

CITY OF HOLDFAST BAY

Minutes of the Ordinary Meeting of Council of the City of Holdfast Bay held in the Kingston Room, Civic Centre, 24 Jetty Road, Brighton, on Tuesday 23 October 2007 at 7:00pm.

PRESENT

His Worship the Mayor	A K Rollond
Deputy Mayor	R A Clancy
Councillors	R D Beh
	R M Bouchée
	P N Crutchett
	J L Deakin
	L R Fisk
	P D H Heysen
	J D Huckstepp
	S C Lonie
	T D Looker
	A C Norton
	L van Camp
Chief Executive Officer	R T Donaldson
Acting General Manager Environment and Engineering	S Hodge
General Manager Social and Organisation	C E Umapathysivam
General Manager Strategy and Development	R A Thomas
Executive Manager Finance and Corporate	I S Walker

1. OPENING

His Worship the Mayor, declared the meeting open with prayer and acknowledgement of Kaurna Traditional Owners at 7:00pm.

2. APOLOGIES

2.1 For Absence Nil

2.2 Leave of Absence Nil

3. PRESENTATION Nil

4. CONFIRMATION OF MINUTES

Councillor Crutchett moved and Councillor Beh seconded that the minutes of the Ordinary Meeting of Council held on 9 October 2007 be taken as read and confirmed.

CARRIED

5. MAYORAL REPORT

From 1 September 2007 to 30 September 2007

Councillor Heysen moved and Councillor Huckstepp seconded that the report be received and noted.

CARRIED

6. QUESTIONS BY MEMBERS**6.1 Without Notice****6.1.1 Major Development Discussions**

Councillor Bouchée asked if Administration had had any discussions with developers with respect to major projects including multi-storey car parking developments.

Chief Executive Officer provided a response.

6.1.2 Transparency Whilst Engaging with External Consultants

Councillor Crutchett asked for a comment on how we can ensure openness and transparency to the community whilst engaging external planning consultants to write the planning reports for council DAP. i.e. are we provided with a list of their other clients?

General Manager Strategy and Development took this question on notice.

6.1.3 Policing Bay Junction Shopping Centre Parking Limit

Councillor Crutchett asked how many years has council had a written agreement to police the 2 hour parking limit at the Bay Junction Shopping Centre?

Acting General Manager Environment and Engineering took this question on notice.

6.1.4 Issuing Parking Fines at Bay Junction Shopping Centre

Councillor Crutchett asked can Administration confirm that Council parking inspectors issue a \$35.00 fine for exceeding the 2 hour limit at the Bay Junction Shopping Centre on a regular basis.

Acting General Manager Environment and Engineering took this question on notice.

6.1.5 Fines Issued on a Weekly Basis at Bay Junction Shopping Centre

Councillor Crutchett asked if Council records indicate how many people have been fined for exceeding the 2 hour limit at the Bay Junction Shopping Centre on a weekly basis.

Acting General Manager Environment Engineering took this question on notice.

6.1.6 Parking Tickets Issued at Bay Junction Shopping Centre

Councillor Crutchett asked if Administration could confirm that the property managers/owners of the Bay Junction Shopping Centre have issued over 100 parking tickets for the site being for staff and other commuter parkers?

Acting General Manager Environment Engineering took this question on notice.

6.1.7 Information Provided in Report to DAP

Councillor Crutchett asked why wasn't some of this information provided in the report going to the DAP on Wednesday night?

General Manager Strategy and Development provided a response.

6.1.8 Financial Implications of Increasing Traffic from New Developments

Councillor Bouchée asked if the planning assessment for new developments takes into consideration the financial implications of traffic increasing from major site redevelopments?

General Manager Strategy and Development provided a response.

6.1.9 Coles Parking Limit Responsibility

His Worship the Mayor asked if Coles Shopping Centre site 2 hour parking is policed by Council staff.

Acting General Manager Environment and Engineering provided a response.

6.2 With Notice**6.2.1 Number of Gaming Machines on City of Holdfast Bay Properties**

In accordance with his notice Councillor Looker asked the following question:

That Administration please advise the number, location and ownership of gaming machines installed in properties owned by the City of Holdfast Bay?

General Manager Strategy and Development response

The Glenelg Football Club has had a gaming licence since 1994 which allows for 40 machines. They currently have 40 machines in the ground floor gaming area.

