

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 13 April 2010 at 7:02pm.

PRESENT

His Worship the Mayor	A K Rollond
Deputy Mayor	R A Clancy
Councillor	R D Beh
Councillor	R M Bouchée
Councillor	P N Crutchett
Councillor	J L Deakin
Councillor	L R Fisk
Councillor	P D H Heysen
Councillor	J D Huckstepp
Councillor	S C Lonie – 7:04pm
Councillor	T D Looker
Councillor	A C Norton – 7:14pm
Councillor	L van Camp
Chief Executive Officer	J P Lynch
Acting General Manager City Assets	K O'Neill
General Manager City Services	R A Thomas
General Manager Corporate Services	I S Walker

1. Opening

His Worship the Mayor declared the meeting open at 7:02pm.

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

COUNCIL

3749

13.04.2010

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

C130410/794

Councillor Clancy moved and Councillor van camp seconded that the minutes of the Ordinary Meeting of Council held on 23 March 2010 be taken as read and confirmed.

CARRIED

8. Questions by Members

8.1 Without Notice

Councillor Lonie joined the Chamber at 7:04pm.

8.1.1 Dolphin Café

Councillor Fisk asked if Administration was aware that the Dolphin Café is closing down as of this Sunday 18 April 2010.

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

8.2 With Notice

8.2.1 Barcoo Outlet

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

With the coming winter season and a possibility of rain what is the current status of the silting problem in the Barcoo Outlet?

The General Manager City Assets, Mr S Hodge's response.

Administration is aware that the Department of Water, Land and Biodiversity Conservation was preparing a Business Case for a long term program of clearing of the Duct. Currently there is silt build up in the duct approximately 20 metres east of the outlet (180 metres out to sea). The build up of silt restricts the flow capacity by approximately 11%. They have had divers looking at the issue every 12 months and did undertake a flush about two years ago, but they are now looking to put a permanent solution in place.

8.2.2 Dog Attacks

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

- 8.2.2.1 With several savage dog attacks in recent weeks what has been the incidence and severity of these sort of attacks in the past 12 months?
- 8.2.2.2 Does Council operate a register of dogs that are a potential risk to the public?
- 8.2.2.3 Given that several innocent pets have suffered or died in recent weeks due to attacks by vicious dogs what steps can Council take to control or even ban breeds such as pit bulls that pose a threat to residents taking their own much loved pet for a walk on our streets?

The General Manager City Assets, Mr S Hodge's response.

- 8.2.2.1 To date Administration has investigated 19 dog attacks in the 2009/2010 period which is consistent with previous years.**

All dog attacks are assessed under the Dog and Cat Management Board's "Aggression Guidelines"¹ which determines the issues covering each individual dog attack to ensure a balanced outcome.

11% of dog attacks in 2009/10 were considered major and evidence gathered at the incidents indicated that in one case there was the need to have the dog euthanased and in another case a Dangerous Dog Order under the Dog and Cat Management Act was issued.

An Order can demand the dog to be placed in the rear yard which is made secure plus, when walking the dog, should be muzzled at all times and kept on a leash with a dangerous dog collar.

89% of the reported dog attacks for 2009/10 had no major injuries to report and fines were issued for non compliance under the Dog and Cat Management Act.

- 8.2.2.2 The Dog and Cat Management Board have a secure website where all Dangerous Dog Orders are placed for Local Government Authorities to access. Council Administration also has a database to record incidents for reporting purposes to the Dog and Cat Management Board.**

- 8.2.2.3 Council has Authority under the Dog and Cat Management Act to place requirements onto dog owners to comply with a Dangerous Dog Order. These Orders are issued in accordance with the Boards "'Aggression Guidelines" which ensures a fair outcome based on the incidents involved.**

This process has been operating in South Australia for several years; currently there are no banned breeds of dogs in South Australia. However, there are five Prescribed Breeds in the Dog and Cat Management Act which have special conditions imposed on owners which are similar to those of a Dangerous Dog Order, these five prescribed breeds are: American Pit Bull

¹ Copies of the Guidelines will be circulated to members.

Terrier , Fila Brasileiro (Brazilian Mastiff), Japanese Tosa (Japanese Fighting Dog), Dogo Argentina, Presa Canario.

It should also be noted that all dogs can become dangerous if not handled appropriately.

9. Member's Activity Reports

9.1 Glenelg Tourism Forum

Councillor Looker reported that he had attended a meeting of the Glenelg Tourism Forum.

9.2 Supported Residential Facilities Advisory Committee

Councillor Heysen reported that he had attended the Supported Residential Facility Advisory Committee meeting held 13 April 2010 as a representative of the Local Government Association.

