

## 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 9 August 2011 at 7:01pm.**

### PRESENT

His Worship the Mayor	A K Rollond
Deputy Mayor	R A Clancy
Councillor	R M Bouchée
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
General Manager City Assets	S G Hodge
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 Councillor P W Dixon

4.2 Absent Nil

## 5. Items Presented to Council

5.1 2011 Australian IRB Championships Plaque

Mayor Ken Rollond presented a plaque from Australia for Life, in appreciation to the City of Holdfast Bay Council's support of the 2011 Australian IRB Championships 29-31 July 2011.

## 6. Declaration of Interest

Members were reminded to declare their interest before each item.

## 7. Confirmation of Minutes

C090811/226

**Councillor Huckstepp moved and Councillor Clancy seconded that the minutes of the Ordinary Meeting of Council held on 26 July 2011 be taken as read and confirmed.**

**CARRIED**

## 8. Questions by Members

8.1 Without Notice

8.1.1 Cleanliness of Streets

Councillor Bouchée asked a further question regarding her Question on Notice regarding the ability of Council to clean under parked cars.

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

8.1.2 Carbon Tax Effect on Council Operations

Councillor Huckstepp asked what effect the proposed Carbon Tax on landfills will have on the City of Holdfast Bay if/when they are imposed.

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

8.2 With Notice

8.2.1 Cleanliness of Streets

At the Assets and Environment Committee meeting held 28 June 2011 Councillor Bouchée asked the following question:

Councillor Bouchée asked a question regarding the cleanliness of the streets, namely the rear of Liberty towers, Durham Street and St Johns Row.

At the meeting the General Manager City Assets, Mr S Hodge took the question on notice and the answer is presented below for the information of Members.

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

- **St Johns Row**

**This area is cleaned daily as part of our cleansing program. The street is swept once a month (with Council's mechanical road sweeper) as part of our sweeping program.**

**As part of our investigation we found that there is a private lane that runs off St Johns row. This lane was used as a Storage/ Dumping area. As a result of this the Manager Regulatory Services has notified the owners of there obligations. The area has since been cleaned up and there is to be a gate installed to help control this problem.**

- **Liberty Towers/Durham Street**

**The first 50m north from Jetty Road is cleaned utilising a mechanical vacuum on a daily basis as part of our cleansing program.**

**Jetty Road to Augusta Street is swept/cleaned on a daily basis (mechanical road sweeper) as part of our sweeping program. Augusta Street to Anzac Highway is swept/ cleaned once a month as part of our sweeping program. The entire street is also swept/ cleaned by the compact footpath sweeper every Monday.**

## **9. Member's Activity Reports**

### 9.1 Opening of SALA Festival – Jetty Road Glenelg

Councillor Looker reported that he had attended the Opening of the SALA Festival with His Worship the Mayor and Councillor Patton.

## **10. Public Presentations**

### 10.1 Petitions

#### 10.1.1 Petition Against the Change of Road Signs to Make Tod Street One Way

A petition has been received from 39 residents of Glenelg North regarding the change of road signs to make Tod Street One Way.

The petition states as follows:

*"To His Worship the Mayor and Honourable Councillors of the City of Holdfast Bay assembled, the petition of the undersigned residents of Glenelg North, South Australia requests the removal of newly installed street signs of Tod Street.*

*We the residents of Glenelg North are not happy about the newly installed signs to make the single lane that's part of Tod Street a one way street. We had no notice or were informed about it in anyway. Your petitioners request these signs removed. It is a hindrance to our daily routines and living conditions in the residential area."*

Attached for the information of Elected Members is the petition. Administration has verified that the number of signatures presented is 39.

1. That the petition be received by Council.
2. That the safety signage and alteration to the Tod Street and Regent Street intersection remain.
3. That the head petitioner be advised of Council's decision.

**CARRIED**

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

The petition claims that the signatories "had no notice or were informed about it in any way".

The head petitioner and many of the signatories live in Newhaven Avenue and were not consulted on the traffic proposal because it does not directly affect them, as they have egress and access via Tapleys Hill Road and Adelphi Terrace. Similarly residents of Tapleys Hill Road have off street parking which they access from Tapleys Hill Road.

Residents residing in Lynton Avenue, Brighton, Moseley Street Glenelg, Byron Street Glenelg and Augusta Street, Glenelg would never be consulted on such a minor traffic change to the intersection of Tod Street and Regent Street.

However the residents of Tod Street, Regent Street and Rothwell Terrace certainly were consulted and their views considered.

