

## 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 9 March 2010 at 7:03pm.**

### **PRESENT**

His Worship the Mayor	A K Rollond
Deputy Mayor	R A Clancy
Councillor	R M Bouchée
Councillor	P N Crutchett
Councillor	J L Deakin
Councillor	L R Fisk
Councillor	P D H Heysen
Councillor	J D Huckstepp
Councillor	T D Looker
Councillor	A C Norton – 7:05pm
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. 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 Councillors R D Beh and S C Lonie
- 4.2 Absent Nil
- 5. Items Presented to Council Nil**

**6. Declaration of Interest**

Members were reminded to declare their interest before each item.

Cr Crutchett – Glenelg Bowling Club

**7. Confirmation of Minutes**

C090310/738

**Councillor Deakin moved and Councillor Huckstepp seconded that the minutes of the Ordinary Meeting of Council held on 23 February 2010 be taken as read and confirmed.**

**CARRIED**

**8. Questions by Members**

8.1 Without Notice

8.1.1 Distribution of Holdfast Bay Views

Councillor Looker asked a question regarding the inclusion of Holdfast Bay Views with the Junk Mail delivery and asked that Administration review the distribution process so that the publication is distributed to all residences and it is presented in a more professional manner.

**The Chief Executive Officer, Mr J Lynch provided a response.**

Councillor Clancy asked a question regarding the Holdfast Bay Views distribution and asked if Administration had considered other options like a full page advert or insert in the Guardian Messenger.

**The Chief Executive Officer, Mr J Lynch provided a response.**

Councillor Norton asked a question about the delivery of Holdfast Bay Views and asked if Administration had contacted the City of Marion to ascertain how they distribute their newsletter, and if we could find a distributor which would not include the publication with a Junk Mail delivery.

**His Worship the Mayor, Dr A Rollond provided a response**

Councillor Bouchée asked Administration to report back to Council with a solution to improve delivery of Holdfast Bay Views to the community.

**The Chief Executive Officer, Mr J Lynch provided a response.**

Councillor Norton asked a question regarding what happens to the copies of Holdfast Bay Views which are undeliverable.

**His Worship the Mayor, Dr K Rollond provided a response**

### 8.1.2 Political Advertising in the Holdfast Bay Views

Councillor Looker asked a question regarding what steps Administration could take to remove the publication of political advertising in the Holdfast Bay Views given the timing of distribution and the State Elections.

**The Chief Executive Officer, Mr J Lynch provided a response.**

### 8.1.3 Election Posters on Council Property

Councillor Bouchée asked a question regarding Council's election signage policy, and their placement on Council property.

**The Chief Executive Officer, Mr J Lynch provided a response.**

### 8.1.4 Parking of Vehicles in front of The Beachouse, Colley Terrace, Glenelg

Councillor Fisk asked a question regarding the parking of the Volkswagens in front of The Beachouse building and if this was allowed.

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

### 8.1.5 Strategic Property Review

Councillor Deakin asked a question regarding the Strategic Property Review, seeking further information about the timetable for its reporting back to Council and if the report titled Library Services Review – Update (Report No: 97/10) would have any impact on the Strategic Property Review.

**The Chief Executive Officer, Mr J Lynch provided a response.**

### 8.1.6 Library Services Review

Councillor Bouchée asked a question clarifying the process of the Library Services Review.

**The Chief Executive Officer, Mr J Lynch provided a response.**

### 8.1.7 Social and Organisation Committee – Agenda and Reports not on Council's Website

Councillor Crutchett asked a question regarding the meeting of the Social and Organisation Committee, as the agenda and its reports were not listed on Council's website.

**The Manager Governance and Policy, Ms T Aukett provided a response.**

Councillor Bouchée asked a question regarding the requirement in the Local Government Act to have items available on the website.

**His Worship the Mayor, Dr A Rollond provided a response**

## 8.2 With Notice

### 8.2.1 Evaluation Process for Legal Counsel

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

Given that Council spends \$1.2 million on legal fees each year what evaluation processes are in place to ensure that the legal counsel we engage prosecute each case for Council with dedication, vigour and a goal of winning?