10. Public Presentations

10.1 Petitions Nil

10.2 Presentations Nil

10.3 Deputations Nil

11. Motions on Notice

Councillor Norton joined the Chamber at 7:14pm.

11.1 Heritage Status of the Former Trinity Church, 25 Moseley Street, Glenelg

In accordance with his notice:

C130410/795

Councillor Looker moved and Councillor Fisk seconded that Council remove the local heritage status of the Former Trinity Church, 25 Moseley Street, Glenelg.

LOST

A Division was called

Voted For

J L Deakin
T D Looker
A C Norton

Voted Against

R D Beh
R M Bouchée
R A Clancy
P N Crutchett
L R Fisk
P D H Heysen
J D Huckstepp
S C Lonie
L van Camp

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HIS WORSHIP THE MAYOR DECLARED THE MOTION LOST

Background

Council's property at 25 Moseley Street, Glenelg is in a residential zone which severely restricts the ability to use the property. Problems with parking add to these difficulties. At some future time Council may need more flexibility with this site and the best option may be for residential use in line with zoning requirements.

11.2 Rescission Motion – Volunteer Resource Centre

In accordance with her notice:

C130410/796 **Councillor Lonie moved and Councillor Bouchée seconded that Part 2 of resolution number C090609/338.2, from 9 June 2009:**

“2. the Volunteer Resource Centre, consisting of an office area and multi-purpose training room, be established in the Brighton ‘Over 50’s Club’ building located at 376-378 Brighton Road, Hove”

be rescinded.

CARRIED

and if successful I will move:

C130410/797 **Councillor Lonie moved and Councillor Deakin seconded that the Volunteer Resource Centre be initially located within Council Administration in the Brighton Civic Centre.**

CARRIED

Background

The Office of Volunteers provided a grant of \$15,000 to establish a volunteer resource centre in 2009. Council's original resolution proposed that this resource centre be established in the Brighton "Over 50's" Club building on Brighton Road. However, it became clear that this location will not meet the terms of the grant. Council Administration have advised that with some minor alterations to the existing structure, (using the current grant to fund alterations), locating the Volunteer Resource Centre within the Civic Centre will provide an office area/meeting room, good public access and access to appropriate information technology and other resources and so meet all requirements of the grant.

12. Adjournment for Permanent Committees to meet

C130410/798 **Councillor Clancy moved and Councillor Lonie seconded that Council stand adjourned to enable the following committees to meet:**

- **Social and Organisation Committee; and**
- **Strategy and Development Committee**

CARRIED

13. Social and Organisation Committee

14. Strategy and Development Committee

The General Manager, Corporate Services, Mr I Walker left the Chamber at 8:59pm.

15. Resumption

Councillors Crutchett, Lonie and van Camp left the Chamber at 9:00pm.

C130410/799 Councillor Beh moved and Councillor Heysen seconded that Council resume at 9:00pm.

CARRIED

16. Minutes - Social and Organisation Committee

The Chairperson, Councillor Lonie reported that the Social and Organisation Committee had met this evening and had processed the business contained in the agenda documents.

C130410/800 Councillor Clancy moved and Councillor Heysen seconded:

- 1. That the report of the Chairman of the Social and Organisation Committee, and the Committee agenda documents together with Administration recommendations be received.**
- 2. That the recommendations of the Social and Organisation Committee be adopted as follows:**

13.7.1 Items in Brief (Report No: 150/10)

Report No: 150/10 was presented detailing items which were presented for the information of Members

C130410/800.1 That the report be noted and items of interest be discussed.

13.7.2 Review of Council Policies - Governance (Report No: 148/10)

Organisational policies play an important role in the good governance of any organisation, and are particularly important in local government where Elected Members are required to keep Council's policies under review and to operate in an open, transparent and consistent manner.

Policies contribute in a very real sense to an organisation's governance, legislative compliance, risk management, community confidence, and organisational consistency.

Throughout 2009 and 2010 the Governance and Policy Business Unit has been reviewing Council's policies for consistency, legislative compliance and good practice. Policies which have been subject of the review are now presented to Council for their consideration and adoption. Each policy is presented in a new format which is consistent with national standards and good practice.

The policies which are presented in this report 'belong' to the Governance and Policy business unit, that is, the Governance and Policy Business Unit have responsibility for ensuring the policy is accurate, up-to-date and reflective of current legislation. Policies which are owned by other Departments and business units across Council will be presented to Council for consideration and adoption in a planned manner in the next few months.

