

CITY OF HOLDFAST BAY

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 15 December 2009 at 7:03pm.

PRESENT

His Worship the Mayor	A K Rollond
Councillor	R D Beh
Councillor	R M Bouchée
Councillor	P N Crutchett
Councillor	J L Deakin
Councillor	L R Fisk
Councillor	P D H Heysen – 8:09pm
Councillor	J D Huckstepp
Councillor	S C Lonie
Councillor	T D Looker
Councillor	A C Norton
Councillor	L van Camp
Chief Executive Officer	J P Lynch
General Manager City Assets	S G Hodge
General Manager City Services	R A Thomas
General Manager Corporate Services	I S Walker

1. Opening

His Worship the Mayor declared the meeting open at 7:03pm.

2. Kurna 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 Councillor R A Clancy
- 4.2 Absent Nil

5. Items Presented to Council

5.1.1 2009 Australian Safer Communities Awards – National Award Winner

At the national 2009 Australian Safer Communities Awards the Community FloodSafe project was announced as the Winner in the Local Government (collective) Category for the Community FloodSafe Project “Better FloodSafe than sorry”.

FloodSafe is a partnership between local councils and state and federal governments.

The FloodSafe program is funded by the Federal Government through Emergency Management Australia, and local funding from Councils including Adelaide, Mitcham, Marion, Unley, Holdfast Bay and West Torrens. The key creek systems in the program include Brown Hill, Keswick, Sturt, Chamber, Minno and the Patawalonga.

The FloodSafe program uses existing State Emergency Service volunteers, as well as new community volunteers with good presentation skills, to reach into communities to raise awareness in flood-prone areas. Initiatives will include articles in Council newsletters, street corner meetings, community group meetings, internet sites, brochures, school education and public relations. The focus will be risk, consequences and self-help.

5.1.2 Jetty Road Mainstreet Management Committee Award – Best Business Presentation, Services Category – Bay Discovery Centre

His Worship the Mayor presented the Jetty Road Mainstreet Management Committee - Best Business Presentation, Services Category awarded to the Bay Discovery Centre at the Traders Christmas Party on 30 November 2009.

The Jetty Road Mainstreet Management Committee Awards program is designed to recognise continually improving standards of customer service and business presentation. Every business within the Precinct is entitled to vote

5.1.3 Certificate of Appreciation – Come Out for Carers 2009

His Worship the Mayor presented a certificate presented to Council in recognition of our contribution to the Come Out for Carers 2009.

6. Declaration of Interest

Members were reminded to declare their interest before each item.

7. Confirmation of Minutes

C151209/636

Councillor Looker moved and Councillor Huckstepp seconded that the minutes of the Ordinary Meeting of Council held on 24 November 2009 be taken as read and confirmed.

CARRIED

8. Questions by Members

8.1 Without Notice

8.1.1 Channel into Patawalonga

Councillor Fisk asked a question regarding complaints he has received from boat users regarding the channel in front of the Patawalonga, it can be dangerous during windy and high tide conditions. Is Council liable.

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

8.1.2 Inner Southern Business Enterprise Centre

Councillor Bouchée asked if there would be a report on ISBEC looking at its long term financial viability and our membership.

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

8.1.3 Holdfast Shores

Councillor Bouchée asked a question regarding two bars which were restaurants, has their liquor licensing changed. Can Administration provide assistance.

The General Manager City Services, Ms R Thomas provided a response.

8.1.4 Local Government Association

Councillor Bouchée expressed her disappointment in the contact and support the Local Government Association has with the representatives it has on outside bodies. She asked questions regarding the amount which we pay as membership and if there were any further issues which need to be addressed.

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

8.1.5 Glenelg Tourist Tram

Councillor Looker asked a question regarding the way that the level of patronage on the new Glenelg Tourist Tram is being monitored.

His Worship the Mayor took the question on notice.

8.1.6 Glenelg Oval Toilet Block

Councillor Crutchett congratulated everyone involved in the restoration of the Glenelg Oval Toilet block, near Air Raid Shelter. Councillor Crutchett asked that letters of thanks be sent to everyone involved in this project, particularly youth involved. Councillor Crutchett suggested that Administration investigate if there are further projects which this program could work on in Holdfast Bay eg Holdfast Bay Tennis Club.

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

8.2 With Notice

8.2.1 Liquor Licensing

At the Council Meeting held 11 November 2009, Councillor Bouchée asked:

Can Administration advise if we licence venues and they are changing a specific restaurant liquor licence to a general facilities licence. Is Council notified?

The General Manager, City Services, Ms R Thomas's answer.

- **If a licensed premise applies to change a liquor licence e.g. from a Restaurant Licence to a Special Circumstances Licence (previously called a " General Facility Licence") the Office of Liquor and Gambling Commissioner cannot approve any licence unless they have all consents, exemptions etc, that are required.**
- **When a licensed premise applies to change a liquor licence it would be required to provide Council approval to Office of Liquor and Gambling Commissioner. If, however, Council considered the proposal to also constitute a change of use and needed a new development application to be submitted, the Office of Liquor and Gambling Commissioner would not be able to grant the new licence until all Council approvals were complete.**
- **The applicant would have to notify Council if a change in liquor licence was submitted to Office of Liquor Gambling Commissioner, Council would then have the opportunity to comment.**
- **If however a licensed premise changed ownership and the liquor licence was not changing then Council would not be notified. It is not a requirement for Council to be notified of new owners at a licensed premises.**

9. Member's Activity Reports

9.1 Mayoral Report (Report No: 591/09)

Presented for the Information of Members is a summary of my activities for the Month of November 2009.

C151209/637

Councillor Bouchée moved and Councillor Lonie seconded that the report be received and noted.

CARRIED

10. Public Presentations

10.1 Petitions

10.1.1 Oleander Trees, Whyte Street Somerton Park

A petition has been received from 40 residents, 25 of whom reside in Whyte Street at 23 individual addresses regarding the removal of Oleander Trees from Whyte Street.

The petition states as follows:

“We, the undersigned, object to plans by the City of Holdfast Bay to eliminate the Oleander Trees from Whyte Street, Somerton Park. These trees are a feature of our street and form a most attractive part of the suburban streetscape.

Oleanders tolerate salt air, poor soils and drought, so require very little maintenance. They are evergreen and have spectacular long lasting flowers.

We are aware that the Oleander has a reputation for toxicity but they have been planted in our street for generations now, as well as in many gardens in the district, but we have not heard of any incidents resulting from this aspect of them.

We believe the perceived risk can be mitigated very simply by annual trunk trimming to keep the foliage at sufficient height to be out of reach of children. If the Council were to replace the Oleanders the new trees would be subject to vandalism and would take years to become established. We have witnessed the failed attempts to establish Pittosporum trees at the western end of Whyte Street.”

Attached for the information of Elected Members is the petition. Administration has verified that the number of signatures presented is 40.

