

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 9 September 2008 at 7:02pm.

PRESENT

His Worship the Mayor
Deputy Mayor
Councillors

A K Rollond
R A Clancy– 7:35pm
R D Beh
R M Bouchée
P N Crutchett
L R Fisk
P D H Heysen
J D Huckstepp
S C Lonie
T D Looker
A C Norton
L van Camp
I S Walker
R A Thomas
S G Hodge
P E Aukett

Acting Chief Executive Officer
General Manager City Services
General Manager City Assets
Manager Governance and Policy

1. OPENING

His Worship the Mayor, declared the meeting open with prayer and an acknowledgement of Kaurna Traditional Owners at 7:02pm.

2. APOLOGIES

- 2.1 **For Absence** Councillor J L Deakin
2.2 **Leave of Absence** Nil

3. PRESENTATION Nil

4. CONFIRMATION OF MINUTES

C090908/377 Councillor Looker moved and Councillor Heysen seconded that the minutes of the Ordinary Meeting of Council held on 26 August 2008 be taken as read and confirmed.

CARRIED

5. CHIEF EXECUTIVE OFFICER'S ACTIVITIES REPORT

From 1 August 2008 to 31 August 2008.

C090908/378 Councillor Heysen moved and Councillor Huckstepp seconded that the report be received and noted.

CARRIED

6. QUESTIONS BY MEMBERS**6.1 Without Notice****6.1.1 Discussion with the South Australian Government regarding site adjacent to Alwyndor**

Councillor Bouchée asked a question regarding the discussions with the South Australian Government regarding the site adjacent to Alwyndor.

The Acting Chief Executive Officer took the question on notice.

6.1.2 Property at 382 Brighton Road, Hove

Councillor Looker asked whether there has been any discussions or commitments with the Brighton RSL about retaining the property as open space.

The Acting Chief Executive Officer provided a response.

6.2 With Notice**6.2.1 Development Inspections**

In accordance with her notice, Councillor Bouchée asked the following questions:

- 6.2.1.1 How many developments approved by the Development Assessment Panel in the last 12 months have been inspected to ensure that all conditions of the approval have been complied with?

General Manager City Services answer

The inspection of sites for the purpose of investigating compliance with conditions imposed as part of a planning consent, irrespective of whether the development relates to proposals assessed by staff under delegation or by the Development Assessment Panel, is for the most part reactionary or incidental. There are some instances where sites will require pro-active monitoring following the issue of a planning consent. For instance, conditions imposed with respect to the protection of 'significant' trees during construction and restrictions imposed to the modification of heritage listed buildings are indicative of the types of development which require pro-active monitoring. However, due to limited resources, coupled with the need to focus primarily on core development assessment duties, Council's planning and building staff primarily rely on complaints from the public and incidental observations as triggers for inspections.

- 6.2.1.2 What position incorporates the duties of compliance duties as advised to Council by the Chief Executive Officer?

General Manager City Services answer

There are no dedicated officers who deal exclusively with land use compliance matters. The inspectorial and enforcement duties are currently shared between the planning and building staff within the Development Services Unit. The officers are each authorised under the Development Act, 1993 to enter sites for the purpose of investigating breaches of conditions imposed as part of a planning approval. Council's Development Services Unit investigated approximately 130 potential land use compliance breaches between 1 July 2007 and 30 June 2008, issuing 27 enforcement notices pursuant to Section 84 and 85 of the Development Act, 1993 in the course of these investigations.

7. **REPORTS BY DELEGATES OR REPRESENTATIVES** Nil
8. **PETITIONS AND DEPUTATIONS** Nil
9. **NOTICES OF MOTION**

Councillors van Camp and Heysen declared a conflict of interest in the following matter as they are both members of the Development Assessment Panel and left the chamber at 7:10pm.

