

## 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 10 August 2010 at 7:00pm.**

### PRESENT

His Worship the Mayor	A K Rollond
Deputy Mayor	R A Clancy
Councillor	R M Bouchée
Councillor	P N Crutchett
Councillor	L R Fisk
Councillor	P D H Heysen
Councillor	J D Huckstepp
Councillor	S C Lonie – 7:06pm
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 7:00pm.

### 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 J L Deakin |
| 4.2 Absent             | Councillor R D Beh    |

**5. Items Presented to Council** Nil

**6. Declaration of Interest**

Members were reminded to declare their interest before each item.

**7. Confirmation of Minutes**

**C100810/970**

**Councillor Heysen moved and Councillor Fisk seconded that the minutes of the Ordinary Meeting of Council held on 27 July 2010 be taken as read and confirmed.**

**CARRIED**

**8. Questions by Members**

8.1 Without Notice

8.1.1 Liquor Licensing

Councillor Bouchée asked a question regarding the staffing in the Liquor Licensing area of Council and if it is possible to increase the resources in this area, particularly during the warmer months.

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

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

8.1.2 Sound Monitoring

Councillor Bouchée asked a question regarding the employment of an officer to undertake random checks of the noise level of venues in Moseley Square.

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

8.1.3 Letter to the Minister of Urban Development and Planning

Councillor Bouchée asked a question regarding the request of Council to meet with the Minister regarding the Residential Code.

**Councillor Lonie joined the Chamber at 7:06pm.**

**The Chief Executive Officer provided a response.**

8.1.4 Licensing Submission Error

Councillor Crutchett asked a question regarding an error in the Glenelg Football Club's application and what efforts have been made to remedy the situation.

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

8.1.4 Parking at the Glenelg Primary School

Councillor Crutchett asked a question regarding the story on page 1 of the Guardian Messenger, 11 August 2011, regarding the use of mini video

cameras in their duties, and in particular the comments made by the Glenelg Primary School.

**The Chief Executive Officer provided a response.**

8.2 With Notice

8.2.1 Differential Rate – Commercial and Industrial Properties

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

How does the City of Holdfast Bay 2010/2011 differential rate on Commercial shop and Industrial other, compare with other Adelaide Metropolitan councils?

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

**General Differential Rates - Council comparisons**

Council	Commercial	Industrial	Vacant
City of Holdfast Bay		50%	50%
City of Marion		80%	70%
City of West Torrens		128%	128%
City of Unley	Commercial (shop) 122.5%, Commercial (office/other) 134%	122.5%	122.5%
Norwood Payneham		20%	20%
St Peters Council			
City of Burnside		0%	0%
City of Tea Tree Gully		0%	0%
City of Salisbury		50.3%	12.5%
City of Playford			
City of Mitcham		60%	60%
City of Onkaparinga		33.3%	54.7%

8.2.2 Costs for Municipal Waste Collection

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

Can Administration please provide a breakdown of costs for City of Holdfast Bay in relation to Municipal Waste collection by Solo for the last 4 months identifying any charges at Transfer Station and Transport costs excluding those charges which can be attributed to the collection .

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

All amounts GST inclusive	Weeks	Domestic Collection	Recyclables Processing	Organics Processing	Total
March 2010	5	205174	20057.12	8066.10	233297.22
April 2010	4	161381	13433.45	9970.78	184785.23
May 2010	4	161395.4	13051.20	10083.06	184529.66
June 2010	5	196996.4	12907.63	13813.60	223717.63

**It should be noted that the cost for the Domestic Waste collection includes such things as:**

- **The initial bin supply.**
- **Ongoing maintenance of the bins and replacement of stolen/damaged bins.**
- **Delivery of waste to councils preferred supplier.**
- **Increase in number of services as and when they occur.**

**There is a reduction in the cost of the June collection due to the reimbursement of an overcharge in the service from a previous account.**

## **9. Member's Activity Reports**

### 9.1 SALA Festival Opening

Councillor Looker reported that he had attended the SALA Festival Opening with Councillor Heysen and Councillor Lonie.

### 9.2 National Tree Day

Councillor Huckstepp reported that he had attended the National Tree Day Tree Planing with Councillor Lonie.

