

## 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 17 February 2012 at 7:04pm.**

### 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	L J Yates
Chief Executive Officer	J P Lynch
General Manager City Assets	S Hodge
General Manager City Services	R Cooper
General Manager Corporate Services	I S Walker

### 1. Opening

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

### 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 A P Roe  
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**

C170112/378

**Councillor Lonie moved and Councillor Huckstepp seconded that the minutes of the Ordinary Meeting of Council held on 13 December 2011 be taken as read and confirmed.**

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

- 8.1 Without Notice  
8.1.1 Proclamation Day

Councillor Bouchée asked a question regarding the availability of a BBQ on Proclamation Day.

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

- 8.1.2 Partridge Street Properties

Councillor Bouchée asked a question regarding the premises used by Drug Arm.

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

- 8.2 With Notice

- 8.2.1 Costs for Proclamation Day Celebrations 2010 and 2011

In accordance with her notice, Councillor Bouchée asked the following question:

**Could the CEO please provide Council Members with a detailed breakdown of the costs for Proclamation Day 2010 and 2011.**

**Background**

This information will be required for Budget discussions. This was an event which was larger due to the 175<sup>th</sup> anniversary...so a costing of the 2010 event will need to be advised for comparison.

**The General Manager City Services, Ms R Cooper's answer.**

The answer to this question will be presented in the 14 February 2012 Agenda as not all of the final invoices for the 2011 celebrations have been received.

**9. Member's Activity Reports**

### 9.1 Neighbourhood Watch

Councillor Looker reported that he had attended a Neighbourhood Watch meeting held on 16 January 2012 at Partridge House.

### 9.2 Neighbourhood Watch

Councillor Bouchée reported that she was now on the committee of Neighbourhood Watch.

## 10. Public Presentations

10.1	Petitions	Nil
10.2	Presentations	Nil
10.3	Deputations	Nil

## 11. Motions on Notice

### 11.1 Swimming Pontoon

In accordance with his notice:

**Councillor Looker moved and Councillor Fisk seconded that the Chief Executive Officer seeks an opinion from the Mutual Liability Scheme as to risks involved in Council placing a swimming pontoon off Glenelg beach and report to Council.**

**LOST**

A division was called.

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

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

### Background

Swimming pontoons have been part of the history of Glenelg Beach and provide a free, fun addition to swimming. For many years a number of country coastal communities have provided swimming pontoons as attractions for visitors to enjoy. Just recently the District Council of Robe matched their local Lions club fundraiser and a second pontoon will be installed at Robe town beach for a total cost of \$5000. When asked about liability the Chief Executive Officer of The District Council of Robe said "I consulted our Mutual Liability Scheme Regional Risk Advisor before we purchased the new pontoon and was advised that there were no problems with Council providing a pontoon."

Before pursuing this idea further it is appropriate for the City of Holdfast Bay to obtain its own opinion from the Mutual Liability Scheme.

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

In accordance with the intent of the motion Council has sought comment from the Mutual Liability Scheme and the advice is provided below:

*"Council continues to investigate recreational options on the water and in this particular case a pontoon infrastructure.*

*Discussed at our meeting with the General Manager City Assets and Corporate Risk and Property Officer:*

- *Council does not currently have this type of infrastructure in place*
- *Council is aware that it may not be the controlling authority for various parts of offshore water areas which are vested in the Minister for Marine and Harbors or the Minister for Transport*
- *Council at this stage has not liaised with relevant agencies/authorities*
- *Council is considering its liability and general risk management exposures*

*The installation of any infrastructure must be in accordance with best practice, but more importantly within the required resource and risk management capacity of Council.*

*As a public authority Council has responsibilities for the general safety of its own employees as well as the public.*

*To ensure a reasonable duty of care a pontoon infrastructure must be placed in an appropriate location and managed and maintained according to the environment in which it resides.*

*We have undertaken some initial investigation regarding the pontoons that other Councils have introduced. One particular Council has advised that the pontoon is placed in a "Bay Area" and is fastened using contractor divers on a seasonal basis, a maintenance program is then applied.*

