

## CITY OF HOLDFAST BAY

**Minutes of the Ordinary Meeting of Council of the City of Holdfast Bay held in the Kingston Room, Civic Centre, 24 Jetty Road, Brighton, on Tuesday 28 March 2006 at 7:00 pm**

### PRESENT

Deputy Mayor	R D C Edwards
Councillors	R M Bouchée P N Crutchett J L Deakin P W Dixon P L Holt C J Lush P L Macaskill A C Norton D J Swiderczuk S K Tilley
Chief Executive Officer	R T Donaldson
General Manager Economic and Corporate	D G Chamberlain
Acting General Manager Environment and Engineering	S G Hodge
General Manager Social and Organisation	C E Umapathysivam
Executive Manager Strategy and Development	S L Ditter

### 1. OPENING

The Deputy Mayor, Councillor R D C Edwards, declared the meeting open with prayer at 7:00 pm.

### 2. PRESENTATION Nil

### 3. APOLOGIES Nil

#### 3.1 For Absence Mayor A K Rollond and Councillor J Donaldson

#### 3.2 Leave of Absence Nil

### 4. CONFIRMATION OF MINUTES

**Councillor Macaskill moved and Councillor Lush seconded that the minutes of the Ordinary Meeting of Council held on Tuesday 14 March 2006 be taken as read and confirmed.**

**CARRIED**

### 5. MAYORAL REPORT

**From 22 February 2006 to 21 March 2006**

**Councillor Norton moved and Councillor Tilley seconded that the report be received and noted.**

**CARRIED**

**6. QUESTIONS BY MEMBERS****6.1 Without Notice Nil****6.2 With Notice Nil****7. REPORTS BY DELEGATES OR REPRESENTATIVES Nil****8. PETITIONS AND DEPUTATIONS Nil****9. NOTICES OF MOTION Nil****10. ADJOURNMENT (TO ENABLE PERMANENT COMMITTEES TO MEET)  
(7:03 PM)**

**Councillor Deakin moved and Councillor Swiderczuk seconded that Council stand adjourned to enable the permanent Economic and Corporate and Environment and Engineering Committees to meet.**

**CARRIED****11. RESUMPTION**

**Councillor Deakin moved and Councillor Swiderczuk seconded that Council resume at 9:06 pm.**

**CARRIED****12. COMMITTEE RECOMMENDATIONS FOR CONSIDERATION****12.1 Economic and Corporate Committee**

The Chairperson, Councillor Holt reported that the Economic and Corporate Committee had met this evening and had processed the business contained in the agenda documents.

**Councillor Holt moved and Councillor Deakin seconded that the report of the Economic and Corporate Committee, the agenda documents and approved recommendations, together with the additional recommendations from the meeting be adopted.**

**CARRIED****12.2 Environment and Engineering Committee**

The Chairperson, Councillor Dixon reported that the Environment and Engineering Committee had met this evening and had processed the business contained in the agenda documents.

**Councillor Dixon moved and Councillor Macaskill seconded that the report of the Environment and Engineering Committee, the agenda documents and approved recommendations, together with the additional recommendations from the meeting be adopted.**

**CARRIED**

**13. DEVELOPMENT ASSESSMENT PANEL**

**C280306/064** Councillor Tilley moved and Councillor Lush seconded that the minutes of the Development Assessment Panel meeting held on Wednesday 15 March 2006 be received.

**CARRIED**

**14. REPORTS OF ADVISORY COMMITTEES AND/OR SUB-COMMITTEES Nil****15. REPORTS OF REGIONAL SUBSIDIARIES****15.1 Southern Region Waste Resource Authority**

Minutes of the Southern Region Waste Resource Authority meeting held on Monday 6 March 2006.

**C280306/065** Councillor Deakin moved and Councillor Tilley seconded that the minutes of the Southern Region Waste Resource Authority Committee held on 6 March 2006 be received.

**CARRIED**

**16. REPORTS BY OFFICERS****16.1 Items in Brief (Report No: 137/06)**

Report No: 137/06 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

**C280306/066** Councillor Bouchée moved and Councillor Lush seconded that the report be noted and items of interest be discussed.

**CARRIED**

**16.2 Holdfast Shores Stage 2B – Primary Residential Community Strata Title Application for Platinum Apartments and Associated Car Parking (Report No: 156/06)**

Report No: 156/06 was presented advising that Clause 25.1 of the Infrastructure Agreement Implementation Agreement - Stage 2B clarifies that Glenent Pty Ltd intends to sub-divide the Stage 2B Development area by community plan division under the Community Titles Act 1996. The developer has now lodged a primary residential Community Strata Application for the Platinum Apartment building and associated car parking with the Development Assessment Commission and comments are being sought from Council on the proposal.