### 9.3 Liquor Licensing Submission Hearing

Councillor Bouchée reported that she had presented evidence at Liquor Licensing hearing regarding the Dublin's application.

### 9.4 Bay Discovery Centre Exhibition Opening – Carnivals and Side Shows

Councillor Looker reported that he had attended the Bay Discovery Centre Exhibition Opening – Carnivals and Side Shows.

## **10. Public Presentations**

10.1	Petitions	Nil
10.2	Presentations	Nil
10.3	Deputations	Nil

## **11. Motions on Notice**

### 11.1 Scampi's Building

In accordance with his notice:

**C100810/971**

**Councillor Crutchett moved and Councillor Bouchée seconded that Administration move forward with developing two scenarios for the councils community owned site known as the "Scampi Building" in order to allow community consultation on options after reporting to council.**

**Scenario One:**

- **Moving forward with demolishing the building at the conclusion of any**

existing lease or tender obligations to create open space.

- **Moving forward with developing options for a replacement Male/Female/Unisex toilet block and change rooms for swimmers and beach users in an alternative location.**
- **Moving forward with options to increase the differential rate to cover the demolition cost, the loss of income for rent, the replacing of the toilet.**
- **Moving forward to calculate the net gain/loss in open space following the demolition and replacement of the toilet block.**

#### **Scenario Two:**

- **Moving forward with a scenario to maintain the building, modernise it and gain a long term tenants that have the capacity to pay the rent following conclusion of any existing lease or tender obligations.**
- **Moving forward with developing an option to allow variable monthly rent payments adjusted to summer/winter cash flows for a business in this location.**
- **Moving forward with a method to enhance security between the building and the Glenelg Town Hall.**
- **Moving forward with an option to reduce the wind tunnel effect between the building and the Glenelg town hall.**
- **Moving forward with a method of creating an ambience which is now found in Henley square.**
- **Moving forward with a plan to incorporate the site on the Community Land management register Community Land Business Facility Management Plan**

**CARRIED**

#### **Background**

The Scampi Building site is not protected under the community land management.

The site could be sold without consultation with the community. It is important that council is presented with both scenarios prior to making a decision.

#### **11.2 Appointment of Council Representatives on Outside Bodies**

In accordance with his notice:

**C100810/972**

**Councillor Crutchett moved and Councillor Bouchée seconded:**

- 1. That Council cease appointing “Council Representatives” to external bodies (excluding subsidiaries) following receipt of legal advice which clearly states that elected members who are members of committees are not covered by the protections under section 39 of the Local Government Act 1999.**
- 2. That Council appoints liaison members to these organisations to maintain a collaborative relationship with the Council.**
- 3. That Council inform all of the organisations affected by this**

**resolution****TIED****HIS WORSHIP USED HIS CASTING VOTE AGAINST THE MOTION AND DECLARED THE MOTION LOST****Background**

Elected Members need to be aware as appointees to community boards and committees that the legal protections under the Local Government Act 1999, in section 39, in relation to personal civil liability do not apply as the Member is not acting on behalf of council but on behalf of the organisation they are appointed to. The Council has sought legal advice regarding this previously and is attached for Members information under separate cover.

By the appointing of liaison members, elected members can continue to represent council at these meetings but are not putting the protections members are granted under the act regarding personal civil liability, as they are representing council at the meetings not the organisation. Elected Members representing Council at these meetings are observers and not committee/board members.

This allows for the appointed elected member to maintain the collaborative and beneficial relationship with these organisations.

Council has already changed how it has appointed a representative to ISBEC to ensure that the protections of the Local Government Act apply, and as Council is reviewing and enhancing its decision making structures it is an appropriate time to consider this matter.

**11.3 Damage to Significant Norfolk Island Pine**

In accordance with his notice:

**C100810/973**

**Councillor Norton moved and Councillor Bouchée seconded that Council Administration is permitted to expend funds to resource the proper enforcement action pursuant to Section 84 and/or 85 and/or S44 General Offences of the Development Act 1993 with the Environment, Resources and Development Court, and any subsequent appeals against such enforcement proceedings, following the tree damaging activity which was caused to the 'significant' Norfolk Island Pine tree located on land at 103 Esplanade, Hove.**

**CARRIED****Background**

In late May 2010, Administration was alerted to the fact that in the course of undertaking site works at 103 Esplanade, Hove, contractors trenching for footings not associated with a development application severed the main roots of the 'significant' Norfolk Island Pine tree located in the front yard of the property. The tree was damaged beyond repair and the tree's life span has been severely curtailed, to the point where it now must almost certainly be removed on safety grounds (opinion of Council's arborist).

