

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 8 March 2011 at 7:00pm.

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 – 7:44pm
Councillor	R C Patton
Councillor	A P Roe
Councillor	L J Yates
Chief Executive Officer	J P Lynch
General Manager Alwyndor Aged Care	G Potter
General Manager City Assets	S G Hodge
Acting General Manager City Services	A Marroncelli
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 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**

C080311/095

Councillor Looker moved and Councillor Huckstepp seconded that the minutes of the Ordinary Meeting of Council held on 22 February 2011 be taken as read and confirmed.

CARRIED

8. **Questions by Members**

8.1 Without Notice

8.1.1 Answers to Questions without Notice

Councillor Bouchée enquired about answers to questions taken on notice regarding the Development plan and why they have not been presented in Council Business Papers.

The Chief Executive Officer, Mr J Lynch took the question on notice.

8.2 With Notice

8.2.1 Strategies for Use of Public Parks and Reserves by Commercial Fitness Operators

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

Will Administration please advise if the strategies put in place on 25/03/08 regarding the use of public parks and reserves by commercial fitness and 'boot camp' operators are still appropriate or need reviewing in the light of growth in the industry and recent public complaints?"

The General Manager City Services, Ms T Aukett response.

Administration is currently exploring, controlling the use of commercial fitness and 'boot camps' through a permit system, similar to that used for use of Council land at Moseley Square.

Our by-laws allow us to control activity on parks and reserves and a permit system will allow us to put in appropriate controls such as limits on hours.

We will also be able to insist that the commercial user has the appropriate public liability insurance and we can charge either a small fee or a bond to cover any possible damage to the reserve and facilities. Once permits are in place, inspectors will be able to monitor

compliance. We expect to present a report to council on a permit system by the end of the financial year.

9. Member's Activity Reports

9.1 Mayoral Report Nil

9.2 Deputy Mayor's Report

Councillor Clancy reported that she had represented the Mayor at a meeting of the Baha'i faith and gave a presentation on the role of women in government in Australia.

Councillor Clancy reported that she attended the Community Safety Information session run by SA Police and the Community Services Team.

Councillor Clancy reported that she and Councillor Lonie attended the UNIFEM International Women's Day Breakfast at the Adelaide Convention Centre.

10. Public Presentations

10.1 Petitions Nil

10.2 Presentations Nil

10.3 Deputations

10.3.1 Bay Bar Dos

Mr Tony Bobridge, owner of Bay Bar Dos made a five minute presentation to Council regarding rental considerations.

11. Motions on Notice

11.1 Sale of Property at 25 Moseley Street, Glenelg (Former Trinity Church)

Councillor Bouchee left the chamber at 7:15pm.

Councillor Bouchee rejoined the chamber at 7:16pm.

In accordance with her notice:

Councillor Clancy moved and Councillor Donaldson seconded that Council sells the property at 25 Moseley Street Glenelg (formerly Trinity Church) and Administration provide a comprehensive report as soon as practicable with recommendations on a sale program to maximise Council's return.

Background

A comprehensive report was presented to the last Council meeting. This report highlighted the considerable restrictions on its potential and, in view of the estimated costs to refurbish the property and the practical limitations of

using it as a community centre including a lack of parking; it is not an asset Council should hold.

The property was purchased in August 2008 for \$1.675m (excluding GST). In addition, Council paid a further \$133,000 stamp duty, registration, land tax and conveyance fees bringing the total cost to \$1.808m. Acquisition was funded from Council's cash reserves. An estimate of the interest foregone from acquisition to the present is around \$275,000. The property has remained vacant since purchase.

C080311/096

Councillor Looker moved and Councillor Bouchée seconded that the meeting would benefit from a short term suspension of the operation of Part 2 of the Regulations for 50 minutes to facilitate informal discussions on the Sale of Property at 25 Moseley Street, Glenelg (Former Trinity Church).

**CARRIED
BY GREATER THAN TWO THIRDS MAJORITY**

Councillor Patterson joined the meeting at 7:44pm.

Meeting procedures were suspended for 49 minutes.

C080311/097

Councillor Looker moved and Councillor Lonie seconded that the Council meeting resume following a short term suspension of the operation of Part 2 of the Regulations to facilitate informal discussions on the Sale of Property at 25 Moseley Street, Glenelg (Former Trinity Church).

**CARRIED
BY GREATER THAN TWO THIRDS MAJORITY**

Councillor Fisk moved and Councillor Huckstepp seconded that the Motion on Notice, Sale of Property at 25 Moseley Street, Glenelg (Former Trinity Church) be adjourned for three months to allow the Mayor to present his detailed vision to Members.