The purpose of this report is to seek Council's response to Planning SA regarding the application.

**C280306/067 Councillor Lush moved and Councillor Deakin seconded that Administration forward a response to the Development Assessment Commission (C/- Planning SA) advising that Council has reviewed the primary residential Community Strata Application for the Platinum Apartments building and associated car parking areas (Development Application number 110/C101/05) and makes the following comments :**

- 1. It is recommended that the Commission not approve any community division of the Holdfast Shores Stage 2B Development area until final land transfer arrangements have been agreed to by Council and Glenent Pty Ltd;**
- 2. In any event, the Commission should ensure that the current and future amended plans submitted as part of the Stage 2B Community Title Applications are consistent with the agreed land transfer plans between Glenent Pty Ltd and Council. Any amendments made to the community division plans should be referred back to Council for comment;**
- 3. That, should the Commission approve any of the community division applications, easement and land transfer matters previously forwarded to Planning SA and Glenent Pty Ltd which are outstanding or subject to further negotiation, should be included as "reserved matters" for further Council consideration;**
- 4. The Scheme Description should include the requirement that the individual car parking bays included in the primary residential Community Strata Application shall be made available for exclusive use by the occupants of the Platinum Apartments building and shall not be used for public parking purposes;**
- 5. It is desirable that public access be retained throughout the underground Stage 2B car parking area to enable members of the public to navigate from the entry/exit road off Colley Terrace (over portion of Colley Reserve) through to the Pier Hotel and vice versa in order to minimise traffic impacts on Colley Terrace, particularly during peak periods;**
- 6. The Amended Development Report (dated February 2004) that was prepared by the Government and formed part of the Holdfast Shores Stage 2B assessment and approval process stated that the development would include 213 car park spaces which would be allocated for the use of "occupants of the residential apartments". However, the plans submitted with the primary residential Community Strata Application only indicate 209 car parks available to the future apartment occupants, representing a shortfall of 4 spaces. Council therefore requests confirmation as to how these lost spaces will be replenished elsewhere in the development;**

7. In order to allow the Stage 2B underground car parking area to link directly with the existing car parking area located under the Pier Hotel, this will necessitate removal of 3 existing car parks within the Hotel's parking area. Council requests confirmation as to whether approvals issued by the Government have taken this further loss of car parks into account and whether further car parks will be provided to make up for this additional shortfall;
8. The draft Scheme Description submitted with the primary Residential Community Strata Application should be amended as follows;
  - 8.1 In Paragraph 5 on page 5, the words "...intends to..." in the first line should be amended to read "...will..."
  - 8.2 In Paragraph 6 on page 5, the words "It is intended that..." in Clause 6.1 should be deleted so that the full sentence reads "The Common Property will be comprised of:"
  - 8.3 In Paragraph 6 on page 5, the words "...intends to..." in the first line of Clause 6.2 should be amended to read "...will..."
  - 8.4 Clause 6.3 on page 6 should be amended to read as follows:  
 "The standard of work to be performed and the materials to be used on the Common Property will be a fair average standard for like facilities and, in any event, of a standard which meets the requirements of the approvals issued by the relevant planning authority or such higher standard as the Developer, in its absolute discretion, may determine."
9. A Clause should be inserted into the Scheme Description that clarifies that car parks are for exclusive use by the occupiers of the Platinum Apartments and that the sale or transfer of car parks to the public or third parties is prohibited;
10. Upon finalisation of the Scheme Description for the primary residential Community Strata Plans associated with the Platinum Apartments and its car parking areas, Administration seek legal advice on the document prior to forwarding to Council for further consideration and agreement.

A Division was called.

Voted For

Voted Against

Councillor Bouchée  
 Councillor Crutchett  
 Councillor Deakin  
 Councillor Dixon  
 Councillor Holt  
 Councillor Lush  
 Councillor Macaskill  
 Councillor Norton  
 Councillor Tilley  
 Councillor Swiderczuk

**THE DEPUTY MAYOR DECLARED THE MOTION CARRIED**

**URGENT BUSINESS****17.1 Conference Attendance**

Councillor Deakin sought clarification of attendance by a Council Officer or Elected Member at the International Town Centres and Cities Conference to be held in Newcastle 6 – 9 June 2006.