9.1 Addition to St Peter Church, Torrens Square, Glenelg

In accordance with his notice:

Councillor Looker moved and Councillor Bouchée seconded that the Mayor on behalf of the Council, writes to the Parish Council of St Peter Church, Torrens Square, Glenelg, and ask them to abandon planning for a modern addition to the historic church building.

- C090908/379** Councillor Crutchett moved and Councillor Huckstepp seconded that the question be adjourned until the Parish of St Peters Anglican church are given an opportunity to present their designs to Council.

CARRIED

Background

Concerned parishioners have contacted me and other elected members expressing alarm at plans to add to the historic landmark church building in Torrens Square. This concern is shared in wider community. The church building is a historic feature of Glenelg and will remain so for more generations. It is important that its integrity be preserved and this generation, as temporary custodians, should not in anyway compromise the structure. Current laws may permit an addition, that has not been tested by a development application yet, but Council has a duty to raise the issue with the Parish Council and ask them to refrain from fooling around with a local treasure, valued and loved by the whole community.

General Manager City Services comment

For the information of Members, the following summary of the issue is presented:

The St Peters Anglican Church located at 1 Torrens Square, Glenelg is a State Heritage listed building. In mid December 2007 Council's Senior Development Officer (Planning) attended an on-site meeting with the Church's architect, 2 Church members, and an officer from the State Government Heritage Branch to discuss initial concept plans for additions to the eastern side of the church comprising a meeting room/workshop, Sunday school, toilets and store areas. These functions are to be transferred from their existing location at 9 Augusta Street, Glenelg with that building being converted back to residential use. Discussions centred around parking issues and the proposal's impact on the heritage character. The Church representatives were advised that these issues would require more detailed consideration once a formal application, including the provision of additional information, was submitted.

To date, neither a formal Development Application nor any other additional information has been submitted to Council in relation to this matter. Should a formal Development Application be submitted, Council's Development Assessment Panel will be guided by advice from heritage experts including the State Heritage Branch and Council's own Heritage Adviser in regard to the

design and scale of the development. Any decision will ultimately be based on the provisions of the Development Plan, informed by the expert advisors. However, the consistent advice from the State Heritage Branch and Council's own Heritage Adviser is that additions to State Heritage Places should not replicate the architectural details displayed in the original building, and that there should be a clear distinction between new and old, designed in such a way as to not impair the historic character of the Heritage Place or confuse its form and style with that of the later addition. This is consistent with both the relevant provisions of the Development Plan and best practice heritage conservation principles.

Councillors van Camp and Heysen rejoined the meeting at 7:13pm.

9.2 Resolutions of the Environment and Engineering Committee for referral to Street Tree Strategy Working Party

In accordance with her motion:

C090908/380 Councillor Bouchée moved and Councillor Beh seconded that the previous resolutions associated with the management of Street Trees which include:

- EE240407/047 - Replacement of Oleander trees in Whyte Street;
- EE260208/020 - Removal of the *Langenaria Patersoni* and replanting with coastal natives on the banks of the Patawalonga;
- EE260208/029 - Report on barricading of trees adjacent to development sites;
- EE260208/030 - Feasibility of planting Plane Trees in Whyte Street, Tarlton Street and Moseley Street;
- C180308/090 - Strategy for engendering community engagement and action on street tree planting; and
- EE220708/071 - Significant Tree Replacement Policy

be incorporated and investigated by the Street Tree Strategy Working Party formed recently as part of resolution EE220708/073 and reported to Council by December 2008.

CARRIED

Background

With the help of the Manager Environment & Coastal Assets we have incorporated all the above so as to have a more strategic and co-ordinated approach. It is intended that recommendations will be in a report to full Council by end December, so as to ensure program/initiatives will be included in budget discussions and allows enough time to source tree stock for next season planting.

9.3 Shared Employment of Compliance Officer

In accordance with her notice:

C090908/381 Councillor Bouchée moved and Councillor Fisk seconded that the Chief Executive Officer investigates the feasibility of negotiating with City of West Torrens/City of Port Adelaide-Enfield Council/Mitcham Council to use/share the services of their Compliance Officer.

