

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 28 August 2012 at 7:00pm.

MEMBERS PRESENT

His Worship the Mayor, AK Rollond
Deputy Mayor, RA Clancy
Councillor RM Bouchée
Councillor PW Dixon
Councillor KM Donaldson
Councillor LR Fisk
Councillor JD Huckstepp
Councillor SC Lonie
Councillor TD Looker
Councillor S Patterson
Councillor RC Patton
Councillor AP Roe
Councillor LJ Yates

STAFF IN ATTENDANCE

Chief Executive Officer - JP Lynch
General Manager City Assets - SG Hodge
General Manager City Services - RA Cooper
General Manager Corporate Services - IS Walker
Manager Strategic Directions - Mark Buckerfield
Community Development Manager - Kelly Harding

APOLOGIES

Apologies Received - Nil
Absent - Nil

1. OPENING

His Worship the Mayor declared the meeting open at 7.00pm.

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.

5. ITEMS PRESENTED TO COUNCIL**5.1 Representations on Proposal to Revoke Community Land**

In order to satisfy the requirements of Section 194 (2) of the Local Government Act 1999, Council has sought the views of the community on its proposal to revoke the community land classification on land situated west of Partridge Street, south of Milton Street and adjoining Cowper Street, Glenelg. If the Community Land status is revoked, council will be able to continue its negotiations regarding the development of a cinema above the subject land.

M Bouchee departed the meeting at 7.45pm

M Bouchee entered the meeting at 7.48pm

A Roe departed the meeting at 7.59pm

6. DECLARATION OF INTEREST

Members were reminded to declare their interest before each item.

7. CONFIRMATION OF MINUTES**Motion****280812/6023**

That the minutes of the Ordinary Meeting of Council held on 14 August 2012 be taken as read and confirmed.

Moved by Councillor Lonie, Seconded by Councillor Donaldson

Carried

8. QUESTIONS BY MEMBERS**8.1 Without Notice****8.1.1 Wallis Cinema Car Parking Fund – Councillor Bouchée**

Councillor Bouchée asked if accounts have been adjusted to reflect a loss in income from Wallis Cinema.

General Manager Corporate Services responded.

8.1.2 Adelaide Living Beaches – Sand Pipeline Project - – Councillor Fisk

Councillor Fisk asked when it was likely that works will be completed.

General Manager City Assets responded.

A Roe entered the meeting at 8.01pm

8.2 **With Notice**

8.2.1 Questions on Notice – Itinerant Food (Report No: 313/12)

Councillor Looker asked the following question:

With the imminent arrival of spring, better weather and larger crowds what steps can be taken to react quickly to limit or exclude rogue, itinerant, food distributors that undercut our own traders by giving away promotional products?

General Manager City Services - Ms R Cooper

In the past, itinerant traders have set-up a temporary presence within the retail precincts. This has been conducted under one of the following circumstances:

1. As part of a larger activity – this has occurred with the permission of Council as part of the event approval process and results in temporary traders either selling or sampling goods as part of a larger event.
2. A stand alone promotional activity – this largely relates to radio stations conducting outside broadcasts and is an activity approved by Council. As part of the promotion the radio station may give away promotional items, such as samples of sunscreen or other items with a beach or summer theme. On occasion this also includes food samples, such as muesli bars, ice cream etc.
3. Unauthorised promotions – this covers activities that are not authorised by Council and occurs when traders take advantage of larger crowds and good weather to promote their products. Last summer this included give aways of drink samples and muesli bars and occurred on both the Glenelg foreshore and the Glenelg Coles car park.

Under the Local Government Act, all activity that occurs on community land for business purposes must have prior Council approval. The City of Holdfast Bay manages this activity via a permit system where each application is assessed on its merit. This allows Council the flexibility to assess each case and either approve or deny use as deemed appropriate.

The assessment criteria comprises of consideration to the following factors:

1. Will sample products be given away and if so, will they be in direct competition to nearby traders?
2. Does the activity add vibrancy to the precinct?
3. Does the activity have a benefit for people within the vicinity?

9. MEMBER'S ACTIVITY REPORTS

9.1 Mayor's Activity Report – May 2012 – July 2012 (Report No. 298/12)

Motion

280812/6024

That the Mayor's Activity Report for May 2012 – July 2012 report be received and noted.

Moved Councillor Lonie, Seconded Councillor Yates

Carried

9.2 Councillor Donaldson and Councillor Looker attended the Holdfast Bay Community Centre meeting on Tuesday 21 August 2012

Councillor Dixon reported his attendance at Metropolitan Seaside Meeting.
Councillor Clancy attended Glenelg vs Sturt luncheon.

