

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 26 November 2013 at 7:00pm.

MEMBERS PRESENT

His Worship the Mayor, AK Rollond
Deputy Mayor, RA Clancy
Councillor RM Bouchée
Councillor PW Dixon
Councillor KM Donaldson
Councillor LR Fisk
Councillor JD Huckstepp
Councillor SC Lonie
Councillor TD Looker
Councillor S Patterson
Councillor RC Patton
Councillor AP Roe
Councillor LJ Yates

STAFF IN ATTENDANCE

Chief Executive Officer - JP Lynch
General Manager City Assets - SG Hodge
General Manager City Services - RA Cooper
General Manager Corporate Services - IS Walker

1. OPENING

His Worship the Mayor declared the meeting open at 7.00pm.

2. KAURNA ACKNOWLEDGEMENT

With the opening of the meeting His Worship the Mayor stated:
We acknowledge Kaurna people as the traditional owners and custodians of this land.

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

3. PRAYER

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

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

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

4. APOLOGIES

- 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**Motion****C261113/1069**

That the minutes of the Ordinary Meeting of Council held on 12 November 2013 be taken as read and confirmed.

Moved by Councillor Lonie, Seconded by Councillor Huckstepp

Carried**8. QUESTIONS BY MEMBERS****8.1 Without Notice****8.1.1 Questions from Last Meeting– Mayor Rollond**

His Worship the Mayor asked when the answers to his questions taken on notice at the last meeting will be answered?

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

8.2 With Notice**8.2.1 Question on Notice – Survival Rates for New Tree Plantings – Councillor Yates (Report No: 390/13)**

Councillor Yates asked the following question:

“I would like to know the numbers and survival rates for new tree plantings with separate information for reserves and street trees over the last few years, if available.”

Background

I was talking to Anthony Ford after a resident queried if her new tree was being watered. I gather the water truck takes 9 days to water the whole new plantings on a revolving basis. Anthony said they have collected info on survival rates and I am concerned whether the maintenance of the

trees planted is adequate as many young (and not so young!) trees look very dry and stressed. There is no point planting more trees if we cannot keep them alive during the increasingly long and hot summers. I am not sure if statistics exist for reserve and street trees separately but it would be interesting to see how much lower survival rates are in the street where trees get little rain to their roots due to the paving surrounding them, not to mention other stressors like extra heat and traffic fumes.

Answer

At the time of printing, the answer to this question was not available and will be presented at the next meeting of Council.

8.2.2 Question on Notice – Increased Problems with Cyclists on the Coast Park – Councillor Looker (Report No: 400/13)

His Worship the Mayor considers that the question is improper, insulting and vague and ruled that the question will not be answered.

Point of Order

Councillor Looker called a Point of Order regarding the need to provide the chamber accurate information in debate.

His Worship the Mayor did not determine the point of order.

8.2.3 Question on Notice – Speeding Cyclists on the Coast Park – Councillor Looker (Report No: 401/13)

Councillor Looker asked the following question:

“Following sensational media coverage of an alleged problem with speeding cyclists on the coast park and subsequent outrage by cycling and health groups can administration advise if the problem of speeding cyclists has escalated in recent times or remains at rate of the occasional incident attracting few recent complaints.”

Answer – Acting General Manager City Assets

There are more than 400km of popular sealed shared use paths across metro Adelaide, including the River Torrens Linear Park, Coast Park paths and new sections of Greenway paths along railway corridors.

In the past few years we have received the following number of written complaints regarding cyclist behavior.

2011 – eleven

2012 – six
2013 so far 11

These concerns have been received predominantly in the October to March warmer months and their focus is summarized below.

Complaint: Cyclists not dismounting in Moseley Square.

Response: Council has ensured the applicable Cyclists Dismount signage is in place at all entry points to Moseley Square and requested police enforcement.

Complaint: Cyclists speeding on Coast Park including Jimmy Melrose.

Response: Ensured shared path signage and pavement markings are installed according to applicable Australian Standards and requested police enforcement of cyclist behavior.

Complaint: Cyclists riding on footpaths in general.