The Holdfast Bay Bowling Club (corner Anzac Highway and Brighton Road) previously had 11 machines but these have since been on-sold and the gaming machine licence has been cancelled.

6.2.2 Use of Historic Trams on the Glenelg – North Terrace Tram Line

In accordance with her notice Councillor Bouchée asked the following question:

Have we heard from the Department of Transport in relation to the old trams i.e. How much longer will these operate on the Glenelg-North Terrace Line?

General Manager Strategy and Development response

To date, no response to the correspondence sent to the Department for Transport, Energy and Infrastructure has been received in relation to the future use of the historic trams. Administration will follow up and query when a response will be received.

6.2.3 Budget Allocation for Salary Increases

In accordance with her notice Councillor Bouchée asked the following questions:

1. As the budget figure was based on a 4% increase in wage rates, could Administration please advise how much surplus there is, as the full 4% has not been allocated i.e. 3.8% increase for the Depot staff, 2.1% increase for the Office staff etc; and
2. Where will this surplus be allocated?

General Manager Social and Organisation response

1. **If the 2.1% administration and libraries staff salary increase applies for the whole of the 2007/2008 year, then a budget saving of some \$ 99 600 will be achieved (against the budgeted 4% increase provision). In addition to this, a further \$15 700 will be saved in on costs (Long Service Leave, Worker Compensation premium payments and superannuation)**

The depot based staff wage increase was budgeted at 3.8 % and thus no saving will be achieved in that budget area.

Members should note that the office and library staff (ASU) SBU negotiation process has not yet formally concluded, notwithstanding the CEO's payment of a backdated 2.1% cost of living salary increase. A range of outcomes may ultimately emerge from any further discussions at the SBU forum, based around the WorkChoices agreement 'core' and an agreed salary increase regime.

Some or all of the budgeted salary provision may then be required, in particular if an ultimate agreement includes a back pay provision at higher than 2.1%.

Members may recall that Council's Long Term Financial Plan (LTFP) provides for salary and wage cost increases of 4% per annum, covering both increases for existing staff and growth by way of organisational changes and any additional staff positions. With the latter components regularly impacting, the cost of any agreement-based salary and wage adjustments is critical to achieving the LTFP outcomes.

2. **Any salary budget savings will be the subject of a future recommendation for Council's consideration in the appropriate budget review, having regard to the position at that time with respect to overall budget performance, staff considerations and key projects status.**

7. REPORTS BY DELEGATES OR REPRESENTATIVES

Councillor Bouchée advised future comments will be made in the Chairman's report in Environment and Engineering regarding EPA Waste Management.

Councillor Crutchett advised he attended LGA Annual General Meeting on behalf of the Mayor on 19 October 2007.

The Mayor reported he attended the official opening by the Premier of the Brighton High School volleyball building.

Councillor Lonie left the meeting at 7:15pm.

Councillor Lonie returned to the meeting at 7:18pm.

8. PETITIONS AND DEPUTATIONS

8.1.1 Presentation on the development of the Brighton Blueprint Master Plan by Mr Philip Martin, Chief Executive Officer, MINDA

Mr Philip Martin made a 10 minute presentation to Council regarding the development of Minda's Brighton Blueprint Master Plan.

9. NOTICES OF MOTION

9.1 Hotel and Club Noise

In accordance with his notice:

C231007/345 Councillor Crutchett moved and Councillor Bouchée seconded that Administration advise potential applicants from hotels and clubs within the City of Holdfast Bay applying for the extension of a liquor licence to an outdoor smoking areas that the Council will not support their application until they have provided Council with baseline data provided by an acoustic engineer, showing the ambient noise levels over a 10 day 24 hour period measured on external boundary, adjacent, the outdoor dining area.

CARRIED

Background

Both Elected Members and the community have expressed concerns that the amenity of residential areas adjoining hotels and clubs may be adversely affected by the new law requiring the provision of outdoor smoking areas.

I believe that having obtained this baseline data Council will be able to have it apply to the license application. Thus enabling Council in future, to determine whether a licensed premises is impacting on the residents and whether Council should take action.

General Manager Strategy and Development comment

It is understood the intent of this motion is to require the hotel/licensed premises operator/s to submit to Council a set of noise data collected prior to the construction of a smoking area/beer garden so that Council can retain this information for future use/comparison in the event that future noise complaints are received. This information in the event that future noise generated before and after a new outdoor area is created and could be used as evidence should complaint action be taken by residents and/or Council.

