

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 10 May 2011 at 7:01pm.

PRESENT

His Worship the Mayor	A K Rollond
Deputy Mayor	R A Clancy
Councillor	R M Bouchée
Councillor	P W Dixon
Councillor	K M Donaldson
Councillor	L R Fisk
Councillor	J D Huckstepp
Councillor	S C Lonie
Councillor	T D Looker
Councillor	S Patterson
Councillor	R C Patton
Councillor	A P Roe
Councillor	L J Yates
Chief Executive Officer	J P Lynch
General Manager Alwyndor Aged Care	G Potter
Acting General Manager City Assets	P Smith
Acting General Manager City Services	P E Aukett
General Manager Corporate Services	I S Walker

1. Opening

His Worship the Mayor declared the meeting open at 7:01pm.

2. Kurna Acknowledgement

With the opening of the meeting His Worship the Mayor stated:

We acknowledge Kurna people as the traditional owners and custodians of this land.

We respect their spiritual relationship with country that has developed over thousands of years, and the cultural heritage and beliefs that remain important to Kurna People today.

3. Prayer

His Worship the Mayor requested all present to pray and read the following Prayer:

Heavenly Father, we pray for your presence and guidance at our Council Meeting.

Grant us your wisdom and protect our integrity as we carry out the powers and responsibilities entrusted to us on behalf of the community that we serve.

4. Apologies

- 4.1 Apologies Received Nil
- 4.2 Absent Nil
- 5. Items Presented to Council Nil**

6. Declaration of Interest

Members were reminded to declare their interest before each item.

7. Confirmation of Minutes

C100511/144

Councillor Clancy moved and Councillor Patton seconded that the minutes of the Ordinary Meeting of Council held on 12 April 2011 be taken as read and confirmed.

CARRIED

8. Questions by Members

8.1 Without Notice

8.1.1 Liquor Licence Review

Councillor Bouchee asked a question regarding the review of Liquor licences within their review period.

The Acting General Manager City Services, Ms T Aukett took the question on notice.

8.1.2 Illegal Parking Surrounding the Glenelg Oval

Councillor Bouchee asked a question regarding the illegal parking at the 5 May 2011 Football Game and the incident regarding the General Inspector.

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

8.1.3 Future Event Planning – New Years Eve and Australia Day Celebrations

Councillor Roe asked a question regarding the plans for the 2011 NYE celebrations and 2012 Australia Day Celebrations.

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

8.1.4 Provision of Information to Third Parties

Councillor Roe asked a question regarding the provision of information to third parties and if there were any policies covering the provision of this information.

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

8.2 With Notice Nil

9. Member's Activity Reports

9.1 Murray Darling Association

Councillor Yates reported that she had attended a meeting of the Murray Darling Association - Region 7.

9.2 Western Region Waste Resource Authority

Councillor Bouchee reported that she attended a meeting of the Western Region Waste Resource Authority and reported that the Garden Island site remediation is near to completion.

9.3 Metropolitan Seaside Councils Committee

Councillor Dixon reported that he had attended a Metropolitan Seaside Councils Committee meeting.

10. Public Presentations

10.1 Petitions

10.1.1 Retaining the Kiosk at Kingston Park as an Amenity for the Future for the Many People Who Use It

A petition has been received from 1,446 citizens of South Australia regarding the retention of the Kiosk at Kingston Park.

The petition states as follows:

"Your petitioners therefore request that your council, as part of the consultation process in regard to Kingston Park section of the Coastal Park Plan, give urgent and full deliberation to retaining the kiosk/café at Kingston Park – not only for the enjoyment of current frequent users but also as a café for the use of future users of any Tjilbruke information area

We the undersigned, consider the retention of the Kingston Park Kiosk essential for the following reasons:

- The Kingston Park Kiosk is iconic in that it has a history of many years and is part of the most historic area and beautiful coastline of the Holdfast Bay Council.*
- The Kiosk is a very happy venue where people from the local and wider growing community meet their friends and enjoy a cup of coffee or a meal on a regular basis. In some cases people have been coming for at least 30 years. We believe the kiosk building was built in 1948.*
- We are pleased that the Seacliff Surf Life Saving Club is getting a rejuvenated building with a café, but this would not be a substitute for the Kiosk café – in fact there is certainly room for two cafés (for example, Brighton Jetty Road has many and they are all popular).*
- People who park and use the Kingston Park Kiosk would not be able to do so at the SSLC café as in the summer, for instance, when such cafes have their busiest time, there would not be any parks available adjacent to it as the yachties and fisher folk need all the parks on Saturdays and Sundays and during Christmas and Public Holidays.*

- *Disabled people use the Kiosk greatly, as they find it so easy to access parking and get into the kiosk.*
- *A positive suggestion we would make is that the Kiosk could be connected to an information area as it is located at the beginning of the Tjilbruke trail and would be an informative and educative idea for many visitors. Of course such an Information area would need café facilities”*

Attached for the information of Elected Members are the first two pages of the petition. The full petition is available to Members upon request. Administration has verified that the number of signatures attached is 1,446.