C130410/800.2 That this item be adjourned and a further review be conducted of the policies presented.

13.7.3 Transport Marketing Strategies – Loop Bus (Report No: 149/10)

Council report 498/09 dated 10 November 2009 outlined a concept to expand the existing Glenelg Blue Loop service to the southern wards. The research undertaken as part of the report indicated a lack of public awareness and low utilisation of existing transport services that operate within the southern region. As a result, a council resolution allocated \$2,000 towards a marketing campaign

to promote all existing transport services within the City of Holdfast Bay.

The campaign is ready to be implemented and consists of a transport brochure plus time table inserts that will be circulated to the southern wards. Brochures will also be distributed widely to facilities within the council region. In addition, the Community Buzz newsletter, Holdfast Bay Views and Messenger Press will be utilised to promote the services.

To align with the marketing campaign, a new loop bus brochure and a project to replace the existing signage for the Glenelg Blue Loop service has been initiated. It is envisaged that new signage at the 20 designated stops will assist to promote the loop bus service and result in increased patronage of the service.

The report also makes comment on the proposal to convert the existing bus bay in front of the Glenelg Library into a loading zone

C130410/800.3

That:

- 1. Council notes the strategies to be employed to promote all of Council's existing transport services across the whole of the City of Holdfast Bay, and in particular in the southern wards.**
- 2. Council notes the new Glenelg Blue Community Loop Bus brochure and improved signage for the Glenelg Blue Community Loop Bus route including the changes to two designated bus stops as outlined in report 149/10.**

CARRIED

17. Minutes – Strategy and Development Committee

The Chairperson, Councillor van Camp reported that the Strategy and Development Committee had met this evening and had processed the business contained in the agenda documents.

C130410/801

Councillor Clancy moved and Councillor Beh seconded:

- 1. That the report of the Chairman of the Strategy and Development Committee, and the Committee agenda documents together with Administration recommendations be received.**
- 2. That the recommendations of the Strategy and Development Committee be adopted as follows:**

14.7.1 Items in Brief (Report No: 122/10)

Report No: 122/10 was presented detailing items which were presented for the information of Members.

C130410/801.1

That the report be noted and items of interest be discussed.

14.7.2 Application for a Variation of Extended Trading Authorisation – The Oyster Bar – Holdfast Shores (Report No: 111/10)

At its meeting held on 9 March 2010, Council resolved to respond to an application for a variation of approved extended trading authorisation by The Oyster Bar, R10, Marina Pier Building, Holdfast Shores, Glenelg. Council advised the Office of the Liquor and Gambling Commissioner (OLGC) that it does object to the application due to noise concerns, however Council chose not to formally defend the matter at a hearing. Notwithstanding the clear direction of Council, The Oyster Bar has presented a compromise proposal to the Office of the Liquor and Gambling Commissioner, which the Commissioner of Liquor and Gambling has asked Council to consider before setting the matter down for a

formal Hearing. The Oyster Bar's compromise proposal is to seek a six (6) month trial period as a means to avoid proceeding to a Hearing in the first instance.

C130410/801.2

That the Committee recommends that Council advise the Office of the Liquor and Gambling Commissioner that it does not object to the application by The Oyster Bar to trial extended trading hours at R10, Marina Pier Building, Holdfast Shores, Glenelg subject to the following conditions:

1. **That the hours of the Hotel Licence be in accordance with the hours proposed in the details submitted by the applicant, that being from:**
 - **Sundays and Sunday preceding public holidays 8:00am to 11:00am.**
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.**
3. **The extended trading proposed shall be subject to a trial period of twelve (12) months from a date to be determined by the Office of the Liquor and Gambling Commissioner after which time the licence shall be reviewed.**

14.7.3 Application to the Office of the Liquor and Gambling Commission for a Variation to the Entertainment Consent by the Dublin Irish Pub (Report No: 123/10)

At its meeting held on 8 September 2009, Council resolved not to support the application by The Dublin Irish Pub seeking a Variation to the Entertainment Consent of its existing Hotel Licence. The applicant subsequently commissioned a detailed music noise assessment prepared by an acoustic expert, which has been provided as part of this report and forms the basis for seeking support for the proposal.

C130410/801.3

That Council advise the Office of the Liquor and Gambling Commissioner it does object to the application by the Dublin Irish Pub for a Variation to Entertainment Consent at 11 Moseley Square, Glenelg.

