

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 August 2015 at 7:00pm.

MEMBERS PRESENT

His Worship the Mayor, S Patterson
Deputy Mayor R Patton
Councillor R Aust
Councillor R Bouchée
Councillor A Bradshaw
Councillor S Charlick
Councillor R Clancy
Councillor K Donaldson
Councillor S Lonie
Councillor J Smedley
Councillor R Snewin
Councillor L Yates
Councillor A Wilson

STAFF IN ATTENDANCE

Chief Executive Officer - JP Lynch
Acting General Manager City Assets – K O'Neill
Acting General Manager City Services - PE Aukett
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****C110815/169**

That the minutes of the Ordinary Meeting of Council held on 28 July 2015 be taken as read and confirmed.

Moved by Councillor Lonie, Seconded by Councillor Clancy

Carried**8. PUBLIC PRESENTATIONS**

- 8.1 **Petitions** - Nil
- 8.2 **Presentation** - Nil
- 8.3 **Deputations**

A request for a deputation in relation to an Expression of Interest (EOI) for the former Brighton Town Hall was refused by Mayor Patterson on 28 July 2015. The Mayor refused the request to ensure that a fair and equitable process is undertaken. All communication with interested parties will continue to be conducted through our appointed agents until such time as the EOI process is concluded and a contract is signed.

Mayor Patterson has refused this deputation as per Regulation 11

".....The presiding member may refuse to allow a deputation to appear at a meeting. If the presiding member refuses to allow a deputation he/she must report the decision to the next meeting of the Council or committee. The Council or committee may resolve to allow the deputation to appear despite a contrary ruling by the presiding member."

8.3.1 Lease of 41 Kauri Parade, Seacliff

Mayor Patterson approved a five minute deputation from Maeve Rundle, Director/owner of Montessori Children's Centre, Seacliff regarding the lease of the premises at 41 Kauri Parade, Seacliff.

8.3.2 Tree Planting in Singleton Road, Kingston Park

Mayor Patterson approved a five minute deputation from Karen DeCean, Secretary of the Marino Residents Association Inc regarding the planting of trees in Singleton Road, Kingston Park.

9. QUESTIONS BY MEMBERS

9.1 Without Notice

9.1.1 Update on Seacliff Sports & Social Centre – Councillor Charlick

Councillor Charlick asked for an update on the Seacliff Sports & Social Centre.

Acting General Manager, Mr K O'Neill provided a response.

9.2 With Notice - Nil

10. MEMBER'S ACTIVITY REPORTS

10.1 Mayoral Report (Report No: 237/15)

Presented for the information of Members is the Activity Report for the Mayor for May 2015 - July 2015.

Motion

C110815/170

That the Mayor's Activity Report for May 2015 - July 2015 be received and noted.

Moved by Councillor Lonie, Seconded by Councillor Yates

Carried

10.2 Australian Land Fill & Transfer Stations Conference and Expo

Councillor Yates attended the Australian Land Fill & Transfer Stations Conference and Expo in Canberra.

10.3 Bay Discovery Centre SALA Exhibition

Councillors Yates, Lonie and Aust attended the Bay Discovery Centre SALA Exhibition.

10.4 Mayor's Summit for Jobs Growth

Councillor Paton attended the Mayor's Summit for Jobs Growth.

10.5 **Bayside Village – Councillor Community Consultation**

Councillor Aust held a Coffee with Councillor Session at Bayside Village.

10.6 **Presentation by the Comfort Inn on Adelphi Terrace**

Councillor Smedley attended a presentation by the proposed developers, Comfort Inn on Adelphi Terrace.