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

**Legal practitioners in South Australia are bound by the Law Council of Australia's Rules of Professional Conduct and Practice (March 2003). Part of the Rules of Professional Conduct and Practice includes a section entitled 'Duty to the Client'. In this section, Rule 1.1 states that: "A practitioner must act honestly and fairly, and with competence and diligence, in the service of a client.". This is the best assurance the Council can have that the practitioner engaged to defend the matter acted with 'vigour and the goal of winning'. The legal counsel engaged in this matter has had an outstanding 'strike rate' in defending planning matters for Council in the past, and was the preferred practitioner for that reason.**

#### 8.2.2 Cost of Liberty Towers Appeal

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

What was the total legal cost to Council for the recent action defending the Liberty Towers appeal?

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

**As at 17 February 2010, the total legal fees incurred by Council for the defence of the Liberty Towers matter was \$87,675. This fee includes the preparatory work leading up to the Hearing, and attendance at the Hearing which ran for five days.**

#### 8.2.3 Breakdown of Council Rate Revenue

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

Could the Chief Executive Officer please advise in writing the breakdown of Council Rate income by:

- a. Ward
- b. Retail/Residential

**The Chief Executive Officer, Mr J Lynch's response.**

- a. **Total Gross Rates Levied (excluding separate rates eg NRM Levy, Patawalonga, Mainstreet):**

<b>Glenelg</b>	<b>\$7,545,492</b>
<b>Somerton</b>	<b>\$5,598,808</b>
<b>Brighton</b>	<b>\$5,753,037</b>

**Seacliff \$4,837,959**

**b. Breakdown Council Rate Income (Gross) by Retail/Resident.**

<b>Retail - Commercial</b>	<b>\$ 2,741,274</b>	
<b>Industrial</b>	<b>\$ 152,762</b>	
<b>Other</b>	<b>\$ 457,012</b>	<b>includes Churches, Marina Berths, Schools, Sporting Clubs etc</b>
<b>Residential</b>	<b>\$20,384,248</b>	<b>includes vacant land</b>

**8.2.4 Environment Budget Expenditure by Ward**

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

Could the Chief Executive Officer please advise in writing the breakdown of Environment Budget 2009/2010 expended by Ward.

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

**The expenditure for the 2009/10 financial year to the 28 February 2010 is:**

<b>Glenelg</b>	<b>\$21,000</b>
<b>Somerton</b>	<b>\$32,600</b>
<b>Brighton</b>	<b>\$46,500</b>
<b>Seacliff</b>	<b>\$36,000</b>

**The projects included by ward are:**

<b>Glenelg</b>	<b>Beach Access Ramp</b>
<b>Somerton</b>	<b>Beach Access steps and associated recycled plastic hand rails.</b>
<b>Brighton</b>	<b>Civic Centre Garden and Minda Dunes</b>
<b>Seacliff</b>	<b>Natural Reserve Maintenance, Sand Drift fencing and National Tree Day</b>

**Please note the following information regarding the expenditure in each ward:**

- 1. Figures do not include salary or volunteer hours**
- 2. Costs attributed to equal apportioning across Wards not included (eg. dog poo bags, resources for waste education)**
- 3. Domestic Waste Management figures not included**
- 4. The natural reserve areas of Gilbertson Gully, Barton Gully, Kingston Park, Pine Gully, Carter House Native Garden, Brighton Civic Centre Native Garden and 90% of the Brighton to Seacliff Dune system are all within the Seacliff Ward**
- 5. Minda Dunes are within the Brighton Ward**
- 6. National Tree Day was held at Gilbertson Gully**

**8.2.5 Heat Fund Expenditure by Ward**

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

Could the Chief Executive Officer please advise in writing the breakdown of HEAT Fund income by Ward and the breakdown of HEAT Fund expenditure in each Ward.

**The Chief Executive Officer, Mr J Lynch's response.**

**The \$100,000 heat fund revenue is included in the total residential rate. Therefore the ward distribution is approximately the same ratio as answer in 8.2.3.**

**The HEAT Fund revenue and anticipated Expenditure for 2009/10 is outlined below:**

	Revenue	Expenditure
<b>Glenelg</b>	<b>\$31,790</b>	<b>\$ 7,000</b>
<b>Somerton</b>	<b>\$23,588</b>	<b>\$ 0</b>
<b>Brighton</b>	<b>\$24,238</b>	<b>\$18,000</b>
<b>Seacliff</b>	<b>\$20,384</b>	<b>\$70,000</b>

**Please Note: Vehicle Fleet Offset not included, hence total expenditure amount equals \$95,000.**

#### 8.2.6 HEAT Fund Projects Progress Update

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

Could the Chief Executive Officer please update on progress of any HEAT Fund Projects /initiatives.

