

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 11 September 2012 at 7:02pm.

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

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.

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**Motion****110912/6044**

That the minutes of the Ordinary Meeting of Council held on 28 August 2012 be taken as read and confirmed.

Moved by Councillor Clancy, Seconded by Councillor Lonie

Carried**8. QUESTIONS BY MEMBERS****8.1 Without Notice**

Councillor Bouchee asked questions regarding the amount of funds which the City of Holdfast Bay are contributing towards (tonight's presentation)

The General Manager City Assets provided a response.

Councillor Bouchee asked for the finance reports to indicate where funds are spent or there is a surplus associated with funds depreciated on buildings.

The General Manager Corporate Services provided a response.

Councillor Roe took his seat at 7.11pm

Councillor Looker asked questions regarding a workshop on finance, accounting and basic depreciation

The Chief Executive Officer provided a response.

8.2 With Notice**8.2.1 Questions to the Mayor (Report No: 342/12)**

Councillor Looker asked the following question:

- 1. In the light of the recent Ombudsman's report and subsequent letter to the Mayor from council executive, will the Mayor please provide a written explanation as to why in his recent letter to the editor of the local press (29/8/12) he claims that "all my correspondence (be) approved by her (Deputy Mayor) or council", when this statement is false.**
- 2. With the role of the Chief Executive Officer described under section 99 of the Local Government Act to include (a) to ensure that the policies and lawful decisions of the council are implemented in a timely and efficient manner, will the Mayor please provide Council**

with a written explanation as to why he has made public criticism (Messenger 29/8/12) of the CEO for undertaking his duty as prescribed in law.

3. Will the Mayor, having read both the contents of the Ombudsman's report and the letter from council's Executive committee, both clarifying his role and responsibilities as principal spokesman, please provide Council with a written explanation as to why he has continued to use the position of Mayor to be critical of council decisions and actions. Recent incidents include.
- Derogatory comments about Council's plans for the Brighton Oval complex. (Messenger 1/8/12)
 - Criticism of Council's decision to sell property (Messenger 22/8/12)
 - Criticism of Council's decisions regarding property and an attack on the CEO (Messenger 29/8/12)
4. Will the Mayor please provide Council with a written assurance that when making public speeches, where he is invited in his capacity as Mayor, that he will do so in keeping with the responsibilities of principal member as described under the Local Government Act.

The Mayor, Dr Ken Rollond provided a verbal response.

9. MEMBER'S ACTIVITY REPORTS Nil

10. PUBLIC PRESENTATIONS

10.1 Petitions - Nil

10.2 Presentations - Nil

11. MOTIONS ON NOTICE

11.1 Strategy for Leasing of Council Sporting Facilities - Councillor Looker (Report No: 330/12)

Motion

110912/6045

That Council within 12 months prepare a report to Council developing a long term strategy to guide Council's approach to the leasing and provision of sporting and community facilities in the light of increasing commercialisation and paid professionalism in sports.

Moved Councillor Looker, Seconded Councillor Bouchee

Carried

12. ADJOURNED MATTER**12.1 Relocation of H Class Tram to Glenelg – Update (Report No: 336/12)**

Following the report to Council on the 14 August 2012 on the relocation of the H Class tram to Glenelg further information was sought on the cost of maintenance and alternative options for the construction of the support structure proposed for the tram. This report provides details on the information sought and seeks approval for Council to proceed with its relocation to Glenelg.

The original report Relocation of H Class Tram to Glenelg (Report no. 273/12) is attached to this report and provides details of the design and cost.

Motion**110912/6046**

- 1. That Council approves the design and cost for housing of the H Class tram areas contained on attachment one of this report, subject to the design being raised to ground level.**
- 2. That the 2012/13 budget be adjusted at the first quarter review to accommodate the additional \$55,000 in funds required to facilitate the project.**

Moved by Councillor Fisk, Seconded by Councillor Bouchee

Carried**Division called**

A division was called and the previous decision was set aside.