Response: Requested police enforcement and directed complainants to report behavior to SAPOL regarding locations and circumstances.

Cyclists riding on footpaths, specifically on Jetty Road adjacent Moseley Square and on the Patawalonga Lock.

Response: Requested police enforcement and installed “Walk Your Bike” stencil on associated footpaths.

For your reference, according to South Australian legislation:

- The default speed-limit applies to shared paths, i.e. in built-up areas it will be 50 km/h. No signs need be present for the speed-limit to apply. The reported 10km/h is not a legislated speed limit and therefore not enforceable.
- Cyclists (over the age of 12) are not permitted to ride on footpaths.

When riding on shared paths cyclists must:

- Exercise due care and consideration for pedestrians and other users;
- Keep to the left of the path unless it is impractical to do so;
- Give way to any pedestrians.

SAPOL have the jurisdiction to enforce the above.

9. MEMBER’S ACTIVITY REPORTS

- 9.1 **Councillor Yates – Report on the Murray Darling Association Conference** (Report No: 394/12)

Motion**C261113/1070****That the report be received and noted.**

Moved Councillor Lonie, Seconded Councillor Yates

Carried

- 9.2 **Councillor Looker – Report on the Integrated Transport & Land Use Plan Briefing 18 November 2013** (Report No: 402/13)

Motion**C261113/1071****That the report be received and noted.**

Moved Councillor Dixon, Seconded Councillor Huckstepp

Carried

- 9.3 **Glenelg Christmas Pageant – Councillor Donaldson**

Councillor Donaldson reported that she had attended the Glenelg Christmas Pageant.

- 9.4 **Holdfast Bay Community Centre Board Meeting**

Councillor Donaldson reported that she and Councillor Looker had attended a Holdfast Bay Community Centre Board Meeting.

- 9.4 **2013/14 Launch of Vacswim Program**

Councillor Patton reported that he and the Mayor had attended launch of the Vacswim program.

10. PUBLIC PRESENTATIONS**10.1 Petitions**

- 10.1.1 **Petition – Prohibit Roundup Herbicide Use in Holdfast Bay Council Area** (Report No: 395/13)

A petition has been received from 43 residents.

The petition states as follows:

“We, the undersigned residents in the Holdfast Bay Council area, ask our town councillors to:

1. *review council’s duty of care to prevent adverse impacts of synthetic chemical use on workers and residents;*
2. *revise council policy on the spraying of Roundup (glyphosate) weedkiller and other chemicals in all public places;*

3. *phase out Roundup use by 30/6/14 in light of the evidence of its toxicity to workers, public health and the environment;*
4. *manage weeds by non-chemical means: eg weed steamers as used in Sydney & Perth <http://weedsteamers.com.au/>”*

Administration Comment

Accompanying this petition was a further five pages which did not meet the requirements of the Council’s Code of Practice for Access to Meetings and Documents and has not been included with this petition. It contained 62 signatures which contained names, location and date. This petition called for Council to “*Petition to Prohibit Roundup Herbicide Use in the Holdfast Bay Council Area*”.

Motion

C261113/1072

That the petition be received by Council.

Moved Councillor Bouchee, Seconded Councillor Looker

Carried

10.2 Presentation

10.2.1 Reg Sprigg’s Diving Chamber

Dr Richard Harris from the Hyperbaric Medicine Unit at the Royal Adelaide Hospital made a presentation to Council for 15 minutes, regarding the Reg Sprigg Diving Chamber, its history, restoration and where it will be located when restored.

10.3 Deputations

10.3.1 Puspa Mala – Chola South Indian Restaurant

Ms Puspa Mala made a five minute deputation regarding the Chola South Indian Restaurant.

11. MOTIONS ON NOTICE

11.1 Motion on Notice – Chola South Indian Restaurant Pty Ltd – Bank Guarantee for Assignment of the Lease – Councillor Roe (Report No: 398/13)

Background

At last week’s meeting, Council resolved to consent to the assignment of the lease by Chola South Indian Restaurant subject to three conditions:

1. That the outstanding debt be paid in full
2. That the new tenants pay rent monthly in advance
3. That the new tenant provide a bank guarantee for the amount of \$40,000.

