

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 27 July 2010 at 7:02pm.

PRESENT

His Worship the Mayor	A K Rollond
Deputy Mayor	R A Clancy
Councillor	R M Bouchée
Councillor	L R Fisk
Councillor	P D H Heysen
Councillor	J D Huckstepp
Councillor	T D Looker
Councillor	A C Norton
Chief Executive Officer	J P Lynch
General Manager Alwyndor Aged Care	G Potter
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 7:02pm.

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 D Beh, Councillor P N Crutchett Councillor J L Deakin and S C Lonie |
| 4.2 Absent | Councillor L van Camp |

5. **Items Presented to Council** Nil
6. **Declaration of Interest**

Members were reminded to declare their interest before each item.

7. **Confirmation of Minutes**

C270710/954

Councillor Clancy moved and Councillor Looker seconded that the minutes of the Ordinary Meeting of Council held on 13 July 2010 be taken as read and confirmed.

CARRIED

8. **Questions by Members**

8.1 Without Notice

8.1.1 Parking Vehicles

At Council's meeting held on 11 May 2010, Councillor Bouchée asked if Administration could investigate the issue of long term parking on The Broadway, Glenelg caused by commercial developments without appropriate parking facilities and provide possible policy or regulations which would alleviate the issue.

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

On-street parking is for general use for residents, their visitors, and patrons and customers of commercial premises. The Broadway currently has provision for 168 on-street car parking spaces, 149 of which have no time limit. The 29 time-limited spaces are all located within the commercial precinct between Ramsgate Street and Hastings Street. Many of the businesses within this precinct are located within old buildings which have been adapted for commercial use over time. As such, many of these businesses do not have reciprocal on-site parking for staff and customers. Although new shops and offices are now required to provide on-site car parking, there is no retrospective requirement to compel existing businesses to provide parking on-site. As such, these businesses rely on on-street car parking. The only policy response available to this issue is as follows:

1. **Extend the area covered by the Car Parking Fund to include The Broadway (the Car Parking Fund allows Council to seek monetary contributions from businesses which are physically constrained from providing on-site car parking. The proceeds can then be used for the purpose of creating car parking elsewhere). This would require an amendment to Council's Development Plan via a Development Plan Amendment. This is a long-term solution however, and may not alleviate the problem because it will depend on the convenience and accessibility of the alternative car parking, but also can only be implemented when a development application for a new building or change of land use is proposed.**
2. **Applying time limits to on-street car parking spaces or introducing 'permit' spaces reserved for residents to all spaces west of Ramsgate Street and east of Hastings Street, which currently**

provide for unrestricted on-street parking. The disincentive to restricting parking in these locations would apply to employees of businesses who rely on all-day parking, and to guests of residents along The Broadway. Students and tourists who spend the whole day in Glenelg may also need to find alternative parking if time restrictions were extended. However, this solution would do little other than to shift the problem elsewhere. An audit of the locality revealed that employees of businesses and all-day visitors to Glenelg could simply park in side streets should parking restrictions be extended further along The Broadway.

3. **Amending Council's Development Plan to discourage businesses which generate high demands for parking in preference for less intensive uses. Consulting rooms typically generate less parking (fewer employees and clientele) compared with retail premises. This is mainly due to the appointment based scheduling of visitations coupled with the fewer employees per square metre of floor space. The problem with this solution is the potential loss of convenience retailing to the locality and reduction in competition. Attempts to amend Council's Development Plan to allow this may not be supported by the Minister either because it dilutes the diversity offered by the commercial precinct and may be seen as a discriminatory practice.**

There is no immediate solution for the reduction of on-street car parking because The Broadway is a partly commercial precinct with businesses located in premises which are incapable of providing on-site car parking. Administration will however continue to monitor parking patterns along The Broadway and promote opportunities for additional on-site parking during the development assessment process wherever possible.

8.1.2 Subsidence of Seawall at the Minda Home

Councillor Norton asked a question regarding the subsidence of the rocks along the seafront adjacent to Minda, due to the effects of high tide and whether Administration had approached the Coastal Protection Board to address the problem.

