

## 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 12 October 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	L R Fisk
Councillor	P D H Heysen
Councillor	J D Huckstepp
Councillor	S C Lonie
Councillor	T D Looker
Councillor	A C Norton
Chief Executive Officer	J P Lynch
General Manager City Assets	S G Hodge
General Manager City Services	R A Thomas
General Manager Corporate Services	I S Walker

### 1. Opening

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

### 2. Kurna Acknowledgement

With the opening of the meeting His Worship the Mayor stated:

We acknowledge Kurna people as the traditional owners and custodians of this land.

We respect their spiritual relationship with country that has developed over thousands of years, and the cultural heritage and beliefs that remain important to Kurna People today.

### 3. Prayer

His Worship the Mayor requested all present to pray and read the following Prayer:

Heavenly Father, we pray for your presence and guidance at our Council Meeting.

Grant us your wisdom and protect our integrity as we carry out the powers and responsibilities entrusted to us on behalf of the community that we serve.

### 4. Apologies

4.1 Apologies Received	Councillor R D Beh Councillor J D Deakin Councillor L van Camp
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4.2 Absent Nil

5. **Items Presented to Council** Nil

6. **Declaration of Interest**

Members were reminded to declare their interest before each item.

7. **Confirmation of Minutes**

C121010/1015

**Councillor Huckstepp moved and Councillor Clancy seconded that the minutes of the Ordinary Meeting of Council held on 28 September 2010 be taken as read and confirmed.**

**CARRIED**

8. **Questions by Members**

8.1 Without Notice

8.1.1 Development Assessment Panel Minutes – Cooling Tower

Councillor Bouchée asked a question regarding the proposed 12 metre cooling tower on The Esplanade which was deferred by Council's Development Assessment Panel.

**Councillors Clancy and Norton declared an interest in the matter, as they are members of the Development Assessment Panel and left the chamber at 7:06pm.**

Councillor Bouchée asked if Council was being caught unprepared by matters like the cooling tower. Is the Council Development Plan policy sufficient to deal with these types of developments.

**The General Manager City Services, Ms R Thomas took the question on notice.**

8.1.2 Telstra Site – Corner of Brighton and Jetty Road Glenelg

Councillor Crutchett asked a question regarding the progress of the discussions regarding parking on the Telstra Site at the corner of Brighton and Jetty Roads at Glenelg.

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

**Councillors Clancy and Norton rejoined the chamber at 7:09pm.**

8.1.3 Parking Issues – Sacred Heart College

Councillor Bouchée asked a question regarding the parking issues on the streets surrounding Sacred Heart College and asked that this issue be investigated further with the school.

**The Chief Executive Officer, Mr J Lynch will investigate the matter further.**

8.2 With Notice Nil

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

**10. Public Presentations**

10.1 Petitions Nil

10.2 Presentations

10.2.1 Holdfast Marina Association

Mr Chris Carter, Chairman of the Holdfast Quays Marina Association made a five minute presentation to Council regarding the S270 Review of Council's decision on the rating of the Marina, Item 14.2.1 Section 270 Review – Holdfast Quays Marina Association (Report No: 458/10).

10.3 Deputations Nil

**11. Motions on Notice Nil**

**12. Adjourned Matters Nil**

**C121010/1016**

**Councillor Bouchée moved and Councillor Heysen seconded that Council consider Item 14.7.1 Section 270 Review – Holdfast Quays Marina Association (Report No: 458/10) next on the agenda.**

**CARRIED**

14.7.1 Section 270 Review – Holdfast Quays Marina Association (Report No: 458/10)

The Chief Executive Officer received a request from Mr Chris Carter on the 27 July 2010, on behalf of the Holdfast Quays Marina Association, to review Council's decisions affecting the rating of marina berths in the Patawalonga basin.

Given the complexity of the matter, Business and Risk Solutions, a consultancy firm, were engaged to conduct an independent review of the issues which led up to the decision of Council to impose the minimum rate, a separate rate and other charges in the 2010/2011 budget.

A comprehensive final report from Business and Risk Solutions was distributed under separate cover for Council information.

Business and Risk Solutions found that Council acted within its legal responsibilities to impose the minimum rate and separate rate, however they do suggest that Council may consider alternatives for arriving at the value of those charges.

This report considers each rate in turn, and proposes alternatives, including retaining the existing rates as currently charged, for Council's consideration.