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

**Buildings Energy Efficiency Program - initial main building assessments undertaken and energy efficiency options identified. Installation of measures to be implemented over following 3 months.**

**Stormwater Retention and Reuse Program - Stormwater retention program earmarked for installation at Kingston Park, which will be integrated with the larger Aquifer Storage and Reuse Program at Angus Neill Reserve (if funding grant is successful) and/or a component of the waterproofing of the Brighton Caravan Park and Holiday Village.**

**Vehicle Fleet Offsets Program - Will be finalised in mid may when a more accurate assessment of fleet emissions is known and only a small extrapolation will be required to cover anticipated emissions until the end of the financial year.**

#### 8.2.7 Rates Income Question on Notice

In accordance with his notice, Councillor Crutchett asked the following question:

What is Councils rate revenue for the 2009/2010 budget year as per the following categories?

- Residential
- Commercial Office
- Commercial Shop
- Commercial Other
- Industrial light
- Industrial Other
- Vacant Land
- Other

**The Chief Executive Officer, Mr J Lynch's response.**

**2009/2010 gross rate revenue excluding separate rates NRM, Marinas and Mainstreet Levy.**

<b>Residential</b>	<b>\$19,883,932</b>
<b>Commercial Office</b>	<b>\$ 163,392</b>
<b>Commercial Shop</b>	<b>\$ 1,264,080</b>
<b>Commercial Other</b>	<b>\$ 1,313,801</b>
<b>Industrial Light</b>	<b>\$ 69,557</b>
<b>Industrial Other</b>	<b>\$ 87,039</b>
<b>Vacant Land</b>	<b>\$ 439,885</b>
<b>Other</b>	<b>\$ <u>513,607</u></b>
<b>Total</b>	<b>\$23,735,293</b>

8.2.8 Rate Revenue from Properties who pay the Jetty Road Mainstreet Management Committee Levy

In accordance with his notice, Councillor Crutchett asked the following questions:

8.2.8.1 What is the rate revenue from the Properties who pay the levy within the boundaries for the Jetty Road Mainstreet Management Committee (*excluding the Jetty Road Main Street levy*) ?

8.2.8.2 What is Councils rate revenue for the 2009/2010 budget year for the following categories from the Properties who pay the levy within the boundaries for the Jetty Road Mainstreet Management Committee (*excluding the Jetty Road Main Street levy*) ?

- Commercial Office
- Commercial Shop
- Commercial Other
- Industrial light
- Industrial Other
- Vacant Land
- Other

**The Chief Executive Officer, Mr J Lynch's response.**

**8.2.8.1 2009/10 General Rate Revenue from the properties within the boundaries for the Jetty Road Mainstreet Board (*excluding the Jetty Road Main Street levy*) is \$1,192,334.**

**8.2.8.2 2009/10 General Rate Revenue (by category) from the properties within the boundaries for the Jetty Road Mainstreet Board (excluding the Jetty Road Main Street levy).**

<b>Commercial Office</b>	<b>\$</b>	<b>44,218</b>
<b>Commercial Shop</b>	<b>\$</b>	<b>733,183</b>
<b>Commercial Other</b>	<b>\$</b>	<b>408,021</b>
<b>Other</b>	<b>\$</b>	<b>6,912</b>
<b>TOTAL</b>	<b>\$</b>	<b>1,192,334</b>

**8.2.9 Public Car Parking Spaces – The Beachouse Car Park**

In accordance with his notice, Councillor Crutchett asked the following questions:

- 8.2.9.1 Are the public car parking spaces under The Beachouse individually owned and then leased to Ezipark under a management agreement?
- 8.2.9.2 How many car parking spaces are there?
- 8.2.9.3 Do we know how many individuals/companies own these spaces?
- 8.2.9.4 Are there any other Public car parks operating in the city of Holdfast Bay on a similar basis?

