

**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 8 July 2014 at 7:04pm.**

**MEMBERS PRESENT**

His Worship the Mayor, AK Rollond  
Deputy Mayor, S Patterson  
Councillor RM Bouchée  
Councillor PW Dixon  
Councillor KM Donaldson  
Councillor JD Huckstepp  
Councillor SC Lonie  
Councillor TD Looker  
Councillor RA Clancy  
Councillor RC Patton  
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  
Manager Organisational Sustainability – PE Aukett

**1. OPENING**

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

**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 - Councillor AP Roe and Councillor LR Fisk
- 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**

**C080714/1157**

**That the minutes of the Ordinary Meeting of Council held on 24 June 2014 be taken as read and confirmed.**

Moved by Councillor Huckstepp, Seconded by Councillor Clancy

**Carried**

8. **PUBLIC PRESENTATIONS**

8.1 **Petitions**

8.1.1 ***Petition – Relocation of Somerton Yacht Club*** (Report No: 212/14)

A petition has been received from 175 signatories.

The petition states as follows:

*“We, the undersigned residents of Somerton Park and beyond, petition the Council and ask that the Council relocate the Somerton Yacht Club and demolish the building on the site now occupied by the club in order to remove the severe traffic hazard created by this building and to enhance John Miller Park as a recreational, visual and aesthetic amenity for the local wider community.”*

**Motion**

**C080714/1158**

**That the ‘petitions’ correspondence be received and referred to the appropriate department for a response.**

Moved Councillor Bouchee, Seconded Councillor Lonie

**Carried**

8.2 **Presentation - Nil**

8.3 **Deputations - Nil**

9. **QUESTIONS BY MEMBERS**

9.1 **Without Notice**

9.1.1 **Somerton Yacht Club Lease– Councillor Donaldson**

Councillor Donaldson asked a question regarding the status of the Somerton Yacht Club Lease.

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

**9.1.2 Former Brighton Town Hall – Councillor Looker**

Councillor Looker asked a question regarding correspondence from the Minister for Planning regarding the former Brighton Town Hall.

The Manager Organisational Sustainability, Ms T Aukett provided a response.

His Worship the Mayor, Dr K Rollond made a comment regarding the correspondence from the Minister.

Councillor Looker asked a question on when a further report will be presented to council on the former Brighton Town Hall.

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

**9.1.3 Former Brighton Town Hall – Councillor Yates**

Councillor Yates asked a question regarding the structural integrity of the building in the current weather.

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

**9.2 With Notice - Nil**

**10. MEMBER'S ACTIVITY REPORTS**

**10.1 Air Raid Shelter – Councillor Huckstepp**

On Wednesday 25 June 2014 Councillor Huckstepp entertained 70 students, 2 teachers and 12 parents from St Peters Woodlands Grammar School explaining the functions of the Air Raid Shelter during WWII

**10.2 Western Region Waste Management Authority – Councillor Bouchee**

Councillor Bouchee provided an update on the Western Region Waste Management Authority meeting.

**10.3 Mama Carmellas Winter Wonderland Launch**

Councillor Yates reported that she and other Elected Members had attended the Mama Carmellas Winter Wonderland Launch.

**11. MOTIONS ON NOTICE**

11.1 **Motion on Notice – Old Brighton Town Hall – Councillor Looker** (Report No: 199/14)

Councillor Looker requested that this item be deferred to the next meeting of Council.

11.2 **Motion on Notice – Holdfast Bay Tennis Club – Councillor Bouchee** (Report No: 214/14)

This club is 96 years old, the present building has major structural floor/sewerage issues and as with buildings of an age has asbestos.

These issues were identified 7/8 years ago and the membership , I believe have been very understanding of the financial pressures of local government , and been very patient in the deferral of the much needed work to be done.

The report will give the future Council the information to make an informed decision and also be in place to apply for any Grants which council may have access.