Mrs Pam Hamilton made a presentation to Council regarding the petition and answered Councillors questions.

C151209/638

Councillor Looker moved and Councillor Norton seconded that Council :

- 1. That the petition be received by Council.**
- 2. That the head petitioner, Mr Hugh Hamilton be advised of Council’s decision.**

CARRIED

C151209/639

Councillor Norton moved and Councillor Fisk seconded that the residents of Whyte Street be contacted again regarding the Street Tree Strategy, the proposed Environmental Project and the removal of the Oleander Trees and that a report be presented to Council for further consideration, including the issue of their toxicity.

CARRIED

The General Manager City Assets, Mr S Hodge’s comment.

The petition is objecting to a Council decision to replace the Oleander trees in Whyte Street.

At its meeting of 24 April 2007 Council resolved that:

- 1. That all Oleander trees in Whyte Street, Somerton Park, be removed and replaced by an appropriate tree species, subject to the allocation of a \$20,000 budget through the 2007/08 discretionary budget process.*
- 2. That Administration report back to Council after consulting with Ward Councillors regarding the replacement trees proposed in the Street*

Tree Strategy, for Whyte Street, Somerton Park in order to improve the long term aesthetics of the streetscape, given the high profile and usage of the street.

3. *That Oleander trees existing on Council land along the railway corridor be removed for and replaced with an appropriate screening plant as part of a staged process, beginning in the 2008 planting season after consultation with the affected residents.*
4. *That individual Oleander trees existing as street trees in other streets throughout the City be removed as part of the block pruning program and be replaced in the following planting season.*
5. *That Oleander trees existing in Open Space areas be removed through a staged removal, consistent with the Open Space Strategy.*
6. *That residents affected by the removal of any Oleanders be notified prior to their removal.*

Following this resolution Council subsequently resolved that:

This decision would be referred to the Tree Advisory Working Party to decide on species and undertake a public consultation process with the affected residents.

In late September 2009 letters were delivered to the 84 individual residences advising of Councils decision.

From this consultation process two responses were received, one seeking clarification on the proposed species and one asking "when was the last time someone was poisoned".

Councils Tree Advisory Working party has subsequently resolved that the Oleanders will be replaced with *Angophora hispida* – Dwarf Apple Tree (from Tarlton Street to the Esplanade) and *Platanus acerifolia* – London Plane from Brighton Road to Tarlton Street.

10.2 Presentations Nil

10.3 Deputations Nil

11. Motions on Notice

11.1 Dry Zone – Areas not Covered in Glenelg and Glenelg South

In accordance with her notice:

C151209/640

Councillor Bouchée moved and Councillor Deakin seconded that the Chief Executive Officer initiate an investigation into the implementation of a dry zone of those areas not covered at the present time in Glenelg and Glenelg South to operate from 11:00pm to 7:00am.

CARRIED

Background

As can be read from the issues brought up by many residents of this City, the majority of problems outside of those occurring in Moseley Square, are the groups of people walking from Pub to Pub, Venue to Venue with drinks/alcohol which they purchased at the drive throughs or have taken from the venue. Not only does the behaviour deteriorate as they travel down the street i.e. shouting swearing vandalism and fighting but bottle throwing is now one the favoured pastimes.

After several discussions with the Police, this type of motion was composed.

I do not want to impose on social drinking by residents on the foreshore or create problems for Fassina etc, but it will give Police the legislative power to arrest if problems arise.

Moseley Square is a Dry Zone but not Jetty Road, Glenelg and I have witnessed people walking with beer/alcoholic drinks in their hands. Moseley Street, Pier Street, High Street, The Broadway, Penzance Street and Colley Terrace are the travel areas of these people.

It has also been noted that groups of people are converging on the area just south of Kent Street and are beginning to cause some issues.

Administration did attempt to implement a Dry Zone over Glenelg/Glenelg South but this was not supported by the Liquor Licensing Commission BUT with the support of Neighbourhood Watch/the Police and Council this may be an acceptable compromise.

11.2 Parking Problems on Maturin Road, Glenelg

Councillor Looker left the Chamber at 7:36pm.

Councillor Looker rejoined the Chamber at 7:37pm.

Councillor Beh left the Chamber at 7:38pm

Councillor Beh rejoined the Chamber at 7:39pm.

In accordance with her notice:

C151209/641

Councillor Bouchée moved and Councillor Fisk seconded that the Chief Executive Officer investigate and report on possible solutions in relation to the parking problems being experienced by the residents/ratepayers in Maturin Road, Glenelg.

CARRIED

Background

As was commented on by Councillor Fisk, the timed parking in Cowper St Car park, Coles and Woolworth's has created a major issue in this street. Parking is on one side but visitors, tradespeople and deliveries (including Meals on Wheels) are unable to park.

Previously this problem was sporadically occurring at the same time as events and school holidays but it is now all day and everyday.

The General Manager City Assets, Mr S Hodge's comment.

Maturin Road is approximately 300 metres from Jetty Road and whilst there is no parking on the southern side there are approximately 40 parking spaces on the northern side with twenty four hour parking. Murray Mudge Aged Care Home is on the Western end of Maturin Road and obviously has a substantial workforce on a twenty four hour rostered basis who would undoubtedly avail themselves of parking in the street when available.

Council could resolve to introduce timed parking in Maturin Road but this could simply cause a transfer of any perceived problem to other areas.

12. Adjournment for Permanent Committees to meet

C151209/642

Councillor Looker moved and Councillor Beh seconded that Council stand adjourned to enable the following committees to meet:

- Social and Organisation Committee; and**
- Strategy and Development Committee**

CARRIED

13. Social and Organisation Committee

Councillor Heysen joined the meeting at 8:09pm.

14. Strategy and Development Committee

15. Economic and Corporate Committee

16. Environment and Engineering Committee

17. Resumption

C151209/643

Councillor Bouchée moved and Councillor Beh seconded that Council resume at 9.27pm.

CARRIED

18. Minutes - Social and Organisation Committee

The Chairperson, Councillor Lonie reported that the Social and Organisation Committee had met this evening and had processed the business contained in the agenda documents.

C151209/644

Councillor Beh moved and Councillor van Camp seconded:

- 1. That the report of the Chairman of the Social and Organisation Committee, and the Committee agenda documents together with Administration recommendations be received.**
- 2. That the recommendations of the Social and Organisation Committee be adopted as follows:**

13.6.1 Wood Fired Oven

C151209/644.1

That Administration investigates and report to Council on the possibility of constructing a "Community wood fired oven" in a suitable location in Holdfast Bay. The report would look at possible locations, design and construction costs and possible partners such as local service clubs who

may be interested in involvement in this project.