10. PUBLIC PRESENTATIONS

10.1 **Petitions** - Nil

10.2 **Presentations** - Nil

11. MOTIONS ON NOTICE

11.1 Increased Authority for Regulatory Officers (Authorised Officers) (Enhancing Community Safety) – Councillor Looker (Report No: 312/12)

Motion

280812/6025

Council endorses the Notice of Motion, enhancing community safety through Authorised Regulatory Officers, attached to this report to be forwarded to the LGA for inclusion on the agenda for its annual general meeting on 25-26 October 2012.

Moved Councillor Looker, Seconded Councillor Lonie

Carried

11.2 50:50 Vision Councils for Gender Equity – Councillor Yates (Report No: 316/12)

Motion

That Council participates in the National Awards and Accreditation Program for Local Government, 50:50 Vision – Councils for Gender Equity, at the Bronze Award level.

Moved Councillor Yates, Seconded Councillor Lonie

Lost

12. ADJOURNED MATTER - Nil**13. REPORTS OF MANAGEMENT COMMITTEES, SUBSIDIARIES AND THE DEVELOPMENT ASSESSMENT PANEL****13.1 Minutes of the Executive Committee of Council – 16 August 2012 (Report No: 314/12)**

The Executive Committee of Council was established to manage Elected Member Code of Conduct complaints and the Chief Executive Officer's Annual Performance Appraisal.

The minutes of the meeting of the Executive Committee held 16 August 2012 are attached and submitted to Council for information.

Motion**280812/6026**

That the Minutes of the Executive Committee meeting on 16 August 2012 be received and noted.

Moved Councillor Dixon, Seconded Councillor Fisk

Carried

Councillor Patterson departed the meeting at 8.13pm

14. REPORTS BY OFFICERS**14.1 Items in Brief (Report No: 311/12)**

These items are presented for the information of Members.

After noting the report any items of interest can be discussed and, if required, further motions proposed.

Motion**280812/6027**

That the report be noted and items of interest discussed.

Moved Councillor Dixon, Seconded Councillor Fisk

Carried

14.2 Undergrounding of Power Lines – MacFarlane Street, Glenelg North (Report No: 307/12)

This report discusses the undergrounding of powerlines at the Old Gum Tree Reserve, MacFarlane Street, Glenelg North, and recommends that because of the final cost estimate that Council funds this project over two financial years which is acceptable to the Power Line Environment Committee and ETSA Utilities, and that Council allocates \$170,000 for this work as part of the 2013/2014 budget. It is proposed that the project be staged over a two year period, for completion in the 2013/2014 financial year.

Councillor Patterson entered the meeting at 8.16pm

Motion**280812/6028**

That Council allocate \$170,000 in the 2013/2014 budget, to complement the current allocation of \$125,000 for the undergrounding of powerlines at the Old Gum Tree, Macfarlane Street, Glenelg North.

Moved Councillor Fisk, Seconded Councillor Bouchee

Carried**14.3 Pasta Inc Glenelg – Application for Restaurant Licence (Report No: 308/12)**

A new business is scheduled to open in Shop 5 Moseley Square Glenelg. The company P2S (SA) Pty Ltd has leased the premises and is in the process of establishing 'Pasta Inc. Glenelg'. The company has applied for a Restaurant Liquor Licence to operate from the premises.

In accordance with a restaurant liquor licence the premises may serve liquor at any time on any day provided it is accompanied by the provision of a meal supplied by the licensee. As part of the application the company has also applied for a section 34(1)(c) exemption which will allow the premises to supply liquor to a patron seated at a table without the provision of a meal.

Motion**280812/6029**

That Council advise the Office of the Liquor and Gambling Commissioner that it does not object to the granting of a Restaurant Liquor Licence for the premises located at shop 5 Moseley Square Glenelg subject to the following conditions:

- 1. That no entertainment is to be provided on or in any balcony or outdoor area;**
- 2. That no loudspeakers are to be placed on the fascia of the premises, balcony or any other adjacent outdoor area or footpath;**
- 3. That no liquor shall be supplied between the hours of 2:00am and 8:00am on any day;**