CARRIED

Background

Now that the new planning reforms have been initiated it is of immense importance to ensure now more than ever that Developers are abiding by approval conditions not only indicated by Development Assessment Panel but also to check if delegated approvals are abiding by the rules .

**10. ADJOURNMENT (TO ENABLE PERMANENT COMMITTEES TO MEET)
(7:17PM)**

C090908/382 Councillor Beh moved and Councillor Heysen seconded that Council stand adjourned to enable the permanent Social and Organisation and Strategy and Development Committees to meet.

CARRIED

Councillor Clancy joined the meeting at 7:35pm.

11. RESUMPTION

C090908/383 Councillor Heysen moved and Councillor Bouchée seconded that Council resume at 7:41pm.

CARRIED

12. COMMITTEE RECOMMENDATIONS FOR CONSIDERATION

12.1 Social and Organisation Committee

The Chairperson, Councillor Heysen reported that the Social and Organisation Committee had met this evening and had processed the business contained in the agenda documents.

C090809/384 Councillor Fisk moved and Councillor Heysen seconded:

- 1. That the report of the Chairman of the Social and Organisation Committee, and the Committee agenda documents together with Administration recommendations be received.**
- 2. That the recommendations of the Social and Organisation Committee be adopted.**

CARRIED

12.2 Strategy and Development Committee

The Chairperson, Councillor van Camp reported that the Strategy and Development Committee had met this evening and had processed the business contained in the agenda documents.

C090908/385 Councillor van Camp moved and Councillor Huckstepp seconded:

- 1. That the report of the Chairman of the Strategy and Development Committee, and the Committee agenda documents together with Administration recommendations be received.**
- 2. That the recommendations of the Strategy and Development Committee be adopted.**

CARRIED

13. DEVELOPMENT ASSESSMENT PANEL

C090908/386 Councillor Clancy moved and Councillor van Camp seconded that the minutes of the Development Assessment Panel meeting held on Wednesday, 27 August 2008 be received.

CARRIED

14. REPORTS OF ADVISORY COMMITTEES AND/OR SUB-COMMITTEES

C090908/387 Councillor Bouchée moved and Councillor Heysen seconded that the minutes of these committees be received and the following recommendations be endorsed:

Holdfast Bay History Centre Advisory Committee Meeting held 14 August 2008

- a. That the Holdfast Bay History Centre Advisory Committee continue holding its meetings at 9:30am quarterly, on the second Thursday of the month or as agreed to by the majority of committee members.
- b. That Jim Blake be the Holdfast Bay History Centre Advisory Committee Volunteer to serve on the Bay Discovery Centre Review Advisory Committee.

Volunteer Advisory Committee Meeting held 14 August 2008

- a. That the Terms of reference provided by Council be amended to include the following additions to Clause 4:
 - Act as an independent panel to deal with any matters raised by participating Holdfast Bay Volunteers as a matter of grievance.
 - Seek partnerships to develop new volunteer programs, including the inviting of Council staff to attend appropriate Advisory Committee meetings to provide relevant information for consideration by the Committee.and under Clause 7.3.3
A quorum will be made up of any four (4) voting members of the Volunteer Advisory Committee being present at a meeting.
- b. That the Committee confirms that the meetings of the Volunteer Advisory Committee would continue to be held quarterly, commence at 4:30pm and be held in the Civic Centre 24 Jetty Road Brighton.
- c. That the Committee adopts the Volunteer Code of Conduct as tabled at this meeting.

CARRIED**15. REPORTS OF REGIONAL SUBSIDIARIES****Western Region Waste Management Authority Meeting held 21 August 2008**

C090908/388 Councillor Fisk moved and Councillor Lonie seconded that the minutes of this subsidiary be received.