Background

Cooking on a wood fired oven has become popular and many people have constructed one in their own back yards. Other who may wish to occasionally cook this way may appreciate access to a community owned one for the occasional treat. The City of Albury constructed a wood fired oven in a local park for community use and it has proved to be a great success in many ways. As a community focal point the idea of situating one in Holdfast Bay has merit. A location such as Partridge House would enable it to be monitored and if too popular could be booked for family or club activities. Supplies of firewood could be sourced from our own street tree trimmings. It may be that a local service club may wish to be involved in this project and raise some funds by holding cooking events and classes. Should this project prove popular Council could consider other locations for a second or third one. This idea is worth exploring via a Council report.



Wood Fired Oven

The Albury Community Wood Fired Oven is a place to come together to cook, to share, to learn and to eat. Discover the joys of slow food, baking your own bread from start to finish, and meeting new people. The Oven is fired every second Sunday for free community use.

13.7.1 Items in Brief (Report No: 561/09)

Report No: 561/09 was presented detailing items which were presented for the information of Members

C151209/644.2

That the Committee recommends that the report be noted and items of interest be discussed.

13.7.2 Partridge Street Properties and Youth Services – Update (Report No: 557/09)

This report provides Elected Members with an update in regard to the 5 & 7 Partridge Street properties and the provision of youth services delivered through external partners. Although a time frame was set for expiry of youth service providers using the premises at 5 & 7 Partridge Street, Glenelg on the 31 December 2009 no Council budget has been provided to transform the condition of the premise into a commercially viable option. An additional six months lease would allow Council the opportunity to review the potential charges likely to be made by external bodies for youth services on a “fee for service” basis and to establish how best to redevelop the properties at 5 & 7 Partridge Street, Glenelg in readiness for commercial occupancy.

C151209/644.3

That:

- 1. Council grants an extension to the existing ‘tenant at will’ lease arrangement with the three youth service tenants occupying 5-7 Partridge Street, Glenelg, with the requirement that these tenants vacate the Partridge Street premises on or before the 30 June 2010.**
- 2. Council provides the existing youth services tenants occupying 5-7**

Partridge Street an opportunity to submit a rental proposition to Council for either 5 or 7 Partridge Street, Glenelg for future consideration.

- 3. Administration continues to implement steps to secure commercial tenants for the Partridge Street premises for occupation by 1 October 2010 and provide Council with a budget proposal to carry out the proposed repair and upgrade work to 5 and 7 Partridge Street, Glenelg by the end of February 2010 for inclusion in the 2010/11 in the budget discussions.**
- 4. Council reaffirms its support for the provision of youth assistance services within the City of Holdfast Bay and will consider an appropriate form and level of support for youth services during the 2010/11 budget deliberations.**

CARRIED

19. Minutes – Strategy and Development Committee

The Chairperson, Councillor van Camp reported that the Strategy and Development Committee had met this evening and had processed the business contained in the agenda documents.

C151209/645

Councillor van Camp moved and Councillor Deakin seconded:

- 1. That the report of the Chairman of the Strategy and Development Committee, and the Committee agenda documents together with Administration recommendations be received.**
- 2. That the recommendations of the Strategy and Development Committee be adopted as follows:**

14.7.1 Items in Brief (Report No: 589/09)

Report No 589/09 was presented detailing items which were presented for the information of Members.

C151209/645.1

That the Committee recommends that the report be noted.

14.7.1.3 State Planning Review Update from Report No: 589/09

C151209/645.2

That a workshop be held on the Residential Building Code.

14.7.1.2 Regulated Trees Bill from Report No: 589/09

C151209/645.3

That Councillor Crutchett be nominated to the Local Government Association to be part of the proposed working group regarding the Development (Regulated Trees) Amendment Bill 2009.

14.7.2 Residential Coastal and Foreshore Zones Development Plan Amendment Consultation (Report No 555/09)

The Statement of Intent to undertake a Residential Coastal and Residential Foreshore Zones and Miscellaneous Amendments Development Plan Amendment was endorsed by the Minister for Urban Development and Planning in September 2006. Since that time, a significant amount of research and investigation has occurred to develop a new set of policies for Holdfast Bay's coastal residential strip and foreshore areas that will provide more comprehensive building control, more closely represent community expectations, and align with the objectives of the Metropolitan Planning Strategy.

Following the presentation of a report to Council on 8 September 2009 and a Council workshop on 24 September 2009, the draft policies of the Development Plan Amendment (DPA) have been finalised and are now presented to Council within a draft DPA report for endorsement to undertake public and State Agency consultation.

C151209/645.4 That the Committee recommends:

- 1. That the draft Residential Coastal and Residential Foreshore Zones and Miscellaneous Amendments Development Plan Amendment Report located at Attachment 2 to Report Number 555/09 be endorsed for the commencement of public and State agency consultation in accordance with the Development Act 1993 and subject to inclusion of graphical representation of the selected Principles.**
- 2. That the draft Development Plan Amendment timeline located at Attachment 4 to Report Number 555/09 be endorsed and submitted to the Minister for Urban Development and Planning for approval.**

14.7.3 Draft Tourism Plan for Consultation (Report No 556/09)

Local government plays a vital role in the tourism industry in Australia. Councils provide many of the visible services the tourism industry needs, and play a coordinating role in shaping the image and direction of their region.

Despite the current economic climate, visitor expenditure in South Australia's tourism industry over the past ten years has increased 36%, from \$3.15 billion in 1999 to \$4.3 billion in 2008. Further growth in the value of tourism to the State is inextricably linked to the South Australian Strategic Plan target of creating a \$6.3 billion tourism industry by 2014. This ambitious target signifies not only the importance of tourism, but also the confidence of the South Australian Tourism Commission in being able to achieve sustainable growth. Holdfast Bay must remain Adelaide's premier seaside destination to benefit from this anticipated growth through market share, and Council can contribute by implementing its own strategies through an updated Tourism Plan.

The purpose of this report is to seek Council's approval to release a draft revised Tourism Plan 2010-14 for wider consultation and engagement.

C151209/645.5 That the Committee recommends:

- 1. That the draft City of Holdfast Bay Tourism Plan 2010-14 be released for consultation at the 'consult' level of community consultation under the International Association of Public Participation (IAP2) framework and in accordance with Council's Community Consultation and Engagement Policy and Procedure.**
- 2. That Administration review the consultation outcomes together with any further input from Elected Members during the consultation period and prepare a final draft of the City of Holdfast Bay Tourism Plan 2010-14 for Council's consideration for adoption.**

14.8.1 Residential Building Code

C151209/645.6 That the Chief Executive Officer send a letter to the Premier, Minister Holloway, Minister Weatherill, Presiding Member of the Climate Change

Council and the Presiding Member of the NRM Council, regarding the state planning review indicating our major concerns regarding the new principles, effects on environmental, social and economic concerns, including:

- **over shadowing**
- **solar panels**
- **trees and gardens**
- **boundary on boundary development**
- **aquifer recharging**
- **privacy**

CARRIED

20. Minutes - Economic and Corporate Committee

The Chairperson, Councillor Fisk reported that the Economic and Corporate Committee had met this evening and had processed the business contained in the agenda documents.

