

**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 25 March 2014 at 7:00pm.**

**MEMBERS PRESENT**

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

**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

### 5.1 2014 Government Communications Australia Awards

On 27 February 2014, the City of Holdfast Bay won the "Best social media marketing campaign" at the 2014 Government Communications Australia Awards in Melbourne.

The annual Government Communications Australia Awards recognise the exceptional work of government communicators and rewards outstanding examples of communications strategy and programming in accordance with best practice standards. Elena Pereira won the award for her tireless work on the "*Experience Jetty Road, Glenelg*" campaign. The majority of this campaign was delivered on-line through social and digital media.

## 6. DECLARATION OF INTEREST

Members were reminded to declare their interest before each item.

## 7. CONFIRMATION OF MINUTES

### Motion

**C260314/1064**

**That the minutes of the Ordinary Meeting of Council held on 11 March 2014 be taken as read and confirmed.**

Moved by Councillor Donaldson, Seconded by Councillor Clancy

**Carried**

## 8. PUBLIC PRESENTATIONS

- 8.1 Petitions - Nil
- 10.2 Presentations - Nil
- 10.3 Deputations - Nil

### Council Meeting Adjournment

### Motion

**C260314/1065**

**That the Council Meeting be adjourned so that the Strategic Planning and Development Policy Committee can meet at this time.**

Moved by Councillor Clancy, Seconded by Councillor Bouchee

**Carried**

### Motion

**C260314/1066**

**That the Council Meeting be resumed at 8.28pm following the Strategic Planning and Development Policy Committee.**

Moved by Councillor Donaldson, Seconded by Councillor Yates

**Carried**

His Worship the Mayor paused the Council Meeting to allow members of the gallery to leave the chamber.

Councillors Lonie and Huckstepp left the chamber at 8.28pm.

## **9. QUESTIONS BY MEMBERS**

### **9.1 Without Notice**

Councillor Lonie rejoined the chamber at 8.29pm.

#### **9.1.1 Anzac Day Commemoration at Glenelg**

Councillor Patton asked a question regarding the staging of the Glenelg Anzac Day Dawn Service.

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

Councillor Huckstepp rejoined the chamber at 8.29pm.

#### **9.1.2 Entry Statements**

Councillor Yates asked a question regarding the Councils entry statements. In particular, that one be placed on Dunrobin Road opposite the Marion sign.

His Worship the Mayor provided a response.

### **9.2 With Notice - Nil**

## **10. MEMBER'S ACTIVITY REPORTS**

Councillor Bouchee left the chamber at 8.32pm.

### **10.1 Murray Darling Association**

Councillor Yates reported that she attended a meeting of the Murray Darling Association.

### **10.2 Glenelg Brass Band**

Councillor Patton reported that he attended a Glenelg Brass Band meeting.

## **11. MOTIONS ON NOTICE - Nil**

## **12. ADJOURNED MATTERS - Nil**

**13. REPORTS OF MANAGEMENT COMMITTEES, SUBSIDIARIES AND THE DEVELOPMENT ASSESSMENT PANEL****13.1 Minutes – Development Assessment Panel – 26 February 2014** (Report No: 93/14)

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

The minutes of the Development Assessment Panel meeting held 26 February 2014 are presented to Council for information.

**Motion****C260314/1067**

**That the minutes of the Development Assessment Panel meetings held on 26 February 2014 be received.**

Moved Councillor Looker, Seconded Councillor Yates

**Carried****14. REPORTS BY OFFICERS****14.1 Items in Brief** (Report No: 89/14)

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****C260314/1068**

**That the report be noted and items of interest discussed.**

Moved Councillor Lonie, Seconded Councillor Yates

**Carried**

Councillor Clancy left the chamber at 8.34pm.

**14.2 City of Holdfast Bay's Draft Health Plan 2014-2018** (Report No: 86/14)

The Draft Health Plan reflects and highlights the proposed actions in the Community Plan that benefit Public Health and address the Public Health risks at Holdfast Bay.