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

- 8.2.9.1 The public car parking spaces under The Beachouse are individually owned and leased to Ezipark. The parking spaces were sold in lots of 6 or 9 and leased back for five years.**
- 8.2.9.2 There are 412 parking spaces in The Beachouse car park.**
- 8.2.9.3 Administration is not aware of the number of individuals/companies who own these spaces.**
- 8.2.9.4 Administration is not aware of any other public car parks operating in the City of Holdfast Bay on a similar basis.**

**9. Member's Activity Reports**

**9.1 Metropolitan Seaside Council's Committee**

Councillor Looker has reported his attendance at the Metropolitan Seaside Council's Committee at the Port Adelaide Enfield Council Chambers on Thursday 25 February 2009, and his report on the meeting is below.

I was able to report to the group on coastal matters relating to Holdfast Bay, Coastal DPA, sand drift fencing, rock wall repairs, Coast park progress, Minda dunes management plans, Patawalonga takeover, the failed wind farm, Jetty precinct idea, King Street Bridge, CCTV cameras. Of particular interest by delegates was the growing numbers of CCTV cams in Holdfast Bay. Other councils continue to be concerned about anti social behaviour and methods to keep this contained so were interested in the practical aspects of installing CCTV.



The committee also discussed the price of class "A" water as contracts come up for renewal. The new pricing at 2/3 of mains water is considered too high to all enough savings to pay for the added infrastructure required. A motion was passed to pursue action on this issue as the proposed price rise will result in the class 'A' water being unaffordable . This Council would be well advised to note the increases and join any united effort to have the pricing schedule reviewed.

#### **10. Public Presentations**

10.1 Petitions Nil

10.2 Presentations Nil

10.3 Deputations Nil

**11. Motions on Notice Nil**

#### **12. Adjournment for Permanent Committees to meet**

**C090310/739**

**Councillor Deakin moved and Councillor Looker 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**

**14. Strategy and Development Committee**

**15. Resumption**

**C090310/740**

**Councillor van Camp moved and Councillor Huckstepp seconded that Council resume at 8:09pm.**

**CARRIED**

#### **16. Minutes - Social and Organisation Committee**

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

**C090310/741**

**Councillor Fisk 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:**

*13.7.1 Items in Brief (Report No: 83/10*

Report No: 83/10 presented detailing items which were presented for the information of Members.

**C090310/741.1**

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

*13.7.2 HACC Expansion Funding Round 25 (Report No: 84/10)*

This report provides Elected Members with information related to the successful acquisition of Home and Community Care funding to expand existing services to HACC eligible residents within the City of Holdfast Bay.

The City of Holdfast Bay was successful in acquiring an additional \$84,600 in recurrent funding. The funding is to be utilised to supplement existing services to eligible residents living in the City of Holdfast Bay.

A Variation to Service Agreement document which outlines the expected service outputs and accountability requirements has been sent to the City of Holdfast Bay. This document has to be signed and the common seal of the City of Holdfast Bay applied, before being returned to the Department for Families and Communities to be counter-signed. A copy of the counter-signed document will then be returned to the City of Holdfast Bay, together with payment of the approved funding.

**C090310/741.2**

**That the Committee recommends that the Committee recommends to Council that the Mayor and the Chief Executive Officer be authorised to sign and seal with the Common Seal of the City of Holdfast Bay, the variation of service agreement, Project No 1614 – Holdfast Bay Home Assist and Community Care Program for the term 1 January 2010 to 30 June 2011.**

*13.7.3 Upgrade of Lighting at Glenelg Oval (Report No: 86/10)*

Council is in receipt of a letter from Glenelg Football Club ('the Club'), dated 1 February 2010, requesting assistance from Council in the form of development approval and funding to upgrade existing lighting to enable night football matches to be played at Glenelg Oval for the 2011 season.

In their letter, the Club outline a number of benefits that improved lighting will bring, including the attraction of between 5,000 and 10,000 spectators, and the possibility of hosting approximately five SANFL night matches per season. The Club also include letters of support from other stakeholders, including Glenelg Cricket Club, Glenelg Primary School, and the South Australian National Football League (SANFL).

The letter outlines the total cost of the project between \$390,000 and \$450,000, and also provides a number of funding sources that could contribute to the total cost of the project, but does not outline the total amount requested to be provided from Council.