I am advised that Council's decision was conveyed to the tenant who has advised that the third condition (ie a bank guarantee for \$40,000) is unable to be accepted by the proposed assignee. On further discussions, it is understood the tenant and proposed assignee will agree to a bank guarantee for \$20,000, representing 3 months' rent and outgoings.

In the absence of an amendment to the previous resolution, the proposed sale is unlikely to proceed and the current tenants will be in default, unable to pay the outstanding rent of around \$21,000. Council would then need to enforce the personal guarantee provided by the previous tenant which may be resisted.

Consenting to a lesser bank guarantee will recover the \$21,000 currently outstanding and provides Council up to \$20,000 if the proposed tenant defaults.

Motion

C261113/1073

That Council amend Resolution C121113/1065 by changing the amount of the bank guarantee included in the second condition from \$40,000 to \$20,000.

If amended, the resolution would be as follows:

"That Council grants consent to the assignment of the lease from Chola South Indian Restaurant Pty Ltd to EZRA Australia subject to the following conditions being satisfied on or prior to settlement:

- 1. All amounts outstanding are fully paid; and***
- 2. EZRA Australia providing Council a bank guarantee from an acceptable bank for the amount of \$20,000 to secure its financial obligations under the lease.***
- 3. That rent is paid one month in advance."***

Moved Councillor Roe, Seconded Councillor Donaldson

Carried

- 11.2 Motion on Notice – Buffalo Restaurant – Rental – Councillor Looker (Report No: 406/13)

Motion

C261113/1074

That as of close of the Buffalo Restaurant business at the end of December, Council suspend the collection of rent from the current lessee pending decisions on the future of the replica of the site.

Moved Councillor Looker, Seconded Councillor Roe

Carried

- 12. ADJOURNED MATTER - Nil**

- 13. REPORTS OF MANAGEMENT COMMITTEES, SUBSIDIARIES AND THE DEVELOPMENT ASSESSMENT PANEL**

13.1 **Minutes – Development Assessment Panel – 23 October 2013** (Report No: 369/13)

Council's Development Assessment Panel is established under the Development Act 1993.

The minutes of the Development Assessment Panel meeting held 23 October 2013 are presented to Council for information.

Motion

C261113/1075

That the minutes of the Development Assessment Panel meeting held on 23 October 2013 be received.

Moved Councillor Clancy, Seconded Councillor Looker

Carried

13.2 **Information Report – Southern Region Waste Resource Authority** (Report No: 396/13)

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.

Motion

C261113/1076

That the information report of the Southern Region Waste Resource Authority for its meeting held 28 October 2013 be received and noted.

Moved Councillor Yates, Seconded Councillor Huckstepp

Carried

13.3 **Minutes – Alwyndor Management Committee – 19 November 2013** (Report No: 399/13)

The Minutes of the Alwyndor Aged Care Management Committee for 19 November 2013 are provided for information.

Motion

C261113/1077

That the Minutes of the Alwyndor Aged Care Management Committee for 19 November 2013 be noted.

Moved Councillor Clancy, Seconded Councillor Lonie

Carried

14. REPORTS BY OFFICERS

14.1 Items in Brief (Report No: 383/13)

These items are presented for the information of Members.

After noting the report any items of interest can be discussed and, if required, further motions proposed.

Motion**C261113/1078****That the report be noted and items of interest discussed.**

Moved Councillor Looker, Seconded Councillor Lonie

Carried**14.2 Bay Discovery Centre – Special Circumstances Licence Application (Report No: 387/13)**

The Bay Discovery Centre hosts numerous exhibitions, events and functions throughout the course of any given year. Limited liquor licences are frequently obtained for these events to provide minimal and restricted beverage services to guests. Consumer and Business Services have increased the cost of these one-off limited liquor licences and due to growing number of events held each year within the Bay Discovery Centre, the expected costs in hosting events now pose to significantly increase. As such, it has now become more financially viable to seek a permanent Special Circumstances Licence to operate from the BDC.