The tree measures in excess of 20 metres in height and represents one of the most notable Norfolk Island Pines along the Esplanade at Hove.

The Development Act 1993 states that a 'tree damaging activity' includes, but is not limited to, removal, pruning, ringbarking or disturbance of the root system of any tree that measures 2.0 metres in circumference or greater at a point 1 metre above the ground.

Having learnt of the tree damaging activity, Council's Development Assessment Panel (DAP), at its meeting held on 28 July 2010, resolved that Administration proceed with enforcement action pursuant to Section 84 and/or 85 of the Development Act 1993 against the perpetrators (contractor and/or landowner) for the tree damaging activity.

In order to proceed with the enforcement action in the Environment, Resources and Development Court, Council approval is required for the expenditure of any resources supporting decisions of the City of Holdfast Bay Development Assessment Panel. As such, a resolution of Council is required to affect the DAP's decision.

#### 11.4 Feasibility of a No Left Turn/No Right Turn

In accordance with her notice:

**C100810/974**

**Councillor Bouchée moved and Councillor Heysen seconded that the Chief Executive Officer investigate the feasibility of a "No Left Turn" between the hours of 7:00 am and 9:00am from Pier Street onto Penzance Street and "No Right Turn" between 4:00pm and 6:00pm from Brighton Road onto Yuill Street and Tassie Street.**

**CARRIED**

#### **Background**

For the last two years this problem has escalated, cars are bypassing the Diagonal/Brighton Road lights at peak hours and are going down Yuill Street and Penzance Street at high speeds.

From personal observation the drivers do not pay attention, and do not care that speed is not a good idea in this narrow street. This end of Penzance Street is narrow and cars are parked on both sides due to Partridge House / Bus stops and adjacent Hotels. There was a narrow miss last Thursday when a child aged approx 12 ran out of Partridge House, he was playing football, he did slow down but not the car that came racing out from Brighton Road via Tassie Street.

**12. Adjourned Matters** Nil

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

13.1 Minutes – Jetty Road Mainstreet Management Committee (Report No: 385/10)

The Jetty Road Mainstreet Management Committee (JRMMC) has been established to undertake work to benefit the traders on Jetty Road, Glenelg, using the separate rate 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 14 April 2010, are attached and presented for Councils' information.

**C100810/975**

**Councillor Heysen moved and Councillor Fisk seconded that the following minutes of the Jetty Road Mainstreet Management Committee held 14 April 2010 be received and the following recommendations numbered 1 - 7 be noted.**

*Artscape Corridor*

- 1 That the Jetty Road Mainstreet Management Committee contributes \$5000 to have Mr B Tucker produce the design concepts which can then be presented to Council for consideration as part of the overall Artscape Corridor, that as part of this a workshop be held to gather ideas for the project.**

*Bridal Fair*

- 2 That Jetty Road Mainstreet Management Committee supports the proposed Bridal Fair by promoting it to the Jetty Road Glenelg Precinct Traders by asking Council to approve the erection of a banner in Moseley Square which the organisers are to arrange at their own cost.**

*Tree Lighting*

- 3 That Mrs S Tilley, Mrs S McKenzie and Mrs G Higgins identify the appropriate trees to have the new lighting installed, then Administration arrange to have the supply and installation quoted for consideration of the Committee.**

*Pageant Sponsorship*

- 4 That the Naming Rights sponsorship of the Glenelg Christmas Pageant be awarded to The Beachouse.**

*Vinyl Banners*

- 5 That the vinyl banners be produced and installed in Jetty Road Glenelg based on approval of a prototype being created and trialled on one of the small banners on a Precinct side street and, once these are deemed suitable, a complete costing being provided.**

*The BMW Adelaide Fashion Festival 2010*

- 6 That the Jetty Road Mainstreet Management Committee in principal supports allocating \$25,000 to actively pursue their involvement in the 2010 BMW Adelaide Fashion Festival based on a detailed budget and plan being provided.**

*Residents' Association Campaign to Maintain a Cinema in the Jetty Road Glenelg Precinct*

- 7 That the Jetty Road Mainstreet Management Committee in principal supports maintaining a cinema in the Jetty Road Glenelg Precinct should it be deemed as viable.**

**CARRIED**

13.2 Information Report – Southern Region Waste Resource Authority  
(Report No: 386/10)

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 5 July 2010.