C151209/646

Councillor Huckstepp moved and Councillor Fisk seconded:

- 1. That the report of the Chairman of the Economic and Corporate Committee, and the Committee agenda documents together with Administration recommendations be received.**
- 2. That the recommendations of the Economic and Corporate Committee be adopted as follows:**

15.7.1 Item in Brief (Report No: 577/09)

These items are presented for the information of Members and do not require a decision.

C151209/646.1

That the Committee recommends that Report No: 577/09 be noted and items of interest discussed.

15.7.2 Budget Review 1 – as at 31 October 2009 (Report No: 578/09)

This report covers the first review of Council's 2009/2010 budget.

C151209/646.2

That the Committee recommends that Council amends the 2009/10 adopted budget arising from a budget review as at 31 October 2009 as outlined in Report No: 578/09, resulting in:

- **a reduction of \$425,765 in the operating result from a surplus of \$22,147 to a loss of \$203,618**
- **an increase in amounts received for new or upgraded assets of \$80,000**
- **an increase in capital expenditure of \$192,392**
- **a net decrease in cash of \$698,382.**

15.7.3 Coles Toilets (Report No: 579/09)

Coles has written to Council indicating that, as they have now entered into an extended agreement with the owner of the property upon which the Coles supermarket at Glenelg sits, they are in a position to consider the grant of a

new/extended licence to Council in respect of the "Coles" public toilets.

C151209/646.3

That:

- 1. Administration advise Coles that it is prepared to enter into an agreement on a 2+3+5 year basis from 8 October 2009 for the Coles Toilet facility on the same terms and conditions as the existing agreement.**
- 2. His Worship the Mayor and the Chief Executive Officer be authorised to sign and seal any documentation in regard to the above.**

15.7.4 Glenelg Football Club Loan (Report No: 580/09)

Glenelg Football Club has requested that a loan tranche maturing on 15 January 2010 be rolled over for a further 2 to 3 year term. Having regard to Council's concerns with the security attaching to its loan to the Club, it is recommended that the loan tranche be rolled over for a short term to provide a window to resolve these matters.

C151209/646.4

That:

- 1. Council accepts \$25,000 additional repayment of loan principal from Glenelg Football Club**
- 2. Council advises Glenelg Football Club that the remaining \$268,537 loan principal maturing on 15 January 2010 will be rolled over for a term of 90 days at an interest rate equal to that quoted by the LGFA for the same term plus a credit margin of 0.25%pa in accordance with Council's guidelines**
- 3. His Worship the Mayor and the Chief Executive Officer be authorised to sign and seal necessary documentation**

CARRIED

21. Minutes – Environment and Engineering Committee

The Chairperson, Councillor Huckstepp reported that the Environment and Engineering Committee had met this evening and had processed the business contained in the agenda documents.

C151209/647

Councillor Huckstepp moved and Councillor Beh seconded:

- 1. That the report of the Chairman of the Environment and Engineering Committee, and the Committee agenda documents together with Administration recommendations be received.**
- 2. That the recommendations of the Environment and Engineering Committee be adopted as follows:**

16.7.1 Items in Brief (Report No: 582/09)

Report No: 582/09 was presented detailing items which were presented for the information of Members.

C151209/647.1

That the Committee recommends that the report be noted and items of interest be discussed.

16.7.2 Street Tree Removal – 5/37 Bath Street, Glenelg South (Report No: 583/09)

Council has been requested by a resident to consider removal of one non-

significant street tree at 5/37 Bath Street, Glenelg South. The 7m high mature *Citharexylum quadrangulare*, Fiddlewood is not significant under the Development Act 1993 and is not compliant with the Street Tree Strategy.

C151209/647.2

That the Committee recommends that the street tree at 5/37 Bath Street, Glenelg South, being healthy and structurally sound should be retained.

16.7.3 Significant Tree Removal – 132 Brighton Road, Glenelg East (Report No: 584/09)

Council is requested to consider removal of one significant tree at 132 Brighton Road, Glenelg East in response to a residents concern. The 10m high mature *Eucalyptus platypus* Moort Gum is significant under the Development Act 1993 and is not compliant with the Street Tree Strategy.

Due to the risk represented by mature specimens of the *Eucalyptus platypus* Moort Gum species (dropping limbs), Council has agreed to remove all *Eucalyptus platypus* with a pilot program for their staged removal in three suburbs (Glenelg North, Brighton and Seacliff, EE220708/073). If that program is extended to further suburbs, this tree would be considered for removal.

C151209/647.3

That this tree not be removed

16.7.4 First Class Cricket – Glenelg Oval (Report No: 592/09)

Following a presentation to Council by officials of the South Australian Cricket Association (SACA) and the Glenelg Cricket Club (GCC) and consideration of a report presented to Council on 24 November 2009, Members resolved to offer 'in principle' support to develop Glenelg Oval as a venue for first class cricket.

This decision was based on Council being assured of a series of outcomes before final endorsement of the proposal is agreed.

This report details the outcome of further discussion with the various stakeholders and proposes a program of events going forward.

C151209/647.4

That the Committee recommends:

1. **That based on information received from the South Australian Cricket Association (SACA) and the Glenelg Cricket Club (GCC) and the Glenelg Football Club (GFC), Council endorses the proposal to develop Glenelg Oval for First Class Cricket.**
2. **That the revised program of works as identified by Turfwise Consulting at a total cost of \$59,191 be undertaken and funded from the Glenelg Oval Master Plan Fund.**
3. **That the Chief Executive Officer be authorised to enter into a Memorandum of Understanding with the South Australian Cricket Association (SACA).**

16.8.1 Letter to SACA regarding the Historic Scoreboard

C151209/647.5

That the Council write to the South Australian Cricket Association in the event that the scoreboard be relocated, that Glenelg be given first preference.

CARRIED

22. Reports of Committees, Subsidiaries and Development Assessment Panel

- 22.1 Minutes – Community Based Transport Needs Advisory Committee (Report No: 548/09)

Councillor Beh left the Chamber at 9:28pm

The Community Based Transport Needs Advisory Committee was established to monitor and advise on the community based transport needs within the City of Holdfast Bay.

The Minutes of the Community Based Transport Needs Advisory Committee Meeting held 10 November 2009, are attached and submitted to Council for information and endorsement noting in particular the Committee's recommendations listed below. Included with the minutes is Report No: 498/09, Expansion of Loop Bus to Southern Wards.