As such, it is proposed to lodge an application for Special Circumstances Licence to operate in accordance with section 40 of the *Liquor Licensing Act 1997* where the supply of liquor is only to occur at private functions within the premises. The proposed hours in which the licence will operate are to be in accordance with Council's current liquor licensing policy. The proposed hours of operation are:

- i) Monday to Saturday between 8:00am and 12:00 midnight the same day;
- ii) Sunday between 11.00am and 8:00pm the same day.

Due to the sporadic nature of these functions/events and how the licence will operate, as a subsequent aspect of the application, a section 97(2) exemption will be sought. The exemption will authorise the licence to operate without a 'Responsible Person' being present at the premises at all times; and only when events are held.

Motion**C261113/1079****That Council supports the application for Special Circumstances Licence to supply liquor at the Bay Discovery Centre for private functions ONLY, in accordance with section 40 of the *Liquor Licensing Act 1997*, as well as endorsing the section 97(2) exemption based on the following conditions being imposed on the licence:**

1. The hours in which liquor is served/supplied be restricted to:

- i) **Monday to Saturday between 8:00am and 12:00 midnight the same day;**
 - ii) **Sunday between 11.00am and 8:00pm the same day.**
2. **Liquor is to be supplied to persons attending private functions only and no liquor is to be offered for sale to the general public;**
 3. **There will be no promotion of liquor for sale at the licensed premises;**
 4. **That the section 97(2) exemption is granted from the requirements outlined in section 97(1)(a) provided:**
 - a. **the licensing authority be given the right to review the exemption at any time.**

Moved Councillor Looker, Seconded Councillor Bouchee

Carried

14.3 **Somerton Surf Lifesaving Club – Alteration/Variation to Existing Licensed Area Application** (Report No: 386/13)

The Somerton Surf Lifesaving Club (cnr Repton Road and Esplanade, Somerton Park) currently holds a 'Club' category Liquor Licence [No.: 50605006]. The club has approached Council seeking to alter/vary the boundaries of its existing licence red-line area to include an outdoor section adjacent to the boat-store on the western side of the building.

The proposed area will operate on a seasonal basis each year (1 October – 31 March), on Saturday afternoons (only) between the hours of 2:00pm and 6:00pm.

The area will only be accessed by members of the club to offer an alternative while various surf-club related programs and functions are occurring.

The club now seeks landlord consent in order to proceed with the proposed application.

Motion

C261113/1080

That Council advise Consumer and Business Services that it supports the Clubs proposal to alter/vary their licence to include a seasonal outdoor area based on the following:

1. **That the area is only operational between 1 October and 31 March (inclusive) of each year;**
2. **That the operational hours of the area be between 2:00pm and 6:00pm during its seasonal operation ONLY;**

3. That the area is not utilised for the purpose of liquor consumption during any other time(s) of the year;
4. That the area be accessed by members of the club ONLY;
5. That the area is adequately delineated at all times during its use;
6. That the area is not to be utilised or defined as a 'beer-garden' at any time;
7. That the club be responsible and accountable for the monitoring of the responsible consumption of alcohol within this area;
8. That the overall maximum capacity outlined on the licence does not increase;
9. The proposal be subject to a standard trial period of twelve (12) months from the date of the variation grant, which at the end of this period an assessment and review of the amendment will be made;
10. The City of Holdfast Bay, the Commissioner of Police and the licensee are granted liberty to apply to the Liquor and Gambling Commissioner to review the variation of hours and associated conditions prior to the conclusion of the twelve (12) month trial period.

Moved Councillor Lonie, Seconded Councillor Donaldson

Carried

14.4 **Findings of Dog Park Community Engagement** (Report No: 370/13)

In June 2013 Council resolved to develop a dog park at Dulcie Perry Park. Following this, feedback was received from the residents adjacent to the park, who are in strong opposition to the creation of a dog park at this location.