**Motion**

**C080714/1159**

**That the CEO in consultation with the stakeholders prepare a report for the 2015/2016 Budget in relation to the Holdfast Bay Tennis Club, Williams Ave, Glenelg East:**

- approx. cost of repair/replacement of tennis club building structure
- approx. cost of repair/replacement of tennis club building infrastructure ( utilities etc)
- approx. cost of design (internal/external)
- approx. time frame:
  - design
  - public consultation
  - site preparation
  - actual build

Moved Councillor Bouchee, Seconded Councillor Donaldson

**Carried**

**12. ADJOURNED MATTER - Nil**

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

13.1 **Minutes – Jetty Road Mainstreet Management Committee – 4 June 2014** (Report No: 191/14)

The Minutes of the Jetty Road Mainstreet Management Committee meeting held 4 June 2014 are attached and presented for Council's information.

**Motion**

**C080714/1160**

**That the minutes of the Jetty Road Mainstreet Management Committee held 4 June 2014 be received.**

Moved Councillor Patton, Seconded Councillor Looker

**Carried**

**14. REPORTS BY OFFICERS**

**14.1 Items in Brief (Report No: 198/14)**

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**

**C080714/1161**

**That the following items:**

- **Project Schedules**
- **2014-15 Annual Business Plan Summary Document**
- **Elected Member Training Approvals**
- **RSL Virtual War Memorial (VWM) Project**
- **Local Excellence Expert Panel**
- **Western Region Waste Management Authority (WRWMA) Annual Business Plan and Budget**

**be noted and items of interest discussed.**

Moved Councillor Looker, Seconded Councillor Lonie

**Carried/Lost**

**Motion**

**C080714/1162**

**That Council contributes \$2,787 to the RSL Virtual War Memorial project.**

Moved Councillor Donaldson, Seconded Councillor Clancy

**Carried**

**14.2 Brighton Commercial Road – Licence from Brighton united Lodge No 10 Inc. (Report No: 200/14)**

The licence between Council, (Licensee), and the Brighton United Lodge No 10 Inc., (Licensor), over land owned by the Lodge adjacent Commercial Road Brighton, expired on 30 April 2014.

It is proposed to enter into a new licence over this land for a further five (5) years from 1 May 2014 to 30 April 2019.

**Motion**

**C080714/1163**

**That the licence from Brighton United Lodge No 10 Inc. over portion of the land contained in Certificate of Title, Volume 5925 Folio 182 be renewed for a period of five (5) years from 1 May 2014 to 30 April 2019.**

Moved Councillor Huckstepp, Seconded Councillor Lonie

**Carried**

14.3 **2014-15 Rate Declaration** (Report No: 201/14)

The 2014/15 annual business plan and budget were adopted by Council on 24 June 2014. General, differential and separate rates have been identified to fund Council's activities together with the NRM levy as contained within the budget document. Council is now in a position to formally declare the rates for the 2014/15 financial year.

**Motion**

**C080714/1164**

**1. Adoption of Valuations**

**The most recent valuations of the State Valuation Office available to the Council of the capital value of land within Council's area, be adopted for rating purposes, totalling \$10,732,593,940;**

**2. Attribution of Land Use Codes**

- (a) The numbers indicated against the various categories of land use prescribed by Regulation 10 of the *Local Government (General) Regulations, 1999* (the "Regulations") be used to designate land uses in the Assessment Record;**
- (b) The use indicated by those numbers in respect of each separate assessment of land described in the Assessment Record on this date be attributed to each such assessment respectively; and**
- (c) Reference in this resolution to land being of a certain category use means the use indicated by that category number in the Regulations;**

**3. Declaration of Differential General Rates**

**In order to raise a total net amount of \$29,605,200 from the differential general rate:**

- (a) In respect of rateable land which is used for Commercial-Shop (Category 2), Commercial-Office (Category 3), Commercial-Other (Category 4), Industrial-Light (Category 5), Industrial-Other (Category 6), and Vacant Land (Category 8) uses and classified as such in the Assessment Record of the Council at the date of this declaration, a Differential General Rate of 0.3932 cents in the dollar for the assessed capital value of such property;**

- (b) In respect of rateable land which is used for Residential (Category 1) and Other Land (Category 9) uses and classified as such in the Assessment Record of the Council at the date of this declaration, a Differential General Rate of 0.27073 cents in the dollar for the assessed capital value of such property;
- (c) Pursuant to Section 158 of the *Local Government Act 1999* a minimum amount payable by way of the General Rate be fixed at \$864;
- (d) Pursuant to Section 153(3) and (4) of the *Local Government Act 1999* the Council has determined that it will fix a maximum increase of 8% in the general rate charged on rateable land that is used for Residential purposes and constitutes the principal place of residence of a principal ratepayer.

