

## 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 11 October 2011 at 7:03pm.**

### **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	R C Patton
Councillor	A P Roe
Chief Executive Officer	J P Lynch
General Manager Alwyndor Aged Care	G Potter
General Manager City Assets	S G Hodge
Acting General Manager City Services	P E Aukett
Acting General Manager Corporate Services	C M Bates

### **1. Opening**

His Worship the Mayor declared the meeting open at 7:03pm.

### **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 L J Yates  
Councillor S C Patterson

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**

C111011/291

**Councillor Clancy moved and Councillor Huckstepp seconded that the minutes of the Ordinary Meeting of Council held on 27 September 2011 be taken as read and confirmed.**

**CARRIED****8. Questions by Members**

8.1 Without Notice

8.1.1 Sale of Alcohol at the Broadway Hotel

Councillor Fisk asked a question regarding the sale of cheaper alcohol at the Broadway Hotel attracting younger clients. Councillor Fisk suggested the instalment of a CCTV.

**The Chief Executive Officer, Mr J Lynch provided a response and recognised Councillor Fisks' concerns.**

8.1.2 Licensing Concerns

Councillor Bouchee requested Administration investigate licensing concerns at the Broadway further.

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

8.1.3 Wave Ride

Councillor Looker asked a question as to whether there were any updates on the Wave Ride.

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

8.1.3 Major Reports

Councillor Bouchée asked if a spreadsheet of major Council reports can be presented to Elected Members within the next few months

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

8.2 With Notice Nil

## 9. Member's Activity Reports

Councillor Looker attended a leadership program, Youth Opportunities, highlighting a gap in our area. Councillor Looker will look into this program further for future opportunities.

Councillor Looker and Councillor Donaldson attended the Holdfast Bay Community Centre Annual General Meeting.

Councillor Bouchée attended the meeting of Western Regional Waste Management – update provided.

Councillor Bouchée attended the Annual General Meeting and function for the Glenelg Brass Band. She provided an update and thanked staff for the working relationship

## 10. Public Presentations

### 10.1 Petitions

#### 10.1.1 Personal Trainers Permit Policy

A petition has been received from 113 citizens of South Australia regarding the proposed permit system for personal trainers.

The petition states as follows:

*“The City of Holdfast Bay are proposing to ban Personal Trainers, fitness and sporting groups from exercising at public parks or pay significant fees, bonds and have permits only to participate in fitness activities within curfew hours.”*

Attached for the information of Elected Members are the first two pages of the petition. Administration has verified that the number of signatures attached is 113.

C111011/292

**Councillor Clancy moved and Councillor Bouchee seconded that**

- 1. The petition be received by Council.**
- 2. That the petition be included in Council's consideration with Report No: 344/11.**
- 3. That the petitioner be advised of Council's decision.**

**CARRIED**

**Acting General Manager City Services, Ms T Aukett provided comment.**

**A community consultation process was undertaken, aimed at testing community support on the draft policy and permit systems for personal training activities held in the City of Holdfast Bay's parks and reserves.**

**Community consultation is only one element for in the process for decision making. 2 petitions were received in response to the consultation, both opposed to the proposal.**

**However, it must be noted that the wording of both petitions is misleading, stating objections to conditions and proposals which have not been included within the City of Holdfast Bay draft documents.**

#### 10.1.2 Personal Trainers Permit System

A petition has been received from 98 citizens of South Australia regarding the proposed permit system for personal trainers.

The petition states as follows:

*“With regard to recent publications suggesting that the City of Holdfast Bay Council are proposing the enforcement of permit systems upon group exercise trainers, of which may involve fees and conditions applicable to exercise training groups;*

*We, the undersigned, are OPPOSED to the following:*

- *Banning exercise before 6.30am*
- *Banning of boxing and martial arts type training sessions*
- *Banning participant limitations to size of the groups*
- *Banning running in groups*
- *Enforcing fees upon trainers for use of public/community areas.*

*The following petitioners ask the City of Holdfast Bay to please reconsider placing bans and conditions on trainers and their exercise groups/participants. We call on the Council to encourage participation in physical activity, promoting good mental and physical health via the unconditional use of public facilities for exercise groups; and action which enhances community participation and brings visitors into the area, which benefits local businesses.”*

Attached for the information of Elected Members are the first two pages of the petition. Administration has verified that the number of signatures attached is 113.