*Having also undertaken some research on pontoons generally, information describes the best location to be in an area of little or no wave action.*

*From a risk management perspective Council should:*

1. *Investigate its resource capabilities to engage such an activity Both from an installation and ongoing periodical and emergency maintenance perspectives*
2. *Review locations and consult with applicable State Government agencies*
3. *Fully understand resource requirements to manage such a facility (including emergency provisions)*
4. *Focus on strategic fundamentals of your Council*

*Whilst we understand some regional Council do provide this infrastructure, your particular council is in a busy metropolitan environment (open sea) area and therefore presents its own management issues.*

*Whilst the scheme provides civil liability coverage it is essential that any functional service provided by the Council is effectively risk managed.*

When this matter was previously considered in December 2010, the General Manager City Assets provided the following advice:

Whilst understanding the intent of this motion, a report on the feasibility of Council undertaking the provision of a floating pontoon and associated diving board will be somewhat complex.

Issues that will need to be addressed include:

- Council's ability to develop such a structure in an area that is under the care and control of others.
- The ability to maintain such a structure given difficulty of access, suitable equipment, expertise in this area etc.
- Suitable distance from the low water line to ensure no possible injuries due to shallow water or shifting sand levels (how will people access the pontoon).
- The ability to implement, maintain and police an exclusion zone around the structure to avoid interaction between swimmers and sea craft.
- The ability to be able to adequately secure (anchor) the structure to be able to sustain all weather conditions.
- The ability to be able to mitigate or indemnify Council against all public liability issues arising from the structure itself and the public who may utilise it.

#### 11.2 Moseley Street/Pier Street, Glenelg Flooding

In accordance with her notice:

**C170112/379**

**Councillor Bouchée moved and Councillor Patterson seconded that the CEO initiates an investigation into the following:**

- **Source/s of problems causing the frequent flooding of Moseley/Pier Street precinct**
- **Identifying the cumulative impacts of other sites associated with this storm water line**
- **Identifying most effective remedy**
- **Identifying the cost of implementation of remediation**
- **Identifying possible timeframes for completed work**
- **Identifying possible Grants Federal/State to assist with the cost of investigation/cost of work**
- **The need to revisit the Development Plan for future DA's to nominate a height for property foundations to be a nominal 400mm above kerb height**
- **Future Development Plans to ensure a strict regime of a percentage of open space without storm water runoff (i.e. permeable surfaces)**
- **The Development Plan to ensure the need to retain all or a major percentage of storm water within the property boundaries to mitigate the amount of private property Storm water deposited in Councils already overloaded storm water network.**

**CARRIED**

#### **Background**

This is an ongoing problem and will only be exacerbated by increased development in and around our City.

There are several hot spots that have been identified i.e. Melton Street, Glenelg East.

This work should set up a strategy to develop a plan to remedy the problems and also allow Council to program these major works into our Budget

**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: 05/12)

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 5 December 2011.

**C170112/380**

**Councillor Lonie moved and Councillor Huckstepp seconded that information report of the Southern Region Waste Resource Authority for its meeting held 5 December 2011 be received and noted.**

**CARRIED**

13.2 Minutes – Environmental Advisory Committee (Report No: 17/12)

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 12 December 2011 are attached and presented for Councils’ information.

**C170112/381**

**Councillor Lonie moved and Councillor Yates seconded that the following minutes of the Environmental Advisory Committee held 12 December 2011 be received and the following recommendations numbered 1 - 3 be endorsed.**

*6.1 Items in Brief (Report No: 456/11)*

**1. That the Item in Brief report be noted.**

*6.2 Green Living Program – Endorsement of community Grants (Report No: 457/11)*

**2. That:**

**1. the report be received.**

2. the eight listed applications to the Greening Our Community Grants be endorsed.
3. there is an ongoing monitoring program regarding the success of the granted endeavours.

6.3 *Review of Sustainable Futures Directions Plan (Report No: 458/11)*

3. **That:**
  1. the report be received.
  2. ideas developed by the Environment Advisory Committee on the topics of Waste, Biodiversity and Coastal Management be further develop by staff when drafting the new Sustainable Futures Directions Plan.