11. MOTIONS ON NOTICE

11.1 **Motion on Notice - Trees in Singleton Road, Kingston Park – Councillor Bradshaw (Report No: 251/15)**

When Ben Hall the Councils Arborist met with the acting President of the Marino Residents Association Des DeCean and his wife Karen in 2014, he advised them that the Aleppo Pines were to be removed from Singleton Road, Kingston Park for safety reasons. After highlighting the fact to Ben that Singleton Road is the entrance to Kingston Park and that the trees along there form a boulevard into the Suburb, Ben assured the Marino representatives that after resting the soil for a year the area would be planted out with trees that would once again create a Boulevard into Kingston Park.

May this year Council advised that Coastal Banksias would be planted along Singleton Road, Kingston Park.

The Marino Residents Association and a surveyed number of residents are extremely disappointed with the decision to use this species of tree because it will not give them the promised boulevard effect along Singleton Road. The suitability of Coastal Banksias in this area is also in question with only 4 of 15 planted in an adjacent street having established well.

All 17 Tuckeroos on nearby Scholefield Road have adapted well to the area and therefore these or the Hills Weeping Fig would be the residents preferred choice of tree for Singleton Road, Kingston Park.

Motion

C110815/171

That Council amend its Tree Planting Strategy (resolution C241109/623.6) to plant Coastal Banksias in Singleton Road, Kingston Park and reassess what could be a more suitable type of tree, to give the desired boulevard effect to the entrance of this suburb, with three alternatives presented to residents for consultation.

Moved Councillor Bradshaw, Seconded Councillor Donaldson

Carried

A division was called:

Those voting for: Councillors Aust, Bouchée, Bradshaw, Charlick, Donaldson, Lonie, Smedley, Snewin, Yates and Wilson (10)

Those voting against: Councillors Clancy and Patton (2).

His Worship the Mayor declared the motion

Carried

12. ADJOURNED MATTER

12.1 Adjourned Report – Purchase of Section of Road and Footpath (Report No: 242/15)

Councillor Snewin declared an interest in the matter due to his ownership of property adjacent to the subject land and left the meeting at 8.03 pm.

Council at its meeting held 9 June 2015, resolved to adjourn Report No: 185/15 to allow a deputation from the proposed purchaser.

This report represents Report No: 185/15 for Council's consideration.

Motion

- 1. That Report No: 242/15 is received and noted.**
- 2. That Council does not agree to sell the land in question to the owners of the shopping centre.**

Moved Councillor Donaldson, Seconded Councillor Yates

Motion

110815/172

That the motion be adjourned until such time as plans are brought back to Council.

Moved Councillor Patton, seconded Councillor Smedley

Carried

Councillor Donaldson left the chamber at 8.16

Councillor Snewin rejoined the chamber at 8.17pm

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

13.1 Minutes – Alwyndor Management Committee – 21 July 2015 (Report No: 238/15)

The Minutes of the Alwyndor Management Committee for 21 July 2015 are provided for information.

Motion**C110815/173**

That the minutes of the Alwyndor Management Committee for 21 July 2015 be noted.

Moved Councillor Bouchee, Seconded Councillor Clancy

Carried**14. REPORTS BY OFFICERS****14.1 Items in Brief (Report No: 236/15)**

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.

Mayor Patterson tabled Council's response to the ERD Committee in relation to the Minda Brighton Campus and General Section Amendments DPA.

Motion**C110815/174**

That the following items be noted and items of interest discussed:

- **SALA 2015 - events hosted by City of Holdfast Bay**
- **Half Yearly Report from Ombudsman SA**
- **Local Government Association Update on Planning Reform Bill**
- **Minda Brighton Campus and General Section Amendments Development Plan Amendment – Approval by the Minister**

Moved Councillor Lonie, Seconded Councillor Clancy

Carried

Councillor Donaldson rejoined the chamber at 8.17pm

Councillor Paton left the chamber at 8.17pm

Councillor Paton rejoined the chamber at 8.19pm

14.2 Design of Coast Park for Minda Foreshore (Report No: 213/15)

This report seeks endorsement of the Concept Plan for the development of the section of Coast Park between Repton Road and Gladstone Road that will pass through the Minda property for public consultation to be undertaken to better inform the detailed design and ensure future acceptance of the proposal by the community.