C100511/145

Councillor Lonie moved and Councillor Yates seconded that the petition be received by Council.

CARRIED

10.1.2 Traffic Volume and Speed in Chopin Road/Parry Avenue

A petition has been received from 31 citizens of South Australia regarding the decrease in traffic volume and speed in Chopin Road/Parry Avenue, to assist in pedestrian safety.

The petition states as follows:

“Brighton Road, Whyte Street and Oaklands Road traffic lights have caused an increase in traffic travelling at speed, using Chopin road and Parry Avenue as a shortcut to bypass the lights. The continuing and expanding use of the street by gym, sport clubs, local shops and school children is placing pedestrian safety at increased risk.

‘I support the decrease in traffic volume and speed in Chopin Road/Parry Avenue, to assist in pedestrian safety.’”

Attached for the information of Elected Members is the petition. Administration has verified that the number of signatures attached is 31.

C100511/146

Councillor Lonie moved and Councillor Patterson seconded:

- 1. That the petition be received by Council.**
- 2. That a further report be prepared for Council’s consideration.**
- 3. That the petitioner be advised of Council’s decision.**

CARRIED

10.2 Presentations

10.2.1 Rescue 2012

Ms Marnie Lock, Rescue 2012 Event Manager made a 5 minute presentation to Council on the Rescue 2012 event.

10.2.2 Kingston Park Kiosk Petition

Mr Phil Rogers made a 5 minute presentation to Council regarding the Kingston Park Kiosk Petition.

10.3 Deputations Nil

11. Motions on Notice

11.1 Adjourned Motion on Notice - Sale of Property at 25 Moseley Street, Glenelg (Former Trinity Church)

This item was adjourned at the meeting held 8 March 2011. The Local Government (Procedures at Meetings) Regulations 2000 s13(14) (d) states “...that the question is disposed of for the time being but debate can be resumed at the later time (at the point of interruption);”.

Accordingly the debate on this Notice of Motion should recommence where it concluded at the meeting on 8 March 2011. Please refer to the minutes of the meeting held 8 March 2011 to assist.

At the Council meeting held 8 March 2011, Council resolved to adjourn this matter for two months, it is now represented for further consideration.

In accordance with her notice:

C100511/147

Councillor Clancy moved and Councillor Donaldson seconded that Council sells the property at 25 Moseley Street Glenelg (formerly Trinity Church) and Administration provide a comprehensive report as soon as practicable with recommendations on a sale program to maximise Council's return.

CARRIED

A division was called.

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

HIS WORSHIP THE MAYOR DECLARED THE MOTION CARRIED

C100511/148

Councillor Bouchee moved and Councillor Fisk seconded that Council agrees to a short-term suspension of standing orders under Section 21 of the Local Government (Procedures at Meeting) Regulations 2000.

LOST

Background

A comprehensive report was presented to the last Council meeting. This report highlighted the considerable restrictions on its potential and, in view of the estimated costs to refurbish the property and the practical limitations of using it as a community centre including a lack of parking; it is not an asset Council should hold.

The property was purchased in August 2008 for \$1.675m (excluding GST). In addition, Council paid a further \$133,000 stamp duty, registration, land tax and conveyance fees bringing the total cost to \$1.808m. Acquisition was funded from Council's cash reserves. An estimate of the interest foregone from acquisition to the present is around \$275,000. The property has remained vacant since purchase.

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

To assist in the decision making process and provide a better understanding of the requirements and associated costs to convert the existing building to a community centre further information is attached. The attachments include two conceptual floor plans and the detailed cost estimate prepared by RLB Rider Levett Bucknall.