4. No alcohol is to be served or permitted in the external area(s) on any day after 11:00pm;
5. That the sought section 34(1)(c) exemption be in line with the hours indicated in Council's current Liquor Licensing Policy for licensed premises located within 100 metres of a residential property:
 - a. Monday to Saturday between the hours of 8:00am and 12:00midnight
 - b. Sunday between the hours of 11:00am and 8:00pm
6. The licensee shall maintain a clear path across the front of the premises for pedestrian traffic;
7. That the licensee frequently monitors and ensures the management of the external trading area due to the vicinity's abutting a regulated Dry Area;
8. Council reserves the right to cancel, suspend or revoke a licensed premises outdoor dining permit if it is deemed upon reasonable grounds that the areas' condition, maintenance or use by the licensee and/or a patrons is abused or in a manner that is contrary to maintaining the amenity of the area;
9. The proposal be subject to a standard trial period of twelve (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;
10. The City of Holdfast Bay, the Commissioner of Police and the licensee are granted liberty to apply to the Liquor and Gambling Commissioner to review the variation of hours and associated conditions prior to the conclusion of the twelve (12) month trial period.

Moved Councillor Patton, Seconded Councillor Donaldson

Carried

14.4 Brighton Sports and Social Club Extended Trading Authorisation Application (Report No: 309/12)

The Brighton Sports & Social Club (located at Brighton Oval, Highet Avenue, Brighton) currently holds a category 'Club' Liquor Licence. Over the past six months the club has been undertaking small renovations of the premises' internal areas in an attempt to pursue and promote a more family friendly environment for its members.

As a further aspect of this the club is seeking to establish an outdoor area at the rear of the premises on a seasonal basis for the provisions of food and liquor. The outdoor area is expected to operate between October and March of each year during the operational hours of the club (closing no later than 8:30pm).

This report outlines the details of the club's pending application.

Motion**280812/6030**

That Council support the proposal made by the Brighton Sports and Social Club;

That Council advises the Office of the Liquor and Gambling Commissioner that it supports the Clubs proposal to implement an *Extended Trading Authorisation* (under section 69 of the *Liquor Licensing Act 1997*) based on the following conditions being applied to the Club Licence number 50902278:

- 1) That the area's boundary be defined by the curvature of the premises' existing concrete slab [SW side of the ETA area], and a parallel running line running five metres into the grassed area;**
- 2) That the external area is adequately delineated at all times during its use;**
- 3) That the club maintains this boundary line all year round to ensure the demarcation does not deviate from its initial establishment;**
- 4) Should the line deteriorate and become uninterpretable, the club will be required to submit a further variation application to the OLGC to redefine the area;**
- 5) That the area is not utilised during the hours of play on any day where a sanctioned sporting event is held on the adjacent playing fields;**
- 6) That the area is not to be utilised or defined as a 'beer-garden' at any time;**
- 7) That liquor be supplied within this area only to patrons seated at a table as an ancillary purchase to a meal provided by the licensee;**
- 8) That the club be responsible for the monitoring of the responsible consumption of alcohol within this area;**
- 9) That the area close no later than 8:30pm with all tables, chairs and bollards etc being removed from the grassed area no later than 9:00pm;**
- 10) That the overall maximum capacity of the premises remains at 500 patrons and does not increase;**
- 11) The proposal be subject to a standard trial period of twelve (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;**
- 12) The City of Holdfast Bay, the Commissioner of Police and the licensee are granted liberty to apply to the Liquor and Gambling Commissioner to review the variation of hours and associated conditions prior to the conclusion of the twelve (12) month trial period.**

Moved Councillor Huckstepp, Seconded Councillor Lonie

Carried

14.5 Seacliff Surf Life Saving Club Liquor Licence (Report No: 300/12)

On 24 July 2012 a report was submitted to Council regarding a proposed extension to the Seacliff Surf Lifesaving Club's Liquor Licence which included the intention to licence a stairway to act as a thoroughfare between the upstairs and downstairs licensed areas. The report recommended that Council refuse the Club's proposal on the basis that the areas sought to be licensed contradicted previous liquor licensing and development assessment resolutions as well as contradicting general occupational health and safety guidelines. However, this report was withdrawn from the Council agenda due the late emergence of further information regarding the Club's intent.

After a review of the licence and licensed area, Council's Liquor Licensing and Public Safety Officer (LLPSO) discovered discrepancies within the Club's revised plan as well as additional interpretive ambiguities within the licence conditions. These contradictions restrict the club's ability to obtain regular ongoing revenue and subsequently expose the club to the possibility of breach of licence through misinterpretation.

The club has expressed an interest in resolving these matters; therefore this report seeks to support the club in rectifying these issues with their licence in an attempt to avoid unnecessary potential breaches as well as aiding the club in establishing a designated permanent area for members.

