



CITY OF
HOLDFAST BAY

Our Vision for the future of the City of Holdfast Bay is:

*A sustainable, well serviced, safe and cohesive seaside community
that enjoys an outstanding quality of life, welcomes visitors
and values the City's distinctive history and open spaces.*

MINUTES

of the meeting of the
CITY OF HOLDFAST BAY

held in the
Council Chamber, Glenelg Town Hall,
Moseley Square, Glenelg.

Tuesday, 14 June 2011

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 June 2011 at 7:03pm.

PRESENT

His Worship the Mayor	A K Rollond
Deputy Mayor	R A Clancy – 7:05pm
Councillor	R M Bouchée – 7:04pm
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 7:03pm.

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 Nil

4.2 Absent Nil

5. Items Presented to Council Nil

Councillor Bouchée joined the chamber at 7:04pm.

6. Declaration of Interest

Councillor Clancy joined the chamber at 7:05pm.

Members were reminded to declare their interest before each item.

7. Confirmation of Minutes

C140611/174

Councillor Huckstepp moved and Councillor Lonie seconded that the minutes of the Ordinary Meeting of Council held on 28 June 2011 be taken as read and confirmed.

CARRIED

8. Questions by Members

8.1 Without Notice Nil

8.2 With Notice Nil

9. Member's Activity Reports Nil

10. Public Presentations

10.1 Petitions Nil

10.2 Presentations

Under Section 123 (4)(a)(i)(B) of the *Local Government Act 1999*, Council will provide a period of at least one hour for members of the public to ask question and make submissions on the Annual Business Plan and Budget.

- Mr J Messenger – Glenelg Residents Association
- Mr C Carter – Marina East and Holdfast Quays Marina Association

10.3 Deputations Nil

11. Motions on Notice

11.1 Glenelg North Kiosk

In accordance with his notice:

C140611/175

Councillor Looker moved and Councillor Fisk seconded that the Chief Executive Officer prepares a report with a view to initiating the steps required to re build the beachside kiosk at Glenelg north as a modest, low key, community focussed facility similar to the successful model established at Kingston Park.

CARRIED

AMENDMENT

**Councillor Bouchée moved that Councillor Looker's motion be considered for the 2012/13 financial year and a leaflet be distributed to residents.
LAPSED FOR WANT OF A SECONDER**

Background

The Council owned kiosk at Glenelg North was demolished some years ago and not replaced at the time. Since that time the demand for low key 'coffee' venues has increased and recent action by the patrons at Kingston Park prove that these facilities become important community gathering places. With no facilities on the north side of the Pat there is a need for an unobtrusive, daylight hours, kiosk with no thoughts of a liquor license. This is to provide for locals and visitors to this section of the beach. The possibility to include a deck over the beach with steps from the sand could also be explored as part of this report as would the seeking of potential operators. Community consultation may be an initial step bearing in mind this would be a replacement of a previous facility.

11.2 Replacement Kiosk Building Techniques

In accordance with his notice:

Councillor Looker moved and Councillor Roe seconded that administration investigate possible designs and construction techniques that could be used for replacement facilities for the Kingston Park and Glenelg North kiosk. The investigation should explore a possible standard design of economical construction that may apply to both locations.

TIED VOTE

HIS WORSHIP THE MAYOR USED HIS CASTING VOTE AGAINST THE MOTION AND DECLARED THE MOTION LOST

Background

It has been established that the long term life of the structure at Kingston Park Kiosk is nearing an end and a replacement facility needs to be investigated. The community likes the rustic and welcoming nature of the current facility and a slick, expensive architectural showpiece such as the Broadway Kiosk is not appropriate in this location. By linking the Kingston Park Kiosk and a potential Glenelg North Kiosk a standard prefabricated/timber facility may be affordable and deliver, not only upgraded food handling and sanitation, but also the charm and character the community demand. Preparation of this would enable the construction of this or these facilities to be incorporated into our long term financial and asset management plans.