The current expected conversion cost is \$4.33 million. There are a number of areas of work which will be necessary to be addressed if this building is to be converted to a community centre. This includes, but not limited to:

- **Acoustic noise control**
- **New fire detection system**
- **Emergency egress**
- **Air-conditioning**
- **Disability access to new BCA standards**
- **Asbestos removal and reinstatement**
- **Salt damp treatment**

11.2 Planting of Spotted Gum along Oaklands, Diagonal and Sturt Roads

In accordance with his notice:

C100511/149

Councillor Looker moved and Councillor Clancy seconded that council write to the City of Marion advising them of our efforts to ensure planting of Spotted Gum on the median strips of Oaklands, Diagonal and Sturt Roads and invite them to consider joining us in our efforts to green this wide expanse of bitumen by continuing the plantings into areas under DTEI control.

CARRIED

Background

City of Holdfast Bay has resolved to pursue plantings on these roads to make what is an unattractive wide expanse of road more attractive. Previous efforts by the City of Holdfast Bay has resulted in sections of Brighton Road being beautified with trees now approaching maturity making those areas shady and more aesthetic.

A request to the City of Marion to include plantings on sections under their control could enhance the full lengths of these roads rather than just in Holdfast Bay.

12. Adjourned Matters Nil

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

13.1 Information Report – Southern Region Waste Resource Authority
(Report No: 144/11)

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 4 April 2011.

C100511/150

Councillor Huckstepp moved and Councillor Fisk seconded that the report from the Southern Region Waste Resource Authority for its meeting held 4 April 2011 be received and noted.

CARRIED

14.1 Minutes – Alwyndor Aged Care (Report No: 145/11)

The Alwyndor Aged Care 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 Facility.

The Minutes of the Alwyndor Aged Care Management Committee for the meeting held on 19 April 2011 are attached.

The Comparison Budget presenting their year to date financial position is also distributed to Members for information.

C100511/151

Councillor Clancy moved and Councillor Lonie seconded that the Minutes of the Alwyndor Aged Care Management Committee meeting held 19 April 2011 and the Comparison Budget for March 2011 be received and noted by Council.

CARRIED

14. Reports by Officers

14.1 Items in Brief (Report No: 146/11)

Report No: 146/11 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

C100511/152

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

CARRIED

C100511/153

Councillor Bouchee moved and Councillor Looker seconded that in future that inspections occur between 12 pm and 3am in the summer peak times including the Seacliff and Esplanade Hotels.

CARRIED**14.2 Miscellaneous Debtors – Bad Debt Write-Off (Report No: 147/11)**

The Local Government Act specifies the conditions under which bad debts can be written off. A review has been conducted of outstanding debts. This report identifies those debts over \$1,000 that are considered to be irrecoverable.

C100511/154

Councillor Looker moved and Councillor Huckstepp seconded that Council writes off \$4,825.66 in unrecoverable debts.

CARRIED**14.3 Council Property Portfolio Review (Report No: 148/11)**

By any measure, Council is a significant property owner. Council's financial portfolio is in the order of \$340 million. It is three times higher per capita than average for typical urban councils within South Australia, with land and buildings making up 66% of the asset base (which is also much higher than the 44% average).

As a responsible steward of its property assets it is important to review this highly valuable resource with a view to using it effectively and creatively to fulfil Council's responsibilities to the community. Such a large portfolio demands a full review at least five yearly with an annual partial review on a rolling basis.

The review process for Council's property began in 2009 under the title of the Strategic Property Review but now is proposed to be broadened to extend beyond individual strategic sites to include Council's entire property portfolio. This report includes a Discussion Paper (refer Attachment 1) which recommends a full review of Council's portfolio, a draft Council Property Policy (refer Attachment 2) that will provide the policy framework for the review and an indicative Review Timeline (refer Attachment 3).

C100511/155

Councillor Clancy moved and Councillor Fisk seconded:

- 1. That Council adopts the draft Property Policy as provided in Attachment 2 of Report No. 148/11.**
- 2. That Council notes the Discussion Paper and indicative timeline for the review of Council's Property Portfolio as provided in Attachments 1 and 3 of Report No. 148/11.**

CARRIED**14.4 Section 270 Review – Glenelg Oval Lighting Upgrade – Final Report and Recommendations (Report No: 149/11)**

The Chief Executive Officer received a request in accordance with Section 270 of the Local Government Act 1999 to review a decision of Council, from Ms Panizzon a resident of the Council area, in which she raises seven main concerns regarding the public consultation process regarding the upgrade of lighting at Glenelg Oval.

