

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 25 November 2008 at 7:00pm.

PRESENT

His Worship the Mayor
Deputy Mayor
Councillors

A K Rollond
R A Clancy
R D Beh
R M Bouchée
P N Crutchett
J L Deakin
L R Fisk
J D Huckstepp
S C Lonie
T D Looker
A C Norton
L van Camp
I S Walker
R A Thomas
S G Hodge

Acting Chief Executive Officer
General Manager City Services
General Manager City Assets

1. OPENING

His Worship the Mayor, declared the meeting open with prayer and acknowledgement of Kaurna Traditional Owners at 7:00pm.

2. APOLOGIES

- | | | |
|-----|--|-------------------------|
| 2.1 | For Absence | Nil |
| 2.2 | Leave of Absence | Councillor P D H Heysen |
| 2.3 | Absent Without Apology or Leave | Nil |

3. ITEMS PRESENTED TO COUNCIL Nil

4. CONFIRMATION OF MINUTES

C251108/532 Councillor Beh moved and Councillor Huckstepp seconded that the minutes of the Ordinary Meeting of Council held on 11 November 2008 be taken as read and confirmed.

CARRIED

5. MAYORAL REPORT

From 1 October 2008 to 31 October 2008

C251108/533 Councillor Clancy moved and Councillor Looker seconded that the report be received and noted.

CARRIED

6. QUESTIONS BY MEMBERS**6.1 Without Notice****6.1.1 Street Tree Policy and Development Applications**

Councillor Bouchée asked questions regarding how Administration uses the Street Tree Policy in the assessment of development applications and if trees are inspected.

General Manager City Services, Ms Rebecca Thomas provided a response.

General Manager City Assets, Mr Steve Hodge provided a response.

6.1.2 King Street Bridge

Councillor Beh asked a question regarding the current status of the works to the King Street Bridge, Glenelg.

General Manager City Assets, Mr Steve Hodge provided a response.

6.1.3 Regional and Local Community Infrastructure Program

Councillor Deakin asked a question regarding the Regional and Local Community Infrastructure Program.

The Acting Chief Executive Officer, Mr Ian Walker provided a response.

6.2 With Notice Nil

7. REPORTS BY DELEGATES OR REPRESENTATIVES Nil

8. PETITIONS, DEPUTATIONS AND PRESENTATIONS

Councillors Clancy, Looker and van Camp declared an interest in Item 8.1 due to their membership on the Development Assessment Panel and left the meeting at 7:08pm.

8.1 Addition to St Peters Church, Torrens Square, Glenelg

Ms Jayne Taylor and Mr Tony Whitehill, Wardens of St Peters Church, Torrens Square, Glenelg made a presentation to Council regarding future development on the site.

Background

On the 9 September 2008, the following Motion on Notice was presented in Council by Councillor Looker and seconded by Councillor Bouchée:

That the Mayor on behalf of the Council, writes to the Parish Council of St Peters Church, Torrens Square, Glenelg, and ask them to abandon planning for a modern addition to the historic church building.

Prior to the Motion going to a vote, Councillor Crutchett moved and Councillor Huckstepp seconded the following procedural motion which was carried:

That the question be adjourned until the Parish of St Peters Anglican church are given an opportunity to present their designs to Council.

The following comments were provided by Administration at the time of the motion on Notice:

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.

As an update to Administrations previous comments above, Members are advised that to date, no Development Application has been lodged with Council for additions to St Peters Church

Councillors Clancy, Looker and van Camp rejoined the meeting at 7:24pm.

8.2 Deputation by Chair of the Brighton Secondary School Governing Council

Mr Mark Edwards, Chair of the Brighton Secondary School Governing Council made a deputation to Council regarding the Brighton Performing Arts Centre.

C251108/534 Councillor Bouchée moved and Councillor Fisk seconded that Item 15.3 Brighton Performing Arts Centre – Progress Report (Report No: 542/08) be considered immediately before Item 10 of the Council Agenda.

CARRIED

9. NOTICES OF MOTION**9.1 Establishment of the Chief Executive Officer Recruitment Committee**

In accordance with his notice:

- C251108/535** Councillor Crutchett moved and Councillor Norton seconded that Council establishment of a special purpose Committee pursuant to Section 41 of the Local Government Act 1999 ("the Act") known as the "CEO Recruitment Committee" with the terms of reference and delegated authority to be:
- a. oversee the process to recruit Council's next Chief Executive Officer.
 - b. liaise with and provide instructions to the recruitment consultant engaged by Council to determine the essential requirements and desirable characteristics for the position for a decision by council.
 - c. in conjunction with consultant, review applications and select a maximum of 10 candidates for interview by the committee
 - d. to present the final 5 for consideration by full Council (all 13 members) including a 10 minute presentation by each candidate on what they would bring to the City followed by a pre-determined set of questions
 - e. Committee to be dissolved following appointment of the Chief Executive Officer by Council.
 - f. The committee members shall comprise all those who wish to serve on the committee.

