

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 9 October 2012 at 7:04pm.

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 Organisational Sustainability – PE Aukett

1. OPENING

His Worship the Mayor declared the meeting open at 7.04pm.

2. KAURNA 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

- 5.1 Commendation for Engineering Excellence
The City of Holdfast Bay received a commendation for Engineering Excellence for the Michael Herbert Bridge at the recent Annual Engineering Excellence SA Awards.

6. DECLARATION OF INTEREST

Members were reminded to declare their interest before each item.

7. CONFIRMATION OF MINUTES

Motion

C091012/677

That the minutes of the Ordinary Meeting of Council held on 25 September 2012 be taken as read and confirmed.

Moved by Councillor Clancy, Seconded by Councillor Huckstepp

Carried

8. QUESTIONS BY MEMBERS

8.1 Without Notice

8.1.1 Jimmy Melrose Park– Councillor Fisk

Councillor Fisk asked a question regarding the work being undertaken in Jimmy Melrose Park and when it is scheduled to be finished.

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

8.1.2 Police Summer Operations in Glenelg

Councillor Bouchee asked a question regarding the SA Police program last year targeting crime and antisocial behaviour in Holdfast Bay. Will this happen again this year.

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

8.1.3 Elected Members Christmas Function

Councillor Clancy asked a question regarding the Elected Members Christmas Dinner held prior to the December Council Meeting.

The Manager Organisational Sustainability, Ms T Aukett provided a response.

8.1.4 Relocation of Corvette Memorial

Councillor Huckstepp asked questions regarding the relocation of the Corvette Memorial.

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

8.1.5 Street Tree Vandalism

Councillor Yates asked for an update on the recent street tree vandalism.

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

8.2 With Notice - Nil

9. MEMBER'S ACTIVITY REPORTS

9.1 Annual General Meeting of the Holdfast Bay Community Centre

Councillor Donaldson reported that she and Councillor Looker attended the Annual General Meeting of the attended AGM Holdfast Bay Community Centre on 26 September 2012.

9.2 Metropolitan Seaside Councils Committee

Councillor Dixon reported that he attended a meeting of the Metropolitan Seaside Councils Committee which included tour of sand carting pipeline.

10. PUBLIC PRESENTATIONS

10.1 Petitions - Nil

10.2 Presentations

10.2.1 Holdfast Bay Bowls and Croquet Club

Mr John McDougall and Ms Ivorine Way made a presentation to Council demonstrating the improved relationship between the two clubs.

10.2.2 Waste Audits

Ms T Roe, Coordinator Environmental and Coastal Assets and Ms Shani Wood, Education and Projects Officer – Environment made a presentation on the recent Waste Audits

Councillor Dixon left the chamber at 7.56pm

10.3 Deputations - Nil

11. MOTIONS ON NOTICE - Nil

12. ADJOURNED MATTER - Nil

13. REPORTS OF MANAGEMENT COMMITTEES, SUBSIDIARIES AND THE DEVELOPMENT ASSESSMENT PANEL

Councillor Dixon rejoined the chamber at 7.58pm.

13.1 Minutes – Development Assessment Panel (Report No: 356/12)

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

The minutes of the Development Assessment Panel meeting held 26 September 2012 are presented to Council for information.

Motion

C091012/678

That the minutes of the Development Assessment Panel meetings held on 26 September 2012 be received.

Moved Councillor Huckstepp, Seconded Councillor Clancy

Carried

14. REPORTS BY OFFICERS

14.1 Items in Brief (Report No: 413/12)

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

C091012/679

That the report be noted and items of interest discussed.

Moved Councillor Yates, Seconded Councillor Lonie

Carried

14.2 Stamford Grand Hotel - Amendment to Community Land Management Plans and Encroachment Licence Agreement with the Grand Hotel (SA) Pty Ltd (Report No: 410/12)

The Grand Hotel (S.A.) Pty Ltd has made an application to undertake an expansion of the alfresco area of the hotel on its western side. The proposed development encroaches over Council land that is contained within the Community Land Management Plan for Regional Open Space and subsequently an Encroachment Licence Agreement is required.

In accordance with Section 202 of the Local Government Act 1999, it is proposed to undertake public consultation to amend the schedule of the Community Land Management Plan for Regional Open Space and also to enter into an Encroachment Licence Agreement with the Grand Hotel (S.A.) Pty Ltd.

Motion

C091012/680

1. **Council commences public consultation to amend the Schedule of the Regional Open Space Community Land Management Plan to provide for a variety of leases as detailed in Attachment 1.**
2. **Council undertakes public consultation to enter into a Encroachment Licence Agreement with The Grand Hotel (S.A.) Pty Ltd from the date works commence to 7 March 2032, (subject to confirmation of areas), over portion the land contained in Certificate of Title Volume 6054 Folio 23, as detailed in Attachment 2.**

Councillor Roe left the chamber at 8.15pm.