**Councillor Fisk declared an interest in this matter, as he has an interest in the Marina and left the chamber at 7:44pm.**

**Councillor Bouchée moved and Councillor Heysen seconded that Council:**

- 1. Notes the contents and findings of the Business and Risk Solutions Report**
- 2. Upholds the 2010/2011 rates declarations in relation to the general and separate rate**
- 3. Recommends to Grant a rebate of 20% for marina berth holders for the general rate as from 2011/2012**
- 4. Grants a 50% rebate on a third of the separate rate of \$261,000 declared for 2010/2011 (being 50% of \$87,000)**
- 5. Implements a sustainable asset management plan for the Lock including a revised Operation and Maintenance contract to ensure more reliable and minimised life cycle cost projections**
- 6. Administration writes to Mr Chris Carter regarding the decision of Council in this matter, requesting that he advises the affected berth owners.**
- 7. Administration sends out amended rates notices to the berth owners.**

#### AMENDMENT

**Councillor Huckstepp moved that Council:**

- 1. Notes the contents and findings of the Business and Risk Solutions Report**
- 2. Upholds the 2010/2011 rates declarations in relation to the general and separate rate**
- 3. Recommends to Grant a rebate of 20% for marina berth holders for the general rate as from 2011/2012**
- 4. Grants a 50% rebate on a third of the separate rate of \$261,000 declared for 2010/2011 (being 50% of \$87,000)**
- 5. Implements a sustainable asset management plan for the Lock including a revised Operation and Maintenance contract to ensure more reliable and minimised life cycle cost projections**
- 6. Administration writes to Mr Chris Carter regarding the decision of Council in this matter, requesting that he advises the affected berth owners.**
- 7. Administration sends out amended rates notices to the berth owners.**
- 8. That Council reviews in 2011/2012 the separate rate**

**LAPSED FOR WANT OF A SECONDER**

**C121010/1017**

**Councillor Lonie moved and Councillor Crutchett seconded that this matter be adjourned until the new council for their consideration with a copy of a head lease provided to members, full leasing agreement between owners and marina association – are they aware of the 40 years which remain on the lease, are there registered leases and is the pricing correct and have**

**wider implications of the rebate across the city been investigated.**

**CARRIED**

**C121010/1018**

**Councillor Crutchett moved and Councillor Looker seconded that Marina owners be advised that they need to pay their first quarter rate payment and provide 2 weeks further (or reasonable time) interest free period**

**CARRIED**

**Councillor Heysen left the chamber at 8:05pm**

**Councillors Fisk and Heysen rejoined chamber at 8.06pm.**

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

**13.1 Information Report – Southern Region Waste Resource Authority (Report No: 453/10)**

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 6 September 2010.

**C121010/1019**

**Councillor Looker moved and Councillor Huckstepp seconded that information report of the Southern Region Waste Resource Authority for its meeting held 6 September 2010 be received and noted.**

**CARRIED**

**13.2 Minutes – Western Region Waste Management Authority Ordinary Board Meeting (Report No: 454/10)**

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 27 August 2009, are attached and submitted to Council for information.

**C121010/1020**

**Councillor Bouchee moved and Councillor Clancy seconded that the minutes of the Western Region Waste Management Authority Board Meeting held 16 September 2010 and the Annual Report for 2009/10 be received and noted.**

**CARRIED**

13.3 Minutes – Jetty Road Mainstreet Management Committee (Report No: 455/10)

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 8 September 2010, are attached and presented for Councils' information.

**Councillor Crutchett left the chamber at 8:21pm.**

**C121010/1021**

**Councillor Heysen moved and Councillor Clancy seconded that the following minutes of the Jetty Road Mainstreet Management Committee held 8 September 2010 be received and the following recommendations numbered 1 - 5 be noted**

*5.1 Manager's Report*

1. That two (2) cow sculptures be purchased that will be decorated and displayed in appropriate positions along Jetty Road Glenelg for the promotion of special events. Subsequent cow sculptures may be purchased in the future if required.
2. The Manager explores the option of hiring suitable fibreglass animals to display in Jetty Road Glenelg as part of the school holiday/Christmas experience at the Bay to the value of \$2,000.
3. That the Jetty Road Mainstreet Manager further liaise with Council as to a mutually agreeable placement of this art work.
4. That the Manager write to Council requesting Council consider extending the caretaker period of the Jetty Road Mainstreet Management Committee until December 2010 so as not to leave the Jetty Road Precinct without a Committee between November 2010 and January 2011.

*5.3 Adelaide Fashion Festival*

5. That a small committee be formed to progress the Adelaide Fashion Festival. This committee to include Mr G Payne, Mrs G Higgins, Mrs S La Pira, the JRMMC Manager and other Traders who have indicated their desire to be part of the organising committee. The Manager to arrange a meeting as their earliest convenience.

**CARRIED**

#### 13.4 Minutes – Development Assessment Panel (Report No: 456/10)

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 22 September 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.