4. Declaration of Separate Rates

Differential Separate Rate – Jetty Road Mainstreet

- (a) In exercise of the powers contained in Section 154 of the *Local Government Act 1999* and in order to support and improve the activity of promoting and enhancing business viability, profitability and trade, commerce and industry in Jetty Road Glenelg, the Council declares a Differential Separate Rate of 0.1442 cents in the dollar on the capital value of all rateable land:
  - with a frontage to Jetty Road or Moseley Square; and
  - within the side streets that intersect with Jetty Road between High Street and Augusta street; and
  - the entire site referred to as the Holdfast Shores 2B Entertainment Centre; and
  - with a land use of Category 2 (Commercial – Shop), Category 3 (Commercial – Office) and Category 4 (Commercial – Other)

Patawalonga Marina

- (b) (i) In exercise of the powers contained in Section 154 of the *Local Government Act 1999* and in order to carry out the activity of the maintenance and upkeep of the Boat Lock in the Patawalonga basin, a Separate Rate of 1.2492 cents in the dollar of the capital value of land, be declared on all rateable land within the Patawalonga basin bounded by the high water mark;
- (b) (ii) In exercise of the powers contained in Section 158(1)(b) of the *Local Government Act 1999* the

amount that would otherwise be payable by way of rates in respect of this separate rate is altered by fixing the maximum amount of the separate rate payable for assessments within the area to which this separate rate applies where the capital values of which exceed \$86,055 at \$1,075;

5. **Imposition of regional NRM Levy**

In exercise of the powers contained in Section 95 of the *Natural Resources Management Act 2004* and Section 154 of the *Local Government Act 1999*, in order to reimburse the Council for the amount contributed to the Adelaide and Mount Lofty Ranges Natural Resources Management Board, being \$995,968, a separate rate of 0.0095147 cents in the dollar of the capital value of all rateable land in the Council's area;

6. **Payment**

- (a) That in accordance with Section 181(1) of the *Local Government Act 1999*, all rates are payable in four equal (or approximately equal) instalments, the due dates being:  
1 September 2014;  
1 December 2014;  
2 March 2015; and  
1 June 2015.

Provided that in cases where the initial account requiring payment of rates is not sent by the time set by the *Local Government Act 1999* (the "Act"), or an amended account is required to be sent, authority to fix the date by which rates must be paid in respect of those assessments affected is hereby delegated, pursuant to Section 44 of the Act, to the Manager Finance;

- (b) Pursuant to Sections 44 and 181 (4)(b) of the *Local Government Act 1999*, the Manager Finance is delegated power to enter into agreements with ratepayers relating to the payment of rates in any case of hardship or financial difficulty, or where it is considered in the best interests of Council so to do.

7. **The current rating policy be updated to reflect Council's decision.**

Moved Councillor Looker, Seconded Councillor Patterson

**Carried**

14.4 **2014 New Year's Eve Glenelg Dry Zone Temporary Boundary Extension (Report No: 206/14)**



The City of Holdfast Bay will again lodge an application with Consumer and Business Services to temporarily extend the boundaries of the Glenelg Long-Term Dry Zone for 2014 New Year's Eve celebrations.

The details of the application are based upon the feedback and responses received from 2013 New Year's Eve stakeholder debrief.

**Motion**

**C080714/1165**

**That Council apply to Consumer and Business Services to temporarily extend the boundaries of the Glenelg Dry Zone for 2014 New Year's Eve celebrations. The boundaries and conditions of the 2014 extension will emulate those of previous years, however, upon SAPol recommendation; the commencement time of the dry zone will be brought forward from 9:00pm to 6:00pm.**

Moved Councillor Dixon, Seconded Councillor Donaldson

**Carried**

14.5 **2015 Australia Day Dry Zones** (Report No: 207/14)

In the years prior to 2012 Angus Neil Reserve had been a destination for party revellers celebrating on Australia Day. The celebrations not only resulted in multiple fights and police arrests, but also left a significant degree of rubbish to clean-up at Council's expense as well as triggering property damage in the wake of people leaving the reserve. As such, in a proactive measure, from 2012 Council established Angus Neil Reserve as a regulated dry zone for Australia Day.