Councillor Roe rejoined the chamber at 8.17pm.

Councillor Donaldson left the chamber at 8.17pm.

Councillor Donaldson rejoined the chamber at 8.19pm.

Moved Councillor Lonie, Seconded Councillor Donaldson

Carried

14.3 **Debenture Loan 143 Rollover – Somerton Bowling Club (Report No: 412/12)**

The sporting club debenture loan 143 referring to the Somerton Bowling Club will be eligible for rollover on 15 November 2012. The club has requested that the remaining principal outstanding of \$64,759, be rolled over for the remaining loan term with a further opportunity to review the loan in 2 years.

Motion

C091012/681

That Council borrows the remaining sum of \$64,759 for a term of 2 years on a 6 year repayment basis in accordance with Council's borrowing policy, for the purpose of meeting the remaining rollover funding required on debenture loan 143.

Moved Councillor Clancy, Seconded Councillor Patton

Carried

14.4 **Kerbside Waste Audit 2012 (Report No: 408/12)**

Waste Management is council's largest operational expense. In May 2012, APC Environmental Management audited the contents of 100 household garbage bins, 100 household recycling bins, 100 household Green Organics bins and 100 business garbage bins and recycling bins. Recommendations provided within the audit report, demonstrate significant opportunities for council to educate and motivate residents to divert as much waste away from landfill as possible, not only allowing for the City of Holdfast Bay to reach landfill diversion rates set by Zero Waste SA and committed to in the draft EcoCity Plan but also potentially saving council budget on landfill disposal costs.

Motion

C091012/682

That Council supports the continued negotiation with Zero Waste SA for funding of a food to green waste program.

Moved Councillor Yates, Seconded Councillor Lonie

Carried

14.5 Salsa Fresh Mex Grill – application for Restaurant Licence (Report No: 375/12)

A new business is scheduled to open in 16 Jetty Road (Moseley Square) Glenelg. The company R.T.B.C Pty Ltd has leased the premises and is in the process of establishing a Mexican themed restaurant called 'Salsa Fresh Mex Grill'. The company has applied to the Office of the Liquor and Gambling Commissioner for a Restaurant Liquor Licence to operate from the premises.

As an ancillary aspect of this licence, the applicant has applied for an Entertainment Consent with the intent of hosting occasional 'live' entertainment, and 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. The hours in which they seek the s34(1)(c) is Monday to Saturday between the hours of 5:00am and 12:00midnight; and Sunday between the hours of 11:00am and 8:00pm.

Motion

C091012/683

That Council advise the Office of the Liquor and Gambling Commissioner that it supports the approval of a Restaurant Licence to sell and/or supply liquor in accordance with section 34(1)(a),(b) & (c); and to provide entertainment in accordance with section 105 of the Liquor Licensing Act 1997 subject to the following conditions:

Restaurant Liquor Licence

- 1. That no liquor shall be supplied between the hours of 2:00am and 5:00am on any day;**
- 2. That no liquor shall be supplied in the external area between 11:00pm and 7:00am on any day;**
- 3. 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 100metres of a residential property and be in conjunction with the 'standard' approval granted by the OLGC:**
 - a. Monday to Saturday between the hours of 5:00am and 12:00midnight**
 - b. Sunday between the hours of 11:00am and 8:00pm**
- 4. The licensee shall maintain a clear path across the front of the premises for pedestrian traffic.**
- 5. That the licensee frequently monitors and ensures the management of the external trading area due to the vicinity's abutting Dry Area.**

6. 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.

Entertainment Consent

7. That the licensee shall not advertise any entertainment to be provided within the premises by way of posters or any other advertising material on Council land.
8. That no entertainment is to be provided in the outdoor area (*in accordance with Council By-laws No: 12 & 13*).
9. That no loudspeakers are to be placed on the fascia of the premises, or adjacent to the outdoor area or footpath (*in accordance with Council By-laws No.: 12 & 13*).
10. That live entertainment shall not be permitted beyond 12:00 midnight on any trading day.
11. That all live entertainment be restricted to Acoustic Music/Acoustic Live Entertainment; defined as: "the composition of music played with acoustic instruments (an acoustic guitar, an acoustic bass etc)".
12. All Acoustic Music/Acoustic Live Entertainment played will be limited to a maximum of a duet.
13. Measures must be taken by the licensee to ensure that the noise emanating from the licensed premises is not excessive and that the noise from the premises (including live or recorded entertainment, singing, patron noise or similar) when assessed at the nearest noise sensitive location shall be less than 8dB(A) above the level of the background noise in any octave band of the sound spectrum.