LOST

C080311/098

Councillor Yates moved and Councillor Patterson seconded that the Motion on Notice, Sale of Property at 25 Moseley Street, Glenelg (Former Trinity Church) be adjourned for two months to allow the Mayor to present his detailed vision to Members.

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

12. Adjourned Matters Nil

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

13.1 Minutes – Development Assessment Panel (Report No: 72/11)

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 27 January and 23 February 2011 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.

Councillor Roe left the chamber at 8:17pm.

Councillor Clancy left the chamber at 8:17pm.

Councillor Donaldson left the chamber at 8:17pm.

C080311/099

Councillor Lonie moved and Councillor Huckstepp seconded that the minutes of the Development Assessment Panel meeting held on 27 January and 23 February 2011 be received.

CARRIED

13.2 Minutes – Alwyndor Management Committee (Report No: 73/11)

The Alwyndor Aged Care Management Committee was established to manage the affairs of Alwyndor Aged Care Facility. The Council has endorsed the Committee's Terms of Reference and given the Committee delegated authority to manage the business of Alwyndor Aged Care Facility.

The Minutes of the Alwyndor Aged Care Management Committee for the meeting held on 20 February 2011 are attached.

C080311/100

Councillor Lonie moved and Councillor Fisk seconded that the Minutes of the Alwyndor Aged Care Management Committee meeting held 20 February 2011 be received by Council.

CARRIED

13.3 Information Report – Southern Region Waste Resource Authority (Report No: 74/11)

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 11 February 2011.

C080311/101

Councillor Bouchée moved and Councillor Huckstepp seconded that information report of the Southern Region Waste Resource Authority for its meeting held 11 February 2011 be received and noted.

CARRIED

14. Reports by Officers

14.1 Request for Funds to Defend Appeals before the Environment, Resources and Development Court (Report No: 56/11)

Council has received notice of two appeals lodged with the Environment, Resources and Development Court against decisions of the Development Assessment Panel made on 16 December 2010 and 27 January 2011. In accordance with a previous Council resolution, prior approval is sought for the expenditure of funds to resource a proper defence of each decision.

Councillor Bouchée declared an interest due to the Environment Resources and Development Court case with the Glenelg Football Club and left the chamber at 8:18pm.

Councillor Donaldson returned to the chamber at 8:19pm.

Councillor Clancy returned to the chamber at 8:20pm.

Councillor Roe returned to the chamber at 8:22pm.

C080311/102

Councillor Fisk moved and Councillor Patterson seconded that Council Administration is permitted to expend funds to resource the proper defence of the appeals described in Attachment 1 of Report No. 56/11, namely, Applicant Appeal – 8 Gordon Street Somerton Park and Third Party Appeal – Glenelg Oval – Rugless Terrace, Glenelg East, lodged with the Environment, Resources and Development Court against decisions of the City of Holdfast Bay Development Assessment Panel.

CARRIED

Councillor Bouchée returned to the chamber at 8:22pm.

Councillor Huckstepp left the chamber at 8:22pm.

14.2 New Shade Structure – Guides SA/Montessori Kindergarten (Report No: 77/11)

The Montessori Kindergarten has lodged a development application with Council seeking to erect a shade structure in the south-western corner of the

premises which is leased by Girl Guides SA Inc ("Guides") from Council. Works cannot be undertaken without Council's consent as landlord.

C080311/103

Councillor Dixon moved and Councillor Fisk seconded:

- 1. That Council provides its consent as landlord (subject to any necessary Development Act consents), to the Montessori Kindergarten's proposal to replace an existing shade-sail with a new shade structure in the south-western corner of the land which is leased from Council by Girl Guides SA Inc.**
- 2. Girl Guides SA Inc be advised in writing that it remains liable for any costs or maintenance associated with the proposed works and that it will be required to rectify any damage to the premises that may occur as a result of the installation, placement or removal (if so required) of such infrastructure.**

CARRIED

14.3 Proposed Liquor Licensing Policy (Report No: 50/11)

After a lengthy period of development, consultation and review, the City of Holdfast Bay Liquor Licensing Policy is now in its final draft and is submitted to Council for endorsement. The Policy's primary focus is one of encouraging ongoing responsible attitudes and practices towards the consumption and use of liquor within the City of Holdfast Bay through detection, prevention and communication within the community.

Councillor Huckstepp returned to the chamber at 8:25pm.

