

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 14 December 2010 at 7:01pm.

PRESENT

His Worship the Mayor	A K Rollond
Deputy Mayor	R A Clancy
Councillor	R M Bouchée
Councillor	P W Dixon
Councillor	K M Donaldson
Councillor	L R Fisk
Councillor	J D Huckstepp
Councillor	S C Lonie
Councillor	T D Looker
Councillor	S Patterson
Councillor	R C Patton
Councillor	A P Roe
Councillor	L J Yates
Chief Executive Officer	J P Lynch
General Manager City Assets	S G Hodge
Acting General Manager City Services	P E Aukett
General Manager Corporate Services	I S Walker

1. Opening

His Worship the Mayor declared the meeting open at 7:01pm.

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	Nil
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

C141210/014

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

CARRIED**8. Questions by Members**

8.1 Without Notice

8.1.1 Scheduling of DAP's December Meeting

Councillor Fisk asked a question regarding the change of date for the December DAP meeting.

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

Councillor Fisk asked if the Alwyndor meeting was able to be rescheduled more easily than the DAP meeting

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

Councillor Fisk asked if the DAP meeting could be adjourned to January.

The Manager Development Services, Mr A Marroncelli provided a response.

8.1.2 Patawalonga Lock Gates

Councillor Fisk asked a question regarding the repairs to the radar system on the lock and who is paying for the repairs.

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

8.2 With Notice

8.2.1 Watering of Dulcie Perry Park

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

With the relaxing of domestic watering restrictions by the State Government commencing 1st December, what are the implications for the watering of our parks and reserves, particularly those like "Dulcie Perry" that have not been watered for some time?

Background

It is a question that I was asked by many residents who live in the vicinity of 'Dulcie Perry Park' when door knocking during the election campaign.

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

The Premier has announced that from 1 December 2010 new "Water Wise Measures" will replace Level 3 Water Restrictions for domestic use only.

Council has an agreement in place with SA Water under which it waters all reserves using a permit for Irrigated Public Open Space (IPOS).

For Council, the new water wise measures have not resulted in any change to the current IPOS permit and its associated volume of mains allocated water. The allocation to Council under the IPOS permit for mains water use is currently 38 Megalitres.

Also, under the IPOS permit, Council's recording and reporting requirements for the 2010-11 irrigation season are unchanged. That is, despite the relaxing of watering arrangements for domestic consumption, Council is still required to report monthly on water consumption for the previous month from October to April against its permit and water allocation. This reporting is for each reserve on Council's list of reserves watered by mains water.

To assist in public safety on some reserves which are classified as 'local parks' by SA Water, SA Water has agreed that under the IPOS permit, Administration can water around playgrounds. This arrangement is in place for Dulcie Perry Park, Good Neighbour Gardens, John Mathwin Reserve and Sandison Reserve.

Please note, that in addition to the above, Council waters a number of reserves using A-Class Water. A-Class water is not included in the IPOS permit or reporting requirements.

8.2.2 Leakage from Natural Gas Supply Pipes – Ability to Claim Damages for Street Trees

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

With significant leakage recently reported from natural gas supply pipes, what is the potential for council initiated damages claims against gas suppliers, should these leaks damage or kill any of our extensive and valuable street tree plantings.

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

Under Section 233 of the Local Govt Act "A person who without the council's permission, intentionally or negligently damages a road or structure (including pipes, wires, cables, fixtures, fittings and other objects) belonging to the council associated with a road is liable to the council for damages."

The council may recover damages under this section in the same way as damages for a tort.

As with all matters of this nature the issue will always be one of whether there was negligence resulting in personal injury or property damage. Such assessment may only be made on the immediate facts.

Clearly a gas supplier has a very high duty of care and where their operational practices/conduct falls short of the required standards sufficient to demonstrate a breach of that duty and there is consequent damage (in a clear causation situation and having regard to foreseeability) then there will be a liability in damages for the personal injury/property damage.

8.2.3 Glenelg Cricket Club and Glenelg Oval

In accordance with her notice, Councillor Bouchée has asked the following questions.

- 1. What possible plans have been discussed by the Glenelg Cricket Club in relation to any evening games by any cricket organisations for the 2011/2012, 2012/2013 and 2013/2014 if the upgrade for the lights at the Glenelg Oval.**
- 2. Mr Snewin, President of the Glenelg Cricket Club is on the Glenelg Football Club Board, have there been any discussions with the Glenelg Football Club in relation to possible evening cricket matches if the lights are upgraded.**
- 3. How many Cricket matches could be played in any one season at night if the lights are upgraded.**
- 4. Have the Glenelg Football Club had any discussions with any other sporting organisations to have use of the Glenelg Oval at night if the lights are upgraded.**
- 5. Please clarify the Liquor Licensing conditions/hours which affect the perimeter of the Oval.**

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

- 1. Nil.**
- 2. No.**
- 3. None, the agreement between Council and SACA states that games will only be played in daylight hours.**
- 4. No, not that we are aware of.**
- 5. The Glenelg Football Club hold a Liquor Licence that encompasses the perimeter of the grounds as well as their 'club house'. In accordance with their licence conditions, they are only permitted to have alcohol served from points of sale around the oval (viewing areas) from 1 hour before and until 1 hour after a sporting event.**

8.2.4 Use of Air Brakes on Trucks Using Brighton Road

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

Is it possible to limit the use of air brakes on trucks using Brighton Road between the hours of 10:00pm and 8:00am.