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

8.2 With Notice

8.2.1 Informal and Formal Discussion during Council/Committee Meetings

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

Due to some confusion at the Council meeting of 13/7/10 would Administration clarify the following:

- (a) The recommended process for the Presiding Member/Chair moving into and out of formal discussion.
- (b) The implications for any decisions made following the suspension of meeting regulations
- (c) How the minutes should reflect what happened?

The General Manager Corporate Services, Mr I Walker's response.

Regulation 21 of the *Local Government (Procedures at Meetings) Regulations 2000*, allows for the Presiding Member (Chairperson) to suspend the operation of the meeting regulations for a specified time to allow for informal discussion to occur with the consent of two-thirds of the members present.

The recommended process for a short-term suspension of proceedings would be for a member to put the motion to the chamber seeking approval for the suspension of the meeting regulations to discuss a matter informally.

The LGA Meeting Procedures Handbook for Council Members advises that *"if a suspension of the meeting occurs:*

- ***The provisions of the Act must be continued to be observed in so far as, no motion may be moved, seconded or voted on, other than a motion that the period of suspension be brought to an end;***
- ***The period of suspension should be limited to achieving the purpose for which it was declared; and***
- ***The suspension will come to an end when the presiding member determines so or at least two-thirds of the members at the meeting resolve that the period should end."***

The minutes will record the resolution to suspend the meeting regulations, the length of time the regulations were suspended and the resolution to recommence the formal meeting.

8.2.2 First Class Cricket at the Glenelg Oval

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

Following the completion of Council's \$59,000 investment in bringing Glenelg Oval up to the standard for first class cricket what news is there of the fixtures coming to Glenelg for the coming cricket season.

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

SACA is in the process of finalising scheduling for the summer season. The first priority with Glenelg Oval is to 'test drive' the suitability of the new pitch for 1st class cricket following the end of the football season. It is planned to have a Futures League 3 day (Under 23) match for late November to do this satisfactorily. Once this milestone is crossed SACA will be able to schedule games, which cannot be played at Adelaide Oval due to conflicting commercial purposes, as originally discussed.

8.2.3 Rates Income

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

1. What is Councils rate revenue for the 2010/2011 budget year as per the following categories?

- Residential
 - Commercial Office
 - Commercial Shop
 - Commercial Other
 - Industrial light
 - Industrial Other
 - Vacant Land
 - Other
2. What is the rate revenue from the Properties who pay the levy within the boundaries for the Jetty Road Main Street Board (*excluding the Jetty Road Main Street levy*) ?
3. What is Councils rate revenue for the 2010/2011 budget year as per the following categories from the Properties who pay the levy within the boundaries for the Jetty Road Main Street Board (*excluding the Jetty Road Main Street levy*) ?
- Commercial Office
 - Commercial Shop
 - Commercial Other
 - Industrial light
 - Industrial Other
 - Vacant Land
 - Other

The General Manager Corporate Services, Mr I Walker's response.

1. **The Councils rate revenue for the 2010/2011 budget year for the categories listed below:**

Residential	\$ 20,894,977.05
Commercial Office	\$ 211,311.35
Commercial Shop	\$ 1,294,730.10
Commercial Other	\$ 1,507,145.80
Industrial light	\$ 74,435.15
Industrial Other	\$ 90,527.50
Vacant Land	\$ 275,536.70
Other	\$ 534,622.45

2. **The rate revenue from the Properties who pay the levy within the boundaries for the Jetty Road Main Street Board (*excluding the Jetty Road Main Street levy*) is \$1,275,441.85.**
3. **The Councils rate revenue for the 2010/2011 budget year for Properties who pay the levy within the boundaries for the Jetty Road Main Street Board (*excluding the Jetty Road Main Street levy*) is:**

Commercial Office	\$ 58,340.65
Commercial Shop	\$ 760,628.70

Commercial Other	\$ 449,422.30
Industrial light	Nil
Industrial Other	Nil
Vacant Land	Nil
Other	\$ 7,050.20

9. Member's Activity Reports

9.1 Mayoral Report (Report No: 360/10)

9.2 Holdfast Bay Community Centre

Councillor Looker reported that he had attended a meeting of Holdfast Bay Community Centre.