AMENDMENT

- C251108/536** Councillor Looker moved and Councillor Fisk seconded that the Members of the Chief Executive Recruitment Committee be those currently serving on the Executive Committee.

THE AMENDMENT WAS LOST

THE SUBSTANTIVE MOTION WAS PUT AND CARRIED

9.2 Telstra Building Jetty Road Glenelg

In accordance with his notice:

- C251108/537** Councillor Crutchett moved and Councillor Deakin seconded that Administration open communication with Telstra to investigate whether council could redevelop the vacant block at the rear of the Glenelg Telephone exchange for public car parking.

CARRIED

Background

There is a large piece of land behind the exchange which would be suitable for car parking.

Council has money in the car parking fund for such development.

Telstra could earn some money via a land use agreement/ parking management plan.

An open carpark may improve security for the exchange and decrease the graffiti on the exchange building.

If council own the adjoining lane this could increase the effective area available for parking.

A priority parking area could be established for a set number of Telstra maintenance vehicles



Councillors Clancy and van Camp declared an interest in the following matter due to their membership on the Development Assessment Panel and left the meeting at 7:56pm.

9.3. Addition to St Peter's Church, Torrens Square, Glenelg

At the meeting on 9 September 2008, Councillor Looker gave notice that he was to move the following Motion, which was subsequently seconded by Councillor Bouchée. Council however resolved **"...that the question be adjourned until the Parish of St Peter's Anglican church are given an opportunity to present their designs to Council."** Following the earlier presentation by St Peter's Church representatives, the Motion is now re-listed for consideration.

In accordance with his notice:

C251108/538 Councillor Looker moved and Councillor Bouchée seconded that the Mayor on behalf of the Council, writes to the Parish Council of St Peter's Church, Torrens Square, Glenelg, and ask them to abandon planning for a modern addition to the historic church building.

LOST

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.

Councillors Clancy and van Camp rejoined the meeting at 7:59pm.

15.3 Brighton Performing Arts Centre – Progress Report (Report No: 542/08)

Council determined in October 2008 to provide 'in-principle' support for a stand alone Brighton Performing Arts Centre to be constructed on the Brighton Secondary School (BSS) campus. The BSS Governing Council appointed a Project Manager to collate the key aspects of the professional services and to obtain an accurate estimate of construction cost for the final concept plan for the Brighton Performing Arts Centre, currently estimated at \$3.2 million.

An offer to apply for an Australian Government funding source of \$2 million has been made to Council as part of the Better Regions Program before the grant closing date of 31 January 2009. This Program specifically excludes State Government Departments from eligibility (i.e. Department of Education and Children's Services).

The purpose of this report is to present details of the final concept plans prepared for the BSS as a stand alone building, confirm the School community's preparedness to contribute in a capital funding partnership with Council and demonstrate progress towards guaranteeing community access.

C251108/539 Councillor Crutchett moved and Councillor Bouchée seconded that the question be adjourned pending the resolution of the community access arrangements to Council's satisfaction.

LOST

C251108/540 Councillor Deakin moved and Councillor Clancy seconded:

- 1. That Council confirms its support to develop a shared, community use Brighton Performing Arts Centre to be constructed on the Brighton Secondary School campus and commits to facilitating a Better Regions Program grant submission to the Australian Government.**
- 2. That Council notes the current project cost estimate of \$3.2 million, which together with anticipated Australian Government capital funding of \$2 million, will result in a project funding shortfall of \$1.2 million, to which the Brighton Secondary School will contribute at least \$500,000 in capital funds, resulting in an estimated nett project funding shortfall of \$700,000.**
- 3. That Council confirms its capital funding contribution to the proposed Brighton Performing Arts Centre as \$300,000 for the purposes of the Australian Government funding submission.**
- 4. That reduced project scope and costs, and/or increased Brighton Secondary School and community capital funding, be pursued between now and any final decision to proceed with the project, in order to achieve a feasible project outcome within the total capital funds available from all project partners at the time of a final decision to proceed.**
- 5. That the construction and on-going management of the Brighton Performing Arts Centre be undertaken through a partnership management structure premised on the following key roles:-**
 - 5.1. City of Holdfast Bay or a Joint Project Group to be responsible for construction of a defined and agreed facility in order to satisfy the requirements of the funding submission, a final funding agreement with the Australian Government and project funding acquittal responsibilities;**
 - 5.2. Brighton Secondary School and/or others to be responsible for ownership, operation, maintenance and depreciation costs of the facility, together with its ultimate replacement (if required at the time);**
 - 5.3. continuing operation and use of the facility to be governed by an entity facilitated by Brighton Secondary School as the primary funder of**

operational costs, which shall include appropriate representation from Brighton Secondary School, Government Agency/s, local community, south-western Adelaide region arts community and the City of Holdfast Bay.