**C100810/976**

**Councillor Huckstepp moved and Councillor Clancy seconded that information report of the Southern Region Waste Resource Authority for its meeting held 5 July 2010 be received and noted.**

**CARRIED**

13.3 Information Report – Western Region Waste Management Authority  
(Report No: 387/10)

The Western Region Waste Management Authority (WRWMA) is a regional subsidiary under Section 43 the Local Government Act 1999 by the Constituent Councils (Cities of Charles Sturt, West Torrens, Port Adelaide Enfield and Holdfast Bay).

Western Region Waste Management Authority was established to:

- Manage the joint interests of the Constituent Councils in relation to the Garden island landfill site;
- Undertake all manner of things relating to and incidental to the management function of the Authority;
- Provide a forum for the discussion and consideration of issues related to the joint obligations and responsibilities of the Constituent Councils in respect of the Garden Island landfill site.

The minutes of the Western Region Waste Management Authority Ordinary Board Meeting held 8 July 2010, are attached and submitted to Council for information.

**C100810/977**

**Councillor Bouchée moved and Councillor Huckstepp seconded that the minutes of the Western Region Waste Management Authority Board Meeting held 8 July 2010 be received and noted.**

**CARRIED**

**14. Reports by Officers**

14.1	Items in Brief	Nil
14.2	Alwyndor	Nil
14.3	Civic	Nil
14.4	Corporate Development	Nil
14.5	Encroachments	Nil
14.6	Finance	Nil
14.7	Governance	

14.7.1 Policy Review – City Assets (Report No: 384/10)

As part of its on-going review of Council policies, nine policies managed by the City Services Department have been considered by the Policy Review

Working Party, and are now presented to Council for endorsement. Eight of the nine policies have required minor amendments since their last review, while the ninth policy, Street Tree Management has been substantially rewritten.

**C100810/978**

**Councillor Looker moved and Councillor Clancy seconded that the following policies (as amended) be adopted by Council:**

- **Beach Wrack (Seagrass) Removal Policy**
- **Climate Change Policy**
- **Contracts and Tendering Policy – amendment to delegation to the CEO not the General Manager**
- **Directional Signs Policy**
- **Hoarding Permits and Builder Damage Policy**
- **Graffiti Policy**
- **Naming of Public Places Policy**
- **Street Naming Policy – amendment to delegation to the CEO not the General Manager**
- **Street Tree Management Policy**

**CARRIED**

14.7.2 Limited Extension of Tenure for Independent Members Serving on the Development Assessment Panel (Report No: 388/10)

The current term for Elected Members serving on the City of Holdfast Bay Development Assessment Panel expires on 14 November 2010, and on 31 December 2010 for Independent Members. It is therefore recommended that Council extend the tenure for the current Independent Members to 1 April 2011 as an interim measure to allow the new Council to appoint the Independent Members for the full two-year term.

**C100810/979**

**Councillor Crutchett moved and Councillor Fisk seconded that advertisements be placed for new appointments to the DAP commencing 1 January 2010.**

**TIED**

**HIS WORSHIP THE MAYOR USED HIS CASTING VOTE FOR THE MOTION AND DECLARED THE MOTION CARRIED**

14.8 Property	Nil
14.9 Regulatory	Nil
14.10 Other Matters	Nil

## **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 Changes to Council's Decision Making Structure

Councillor van Camp raised the Environmental Advisory Committee's concerns regarding the changes made to Council's Decision Making Structure.

**17. Items in Confidence** Nil

**18. Closure**

The Meeting closed at 8:07pm.

**CONFIRMED** Tuesday 24 August 2010

**MAYOR**