11.3 Railway Overpass on Brighton Road

In accordance with his notice:

C140611/176

Councillor Roe moved and Councillor Clancy seconded that council commences discussions with the State Government, and other stakeholders with the view to providing a long term solution for the train crossing over Brighton road (for example an overpass/underpass or hybrid

solution). At the conclusion of these discussions provide the councillors with a report on possible alternatives, funding options, and options to proceed with the alternatives.

CARRIED

Background

The current council should take the initiative while there are various parcels of land available and a major upgrade of the train line. look at alternatives to ease the congestion of this area. This planning is needed now to ensure the future of the area is catered for, over the next 50 to 80 years or more.

Ultimately this may be a state government issue, but if we do not drive it locally, then most likely nothing will get done.

11.4 Rescission Motion - Legal Action – Development Assessment Panel

In accordance with his notice:

Councillor Looker moved and Councillor Fisk seconded that Council discontinue funding the legal case against Mr Edwards of 8 Gordon Street, Somerton Park.

LOST

A division was called.

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

HIS WORSHIP THE MAYOR DECLARED THE MOTION LOST

Background

Council retained the right to vet funding for every legal case that resulted from a decision of the DAP. This was done so as to keep some control over expenses and possibly deny funding for cases that may be considered not in Council's or residents' best interest. This matter is clearly one that is not in council interest to pursue and the estimated \$15,000 cost should be minimised.

Mr and Mrs Edwards dismantled their green garden shed which had been in place for many years and replaced it with a new colour bond garden shed costing a few hundred dollars. They also upgraded the fence and tidied the area and request street trees for the bare verge. They were subsequently advised that the new shed was too close to the boundary and a development application needed to be lodged. This was done and rejected by the DAP. An appeal to the courts saw a number of modifications which Council Officers advised enabled the shed to be approved. The independent DAP rejected this as a they rejected a further request from the court.

Throwing the full force of council's legal resources at a ratepayer in a circumstance where the DAP went against the recommendation of Council's planning officers and to the apparent bemusement of the court seems foolish. Spending thousands of dollars opposing a shed worth a few hundred dollars is the sort of stuff that reflects poorly on the wider council as it makes Council appear 'bloody minded' devoid of common sense with the public not knowing the DAP is dominated by independents,

This is a "lose lose" for Council.

Should the Edwards "win" the case the shed will stay and we have wasted Council time and resources.

Should Council "win" the Edwards have indicated that they will, lawfully, restore the old green shed delivering a worse outcome for location.

While the DAP and the Court will come to their own decision Council itself should cut its losses and not put one more cent of ratepayers money into this PR disaster brought on by a DAP disregarding the advice of Council planners.



The Acting General Manager City Services, Ms T Aukett's comment.

Councillor Looker's motion has the effect of revoking a previous decision of Council and is therefore a rescission motion.

Based on Council's decision of 8 March 2011, the ERD Court was advised of Council's intention to defend the appeal.

A conference between the parties has been scheduled for 4 July 2011, with the expectation that, unless the appellant withdraws, a hearing will be scheduled for later in the year.

A decision at this late date, to withdraw funds for the appeal, would require us to advise the court that Council has 'no evidence to present', leaving the court in a difficult position. This action may have the effect of presenting Council in a poor light and establish a precedent for future appeals.

12. Adjourned Matters

Nil

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

Councillor Lonie left the chamber at 8:58pm.

Councillor Patterson left the chamber at 8:58pm.

14. Reports by Officers

14.1 Items in Brief (Report No: 185/11)

Report No: 185/11 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

C140611/177

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

CARRIED

Councillor Lonie rejoined the chamber at 8:59pm.

Councillor Bouchée left the chamber at 9:01pm.

Councillor Patterson rejoined the chamber at 9:02pm.

14.2 Delegations Under the Aged Care Act 1997 (Commonwealth) and the Local Government Act 1999 for the Alwyndor Management Committee (Report No: 186/11)

Following the review of the Delegations to the Alwyndor Management Committee, the delegations under the Aged Care Act 1997 (Commonwealth) and the Local Government Act 1999 are presented for Council's endorsement.

Delegations are the means by which Council can formally pass on its powers and functions to other bodies or individuals in order to efficiently and effectively manage the business of Council.