Background

One of the people I doorknocked who lived on Brighton Road asked me about restricting use of air brakes on large trucks as they are very noisy.

From my limited research I see that trucks usually have anti-lock braking as well as air brakes and are often required to fit silencers to their air brakes. So would it be possible to put up a sign (as Marion have done to ban dangerous goods from Ocean Boulevard coming into town beyond the junction with Majors Road) to require air brake silencers are fitted within Holdfast Bay limits and that air brakes should not be used between for example 10pm and 8am?

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

Brighton Road is actually under the care and control of the Department of Transport, Energy and Infrastructure (DTEI) and as such Council has little control over its operation, however, there was a long standing agreement in place that with the Port Stanvac operation, dangerous goods vehicles (fuel tankers) were not permitted to use Brighton Road, so seemingly any heavy vehicles that now uses the road would predominantly be emanating from the Linwood Quarry operation.

Given that it is a public road without weight restrictions it would be almost impossible to preclude any class of vehicle, however Council could approach DTEI with a view to erecting advisory signage around the use of exhaust brakes in a built up area. Experience has also taught us that Brighton Road is not the smoothest road surface in the state and empty trucks and trailers do create a great deal of road noise.

9. Member's Activity Reports

9.1 Holdfast Bay Community Centre

Councillor Looker reported that he attended the Holdfast Bay Community Centre end of year function.

10. Public Presentations

10.1 Petitions

10.1.1 Playground Located within Derrick Avenue, Derrick Place and Inwood Avenue, Glenelg North (Graymore Park)

A petition has been received from 54 residents of Holdfast Bay regarding the removal of a shade tree adjacent to the playground located within Derrick Avenue, Derrick Place and Inwood Avenue, Glenelg North (Graymore Park).

The petition states as follows:

"We the undersigned electors of the City of Holdfast Bay request that shade sails be installed in the playground located at Derrick Avenue, Derrick Place and Inwood Avenue Glenelg North and that the bark is replaced with rubber flooring for the following reasons; There is currently no shade over any part of the play equipment which could cause our children to be sunburnt and could cause burns due to the hot play equipment as it is in full sun. The bark causes injuries when children fall in the play area. Replacing the bark with rubber flooring would prevent these injuries from happening."

Attached for the information of Elected Members is the petition. Administration has verified that the number of signatures attached is 57.

C141210/015

Councillor Fisk moved and Councillor Dixon seconded:

1. That the petition be received by Council.
2. That Council as part of its budget deliberations for the 2011/2012 capital works program will consider the construction of a shade structure at Graymore Park.
3. That the head petitioner be advised of Council's decision.

CARRIED

10.2 Presentations Nil

10.3 Deputations Nil

11. Motions on Notice

11.1 Code of Practice Meeting Procedure Review

Councillor Looker withdrew his Motion on Notice regarding the Code of Practice Meeting Procedure Review.

11.2 Code of Practice Meeting Procedure Review – Inclusion of new Clause

In accordance with his notice:

C141210/016

Councillor Looker moved and Councillor Yates seconded that effective immediately, the "Code of Practice Meeting Procedure" includes a clause that states "When a motion is moved then seconded and there is no speaker against, then that motion is put without further discussion".

CARRIED**Background**

It is clear that if there is no dissent to a motion then there is no debate and as discussion is not recorded than further comment is not needed. Council needs to spend time debating issues which require discussion and sharing of differing views and where there are none, further comment will not change the outcome. Current procedures are open to abuse thus causing delays in voting consequently extending meetings for no beneficial purpose

The General Manager Corporate Services, Mr I Walker's Comment

As the Motion on Notice states "effective immediately" the motion will require a 2/3 majority to be carried.

11.3 Code of Practice Meeting Procedure Review – Questions without Notice

In accordance with his notice:

C141210/017

Councillor Looker moved that in connection with the review of "Code of Practice Meeting Procedure" administration advise on the best procedure for dealing with "questions without notice".

LAPSED FOR WANT OF A SECONDER

C141210/018

**Councillor Lonie moved that Council proceed to the next item of business.
LAPSED FOR WANT OF A SECONDER**

Background

There are two times during a meeting when questions may be asked. One is during the listed agenda item for questions without notice and the other is during debate.

Currently our procedures state that these are not required to be recorded in the minutes (section 2.3.5) even though our practice has been to do so. It seems to be of benefit to that the question in the formal agenda item "Questions without notice" is recorded.