**CARRIED**

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

##### 14.1 Items in Brief (Report No: 01/12)

Report No: 01/12 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

**C170112/382**

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

**CARRIED**

##### 14.2 Review of Southern Region Waste Resource Authority Charter (Report No: 04/12)

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*.

SRWRA has undertaken a review of its Charter and seeks the approval of the constituent councils to make amendments to its Charter.

**C170112/383**

**Councillor Huckstepp moved and Councillor Lonie seconded that Council approves the proposed amendments to the Charter for Southern Region Waste Resource Authority as contained in Attachment 1 to Report No: 04/12.**

**CARRIED**

##### 14.3 25 Moseley Street, Glenelg – Revocation of Community Land Status (Report No: 06/12)

To allow the disposal of 25 Moseley Street, Glenelg to proceed, Council sought and has now received the approval of the Minister for State/Local Government Relations to revoke the community land classification. The final stage of the revocation process is for Council to make a resolution revoking the community land classification.

**C170112/384**

**Councillor Clancy moved and Councillor Looker seconded that the Council, pursuant to subsection 194(3)(b) of the Local Government Act 1999, revoke the community land**

**classification for the land situated at 25 Moseley Street, Glenelg being the whole of the land described in the Certificate of Title Volume 5831 Folio 810.**

**CARRIED**

A division was called.

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

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

14.4 2012/13 Annual Business Planning Timelines (Report No: 07/12)

The planning cycle to develop and adopt the 2012/13 Annual Business Plan and Budget will commence shortly. It will include the directions established in the "Our Place" Community Plan (presently under development) and will be aligned to the reviewed Asset Management Plans and Long Term Financial Plan. The proposed timetable ensures that Council will be in the position to adopt its business plan and declare its rates for 2012/13 by 30 June 2012, whilst providing Elected Members with full opportunity to consider and provide direction throughout the process.

**C170112/385**

**Councillor Bouchee moved and Councillor Lonie seconded that the Council receive the updated Report No: 07/12.**

**CARRIED**

**C170112/386**

**Councillor Bouchee moved and Councillor Yates seconded that the Council endorse the timetable contained in Report No: 07/12 as updated, for the development of the 2012/13 Annual Business Plan and Budget.**

**CARRIED**

14.5 Glenelg Historical Society – Tenant at Will – 7 Partridge Street, Glenelg  
(Report No: 09/12)

The Glenelg Historical Society has written to Council seeking to occupy the premises formerly occupied by Drug Arm (7 Partridge Street, Glenelg) on a tenant at will basis.

**Councillor Lonie moved and Councillor Patton seconded:**

- 1. That Council advise the Glenelg Historical Society that it may occupy the premises at 7 Partridge St Glenelg (formerly occupied by Drug Arm) on a monthly tenancy at will basis until the premises are required by Council for an alternate purpose.**
- 2. The Glenelg Historical Society be required to provide written indication of its acceptance of the terms and conditions upon which the offer of monthly tenancy at will is made.**



**C170112/387**

**Councillor Looker moved and Councillor Bouchée seconded that the report be adjourned until a further report is prepared on the possible future uses for use of the property including youth services, community services including HACC, commercial tenancy or sale.**

**CARRIED**

14.6 Funding Awareness Raising and Constitutional Change Campaign (Report No: 16/12)

The Local Government Association of SA has written to the Mayor and Chief Executive Officer, seeking Council's support of funding towards an awareness raising campaign contributing to the National "Vote Yes" campaign for a constitutional referendum, should it proceed.

**C170112/388**

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

- 1. Approves the allocation of funds as proposed by the Local Government Association for 2011/12 being \$4,060.**
- 2. Reviews its financial contribution in subsequent financial years as part of its annual business planning and budget development process.**
- 3. Notes that any funding allocated to the Australian Local Government Association campaign, which is not spent, will be returned to Council.**

**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**

**17. Items in Confidence** Nil

**18. Closure**

The Meeting closed at 8.13pm.

**CONFIRMED****Tuesday 14 February 2011****MAYOR**