Motion

That Council advises the Office of the Liquor and Gambling Commissioner that it endorses the Seacliff Surf Lifesaving Club's endeavor to rectify the discrepancies and ambiguities within their licence through the implementation of the following provisions:

- 1. That the Club's downstairs licensed area redline plan be amended to depict the fixed boundaries (walls) of the area and not run through the middle of the room;**
- 2. That liquor licence condition 2 be removed;**
- 3. That liquor licence condition 4 be revised to state;**

The club may hold six (6) club functions per year at which amplified music may be played until midnight;

- 4. That two (2) further conditions be imposed on the licence stating:**
 - I. That private functions booked by the club are to be held in the upstairs entertainment areas only;**
 - II. That the downstairs licensed area is to be utilised by club members and their genuine guests ONLY during the operational hours of the club.**

Moved Councillor Huckstepp, Seconded Councillor Roe

Motion

280812/6031

Councillor Looker moved Councillor Clancy be adjourned to next Council meeting to allow for further information to be supplied.

Carried

14.6 Nominations to the West Beach Trust (Report No: 267/12)

The Hon John Rau MP, Minister for Planning and the City of Adelaide has requested that the City of Holdfast Bay nominate three (3) persons for his consideration for appointment to the West Beach Trust Board. The Minister has indicated that he is particularly interested in receiving nomination of at least one woman and one man and gives reasonable consideration to nominating persons who provide a range of qualifications and experience

Motion

280812/6032

That Council nominate the following three (3) persons to the Minister for Planning for consideration for appointment to the West Beach Trust Board with nominations to be received by 28 September 2011:

- 1. Councillor Dixon**
- 2. Councillor Clancy**
- 3. Councillor Bouchee**

Moved Councillor Patton, Seconded Councillor Donaldson

Carried

14.7 Draft Long Term Financial Plan (Report No: 302/12)

The Draft 2012/13 – 2031/32 Long Term Financial Plan (LTFP) is presented for endorsement and release for community consultation along with Council's Draft Asset Management Plans which have been previously endorsed for community consultation.

The LTFP has been developed after reviewing and updating the existing LTFP. It has been informed by Council's "Our Place" Community Plan 2012/15, the 2012/13 Annual Business Plan, Asset Management Plans and direction from Council with regard to Council's commitment to the principles of financial sustainability.

The LTFP projections indicate that Council has the capacity to continue to deliver services, maintain assets, and invest in new services and assets. However as underlying circumstances alter these views can change and to this end the LTFP is not a prediction but a view of Council's direction and financial capacity.

Motion**280812/6033****That:**

1. The Draft 2012/13 – 2031/32 Long Term Financial Plan contained at Attachment 1 be released for community consultation subject to minor alterations and design.
2. The following process for community consultation on the Draft 2012/13 -2031/32 Long Term Financial Plan and Asset Management Plans be adopted:
 - (a) Copies of the Draft 2012/13 – 2031/32 Long Term Financial Plan and Asset Management Plans be made available on Council’s website and at the Brighton Civic Centre and Brighton and Glenelg Libraries from 1 September 2012.
 - (b) Provision of an interactive “Your View HQ” web page on Council’s website to operate between 5 September and 26 September 2012 for the public to lodge comments and seek clarification.

Moved Councillor Councillor Fisk, Seconded Councillor Lonie

Carried**14.8 Seacliff Surf Lifesaving Club – Proposed New Signage (Report No: 304/12)**

The Seacliff Surf Lifesaving Club is proposing to install signage on the external facades of its new building, as detailed in Attachment 1. The Seacliff Surf Lifesaving Club, as Lessee, is seeking Council’s consent as landowner to carry out the work.

Motion**280812/6034**

That, subject to any required Development Consents, in its capacity as Landowner, Council consents to the erection of signage on the building at the Seacliff Surf Lifesaving Club.

Moved Councillor Paterson, Seconded Councillor Huckstepp

Carried**14.9 Monthly Financial Report - July 2012 (Report No: 299/12)**

Financial reports as at 31 July 2012. They comprise a Funds Statement and a Capital Expenditure Report for Council’s municipal activities and Alwyndor Aged Care.