C080311/104

Councillor Bouchée moved and Councillor Lonie seconded that Council adopts the proposed Liquor Licensing Policy, allowing Council to exercise its powers pursuant to the *Liquor Licensing Act 1997* within its jurisdiction with the

- To ensure that security patrols are limited to the licensed area and do not include other parts of the surrounding streets.**
- To ensure that conditions placed on associated development applications reflect the licensing hours of the liquor licence.**

CARRIED

14.4 "The Organik Store Café" Variation Application to an Existing Licensed Premises Hours of Operation Report (Report No: 76/11)

An application has been made to the Office of the Liquor and Gambling Commissioner by Roarvale Enterprises Pty Ltd seeking a variation to their existing Restaurant Licence to have their hours of operation varied to accommodate the service of liquor with evening meals and proposed private seminars/functions which will specialise specifically in health and personal development.

This application presents an opportunity for Council to support and allow a small community business to further flourish while imposing additional and subsequent conditions upon its licence for a specific period of trial to ensure no adverse amenity based issues arise.

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.

C080311/105

Councillor Bouchée moved and Councillor Clancy seconded that Council advises the Office of the Liquor and Gambling Commissioner that it supports the application of variation to Liquor Licence number 50622331 based on the following:

1. **The hours of operation are to be varied to (and no later than):**
 - Internal Areas (Area 1):**

Monday to Sunday	between the hours of 8:00 a.m. and 12:00 midnight
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 - External Area (Area 2):**

Monday to Sunday	between the hours of 8:00 a.m. and 10:00 p.m.
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2. **Council seeks to have a further clause added to the licence section entitled trading hours stating:**
 - a) **The City of Holdfast Bay will not permit any further future changes to the licensee's trading hours when hours beyond 12:00 midnight are requested.**
3. **Council seeks to have further conditions imposed on the licence stating:**
 - a) **Any private seminar held at the licensed premises after 'normal' trading hours must be pre-booked and closed to the general public during the seminars operation.**
 - b) **Whenever a private seminar/function is conducted at the premises, the licensee must notify the relevant Council and Police authorities no less than seven (7) days prior to the event.**
4. **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.**
5. **The City of Holdfast Bay, the Commissioner of Police, the licensee and surrounding residents are granted "liberty to apply" to the Liquor and Gambling Commissioner to review the variation to hours and associated conditions prior to the conclusion of the twelve (12) month trial period.**
6. **Live and Recorded Music contained at 8dba in accordance with Environment Protection Authority policy.**

CARRIED

14.5 Residential Coastal and Foreshore Zones Development Plan
Amendment – Progressing the DPA (Report No: 80/11)

In September 2006, Council formally initiated the Residential Coastal and Residential Foreshore Zone Development Plan Amendment (DPA). The DPA seeks to review all policy affecting coastal development and in particular, consider issues of desired character, coastal streetscapes, built form, design,

landscaping and the impact of dwelling densities on existing community services and infrastructure – particularly in Glenelg.

A Draft DPA underwent community consultation in the early part of 2010 and received a mixed response from the community. Many of the objections received related to the policies of the DPA and the apparent lack of consistency with the 30-Year Plan for Greater Adelaide. In addition to a mixed community response, Council received a submission from the Department of Planning and Local Government (DPLG) that took significant issue with the proposed reductions to dwelling density and number of stories proposed within the central areas of Glenelg.

Following the consultation process, Administration has considered the comments provided and reviewed the DPA against the aspirations of the 30-Year Plan for Greater Adelaide. It has become clear that as the DPA is at significant variance to the 30 year Plan and is likely to be rejected and will consume considerable resources without gain that Council should consider alternative options for the project, including its withdrawal.

It is considered that Council's best option is to withdraw the DPA and focus its attention and limited planning resources on gaining ground on the upcoming Section 30 Development Plan Review and new alternative opportunities for amendments to Development Plan policy.

C080311/106

Councillor Clancy moved and Councillor Huckstepp seconded:

- 1. That Council withdraws the draft Residential Coastal and Residential Foreshore Zones and Miscellaneous Development Plan Amendment.**
- 2. That Administration write to the Minister for Urban Development and Planning to formally request that the DPA be withdrawn.**
- 3. That Administration notify the community and relevant State agencies following the Minister's decision regarding the withdrawal of the DPA.**
- 4. That due to the 30-year Plan for Greater Adelaide and other State Government constrictions which have occurred in the past 12 months we are asking this DPA be withdrawn and Council will continue to review the policies in the areas affected by the DPA and provide a future report to Council**

CARRIED

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| 15. Resolutions subject to formal motions | Nil |
| 16. Urgent Business – Subject to the Leave of the Meeting | Nil |
| 17. Items in Confidence | Nil |
| 18. Closure | |

The Meeting closed at 8:47pm.

CONFIRMED Tuesday 22 March 2011

MAYOR