Before continuing further with the project, community engagement was undertaken to gain the views of residents regarding exercising their dogs in the City of Holdfast Bay and ascertaining the demand and community support for a dog park. The results showed very high satisfaction levels of the current spaces and places used for exercising dogs, and minimal community support in the development of a dog park (6 responses only).

Motion

C261113/1081

That Council does not proceed further with a detailed design and costing for a Dog Park at Dulcie Perry Park.

Moved Councillor Donaldson, Seconded Councillor Bouchee

Carried

14.5 **Council and Standing Committee Meeting Schedule 2014** (Report No: 381/13)

Council needs to determine its meeting schedule for the period from 1 January 2014 to the Council Elections which will be held on the second Saturday in November 2014. This allows for other committees and the public to be informed of the schedule to minimize conflicts.

The Local Government Act 1999 requires Council to hold at least one meeting per month. Meeting schedules can be reviewed and amended at any time by the Council.

Informal workshops with Elected Members will continue to be scheduled on the first Tuesday of each month and briefings will be held prior to each Council meeting, as required.

Motion

C261113/1082

1. **That the Council and Standing Committee meeting schedule for January to November 2014 be as follows:**
 - **21 January 2014**
 - **11 February 2014**
 - **25 February 2014**
 - **11 March 2014**
 - **25 March 2014**
 - **8 April 2014**
 - **22 April 2014**
 - **13 May 2014**
 - **27 May 2014**
 - **10 June 2014**
 - **24 June 2014**
 - **8 July 2014**
 - **22 July 2014**
 - **12 August 2014**
 - **26 August 2014**
 - **9 September 014**
 - **23 September 2014**
 - **14 October 2014**
 - **28 October 2014**

2. **That the Council continues to hold a 1.5 hour workshop on the first Tuesday (excluding January) of each month and a 45 minute briefing prior to each Council meeting during 2014, as required.**

Moved Councillor Lonie, Seconded Councillor Huckstepp

Carried

14.6 **Privately Funded Development Plan Amendment Policy** (Report No: 381/13)

Council has been approached in recent times to initiate a number of privately funded Development Plan Amendments (DPAs) to amend the Holdfast Bay (City)

Development Plan. The purpose of this report is to seek Council's endorsement on a formal policy for processing requests for, and entering into arrangements to prepare, privately funded DPAs to investigate amendments to planning policy and zoning.

Motion

C261113/1083

That Council adopts the Privately Funded Development Plan Amendments Policy included at Attachment 1.

Moved Councillor Lonie, Seconded Councillor Looker

Carried

14.7 **Appointment of Deputy Mayor** (Report No: 382/13)

Under Section 51 of the *Local Government Act 1999* the Council may appoint a Deputy Mayor for a term not exceeding four years.

Council has previously made appointments of Deputy Mayor for a term of one year. It is Council's prerogative to choose another term. Council last appointed Councillor Rosemary Clancy as Deputy Mayor for a term of 1 year in October 2012. This position will fall vacant and Council may choose to make a new appointment for a term not exceeding two years being the current life of the Council.

In the absence of the Mayor, the Deputy Mayor may act in the office of Mayor.

Councillors Patterson and Clancy were nominated and a secret ballot was undertaken.

Motion

C261113/1084

That Councillor Patterson be appointed Deputy Mayor for the period from 1 December 2013 to 8 November 2014 (Election Day).

Moved Councillor Lonie, Seconded Councillor Donaldson

Carried

14.8 **Dover Square Tennis Club Inc – Renewal of Lease** (Report No: 384/13)

The Dover Square Tennis Club incorporated has been occupying the premises located at Folkstone Road Brighton South for a number of years, with the existing lease expiring on 31 December 2011.

Subject to the approval of Council, a new lease for a period of five years from 1 January 2012 was offered to and accepted by the Dover Square Tennis Club incorporated.

Motion

C261113/1085

That approval be granted to enter into a new lease with the Dover Square Tennis Club Inc for a term of five years from 1 January 2012 to 31 December 2016 over

portion of the land contained in Certificates of Title Volume 5558 Folio 563 and Volume 5805 Folio 398, as detailed on Attachment 1.