A précis of the consultation and notification process is outlined below:

1/12/2010 – Traffic & Transport directed to investigate the feasibility of making Tod Street, St Annes Terrace to Newhaven Terrace one-way.

7/3/2011 – Initial consult sent to residents proposing to convert Tod Street between Regent and Rothwell to one-way due to 3.5m road width.

28/4/2011 – Letter sent to residents to 38a, 38b and 44 Tod Street and 1a and 2 Regent Street to arrange time to meet and discuss their concerns with proposal. Subsequently, a meeting was held on site with residents of 38a Tod Street and 2 Regent Street.

30/5/2011 – Consultation response sent to residents.

14/6/2011 – Tod Street Report No. 213/11 to Council.

6/7/2011 – Publication of article in Messenger.

12/7/2011 – Implementation of signage and line marking to convert Tod Street to one-way.

12/7/2011 – Notification of conversion sent to Emergency Services, DTEI and Utilities.

**Results of total consultation:**

Total no. of surveys posted or delivered:	191
Total no. of surveys returned to sender:	7
Total no. of survey responses received:	56
Total no. of respondents supporting the proposal:	39
Total no. of respondents objecting to the proposal:	16
Total no. of respondents neither supporting or objecting:	1

**Results of intended consultation sample:**

Total no. of surveys posted or delivered:	114
Total no. of surveys returned to sender:	1
Total no. of survey responses received:	34
Total no. of respondents supporting the proposal:	21
Total no. of respondents objecting to the proposal:	12
Total no. of respondents neither supporting or objecting:	1

***Council Recommendation 14 June 2011 Report No: 213/11***

- 1. That Council approves altering Tod Street from two-way traffic to one-way traffic in a southerly direction and the installation of a Give Way at Regent Street.***
- 2. That residents and property owners be informed of Council's decision.***

10.2 Presentations

10.2.1 Improved Performance and Less Waste at Jetty Road Glenelg

The Resource Recovery and Waste Reduction Officer for the Cities of West Torrens, Holdfast Bay and Marion, Ms Simone Cunningham will make a presentation to Council regarding the improved performance and less waste at Jetty Road Glenelg.

**Councillor Roe left the Chamber at 7:20pm.**

**Councillor Roe rejoined the Chamber at 7:23pm.**

10.3 Deputations Nil

**11. Motions on Notice**

11.1 Representations to Council

In accordance with his notice:

**C090811/228**

**Councillor Looker moved and Councillor Patterson seconded that administration report on a possible policy regarding the provision of appropriate details by outside bodies making representation to Council. This may include requesting a constitution and proof of incorporation. It must also include the minutes of a meeting, including attendance, detailing the resolution to make representation to Council.**

**CARRIED**

A division was called.

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

**HIS WORSHIP THE MAYOR DECLARED THE MOTION CARRIED****Background**

When accepting representations it is not unreasonable for council to check the ‘bona fides’ and true democratic or representative nature of those who claim to speak on behalf of all or sections of the community.

## 11.2 Minda Secondary Dunes

In accordance with her notice:

C090811/229

**Councillor Yates moved and Councillor Bouchee seconded:**

1. **That Council writes to Minda, acknowledging their letter and thanking them on behalf of the community for deciding not to build on the secondary sand dunes.**
2. **That Council offers Minda ongoing advice and practical support in weeding and revegetating the secondary dunes as is currently done for the primary sand dunes through the Environmental Team and its volunteers. Access to the area can also be discussed.**
3. **That Council continues to work with Minda and its design consultants to find an environmentally-friendly route and infrastructure for the Coast Park development at Minda.**
4. **That Council continue to explore options to work collaboratively with Minda by investigating mutually beneficial projects around protection of biodiversity and propagation of stock to achieve this outcome.**
5. **That Council writes to the Minister for Environment and the President of Minda reaffirming the agreement made with then Minister for Environment, the Hon J Weatherill regarding the agreement with the Dept of Environment that the secondary dunes be reinstated when buildings dilapidated and the site reinstated as secondary dunes.**

**CARRIED**

## 11.3 Community Land Register

**Councillor Roe left the chamber at 8.13pm.**

**Councillor Roe rejoined the chamber at 8.15pm.**

In accordance with her notice:

**Councillor Bouchée moved and Councillor Fisk seconded that Council declares the following parcels of land to be community land and administration develop appropriate guidance for the new Council to incorporate this parcel into existing community land management plans or establish new one for the Glenelg Town Hall (Building) Moseley Square, Glenelg , CT 6054/34**

**LOST**

A division was called.