In order to give effect to the delegations, Council must first revoke all existing delegations and then resolve to adopt new delegations, with any conditions or limitations. Subsequent to these delegations being made by Council, the Alwyndor Management Committee will then make any sub-delegations to the General Manager, Alwyndor, or other staff, as appropriate.

Council has previously delegated the powers and functions under either the Aged Care Act 1997, or the Flexible Care Subsidy Principles 1997 Under the Aged Care Act 1997. A review of Alwyndor's delegations under the Local Government Act was conducted in 2010.

C140611/178

Councillor Clancy moved and Councillor Yates seconded that:

1. Revocations

1.1 Hereby revokes its previous delegations, effective from 15 April 2011 to the Alwyndor Management Committee of those powers and functions under the following:

1.1.1 Local Government Act 1999

- 1.1.2 Aged Care Act 1999
 - 1.1.3 Flexible Care Subsidy Principles 1997 Under the Aged Care Act 1997 (Commonwealth)
2. Delegations made under the Aged Care Act 1997 (Commonwealth)
 - 2.1 In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the *Aged Care Act 1997* contained in the proposed Instrument of Delegation (annexed to the Report dated 14 June 2011 and entitled *Delegations under the Aged Care Act 1997 (Commonwealth)* and the *Local Government Act 1999* for the Alwyndor Management Committee and marked Attachment 1) are, subject to the conditions, limitations and provisos contained therein, hereby delegated this 14th day of June 2011 to the Alwyndor Management Committee, (a committee established by the Council pursuant to section 41 of the *Local Government Act 1999*), to take effect from 15 June 2011 and such powers and functions may be further delegated by the Alwyndor Management Committee to the person occupying the position of General Manager Alwyndor and anyone who may, from time to time, be appointed to act in that position.
 3. Delegations made under the Flexible Care Subsidy Principles 1997 Under the Aged Care Act 1997 (Commonwealth)
 - 3.1 In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the *Flexible Care Subsidy Principles 1997* contained in the proposed Instrument of Delegation (annexed to the Report dated 14 June 2011 and entitled *Delegations under the Aged Care Act 1997 (Commonwealth)* and the *Local Government Act 1999* for the Alwyndor Management Committee and marked Attachment 2) are, subject to the conditions, limitations and provisos contained therein, hereby delegated this 14th day of June 2011 to the Alwyndor Management Committee, (a committee established by the Council pursuant to section 41 of the *Local Government Act 1999*) to take effect from 15 June 2011 and such powers and functions may be further delegated by the Alwyndor Management Committee to the person occupying the position of General Manager Alwyndor and anyone who may, from time to time, be appointed to act in that position.
 4. Delegations made under the Local Government Act 1999
 - 4.1 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 June 2011 and entitled *Delegations under the Aged Care Act 1997 (Commonwealth)* and the *Local Government Act 1999* for the Alwyndor Management Committee and marked Attachment 3) are, subject to the conditions, limitations and provisos contained therein, hereby delegated this 14th day of June 2011 to the Alwyndor Management Committee, (a committee established by the Council pursuant to Section 41 of the *Local Government Act 1999*) to take effect from 15

June 2011 and such powers and functions may be further delegated by Alwyndor Management Committee to the person occupying the position of General Manager Alwyndor and anyone who may, from time to time, be appointed to act in that position.

CARRIED

14.3 The Oyster Bar – Extended Trading Authorisation Trial Period Review
(Report No: 179/11)

At the Council meeting held 13 April 2010 the Committee resolved to support an extended trading authorisation application made by The Oyster Bar (J K (SA) Investments Pty Ltd & Europa (SA) Pty Ltd). Now that the trial period has lapsed, the City of Holdfast Bay is required to review the temporary conditions at the request of the Liquor and Gambling Commissioner.

The purpose of this report is to seek the Committee's comments prior to advising the Office of the Liquor and Gambling Commissioner of Council's position.

C140611/179

Councillor Looker moved and Councillor Donaldson seconded that the Committee recommends that Council advise the Office of the Liquor and Gambling Commissioner that it does not object to the extended trading authorisation becoming a permanent condition of the licence.