Those voting for: Councillors Fisk, Patton, Dixon, Bouchee, Patterson, Donaldson, Lonie, Clancy, Roe and Yates (10)

Those voting against: Councillors Huckstepp and Looker (2)

His Worship the Mayor declared the motion

Carried**13. REPORTS OF MANAGEMENT COMMITTEES, SUBSIDIARIES AND THE DEVELOPMENT ASSESSMENT PANEL****13.1 Minutes - Development Assessment Panel – 22 August 2012 (Report No: 317/12)**

Council's Development Assessment Panel is established under the Development Act 1993.

The minutes of the Development Assessment Panel meeting held 22 August 2012 are presented to Council for information.

Motion**110912/6047**

That the minutes of the Development Assessment Panel meetings held on 22 August 2012 be received.

Moved by Councillor Lonie, Seconded by Councillor Donaldson

Carried

13.2 Minutes – Alwyndor Management Committee – August 2012 (Report No: 331/12)

The Alwyndor 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.

The Minutes of the Alwyndor Management Committee for August 2012 are provided for information.

Motion**110912/6048****That the Minutes of the Alwyndor Management Committee for August 2012 are noted.**

Moved by Councillor Lonie, Seconded by Councillor Yates

Carried

Councillor Dixon left the chamber at 7.43pm

Councillor Dixon returned to the Chamber at 7.44pm

13.3 Minutes – Audit Committee – 5 September 2012 (Report No: 332/12)

The minutes of the Audit Committee meeting held 5 September 2012 are presented to Council for information and endorsement.

Motion**110912/6049****That the minutes of the Audit Committee meeting held 5 September 2012 be received and noted.**

Moved Councillor Looker, Seconded Councillor Roe

Carried**14. REPORTS BY OFFICERS****14.1 Items in Brief** (Report No: 333/12)

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**110912/6050****That the report be noted and items of interest discussed.**

Moved Councillor Yates, Seconded Councillor Clancy

Carried

14.2 Strategic Directions Report (Report No: 305/12)

This report seeks Council's endorsement of the *Strategic Directions Report*, which has been prepared to complete the process of reviewing the development plan under section 30 of the *Development Act 1993*.

Motion**110912/6051**

That Council endorses the attached *Strategic Directions Report* and submits it to the Minister for Planning pursuant to section 30 of the *Development Act 1993*, with minor changes as necessary.

Moved Councillor Lonie, Seconded Councillor Looker

Carried**14.3 Tasca Viva - Trial Period Review (Report No: 327/12)**

In October 2011 the Assistant Liquor and Gambling Commissioner granted a Restaurant Licence for 'Tasca Viva' to serve liquor under the standard conditions of section 34 of the *Liquor Licensing Act 1997*. In addition to this approval, the licensee sought an Extended Trading Authorisation (ETA) which entailed a section 34(1)(c) exemption. This was granted for a trial period of review that permitted the licensee to serve/supply liquor to patrons seated at a table without the service of a meal.

As the twelve (12) month trial period expiry approaches, the Administration has undertaken a review of this licence and associated ETA. No official complaints have been received to date, and it is suggested that the Office of Liquor and Gambling Commissioner be notified that Council has no objection to any trial period restrictions being removed.

Motion**110912/6052**

That Council advises the Office of the Liquor and Gambling Commissioner that it does not object to the trial period restrictions being removed from Restaurant Liquor Licence No.: 50615229.

Moved Councillor Patton, Seconded Councillor Dixon

Carried**Division called**

A division was called and the previous decision was set aside.