6. That Administration be authorised to proceed to lodge an Australian Government funding submission for the Brighton Performing Arts Centre project, based on the terms set out above.

AMENDMENT

C251108/541 Councillor Beh moved and Councillor Crutchett seconded that \$300,000 be allocated over the next two years for the Brighton Performing Arts Centre.

LOST

C251108/542 Councillor Looker moved and Councillor Lonie seconded that the question be put.

LOST

The Substantive Motion was put.

A division was called.

Voted For

R D Beh

R A Clancy

J L Deakin

L R Fisk

J D Huckstepp

S C Lonie

T D Looker

A C Norton

L van Camp

Voted Against

R M Bouchée

P N Crutchett

HIS WORSHIP THE MAYOR DECLARED THE MOTION CARRIED

Councillor Clancy left the meeting at 8:40pm

10. ADJOURNMENT (TO ENABLE PERMANENT COMMITTEES TO MEET) (8.40PM)

C251108/543 Councillor Looker moved and Councillor Deakin seconded that Council stand adjourned to enable the permanent Economic and Corporate and Environment and Engineering Committees to meet.

CARRIED

Councillor Clancy rejoined the meeting at 8:43pm.

11. RESUMPTION

C251108/545 Councillor Deakin moved and Councillor van Camp seconded that Council resume at 10:35pm.

CARRIED

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

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

C251108/546 Councillor Fisk moved and Councillor Looker seconded:

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

CARRIED

12.2 Environment and Engineering Committee

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

C251108/547 Councillor Beh moved and Councillor van Camp seconded:

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

CARRIED

13. REPORTS OF ADVISORY COMMITTEES AND/OR SUB-COMMITTEES Nil

14. REPORTS OF REGIONAL SUBSIDIARIES Nil

15. REPORTS BY OFFICERS**15.1 Council's Strategic Directions and Priorities – Progress and Status report (Report No: 538/08)**

Council in June 2007 adopted a list of Strategic Directions and Priorities as the summary of intended priority allocation of resources to key issues of importance to the community. This report presents a progress and status report, as at November 2008, and recommends the revision of the Strategic Directions and Priorities list to remove those 'completed' items and include some items previously given 'watching brief' status.

C251108/548 Councillor Fisk moved and Councillor Beh seconded:

- 1. That the summary of progress and status of Council's Strategic Directions and Priorities, as at November 2008, included at Attachment 2 to Report number 538/08 be endorsed.**
- 2. That Administration reports further on the consolidation of remaining Strategic Directions and Priorities items for substantial attention and work into a single schedule, including items from the previous 'watching brief' list to be added to the action priorities list.**
- 3. That information on the Strategic Directions and Priorities outcomes to date be provided to the community through appropriate communication methods.**

CARRIED**15.2 25 Moseley Street Glenelg, Community Engagement Outcomes (Report No: 541/08)**

Earlier this year Council purchased the former Trinity Church building located at 25 Moseley Street, Glenelg.

In order to gain some knowledge as to what the community views are for the use of the site, Council undertook a community consultation process. The consultation, in part, involved an Open Day held on Saturday 18 October 2008 which provided the opportunity for the community to view the site, ask staff and Council Elected Members questions, and have their say by completing a written response sheet.

For those that wanted to have their say but could not attend the Open Day, information brochures and response sheets were available from the Brighton Civic Centre, local libraries, Community centres and on-line via the Council website.

A total of ninety-four (94) people had their say on the future use of the site by completing the written response sheet provided. Of those that returned the response sheet, 88.2% were City of Holdfast Bay residents. The most popular use suggested by the community for Area 1 was the Glenelg Library (42.5%), Area 2 the Glenelg Community Centre (30.8%), and Area 3 was for the room to be demolished and used for car parking (17%).

Administration has also received individual submissions from organisations/community groups expressing interest in using the site.

The purpose of this report is to present the results of the community consultation to Council and facilitate discussion on future occupation of the building.

C251108/549 Councillor Looker moved and Councillor Fisk seconded:

1. That the results from the community consultation process on the future of the site at 25 Moseley Street, Glenelg be referred to the Glenelg Town Hall and Community Services Advisory Committee.
2. That Administration investigates the potential short term lease/hiring arrangements for the site that could take place while the long term future use of the building is being determined.
3. That Administration discuss with tenants of the Partridge Street properties their interest in re-locating to the site.
4. That Administration call for Expressions of Interest for the short term use of the site and report back to Council in early 2009.