As the temporary dry zone has proven to serve as a vital tool for policing over the past few years, Council once again intends to lodge an application with Consumer and Business Services to enact Angus Neil Reserve [and adjacent beach area] as a Regulated Short-Term Dry Zone for Monday 26 January 2015.

Subsequently, in 2013 and 2014 Tarniwarra Park Glenelg North was also established as a Short-Term Dry Zone as SAPol identified it in 2012 as another potential area of risk. A police assessment has been undertaken over the past two years which now indicates that Tarniwarra Park is no longer perceived as an area of concern. Therefore, for 2015 it is recommend that Council no longer pursue this location as a dry zone for Australia Day.

**Motion**

**C080714/1166**

**That Council applies to Consumer and Business Services to temporarily enact Angus Neil Reserve into Short-Term Dry Zone Legislation for Australia Day Monday 26 January 2015.**

Moved Councillor Yates, Seconded Councillor Lonie

**Carried**

14.6 **Brighton Croquet Club – Application for Limited Club Liquor Licence** (Report No: 208/14)

The Brighton Croquet Management Committee have contacted Council's Liquor Licensing and Community Safety Officer seeking support to apply to Consumer

and Business Services to obtain a Limited Club Licence for the Brighton Croquet Club, located at Brighton Oval Complex Stopford Road Hove.

In accordance with s 36 (3) of the *Liquor Licensing Act 1997* a Limited Club Licence permits the licence holder to sell or supply liquor on the premises ONLY to a member of the club and/or a guest of a club member.

Should Council endorse this proposal, it is recommended that the hours of liquor supply be restricted to Monday to Saturday between 8:00am and 12:00midnight the same day, and Sunday between 11:00am and 8:00pm.

The Brighton Croquet Management Committee now seek Council support and Landlord Consent prior to submitting their application to Consumer and Business Services.

**Motion**

**C080714/1167**

**That Council gives landlord consent and advises Consumer and Business Services that it supports the approval of a Limited Club Liquor Licence to sell and/or supply liquor in accordance with section 36 of the Liquor Licensing Act 1997, subject to the following:**

- 1. That the hours of liquor service be restricted to:**
  - i. Monday to Saturday between 8:00am and 12:00midnight the same day;**
  - ii. Sunday between 11:00am and 8:00pm.**
- 2. That the licensed area be restricted to the internal areas of the premises and external veranda area only;**
- 3. That no liquor is to be consumed on the adjacent playing fields.**

Moved Councillor Clancy, Seconded Councillor Lonie

**Carried**

**14.7 Smoking Exclusion Zone Trial Period Review – Moseley Square Glenelg (Report No: 209/14)**

At its meeting Tuesday 21 January 2013 Council supported the implementation of South Australia's first regulated smoking exclusion zone (SEZ). The Moseley Square SEZ then commenced into regulation on Thursday 5 September 2013 for a twelve (12) month trial period.

In accordance with s 5 of the *Tobacco Products (Smoking Bans in Public Areas – Longer Term) Regulations 2012*, the current trial period is due to expire on 5 September 2014 and an evaluation and re-application is required should Council wish to continue the regulated zone beyond its current expiry.

Based on feedback from Licensees surrounding Moseley Square, Police and a positive community survey (where 98% of people taking part in the survey voted in support of the zone's continuance), this report recommends Council apply to

the State Government to implement the Moseley Square SEZ into permanent regulation.

**Motion**

**C080714/1168**

**That Council applies to the State Government to enact the Moseley Square smoking exclusion zone into permanent regulation.**

Moved Councillor Patterson, Seconded Councillor Lonie

**Carried**

14.8 **City of Holdfast Bay's Draft Health Plan 2014-2018** (Report No: 188/14)

The finalised Public Health Plan is presented for consideration to be endorsed by Council.