CARRIED

Councillor Bouchée rejoined the chamber at 9:03pm.

14.4 Traffic Alterations – Tod Street and Regent Street, Glenelg North
(Report No: 213/11)

Following concerns raised with Council regarding traffic movements at Tod and Regent Streets, consultation was conducted with residents and property owners, proposing to convert Tod Street, Glenelg North, between Rothwell Terrace and Regent Street, to one-way traffic in a southerly direction; and, to clearly delineate the junction of Regent Street and Tod Street by installing a Give Way sign and associated line markings.

This report outlines the consultation process and the outcomes determined from the responses received from the public consultation/survey.
SP in 9.03pm

C140611/180

Councillor Patton moved and Councillor Yates seconded:

- 1. That Council approves altering Tod Street from two-way traffic to one-way traffic in a southerly direction and the installation of a Give Way at Regent Street.**
- 2. That residents and property owners be informed of Council's decision.**

CARRIED

14.5 Holdfast Hotel – Redefinition Trial Period Review (Report No: 180/11)

On 11 March 2009, then again on 1 March 2010 the Assistant Liquor and Gambling Commissioner granted a supplementary order denoting a redefinition of area accompanied by subsequent conditions for a trial period.

Now that the trial period has lapsed, the City of Holdfast Bay seeks to review the temporary conditions at the request of the Liquor and Gambling Commissioner.

The purpose of this report is to seek the Council's comments prior to advising the Office of the Liquor and Gambling Commissioner of Council's position.

C140611/181

Councillor Looker moved and Councillor Yates seconded that Council advises the Office of the Liquor and Gambling Commissioner that it does not object to the conditions outlined on the supplementary order becoming permanent condition of the licence.

CARRIED

14.6 Application to the Liquor and Gambling Commissioner for a Restaurant Licence by JC and Maria Pty Ltd Located at Shop 10/7 Holdfast Walk, Glenelg (Report No: 178/11)

An application has been made by JC & Maria Pty Ltd to the Liquor and Gambling Commissioner seeking a Restaurant Licence for premises Sushi & Bento Box located at Shop 10/7 Holdfast Walk, Glenelg.

This application presents an opportunity for Council to support and allow a small community business to further flourish within the City of Holdfast Bay.

The purpose of this report is to seek Council's comments prior to advising the Office of the Liquor and Gambling Commissioner regarding Council's position before a decision is made on the application.

C140611/182

Councillor Dixon moved and Councillor Fisk seconded that Council advise the Office of the Liquor and Gambling Commissioner that it does not object to the application made by JC & Maria Pty Ltd for a restaurant license at Shop 10/7 Holdfast Walk, Glenelg subject to the following conditions:-

- 1. That the hours of the restaurant license be in accordance with the hours proposed in the details submitted by the applicant, that being from 11:00am to 10:00pm, 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.**

CARRIED

14.7 Alwyndor Aged Care Management Committee Appointments (Report No: 187/11)

The General Manager Alwyndor Aged Care, Mr G Potter has advised that the two year appointment term for Committee members Mr Nick Hakof, Mr Darryl Royans and Mr Ian Pratt will expire on the 30th June 2011. All three committee members have confirmed their availability and willingness to extend their membership for a further two year term. The Alwyndor Management Committee at its meeting held on 17th May 2011, considered Mr Hakof, Royans and Pratt's offer and subsequently endorsed a two year term extension, subject to Council approval.

C140611/183

Councillor Clancy moved and Councillor Huckstepp seconded that Council endorses the recommendation of the Alwyndor Management Committee in relation to the reappointment of Mr Nick Hakof, Mr Darryl Royans and Mr Ian Pratt to the Management Committee for a further two year term to expire on 30 June 2013.

CARRIED

14.8 Final Draft of Council's Animal Management Directions Plan 2012-2016 (Report No: 184/11)

On the 22 March 2011, Report No. 97/11, Council in principle endorsed the release of the draft City of Holdfast Bay Animal Management Directions Plan 2012-2016 for public consultation.

The purpose of this report is to highlight any outcomes from the consultation and seek Council's adoption of the final drafted Animal Management Directions Plan 2012-2016.