The Draft Health Plan meets the requirements of Section 51 of the SA Public Health Act 2011 to have regard to the State Health Plan 2013 addressing the four key priorities:

- Stronger and Healthier Communities and Neighbourhoods for all generations
- Increasing Opportunities for Healthy Living, Healthy Eating and Being Active

- Preparing for Climate Change
- Sustaining and Improving Public and Environmental Health Protection

**Motion****C260314/1069****That Council release the Draft Public Health Plan for community consultation.**

Moved Councillor Fisk, Seconded Councillor Yates

**Carried****14.3 Long-Term Dry Areas Review – 2014 Application for Renewal (Report No: 84/14)**

The City of Holdfast Bay is recognised as South Australia's premier seaside destination and as part of Council's efforts to maintain the local amenity; three (3) long-term regulated dry areas have been established at Glenelg, Brighton and Seacliff respectively. These dry areas (established under s 131 of the *Liquor Licensing Act 1997*) prohibit the consumption and/or possession of liquor in these public places. Holdfast Bay's last dry zone extension was granted by the Department of Premier and Cabinet on 8 December 2011 for a period of three (3) years until Monday 8 December 2014.

Previously, the long-term dry area application process involved extensive consultation and evaluation requirements. However due to recent amendments to the legislation, the submission requirements for the renewal of a long-term dry area has been significantly simplified; establishing a more streamlined efficient approach. In addition to removing the public consultation and formal evaluation requirements, the amendments also now enact dry areas into regulation on a permanent basis; with provisional and periodic reviews no longer being a requirement for their continuance.

Ultimately these changes allow Councils greater flexibility to manage a dry area, including the ability for it to operate indefinitely unless the local authority wishes to make alterations of any kind to the defined area.

Now, as the expiry deadline approaches, Council is required to lodge an application with Consumer and Business Services (CBS) should they wish for the established dry zones to continue past December 2014.

**Motion****C260314/1070****That Council lodge an application with Consumer and Business Services to renew the City's existing regulated Dry Zones (located at Glenelg, Brighton and Seacliff) as they are currently bounded and defined.**

Moved Councillor Yates, Seconded Councillor Fisk

**Carried****14.4 Review of Council Delegations – Part 1 (Report No: 92/14)**

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 first part of the Delegations Review for 2013/14 financial year.

Councillor Bouchee rejoined the chamber at 8.35pm.

**Motion**

**C260314/1071**

**That having conducted its annual review of the Council's Delegations Register in accordance with Section 44(6) of the Local Government Act 1999, the Council:**

**1. Revocations**

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

**1.1.2 Development Act 1993 and Development Regulations 1993 [or 2008]**

**1.1.3 Dog & Cat Management Act 1995**

**1.1.4 Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010**

**1.1.5 Expiation of Offences Act 1996**

**1.1.6 Fences Act 1975**

**1.1.7 Food Act 2001**

**1.1.8 Freedom of Information Act 1991**

**1.2 Hereby revokes its previous delegations to its Development Assessment Panel under the Development Act 1993 and Development Regulations 2008.**

**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 Instruments of Delegation contained in Appendices 1-9 (each of which is individually identified as indicated below) are hereby delegated this 25<sup>th</sup> day of March 2014 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.**

**2.1.1 Burials and Cremations Act 2013 (Appendix 01)**

**2.1.3 Dog & Cat Management Act 1995 (Appendix 04)**

- 2.1.4 Environment Protection Act 1993 (Appendix 05)
  - 2.1.5 Expiation of Offences Act 1996 (Appendix 06)
  - 2.1.6 Fences Act 1975 (Appendix 07)
  - 2.1.7 Freedom of Information Act 1991 (Appendix 10)
  - 2.1.8 Local Government Act 1999 (Appendix 16)
- 2.2 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.
3. Delegations made under Development Act 1993 (Appendix 03)
- 3.1 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 25 March 2014 and entitled Review of Council Delegations - Part 1 and marked Appendix 3) (distributed under separate cover) are hereby delegated this 25<sup>th</sup> day of March 2014 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.
- 3.2 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.
- 3.3 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 25 March 2014 and entitled Review of Council Delegations – Part 1) (distributed under separate cover) 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**