Moved Councillor Huckstepp, Seconded Councillor Yates

Carried

14.9 **Kauri Parade and Barwell Avenue Seacliff – Lions Club of Brighton Inc - Lease**
(Report No: 385/13)

The Lions Club of Brighton Inc has been occupying portion of the premises located on the corner of Kauri Parade and Barwell Avenue Seacliff for a number of years without a formal lease.

Subject to the approval of Council, a new lease for a period of five years from 1 November 2013 was offered to and accepted by the Lions Club of Brighton Inc The Lions Club of Brighton Inc.

Motion

C261113/1086

That approval be granted to enter into a new lease with the Lions Club of Brighton Inc for a term of five years from 1 November 2013 to 31 October 2018 over portion of the land contained allotment 62 in DP54730 in Certificates of Title Volume 5828 Folio 590.

Moved Councillor Roe, Seconded Councillor Yates

Carried

14.10 **Winter Wonderland Funding** (Report No: 388/13)

During the winter period retail trading in Jetty Road, Glenelg and wider Glenelg area decreases significantly. In the past, activities to attract visitors have been concentrated outside of this period. In an effort to encourage residents and visitors to continue to regularly visit Glenelg during the winter period, the Jetty Road Mainstreet Management Committee (JRMMC) is planning a program of activities entitled "Winter Wonderland". The budget for this program is \$150,000. The JRMMC has committed \$75,000 and is seeking a contribution from Council of \$75,000 in the 2014/2015 budget.

Motion

C261113/1087

That Council contribute up to \$75,000 towards the cost of the Winter Wonderland program from the 2014/2015 budget.

Moved Councillor Fisk, Seconded Councillor Patton

Carried

14.11 **Monthly Financial Report – October 2013** (Report No: 391/13)

Attached are financial reports as at 31 October 2013. They comprise a Funds Statement and a Capital Expenditure Report for Council's municipal activities and Alwyndor Aged Care. The municipal funds surplus forecast is affected by the

prepayment in the prior year of the Financial Assistance Grant which contributed to the prior year municipal funds surplus result.

Motion

C261113/1088

That Council receives the financial reports to 31 October 2013 and notes no changes to the 2013/14 budget:

1. Municipal Activities

- a projected operating surplus for 2013/14 of \$18k
- a projected capital expenditure for 2013/14 of \$12.897 million
- a projected funding requirement for 2013/14 of \$1.858 million

2. Alwyndor Aged Care

- a projected operating surplus for 2013/14 of \$612k
- a projected capital expenditure for 2013/14 of \$2.631 million
- a projected funding requirement for 2013/14 of \$1.451 million

Moved Councillor Huckstepp, Seconded Councillor Lonie

Carried

14.12 Heritage and Character Development Plan Amendment (Report No: 393/13)

The Heritage and Character Development Plan amendment (DPA) has been submitted to the Minister for approval following public consultation. The Minister seeks Council's response to his intention to amend the DPA by removing three proposed Local Heritage Places and other minor amendments.

Motion

C261113/1089

That Council advises the Minister that it has considered the alterations the Minister is considering to the Heritage and Character DPA as outlined in Attachment 1 of his letter dated 15 November 2013, and

- (a) notes that the Minister has not provided any rationale for his proposed amendments
- (b) notes and does not object to the recommended alterations to the criteria in relation to 44 The Crescent, Brighton and 13 Gladstone Road, North Brighton and the variation to the extent of the listing for 9 Weewanda Street, Glenelg South, and
- (c) does not support removal of the Office - former coach house at 12 – 16 King George Ave North Brighton
- (d) does not support removal of the Avenue of Trees at 12 – 16 King George Ave North Brighton
- (e) does not support removal of the two conifers at 12 – 16 King George Ave North Brighton.

Moved Councillor Lonie, Seconded Councillor Clancy

Carried

15. **RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil**
16. **URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING - Nil**
17. **ITEMS IN CONFIDENCE - Nil**

CLOSURE

The Meeting closed at 8.13pm.

CONFIRMED Tuesday 10 December 2013

MAYOR