The use of a question or a "clarification" at other times during the meeting has the potential to be abused with questioners using their question to make further lengthy statements about an issue under the guise of a question. This presents an unfair situation to other members who may have already spoken once to an issue and hence unable to add or counter what has been said. Elected members need to be encouraged where possible to seek clarification of queries prior to the meeting rather than during the formal meeting.

The General Manager Corporate Services, Mr I Walker's Comment

The *Local Government (Procedures at Meetings) Regulations 2000* in Section 10 parts (5) and (6) state:

"(5) A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made.

(6) The presiding member may rule that a question with or without notice not be answered if the presiding member considers that the question is vague, irrelevant, insulting or improper."

Alternatively, a member may exercise Part 28 Points of Order of the *Local Government (Procedures at Meetings) Regulations 2000* which states:

"28—Points of order

(1) The presiding member may call to order a member who is in breach of the Act or these regulations.

(2) A member may draw to the attention of the presiding member a breach of the Act or these regulations, and must state briefly the nature of the alleged breach.

(3) A point of order takes precedence over all other business until determined.

(4) The presiding member will rule on a point of order.

(5) If an objection is taken to the ruling of the presiding member, a motion that the ruling not be agreed with must be moved immediately.

(6) The presiding member is entitled to make a statement in support of the ruling before a motion under subregulation (5) is put.

(7) A resolution under subregulation (5) binds the meeting and, if a ruling is not agreed with—

(a) the ruling has no effect; and

(b) the point of order is annulled."

Alternatively, Members may contact the Chief Executive Officer/General Managers prior to a meeting to obtain background information.

11.4 Swimming Pontoon

In accordance with his notice:

C141210/019

Councillor Looker moved and Councillor Fisk seconded that Administration report to Council, on the practical implementation of constructing and installing a swimmers pontoon, including a diving board, located an appropriate distance offshore from Glenelg swimming beach. This is to be done with the aim of having this in place for the 2011/12 summer season.

LOST

A division was called.

For	Against
R A Clancy	R M Bouchée
L R Fisk	P W Dixon
R C Patton	K M Donaldson
T D Looker	J D Huckstepp
L J Yates	S C Lonie
	S Patterson
	A P Roe

HIS WORSHIP THE MAYOR DECLARED THE MOTION LOST

Background

Council has considered the issue of Jetty jumping, a thrilling but risky activity. Young people need an outlet for their exuberance and society needs to provide activities to divert these energies or risk our youth finding their thrills in alcohol, drugs or anti social behaviour. A swimming pontoon that provides a diving platform and placed in direct view of the, Council subsidised, surf patrol would provide a safer option for those who wish to enjoy the challenge of a swim and thrill of a dive. Such pontoons are already in place around the state and the one at Robe, provided by the council, is a very popular attraction. Such a pontoon may have two solid sides and in such a high profile position has the potential to attract sponsorship. This may in fact reduce or eliminate the cost to council for owning and maintaining it.

The General Manager City Assets, Mr S Hodge's Comment

Whilst understanding the intent of this motion, a report on the feasibility of Council undertaking the provision of a floating pontoon and associated diving board will be somewhat complex.

Issues that will need to be addressed include:

- **Council's ability to develop such a structure in an area that is under the care and control of others.**
- **The ability to maintain such a structure given difficulty of access, suitable equipment, expertise in this area etc.**

- **Suitable distance from the low water line to ensure no possible injuries due to shallow water or shifting sand levels (how will people access the pontoon).**
- **The ability to implement, maintain and police an exclusion zone around the structure to avoid interaction between swimmers and sea craft.**
- **The ability to be able to adequately secure (anchor) the structure to be able to sustain all weather conditions.**
- **The ability to be able to mitigate or indemnify Council against all public liability issues arising from the structure itself and the public who may utilise it.**

11.5 Homelessness

In accordance with his notice:

C141210/020

Councillor Looker moved and Councillor Bouchee seconded that administration report to Council on homelessness in Holdfast Bay and advise on what, if any action would be appropriate by Council.

CARRIED

Background

Anecdotal evidence seems to suggest that homelessness is an issue in Holdfast Bay and Council has not examined the matter in recent times. There are stories about of youth who spend their days at Marion and nights at Glenelg as well as comments by local church leaders describing the plight of some individuals. Free meals provided by the Uniting Church are also in high demand. Homeless people have little voice and it is appropriate that Council is updated and aware of what is a happening on our streets and determine a course of action to assist.

11.6 Former Trinity Church, 25 Moseley Street Glenelg

In accordance with her notice:

C141210/021

Councillor Clancy moved and Councillor Donaldson seconded that:

1. **Administration investigate the process and estimated cost to remove the Local Heritage Listing from the former Trinity Church and explore the implications at 25 Moseley Street which was purchased by Council in 2008.**
2. **Administration discuss with local agents the likely return on the property in its present state and/or with the land cleared and report to Council.**
3. **That previous reports and the costs for converting to a community centre be included in the report.**

LOST

Councillor Bouchee left the chamber at 8:02pm.

Councillor Bouchee rejoined the chamber at 8:03pm.

Further Amendment

Councillor Yates moved that Council explore removing the back portion of the building to provide further car parking.