Councillor Deakin moved and Councillor Holt seconded that Council fund one Elected Member to attend the International Town Centres and Cities Conference, with Members to submit expressions of interest and statements in support of their attendance, for Council's consideration.

**LOST**

**17.2 Clarification regarding reason for confidentiality – item 18.2 Broadway Kiosk Update**

Councillor Deakin requested confirmation of the reason to discuss item 18.2 Broadway Kiosk Update (Report No: 158/06) in confidence.

The Chief Executive Officer provided a response.

**18. ITEMS IN CONFIDENCE****18.1 MOSELEY SQUARE AND ENVIRONMENTS REDEVELOPMENT – FINALISATION OF STAGE 1 COSTS AND STAGE 2 BUDGET UPDATE (REPORT NO: 157/06)**

**C280306/068**

Councillor Lush moved and Councillor Deakin seconded that, pursuant to Section 90(2) and 90(3)(g) of the Local Government Act 1999 the Council order that the public with the exception of Council officers and any other visitors permitted to remain, be excluded from attendance at the meeting, after taking into account the relevant considerations under Section 90(3), on the basis that it will receive, discuss or consider the following:

- information or matters that must be considered in confidence in order to ensure that the Council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.

**CARRIED**

Council officers remaining: Mr Donaldson, Mrs Umaphysivam, Mr Blythe, Mr Hodge, Mrs Ditter and Mr Chamberlain,

**Moseley Square and Environments Redevelopment – Finalisation of Stage 1 Costs and Stage 2 Budget Update (Report No: 157/06)**

Councillor Tilley left the meeting at 9:23pm  
Councillor Lush left the meeting at 9:24pm  
Councillor Lush returned to the meeting at 9:25pm  
Councillor Tilley returned to the meeting at 9:26pm

Report No: 157/06 was presented providing the final cost for Stage 1 of the Moseley Square redevelopment and reports an increase in cost above the original budgeted amount of \$135,275.

In addition, this report reassesses the project budget for Stage 2 now that advice has been received from the Minister for Urban Planning that a further grant of \$500,000 will be provided to Council with effect from July 2006.

This report also considers Council resolutions arising from Report No: 21/06 and discusses the each of those recommendations in turn and recommends a way forward for Council's consideration.

**C280306/069 Councillor Deakin moved and Councillor Macaskill seconded:**

1. That Council receives and notes Report No: 157/06 and attachments Nos 1, 2 and 3 to that report.
2. That Council approves a budget variation to the value of \$135,275 to bring to account the over-spend of the Moseley Square Redevelopment Stage 1.
3. That an additional provision of \$14,195 be brought to account as a part of Budget Review No. 3 to ensure that an adequate provision for Moseley Square Redevelopment Stage 2 is provided.
4. That the Moseley Square Stage 2 works include an allocation of \$210,000 as a P.C. sum for a water feature,
5. That Council confirms its decision to delete the works on Colley Terrace and its eastern side from the project at a revised estimated saving to the Moseley Square Upgrade Stage 2 budget of \$120,000.
6. That the provision within the Moseley Square Re-development and Environments Scenario Planning for a Visitor Information Centre be revised and returned to its original estimated cost of \$200,000 effecting a project cost of \$80,000.
7. That Council approves the provision within the Moseley Square Re-development and Environments Scenario Planning of \$100,000 to provide a refurbishment of the Council Chamber with a focus on entry, foyer, gallery accommodation and audio visual.
8. That the budget and cash flow changes arising from recommendations 1 through 7 of this report be included as a part of the Budget Review Number 3 to be brought to account as at 30 April 2006.
9. That the Moseley Square Re-development and Environments Scenario Planning forecast included as attachment 3 to Report No 157/06 be included in the Long Term Financial Plan for the City of Holdfast Bay.
10. That the Moseley Square Stage 2 project commence on 1 May 2006 so as to ensure that the project is completed prior to the summer period in November/December 2006, so as to reduce inconvenience to the public and to retailers situated on the Square
11. That all Confidential Resolutions of Council relating to this project now be released from confidentiality.

**CARRIED**

**ORDER TO NOT RETAIN DOCUMENTS IN CONFIDENCE**

**C280306/070** Councillor Lush moved and Councillor Holt seconded that pursuant to Section 90(2), 90(3)(g) and 91(7) of the Local Government Act 1999:

1. The Council orders that the documents and minutes relating to Report No: 157/06 not be kept confidential and be made available for public inspection.