**C090310/741.3**

**That this matter be adjourned until after the outstanding confidential matters with the Glenelg Football Club are resolved.**

*13.7.4 Disabled Toilet at Glenelg Bowling Club (Report No: 88/10)*

Following a meeting of Mayor Rollond, Community Development staff (Glen Millar and John Wilkinson), and members of the Glenelg Bowling Club Inc. ('the Club') in December 2009, the Club wrote to Council on 19 January 2010 requesting financial assistance to retrofit the existing store room within the Club to provide a unisex accessible toilet for persons with a disability.

**C090310/741.4**

**That the Committee recommends that Administration write to Glenelg Bowling Club Inc., stating that Council will provide \$5,000 financial assistance for the disabled toilet.**

**CARRIED****17. 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.

**C090310/742**

**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: 71/10)*

Report No: 71/10 was presented detailing items which were presented for the information of Members.

**C090310/742.1**

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

*14.7.2 Application for a Variation of Extended Trading Authorisation – The Oyster Bar – Holdfast Shores (Report No: 72/10)*

An application has been made to the Liquor and Gambling Commissioner for a variation of approved extended trading authorisation by The Oyster Bar, R10, Marina Pier Building, Holdfast Shores, Glenelg. The Oyster Bar currently has a Liquor Licence and is seeking to extend its parameters to include extended trading on Sunday mornings.

The purpose of this report is to provide Council's comments to the Office of the Liquor and Gambling Commissioner before a decision is made on the application.

**C090310/742.2**

**That the Committee recommends that Council advise the Office of the Liquor and Gambling Commissioner that it does object to the application by The Oyster Bar to amend the extended trading hours at R10, Marina Pier Building, Holdfast Shores, Glenelg due to a resident's complaints.**

*14.7.3 Request for Funds to Defend Appeals Before the Environment, Resources and Development Court (Report No: 73/10)*

Council has received notice of five (5) appeals lodged with the Environment, Resources and Development Court against decisions of the Development Assessment Panel made on 22 December 2009 and 27 January 2010. The cost to defend each appeal is estimated to be between \$15,000.00 and \$20,000.00. In accordance with a previous Council resolution, prior permission is sought for the expenditure of funds to resource a proper defence of each decision.

**C090310/742.3**

**That Council Administration is permitted to expend funds to resource the proper defence of the appeals described in Attachment 1 to this report lodged with the Environment, Resources and Development Court against decisions of the City of Holdfast Bay Development Assessment Panel.**

*14.7.4 Restaurant Licence for Gandhi Indian Café at Stamford Grand, 2 Jetty Road, Glenelg (Report No: 82/10)*

An application has been made to the Liquor and Gambling Commissioner for a Restaurant Licence by Gandhi Indian Cafe at Stamford Grand, 2 Jetty Road, Glenelg. The purpose of this report is to provide Council's comments to the Office of the Liquor and Gambling Commissioner before a decision is made on the application. This is an altogether new Licence as it is for a new proprietor, notwithstanding that the site of the restaurant has previously accommodated a

separate restaurant.

**C090310/742.4**

**That the Committee recommends that Council advise the Office of the Liquor and Gambling Commissioner that it does not object to the application by Gandhi Indian Cafe for a Restaurant Licence at Stamford Grand, 2 Jetty Road, Glenelg subject to the following conditions:**

1. **That the hours of the Restaurant Licence be in accordance with the hours proposed in the details submitted by the applicant, that being from:**
  - **Monday to Thursday 9:00am – 10:00pm**
  - **Friday to Sunday 9:00am – 12:00am (midnight)**
2. **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.**
3. **That, although entertainment does not form part of this application for a Restaurant Licence, any future proposal for entertainment will require careful consideration by Council with regard to potential impacts to neighbouring properties before providing comments to the Commission.**

*14.7.5 Restaurant Licence – Lychie Restaurant – R6, 12 Holdfast Promenade, Glenelg (Report No: 74/10)*

An application has been made to the Liquor and Gambling Commissioner for a Restaurant Licence by Lychie Restaurant at R6, 12 Holdfast Promenade, Glenelg. This is a completely new application with no prior or current Liquor Licence having previously been issued for the premises.