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

**HIS WORSHIP THE MAYOR DECLARED THE MOTION LOST**

**Councillor Bouchée moved and Councillor Fisk seconded that Council declares the following parcel of land to be community land and administration develop appropriate guidance for the new Council to incorporate these parcels into existing community land management plans or establish new one for Glenelg Library (Building), Colley Terrace, Glenelg, CT 5849/96**

**LOST**

A division was called.

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

**HIS WORSHIP THE MAYOR DECLARED THE MOTION LOST**

**Councillor Bouchée moved and Councillor Fisk seconded that Council declares the following parcel of land to be community land and administration develop appropriate guidance for the new Council to incorporate this parcel into existing community land management plans or establish new one for Glenelg North Community Centre, corner Alison Street/Kibby Avenue, Glenelg North, Ct 5511/96.**

**LOST**

A division was called.

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

**HIS WORSHIP THE MAYOR DECLARED THE MOTION LOST**

### **Background**

Incorporating Council own land in the Community Land Register protects it from being sold without community consultation.

The Acting Chief Executive Officer, Mr S Hodge's comment.

Firstly it should be noted that Meals on Wheels, David Avenue, Glenelg North CT5788/669 is currently classified as Community Land. In a Community Land Management Plan for Fordham Reserve and is notated in the current lease to Meals on Wheels.

Since 1 January 2000, all land (other than roads) owned or under the care, control, and management of Council has been classified as Community Land. All Councils had powers under the Local Government Act to "exclude" land from the Community Land Register by Council resolution prior to 31 December 2002.

Under section 207 of the Local Government Act, Council was obligated to compile a register of all Community Land under its care and control by 31 December 2002.

Under section 193 of the Local Government Act, Councils had the power to "exclude" land from Community Land Registers prior to 31 December 2002, by following the relevant steps set out in their Public Consultation Policy. To exclude land from the Community Land Register after that time, Council is required to "revoke" the classification of land as community land under section 194 of the Local Government Act. Revocation of community land is subject to processes set out in the Local Government Act and requires the approval of the Minister for Local Government.

*Exclusion of public land from community land classification does not imply that a Council has the intention of disposing of the land but will allow the Council to manage property assets e.g. Caravan Park and car parks, for better community outcomes without the constraints of a formal Management Plan and consultative processes. Community land exclusion will allow Council to change the land use type, leasing arrangements, and in some cases the location of property assets within the City to better meet the need of the community. This can be important in the "commercial" management and, at times, responsive adaptation, of properties and/or their management arrangement where activities of a business or service delivery nature are conducted.*

In compiling a Community Land exclusion list, Council faced the challenge of balancing the "protection" of all Council owned land through a Community Land Register, with the exclusion of appropriate properties to allow the necessary level of flexibility in management of business use properties and delivery of services.

Exclusion of land from the Community Land Register allows Council to change the type and location of strategic property assets to meet the changing needs of the community, driven by things like demographic shift and changes to the type of services delivered by Local Government. Exclusion from Community Land status also gives Council greater flexibility in responding to life cycle costs of built assets located on Council owned land, by enabling Council to rationalise assets and maximise benefits through asset renewal decisions for properties containing buildings and structures as they near the end of their useful life and require major re-investment decisions.



**Engineering and Environment Committee Report No: 511 from 10 September 2002 outlined the process by which a Community Land Register would be developed before 1 January 2003. A key component of this process was the identification and measurement of community support for Council owned land that should be excluded from the Community Land Register. This report outlined the basis for the identification of excluded land and contained a proposed list of properties to be presented to the community for the purpose of gauging community support for exclusion from Councils Community Land Register.**

**Council's community land portfolio consists of open space recreational reserves, water course and coastal reserves, closed roads and service easements, cemeteries, and properties containing built assets supporting commercial, community, and council activities. As defined in the Local Government Act, it is generally acknowledged that open space land is most likely to be designated community land while land comprising of mostly built form with a business type use will be more likely to be excluded from the Community Land Register.**

**Council compiled the exclusion list based on the following criteria:-**

- **Land holdings used exclusively for business purposes by Council or other parties.**
- **Short to medium term land holdings held by Council to guide development in support of Councils development plans.**
- **Current land holdings identified as surplus to Council requirements.**

**Community response was sought for the exclusion list through public consultation involving both the wider community and key stakeholders of the affected properties, including key interest groups, community groups, and current lease holders.**