Those voting for: Councillors Fisk, Patton, Dixon, Patterson, Donaldson, Lonie, Roe, Yates, Clancy, Huckstepp and Looker (11)

Those voting against: Councillor Bouchee (1)

His Worship the Mayor declared the motion

Carried

14.4 Veloce Paninoteca - Trial Period Review (Report No: 328/12)

On 14 September 2011 the Liquor and Gambling Commissioner granted an interim order for a Restaurant Licence, allowing Veloce Paninoteca (a newly established café in the Marina Pier) to serve liquor under the standard conditions of section 34 of the *Liquor Licensing Act 1997*. In addition to the standard Restaurant approval, the order included a section 34(1)(c) exemption that permitted the premises to serve/supply liquor to patrons seated at a table without the service of a meal.

At Council's request, the order (OLGC Order No.: 155628) was granted for an interim twelve (12) month period to allow Council the opportunity to monitor the impact of a further licensed premises within the area.

As the twelve (12) month trial period expires on 13 September 2012, the City of Holdfast Bay has been asked by the Liquor and Gambling Commissioner to review this interim licence. As no complaints have been received by Council, SAPOL or the OLGC, it is recommended that the Office of Liquor and Gambling Commissioner be notified that Council has no objection to the trial period restrictions being removed.

Motion**110912/6053**

That Council advises the Office of the Liquor and Gambling Commissioner that it does not object to the trial period restrictions being removed from Restaurant Liquor Licence No.: 50623858.

Moved Councillor Clancy, Seconded Councillor Dixon

Carried**Division called**

A division was called and the previous decision was set aside.

Those voting for: Councillors Fisk, Patton, Dixon, Bouchee, Patterson, Donaldson, Lonie, Roe, Yates, Clancy, Huckstepp and Looker (10)

Those voting against: Councillor Bouchee (1)

His Worship the Mayor declared the motion

Carried**14.5 Preliminary 2011 / 2012 Financial Statements and 2011 / 2012 Budgets Carried Forward (Report No: 334/12)**

This report provides preliminary unaudited financial statements for the 2011/12 financial year together with the final details of budget amounts for incomplete projects and programs as at 30 June 2012 to be carried forward.

Motion**110912/6054****That Council:**

1. **Notes the preliminary 2011/12 financial statements and carried forward budgets.**
2. **Approves the final amounts carried forward from the 2011/12 budget to the current year 2012/13 being \$136,113 operating expenditure and \$2,777,700 capital expenditure.**

Moved Councillor Huckstepp, Seconded Councillor Clancy

Carried14.6 **Community Development Grant Programs Review** (Report No: 335/12)

This report seeks Council's endorsement for the new guidelines for the Community Development Grant programs, which include the Community Donations Program, Youth Achievement Sponsorship and Brighton Performing Arts Centre Hire Subsidy Program.

Motion**110912/6055**

That Council endorses the new guidelines for the Community Donations Program, Youth Achievement Sponsorship and Brighton Performing Arts Centre Hire Subsidy Program.

Moved Councillor Lonie, Seconded Councillor Yates

Carried14.7 **Privacy Policy** (Report No: 337/12)

Every time a customer of the City of Holdfast Bay seeks a service, makes a request or an enquiry, makes a payment, completes a form, or provides us with feedback as part of a consultation process, Council collects personal information. This information may be collected electronically or on paper and Council has an obligation to ensure that all personal information is safe, accurate and only used for the purposes for which it was collected.

The Privacy Policy makes clear the City of Holdfast Bay's commitment to adhere to the good practice principles of information management established by both the Commonwealth and State Governments.

Motion**110912/6056**

That the draft Privacy Policy be adopted by Council.

Moved Councillor Clancy, Seconded Councillor Huckstepp

Carried

14.8 2013 Australia Day Dry Zones (Report No: 329/12)

Based upon the success of the 2012 Australia Day Dry Zone for Angus Neil Reserve, the City of Holdfast Bay will lodge an application with the Office of the Liquor and Gambling Commissioner to again impose a temporary short-term Dry Zone for Australia Day 2013.