**CARRIED****18.2 BROADWAY KIOSK UPDATE (REPORT NO: 158/06)**

**C280306/071** Councillor Lush moved and Councillor Macaskill seconded that, pursuant to Section 90(2) and 90(3)(b) of the Local Government Act 1999 the Council order that the public be excluded from attendance at the meeting, with the exception of Council officers and any other visitors permitted to remain, after taking into account the relevant considerations under Section 90(3)(b), on the basis that it will receive, discuss or consider the following:

- information or matter the disclosure of which –
  - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
  - (ii) would, on balance, be contrary to the public interest.

**CARRIED**

Council officers remaining: Mr Donaldson, Mrs Umapathysivam, Mr Blythe, Mr Hodge , Mrs Ditter and Mr Chamberlain,

**Broadway Kiosk Update (Report No: 158/06)**

**C280306/072** Councillor Deakin moved and Councillor Holt seconded that the late items tabled being the Draft kiosk design and submissions from John Vlachos Architects and Domenic Deleo be received.

**CARRIED**

Report No: 158/06 was submitted and provided Elected Members with the results of the selected tender process for the Broadway Kiosk which has not produced a satisfactory outcome. The report suggests a range of options for Council's further consideration.

**C280306/073** Councillor Tilley moved and Councillor Deakin seconded that Council receives confidential report number 158/06 and notes the outcome of the selected tender process which failed to attract a single conforming tender.

**CARRIED**

Councillor Tilley moved and Councillor Bouchée seconded that the proposal to install Exeloo toilets adjacent to the project location at the Broadway be treated as a separate project and not linked to future Council decisions relating to a kiosk at the Broadway site, to enable Exeloo installation as soon as possible.

**C280306/074** Councillor Deakin moved and Councillor Holt seconded that this item of business be adjourned to the last discussion on this topic.

**CARRIED**

Councillor Bouchée moved and Councillor Macaskill seconded that Council reopen a fresh tender process for the Broadway Kiosk on a ground lease basis.

This motion was withdrawn by Councillor Bouchée.

Councillor Dixon left the meeting at 9:40pm  
Councillor Dixon returned to the meeting at 9:43pm

Councillor Tilley left the meeting at 9:44pm  
Councillor Tilley returned to the meeting at 9:45pm

**C280306/075** Councillor Macaskill moved and Councillor Swiderczuk seconded that Council reopen a fresh tender process for the ground lease of the Broadway Kiosk, including an allowance for tenderers to propose alternative scopes of works (at the tenderers cost) for Council's consideration.

A Division was called.

Voted For

Voted Against

Councillor Crutchett  
Councillor Deakin  
Councillor Dixon  
Councillor Holt  
Councillor Lush  
Councillor Macaskill  
Councillor Norton  
Councillor Swiderczuk

Councillor Bouchée  
Councillor Tilley

**THE DEPUTY MAYOR DECLARED THE MOTION CARRIED**

#### **EXTENSION OF TIME**

Councillor Deakin moved and Councillor Holt seconded that an extension of time be granted until 10:30pm to allow all business within the agenda papers to be completed.

**CARRIED**

**C280306/076** Councillor Deakin moved and Councillor Holt seconded that there be an extension of time until 10:30pm.

**CARRIED**

Councillor Norton left the meeting at 10:16pm  
Councillor Norton returned to the meeting at 10:18pm.

Councillor Holt moved and Councillor Lush seconded that the proposal to install Exeloo toilets adjacent to the project location at the Broadway Kiosk be treated as a separate project to enable Exeloo installation as soon as possible, with an appropriate budget provision considered for the 2006/07 budget.

**C280306/077** Councillor Deakin moved and Councillor Swiderczuk seconded that the motion be put.

**THE MOTION WAS THEN PUT AND CARRIED**

**ORDER TO NOT RETAIN DOCUMENTS IN CONFIDENCE**

**C280306/078** Councillor Bouchée moved and Councillor Crutchett seconded that pursuant to Section 90(2), 90(3)(g) and 91(7) of the Local Government Act 1999 the Council orders that all documents and minutes relating to the Broadway Kiosk development and tender process not be kept confidential and be made available for public inspection.

**CARRIED****19. RESUMPTION**

Councillor Lush moved and Councillor Holt seconded that Council resume as an open meeting of Council at 10:29 pm.

**CARRIED****20. CLOSURE**

The meeting closed at 10:29 pm.

**CONFIRMED****Wednesday 11 April 2006****MAYOR**