The intent of this motion is quite understandable given concern that new outdoor areas may result in increased disturbance to nearby residents.

In terms of implementing this motion, it should be noted that Council is asked to provide comment to the Office of Liquor and Gambling Commissioner (OLGC) on all liquor licence applications. Comment is sought within a reasonable timeframe prior to OLGC making a decision on the application. Council can and does request additional information when these applications are received. However, it should be recognised that Council can not force the hotel/licensed premises operator/s to provide information, including the proposed baseline noise data. If the operator refuses to provide this information, Administration will still proceed to assess the application and present a report to Council for its consideration, acknowledging that Council may not be prepared to support the application without the submission of the baseline noise data.

9.2 Financial and in kind support for Broadway Kiosk Opening

In accordance with his notice:

C231007/346 Councillor Crutchett moved and Councillor Looker seconded that Administration advise the lessee of the Broadway Kiosk site (CNS Investments Pty Ltd and Ergon Holdings Pty Ltd) that the lease agreement is on a commercial basis and therefore council is unable to commit any financial or in-kind support towards it official opening.

CARRIED

Background

The lease is a commercial arrangement between council and the lessee. I believe any opening ceremony related to a commercial premises should be at the cost of the owners/operators.

We should not be contributing to an official opening (advertising and promotion) of any business: which would effectively be competing against other businesses in the city.

This motion would not preclude the Mayor opening the premises if he wishes or elected members attending such a function.

Councillor Heysen left the meeting at 7:33pm

9.3 Broadway Kiosk outdoor dining areas

Councillor Heysen returned at 7:35pm

In accordance with his notice:

C231007/347 Councillor Crutchett moved and Councillor Looker seconded that Administration advise the lessee of the Broadway Kiosk site (CNS Investments Pty Ltd and Ergon Holdings Pty Ltd) that council will not consider any future applications for areas adjacent to their lease area to be used for outdoor dining until council has complete the Somerton Coast Park which is in final design phase.

CARRIED

Background

My understanding is we still have a number of unresolved issues around the Esplanade and Broadway intersection regarding the design of the Somerton Coast Park and I feel it would be unwise to allow alternative uses of this site whilst council is in a design and construct phase.

9.4 Attendance at South Australian Tourism Awards

In accordance with his notice:

- C231007/348 Councillor Crutchett moved and Councillor Bouchée seconded that Council discuss if anyone should attend the South Australian Tourism Awards and whether it is appropriate for Council to fund attendance at \$130.00 per ticket.**

CARRIED

Councillor Crutchett moved and Councillor Heysen seconded that Council fund attendance of His Worship the Mayor and one other Elected Member at the forthcoming SA Tourism Awards.

AMENDMENT

- C231007/349 Councillor Clancy moved and Councillor Bouchée seconded that Council fund attendance of His Worship the Mayor and the Manager Bay Discovery Centre (or their respective delegates) at the SA Tourism Awards.**

**THE AMENDMENT WAS CARRIED
THE AMENDMENT THEN BECAME THE MOTION
THE MOTION WAS PUT AND CARRIED**

Background

We are endeavouring to drive our dollar further in this area and I am wondering if this is the appropriate use of council resources.

**10. ADJOURNMENT (TO ENABLE PERMANENT COMMITTEES TO MEET)
(8:00PM)**

Councillor Clancy moved and Councillor Beh seconded that Council stand adjourned to enable the permanent Economic and Corporate and Environment and Engineering Committees to meet.

CARRIED

Councillor van Camp left the meeting at 8:01pm

11. RESUMPTION

Councillor Crutchett moved and Councillor Heysen seconded that Council resume at 9:44pm.

CARRIED

12. COMMITTEE RECOMMENDATIONS FOR CONSIDERATION**12.1 Economic and Corporate Committee**

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

Councillor Beh moved and Councillor Heysen 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.**

CARRIED

12.2 Environment and Engineering Committee

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

Councillor Bouchée moved and Councillor Crutchett 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.**

CARRIED

13. REPORTS OF ADVISORY COMMITTEES AND/OR SUB-COMMITTEES Nil**14. REPORTS OF REGIONAL SUBSIDIARIES Nil****15. REPORTS BY OFFICERS****15.1 Items in Brief (Report No: 491/07)**

Report No: 491/07 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

C231007/350 Councillor Clancy moved and Councillor Beh seconded that the report be noted and items of interest be discussed.