The purpose of this report is to provide Council's comments to the Office of the Liquor and Gambling Commissioner before a decision is made on the application.

**C090310/742.5**

**That the Committee recommends that Council advise the Office of the Liquor and Gambling Commissioner that it does not object to the application by Lychie Restaurant for a Restaurant Licence at R6, 12 Holdfast Promenade, Glenelg subject to the following conditions:**

1. **That the hours of the Restaurant Licence be in accordance with the hours proposed in the details submitted by the applicant, that being from:**
  - **Sunday to Thursday 11:00am – 9:00pm**
  - **Friday and Saturdays 10:30am – 11:00pm**
2. **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.**
3. **That, although entertainment does not form part of this application for a Restaurant Licence, any future proposal for entertainment will require careful consideration by Council with regard to potential impacts to neighbouring properties before providing comments to the Commission.**

*14.7.6 Development Assessment Panel 2009 Annual Report to Council (Report 75/10)*

Pursuant to Section 56A(2) of the Development Act, Council's Development Assessment Panel ('the Panel') is charged with the function of reporting to Council in respect of development trends, issues and other matters. This provides important feedback from the Panel to Council as part of its policy making role.

A range of statistical data in relation to the Panel's activities during 2009 is provided as Attachment 1 for the information of Members. In addition, a report from the Presiding Member of the Panel is provided as Attachment 2 to this report, representing the Panel's observations in relation to various development issues of note. The Panel received and endorsed both documents at its meeting held on 27 January 2010.

**C090310/742.6**

**That:**

- 1. the information provided as Attachment 1 to this report be noted.**
- 2. the report from the Presiding Member of the Panel provided as Attachment 2 be endorsed and provided to Council via a report for information.**
- 3. the advice from the Presiding Member of the Development Assessment Panel addressing Development Plan policy be referred to the Manager Strategic Planning for consideration for inclusion in future suitable Development Plan Amendments and/or the general review of the Holdfast Bay (City) Development Plan under Section 30 of the Development Act.**
- 4. the advice from the Presiding Member of the Development Assessment Panel addressing the City of Holdfast Bay Car Parking Fund be referred to the Manager Strategic Planning for consideration.**

**CARRIED**

**18. Reports of Committees, Subsidiaries and Development Assessment Panel**

18.1 Minutes – Audit Committee Meeting, 17 February 2010 (Report No: 93/10)

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 17 February 2010, are presented and submitted for Council for information and endorsement, including the Chairman's Report on the Operations of the Audit Committee for 2009, noting in particular the Committee's recommendations presented below for endorsement.

**C090310/743**

**Councillor Looker moved and Councillor Clancy seconded that the minutes of the Audit Committee meeting held 17 February 2010 be received and recommendations numbered 1 - 7 endorsed by Council:**

*7.1 Standing Items (Report No: 61/10)*

- 1. That the Committee advises Council it has received and considered a Standing Items Report addressing:**
  - **Monthly financial statements**
  - **Internal control**
  - **Risk management**
  - **Whistle blowing**
  - **Internal audit**
  - **Economy and efficiency audits**
- 2. That the Committee advises Council that it discussed the following items:**
  - **Reported breach of internal controls**
  - **Engagement of internal auditor**
  - **Internal control pilot program developed by South Australian Local Government Financial Management Group and Deloitte.**

*7.2 Item in Brief (Report No: 62/10)*

- 3. That the Item in Brief report be noted and the 19 May meeting be changed to 12 May 2010.**

*7.3 Budget Review 1 (Report No: 63/10)*

- 4. That the Committee advise Council that it has considered Budget Review 1 for 2009/10.**

*7.4 Sustainable Operating Efficiency Improvements (Report No: 64/10)*

- 5. That the Audit Committee notes the implementation of a program to deliver a sustainable 2% operating efficiency gain.**

*8.1 Operations of the Audit Committee for the 2009 Year (Report No: 65/10)*

- 6. That the Chairman's annual report be noted and presented to Council.**

*10. Action Items*

- 7. That the Audit Committee notes receipt of Alwyndor financial reports to 31 January 2010.**

**CARRIED**

18.2 Information Report – Southern Region Waste Resource Authority  
December 2009 and February 2010 (Report No: 92/10)

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 7 December 2009 and 8 February 2010.