14.7.4 Submission to the Department of Planning and Local Government - Residential Character Survey (Report No: 125/10)

The South Australian Residential Development Code (the Code) is part of a series of planning system reforms being rolled out by the State Government. In March 2009, Council submitted the results of 'Part A' of a Residential Neighbourhood Character Survey to the Minister for Urban Development and Planning to identify zones to be excluded from the application of the Code and various 'Character Areas' where a modified version of the full Code would apply.

In November 2009, the Minister advised Council that the full Code, including new dwellings, would be introduced on 14 December 2009 and that the Development Policy Advisory Committee had provided a recommendation on Council's Residential Neighbourhood Character Study submission. Council was advised by the Minister that the advice provided to him by the Development Policy Advisory Committee was inconsistent with Council's submission and Council was invited to make a further submission justifying its proposal. The purpose of this report is to seek endorsement of a draft submission to the Department of Planning and Local Government in support of Council's nomination of zones to be excluded from the application of the Code and Character Areas where a

modified version of the Code would apply.

C130410/801.4

That:

1. **The draft submission located at Attachment 2 to Report Number 125/10 be signed by the Chief Executive Officer and submitted to the Department of Planning and Local Government to provide further justification for:**
 - **the areas which Council believes the Residential Development Code should not apply; and**
 - **the areas which Council believes a modified version of the Residential Development Code should apply.**
2. **Administration consider any comments submitted by elected members for inclusion in the submission letter that may be beneficial for our case**
3. **Administration endeavour to arrange a deputation to the Minister for Planning in conjunction with Ms Chloe Fox MP, Member for Bright and Mr Steve Georganas MP, Federal Member for Hindmarsh, planning staff and interested Elected Members, to discuss the need to protect our current development plan.**

14.7.5 Policy Options for Encroachments Over Council Land (Report No: 126/10)

Physical encroachments over public land are allowed at the discretion of Council. Council's Development Plan is the sole legislative document which prescribes in which circumstances and under what conditions physical encroachments are permitted, because most encroachments are a form of 'development' and require assessment under the Development Act. It is therefore sensible to review the content of the Development Plan as a means to adjust the policies for encroachments.

C130410/801.5

That Administration review existing Development Plan provisions and investigate the opportunity to insert revised provisions relating to encroachments through the next available Development Plan Amendment.

14.7.6 Encroachment Permission Over Council Land – Cibo Espresso Bar Moseley Square Glenelg (Report No: 112/10)

Council has received an application for an encroachment permit involving the installation of two (2) additional umbrellas over existing outdoor dining tables associated with Cibo Espresso Bar located on Moseley Square at Glenelg. The umbrellas constitute an encroachment over public land requiring a permit under the Local Government Act. In accordance with a previous Council resolution, approval is sought to allow the encroachment.

C130410/801.6

That pursuant to Section 221 of the Local Government Act 1999, Council allows the encroachment involving two (2) additional removable umbrellas over existing outdoor dining tables associated with Cibo Espresso Bar located on Moseley Square at Glenelg as described in Attachment 1 of this report and that Administration issue a permit with annual fees accordingly.

14.7.7 Encroachment Permission Over Council Land - 1/51 Jetty Road, Brighton (Report No: 127/10)

Council has received a development application for a sign under verandah along Jetty Road at Brighton, which constitutes an encroachment over the footpath. In accordance with a previous Council resolution, approval is sought to allow the encroachment prior to resuming the assessment of the development application.