9.3 Supported Residential Facilities Advisory Committee

Councillor Heysen reported that he had attended a meeting of the Supported Residential Facilities Advisory Committee as Local Government Association representative.

9.4 Glenelg Brass Band

Councillor Bouchée reported that she had attended Glenelg Brass Band's monthly meetings.

10. Public Presentations

10.1 Petitions Nil

10.2 Presentations Nil

10.3 Deputations Nil

11. Motions on Notice

11.1 Tourist Information Building

Councillor Bouchée left the chamber at 7:11pm.

Councillor Bouchée rejoined the chamber at 7:12pm.

In accordance with his notice:

Councillor Looker moved and Councillor Heysen seconded that in the interests of gaining maximum returns for Council and investment certainty for a lessee, negotiations for the lease of the Council owned building known as Scampis be based around a maximum lease period of 20 years.

C270710/955

Councillor Fisk moved and Councillor Bouchée seconded that this matter be adjourned until after the November 2010 elections.

CARRIED

Background

Council owns the "Scampi's" building located in a prime tourism and business site. The building structure is sound but refurbishment would reinvigorate both the building and location. For a commercial lessee the length of a lease is critical to allow time for any capital costs to be recovered or amortised over a realistic period. 9 years is insufficient time to attract the investment this property needs and it would be naïve for Council to assume a lessee would be keen to do more than a minimal refurbishment with such a limited lease period.

This will be to the detriment of both the lessee and the return to council and condemn this building to becoming less than its potential even tawdry. Considerations such as disabled access are common issues in lease negotiations and easily addressed in standard form by a clause in the lease documents. My advice (from a commercial leasing company known to me) is that Professional leasing companies deal with potential disable issues regularly and the most common approach is that any compulsory additions costs are added to the lease and repaid over a period. This should not be a disincentive to negotiations or an excuse to demolish the property.

Council must manage its commercial dealings in a professional, business like manner with a view to maximising returns for ratepayers. Failing to provide prospective lessees with certainty and sufficient time to amortize investments is not serving the interests of anyone and denying our ratepayers the commercial returns they are entitled to.

11.2 Liquor Licensing Policy Changes

In accordance with her notice:

C270710/956

Councillor Bouchée moved and Councillor Heysen seconded that Administration investigate and report back to Council the feasibility of undertaking a Development Plan Amendment (DPA) focused on enhancing the Council's Development Plan policy provisions relating to liquor licensing, late night entertainment and associated amenity impacts.

CARRIED

12. Adjourned Matters

Nil

13. Reports of Management Committees, Subsidiaries and the Development Assessment Panel

13.1 Minutes – Alwyndor Management Committee (Report No: 361/10)

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 18 May 2010 are attached.

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

We are currently reviewing the confidential nature of the meeting and changes are forthcoming.

C270710/957

Councillor Clancy moved and Councillor Heysen seconded that the Minutes of the Alwyndor Aged Care Management Committee meeting held 15 June 2010 and the Comparison Budget for June 2010 be received and noted by Council.

CARRIED

13.2 Minutes – Development Assessment Panel (Report No: 362/10)

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 23 June 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.

C270710/958

Councillor Clancy moved and Councillor Norton seconded that that the minutes of the Development Assessment Panel meeting held on 23 June 2010 be received.

CARRIED

14. Reports by Officers

14.1 Items in Brief (Report No: 363/10)

Report No: 363/10 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

C270710/959

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

CARRIED

14.2 Alwyndor

14.2.1 Alwyndor Management Committee Appointments (Report No: 368/10)

The General Manager Alwyndor Aged Care, Mr G Potter advises Council that the Alwyndor Aged Care Management Committee has completed the annual Committee Member Selection Process.

As a result, the Committee now recommends that Council re-appoints Ms Kathleen Stevens and Mr Mick Bower for a further two year term and appoints Ms Marissa Barbarioli to fill the remaining vacancy on the Management Committee, for an initial two year term to expire on 30 June 2012.