C151209/648

Councillor Bouchée moved and Councillor Deakin seconded that the minutes of the Community Based Transport Needs Advisory Committee be received and the following recommendation be endorsed by Council:

Expansion of Loop Bus to Southern Wards**1. That:**

- 1. The Committee recommends to Council that a rigorous marketing campaign is undertaken within the next 6 months to promote all of Council's existing transport services, particularly in the southern area, at cost of \$2,000 and that a budget variation of \$2,000 is authorised to fund the marketing campaign.**
- 2. The Committee recommends to Council that that the existing Glenelg Blue Community Loop Bus Service continue to be funded out of the Glenelg Access Strategy Reserve fund (currently \$65,000), and notes that there is no apparent likelihood of future HACC funds to supplement the cost of providing this service to the community.**
- 3. Administration monitor the outcome of the marketing campaign and report back to the Committee in the first half of 2010 regarding future recommendations in relation to an extension of the loop service to the south or otherwise.**

CARRIED**Councillor Beh rejoined the Chamber at 9:36pm.****22.2 Minutes – Glenelg Town Hall and Bay Discovery Centre Advisory Committee (Report No: 549/09)**

The Glenelg Town Hall and Bay Discovery Centre Advisory Committee was established to:

- Provide advice to Council on the strategic direction of the Bay Discovery Centre, and will consider broader issues regarding the future of the Glenelg Town Hall as a key Council asset.
- Investigate and report to Council on the future enhancements and opportunities for the Glenelg Town Hall, review the exiting operations within the Town Hall (including the Bay Discover Centre) and where appropriate, seek and consider submissions from interested stakeholders.

- In accordance with Council resolution C100309/108, operate on the premise that the Bay Discovery Centre will remain at its current location within the Town Hall.
- Not exclude other Council owned properties and/or commercial service operations where these are relevant to the future of the Glenelg Town Hall.

The Minutes of the first Glenelg Town Hall and Bay Discovery Centre Advisory Committee Meeting held 5 November 2009, are attached and submitted to Council for information and endorsement noting in particular the Committee's recommendations listed below.

C151209/649

Councillor Looker moved and Councillor Heysen seconded that the minutes of the Glenelg Town Hall and Bay Discovery Centre Advisory Committee meeting held 5 November 2009 be received and the following recommendations numbered 1, 2, 4, 5 be endorsed by Council:

Appointment of Chairperson

1. That Councillor Crutchett be elected as Chairman of the Glenelg Town Hall and Bay Discovery Centre Advisory Committee.

Future Use of the Glenelg Town Hall

2. That the Committee endorses the preparation of a Discussion Paper to assist planning the future of the Bay Discovery Centre, Glenelg Town Hall and other associated Council Activities for the Committee's consideration at its next meeting

Bay Discovery Centre Upgrades and Conversion of Former Tenancies in the Glenelg Town Hall (Report No: 509/09)

4. That the Committee recommends that Council endorse the following recommendations in the attached report :
 1. That the Committee reviews the Bay Discovery Centre upgrades in conjunction with the future of Glenelg Town Hall.
 2. That administration proceed with preparing a master plan for the above, which includes the conversion of the ground floor space in the Glenelg Town Hall formerly occupied by the Rodney Fox Shark Museum and Gift Shop into an additional interpretive display area as an extension of the Bay Discovery Centre in conjunction with the Holdfast Bay History Centre and present this to the committee at its next meeting.
 3. That the first floor balcony space be considered as a separate area in the upgrades master plan with a view to converting the space into a public reference/discovery area.
 4. That the Committee endorses that the Manager Bay Discovery Centre continues to manage the ground floor exhibition space as a changing exhibitions venue in tandem with the Mezzanine Gallery program for a six month period, until 31 April 2010, to provide adequate time for the committee to consider the recommendations in the above plan.

Use of the Council Chamber

5. That the Committee recommends to Council that Administration proceed with the planning and development of guided tours of the Chamber and provide an update on the progress of this initiative at

the Committee's next meeting.

CARRIED

A division was called

Voted For	Voted Against
R D Beh	P N Crutchett
R M Bouchée	J L Deakin
L R Fisk	A C Norton
P D H Heysen	
J D Huckstepp	
T D Looker	
S C Lonie	
L van Camp	

HIS WORSHIP THE MAYOR DECLARED THE MOTION CARRIED

AMENDMENT

C151209/650

Councillor Crutchett moved that the minutes of the Glenelg Town Hall and Bay Discovery Centre Advisory Committee meeting held 5 November 2009 be received and the following recommendations numbered 1 –5 be endorsed by Council:

Appointment of Chairperson

1. That Councillor Crutchett be elected as Chairman of the Glenelg Town Hall and Bay Discovery Centre Advisory Committee.

Future Use of the Glenelg Town Hall

2. That the Committee endorses the preparation of a Discussion Paper to assist planning the future of the Bay Discovery Centre, Glenelg Town Hall and other associated Council Activities for the Committee's consideration at its next meeting

Glenelg Tram Memorabilia Project (Report No: 501/09)

3. That the following recommendations contained within the report be endorsed:
 1. That the Glenelg Town Hall and Bay Discovery Centre Advisory Committee notes the logistical, physical and safety impediments and Government Agency advice that would preclude Tram No 361 at the northern end of St John's Row or parallel to and north of the existing tram track within Moseley Square.
 2. That the Glenelg Town Hall and Bay Discovery Centre Advisory Committee recommend to Council that Administration commence a tender process to engage an architect to design a simple enclosed display structure to house Tram No 361 as a static display in Colley Reserve South.

Bay Discovery Centre Upgrades and Conversion of Former Tenancies in the Glenelg Town Hall (Report No: 509/09)

4. That the Committee recommends that Council endorse the following recommendations in the attached report :
 5. That the Committee reviews the Bay Discovery Centre

upgrades in conjunction with the future of Glenelg Town Hall.

6. That administration proceed with preparing a master plan for the above, which includes the conversion of the ground floor space in the Glenelg Town Hall formerly occupied by the Rodney Fox Shark Museum and Gift Shop into an additional interpretive display area as an extension of the Bay Discovery Centre in conjunction with the Holdfast Bay History Centre and present this to the committee at its next meeting.
7. That the first floor balcony space be considered as a separate area in the upgrades master plan with a view to converting the space into a public reference/discovery area.
8. That the Committee endorses that the Manager Bay Discovery Centre continues to manage the ground floor exhibition space as a changing exhibitions venue in tandem with the Mezzanine Gallery program for a six month period, until 31 April 2010, to provide adequate time for the committee to consider the recommendations in the above plan.

Use of the Council Chamber

5. That the Committee recommends to Council that Administration proceed with the planning and development of guided tours of the Chamber and provide an update on the progress of this initiative at the Committee's next meeting.

HIS WORSHIP THE MAYOR RULED THE MOTION INVALID

C151209/651

Councillor Crutchett moved and Councillor Norton seconded that Administration commence a tender process to engage an architect to cost the design and construction of a simple enclosed display structure to house Tram No 361 as a static display in Colley Reserve South.

LOST

A division was called

Voted For	Voted Against
P N Crutchett	R D Beh
J L Deakin	R M Bouchée
S C Lonie	L R Fisk
A C Norton	P D H Heysen
L van Camp	J D Huckstepp
	T D Looker

HIS WORSHIP THE MAYOR DECLARED THE MOTION LOST

C151209/652

Councillor Looker moved and Councillor Beh seconded that this item be adjourned until the costs of preservation are obtained.