Councillor Wilson left the chamber at 8.32pm

Councillor Wilson rejoined the chamber at 8.33pm

Motion**C110815/175**

1. That the concept plan for the proposed development of Coast Park through the Minda Dunes be endorsed for public consultation.
2. That a further report be considered by Council once the comments received as part of the consultation on the concept design are known and prior to commencement of the next stage of the project, being detailed design including the proposed Minda development.

Moved Councillor Bouchee, Seconded Councillor Wilson

Carried14.3 **41 Kauri Parade Seacliff – Process of Sale** (Report No: 239/15)

Council has sought information on the process of the sale of the hall on Kauri Parade Seacliff.

Should Council wish to proceed with the sale of this property Council would be required to follow the Disposal of Assets policy and relevant procedures.

Motion**C110815/176****That Council receives and notes this report.**

Moved Councillor Lonie, Seconded Councillor Aust

Carried

Cr Bouchee left the meeting at 8.37pm

Cr Bouchee returned to the meeting at 8.38pm

14.4 **Annual Review of Delegations to the Chief Executive Officer** (Report No: 240/15)

Section 44 (6) of the *Local Government Act 1999*, requires Council to review its delegations at least once each financial year. Delegations are the means by which Council can formally pass on its powers and functions to other bodies or individuals in order to efficiently and effectively manage the business of Council. This report presents the Delegations Review for 2014/15.

Motion**C110815/177**

1. That the Council notes the review of Delegations undertaken and continues with delegations made in March and April 2014 to the Chief Executive Officer for the:
 - Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014
 - Community Titles Act 1996
 - Dog & Cat Management Act 1995
 - Environment Protection Act 1993

- Expiation of Offences Act 1996
- Fences Act 1975
- Fire and Emergency Services Act 2005, and Fire and Emergency Services Act Regulations 2005.
- Fire and Emergency Services - Delegations to CEO
- Instrument of Delegation Under the Fire and Emergency Services Act 2005 to Fire Prevention Officers (Jan 2014)
- Food Act 2001
- Freedom of Information Act 1991
- Heavy Vehicle National Law (South Australia) Act 2013
- Housing Improvement Act 1940
- Land and Business (Sale and Conveyancing) Act 1994
- Liquor Licensing Act 1997
- Local Government Act 1934
- Natural Resources Management Act 2004
- Real Property Act 1886
- Roads (Opening & Closing) Act 1991
- Safe Drinking Water Act 2012
- South Australian Public Health Act 2011 as at 18 June 2013
- Strata Titles Act 1988
- Supported Residential Facilities Act 1992 and the Supported Residential Facilities Regulations 2009
- Unclaimed Goods Act 1987
- Water Industry Act 2012 and Regulations
- Work Health and Safety Act 2012

without change.

2. Hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following:

- Development Act 1993, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008
- Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 1999 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 1999
- Local Government Act 1999

3. *Delegations made under Local Government Act 1999*

3.1 In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Appendix 1 and 2 are hereby delegated this 11th day of August 2015 to the person occupying the office of Chief Executive Officer subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation.