- C130410/801.7** **That pursuant to Section 221 of the Local Government Act 1999, Council allows the encroachment associated with Development Application Number 110/00755/09 at Shop 1/51 Jetty Road, Brighton as described in Attachment 1 of this report and that Administration issue a permit with annual fees accordingly.**
- 14.7.8 Encroachment Permission Over Council Land - 512-514 Brighton Road, Brighton (Report No: 128/10)*
- Council has received a development application for alterations to an existing office building at 512-514 Brighton Road, Brighton which incorporates an encroachment over the footpath in the form of a cantilevered canopy protruding from the facade. In accordance with a previous Council resolution, approval is sought to allow the encroachment prior to resuming the assessment of the development application.
- C130410/801.8** **That pursuant to Section 221 of the Local Government Act 1999, Council allows the encroachment associated with Development Application Number 110/01072/09 at 512-514 Brighton Road, Brighton as described in Attachment 1 of this report and that Administration issue a permit with annual fees accordingly.**
- 14.7.9 Encroachment Permission Over Council Land - 698 Anzac Highway, Glenelg (Report No: 129/10)*
- Council has received a development application for a sign extending from the façade of an existing office building located at 698 Anzac Highway, Glenelg. The protruding sign constitutes an encroachment over the footpath requiring a permit under the Local Government Act. In accordance with a previous Council resolution, approval is sought to allow the encroachment prior to resuming the assessment of the development application.
- C130410/801.9** **That pursuant to Section 221 of the Local Government Act 1999, Council allows the encroachment associated with Development Application Number 110/001029/09 at 698 Anzac Highway, Glenelg as described in Attachment 1 of this report and that Administration issue a permit with annual fees accordingly.**
- 14.7.10 Coast Park Consultation and Design Project – North Brighton to Kingston Park - Draft Concept Design for Public Consultation (Report No: 131/10)*
- On 8 September 2009, Council endorsed the commencement of the Coast Park Consultation and Design Project for North Brighton to Kingston Park (Report No. 410/09) following the receipt of additional funding support from the Department of Planning and Local Government (DPLG). The first stage of this project involved an initial consultation process. A key component of the initial community engagement phase of the project involved establishing a Community Reference Group (CRG) by calling for nominations from interested and affected residents and stakeholders. The objective of the CRG was to work with Council staff, the project consultants and Elected Member representatives of Council to assist in developing an initial Draft Concept Plan for wider consultation. The initial consultation process also involved engagement with key State Agencies as well as Members of the Kurna Nation Cultural Heritage Association.
- Following the initial consultation process a Draft Concept Design for Coast Park from North Brighton to Kingston Park has now been prepared for Council's endorsement prior to releasing the Draft Concept Plan for wider community consultation.
- C130410/801.10** **That:**

1. Council endorses the Draft Coast Park Concept Design – North Brighton to Kingston Park located at Attachment 1 to Report No. 131/10 for wider community consultation.
2. Council endorses the separation of Precinct 7 from the Draft Coast Park Concept Design in order to allow further time for Council and its project designers to collaborate with the Kurna Nation Cultural Heritage Association in accordance with the provision of the Aboriginal Heritage Act.
3. Following the completion of a Draft Coast Park Concept Design for the area identified as Precinct 7, in collaboration with the Kurna Nation Cultural Heritage Association; a separate report be submitted to Council for endorsement for the purposes of undertaking wider consultation for Precinct 7.
4. The method of consultation outlined in Attachment 7 in Report No. 131/10 be endorsed.
5. The Draft Concept Design for Coast Park – North Brighton to Kingston Park be placed on public exhibition between Monday 19 April 2010 to Monday 17 May 2010.
6. At the conclusion of the consultation period, Administration review the outcomes of the consultation process and prepare a final Draft Coast Park Concept Design for final endorsement by Council, prior to the design and documentation for tender.
7. Council acknowledge the contribution of the Community Reference Group in assisting with the development of the Draft Coast Park Concept Design for the purposes of consultation.

C130410/801.11

That a second option for Precinct 6, at the rear of the Seacliff Yacht Club/Seacliff Surf Life Saving Club be presented for community consultation.

CARRIED**18. Reports of Committees, Subsidiaries and Development Assessment Panel**

Councillor van Camp rejoined the Chamber at 9:01pm.

Councillor Beh left the Chamber at 9:01pm.

18.1 Minutes – Events Advisory Committee – 15 March 2010 (Report No: 153/10)

Councillor Crutchett rejoined the Chamber at 9:02pm.

The Events Advisory Committee was established to:

- Advise Council on recommendations for Council Expenditure prior to the annual budget cycle.
- Foster and encourage resident focussed events.
- Seek partnerships to develop new community events.
- Provide advice when required regarding Council's major Civic Events.
- Evaluate events at their completion and make recommendations to Council if required.

The minutes of the Events Advisory Committee meeting held 15 March 2010, are attached and submitted to Council for information and endorsement, noting in particular the Committee's recommendations presented below for endorsement.

C130410/802

Councillor Looker moved and Councillor van Camp seconded that the minutes of the Events Advisory Committee be received and the recommendations numbered 1 - 10 endorsed by Council:

5.1 Volleyball SA Annual Sponsorship Agreement

- 1. That the Committee recommends to Council that Administration write to Volleyball SA advising of a further twelve (12) months sponsorship consisting of \$8,000 cash and \$2,000 in-kind for the 2010/2011 financial year, and that Council undertake a review of Volleyball sponsorship following adoption of the Events Strategy.**

5.2 Bay Sports Festival Annual Sponsorship Agreement

- 2. That the Committee recommends to Council that Administration write to the Bay Sports Festival organisers advising of a further twelve (12) months sponsorship consisting of \$8,000 cash and \$3,000 in-kind for the 2010/2011 financial year, and that Council undertake a review of the Bay Sports sponsorship following adoption of the Events Strategy.**