**Whilst developing the Community Land Register and those areas that Council wished to have excluded, Councils property portfolio was broken down into categories and detailed as below:**

***Category 1 - Council owned land used for the delivery of Council services.***

**These properties include Council owned car parks, office space, aged care facilities, works depots, plant and material storage facilities, park maintenance facilities, and customer service centres. Land held by Council for investment purposes, property consolidation and laneway disposal also falls under this category of excluded Community Land. Exclusion of these properties from Community Land status will give Council greater flexibility in efficiently providing services and managing property infrastructure assets. For example, Council's Library building may be reaching the end of its useful life at the same time as the need for a more decentralised library service becomes evident. Council may decide to demolish the existing library building and erect a new community centre in its place while at the same time decentralising library services to three existing community centres, making use of vacant accommodation created by community groups moving to the new community centre.**

***Category 2 - Council owned properties leased and operated by incorporated community or commercial entities such as aged care facilities, restaurants, fitness centres, function centres and tourist information.***

Commercially operated properties are normally managed under lease and it is likely that the type of commercial activity and terms of lease will regularly change. The activity to deal on a professional and sometimes commercial basis, with a reasonable degree of certainty, is important to the ongoing management of these sites for optimum community benefits. Exclusion from Community Land status will also give Council the opportunity to focus services provided by community groups to better meet community needs. For example, Council may encourage a child care facility to operate from one of its properties close to an adult learning centre to encourage students caring for children to continue education.

***Category 3 - Council properties operated by organisations supporting community services.***

This category includes Guides/Scouts, community interest groups, Meals on Wheels, Retired Services League, senior citizens, kindergartens, Surf Life Saving etc, affording Council the option of relocating these properties to meet the changing demands of services offered by those organisations, and to allow Council to better manage its building infrastructure assets. For example, Council may choose to dispose of a former Scout Hall property suffering decreasing utilisation while incurring increasing maintenance costs, using the proceeds from the sale to purchase land and build a new community hall at another location within the City to meet increasing demands for community group accommodation.

***Category 4 - Open Space Land***

Properties owned by Council and currently used for recreation purposes or as open space, have land tenure that is either "freehold" or "reserve" status. On the basis that open space land deemed as "reserve" has an associated expectation that it will be used for recreational purposes, it should be maintained as community land for the purpose of preserving the intended land use as an open space / recreation reserve.

12. Adjourned Matters Nil

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

Councillor Patterson left the chamber at 8.25pm

Councillor Huckstepp left the chamber at 8.25pm

13.1 Minutes – Environmental Advisory Committee (Report No: 273/11)

The Environmental Advisory Committee (EAC) has been established to review on behalf of the City of Holdfast Bay and make recommendations concerning issues affecting our environment, integrating principles associated with Local Agenda 21 and ecologically sustainable development into the daily operations of Council.

The Minutes of the Environmental Advisory Committee meeting held 18 July 2011 are attached and presented for Councils' information.

**Councillor Patterson rejoined the chamber at 8.28pm.**

**Councillor Huckstepp rejoined the chamber at 8:29pm.**

**C090811/230**

**Councillor Bouchee moved and Councillor Lonie seconded that the following minutes of the Environmental Advisory Committee held 18 July 2011 be received and the following recommendations numbered 1 be noted.**

*8.2 Suggested HEAT Fund Expenditure 2011-12 (Report No: 258/11)*

- 1. That the Environmental Advisory Committee recommends to Council that the following projects are adopted as a set of HEAT Fund projects for 2011-2012 as outlined in Attachment 1 to Report No: 273/11:**
  - 1. Alternative Energy Project (Solar).**
  - 2. Energy Audit and Implementation.**
  - 3. Rainwater capture and use – depot wash bay.**
  - 4. Water and Energy Data Management.**
  - 5. Community Group Environmental Grants.**
  - 6. Community Environmental Education & Seminars.**
  - 7. Discounted Environmental Products for Residents.**
  - 8. Dune Fencing.**
  - 9. Barton Gully Erosion.**
  - 10. Council Owned Street Lighting Efficiency.**
  - 11. Council's Internal Waste Management Improvement.**
  - 12. Community Program – 10 seedlings for \$10.**

**CARRIED**

#### **14. Reports by Officers**

##### 14.1 Items in Brief (Report No: 275/11)

Report No: 275/11 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

**C090811/231**

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

**CARRIED**

##### 14.2 Application to the Liquor and Gambling Commissioner for a Restaurant Licence by L & J Bugeja Pty Ltd Trading as Marcellina's Glenelg (Report No: 270/11)

An application has been made by L & J Bugeja Pty Ltd to the Liquor and Gambling Commissioner seeking a Restaurant Licence for premises Marcellina's Pizza Bar and Restaurant located at 686 Anzac Highway, Glenelg.