LAPSED FOR WANT OF A SECONDER

A division was called.

For	Against
R A Clancy	R M Bouchée
P W Dixon	L R Fisk
K M Donaldson	J D Huckstepp
	S C Lonie
	T D Looker
	S Patterson
	R C Patton
	A P Roe
	L J Yates

HIS WORSHIP THE MAYOR DECLARED THE MOTION LOST

Background

Council purchased this property for \$1.8 million (including stamp duty, registration and settlement costs) in August 2008 against the advice of Administration. It is zoned residential and it is extremely unlikely the property could be used for anything due to the expiry of use as a church.

When a funeral home proposed a development it barely got through the Development Assessment Panel due to the shortage of parking. The funeral home proposed that there would be a maximum of three or four funerals per week of up to 80 people at each funeral.

As members will know there is extremely limited parking on the site

It is costing around \$115,000 per year in just interest.

Since its purchase, most schools within Holdfast Bay have a new hall so there is limited need for another hall for after school use. If Council believes that there is a need for another facility it would be far cheaper to build what is required with disability access and toilets on one of the other sites owned by council. It would be common sense to have a facility which meets the needs of the community not try and make a silk purse from a sow's ear.

The General Manager Corporate Services, Mr I Walker's Comment

For the benefit of members, Council purchased the former Trinity Church at 25 Moseley Street in August 2008 for \$1.675 million (excluding GST). In addition, Council paid a further \$133,000 for stamp duty, registration, land tax and conveyance fees etc, bringing the net cost to \$1.808 million.

Acquisition was funded from Council's cash reserves, including an 'internal loan' of \$1.732 million from the Glenelg Access Strategy Reserve Fund – a reserve fund established some years ago to provide funding for improved access to the Glenelg precinct including off-street car parking.

The 'internal loan' is being repaid with interest over a term of 15 years. This is achieved by depositing an amount of money into the Glenelg Access Strategy Reserve Fund equal to a notional loan repayment (loan principal and interest) from Council's annual budgets. The 'loan repayment' in 2010/11 is \$171,000 of which \$115,000 is interest and the balance loan principal. The interest component reflects, and is manifested by, a reduction in the amount of interest earned by Council (i.e. Council would have otherwise earned \$115,000 pa on the \$1.808 million funds).

11.7 Pedestrian Actuated Crossing Installed on Brighton Road, Hove

In accordance with her notice:

C141210/022

Councillor Donaldson moved and Councillor Lonie seconded that Administration write to the Minister For Transport through the Department of Transport Energy and Infrastructure (DTEI) with a request to have a Pedestrian Actuated Crossing (PAC) installed on Brighton Rd Hove, adjacent to the Hove Shopping Centre.

CARRIED

Background

During my extensive contact with residents in the past three months I have developed quite a comprehensive folder of correspondence with regards to this issue and I understand that the State Government has denied all requests in the past.

For many elderly citizens, it has become too difficult to cross the road to catch a bus to Westfield Marion or their local doctor. Many of the elderly are patients at Kingston Clinic which is situated in South Brighton. At the same time, many of our younger local students attend Paringa Park Primary. Parents feel that they are unable to allow their children to walk to and from school because of the traffic that they will encounter on Brighton Road. Children living on the Western side of Brighton Road and to the North of Paringa Park Primary are able to use the lights situated opposite Brighton Secondary School but for those living south, it is a little too much for them to walk north and then continue south after crossing at the Brighton Secondary School pedestrian lights. They then have to walk safely across quite a few streets before being close to home.

After several applications to the State Government and Council, an elderly crossing (warning) sign has been installed. This can give elderly people the perception that traffic will give way to them which is not the case.

I would ask for the support of Members to lobby the State Govt. for Pedestrian Lights to be erected adjacent to the Hove Shopping Centre and am willing to door knock and take up a petition from local residents, should our initial application be unsuccessful.

Councillor Looker left the chamber at 8:09pm.

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| 12. Adjourned Matters | Nil |
| 13. Reports of Management Committees, Subsidiaries and the Development Assessment Panel | Nil |

14. Reports by Officers

14.1 Items in Brief (Report No: 540/10)

Report No: 540/10 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

C141210/023

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

CARRIED

14.2 Project Update (5) – Alwyndor Redevelopment (Report No: 541/10)

Presented for the information of Members is an update on the progress of the Alwyndor Redevelopment Capital Works Project.

Stage 1A site works commenced as indicated by the project program on 6 September 2010 and continued on schedule, including the pouring of the concrete raft slab on 14 October 2010. During the concrete pour, Alwyndor's Project Officer became concerned that the builder's concrete sub-contractor was not complying with the specification for this work. Photographs of the areas concerned were taken and provided to Alwyndor's Building Sub-Committee (the Committee), Brown Falconer (the Project Architects) and the builder Mossop Group.