CARRIED**15.4 Development Act 1993 and Development Act 2008 – Review of Delegations (Report No: 555/08)**

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. In the case of the Development Act 1993 and the new Development Regulations 2008 certain of these powers must be passed to the Development Assessment Panel and/or to the Chief Executive Officer. Changes to the legislation, including the revoking of the previous Regulations and their replacement with the Development Regulations 2008, which came into effect in October 2008, make it appropriate to update these delegations at this time.

In order to give effect to the delegations Council must first revoke all existing delegations and then resolve to adopt the new delegations, with any conditions or limitations, to both the Chief Executive Officer and the Development Assessment Panel. Subsequent to these delegations being made by Council, the Chief Executive Officer will then make any sub-delegations to other staff as appropriate.

C251108/550 Councillor Crutchett moved and Councillor Clancy seconded:

1. That in response to changes to the Development Act 1993 and the implementation of the, Development Regulations 2008, Council having reviewed its delegations under the Development Act 1993 and Development Regulations 1993:-
 - 1.1 hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the Development Act 1993 and Development Regulations 1993;
 - 1.2 hereby revokes its previous delegations to its Development Assessment Panel under the Development Act 1993 and the Development Regulations 1993.
2. That in exercise of the power 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 Delegations (annexed to the report titled Development Act 1993 and Development Act Regulations 2008 – Review of Delegations, dated 25 November 2008, marked Attachment 1) are:-
 - 2.1 hereby delegated this 25 November 2008 to the person occupying the office of the 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; and
 - 2.2 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 and the Development Regulations 2008.

3. That in exercise of the power 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 Delegations, (annexed to the report titled Development Act 1993 and Development Act Regulations 2008 – Review of Delegations, dated 25 November 2008 and marked Attachment 2) 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 and Development Regulations 2008.

5.1 Paragraph number	Heading
1	Change of Land Use Declaration
6	Assessment of Development Proposal
7	Determination of Relevant Authority
8	Special Provisions Relating to Development Plan Assessment
10	Consultation with Other Authorities or Agencies
11	Proposed Development Involving Creation of Fortifications
11A	Preliminary Advice and Agreement
12	Public Notice and Consultation
13	Provision of Additional Information
14	Variation of an Application
15	Refuse Non-Complying Development
17	Extension of Time of Development Authorisation
18	Attaching of Conditions
19	Cancellation of Development Authorisation
20	Investigation of Development Assessment Performance
21	Crown Development
23	Open Space Contribution
24	Car Parking Fund
25	Certificate in Respect of the Division of Land
26	Saving Provisions
27	Avoidance of Duplication of Procedures in Relation to Commonwealth Environment Protection and Biodiversity Conservation Act, 1999
45	Seeking of Professional Advice
46	Development Plan Amendment
47	Public Consultation
48	Application to Relevant Authority
50	Non-complying Development
51	Notification of Tree-Damaging Activity to Owner
52	Amended Applications
53	Withdrawal of an Application
55	Contravening Development
56	Referrals and Concurrence
58	Land Division Applications
59	Underground Mains Area
59A	Preliminary Advice and Agreement
62	Response by Applicant
63	Notification of Decision
64	Lapse of Consent or Approval

65	Width of Roads and Thoroughfares
66	Road Widening
67	Requirement as to Forming of Roads
68	Construction of Roads, Bridges, Drains and Services
71	Division of Land by Strata Title
72	General Provisions
73	Major Project Decisions
81	Independent Technical Experts
88	Schedule 8 – Development Near the Coast
89	Schedule 8 – Development Adjacent to Main Roads
90	Schedule 8 - State Heritage Places
92	Schedule 8 – Activity of Environmental Significance
96	Schedule 9 – Part one, Category One Development and Part Two Category Two Development Schedule 10 – Decisions by Development Assessment Commission.

CARRIED

16. 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.

17. URGENT BUSINESS

17.1 Special Meeting of Council Agenda – 2 December 2008

C251108/551 Councillor Deakin moved and Councillor Bouchée seconded that the Special Meeting of Council to be held on 2 December 2008 Agenda include consideration of a submission under the Regional and Local Community Infrastructure Program.
CARRIED

17.2 Strategic Directions Workshop

C251108/552 Councillor Deakin moved and Councillor Fisk seconded that Administration organise a mid term strategic directions workshop early in the new year.
CARRIED

17.3 Indigenous Access to the Coast

Councillor Bouchée requested clarification regarding Indigenous access to the coast.

Acting Chief Executive Officer, Mr Ian Walker, took the question on notice.

17.4 Australian Council of Local Government

Councillor Clancy expressed disappointment with His Worship the Mayor not attending the Australian Council of Local Government meeting in Canberra and for not allowing a representative of the City of Holdfast Bay to attend.

18. CLOSURE

The Meeting closed at 10:57pm.

CONFIRMED

Tuesday 16 December 2008

MAYOR