- 3.1.1 **Local Government Act 1999 (Attachment 1)**
 - 3.1.2 **Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 1999 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 1999 (Attachment 2)**
 - 3.2 **Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.**
- 4. ***Authorisations and Sub delegation under the Road Traffic Act 1961 (Attachment 3)***
 - 4.1 **In accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure (the ‘Instrument’) the Council authorises the following person(s) pursuant to Clause A.7 of the Instrument to endorse Traffic Impact Statements for the purposes of Clause A of the Instrument provided that such person(s) shall take into account the matters specified in Clause A.7 of the Instrument in respect of Traffic Impact Statements:
Mr Steve Hodge, General Manager City Assets, Ms Pam Andritsakis, Manager Traffic and Transport and Mr Ken O’Neill, Manager Regulatory Services.**
 - 4.2 **In accordance with Clause A.7 of the Instrument, the Council is of the opinion that the following person(s) is/are experienced traffic engineering practitioner(s) for the purposes of preparing a Traffic Impact Statement as required by Clause A.7 of the Instrument:
Mr Steve Hodge, General Manager City Assets, Ms Pam Andritsakis, Manager Traffic and Transport, Mr Ken O’Neill Manager Regulatory Services.**
 - 4.3 **In exercise of the power contained in, and in accordance with, Clause G.1 of the Instrument, the power contained in Section 33(1) of the Road Traffic Act 1961 and delegated to the Council pursuant to Clause G of the Instrument and contained in the proposed Instrument of Sub delegation (annexed to the Report dated 11 August 2015 and entitled Annual Review of Delegations and marked Attachment 3) is hereby sub-delegated this 11 August 2015 to the person occupying the office of Chief Executive Officer of the Council subject to:
 - (i) **the conditions contained in the Instrument; and**
 - (ii) **any conditions contained in this Resolution or in the Instrument of Sub delegation.; and****

- (iii) the creation of a separate instrument in writing reflecting such sub delegation under the Instrument and this Resolution.

4.4 In accordance with Clause E.2 of the Instrument, the Council is of the opinion that the following person(s) has (have) an appropriate level of knowledge and expertise in the preparation of traffic management Plans:

Mr Steve Hodge, General Manager City Assets, Ms Pam Andritsakis, Manager Traffic and Transport and Mr Ken O'Neill, Manager Regulatory Services.

5. *Delegations made under Development Act 1993 (Attachment 4)*

5.1 In exercise of the powers contained in Section 20 and 34(23) of the Development Act 1993, the powers and functions under the Development Act 1993 and the Development Regulations 2008 contained in the proposed Instrument of Delegation (annexed to the Report dated 11 August 2015 and entitled Annual Review of Delegations and marked Appendix 3) (distributed under separate cover) are hereby delegated this 11th day of August 2015 to the person occupying the office of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.

5.2 Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.

5.3 In exercise of the powers contained in Section 20 and 34(23) of the Development Act 1993 the powers and functions under the Development Act 1993 and the Development Regulations 2008 contained in the proposed Instrument of Delegation (annexed to the Report dated 11 August 2015 and entitled Annual Review of Delegations and marked Appendix 4) and which are specified below are hereby delegated to the Council's Development Assessment Panel, subject to any conditions specified herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.

Paragraph numbers from the template instrument under the Development Act and Regulations which are being delegated to the Development Assessment Panel (Appendix 3A):

1, 1.1, 1.1.1, 10, 10.1, 10.1.1, 10.1.2, 10.1.3, 10.1.4, 10.1.5, 10.1.6, 10.2, 10.3, 10.3.1, 10.3.2, 10.3.2.1, 10.3.2.2, 10.3.3, 11, 11.1, 11.2, 11.3, 12, 12.1, 12.2, 12.3, 12.4, 12.5, 12.6, 14, 14.1, 14.1.1, 14.1.2, 14.2, 14.3, 15, 15.1, 15.2, 16.1, 16.2, 16.3, 16.3.1,