Based on this evidence a decision was made to X-Ray the completed slab to determine whether the slab met the specification and was structurally adequate to carry the required load. Subsequently, the Structural Engineer and Project Architect advised the Committee that the test results showed that the slab did not meet the specification or the structural requirements. They also recommended that as the deficiencies could not be remedied, the slab should be removed and a new slab be poured that meets the specified requirements.

The Builder accepted those recommendations and the removal process was completed, under the direction and supervision of the Structural Engineer, on 26 November 2010 at the Builder's cost.

Advice from the Builder has now been received that the Stage 1A program will be 5-6 weeks behind original predictions, with the replacement slab scheduled to be completed by 17 December 2010, allowing it to cure over the Christmas Shutdown period.

On a more positive note, Development Plan Consent was received from DAC on the 9 November 2010 in relation to Stages 1A and 2 of the redevelopment project and is subject to the original conditions of consent annexed by the City of Holdfast Bay Council.

C141210/024

Councillor Bouchee moved and Councillor Huckstepp seconded that Council notes the Alwyndor Aged Care capital redevelopment update report (Number 5), dated 14 December 2010.

CARRIED

14.3 Jetty Road Mainstreet Management Committee Appointments (Report No: 536/10).

Council has made provision, pursuant to Section 41 (2) of the Local Government Act 1999 for the Jetty Road Mainstreet Management Committee (JRMMC) to undertake the strategic responsibility of overseeing the economic development of the Jetty Road Glenelg precinct. The activities of the Committee are funded by a separate rate levied on commercial properties located within the boundaries of the precinct.

The term of office of the community representatives expired following the General Election of Council and so it is, that as per the JRMMC Terms of Reference, landlords and traders were invited to nominate for a position on the Committee.

In addition to the two Elected Members, nine people who are either business owners, managers or owners of commercial property contributing to the separate rate levy within the boundaries of the Jetty Road Glenelg precinct are recommended to be appointed to the Committee.

The Mayor and Councillor Patton, have been appointed by Council as Committee Members for the Jetty Road Mainstreet Management Committee.

Both Mayor Rollond and Councillor Patton and the Jetty Road Mainstreet Manager made an assessment of nominations in accordance with the method of appointment contained within the Committee's Terms of Reference and have made a recommendation to appoint nine applicants, rather than eight as contained in the Terms of Reference.

Councillor Looker rejoined the chamber at 8:12pm.

C141210/025

Councillor Clancy moved and Councillor Fisk seconded

- 1. That Council resolves in this instance to appoint the nine nominees who are either business owners, managers or owners of commercial property contributing to the separate rate levy within the boundaries of the Jetty Road Glenelg precinct.**
- 2. That the following persons be appointed as landlord/trader members of the Jetty Road Mainstreet Management Committee and remain so for a period of two years, with an option to renew for a further two years.**
 - Greg Digance**
 - Bruce Grindlay**
 - Gill Higgins**
 - Sharon La Pira**
 - Mark Faulkner**
 - Rocco Caruso**
 - Brian Martin**
 - Jerry Casburn**
 - David Foy**
- 3. That the Terms of Reference for the Jetty Road Mainstreet Management Committee be amended to reflect these appointments.**

CARRIED

14.4 Application to the Office of the Liquor and Gambling Commissioner for a Trial Variation to Remove or Amend a Licence Clause by the Stamford Grand Hotel (Report No: 537/10)

An application has been made to the Office of the Liquor and Gambling Commissioner by The Stamford Grand Hotel seeking a variation to their existing Special Circumstances Licence to have clause 1.d) either removed or varied.

The Licensee's seek authorisation to have the windows of the 'front bar' (facing Moseley Square) open while "acoustic music / acoustic live entertainment" is played periodically on afternoons and early evenings during the warmer months of the year; thus adding to the atmosphere and culture of Moseley Square.

This application presents an opportunity to enhance the ambience of Moseley Square while imposing additional and subsequent conditions upon the venue's licence for the specific period of trial.

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

Councillor Huckstepp left the chamber at 8:14pm.

C141210/026

Councillor Lonie moved and Councillor Donaldson seconded:

1. That Council advise the Office of the Liquor and Gambling Commissioner that while it opposes the removal of clause 1.d), it does not object to the application by The Stamford Grand - Moseley Street Glenelg – being varied/amended (ONLY) for a trial period so that clause 1.d), in accordance with subsequent imposed licence conditions will provide additional constraints upon the licensee.

2. That Council seeks to have condition 1.d) varied to state:

d) The Licensee shall close all windows and use its best endeavours to keep closed all doors of any room on the boundary of the hotel when all "non-acoustic" amplified entertainment is played.

With the additional following conditions imposed:

e) At any time when "Acoustic Music / Acoustic Live Entertainment" is played, the windows must be closed no later than 8:00pm on any given day.

f) Measures must be taken by the Licensee to ensure that the noise emanating from the licensed premises is not excessive.

3. Further, this amendment is supported only subject to the following explanations being included on the Licence as an addendum to either condition 1.e) or an addendum to the existing Entertainment Consent:-

i. An "Acoustic Instrument" is defined as: "A musical instrument that does not require enhanced electronics or amplification to produce an audible sound" (an acoustic guitar; an acoustic

bass etc).