C270710/960

Councillor Clancy moved and Councillor Heysen seconded that Council endorses the appointment of:

- **Ms Kathleen Stevens;**
- **Mr Mick Bower; and**
- **Ms Marissa Barbarioli (subject to the receipt of a satisfactory National Police Clearance)**

to the Alwyndor Management Committee for a two year term to expire on 30 June 2012.

CARRIED

14.2.2 Project Update (3) – Alwyndor Redevelopment (Report No: 369/10)

Presented for the information of Members is an update from the General Manager, Alwyndor Aged Care on the progress of the Redevelopment Capital Works Project.

C270710/961

Councillor Clancy moved and Councillor Heysen seconded that Report No: 369/10 on the Alwyndor Aged Care Capital Redevelopment be received and noted by Council.

CARRIED

14.3 Civic Nil

14.4 Corporate Development Nil

14.5 Encroachments Nil

14.6 Finance

14.6.1 2009/2010 Budgets Carried Forward (Report No: 365/10)

A number of programs in Council's 2009/10 annual business plan and budget are incomplete at 30 June 2010. Completion will require an allocation of funds in the form of a 'carry forward' from 2009/10 to the 2010/11 budget.

C270710/962

Councillor Looker moved and Councillor Fisk seconded that capital expenditure of up to \$1,300,606 and operating expenditure of up to \$265,386 from the 2009/10 budget be carried forward for expenditure in 2010/11.

CARRIED

14.7 Governance

14.7.1 Local Governance Finance Authority Annual General Meeting (Report No: 364/10)

The Local Government Finance Authority will hold its Annual General Meeting on Friday 29 October 2010 and has asked Council to advise of its representative to attend (if any).

C270710/963

Councillor Fisk moved and Councillor Norton seconded that Council appoints Mayor Rollond as Council's voting delegate to represent Council at the Annual General Meeting of the Local Government Finance Authority to be held on 29 October 2010.

CARRIED

14.7.2 Section 270 Review – Non-Significant Street Tree Removal – 24 King George Avenue, Hove (Report No: 366/10)

The Chief Executive Officer has received a request in accordance with Section 270 of the Local Government Act 1999 to review a decision of Council. The decision concerns Council's resolution on the 23 March 2010, to retain a healthy *Robinia* tree, located in the verge adjacent to 24 King George Avenue, Hove. In accordance with its policy, as the decision in question was a decision of Council, the review must be conducted by Council.

This report provides information on the administrative processes that led to the matter being put before Council.

In reviewing the decision Council should consider both whether the administrative processes were in accordance with good practice and also whether, in the circumstances, the decision made was fair and reasonable.

C270710/964

Councillor Clancy moved and Councillor Heysen seconded that Council, having reviewed its decision of 23 March 2010, resolution number C230310/764.2 resolves to uphold the decision made by Council at its meeting of 23 March 2010, resolution number C230310/764.2, being that street tree at 24 King George Avenue, Hove, being healthy should be retained.

CARRIED

14.7.3 Enhancements to Council's Decision Making Structure (Report No: 370/10)

Council has recently commenced a trial of a new Committee structure to enhance its decision making. As part of this trial, Council further resolved to develop guidelines for the development of specialist informal working parties. As good decision making requires that the decision makers (Council) have had the opportunity to consider all relevant information prior to making a decision, this report provides guidelines for some enhancements to Council's decision making structure.

This report presents:

1. Recommendations regarding either the retention or dissolving of the current Section 41 committees.
2. Draft guidelines and Terms of Reference for informal working parties or Council Reference Groups; and
3. Draft guidelines for the conduct of Council Workshops

A decision making process, combining a formal structure which is supported by informal opportunities to explore matters in depth where required, ensures that Council's decisions are good decisions, and enhances the community's confidence in the decision making body.

Councillor Looker moved:

1. That Council makes a recommendation to the incoming Council to appoint the following five section 41 Committees:
 - a. Jetty Road Mainstreet Management Committee
 - b. Alwyndor Management Committee
 - c. Audit Committee
 - d. Executive Committee
 - e. Caravan Park Advisory Committee

and not to reappoint all other committees of Council.
2. Adopts the Draft Terms of Reference for Council Reference Groups attached to this report.
3. Adopts the Draft Guidelines for Council Workshops as detailed in this report.