LOST

22.3 Minutes – Jetty Road Mainstreet Management Committee (Report No: 550/09)

The Jetty Road Mainstreet Management Committee (JRMMC) has been established to undertake work to benefit the traders on Jetty Road, Glenelg, using the levy raised for this purpose. The Council has endorsed the committees Terms of Reference and given the committee delegated authority to manage the business of the committee.

The Minutes of the Jetty Road Mainstreet Management Committee of its meeting held 11 November 2009, are attached and presented for Councils' information.

C151209/653

Councillor Heysen moved and Councillor Lonie seconded that the following minutes of the Jetty Road Mainstreet Management Committee held 11 November 2009 be received and the following recommendations numbers 1-6 be noted:

Trial Glenelg Tourist Tram Service

1. That the Jetty Road Mainstreet Management Committee contributes up to an additional \$10,000 (ten thousand dollars) to be used for mutually agreeable purposes, if necessary, to the amount already committed to the trial Tourist Tram Service.

New marketing Campaign – Presentation Outcome and Recommendation

2. That this Committee endorse the decisions made by the marketing panel and enters into a contract with the preferred candidate.

Coles Toilets and Signage (Report No: 516/09)

3. That the Committee does not support Coles' request.

Charity Event at Grand Hotel

4. That the Committee purchase ten bears from The Grand at a cost of \$400.00.

CARRIED

22.4 Minutes – Volunteer Advisory Committee (Report No: 551/09)

The Volunteer Advisory Committee was established to assist Administration in achieving an approach to Volunteer programs that is consistent with the national standards and meets best practice.

The Minutes of the Volunteer Advisory Committee meeting held 12 November 2009, are attached and submitted to Council for information and endorsement

C151209/654

Councillor Lonie moved and Councillor Huckstepp seconded that the minutes of the Volunteer Advisory Committee meeting held 12 November 2009 be received and the following recommendations numbered 1 - 3 be endorsed:

Volunteer Resource Centre Progress Report

1. That the Volunteering Development Officer should continue his review of Volunteer Resource options and that the Resource Centre Progress Report be noted.

Volunteer Recognition and Rewards

2. That all Volunteer Advisory Committee members review both circulated documents (National Volunteering Standards and the Draft City of Holdfast Bay Volunteer Policy) and provide feedback to the Volunteering Development Officer within 4 weeks.

Volunteers and the Requirement for Police Checks

3. That the Volunteering Development Officer continue to establish a process whereby all volunteers received regular police checks

without cost to them.

CARRIED

22.5 Information Report – Southern Region Waste Resource Authority
(Report No: 552/09)

Southern Region Waste Resource Authority (SRWRA) is a regional subsidiary established by the Cities of Onkaparinga, Marion and Holdfast Bay (the “constituent councils”), pursuant to Section 43 of the Local Government Act, 1999.

Under its charter, SRWRA is responsible for providing and operating waste management services on behalf of the constituent councils and ensuring that a long term waste management strategy exists in the southern region of Adelaide.

Pursuant to its charter all agendas, reports and minutes remain confidential, unless the Board resolves that the document is to be available to the public. Presented for the information of Elected Members’ is the information which the SRWRA Board has released from its meeting held on 12 October 2009 and 2 November 2009

C151209/655

Councillor Bouchée moved and Councillor van Camp seconded that information reports of the Southern Region Waste Resource Authority for its meetings held 12 October and 2 November 2009 be received and noted.

CARRIED

22.6 Minutes – Audit Committee (Report No: 553/09)

The Audit Committee is established under Section 41 of the *Local Government Act 1999*, and Section 126 of the *Local Government Act 1999* defines the functions of the Audit Committee to include:

- reviewing annual financial statements to ensure that they present fairly the state of affairs of the council; and
- proposing, and providing information relevant to, a review of the council’s strategic management plans or annual business plan; and
- proposing, and reviewing, the exercise of powers under section 130 A; and
- if the council has exempted a subsidiary from the requirement to have an audit committee, the functions that would, apart from the exemption, have been performed by the subsidiary’s audit committee; and
- liaising with the council’s auditor; and
- reviewing the adequacy of the accounting, internal control, reporting and other financial management systems and practices of the council on a regular basis.

The minutes of the Audit Committee meeting held 18 November 2009, are presented and submitted for Council for information and endorsement, noting in particular the Committee’s recommendations presented below for endorsement.

C151209/656

Councillor Looker moved and Councillor Deakin seconded that the minutes of the Audit Committee meeting held 18 November 2009 be received and recommendations numbered 1 - 5 endorsed by Council:

Appointment of Audit Committee (Report No: 513/09)

1. That the Audit Committee recommends that Report 513/09 be noted and items of interest be discussed.
2. That:
 - the term of appointment of the existing independent members of the Audit Committee be confirmed as 3 years commencing on their appointment date;
 - the vacancy on the Audit Committee arising from the resignation of Mr Jack Messenger be filled by an independent member through expressions of interest placed in the Messenger Guardian, Advertiser and, subject to timing, in the Holdfast Bay Views; and

the Audit Committee review the expressions of interest and make a recommendation to Council.

3. That the Audit Committee recommends that Council call for a report to review sitting fees paid to non-elected members of advisory and management committees taking into account skill sets, workloads and benchmarking across local government to ensure Council attracts and retains the best possible candidates.

Long Term Financial Plan (as tabled)

4. That the Audit Committee recommends that it has received and discussed a presentation on the Long Term Financial Plan and advises Council that the projections show a sound financial position and outlook with:
 - capacity to continue to deliver services, maintain assets and invest in new services and/or assets; and
 - flexibility to seize opportunities and respond to emerging issues and changing circumstances.
5. That the Audit Committee recognises the significance of Council's Asset Management Plans on the Long Term Financial Plan and supports Administration's proposal to undertake an independent review of the Asset Management Plans.

AMENDMENT

Councillor Crutchett moved that the minutes of the Audit Committee meeting held 18 November 2009 be received and recommendations numbered 1 - 5 endorsed by Council:

Appointment of Audit Committee (Report No: 513/09)

1. That the Audit Committee recommends that Report 513/09 be noted and items of interest be discussed.
2. That:
 - the term of appointment of the existing independent members of the Audit Committee be for the current term of

the Council;

- **the vacancy on the Audit Committee arising from the resignation of Mr Jack Messenger be filled by an independent member through expressions of interest placed in the Messenger Guardian, Advertiser and, subject to timing, in the Holdfast Bay Views; and**

the Audit Committee review the expressions of interest and make a recommendation to Council.