*Executive Summary goes here*

**C121010/1022**

**Councillor Clancy moved and Councillor Lonie seconded that the minutes of the Development Assessment Panel meeting held on 22 September 2010 be noted.**

**CARRIED**

#### **14. Reports by Officers**

##### 14.1 Items in Brief (Report No: 459/10)

Report No: 459/10 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

**C121010/1023**

**Councillor Lonie moved and Councillor Clancy seconded that the report be noted and items of interest be discussed.**

**CARRIED**

**Councillor Crutchett rejoined the chamber at 8:25pm.**

**Councillor Huckstepp left the chamber at 8:27pm.**

**Councillor Huckstepp rejoined the chamber at 8:28pm.**

- |                            |     |
|----------------------------|-----|
| 14.2 Alwyndor              | Nil |
| 14.3 Civic                 | Nil |
| 14.4 Corporate Development | Nil |
| 14.5 Encroachments         | Nil |

## 14.6 Finance

## 14.6.1 Debenture Loan 138 Rollover – Glenelg District Cricket Club (Report No: 457/10)

The sporting club debenture loan 138 referring to the Glenelg District Cricket Club will be eligible for rollover on 17 November 2010. The club has requested a rollover of the remaining amount for the remaining term of 8 years with a further opportunity to review the loan in 2 years.

C121010/1024

**Councillor Lonie moved and Councillor Clancy seconded:**

1. **That Council borrows the remaining sum of \$34,877 for a term of 2 years on an 8 year repayment basis, for the purpose of meeting the remaining rollover funding required on Debenture loan 138.**
2. **That Administration negotiates the borrowing at the least cost in accordance with Council's borrowing policy.**
3. **That the Mayor and the Chief Executive Officer be authorised to sign and seal the debenture documentation.**

CARRIED

## 14.7 Governance

## 14.7.2 Review of Council and Committee Structure (Report No: 460/10)

Council reviewed its decision making structure early in 2010, with the objectives of providing greater focus on Council's strategic objectives, improving efficiency, reducing duplication, and improving the community's understanding of, and ability to provide input into, Council's decisions. A trial was conducted of an amended structure throughout June, July, August and September of 2010 with feedback sought from Elected Members and staff at the conclusion of the trial.

Feedback has been positive and it is recommended that the trial structure be adopted by the new Council.

C121010/1025

**Councillor Clancy moved and Councillor Fisk seconded that Council resolves to:**

1. **Continue with the current trial structure of Council and Standing Committees up to the end of this Council's term, the last meeting being the 9 November 2010.**
2. **Extend the current delegations for each of the three standing committees up to the meeting of 9 November 2010.**
3. **Recommend to the new Council that it adopt a decision making structure that consists of**
  - a. **Council meeting two times per month**
  - b. **Three standing committees with delegated authority, meeting as a whole of council, being Strategy and Planning, Community and Visitors, and Infrastructure and Environment; and**
4. **Two management committees, being the Jetty Road Mainstreet Management Committee and Alwyndor Management Committee**

CARRIED



14.8 Property Nil

14.9 Regulatory

14.9.1 Application for Extension of Trading Area to Include Outdoor Area  
Brighton Lacrosse Club Inc, Highett Avenue, Brighton (Report No:  
446/10)

In response to the introduction of legislative restrictions on smoking inside enclosed areas of licensed premises, the Brighton Lacrosse Club is requesting to extend their licensed area to include the verandah and paved area in front of the Club to provide for an unenclosed smoking area within their leased premises.

The Brighton Lacrosse Club now seeks Council's comments to the Office of the Liquor and Gambling Commissioner before a decision is made on the application to extend the licensed area.

C121010/1026

**Councillor Lonie moved and Councillor Huckstepp seconded that Administration advise the Office of the Liquor and Gambling Commissioner that it does not object at this time, to the application by the Brighton Lacrosse Club for an extension of the licensed area to include the verandah and paved area in front of the Club at Highett Avenue, Brighton subject to the following conditions:-**

1. **That the consumption of liquor within the extended licensed area, being the external verandah and paved area shall cease no later than 7:00pm Monday to Sunday.**
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 the Club will at all times use its best endeavours, including the closing of doors and windows, to ensure that any events conducted at the premises do not generate excessive noise that unduly disturbs, annoys, or inconveniences, nearby residents.**
4. **No entertainment shall occur in any outdoor area;**
5. **No loud speakers shall be placed on or in the fascia of the premises or any adjacent outdoor area or footpath;**
6. **The Club shall provide to Council a mobile phone number of a responsible person to allow them or other residents to readily contact such responsible person to register any complaints of noise or disturbances in the vicinity of the licensed premises.**
7. **That the extension of trading authorisation shall be issued subject to a trial period of twelve (12) months after which time licence conditions will be reviewed.**
8. **Council reserves the right to request that the Commission review the approval for the extended trading authorisation prior to the conclusion of the twelve (12) month trial period, should a number of complaints be received during this period which Council deems as an unreasonable detriment to the locality.**

**CARRIED**

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 Nil**

**17. Items in Confidence Nil**

**18. Closure**

The Meeting closed at 8:41pm.

**CONFIRMED Tuesday 26 October 2010**

**MAYOR**