- ii. **“Acoustic Music / Acoustic Live Entertainment” is defined as; “The composition of music played with acoustic instruments”.**
- iii. **All Acoustic Music / Acoustic Live Entertainment played will be limited to solo acts, duets, or a maximum of a quartet.**

This amendment shall be supported only subject to a trial period of 12 months from the date of the Licence Variation Grant, which at the end of this period an assessment and review of the amendment will be made.

CARRIED

A division was called.

For	Against
R A Clancy	R M Bouchée
P W Dixon	L R Fisk
K M Donaldson	J D Huckstepp
S C Lonie	
T D Looker	
S Patterson	
R C Patton	
A P Roe	
L J Yates	

HIS WORSHIP THE MAYOR DECLARED THE MOTION CARRIED

Councillor Huckstepp rejoined the chamber at 8:16pm.

14.5 Budget Review 1 (Report No: 539/10)

This report covers the first comprehensive review of Council’s 2010/2011 budget. A number of amendments to the budget are proposed, resulting in an improvement of \$1.529 million in the consolidated operating surplus and an overall reduction in consolidated cash of \$108,551 over the 2010/11 year. Most of the amendments are due to the receipt, nature and timing of grant funding. The improvement in the operating result is largely as a result of an accounting re-allocation of the \$1.5 million grant for King Street Bridge.

Councillor Lonie left the chamber at 8:16pm.

C141210/027

Councillor Looker moved and Councillor Huckstepp seconded that Council amends the 2010/11 adopted budget arising from a budget review as at 31 October 2010 resulting in:

- **an increase in the consolidated operating surplus of \$1,529,759, from \$431,627 to \$1,961,386,**
- **a decrease in amounts received for new or upgraded assets of \$500,000, from \$1,505,000 to \$1,005,000,**
- **an increase in consolidated capital expenditure of \$1,170,087, from \$17,466,494 to \$18,636,581,**
- **a net decrease in available consolidated cash of \$108,551, from an expected \$4,891,472 reduction to a \$5,000,023 reduction.**

CARRIED

The Chief Executive Officer, Mr J Lynch declared an interest in the following matter and left the chamber at 8:18pm.

14.6 Chief Executive Officer's Performance Appraisal (Report No: 543/10)

Council has undertaken the performance appraisal of the Chief Executive Officer, Mr Justin Lynch in August 2010. The appraisal comprised a '360 degree' appraisal by Elected Members, his direct reports (General Managers) and a self-assessment. Responses were collated by Hender Consulting and presented to the Chief Executive Officer and Elected Members at a workshop immediately prior to the Council meeting on 24 August 2010.

As decisions regarding the remuneration of a Chief Executive Officer fell into the category of a 'designated decision' prohibited under Section 91A (8) under the *Local Government (Elections) Act 1999* during the 'Caretaker Period', this report recommends that Council consider the satisfactory performance of the Chief Executive Officer and increase his salary package by 4.7% in accordance with the recommendation made by the Executive Committee on 10 November 2009.

C141210/028

Councillor Looker moved and Councillor Clancy seconded that following the successful completion of the performance appraisal the Chief Executive Officer be granted a 4.7% increase to the remuneration package, effective from his 12 month anniversary date of 18 May 2010.

CARRIED

The Chief Executive Officer, Mr J Lynch rejoined the chamber at 8:19pm.

14.7 Council and Committee Schedule (Report No: 544/10)

Following a general election the Council has the opportunity determine the dates and times of its meetings. Section 81 of the Local Government Act 1999 outlines the frequency and timing of ordinary meetings. Council has traditionally met twice a month on the second and fourth Tuesdays, except in January and December where only one meeting is held.

Council's standing committees meet on the same night as Council at the conclusion of the Ordinary Meeting, it is proposed for this to continue with two standing committees meeting on the second Tuesday of each month and one committee meeting on the fourth Tuesday of each month. When there is only one meeting held in a month, all committees will meet that night.

To assist Elected Members in their role it is being proposed that a monthly information/training session is conducted on the first Tuesday of each month, to enable continuing professional development opportunities for members and to provide an opportunity for topics to be discussed in greater depth.

C141210/029

Councillor Clancy moved and Councillor Looker seconded:

- 1. That the Standing Committees meet on a monthly basis with the Community and Visitors Committee, and Strategy and Planning Committee meeting on the second Tuesday of each month and that the Assets and Environment Committee meets on the fourth Tuesday of each month.**

2. That Council hold a Workshop/Training session on the first Tuesday of each month and that a short workshop is held prior to the fourth Tuesday Council Meeting for an hour.
3. That Council and Standing Committee meeting schedule from December 2010 – December 2011 be as follows:
 - Tuesday 18 January 2011
 - Tuesday 8 February 2011
 - Tuesday 22 February 2011
 - Tuesday 8 March 2011
 - Tuesday 22 March 2011
 - Tuesday 12 April 2011 (all Committees, due to the Anzac Day Public Holiday falling on Tuesday 26 April 2011)
 - Tuesday 10 May 2011
 - Tuesday 24 May 2011
 - Tuesday 14 June 2011
 - Tuesday 28 June 2011
 - Tuesday 12 July 2011
 - Tuesday 26 July 2011
 - Tuesday 9 August 2011
 - Tuesday 23 August 2011
 - Tuesday 13 September 2011
 - Tuesday 27 September 2011
 - Tuesday 11 October 2011
 - Tuesday 25 October 2011
 - Tuesday 8 November 2011
 - Tuesday 22 November 2011
 - Tuesday 13 December 2011 (all committees)

CARRIED

Councillor Lonie rejoined the chamber at 8:20pm.