The decision under review is that of Council at its meeting of 8 February 2011 *“that Council, in its capacity as landowner, provides consent for the Glenelg Football Club and Glenelg Footballers Club to replace the existing*

light towers with 4 new towers, subject to any necessary Development Act consents or appeal rights, and on condition ...” and the associated actions of the Council during the consultation leading up to the making of the decision.

In accordance with policy, as the decision in question was a decision of Council, the review must be conducted by Council. The Chief Executive Officer engaged Wallmans Lawyers to examine the matter and produce a report to Council for it to review its decision.

The report from Wallmans Lawyers a copy has been forwarded to Ms Panizzon who has been given the opportunity to present her views to the Council at this meeting.

Councillor Patterson declared a perceived interest in the matter and left the chamber at 8:21pm.

Councillor Bouchee declared an interest in the matter due to Environment, Resources and Development court proceedings at and left the meeting 8:21pm.

C100511/156

Councillor Clancy moved and Councillor Donaldson seconded:

- 1. That Report No: 149/11 be noted;**
- 2. That Council ratifies the decision made at the Council meeting on 8 February 2011 regarding landlord consent for the replacement of the existing light towers with 4 new towers;**
- 3. That Council review its Community Consultation and Engagement Policy to :**
 - a. include a reference to occasions where the Council may wish to undertake discretionary consultation and the applicable duration for such consultation; and**
 - b. ensure that community consultation is undertaken after all independent reports which are relevant are available to the community for information.**

CARRIED

Councillor Patterson rejoined the chamber at 8:23pm.

Councillor Bouchee rejoined the chamber at 8:23pm.

14.5 Monthly Financial Report – March 2011 (Report No: 150/11)

This report provides Elected Members with financial reports as at 31 March 2011. It comprises a Funds Statement and a Capital Expenditure Statement for Council and Alwyndor for the year to date compared with the 2010/11 budget.

Council's year to date (YTD) operating surplus is \$2,497,000 higher than YTD budget mostly due to the timing of the King Street Bridge grant received. Capital expenditure is \$527,000 lower than YTD budget also mostly due to timing of invoices received and work awaiting contractors.

C100511/157**Councillor Looker moved and Councillor Huckstepp seconded that the financial reports to 31 March 2011 be received and noted.****CARRIED**

14.6 St Jude's Players Special Circumstance Licence Application (Report No: 140/11)

An application has been made to the Office of the Liquor and Gambling Commission by St Jude's Players Inc requesting the grant of a Special Circumstances Licence for their premises of operation.

The theatre company seeks the authorisation to obtain a permanent liquor licence – in lieu of ongoing costly limited licences – so that they may continue to serve alcohol periodically throughout the year in conjunction with company sanctioned productions.

This application presents an opportunity for Council to support a long-time established community organisation while exercising its rights and responsibilities under both the *Liquor Licensing Act 1997* and Councils *Liquor Licensing Policy* through the assessment and regulation of all new licence application within its jurisdiction.

The purpose of this report is to seek Council's comments in order to inform the Office of the Liquor and Gambling Commissioner before a decision is made on the variation application.

C100511/158**Councillor Lonie moved and Councillor Clancy seconded:**

- 1. That Council advises the Office of the Liquor and Gambling Commissioner that it supports the application and does not object to St Jude's Players Inc obtaining a Special Circumstance Licence.**
- 2. That Council does not oppose the licence including an exemption under s.97, ss.2 of the Act regarding the requirements of licensees' responsible persons to be in attendance whenever liquor is sold.**
- 3. That Council supports the grant of a Special Circumstances Licence only with the inclusion of the following condition:**
 - That alcohol be sold only to ticket holders of a production(s) sanctioned by the Licensee.**

CARRIED

Councillor Donaldson left the chamber at 8:37pm.

Councillor Huckstepp declared an interest in this matter due to his membership of the RSL.

14.7 Keelara Centre – Proposed Solar Panels (Report No: 152/11)

The joint lessees of Keelara Centre, the Brighton Bowling Club and Brighton RSL, have written to Council seeking permission to install solar panels on the roof of the Keelara Centre clubrooms, should the clubs' memberships support the proposed initiative at their respective Annual General Meetings.

Council's consent as lessor is required for the proposed works under the terms of the lease.

Councillor Donaldson rejoined the chamber at 8:40pm.