LAPSED FOR WANT OF A SECONDER

C270710/965

Councillor Clancy moved and Councillor Norton seconded:

1. That Council makes a recommendation to the incoming Council to appoint the following five section 41 Committees:
 - a. Jetty Road Mainstreet Management Committee
 - b. Alwyndor Management Committee
 - c. Audit Committee
 - d. Executive Committee
 - e. Caravan Park Advisory Committee

and not to reappoint all other committees of Council, other than the standing committees.
2. Adopts the Draft Terms of Reference for Council Reference Groups attached to this report.
3. Adopts the Draft Guidelines for Council Workshops as detailed in this report.

CARRIED

14.7.4 Approval of Authorised Officer – Road Traffic Act 1961, General Approval (Report No: 371/10)

Council has recently appointed a new Traffic and Transport Coordinator who, as part of her role, will be responsible for exercising delegations to use traffic control devices, to close roads and grant exemptions for events. Other senior officers of Council also require this authorisation. This power is conferred to Councils by the Minister, and only Council can authorise an officer to carry out these powers and they must do so *“for, and on behalf of the Council.”*

C270710/966

Councillor Looker moved and Councillor Huckstepp seconded that Council authorises the following officers of the City of Holdfast Bay City of Holdfast Bay, to exercise the powers conferred by the Minister to Council in his Notice of General Approval, June 2006, for, and on behalf of Council.

- **Mr Steve Hodge, General Manager City Assets**
- **Mr Mark Clarke, Manager Public Spaces**
- **Mr Ken O'Neill, Manager, Regulatory Services**
- **Ms Pam Andritsakis, Traffic and Transport Coordinator**

CARRIED

14.8 Property

14.9 Regulatory

14.10 Other Matters

14.10.1 Request for Funds to Defend Appeals Before the Environment, Resources and Development Court (Report No: 367/10)

Council has received notice of an appeal lodged with the Environment, Resources and Development Court against a decision of the Development Assessment Panel made on 23 June 2010. In accordance with a previous Council resolution, prior approval is sought for the expenditure of funds to resource a proper defence of the decision.

C270710/967

Councillor Fisk moved and Councillor Norton seconded that Council Administration is permitted to expend funds to resource the proper defence of the appeal described in Attachment 1 to this report lodged with the Environment, Resources and Development Court against a decision of the City of Holdfast Bay Development Assessment Panel.

CARRIED

A division was called.

Voted For	Voted Against
L R Fisk	R M Bouchée
P D H Heysen	R A Clancy
J D Huckstepp	
T D Looker	
A C Norton	

HIS WORSHIP THE MAYOR DECLARED THE MOTION CARRIED

14.10.2 John Miller Park – Masterplan (Report No: 345/10)

The John Miller Park Community Reference Group (CRG) met on Thursday 8 July 2010 to review the initial draft Master Plan produced by Landscape Architect Consultants, Oxigen Pty Ltd.

Community members of the CRG (four local residents) were joined by Brighton Ward Councillors Norton and Lonie and Somerton Ward Councillor Crutchett to review the draft Master Plan based on concepts previously supported by the CRG and formed the basis for the consultant's proposal. The CRG made several positional and concept changes and were unanimous in their support for the final draft master Plan recommended to Council for community consultation.

C270710/968

Councillor Clancy moved and Councillor Bouchée seconded that Council release the draft John Miller Park Masterplan located at Attachment 1 for community consultation.

15. 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.

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

16.1 Retention of Extra Information for Item 11.1 in Confidence

C270710/969

Councillor Looker moved and Councillor Heysen seconded that the extra information circulated to members be received and retained in confidence and 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**

and that this resolution will be reviewed on or before 30 June 2011 by the Council.

CARRIED

17. Items in Confidence Nil

18. Closure

The Meeting closed at 7:51pm.

CONFIRMED Tuesday 10 August 2010

MAYOR