5.3 Event Fees and Charges for 2010/2011 Season

- 3. That the Committee recommends that the new event hire fees be recommended for inclusion into the draft 2010/2011 Council budget.**

5.4 Draft Events Strategy

- 4. That the update on the Draft Events Strategy be noted and further work is undertaken to simplify the document in-line with the Committee's feedback.**

5.5 Tropfest at the Bay and Free Movies

- 5. That the update on Tropfest and the Free Movies be noted and that \$11,000 be allocated in the draft 2010/2011 Council budget for Tropfest.**

5.6.3 Proclamation Day

- 6. That the Committee recommends to Council that Administration implement the same format as per the 2009 Proclamation Day event incorporating suggested improvements.**

5.6.5 Events Season in General

- 7. That the discussion regarding successful major events and external events, which have been held in Holdfast Bay during the 2009/2010 season be noted.**

5.7 Discussion for Possible New Events

- 8. That the update on possible new events be noted.**

5.8 Event Equipment

- 9. That the Committee recommends to Council, that the scaffold stage is retired and external events are advised that the scaffold stage is not longer available for use.**

6.1 Signage at Events

- 10. That the Committee recommends to Council that \$1,000 be allocated in the draft 2010/2011 Council budget for promotional signage to be displayed at events.**

CARRIED

The General Manager, Mr I Walker rejoined the Chamber at 9:03pm.

18.2 Minutes – Development Assessment Panel (Report No: 154/10)

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 24 March 2010 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.

- C130410/803 Councillor Deakin moved and Councillor Fisk seconded that the minutes of the Development Assessment Panel meeting held on 24 March 2010 be received.**

CARRIED

Councillor Beh rejoined the Chamber at 9:04pm.

Councillor Lonie rejoined the Chamber at 9:04pm.

Councillor Clancy left the Chamber at 9:05pm.

- C130410/804 Councillor Crutchett moved and Councillor van Camp seconded that should an appeal be lodged with the Environment, Resources and Development Court against the Development Assessment Panel's decision with respect to any of the matters considered by the Panel on 24 March 2010, that Council Administration engages legal assistance to defend the matter.**

CARRIED

18.3 Information Report – Southern Region Waste Resource Authority – 1 March 2010 (Report No: 155/10)

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 1 March 2010.

C130410/805

Councillor Lonie moved and Councillor Bouchée seconded that information reports of the Southern Region Waste Resource Authority for its meeting held 1 March 2010 be received and noted.

CARRIED

18.4 Minutes – Caravan Park Advisory Committee (Report No: 156/10)

The Caravan Park Advisory Committee was established to investigate a range of issues and opportunities for the Brighton Caravan Park at Kingston Park to ensure its future viability in the context of the Kingston Park Urban Design Framework, including:

- Optimal layout of the facility, access arrangements, signage and future redevelopment;
- Integration with surrounding environment, land uses and movement routes;
- Environmental performance and initiatives,
- Design and/or performance of permanent and non-permanent buildings and structures;
- Marketing and 'point of difference';
- Policy development (eg future planning, management and tenure policies); and
- Developing a self-sustaining business model for ongoing improvements and operations based on sound asset management principles.

The Minutes of the Caravan Park Advisory Committee meeting held 3 March 2010, are presented and submitted to Council for information and endorsement, noting in particular the Committee's recommendations presented below for endorsement.

Council in its 2009/2010 Budget allocated \$200,000 for the Brighton Caravan Park – upgrade/renewal of facilities. The committee is recommending that some of these funds be spent on the recommendations listed below.

C130410/806

Councillor Deakin moved and Councillor Lonie seconded that the minutes of the Caravan Park Advisory Committee be received and the recommendations numbered 1 - 8 be endorsed by Council:

**5.1 Water Study by Australian Water Environments (AWE) –
Canvassing Options for Kingston Park**

1. That :
 1. Council further investigate and seek cost estimates for the following water proofing options as detailed in the Options Paper prepared by Australian Water Environments:
 - A detailed investigation for stormwater harvesting using retention tanks, involving the existing stormwater outlets to the north and south of the caravan park, including storage and reticulation options.
 - The consideration of grey-water treatment and reuse be considered as part of the Brighton Caravan Park and Holiday Village Masterplan process.
 2. A report detailing the outcomes of further investigations undertaken by Australian Water Environments be presented back to the Committee for further consideration and recommendation to Council.
- 5.3 Brighton Caravan Park Building Fire Safety Committee Audit (Report No: 87/10)
2. That the Committee recommends that a report is noted and that the findings of the Building Fire Safety Committee are considered as part of any future strategies and included in the Masterplan for the Brighton Caravan Park and Holiday Village.
- 5.4 Priority Works
3. That the update on the priority works to the Caravan Park be noted and that the Committee be advised of completion of works at its next meeting.
- 5.6 Conversion of a Cabin into a Staff Laundry/Storage Facility
4. That Council advise the Caravan Park Operator to inform Council in writing once works for the conversion of a cabin into a staff laundry/storage facility have been completed.
- 5.7 Replacement of Washing Machines
5. That the update on the replacement of washing machines be noted and that no further action is required by Council.
- 5.8 Irrigation Management Plan for the Brighton Caravan Park
6. That Council advise the Caravan Park Operator of SA Water's requirements for water allocation to Caravan Park sites.
- 5.9 Allocation of Funding in 2010/11
7. That consideration of the 2010/2011 budget allocation for the Caravan Park Capital Budget line be deferred.
8. That Administration investigate and report back to the Committee, on the cost of replacing the playground within the Brighton Caravan Park and Holiday Village, with updated playground equipment and including the possibility of a "jumping pillow".

CARRIED

19. Reports by Officers

Councillor Clancy rejoined the Chamber at 9:08pm.

19.1 Adjourned Item – [60/10] Colley Terrace Loading Zone (Report No: 157/10)

The Environment and Engineering Committee at its meeting held on 23 February 2010 resolved to adjourn consideration of Report No: 60/10, Colley Terrace Loading Zone until the completion of the Blue Loop Bus Route Review is completed and the report presented to Council.

The matter is now presented for further consideration.

C130410/807

Councillor Bouchée moved and Councillor van Camp seconded:

- 1. That the report be received and the adjourned item [Report No: 60/10] Colley Terrace Loading Zone be reconsidered.**
- 2. That in consideration of the recent Blue Loop bus review the area adjacent to the Glenelg Library be maintained as a Blue Loop bus stop.**

CARRIED

19.2 Items in Brief (Report No: 158/10)

Report No: 158/10 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

C130410/808

Councillor Fisk moved and Councillor Bouchée seconded that the report be noted and items of interest be discussed.

CARRIED

The General Manager, City Services, Ms R Thomas left the meeting at 9:17pm.

19.3 Management of Historical Waste Dump – John Mathwin Reserve, Seacliff Park (Report No: 164/10)

Following the detection of elevated levels of landfill gas at the historic landfill dump underneath John Mathwin Reserve, Seacliff Park, Council is obliged to undertake further testing to assess the extent of the gas reserves and develop a plan to manage it into the future.

In doing so, this will have financial and resource implications on the current and subsequent financial years.

C130410/809

Councillor van Camp moved and Councillor Deakin seconded that Council:

- 1. Allocates a sum of \$40,000 to facilitate further testing of landfill gas in and around John Mathwin Reserve and to develop a Site Risk Assessment Report.**
- 2. In response to the Environment Protection Authorities requests, engage a suitably qualified Auditor to over see the process during 2009/10 financial year and ensure that at a point in the future the site will be declared fit for purpose.**

CARRIED

19.4 Delegations Under the Aged Care Act 1997 (Commonwealth) and the Local Government Act 1999 for the Alwyndor Management Committee (Report No: 159/10)

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 not 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 2009.

C130410/810

Councillor Heysen moved and Councillor Lonie seconded:

1. Revocations

1.1 Hereby revokes its previous delegations, effective from 20 April 2010 to the Alwyndor Management Committee of those powers and functions under the following:

1.1.1 Local Government Act 1999

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 13 April 2010 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 13th day of April 2010 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 20 April 2010 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 13 April

2010 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 13th day of April 2010 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 20 April 2010 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 13 April 2010 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 13th day of April 2010 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 20 April 2010 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

19.5 Review of Items held in Confidence (Report No: 160/10)

Council's practice is to review documents held in confidence every six months and this practice has continued with a formal review occurring in January 2010.

C130410/811

Councillor Fisk moved and Councillor Bouchée seconded that the Confidential Items presented at Attachment 1 to Report No: 160/10 be released from confidence.

CARRIED

The General Manager, City Services, Ms R Thomas rejoined the Chamber at 9:21pm.

19.6 Patawalonga Lock Maintenance Schedule (Report No: 162/10)

Following ongoing concerns with the operation of the Patawalonga Boat Lock, Council resolved to undertake a 2 year scheduled overhaul of the facility and at the same time undertake an independent review of the design and construction of the facility before finally agreeing to take ownership of the asset from the State Government.