Motion**280812/6035****That Council receives the financial reports to 31 July 2012 and notes:**

1. **Municipal Activities**
 - an unchanged projected operating surplus for 2012/13 of \$29,000

- an increased projected capital expenditure for 2012/13 of \$6.69 million (compared to \$5.94 million in the original budget)
- an unchanged projected funding surplus for 2012/13 of \$2.31 million

2. Alwyndor Aged Care

- an unchanged projected operating surplus for 2012/13 of \$409,000
- an unchanged projected capital expenditure for 2012/13 of \$6.41 million
- an unchanged projected funding requirement for 2012/13 of \$5.57 million

Moved Councillor Lonie, Seconded Councillor Fisk

Carried

14.10 Holdfast Bay Bowls and Croquet Club – Lease (Report No: 303/12)

A report was presented to Council on 8 May 2012 (C080512/128) recommending that Council acknowledges the renewal of this lease to the Holdfast Bay Bowls Club Inc. for a term of 10 years from 1 July 2012. This report was adjourned pending a report on the resolution of the issues between the Glenelg Croquet Club and Holdfast Bowls Club.

Following that resolution numerous meetings were held with representatives of the Holdfast Bay Bowls Club and Glenelg Croquet Club to discuss the future of croquet at this facility. Those meetings proposed that a new lease would be offered that would contain a number of special conditions, detailed in Annexure 1 of Attachment 1, that will support and promote the sport of croquet at this facility.

Motion

280812/6036

That the motion be adjourned to allow Administration to confirm negotiations between parties, particularly the Croquet Club.

Moved Councillor Fisk, Seconded Councillor Paterson

Carried

14.11 Western Region Waste Management Authority – Charter Review (Report No: 306/12)

In order to fulfil its obligations under the Local Government Act the Western Region Waste Management Authority (WRWMA) must review its Charter every four years.

The WRWMA considered a revised Charter at its Board Meeting on 29 March 2012. In order to finalise and Gazette the revised Charter all member Councils must endorse the recommended amendments.

Motion

280812/6037

That the City of Holdfast Bay endorses the changes recommended by the WRWMA Board to its Charter.

Moved Councillor Bouchee, Seconded Councillor Huckstepp

Carried

14.12 Brighton Oval Master Plan (Report No: 301/12)

The purpose of this report is to seek Council's endorsement on the proposed Master Plan which has been developed for the Brighton Oval Complex, located on Brighton Road, between Stopford Road and Highett Avenue, Brighton.

In 2011, Council partnered with One Eighty Sport and Leisure Solutions (180sls), to develop a Master Plan for the Brighton Oval Complex. Brighton Oval is one of the three sporting hubs within the City of Holdfast Bay that provides for a wide range of sport and recreational pursuits. The development of the Master Plan is a key action of the "Our Place" Community Plan 2012-2015.

Motion

280812/6038

Councillor Bouchee declared an interest due to her membership at an affected club.

That the matter be adjourned to allow for a workshop to discuss matters further with Club presidents and to define Council future project priorities.

Moved Councillor Clancy, Seconded Councillor Looker

Carried

Councillor Donaldson departed the meeting at 9.09pm

Councillor Donaldson entered the meeting at 9.11pm

Councillor Lonie departed the meeting at 9.12pm

Councillor Lonie entered the meeting at 9.14pm

Councillor Clancy departed the meeting at 9.20pm

Councillor Clancy entered the meeting at 9.22pm

14.13 Artscape Corridor Masterplan (Report No: 310/12)

The purpose of this report is to seek Council's endorsement of the Artscape Corridor Master Plan which has now been completed.

Motion

280812/6039

That Council endorses the Artscape Corridor Master Plan and begins implementation, while continuing to inform and engage the community about the projects being undertaken.

Moved Councillor Lonie, Seconded Councillor Donaldson

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 Buffalo Restaurant (Report No: 315/12)

Motion**280812/6040**

1. That under provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer, General Managers and administrative staff in attendance in order to consider in confidence this item.
2. That the Chief Executive Officer is satisfied that it is necessary that the public be excluded to enable the Council to discuss and to consider the matter at the meeting on the following grounds:
 - i. information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council.

Moved Councillor Lonie, Seconded Councillor Yates

Carried

17.1 Buffalo Restaurant (Report No: 315/12)

Councillor Bouchee departed the meeting at 9.50pm

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE**Motion****280812/6042**

1. That an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the documents relating to Report No: 315/12 including:
 - Minutes
 - Report
 - Attachment

Relating to discussion of the subject matter of that document, having been dealt with on a confidential basis under Section 90 of the Act, should be kept confidential on the grounds of information contained in 90(3)

2. This resolution will be reviewed within 12 months by the Council.

Moved Councillor Clancy, Seconded Councillor Huckstepp

Carried

18. RESUMPTION

Motion

280812/6043

That Council resume as an open meeting of Council at 9.53pm.

Moved Councillor Clancy, Seconded Councillor Lonie

Carried

CLOSURE

The Meeting closed at 9.53pm.

CONFIRMED 11 September 2012

MAYOR