This application presents an opportunity for Council to support and allow a small community business to further flourish within the City of Holdfast Bay.

The purpose of this report is to seek the Committee's comments prior to advising the Office of the Liquor and Gambling Commissioner of Council's position before a final decision is made on the application.

**C090811/232**

**Councillor Looker moved and Councillor Clancy seconded that Council advises the Office of the Liquor and Gambling Commissioner that it does not object to the application made by L & J Bugeja Pty Ltd obtaining a restaurant license for premises 686 Anzac Highway, Glenelg subject to the following conditions:-**

1. **That the hours of the restaurant license be in accordance with the hours proposed in the details submitted by the applicant, that being:**
  - Monday to Thursday** between the hours of 4:00pm and 1:00am the following day.
  - Friday and Saturday** between the hours of 12:00pm and 2:00am the following day.
  - Sunday** between the hours of 12:00pm and 11:00pm.
2. **That alcohol is to be sold ONLY for consumption on the premises ancillary to a meal and not as part of a take away meal.**
3. **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.**

**CARRIED**

14.3 Alwyndor Aged Care – Strategic Plan (2011-2014) (Report No: 276/11)

The Management Committee of Alwyndor Aged Care has adopted its three year rolling Strategic Plan, for the period 2011 to 2014. The Alwyndor Aged Care Strategic Plan is presented for Council's information. The new Strategic Plan reflects Alwyndor's expected focus on the approved major capital redevelopment project for this planning cycle, with little operational change forecast during this period, as significant resources are committed to the management of major physical improvements to the Alwyndor facility.

**C090811/233**

**Councillor Clancy moved and Councillor Lonie seconded that Council endorses of the Alwyndor Aged Care Strategic Plan for 2011 - 2014.**

**CARRIED**

14.4 Funding for the 2014 Australian Surf Life Saving Championships (Report No: 277/11)

Surf Life Saving South Australia Inc is seeking in principle commitment for the City of Holdfast Bay to provide cash and in-kind support to conduct the 2014 Australian Surf Life Saving Championships in Adelaide in late March/early April of 2014.

Surf Life Saving South Australia has approached the City of Holdfast Bay, the City of Onkaparinga and Adelaide City Council to support the event.

The event attracts around 7,500 competitors and officials and is one of the largest sporting events in the world.

Surf Life Saving South Australia is looking for in-kind support for this event as well as \$275,000 in cash, which will be provided between three Council areas.

**C090811/234**

**Councillor Patterson moved and Councillor Patton seconded:**

1. **That Council provides in principle support to the proposal for the 2014 Australian Surf Life Saving Championships subject to the provision, assessment and agreement of further details.**
2. **That the Chief Executive Officer be authorised to negotiate Council's contribution of up to \$30,000 in cash plus up to \$30,000 in in-kind support.**

**CARRIED**

14.5 25 Moseley Street, Glenelg – Revocation of Community Land Status  
(Report No: 272/11)

Following Council's recent resolution to dispose of the property at 25 Moseley Street, Glenelg (the former Trinity Church) there is now an obligation on Council to undertake a Public Consultation process outlining the reasons for the proposed sale of the property which will then require the Minister for Local Government relations to agree to a revocation of the Community Land status prior to the sale and disposal of the land.

**C090811/235**

**Councillor Looker moved and Councillor Lonie seconded that the Council recommends that Administration undertake the necessary public consultation process in order to seek endorsement from the Minister for Local Government relations to have the property revoked from Community Land status prior to sale and disposal of the land.**

**CARRIED**

A division was called.

For	Against
R M Bouchée	L R Fisk
R A Clancy	
K M Donaldson	
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**

## **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** Nil

**17. Items in Confidence**

**C090811/236****Councillor Bouchee moved and Councillor Lonie seconded**

- 1. That council moves consideration of the Confidential Report No: 279/11 to the Community and Visitors 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: 279/11 Council delegates the Community and Visitors Committee with the power to make a decision in the matters canvassed by the report.**

**CARRIED****18. Closure**

The Meeting closed at 8:45pm.

**CONFIRMED      Tuesday 23 August 2011****MAYOR**