The application is based upon the feedback and responses received from the 2012 Australia Day stakeholder debrief as well as various community feedback submissions particularly from the residents that surround the reserve. The boundaries and conditions of this dry zone emulate those from 2012, full details of which are listed below.

Additionally, the City of Holdfast Bay has undertaken an assessment (based on SAPOL and community feedback) and will also apply to have a subsequent area in Glenelg North (Tarniwarra Park) included into short-term dry zone legislation for 2013.

Motion**110912/6057**

That Council endorse the proposed Dry Zones and lodges an application to the Office of the Liquor and Gambling Commissioner for their legislative enactment.

Moved Councillor Yates, Seconded Councillor Bouchee

Carried**14.9 SRWRA Reappointment of Audit Committee Members (Report No: 339/12)**

The Southern Region Waste Resource Authority (SRWRA) has resolved to reappoint its existing Board members for a further 12 months. The City of Holdfast Bay, as a constituent member council, is required to formally approve the reappointment.

Motion**110912/6058**

That Council supports the reappointment of the existing SRWRA Audit Committee members for a further term of 12 months, expiring in December 2013. These members are Mr Bill Cossey, Ms Vicki Brown, Mr Allen Bolaffi, Mr Mark Booth & Mr Bruce Williams (Deputy Member).

Moved Councillor Huckstepp, Seconded Councillor Yates

Carried**14.10 Information Report – Southern Region Waste Report Authority – 20 August 2012 (Report No: 338/12)**

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.

Motion**110912/6059**

That information report of the Southern Region Waste Resource Authority for its meeting held 20 August 2012 be received and noted.

Moved Councillor Lonie, Seconded Councillor Yates

Carried**14.11 Cinema Complex Land Revocation (Report No: 341/12)**

To enable a proposal to construct a cinema complex above council owned land to proceed, the Community Land status needs to be revoked. As part of the revocation process Council must consult with the public and consider the feedback received prior to seeking consent from the Minister for State/Local Government Relations.

Council has received many submissions as part of the consultation process and, whilst the majority support construction of a cinema complex in Glenelg, many responses did not clearly articulate whether they were in favour of revocation of Community Land status or whether they were simply in support of having a cinema complex at Glenelg.

The strongest opposition to revocation of the community land status were from people who either resided or owned properties adjacent to the site.

Motion**110912/6060**

That, having taken account of the issues raised by the community, Council submits an application to the Minister for Local/State Government Relations for the revocation of the Community Land status of the council owned land in the Partridge Street West/Cowper Street/Milton Street precinct.

Moved Councillor Looker, Seconded Councillor Huckstepp

Carried**Division called**

A division was called and the previous decision was set aside.

Those voting for: Councillors Patton, Dixon, Patterson, Lonie, Roe, Huckstepp, Clancy and Looker (8)

Those voting against: Councillors Fisk, Bouchee, Donaldson and Yates (4)

His Worship the Mayor declared the motion

Carried

Councillor Patton left the Chamber at 8.46pm

14.12 Glenelg Foreshore Building (Report No: 340/12)

A number of parties have approached Council regarding leasing the Glenelg Foreshore Building or re-using the site once vacant in November 2012. This report recommends seeking expressions of interest from parties interested in leasing the property.

Motion

110912/6061

1. That an Expression of Interest be called for the re-use of the Glenelg Foreshore Building site for a maximum term of 21 years.
2. That any capital improvements required to the building to meet its intended use including all works required to meet contemporary building codes; or costs associated with the buildings demolition to allow for the re-use of the site; be borne by the lessee.
3. That a further report be presented to Council detailing proposals received.

Councillor Patton returned to the Chamber at 8.47pm

Moved Councillor Fisk, Seconded Councillor Bouchee

Carried

15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil

16. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING - Nil

17. ITEMS IN CONFIDENCE - Nil

CLOSURE

The Meeting closed at 8.51pm.

CONFIRMED Tuesday 25 September 2012

MAYOR