pm.

By supporting this application it brings the Glenelg Footballers' Club into line with other licensed premises within Holdfast Bay; thus minimising patron migration between different licensed premises in the early hours of the morning and creating a consistent approach to the operation of the individual business.

The Glenelg Footballers' Club is now seeking Landlord consent and Council endorsement in order to advise Consumer and Business Services in relation to this matter.

Motion

C230914/1251

That Council advise Consumer and Business Services that it supports the application to amend the existing extended trading authorisation of Liquor and Gaming Licence No.: 50900195 to include:

- i. **Monday to Wednesday 1:00am to 2:00am; and**
- ii. **Sunday 8:00am to 11:00pm**

Councillor Patton rejoined the chamber at 7.34pm.

Moved Councillor Bouchee, Seconded Councillor Huckstepp

Carried

14.7 **Expert Panel Report on Planning Reforms** (Report No: 311/14)

In August 2014, South Australia's Expert Panel on Planning Reform released its 'Our Ideas for Reform' Report and is seeking feedback by 26 September 2014.

One of the more significant proposals in the Report is a change in roles, responsibilities and participation in the planning system. This includes a proposal to create a network of regional planning boards and panels to act as decision-makers and coordinate planning functions, including strategic and policy development and decisions on development proposals.

This report provides a response to the State Government in relation to the Expert Panel's proposal to elevate coordination and decision-making on planning matters to a regional rather than local level.

Motion**C230914/1252**

1. That Council endorse the draft letter of response to the Minister for Planning located at Attachment 1 to Report 311/14 in response to the Expert Panel on Planning Reforms ideas paper and proposals to establish regional planning boards and panels.
2. That a copy of the letter to the Minister also be forward to the Expert Panel on Planning Reform, Local Government Association and interested councils.
3. That Council notes that Administration will provide a more comprehensive submission to the Expert Panel on Planning Reform in response to the 27 proposals for planning reform by the Panel's 26 September 2014 deadline.

Moved Councillor Lonie, Seconded Councillor Yates

Carried**15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil****16. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING****Motion****C230914/1253**

That the urgent business report be received and noted.

Moved Councillor Bouchee, Seconded Councillor Lonie

Carried**16.1 URGENT BUSINESS – Lapse of Minda Development Plan Amendment (Report No: 315/14)**

The Minister for Planning the Hon John Rau MP, has written to the Mayor, Dr Ken Rollond, advising that he has decided to use his powers under the *Development Act 1993* to lapse the Development Plan Amendment (DPA) for the Minda campus, currently being prepared by Council. He has also advised that he will be preparing a Ministerial DPA for the site.

A draft letter has been prepared in response to the Minister's letter and is attached to this report for Council's endorsement prior to sending to the Minister.

Motion**C230914/1254****That Council:**

1. Notes the Minister of Planning, the Hon John Rau's letter attached to this report.

- 2. Endorses the draft letter in reply, also attached to this report and including background information outlining the community response to the original master plan and reason for the revised masterplan.**

Moved Councillor Clancy, Seconded Councillor Donaldson

Carried

- 16.2 Letter of Thanks

Motion

C230914/1255

That Council write to the retiring Manager of the Holdfast Bay Community Centre, Ms Innes Raimondo to thank her for her outstanding service to the community in managing the Holdfast Bay Community Centre since 1998 and present her with a token of our appreciation.

Moved Councillor Looker, Seconded Councillor Clancy

Carried

- 16.3 Wigley and Colley Reserves

Councillor Dixon asked a question regarding the perceived reduction in the size of Colley and Wigley reserves.

The Chief Executive Officer, Mr J Lynch took the question on notice.

- 17. ITEMS IN CONFIDENCE - Nil**

CLOSURE

The Meeting closed at 7.59pm.

CONFIRMED 14 October 2014

MAYOR