**C090310/744**

**Councillor van Camp moved and Councillor Huckstepp seconded that information reports of the Southern Region Waste Resource Authority for its meetings held 7 December 2009 and 8 February 2010 be received and noted.**

**CARRIED**

18.3 Minutes – Volunteer Advisory Committee (Report No: 90/10)

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 11 February 2010, are attached and submitted to Council for information and endorsement

**C090310/745**

**Councillor Clancy moved and Councillor Bouchée seconded that the minutes of the Volunteer Advisory Committee meeting held 11 February 2010 be received and recommendations numbered 1 – 4 be endorsed by Council:**

*5.1 Resignation of Volunteer Advisory Committee Member*

- 1. That the resignation of Ms U Legierski from the Volunteer Advisory Committee be accepted and that the Volunteering Development Officer should write to her expressing the Committee’s gratitude for her past involvement.**
- 2. That the Volunteering Development Officer should include an article in the July edition of the new City of Holdfast Bay volunteer newsletter, Volunteer View, asking for Expressions of Interest to fill the vacancy of Ms U Legierski.**
- 3. That the committee congratulate the Volunteering Development Officer on the excellent new Volunteer Newsletter, Volunteer View.**

*6.4 Date of Committee Meetings*

- 4. That the committee meeting be moved to a Wednesday evening, the next meeting being scheduled for Wednesday 12 May 2010.**

**CARRIED**

18.4 Minutes – Jetty Road Mainstreet Management Committee (Report No: 91/10)

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 meeting held 10 February 2010, are attached and presented for Councils' information.

**C090310/746**

**Councillor Heysen moved and Councillor Fisk seconded that the following minutes of the Jetty Road Mainstreet Management Committee held 10 February 2010 be received and the following recommendations numbered 1 - 8 be noted**

*6.1 Items in Brief*

**1. That :**

- 1. The JRMMC endorse the four (4) marketing campaign concepts presented by The Kingdom for the purpose of the Kingdom progressing these ideas to a detailed design and budget stage to be re-presented to the Committee for endorsement.**
- 2. Quotes be obtained for printing of the proposed new JRMMC stationery, business cards and traders directory for printing and associated photography.**
- 3. Other items including banners and promotional signage be costed and that costings be provided to the Committee for consideration when available.**

*6.2 FOD*

- 2. That the JRMMC Manager arrange a Traders information session for the purpose of showing the presentation provided by Mr S Hodge and further utilise this forum to gather ideas and input from the Traders on parking and that, following this session, a report to be prepared by Councillor P Heysen and Mr S Hodge and presented to Council.**

*6.3 Manager's Report (Report No: 48/10)*

- 3. That Ms S La Pira, Ms G Higgins the JRMMC Manager form the SALA Focus Group with the ability to second others to the Focus Group as required for the purpose of designing, budgeting and running a Jetty Road Glenelg SALA event as part of the 2010 SALA Festival**

*6.4 Finance Report*

- 4. That the Finance Report be received and noted.**

*6.5 2010/11 Draft Budget*

**5. That:**

- 1. The 2010/11 Draft JRMMC Budget be received and noted.**
- 2. Council be advised that the Jetty Road Mainstreet Management Committee approves the draft 2010/2011 Jetty Road Mainstreet Management Committee budget and that the budget is recommended to Council for adoption.**



*6.6 2010 Glenelg Christmas Pageant Event Management*

6. That the Pageant Debrief report be noted and items of interest discussed.
7. That :
  1. the JRMMC agrees in principle to re-appoint Big Fish Your Pond as the 2010-11 Pageant Event Company.
  2. the current \$15,000 budgeted for the external management of the Glenelg Christmas Pageant not be increased for 2010.
  3. the chosen Event Company undertakes to secure a minimum of \$15,000 in cash sponsorship for the 2010 pageant.
  4. naming right Sponsorship be set at \$15,000 and, should this amount not be forthcoming, the JRMMC reserves the right to be recognised as the Naming Rights Sponsor and smaller sponsors be recognised as 'Major, Business, or Support' sponsors accordingly.
  5. all design elements required for the 2010 Pageant be the responsibility of The Kingdom Advertising in line with the JRMMC new branding image.
  6. a Pageant Focus Group consisting of JRMMC members Ms S Tilley, Ms S Jones, the Precinct Manager and Chairman if time permitting (optional) to meet once with the Event Company to discuss the 2010 Pageant design and management as per the recommendations provided in the BFYP debrief document and subsequent Committee suggestions.
  7. should both parties reach agreement following this meeting, a new contract be drawn up by the Manager and presented to the Committee at the March meeting for endorsement.
  8. Regular pageant updates be provided to the JRMMC through the Managers report.
  9. the JRMMC Manager explores the opportunity and cost of developing one or two precinct specific floats.