CARRIED**16. REPORTS BY OFFICERS****16.1 Items in Brief (Report No: 431/08)**

Report No: 431/08 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

C090908/389 Councillor Norton moved and Councillor Lonie seconded that the report be noted and items of interest be discussed.

CARRIED

16.2 Possible Street Tree Replacement, Whyte Street, Somerton Park, Chief Executive Officer – Conflict of Interest (Report No: 430/08)

The Chief Executive Officer advises that he has a conflict of interest in the Council's consideration of the possible replacement of street trees in Whyte Street, Somerton Park, and will not act in relation to the matter unless and until the Council determines that he should so act.

C090908/390 Councillor Looker moved and Councillor Bouchée seconded that the report be received and noted and that the Chief Executive Officer be authorised to act in this matter.

CARRIED

General Manager City Assets declared an interest in the following item due to the location of his property and left the meeting at 7:44pm.

16.3 Power Line Undergrounding Projects (Report No: 433/08)

Council has been successful in gaining "in kind" funding from the Power Line Environment Committee (PLEC) over a number of years and through this program has continued to underground powerlines in key areas such as the foreshore and commercial precincts. A program of proposed projects was adopted by Council at its meeting of 25 March 2008.

The Executive Officer of the Power Line Environment Committee has written to Mayor Rollond by letter dated 27 August 2008 proposing that the Old Gum Tree location be included in an undergrounding program during the 2010/ 2011 financial year that would result in the completion of the project in time for the 175th anniversary of the proclamation of South Australia in 2011.

C090908/391 Councillor Crutchett moved and Councillor Bouchée seconded that Council advises the Power Line Environment Committee that it does not support including work around the Old Gum Tree in favour of the work on Jetty Road, Glenelg in 2010/11.

CARRIED

General Manager City Assets rejoined the meeting at 7:46pm.

17. RESOLUTIONS SUBJECT TO FORMAL MOTIONS

A listing of resolutions subject to formal resolutions to adjourn or lay on the table items of Council business, for the current term of Council were presented in the Agenda.

18. URGENT BUSINESS

Nil

9.4 Investigation of Affordable Housing Opportunities

In accordance with her notice:

Councillor Clancy moved and Councillor Norton seconded that Administration investigates the affordable housing opportunities in Holdfast Bay, including but not exclusively the land next to Hove station, Elizabeth Street and the Partridge Street Car Parks.

C090908/392 Councillor Bouchée moved and Councillor Crutchett seconded that the question be adjourned until the opportunity for the matter is to be considered in a workshop and a further report be presented.

CARRIED

Background

Funding is presently available through the Federal government. As such, this may be the appropriate time to increase both parking and housing stock (both affordable and at market rates). The benefits of these changes would be: revenue raised from the sale of 'at market' properties, as well as increase revenue collected from rates on the new properties.

An associated benefit for the community and the environment would be to create housing which has good access to public transport. I believe Holdfast Bay has the will and capacity to meet these kinds of environmental imperatives.

9.5 Opportunities to reduce unnecessary disturbance to residents

In accordance with her notice:

Councillor Clancy moved and Councillor Beh seconded that Administration examine the opportunity to reduce the problem of patrons leaving the Broadway and Holdfast Hotels and causing unnecessary disturbance to surrounding residences.

AMENDMENT

C090908/393 Councillor Crutchett moved and Councillor Norton seconded that Administration examine the opportunity to reduce the problem of patrons leaving the Broadway and Holdfast Hotels and causing unnecessary disturbance to surrounding residences, including cost recovery for the service from relevant businesses and hold discussions with the Taxi Council in the examination of this option.

THE AMENDMENT WAS CARRIED

THE AMENDMENT BECAME THE MOTION AND WAS CARRIED

Background

Residents surrounding the above mentioned hotels have complained about the negative impact of hooliganism and the inconsiderate behaviour of some patrons leaving those premises en route to Glenelg.