16.3.2, 16.4, 17.1, 17.2, 17.2.1, 17.2.1.1, 17.2.1.2, 17.2.2, 17.2.2.1, 17.2.2.2, 17.2.3, 17.3, 17.4, 17.5, 17.6, 17.7, 17.8, 17.9, 17.10, 17.11, 18.1, 18.1.1, 18.1.2, 18.1.3, 18.1.4, 18.1.5, 18.2, 18.2.1, 18.2.2, 18.2.3, 18.3, 18.3.1, 18.3.2, 18.3.3, 18.3.4, 18.4, 18.4.1, 18.4.2, 18.5, 18.6, 18.7, 18.8, 18.9, 18.10, 18.11, 18.12, 18.13, 18.14, 18.15, 18.16, 18.17, 19.2, 21.1, 21.2, 21.3, 21.4, 22.1, 24.1, 24.2, 24.3, 26.1, 26.1.1, 26.1.2, 26.1.3, 26.2, 26.3, 26.4, 26.5, 26.6, 27.1, 27.2, 27.3, 27.4, 27.5, 27.6, 27.7, 27.8, 28.1, 28.2, 28.3, 28.4, 28.5, 28.5.1, 28.5.2, 28.6, 28.6.1, 28.6.2, 29.1, 30.1, 38.1, 38.2, 38.3, 38.4, 38.5, 38.6, 38.7, 39.1, 39.2, 39.2.1, 39.2.2, 39.3, 39.4, 39.5, 39.6, 39.7, 39.8, 39.9, 60.1, 60.1.1, 60.1.2, 60.2, 60.3, 62.1, 62.2, 64.1, 65.1, 66.1, 67.1, 69.1, 69.2, 82.1, 88.1, 88.2, 89.1, 90.1, 90.2, 90.3

Moved Councillor Lonie, Seconded Councillor Clancy

Carried

14.5 **Review of Delegations to the Alwyndor Management Committee** (Report No: 241/15))

Section 44(6) of the *Local Government Act 1999*, requires Council to review its delegations at least once each financial year.

Delegations are the means by which Council can formally pass on its powers and functions to other bodies or individuals in order to efficiently and effectively manage the business of council. Alwyndor Aged Care is managed by a Committee of Council and Council can delegate such powers and functions to allow for the efficient and effective management of Alwyndor Aged Care to the Alwyndor Management Committee.

This report delegates those powers and functions arising under the *Aged Care Act 1997 (Commonwealth)*, and the *Local Government Act (1999) and Regulations* to the Chief Executive Officer and the Alwyndor Management Committee.

Motion

C110815/178

That having conducted its annual review of the Delegations for the Alwyndor Management Committee in accordance with Section 44(6) of the Local Government Act 1999, the Council:

1. **Revocations**
 - 1.1 **Hereby revokes its previous delegations, to come into effect from midnight 1 September 2015, to the Alwyndor Management Committee of those powers and functions under the following:**
 - 1.1.1 **Aged Care Act 1997**
 - 1.1.2 **Local Government Act 1999 and its Regulations**
2. **Delegations made under Local Government Act 1999**

2.1 In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed Instrument of Delegation contained in Appendix 1 are hereby delegated this 11th day of August 2015 to the Alwyndor Management Committee and the Chief Executive Officer of the City of Holdfast Bay subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation. These delegations will come into effect from 12.01 am on 1 September 2015.

2.1.1 Aged Care Act 1997

2.1.8 Local Government Act 1999

Moved Councillor Clancy, Seconded Councillor Lonie

Carried

15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS

Presented for the information of Members is a listing of resolutions subject to formal resolutions, for Council and all Standing Committees, 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

Councillor Donaldson left the chamber at 9.00pm

17. ITEMS IN CONFIDENCE

17.1 Chief Executive Officer's Performance Appraisal (Report No: 235/15)

Motion

C110815/179

- 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 Lonie, Seconded Councillor Clancy

Carried

Councillor Donaldson rejoined the chamber at 9pm

Chief Executive Officer's Performance Appraisal (Report No: 235/15)

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

Motion

C110815/180

1. That an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the documents relating to Report No: 235/15 including:

- Report
- Attachment

relating to discussion of the subject matter of that document, having been dealt with on a confidential basis under Section 90 of the Act, should be kept confidential on the grounds of information contained in 90(3)(a).

2. This resolution will be reviewed within 12 months by the Council.

Moved Councillor Clancy, Seconded Councillor Lonie

Carried

CLOSURE

The Meeting closed at 9.23pm.

CONFIRMED Tuesday 25 August 2015

MAYOR