- 3. That the Audit Committee recommends that Council call for a report to review sitting fees paid to non-elected members of advisory and management committees taking into account skill sets, workloads and benchmarking across local government to ensure Council attracts and retains the best possible candidates.**

Long Term Financial Plan (as tabled)

- 4. That the Audit Committee recommends that it has received and discussed a presentation on the Long Term Financial Plan and advises Council that the projections show a sound financial position and outlook with:**
 - **capacity to continue to deliver services, maintain assets and invest in new services and/or assets; and**
 - **flexibility to seize opportunities and respond to emerging issues and changing circumstances.**
- 5. That the Audit Committee recognises the significance of Council's Asset Management Plans on the Long Term Financial Plan and supports Administration's proposal to undertake an independent review of the Asset Management Plans.**

C151209/657

Councillor Norton moved and Councillor van Camp seconded that the matter be adjourned.

CARRIED

22.7 Minutes – Alwyndor Aged Care (Report No: 554/09)

The Alwyndor Aged Care Management Committee was established to manage the affairs of Alwyndor Aged Care Facility. The Council has endorsed the Committee's Terms of Reference and given the Committee delegated authority to manage the business of Alwyndor Aged Care Facility.

The Minutes of the Alwyndor Aged Care Management Committee for the meeting held on 17 November 2009 are attached. The Confidential Minutes are circulated to Members under separate cover and for Council information.

The Comparison Budget presenting their year to date financial position is also distributed to Members under separate cover for Council information.

C151209/658

Councillor Lonie moved and Councillor Heysen seconded that the Minutes of the Alwyndor Aged Care Management Committee meeting held 17 November 2009 and the Comparison Budget be received and noted by Council.

CARRIED

22.8 Minutes – Development Assessment Panel (Report No: 558/09)

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

The purpose of the panel is to:

- act as a delegate of Council and make decisions on development applications in accordance with the requirements of the Development Act;
- provide advice to Council on trends, issues and other matters relating to planning or development that have become apparent during the assessment of development applications;
- perform other roles, except policy formulation, as assigned by Council;
- consider and report on matters before the Environment, Resources and Development Court as a means to resolving judicial appeals.

The minutes of the Development Assessment Panel meetings held 28 October 2009 and 25 November 2009, are presented to Council for information. In accordance with its resolution on 27 November 2009, Council is also asked to determine the future of any planning appeal matters should they eventuate. Elected Members requiring a copy of the Development Assessment Panel Agenda, including reports and/or access to the Development Application files, are asked to contact Council Administration prior to the Council Meeting.

C151209/659

Councillor Deakin moved and Councillor Heysen seconded that the minutes of the Development Assessment Panel meeting held on 28 October 2009 and 25 November 2009 be received.

CARRIED

23. Reports by Officers

23.1 2010/11 Annual Business Planning Timelines (Report No: 467/09)

The planning cycle to develop and adopt the 2010/11 Annual Business Plan and Budget will commence shortly. It will include the directions established in the Strategic Plan and Asset Management Plans, endorsed in November 2008 and build on the enhancements to the planning processes developed during the previous year's cycle. The proposed timetable ensures that Council will be in the position to adopt its business plan and declare its rates for 2010/11 by 30 June 2010, providing Elected Members with full opportunity to consider and provide direction throughout the process.

C151209/660

Councillor Bouchée moved and Councillor Fisk seconded that the Council endorse the timetable contained in Report No 467/09 for the development of the 2010/11 Annual Business Plan and Budget.

CARRIED

23.2 Strategic Property Review (Report No: 588/09)

In early 2009, Council identified the need to undertake an extensive review of all key Council owned properties. Council's Assets Management Plan – Buildings identifies 149 Council owned buildings. In addition to these are the numerous sites used for car parking and open space. To ensure efficient and effective management of this substantial property portfolio, an initial

overarching review is necessary, followed by a cyclical review of approximately 20% of the portfolio each year to ensure Council remains fully informed about which properties it owns, the uses of these sites and buildings, and how they are performing in relation to expected returns – that being either financial or social benefits back to the community.

In order to commence a Strategic Property Review, Council allocated a New Initiatives budget of \$80,000 in the 2009/10 financial year. A Council-wide bus tour with Elected Members and senior Council staff was held in August 2009 and in early November an informal Council workshop was held where a property consultant's report was presented. The report canvassed a range of issues, comparisons, options and suggested steps towards carrying out the Property Review. Out of these activities and associated discussions, certain priority sites were identified.

To ensure the Review achieves the outcomes sought by Council and is undertaken in a manner in which Council is committed, it is recommended that a Vision statement, which clearly and succinctly articulates the key outcome/s that Council aims to achieve from the Review, is endorsed by Council. Further, a number of key Objectives which expand on the Vision and clarify the purpose of the Review are recommended with a number of associated guiding Principles. The intent of these Principle statements is to communicate Council's agreed approach to future decisions made in relation to its property portfolio.

C151209/661

Councillor Bouchée moved and Councillor Heysen seconded:

- 1. That Council endorses the Project Charter for the Strategic Property Review located at Attachment 1 to Report Number 588/09 as the framework for undertaking the City of Holdfast Bay Strategic Property Review.**
- 2. That the initial Strategic Property Review investigations to be commenced within the next six (6) months, focus on the following:**
 - a) the development of a southern regional-level sporting and recreational hub centred around redevelopment of the Seacliff Sports Centre site;**
 - b) the development of a Masterplan for the Brighton Oval complex; and**
 - c) the creation of a City-wide property 'mud-map' Masterplan to graphically illustrate the various opportunities available at key strategic Council owned sites, clarify current user levels and future demand, and identify the potential community hubs at Glenelg, Central and Southern Holdfast Bay.**
- 3. That the 'Former Brighton Town Hall Conservation Management Plan and Development Options' report, considered by the Brighton Precinct Advisory Committee on the 8 December 2009, be referred to Council for deliberation in the new year in order to progress the opportunities for this site.**

CARRIED

23.3 Glenelg Football Club External Sponsorship Signage (Report No: 576/09)

Glenelg Football Club is seeking Council's consent, as landlord, to amend external sponsorship signage.

C151209/662

Councillor Heysen moved and Councillor Huckstepp seconded

- 1. That Council consents to the re-instatement of the proposed "Gliderol Garage Doors" sign on the western face of the administration building.**
- 2. That His Worship the Mayor and the Chief Executive Officer be authorised to sign and seal an amendment to the Deed dated 2 December 2009.**

LOST

23.4 Brighton Performing Arts Centre – Joint Use Agreement (Report No: 593/09)

Following a report to Council in August 2009, Council resolved to enter into a Funding Agreement with the Commonwealth Government for the acceptance of a \$2 Million grant towards the construction of a shared use, regional performing arts facility to be located within the Brighton Secondary School grounds. This Funding Agreement has now been executed.

In addition to this Agreement, Council was also advised that a requirement of the Commonwealth Funding was that Council enter into a Joint Use Agreement with the State Government (Minister for Education) in order to bed down the future operational and maintenance arrangements for the facility. A draft Joint Use Agreement was presented to Council and Members were asked to provide feedback on any issues associated with the content of the Joint Use Agreement while Administration continued negotiations with the State Government on the final wording.