C140611/184

Councillor Yates moved and Councillor Clancy seconded:

- 1. That the final draft of the City of Holdfast Bay Animal Management Directions Plan included at Attachment 1 to Report No. 184/11 be adopted as Council's Animal Management Directions Plan 2012-2016.**
- 2. That the Dog and Cat Management Board be advised of Council's adoption of the Animal Management Directions Plan for 2012-2016.**

CARRIED

14.9 Reassessment of Outdoor Dining Fees (Report No: 191/11)

Council has received a request via Minutes from the Jetty Road Mainstreet Management Committee taken on the 11 May 2011 to review the proposed outdoor dining fees for 2011/12 in Jetty Road, Glenelg. Their minutes state:

That Council notes the Jetty Road Mainstreet Management Committee's concerns regarding the Outdoor dining fee structure based on commercial valuations and requests staff to develop a revised fee structure with the following parameters:

- a. Three tiered fee structure which takes into account the amenity of individual outdoor dining areas, specifically the degree of exposure to the weather – i.e. enclosed, partially enclosed or exposed; and*
- b. The 2011/2012 Budget fee for the outdoor dining in Moseley Square, when fully exposed to the weather be not more than \$100m².*

The Outdoor Dining fees schedule has been reviewed and an alternative proposal, based on the Jetty Road Mainstreet Management Committee fee structure is considered in this report. By applying a fee structure based on the degree of exposure to the weather, Council's income from outdoor dining permits would be reduced by approximately \$17,000.

On balance, the fee structure proposed by the Jetty Road Mainstreet Management Committee is not considered equitable, and its adoption is not recommended.

Councillor Fisk moved and Councillor Lonie seconded that the Committee

recommends that Council considers the Outdoor Dining fees as presented in Council Report No. 109/11 at its meeting on 12 April 2011 as part of its 2011/2012 budget deliberations.

AMENDMENT

C140611/185

Councillor Patterson moved and Councillor Looker seconded that Chart 2 in Report No: 191/11 be adopted as the fee schedule for outdoor dining fees as part of its 2011/2012 budget deliberations.

THE AMENDMENT WAS PUT AND CARRIED

THE MOTION AS AMENDED WAS PUT AND CARRIED

14.10 Community Consultation on Draft 2011/12 Annual Business Plan
(Report No: 193/11)

The Draft 2011-12 Annual Business Plan endorsed by Council was released for community consultation on 11 May 2011. This report summarises the consultation process, the comments received, and information pertinent to the community consultations.

C140611/186

Councillor Bouchee moved and Councillor Donaldson seconded that the submissions arising from community consultation on the Draft 2011/12 Annual Business Plan included in Attachment 1 be received and noted.

CARRIED

14.11 Election of Local Government Association President (Report No: 192/11)

Following the withdrawal of Mayor Jim Pollock for family reasons, nominations to fill the position of LGA President have been called from non Metropolitan Councils. The LGA has received four nominations.

This reports seeks Council's preferences for the position.

C140611/186

Councillor Clancy moved and Councillor Lonie seconded that Council cast a vote for the position of Local Government Association President by numbering the following 1 to 4:

3	MAITLAND, JAMES	Mayor	Wakefield Regional Council
4	ARBON, ALLAN	Mayor	Rural City of Murray Bridge
1	AUGHEY, ALLAN	Mayor	Clare and Gilbert Valleys Council
2	MCHUGH, KYM	Mayor	Alexandrina Council

CARRIED

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

C140611/187

Councillor Bouchee moved and Councillor Patterson seconded

- 1. That council moves consideration of the Confidential Reports No: 189/11, 190/11 and 214/11 to the Community and Visitors Committee, in order for it to be discussed at the end of the meeting and so minimise inconvenience to any members of the public.**
- 2. For the purposes of resolving the matters considered by the Confidential Reports No: 189/11, 190/11 and 214/11 Council delegates the Community and Visitors Committee with the power to make a decision in the matters canvassed by the report.**

CARRIED**18. Closure**

The Meeting closed at 9:28pm.

CONFIRMED Tuesday 28 June 2011**MAYOR**