14.8 Delegations and Terms of Reference for the Standing Committees
(Report No: 545/10)

Council at its meeting held 23 November 2010 resolved to establish three Standing Committees being the Assets and Environment Committee, Community and Visitors Committee, and Strategy and Planning Committee with delegated authority to make decisions within their scope without the need for further endorsement by Council. This report presents an appropriate schedule of delegations for each Committee for Council's endorsement to take effect from their commencement in February 2011.

Also presented are the individual terms of reference for each of the Standing Committees for Council's endorsement.

C141210/030

Councillor Looker moved and Councillor Huckstepp seconded that Council:

1. **Revokes its previous delegations effective from 14 December 2010 to the Assets and Environment Committee (previously named**

Infrastructure, Assets and Environment Committee), Community and Visitors Committee and Strategy and Planning Committee of those powers and functions under the Local Government Act 1999.

2. In exercise of the power contained in Section 44 of the *Local Government Act 1999*, the powers and functions under the *Local Government Act 1999* contained in the proposed Instrument of Delegation (annexed to the Report dated 14 December 2010 and entitled Delegations and Terms of Reference for the Standing Committees) are, subject to the conditions, limitations and provisos contained therein, hereby delegated this 14th day of December 2010 to the *Community and Visitors Committee*, (a committee established by the Council pursuant to Section 41 of the *Local Government Act 1999*) to take effect from 1 February 2011 and to remain in effect for the term of Council.
3. In exercise of the power contained in Section 44 of the *Local Government Act 1999*, the powers and functions under the *Local Government Act 1999* contained in the proposed Instrument of Delegation (annexed to the Report dated 14 December 2010 and entitled Delegations and Terms of Reference for the Standing Committees) are, subject to the conditions, limitations and provisos contained therein, hereby delegated this 14th day of December 2010 to the *Assets and Environment Committee*, (a committee established by the Council pursuant to Section 41 of the *Local Government Act 1999*) to take effect from 1 February 2011 and to remain in effect for the term of Council.
4. In exercise of the power contained in Section 44 of the *Local Government Act 1999*, the powers and functions under the *Local Government Act 1999* contained in the proposed Instrument of Delegation (annexed to the Report dated 14 December 2010 and entitled Delegations and Terms of Reference for the Standing Committees) are, subject to the conditions, limitations and provisos contained therein, hereby delegated this 14th day of December 2010 to the *Strategy and Planning Committee*, (a committee established by the Council pursuant to Section 41 of the *Local Government Act 1999*) to take effect from 1 February 2011 and to remain in effect for the term of the Council.
5. That the Terms of Reference for the Assets and Environment Committee, Community and Visitors Committee, and Strategy and Planning Committee be endorsed.

CARRIED

14.9 Appointment of Chairpersons to Committees (Report No: 546/10)

Following Council's decision to establish Standing Committees, it must appoint chairpersons and deputy chairpersons to the committees for the period 1 February 2011 – 31 December 2011.

C141210/031

Councillor Lonie moved and Councillor Patterson seconded:

1. That Councillor Clancy be appointed Chairperson and Councillor Bouchee appointed Deputy Chairperson of the Strategy and Planning Committee for the period 1 February 2011 – 31 December 2011.
2. That Councillor Huckstepp be appointed Chairperson and Councillor Dixon appointed Deputy Chairperson of the Assets and Environment

Committee for the period 1 February 2011 – 31 December 2011.

- 3. That Councillor Looker be appointed Chairperson and Councillor Lonie appointed Deputy Chairperson of the Community and Visitors Committee for the period 1 February 2010 to 31 December 2011.**

CARRIED**14.10 Ombudsman's Report into Decision of Council not to Remove a Street Tree (Report No: 547/10)**

Council has received from the Ombudsman, a final report relating to a decision of Council. The decision concerns Council's resolution (C230310/764.2) on 23 March 2010 and reconsideration in accordance with Section 270 of the Local Government Act 1999 (Act) on 10 August 2010 regarding application to remove a healthy *Robina* tree, located in the verge adjacent to 24 King George Avenue, Hove.

This report provides the background information and final report from Ombudsman following review.

In reviewing the decision Council should consider the recommendations of the Ombudsman. There is no requirement to rescind a previous Council decision.