This report outlines the cost associated with that process and presents a planned schedule to recoup the overall costs from the Marina Berth lessee's.

C130410/812

Councillor Looker moved and Councillor Deakin seconded:

1. That the schedule of repayments in Report No: 162/10 at Attachment 1, be adopted.
2. That Administration meets with the Holdfast Quays Marina Association to discuss implementation of the attached payment schedule.

CARRIED

Councillor Looker left the Chamber at 9:29pm.

20. 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.

- 21. Urgent Business – Subject to the Leave of the Meeting** Nil

Councillor Looker rejoined the Chamber at 9:32pm.

22. Items in Confidence

22.1 Broadway Kiosk (Report No:161/10)

Council Officers Remaining: Mr J Lynch, Mr S Hodge, Ms R Thomas, Mr I Walker and Ms P Aukett

C130410/813

Councillor Lonie moved and Councillor Clancy seconded that, pursuant to Section 90(2) and 90(3)(d) of the Local Government Act 1999 the Council order that the public with the exception of Council officers and any other visitors permitted to remain, be excluded from attendance at the meeting, after taking into account the relevant considerations under Section 90(3), on the basis that it will receive, discuss or consider the following:

- commercial information of a confidential nature (not being a trade secret) the disclosure of which:
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party, and
 - (ii) would, on balance, be contrary to the public interest.

CARRIED

Broadway Kiosk (Report No: 161/10)

C130410/814

Councillor Clancy moved and Councillor Deakin seconded that the Addendum (Report No: 172/10) on the Broadway Kiosk be accepted.

CARRIED

C130410/815

Councillor Deakin moved and Councillor Looker seconded that the Lessee of the Broadway Kiosk (Ergon Holdings Pty Ltd and CNS Investments Pty Ltd) be advised that Council has considered but declines the offer contained in its letter dated 23 March 2010.

CARRIED

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C130410/816 Councillor Lonie moved and Councillor Clancy seconded that pursuant to Section 90(2), 90(3)(d) and 91(7) of the Local Government Act 1999:

1. The Council orders that the report and attachments relating to Report No: 161/10 be retained in confidence, until, the earlier of, the Lessee assigning the Lease or 12 months on the basis that they deal with information the disclosure of which:
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party, and
 - (ii) would, on balance, be contrary to the public interest under Section 90(2) and 90(3)(d) of the Act.
2. The Council orders that the minutes relating to Report No: 161/10 be released from confidence and available for public inspection.
3. This resolution will be reviewed on or before 30 June 2011 by the Council.

CARRIED

22.2 Late Item - Glenelg Football Club (Report No: 163/10)

Council Officers Remaining: Mr J Lynch, Mr K O'Neill, Ms R Thomas, Mr I Walker and Ms P Aukett

C130410/817 Councillor Crutchett moved and Councillor Bouchée seconded that, pursuant to Section 90(2) and 90(3)(b) of the Local Government Act 1999 the Council order that the public be excluded from attendance at the meeting, with the exception of Council officers and any other visitors permitted to remain, after taking into account the relevant considerations under Section 90(3)(b), on the basis that it will receive, discuss or consider the following:

- information or matter the disclosure of which –
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest.

CARRIED

Glenelg Football Club (Report No: 163/10)

Councillor van Camp left the Chamber at 10:09pm.

Councillor van Camp rejoined the Chamber at 10:11pm.

C130410/818 Councillor Bouchée moved and Councillor Fisk seconded that Council advise Glenelg Football Club that the loan of \$268,537 maturing on 15 April 2010 will be rolled over to 30 April 2010 at an interest rate of 6%.

CARRIED

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C130410/819 Councillor Bouchée moved and Councillor Heysen seconded that pursuant

to Section 90(2), 90(3)(b) and 91(7) of the Local Government Act 1999:

1. The Council orders that the report and attachments relating to Report No: 163/10 be kept confidential and not available for public inspection on the basis that they deal with information the disclosure of which:
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest under Section 90(2) and 90(3)(b) of the Act
2. That the minutes relating to Report No: 163/10 be released from confidence and be available for public inspection.
3. This resolution will be reviewed on or before 30 June 2011 by the Council.

CARRIED

23. Resumption

C130410/820

Councillor van camp moved and Councillor Lonie seconded that Council resume as an open meeting of Council at 10:18pm.

CARRIED

24. Closure

The Meeting closed at 10:18pm.

CONFIRMED Tuesday 27 April 2010

MAYOR