**C111011/293**

**Councillor Lonie moved and Councillor Fisk seconded**

- 1. That the petition be received by Council.**
- 2. That the petition be included in Council’s considerations with Report No: 344/11.**
- 3. That the petitioner be advised of Council’s decision.**

**CARRIED**

**Acting General Manager City Services, Ms T Aukett provided comment.**

**A community consultation process was undertaken, aimed at testing community support on the draft policy and permit systems for personal training activities held in the City of Holdfast Bay’s parks and reserves.**

**Community consultation is only one element for in the process for decision making. 2 petitions were received in response to the consultation, both opposed to the proposal.**

**However, it must be noted that the wording of both petitions is misleading, stating objections to conditions and proposals which have not been included within the City of Holdfast Bay draft documents.**

10.2 Presentations Nil

10.3 Deputations Nil

## **11. Motions on Notice**

11.1 H Class Tramcar No: 361

In accordance with her notice:

**C111011/294**

**Councillor Lonie moved and Councillor Roe seconded that Council rescinds decision no: C120711/208 and that**

- 1. Subject to positive community feedback, approves a budget of \$65,000 from the 2011/12 budget, to construct an appropriate shelter on Wigley Reserve and to return the H Class Tramcar No. 361 to Glenelg within the next six months.**
- 2. The 2011/12 budget be adjusted at the first quarter review to accommodate this amount.**
- 3. Seek advice on the best method of covering the tram and its structure.**

**CARRIED**

Councillor Bouchée called for a Division

Voted For

Voted Against

A K Rollond

T D Looker

R A Clancy

K M Donaldson

R M Bouchée

P W Dixon

L R Fisk

J D Huckstepp

S C Lonie

R C Patton

A P Roe

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

11.2 Somerton Park Light Industrial Precinct Strategy

In accordance with her notice:

**C111011/295**

**Councillor Clancy moved and Councillor Huckstepp seconded that Council review the 2004 Somerton Park Light Industrial Precinct Strategy and Framework to bring it up to date and create a list of prioritised and costed actions that can be included on a rolling basis from the 2012/13 Budget.**

**CARRIED**

### **Background**

Council increased the rates for this area in 2004 and businesses in the area were assured that the plan to improve the area would be implemented.

### 11.3 Chairpersons of Council Standing Committees

In accordance with her notice, Councillor Clancy moved:

C111011/296

**Councillor Clancy moved and Councillor Bouchée seconded that Council Standing Committees (Community and Visitors, Assets and Environment and Strategy and Planning) no longer have Chairpersons of the meeting other than the Mayor effective from the first meeting in November 2011.**

**CARRIED**

### **Background**

I believe that it is time to remove Chairpersons and that the role of chairing remains with the Mayor.

### **12. Adjourned Matters** Nil

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

#### 13.1 Minutes – Alwyndor Management Committee (Report No: 347/11)

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 September 2011 are provided for information.

C111011/297

**Councillor Clancy moved and Councillor Lonie seconded that the Minutes of the Alwyndor Aged Care Management Committee for September 2011 be received by Council.**

**CARRIED**

#### 13.2 Minutes – Development Assessment Panel (Report No: 348/11)

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 meeting held 28 September 2011 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.

**C111011/298**

**Councillor Looker moved and Councillor Huckstepp seconded that the minutes of the Development Assessment Panel meeting held on 28 September 2011 be received.**

**CARRIED**

13.3 Minutes – Western Region Waste Management Authority Ordinary Board Meeting (Report No: 349/11)

The Western Region Waste Management Authority (WRWMA) is a regional subsidiary under Section 43 the Local Government Act 1999 by the Constituent Councils (Cities of Charles Sturt, West Torrens, Port Adelaide Enfield and Holdfast Bay).

Western Region Waste Management Authority was established to:

- Manage the joint interests of the Constituent Councils in relation to the Garden island landfill site;
- Undertake all manner of things relating to and incidental to the management function of the Authority;
- Provide a forum for the discussion and consideration of issues related to the joint obligations and responsibilities of the Constituent Councils in respect of the Garden Island landfill site.

The minutes of the Western Region Waste Management Authority Ordinary Board Meeting held 22 September 2011, are attached and submitted to Council for information.

**C111011/299**

**Councillor Clancy moved and Councillor Looker seconded that the minutes of the Western Region Waste Management Authority Board Meeting held 22 September 2011 be received and noted.**

**CARRIED**

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

14.1 Personal Trainers Permit Policy (Report No: 344/11)

The purpose of this report is to provide information to Elected Members on the development of a policy and permit system for personal training activities within the City of Holdfast Bay.

The City of Holdfast Bay plays a key role in providing recreational opportunities and supporting infrastructure on public land that encourages physical activity among the community. As it becomes more common for Council's parks and reserves to be used by commercial fitness trainers Council has an obligation to ensure that these activities occur without affecting the amenity and use of parks and reserves by other members of the public. This report provides information on the research, feedback and principles which have been used to develop a draft policy and permit system aimed at supporting the use of Council's parks and reserves by personal trainers at the same time as protecting the needs of other park users.