C141210/032

Councillor Bouchee moved and Councillor Lonie seconded that after having reviewed a previous Council decision of 23 March 2010, (Resolution number C230310/764.2) and the final report from the Ombudsman, in considering the unique factors that:

- 1. The tree (*Robina* tree) adjacent to 24 King George Avenue, Hove, be removed with removal costs being met by Council, as provided for in section 2.1.3 (b)(iv) of the Council's *Street Tree Management* policy (adopted by Council in July 2010).**
- 2. A replacement tree, at Council's cost, be planted as per Council's *Street Tree Management* policy.**
- 3. Council advise Mr and Mrs Buck and the Ombudsman of its decision by 28 January 2011.**

CARRIED**14.11 Environmental Advisory Committee (Report No: 548/10)**

The Environmental Advisory Committee was established to assist the Administration and to advise Council on environmental issues. The committee has been in place for a number of years and has had measured success.

The aim of the new Terms of Reference is to assist Council in delivering its on ground objectives as it relates to Council's Strategic Plan for the environment. Whilst paying heed to the results of the Community Survey on Environmental Sustainability (2010).

C141210/033

Councillor Looker moved and Councillor Yates seconded:

- 1. That Council endorses the Terms of Reference for the Environmental**

Advisory Committee;

2. **That Council appoints to the Environmental Advisory Committee 5 Elected Members:**
 - **Councillor Patton (Glenelg Ward)**
 - **Councillor Patterson (Somerton Ward)**
 - **Councillor Donaldson and Councillor Lonie (Brighton Ward)**
 - **Councillor Yates (Seacliff Ward)**
3. **That, public nominations for the 6 community members to the Environmental Advisory Committee be sought in early 2011 in accordance with Council's Public Consultation Policy.**
4. **That the 6 community members be selected in accordance with the processes defined in the Terms of Reference for the Environmental Advisory Committee.**
5. **That the TOR be amended to reflect council's decision to appoint a 5th Elected Member to the committee.**

CARRIED

15. **Resolutions subject to formal motions** Nil

16. **Urgent Business – Subject to the leave of the meeting** Nil

17. **Items in Confidence**

17.1 Development Assessment Panel - Independent Member Appointments (Report No: 511/10)

C141210/034

Councillor Clancy moved and Councillor Looker seconded that, pursuant to Section 90(2) and 90(3)(a) 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), on the basis that it will receive, discuss or consider the following:

- **information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person or persons (living or dead).**

CARRIED

Development Assessment Panel - Independent Member Appointments (Report No: 511/10)

At its meeting held on 23 November 2010, Council resolved to appoint three Elected Members to a working group to make recommendation to Council on the preferred Independent Members and Independent Presiding Member candidates to serve on the Development Assessment Panel. Following a call for 'expressions of interest' published in 'The Advertiser' and the 'Guardian Messenger', and separate direct mail invitations made to the Independent Members currently serving on Council's Panel, eleven written nominations were received for independent membership to the Development Assessment Panel. The working group subsequently met and selected its four preferred candidates including a candidate for the role of Presiding Member from the

pool of applicants. This report seeks Council's authorisation for the appointment of the four candidates selected by the working group to the City of Holdfast Bay Development Assessment Panel for a two year term.

C141210/035

Councillor Clancy moved and Councillor Lonie seconded:

- 1. That 1) Graham Goss, 2) Jenny Newman, 3) Nathan Sim, and 4) Ivan Winter are appointed as Independent Members to the City of Holdfast Bay Development Assessment Panel until Midnight 31 December 2012.**
- 2. That 1) Graham Goss is appointed Presiding Independent Member to the City of Holdfast Bay Development Assessment Panel until Midnight 31 December 2012.**
- 3. That the Council releases the minutes for Report Number 511/10.**
- 4. That an article appear in the Holdfast Bay Views announcing the composition of the Development Assessment Panel.**

CARRIED

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C141210/036

Councillor Looker moved and Councillor Lonie seconded that pursuant to Section 90(2), 90(3)(a) and 91(7) of the Local Government Act 1999:

- 1. The Council orders that the documents relating to Report No: 511/10 with the exception of Resolution No: C141210/034 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 would involve the unreasonable disclosure of information concerning the personal affairs of a person or persons (living or dead) under Section 90 (2) and 90(3)(a) of the Act.**
- 2. This resolution will be released immediately following advice to the new DAP members.**

CARRIED

17.2 Item in Brief – Foreshore Tenancy Update (Report No: 542/10)

C141210/037

Councillor Lonie moved and Councillor Clancy 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

Item in Brief – Foreshore Tenancy Update (Report No: 542/10)

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE**C141210/039**

Councillor Clancy moved and Councillor Lonie 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: 542/10 with the exception of Resolution No: C141210/037 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**18. Resumption****C141210/040**

Councillor Clancy moved and Councillor Looker seconded that Council resume as an open meeting of Council at 9:18pm.

CARRIED**19. Closure**

The Meeting closed at 9:18pm.

CONFIRMED Tuesday 18 January 2011**MAYOR**