C100511/159

Councillor Yates moved and Councillor Clancy seconded:

- 1. That Council provides its consent as landlord (subject to any necessary Development Act consents), to the Brighton Bowling club and Brighton RSL to install solar panels on the roof of the Keelara Centre Clubrooms.**
- 2. The tenants be advised in writing that they remain liable for any maintenance associated with the proposed works and that they will be required to rectify any damage to the premises that may occur as a result of the installation, placement or removal of such plant.**

CARRIED

14.8 Draft Annual Business Plan 2011/12 (Report No: 153/11)

The Draft 2011/12 Annual Business Plan is presented for endorsement and release for community consultation.

It has been developed having regard to Council's Strategic Plan, Corporate Plan and direction from Council, with specific regard to:

- Feedback received from the community through the "Satisfaction and Lifestyle" and "Environmental Sustainability" Community Panel surveys conducted in October and November 2010
- Council's commitment to the principles of financial sustainability
- Council's policies, resolutions and strategic directions
- the longer-term projections provided by Council's Long Term Financial Plan
- Council's Infrastructure and Asset Management Plans.

Councillor Patton left the chamber at 8:47pm.

Councillor Patton rejoined the chamber at 8:49pm.

Councillor Lonie left the chamber at 8:50pm.

C100511/160

Councillor Looker moved and Councillor Fisk seconded:

- 1. That the Draft 2011/12 Annual Business Plan contained at Attachment 1 be released for community consultation.**
- 2. That the following process for community consultation on the Draft 2011/12 Annual Business Plan be adopted:**
 - a. Copies of the Draft 2011/12 Annual Business Plan be made available on the Council's website; at the Brighton Civic Centre and Brighton and Glenelg Libraries from 11 May 2011.**
 - b. Provision of an interactive web page on Council's website to operate between 11 May 2011 and 31 May 2011 for the public to lodge comments and seek clarification;**
 - c. An opportunity for the public to provide written submissions to**

Council on or before 31 May 2011; and

- d. An opportunity for the public to make representations to Council at its meeting on 14 June 2011.**

CARRIED**14.9 Glenelg Precinct Late Night Safety Audit (Report No: 142/11)**

As a follow up to the Winter Safety Audit held Friday 21 May 2010, a subsequent Summer Safety Audit was conducted throughout Glenelg Precinct and surrounding areas on Friday 25 February 2011 between the hours of 11:00pm and 2:00am. These safety audits, conducted in various locations throughout Glenelg, including some known 'trouble' spots, serve as mechanisms for the City of Holdfast Bay to undertake further initiatives that focus on the improvement of safety within Glenelg for users, residents and the community alike. The Safety Audits provide a snapshot of how the public perceive the Glenelg Precinct.

Of the 13 locations visited during the safety audit all but 3 were perceived as safe at the time of the visit.

This report provides details of the data obtained from the Summer Audit.

C100511/161

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

CARRIED**15. Resolutions subject to formal motions**

Presented for the information of Members is a listing of resolutions subject to formal resolutions to adjourn or lay on the table items of Council business, for the current term of Council.

16. Urgent Business – Subject to the Leave of the Meeting

Councillor Lonie rejoined the chamber at 8:53pm.

16.1 Personal Explanation – Guardian Messenger Story – “Bay Cash Crisis” published on 11 May 2011

C100511/162

Councillor Bouchee moved and Councillor Fisk seconded that Councillor Looker be granted leave for Councillor Looker to make a personal explanation regarding the Guardian Messenger story “Bay Cash Crisis” on page 1 of the Guardian Messenger 11 May 2011 edition.

CARRIED

Councillor Fisk left the chamber at 9:00pm.

Councillor Fisk rejoined the chamber at 9:02pm

Councillor Looker made a personal explanation regarding the Guardian Messenger article, “Bay Cash Crisis” published on 11 May 2011.

17. Items in Confidence

Councillor Looker left the chamber at 9:02pm.

C100511/163

Councillor Bouchee moved and Councillor Fisk seconded

- 1. That council moves consideration of the Confidential Report No: 154/11 and 155/11 to the Strategy and Planning Committee, in order for it to be discussed at the end of the meeting and so minimise inconvenience to any members of the public.**
- 2. For the purposes of resolving the matters considered by the Confidential Report No: 154/11 and 155/11 Council delegates the Strategy and Planning Committee with the power to make a decision in the matters canvassed by the report.**

CARRIED

19. Closure

The Meeting closed at 9:02pm.

CONFIRMED Tuesday 24 May 2011

MAYOR