CARRIED

15.2 Application to the Liquor and Gambling Commissioner for a variation to the area of an existing Hotel Licence by the Esplanade Hotel (Report No: 492/07)

Effective from 1 November 2007, all enclosed areas within liquor licensed premises must be 100% smoke free. In order to comply with this new legal requirement, the Esplanade Hotel has gained Development Plan Consent to establish two (2) unenclosed smoking areas within their site and now seeks Council's comments on the variation of their existing Hotel Licence to include these smoking areas. No changes are proposed to the trading hours or conditions of the existing licence.

C231007/351 Councillor Clancy moved and Councillor Norton seconded that the Committee recommends that Council advise the Esplanade Hotel and the Office of the Liquor and Gambling Commissioner that it does not object to the proposal by the Esplanade Hotel to amend the area of the existing Hotel Licence at corner of Jetty Road and Esplanade, Brighton subject to the following conditions:

- 1. That the trading hours of the Esplanade Hotel shall be in accordance with the existing Hotel Licence 50108036.**
- 2. That the consumption of liquor within the designated smoking area on the southern side of the hotel (outlined on the approved plans as Smoking Compliance Area 1) shall not occur between midnight and 7:00am at any time.**
- 3. That any proposed changes to the trading hours in the future will require further consideration and comments by Council before a decision is made by the Office of the Liquor and Gambling Commissioner.**
- 4. That the hotel will at all times use its best endeavours, including the closing of doors and windows, to ensure that any events conducted at the premises do not generate excessive noise that unduly disturbs, annoys, or inconveniences nearby residents.**
- 5. That no entertainment shall be provided within the smoking areas and no amplified music (including any other amplified sound) shall be played through any external speakers on the building at any time.**
- 6. That no fixed tables and chairs shall be provided within the designated smoking area on the southern side of the hotel (outlined on the approved plans as Smoking Compliance Area 1).**
- 7. That prior to the office of the Liquor and Gambling Commissioner issuing the amended Licence for the Esplanade Hotel, the applicant arrange for an acoustic engineer's report to be provided to the City of Holdfast Bay providing measurement of ambient noise levels over a ten day period, measured on the external boundary of the site, adjacent the amended licensed area.**

A division was called.

Voted For
Councillor Beh
Councillor Clancy
Councillor Crutchett
Councillor Deakin
Councillor Fisk
Councillor Heysen
Councillor Huckstepp
Councillor Lonie
Councillor Looker
Councillor Norton
Councillor van Camp

Voted Against
Councillor Bouchée

HIS WORSHIP THE MAYOR DECLARED THE MOTION CARRIED

16. RESOLUTIONS SUBJECT TO FORMAL MOTIONS

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 were presented in the Agenda.

17. URGENT BUSINESS

17.1 Minutes

C231007/352 Councillor Looker moved and Councillor Deakin seconded that the minutes of Council and Council Committees include any 'Background' to Notices of Motion provided by movers of motions.

CARRIED

17.2 Financial Commitment to Performing Arts Centre, Brighton Secondary School

The Mayor reported that the Candidate for Boothby, Ms. Nicole Cornes held a media conference with the Shadow Minister for Youth, who announced that if the Labor Government is elected on 24 November 2007, that it would commit \$2 million to the Performing Arts Centre at the Brighton Secondary School.

C231007/353 His Worship the Mayor moved and Councillor Clancy seconded that the verbal report be received.

CARRIED

Councillor Lonie left the meeting at 9:58pm

18. ITEMS IN CONFIDENCE

18.1 Notice of Motion – New Year's Eve Celebrations (Report No: 493/07)

Councillor Looker withdrew this notice of motion and foreshadowed a future motion regarding the 2008 and beyond New Year's Eve Celebrations.

C231007/354 Councillor Bouchée moved and Councillor Deakin seconded that Report No. 493/07 be released from confidence.

CARRIED

Councillor Lonie returned to the meeting at 10:00pm

19. CLOSURE

The Meeting closed at 10:02pm

CONFIRMED

Tuesday 13 November 2007

MAYOR