A proposed Joint Use Agreement is now presented to Members for endorsement.

Councillor van Camp left the Chamber at 10:36pm.

Councillor van Camp rejoined the Chamber at 10:38pm.

C151209/663

Councillor Bouchée moved and Councillor Lonie seconded that His Worship the Mayor and the Chief Executive Officer, be authorised to sign the 'Joint Use Agreement between the City of Holdfast Bay and the Minister for Education', located at Attachment 1, for the Brighton Performing Arts Centre.

CARRIED

24. Resolutions subject to formal motions

Presented for the information of Members is a listing of resolutions subject to formal resolutions to adjourn or lay on the table items of Council business, for the current term of Council.

25. Urgent Business – Subject to the Leave of the Meeting

Nil

26. Items in Confidence

26.1 Application for a Variation of Extended Trading Authorisation – Brighton Metro Hotel – Update (Report No: 560/09)

Council Officers Remaining: Mr J Lynch, Mr S Hodge, Ms R Thomas, Mr I Walker and Ms P Aukett

C151209/664

Councillor van Camp moved and Councillor Heysen seconded that, pursuant to Section 90(2) and 90(3)(b) of the Local Government Act 1999 the Council order that the public be excluded from attendance at the meeting, with the exception of Council officers and any other visitors permitted to remain, after taking into account the relevant considerations under Section 90(3)(b), on the basis that it will receive, discuss or consider the following:

- **information or matter 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.**

CARRIED

Application for a Variation of Extended Trading Authorisation – Brighton Metro Hotel – Update (Report No: 560/09)

Councillor Looker left the Chamber at 10:42pm.

Councillor Looker rejoined the Chamber at 10:45pm.

At its meeting held on 14 July 2009, Council resolved to respond to an application for a variation of approved extended trading authorisation by the Brighton Metro Hotel and engage legal assistance to contest the matter on its behalf at a Hearing before the Liquor and Gambling Commissioner. Legal assistance has been commissioned but the solicitor engaged to contest the application has advised that Council's position is unlikely to succeed in a Hearing as there is in his view, insufficient evidence to suggest that the additional hour of trading sought by the Hotel will result in unreasonable additional noise, disturbance or inconvenience to people in the area. This advice was provided by way of a subsequent report to Council on 13 October 2009. The Hotel has now approached Council for a third time to put forward five (5) significant concessions as a means to resolve the issue without the need to progress to a Hearing. Council's decision to challenge the application has gained a significant advantage for residents. Council's solicitor has again reviewed the request and recommends that Council adopt the compromise.

C151209/665

Councillor Norton moved and Councillor Huckstepp seconded that in accordance with legal advice the Council advise the Office of the Liquor and Gambling Commissioner that it withdraws its intervention and accedes to the application by Brighton Metro Hotel to amend the extended trading hours at 466 Brighton Road, Brighton subject to consideration of the following conditions:-

- 1. That limitations are placed on the sorts of functions that the premises may be used for, for example they may not be used as a nightclub, discotheque, to host live bands etc during those extended hours**

between 1:00am and 2:00am on Monday to Wednesday.

2. The windows and doors must remain closed during the extended trading hours between 1:00am and 2:00am on Monday to Wednesday to limit noise impacts.
3. That the application for Extended Trading Authorisation sought for all areas other than Area 3 (Gaming Area), Area 4 (the lounge adjacent to the Gaming Area) and Area 6 (Outdoor smoking area) be withdrawn.
4. That the Hotel Licence be subject to the following conditions:
 - No Areas are to be used as a nightclub, discotheque, and entertainment venue or similar.
 - The capacities of Areas 3 and 4 are reduced to 65 persons each at times when those areas are trading between midnight and 2 am on Tuesday, Wednesday and Thursday mornings.
 - No unreasonable sound levels shall be emitted from any source or device on the premises so as to be unduly offensive, annoying , disturbing or inconvenient to persons who work , reside or worship in the vicinity of the premises
 - The noise levels emitted from the premises after midnight when measured at the nearest noise sensitive location shall not exceed 8 db above the ambient background noise in any octave band of the sound spectrum.
 - The licensee must provide approved responsible persons and at least one (1) licensed security guard to patrol the car park and hotel environs after midnight until 30 minutes after closure to ensure that residents are not disturbed by patrons leaving the premises.
 - The licensee must ensure that at all times signage is placed near all exits of the Hotel advising patrons leaving the Hotel not to disturb nearby residents as the patrons depart the premises.
 - The licensee must close the car park entrance/exit point which abuts Nash Street at midnight on each day the Hotel trades beyond midnight.

CARRIED

Councillor Looker rejoined the chamber at 10:45pm.

A division was called

Voted For	Voted Against
P N Crutchett	R D Beh
J L Deakin	R M Bouchée
J D Huckstepp	L R Fisk
S C Lonie	P D H Heysen
A C Norton	T D Looker
L van Camp	

HIS WORSHIP THE MAYOR DECLARED THE MOTION CARRIED

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C151209/666

Councillor Bouchée moved and Councillor Fisk seconded that this item be released from Confidence.

CARRIED

26.2 Tourist Information Building and Glenelg Town Hall Tenancy Update
(Report No: 581/09)

Council Officers Remaining: Mr J Lynch, Mr S Hodge, Ms R Thomas, Mr I Walker
and Ms P Aukett

C151209/667

Councillor Beh moved and Councillor Heysen seconded that, pursuant to Section 90(2) and 90(3)(d) of the Local Government Act 1999 the Council order that the public with the exception of Council officers and any other visitors permitted to remain, be excluded from attendance at the meeting, after taking into account the relevant considerations under Section 90(3), on the basis that it will receive, discuss or consider the following:

- **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.**

CARRIED

Tourist Information Building and Glenelg Town Hall Tenancy Update (Report No: 581/09)

Councillor Beh declared an interest in this matter and left the meeting at 10:52pm.

Councillor Crutchett left the chamber at 11:02pm.

Councillor Crutchett rejoined the chamber at 11:05pm.

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C151209/670

Councillor Lonie moved and Councillor van camp seconded that pursuant to Section 90(2), 90(3)(d) and 91(7) of the Local Government Act 1999:

1. **The Council orders that the documents and minutes relating to Report No: 581/09 with the exception of Resolution No: C151209/677 for going into confidence be kept confidential and not available for public inspection on the basis that they deal with information 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 under Section 90(2) and 90(3)(d) of the Act.**
2. **This resolution will be reviewed on or before 30 June 2010 by the Council.**

CARRIED

27. **Resumption**

C151209/671

Councillor van Camp moved and Councillor Lonie seconded that Council resume as an open meeting of Council at 11:08pm.

CARRIED

Councillor Beh rejoined the Chamber at 11:08pm.

28. Closure

The Meeting closed at 11:14pm.

CONFIRMED Tuesday 19 January 2009

MAYOR