**4. Delegations made under Food Act 2001 (Appendix 09)**

**4.1 In exercise of the powers contained in Section 91 of the Food Act 2001, the powers and functions under the Food Act 2001 contained in the proposed Instrument of Delegation (annexed to the Report dated 25 March 2014 and entitled Review of Council Delegations - Part 1 and marked Appendix 9) are hereby delegated this 25<sup>th</sup> day of March 2014 to the person occupying the office of Chief Executive Officer ('the head of the enforcement agency' for the purposes of the Food Act 2001), subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Food Act 2001.**

**4.2 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 Food Act 2001.**

Moved Councillor Yates, Seconded Councillor Looker

**Carried**

Councillor Clancy rejoined the chamber at 8.38pm.

**14.5 Brighton Caravan Park Redevelopment Advisory Group – Terms of Reference (Report No: 87/14)**



The purpose of this report is to consider the proposed terms of reference for the Brighton Caravan Park Redevelopment Advisory Group and to appoint two elected members to this Committee.

**Motion**

**C260314/1072**

1. **That Council endorses and adopts the Terms of Reference, with the amendment of 3 elected members included in the working group.**
2. **That Council appoints Councillors Clancy, Yates and Huckstepp to be on the Brighton Caravan Park Advisory Group until 8 November 2014.**

**Point of Order**

Councillor Looker called a point of order under Regulation 29, of the Local Government (Procedures at Meetings) Regulations as he objected to Councillor Bouchee's behaviour as her comments regarding the nomination of Councillor Clancy to the advisory group were insulting.

His Worship the Mayor agreed with Councillor Looker regarding the comments made by Councillor Bouchee and asked her to make an apology to Councillor Clancy

Moved Councillor Looker, Seconded Councillor Roe

**Carried**

14.6 **Kauri Parade and Barwell Avenue Seacliff – Rotary Club of Brighton Inc - Lease**  
(Report No: 88/14)

The Rotary 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 Rotary Club of Brighton Inc.

**Motion**

**C260314/1073**

1. **That approval be granted to enter into a new lease with the Rotary 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.**
2. **That the annual fee be removed and reduced to \$1.00 on demand, due to their community work in the City.**

Moved Councillor Lonie, Seconded Councillor Yates

**Carried**

14.7 **Code of Practice – Meeting Procedures** (Report No: 90/14)

The City of Holdfast Bay's Code of Practice – Meeting Procedures was reviewed to include the new Procedures at Meetings Regulations which came into effect on 1 January 2014. The new Code of Practice – Meeting Procedures has been drafted and is presented for adoption.

**Motion****C260314/1074**

**That Council adopts the draft Code of Practice – Meeting Procedures presented at Attachment 1 to Report 90/14 with the addition that the Presiding Member to ask for a seconder prior to the motion lapses.**

Moved Councillor Looker, Seconded Councillor Lonie

**Carried****14.8 Report on the Operations of the Audit Committee for 2013** (Report No: 91/14)

The Chairman of the Audit Committee, Councillor Tim Looker, has prepared for Council's information a summary of the Audit Committee's activities for 2013.

**Motion****C260314/1075**

**That Council receive the Audit Committee's annual review of its activities for 2013.**

Moved Councillor Looker, Seconded Councillor Roe

**Carried****15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil****16. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING**

Councillor Bouchee sought leave of the meeting to congratulate staff on the hazardous waste day.

**17. ITEMS IN CONFIDENCE - Nil****CLOSURE**

The Meeting closed at 8.56pm.

**CONFIRMED 8 April 2014****MAYOR**