General

14. The proposal be subject to a standard trial period of twelve (12) months from the date of the licence grant, which at the end of this period an assessment and review of the amendment will be made.
15. 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 Dixon

Carried

Division called

A division was called.

Those voting for: Councillors Fisk, Patton, Dixon, Patterson, Looker, Clancy, Donaldson, Lonie, Roe, Huckstepp and Yates (12)

Those voting against: Councillors Bouchee (1).

His Worship the Mayor declared the motion

Carried

14.6 **Planting, Care and Maintenance of Fruit Trees in Open Space (Report No: 403/12)**

Council has requested that a report be prepared on the possibility of planting fruit trees in Council open space.

While there are benefits for food security in planting fruit trees, any plantings would have high ongoing maintenance requirements for fertilising and pest control including the potential for fruit fly outbreak if fruit trees are not adequately monitored. Successful introduction of fruit trees would require residential support, and may be more appropriate in community gardens and school gardens to ensure resident/community ownership of the fruit trees and their produce.

Motion

C091012/684

That Council notes:

1. **That the successful introduction of fruit tree planting in open space is extremely problematic and that any proposal for planting of fruit trees be encouraged in community gardens or school kitchen gardens.**
2. **That the upcoming Glenelg North Community Garden and the food gardens to be established at three schools/kindergartens present new opportunities for the growing of fruit trees.**

Moved Councillor Huckstepp, Seconded Councillor Looker

Carried

14.7 **Appointments to the Development Assessment Panel (Report No: 415/12)**

The current term for Elected Members serving on the City of Holdfast Bay Development Assessment Panel (the Panel) expires on 30 November 2012. The term for Independent Members serving on Council's Panel is set to expire on 31 December 2012. This report recommends that Council appoint three Elected Members to the Panel and that a working group comprising these three Elected Members, and which is facilitated by the Manager Development Services, be established to make recommendation to Council on four suitably qualified people to serve as Independent Members on the Panel, one being the Presiding Member.

His Worship the Mayor called for nominations from Councillors to serve as members of the Development Assessment Panel and a ballot was conducted.

Councillor Roe left the chamber at 8.48pm.

Councillor Roe rejoined the chamber at 8.49pm.

Motion

C091012/685

1. That Councillors Dixon, Clancy and Looker be appointed to serve as Council Members of the City of Holdfast Bay Development Assessment Panel in accordance with the Code of Conduct and Terms of Reference for the Panel for the period commencing 1 December 2012 and ending 30 November 2013.
2. That the Council Members appointed to the Development Assessment Panel (being Councillors Dixon, Clancy and Looker) comprise a working group to review all registrations of interest received for Independent Membership to the City of Holdfast Bay Development Assessment Panel and make recommendation to Council on four suitably qualified people to serve as Independent Members on the Panel, one being the Presiding Member. The Manager Development Services shall facilitate the process.
3. That in accordance with the Development Act, 1993 the following criteria be used in the selection of the Independent Members of the City of Holdfast Bay Development Assessment Panel:
 - Reasonable knowledge of the operation and requirements of the Development Act 1993.
 - Appropriate qualifications or experience in a field that is relevant to the activities of the Panel, such as urban planning, urban design, planning or environmental law, architecture (building, heritage or landscape), building, engineering (civil or traffic), social geography or social history, environmental management or science (in particular in coastal issues).
 - Minimal potential as a result of employment, business, financial or personal interests for issues of conflict of interest to arise in the role of an independent member on the Panel.

Moved Councillor Lonie, Seconded Councillor Looker

Carried

Motion

C091012/686

That the remuneration for the DAP be reviewed and a report be presented to Council.

Moved Councillor Lonie, Seconded Councillor Looker

Carried

Division called

A division was called.

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

Those voting against: Councillors Fisk and Patton (2).

His Worship the Mayor declared the motion

Carried

15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil

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

16.1 Changes to Building Assessment

Councillor Bouchée asked a question regarding the changes proposed to building assessment.

Manager Development Services, Mr A Marroncelli provided a response.

16.2 Rating of Marina Berths – Local Government Association General Meeting Motion from the Port Adelaide Enfield Council

His Worship the Mayor discussed correspondence he received from the Cruising Yacht Club SA, Royal SA Yacht Squadron and Refuge Cove Marina supporting the Port Adelaide Enfield Council Notice of Motion.

Members requested further information prior to making a decision on how Council should vote on this matter at the Local Government Association General Meeting on 26 October 2012.

17. ITEMS IN CONFIDENCE - Nil

CLOSURE

The Meeting closed at 9.17pm.

CONFIRMED 23 October 2012

MAYOR