Something constructive needs to be done to address this problem. I know that patrons have considerable difficulty in getting taxis at both locations for the short trip to Glenelg. Even where patrons wants to travel further than Glenelg, I know that some patrons have waited up to two hours for a taxi. In the past, I have picked up friends of family members and taken them to the taxi rank behind the Grand Hotel.

One way to resolve some of these issues could be to use the community bus to move people from Glenelg South to Glenelg.

9.6 Investigation of effective glazing solutions to reduce noise levels

Councillor Huckstepp left the meeting at 8:05pm.

Councillor Huckstepp rejoined the meeting at 8:07pm.

In accordance with her notice:

C090908/394 Councillor Clancy moved and Councillor Norton seconded that Administration seek advice as to the most effective glazing including laminating to reduce noise levels and this information be reported to council with information to advise future direction.

CARRIED

Background

Council Staff and Councillors have received complaints from residents regarding noise close to hotels, however the problem is not restricted to hotels – some residents just have noisy neighbours. To assist residents it would be worthwhile to be able to provide them with some methods of addressing the problem.

19. ITEMS IN CONFIDENCE**19.1 Seacliff 'Cement Hill' Development Plan Amendment – Memorandum of Understanding (Report No: 417/08)**

Council officers remaining: Mr Hodge, Mr Walker, Ms Thomas, Ms Tregilgas and Ms Aukett

C090908/395 Councillor Clancy moved and Councillor Heysen seconded that, pursuant to Section 90(2) and 90(3)(m) 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), on the basis that it will receive, discuss or consider the following:

- **information relating to a proposed amendment to a Development Plan under the *Development Act 1993* before a Plan Amendment Report relating to the amendment is released for public consultation under that Act.**

CARRIED

Seacliff 'Cement Hill' Development Plan Amendment – Memorandum of Understanding (Report No: 417/08)

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C090908/397 Councillor Heysen moved and Councillor Clancy seconded that pursuant to Section 90(2), 90(3)(m) and 91(7) of the Local Government Act 1999:

- 1. The Council orders that the documents and minutes relating to Report No: 417/08 with the exception of Resolution No: C090908/395 for going into confidence be kept confidential and not available for public inspection on the basis that they deal with information relating to a proposed amendment to a Development Plan under the *Development Act 1993* before a Plan Amendment Report relating to the amendment is released for public consultation under that Act, under Section 90 (2) and 90(3)(m) of the Act.**
- 2. This resolution will be reviewed on or before 30 June 2009 by the Council.**

CARRIED

19.2 Endorsement of Arts Advisory Committee Minutes (Report No: 431/08)

Council officers remaining: Mr Hodge, Mr Walker, Ms Thomas and Ms Aukett

C090908/398 Councillor Heysen moved and Councillor Huckstepp seconded that, pursuant to Section 90(2) and 90(3)(a) 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), on the basis that it will receive, discuss or consider the following:

- information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person or persons (living or dead).

CARRIED

Endorsement of Arts Advisory Committee Minutes (Report No: 431/08)

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C090908/400 Councillor Clancy moved and Councillor Lonie seconded that pursuant to Section 90(2), 90(3)(a) and 91(7) of the Local Government Act 1999:

1. The Council orders that the documents and minutes relating to Report No: 431/08 with the exception of Resolution No: C090908/398 for going into confidence be kept confidential and Attachment 1 Minutes of the Arts Advisory Committee Meeting and not available for public inspection on the basis that they deal with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person or persons (living or dead) under Section 90 (2) and 90(3)(a) of the Act.
2. This resolution will be reviewed on or before 30 December 2009 by the Council.

CARRIED

20. RESUMPTION

C090908/403 Councillor Clancy moved and Councillor Heysen seconded that Council resume as an open meeting of Council at 8:29pm.

CARRIED

21. CLOSURE

The Meeting closed at 8:29pm.

CONFIRMED

Tuesday 23 September 2008

MAYOR