*6.7 Community Arts Project*

8. That the JRMMC Mosaic Planter Focus Group meet with relevant officers from Council's Administration to ascertain what is being proposed for the Artscape Corridor, proposed timelines and how the planned mosaic planters may fit into the proposed Artscape Corridor prior to developing the mosaic art project brief.

**CARRIED**

## 18.5 Minutes – Development Assessment Panel (Report No: 95/10)

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 24 February 2010 is 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.

**C090310/747**

**Councillor Clancy moved and Councillor Huckstepp seconded:**

1. **That the minutes of the Development Assessment Panel meeting held on 24 February 2010 be received.**
2. **That should an appeal be lodged with the Environment, Resources and Development Court against the Development Assessment Panel's decision with respect to any of the matters considered by the Panel on 24 February 2010, that Council Administration engages legal assistance to defend the matter.**

**CARRIED**

**19. Reports by Officers**

19.1 Items in Brief (Report No: 89/10)

Report No: 89/10 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

**C090310/748**

**Councillor Looker moved and Councillor Fisk seconded that the report be noted and items of interest be discussed.**

**CARRIED**

**C090310/749**

**Councillor Bouchée moved and Councillor van Camp seconded that Councillor Crutchett be nominated for the position as the Local Government Association Metropolitan Adelaide Zone Representative on the State Executive.**

**CARRIED**

19.2 Library Services Review – Update (Report No: 97/10)

As requested at the meeting of 9 February 2010, this report provides Council with an outline of the current recommendations related to the review of the Holdfast Bay Library Service, along with a progress report of actions underway, preliminary considerations in regard to potential options and the necessary resource requirements to adequately undertake a review of this nature.

**C090310/750**

**Councillor Bouchée moved and Councillor Fisk seconded:**

1. **That Council receives and notes Report No: 97/10 and endorses the**

**Chief Executive Officer to engage a suitably qualified person who understands modern library trends to project manage a review on the operation of the Holdfast Bay Library Service.**

- 2. That the review will include undertaking benchmark analysis, identifying partnering opportunities, industry trends and implications, and further analysis of the building upgrade options, with a report to be presented to Council on the findings and recommendation.**

**CARRIED**

**20. 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.

**21. Urgent Business – Subject to the Leave of the Meeting**

**21.1 Writers at the Bay**

Councillor Looker informed Members that he had received a collection of the work by the Writers at the Bay.

**21.2 Western Region Waste Management Update**

Councillor Bouchée provided Members an update on the Western Region Waste Management Update.

**22. Items in Confidence**

**22.1 Motion on Notice – Inner Southern Business Enterprise Centre Membership (Report No: 98/10)**

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

**C090310/751**

**Councillor Heysen moved and Councillor Crutchett 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**

Motion on Notice – Inner Southern Business Enterprise Centre Membership (Report No: 98/10)

**ORDER TO RETAIN DOCUMENTS IN CONFIDENCE****C090310/754**

**Councillor Crutchett moved and Councillor Bouchée seconded that pursuant to Section 90(2), 90(3)(b) and 91(7) of the Local Government Act 1999:**

- 1. The Council orders that the documents and minutes relating to Report No: 98/10 with the exception of Resolution No: C090310/751 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 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 under Section 90(2) and 90(3)(b) of the Act****
- 2. This resolution will be reviewed on or before 30 June 2011 by the Council.**

**CARRIED****23. Resumption****C090310/755**

**Councillor van Camp moved and Councillor Clancy seconded that Council resume as an open meeting of Council at 8:37pm.**

**CARRIED****24. Closure**

The Meeting closed at 8:37pm.

**CONFIRMED      Tuesday 23 March 2010****MAYOR**