**Motion**

**C080714/1169**

**That Council endorse the Public Health Plan.**

Moved Councillor Lonie, Seconded Councillor Yates

**Carried**

14.9 **The Green Funeral Local Pet Burial** (Report No: 210/14)

The Green Funeral has been designed to provide an environmentally friendly way of managing deceased pets within local communities. If adopted, it could enable council to have a profitable, self-sufficient means to green up public open space with little business impact.

**Motion**

**C080714/1170**

**That Council endorses the Green Pet Funeral program and have it commence in the recommended Open Space allocated zones.**

Moved Councillor Looker, Seconded Councillor Yates

**Carried**

14.10 **Endorsement of Alternative Procurement Method** (Report No: 211/14)

This report seeks Council's endorsement of a procurement process for two capital projects that have alternative procurement models to that outlined in Council's Procurement Policy and therefore require Council endorsement if they are to proceed in the proposed format.

**Motion**

**C080714/1171**

1. **That Council supports the engagement of York Civil to undertake Patawalonga Lock maintenance work and modifications noting the alternative procurement model proposed.**
2. **That Council supports the engagement of Jensen Planning and Design to undertake design of Coast Park within Minda noting the alternative procurement model proposed.**

3. That the Chief Executive Officer be delegated authority to negotiate and sign a contract for the Patawalonga Lock works and the design of Coast Park within Minda dunes subject to it being within allocated budgets.

Moved Councillor Huckstepp, Seconded Councillor Bouchee

**Carried**

15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil

16. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING - Nil

17. ITEMS IN CONFIDENCE

- 17.1 Confidential Minutes – Jetty Road Mainstreet Management Committee – 4 June 2014 (Report No: 192/14)

This item was not considered in confidence.

The Confidential Minutes of the Jetty Road Mainstreet Management Committee meeting held 4 June 2014 are attached and presented for Council's information.

**Motion**

**C080714/1172**

That the confidential minutes of the Jetty Road Mainstreet Management Committee held 4 June 2014 be received.

Moved Councillor Looker, Seconded Councillor Patton

**Carried**

**Motion**

**C080714/1173**

That the report and minutes of the Jetty Road Mainstreet Management Committee held 4 June 2014 be released from confidence as the proposed event has been announced by the Minister for Tourism.

Moved Councillor Donaldson, Seconded Councillor Yates

**Carried**

17.2 Chief Executive Officer's Performance Appraisal (Report 180/14)

The Chief Executive Officer declared an interest in the following matter and left the chamber at 7.50pm.

**Motion**

**C080714/1174**

1. That under provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer, General Managers and administrative staff in attendance in order to consider in confidence this item.

- 2. **That the Chief Executive Officer is satisfied that it is necessary that the public be excluded to enable the Council to discuss and to consider the matter at the meeting on the following grounds:**
  - a. **information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person or persons (living or dead).**

Moved Councillor Yates, Seconded Councillor Lonie **Carried**

Chief Executive Officer’s Performance Appraisal (Report 180/14)

The Chief Executive Officer’s annual 360 degree performance review has been completed and collated for consideration by Council.

**Motion** **C080714/1175**

**That Council records it has conducted the annual performance appraisal of the Chief Executive Officer and resolves a 3.25% wage package increase.**

Moved Councillor Looker, Seconded Councillor Lonie **Carried**

**Division called**

A division was called:

Those voting for: Councillors Patton, Dixon, Patterson, Looker, Clancy, Donaldson, Lonie and Huckstepp (8)

Those voting against: Councillors Bouchee and Yates (2).

His Worship the Mayor declared the motion **Carried**

**ORDER TO RETAIN DOCUMENTS IN CONFIDENCE**

**Motion** **C080714/1176**

**The report, attachment and minutes will be released following the Mayor advising the Chief Executive Officer of the Council’s decision.**

Moved Councillor Lonie, Seconded Councillor Huckstepp **Carried**

**18. CLOSURE**

The Meeting closed at 8.04 pm.

**CONFIRMED 22 July 2014**

**MAYOR**