C111011/300

**Councillor Clancy moved and Councillor Patton seconded:**

1. **That Council endorse the draft Personal Training Policy and Permit System, enclosed as part of this report.**
2. **That subject to Council's endorsement, the Personal Training Policy and Permit System be implemented and take effect from 1 January 2012.**
3. **Seats and tables not to be used by trainers and participants.**
4. **The permit system aim to be revenue neutral.**

**CARRIED**

14.2 2012 Australia Day – Angus Neil Reserve Dry Zone (Report No: 350/11)

Over recent years Angus Neil Reserve, located on the Esplanade at Seacliff, has been a destination for party revellers in their celebrations on Australia Day. The aftermath of these celebrations have in the past left copious amounts of waste [to be cleaned at Council's expense] (including general rubbish, lounge suits, tables, tents etc), property damage within the Reserve and the adjacent streets, as well as being the scene of multiple fights and police arrests.

The incidences occurring within this reserve have grown to a point where it is now deemed necessary for Council to take action ensuring the interests and safety of the community are maintained.

As part of the 2011 Dry Zone evaluation reports [submitted to Council 23 August 2011] Recommendation 3 (Carried Resolution No.: C230811/251) proposed that Council apply to the Office of the Liquor and Gambling Commissioner for this Reserve to be included into Short-Term Dry Zone legislation for future Australia Days.

The purpose of this report is to inform Council as to the specifics of the pending Dry Zone application and to seek Council's endorsement prior to formally submitting an application to the OLGC.

C111011/301

**Councillor Huckstepp moved and Councillor Roe seconded that Council endorses this report and the supporting documents in the proposed application to the Office of the Liquor and Gambling Commissioner for Angus Neil Reserve to be implemented in to Short-Term Dry Area legislation.****CARRIED**

14.3 Replacement Light Tower – Bowker Reserve (Report No: 351/11)

The Southern Districts Junior Soccer Association and Southern Districts Little Athletics Association have written to Council seeking to replace one of the light towers at the Bowker Reserve complex. Under the terms of the licence agreement Council's consent as lessee must be sought.

C111011/302

**Councillor Clancy moved and Councillor Lonie seconded that Council, in its capacity as landowner, provides its consent to the Southern Districts Junior Soccer Association to replace an existing light tower with a new layover type (swing down) tower 18 metres in height or thereabouts,**

subject to any necessary Development Act consents, and on the provision that:

- a. the Club be responsible for all insurance, indemnities, maintenance and repair costs associated with the lights/towers and associated infrastructure;
- b. the Club be required to remove the tower and make good at the expiry of the lease term, if so required by Council;
- c. contractors/persons undertaking the works must be able to satisfy Council's contracting policies, procedures and guidelines;
- d. the Club and/or their contractors provide copies of the final building plans, indicating where any buried infrastructure lies and copies of any applicable manuals
- e. that (a) Certificate of Compliance document(s) in relation to the works (to be) undertaken be provided to Council once the works have been completed

**CARRIED**

#### 14.4 Items in Brief (Report No: 359/11)

Report No: 359/11 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

**C111011/303**

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

**CARRIED**

#### 14.5 Brighton Sports and Social Club Grant Application (Report No: 360/11)

The Brighton Sports & Social Club has written to Council seeking in principle consent from Council for a number of new initiatives it proposes. The initiatives are contingent upon the receipt of grant funding from the Office of Recreation and Sport.

**C111011/304**

**Councillor Dixon moved and Councillor Clancy seconded that Council receives the late item.**

**CARRIED**

**C111011/305**

**Councillor Clancy moved and Councillor Lonie seconded that Council advises Brighton Sports & Social Club that it provides its in principle consent, as landowner, to the Club's proposal to undertake further upgrades to the facility conditional upon:**

- (a) The grant of any necessary development consent(s) related to the proposal;
- (b) Licensed tradespersons undertaking all works associated with the proposal;
- (c) Those tradespersons complying with Council's OHS&W policies;
- (d) Council being provided with Copies of any Certificate(s) of Compliance in regard to the works undertaken;
- (e) Council being provided with details of any underground services/infrastructure (including location plans) associated with the proposal;

- (f) The Club demonstrating that it has adequate financial resources to complete the proposed works to Council's satisfaction;
- (g) The Club being responsible for ongoing maintenance of infrastructure associated with the proposal;
- (h) The Club being responsible for any damage which may arise to the property resulting from the undertaking of any works associated with the proposal; and
- (i) The Club advising Council of its project timeline to ensure that any proposed works can be coordinated with any works which may be proposed to be undertaken by Council.

**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 Nil**

**18. Closure**

The Meeting closed at 7:47

**CONFIRMED Tuesday 25 October 2011**

**MAYOR**