

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 April 2009 at 7:00pm.

PRESENT

His Worship the Mayor	A K Rollond
Deputy Mayor	R A Clancy
Councillors	R D Beh - 7:31pm.
	P N Crutchett
	J L Deakin
	L R Fisk
	J D Huckstepp
	S C Lonie - 7:02pm.
	T D Looker
	A C Norton
	L van Camp
Chief Executive Officer	R T Donaldson
General Manager City Assets	S G Hodge
General Manager City Services	R A Thomas
General Manager Corporate Services	I S Walker

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 Apologies received	Nil
2.2 Absent	Councillors R M Bouchée and P D H Heysen

3. ITEMS PRESENTED TO COUNCIL

Nil

4. CONFIRMATION OF MINUTES

C280409/233 Councillor Clancy moved and Councillor Huckstepp seconded that the minutes of the Ordinary Meeting of Council held on 14 April 2009 be taken as read and confirmed.

CARRIED

Councillor Lonie joined the meeting at 7:02pm.

5. MAYORAL REPORT

From 1 March 2009 to 31 March 2009.

C280409/234 Councillor Clancy moved and Councillor Looker seconded that the report be received and noted.

CARRIED

6. QUESTIONS BY MEMBERS

6.1 Without Notice Nil

6.2 With Notice

6.2.1 Dwelling with two driveways

At the Council Meeting held 14 April 2009, Councillor Clancy asked a question regarding a dwelling with two driveways and the General Manager City Assets, Mr S Hodge took the question on notice.

The General Manager City Assets, Mr S Hodge's response.

Council currently does not have a policy regarding two driveways for one property. However, there are several factors within Council's procedures that would directly impact on an application for a second driveway.

The following are associated principles applying to crossovers:-

- **One of the conditions for invert/ crossover construction as contained in the permit application form is that the maximum length along the kerb of inverts must not exceed 4.5 metres. "Any requests for inverts greater in length than this may be considered but will require separate approval from the Special Projects Engineer".**
- **Under the Holdfast Bay (City) Development Plan reference is made to driveway width and suitability in relation to development.**
 - **Principle 126 Vehicle crossovers from public streets should be:**
 - (a) **of minimum width to preserve and enhance street character...**
 - (b) **located so that as many on-street car parking spaces a possible are retained**
 - (c) **placed to avoid relocation of street trees, utilities and infrastructure inspection points, poles and equipment.**
 - 126.1 In relation to Principle 126(a), vehicle crossovers are 3 metres wide for a single driveway up to 5 metres wide for a double driveway**
 - **128 Driveway width should not exceed 30 percent of the frontage of the site. (This could allow a second driveway to be constructed provided this principle is complied with).**
- **Under the Local Government Act Section 218 (1), a Council may , by order in writing to the owner of land adjoining a road, require the owner to carry out specified work to construct, remove or repair a crossing place from the road to the land. This enables an obsolete driveway to be closed off if an alternative driveway is being used.**
- **When considering development applications for new dwellings, approval can be granted for an alternative driveway provided an obsolete driveway is reinstated to kerb and water table and footpath areas.**

These principles do not make direct reference to Council favouring a second crossover for properties, however, a second crossover is a possibility for approval if the Development Plan principles are complied with (or no "development" is involved), and both crossovers will be used.

It is open to Council to set out its policy position on "second crossovers", including the policy rationale and the circumstances in which proposals for second crossovers would and would not be favourably viewed.

7. REPORTS BY DELEGATES OR REPRESENTATIVES

7.1 Holdfast Bay Bowls and Croquet Club Presentation Night

Councillor Looker reported that he attended the Holdfast Bay Bowls and Croquet Presentation Night on Saturday 18 April 2009 representing Mayor Rollond.

7.2 Seacliff Surf Life Saving Club Redevelopment Meeting

His Worship the Mayor and Councillor Huckstepp reported that they attended the Seacliff Surf Life Saving Club Redevelopment meeting held on Wednesday 22 April 2009.

8. PETITIONS AND DEPUTATIONS

8.1 Yarrum Grove Residents - Concerns

A petition has been received from 9 residents of Yarrum Grove regarding their concerns relating to the proposed development at 6 Weewanda Street, Glenelg.

The petition states as follows:

"We the undersigned/residents of Yarrum Grove submit the following petition as a means to have our concerns addressed:

Background

6 Weewanda Street, Glenelg is subject to a development application.

Request

We oppose:

- 1. The move to develop the above site facing Yarrum Grove, Somerton Park due to regular local flooding and danger caused by traffic exiting the property onto a narrow roadway.*
- 2. The removal of any further vegetation from the road verge fronting the northern side of Yarrum Grove that backs onto the council land behind 6 Weewanda Street.*
- 3. Any access allowed to 6 Weewanda Street via Yarrum Grove."*

Attached for the information of Elected Members is the petition. Administration has verified that the number of signatures attached is 9.

Refer Attachment 1

C280409/235 Councillor Looker moved and Councillor Fisk seconded:

- 1. That the petition be received by Council.**
- 2. That the petition be referred to Council's Development Assessment Panel for consideration as part of any future development application.**
- 3. That the head petitioner, Ms J Russian be advised of Council's decision.**

CARRIED

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

In accordance with his notice:

C280409/236 Councillor Looker moved and Councillor Fisk seconded that Council release from Confidence the following non personal details of the CEO recruitment process:

- 1. The number of applications.**
- 2. The gender balance of the applications.**
- 3. The number of candidates interviewed.**
- 4. The total cost of the process including consultant's fees and advertising.**

CARRIED

Background

With the CEO recruitment process now complete it is appropriate that non confidential information be released in the public interest. The above details show a number of important facts including the high level of competition for this position and the cost of the process which has already been a matter of community interest. The gender equity matter is currently topical in local government.

9.2 Bore at David Avenue, Glenelg North

In accordance with his notice:

Councillor Huckstepp moved and Councillor Looker seconded that Administration investigates the quality and availability of the water sourced from the council owned bore in David Ave, Glenelg North and that the Department of Water, Land and Biodiversity Conservation be contacted with a view to increasing usage of this water if deemed potable and what options may be available to Council for deepening this bore if more or better quality water is available in the tertiary aquifer.

C280409/237 Councillor Crutchett moved and Councillor Norton seconded that this matter be adjourned, pending further consideration of a recent or imminent SA Water report/study into Adelaide's aquifers.

CARRIED

Background

This particular bore produced a very good quality water, such that in the 1960's the then owners SA Water utilised the bore as back up to the mains water supply, in times of drought or severe water restrictions. It well may be that Council could now utilise this water supply as a cheaper option for uses in other areas of council's operation, such as tree watering etc.

9.3 Nation Building – economic Stimulus Plan – Land and Dwelling Proposals

In accordance with his notice:

C280409/238 Councillor Crutchett moved and Councillor Fisk seconded that Administration review the tender (shown below) and advise Council of any opportunities that may be available to Council to participate

CARRIED

Department for Environment and Heritage	Expression of Interest	Expressions of Interest for the Provision of Environmental, Project and Community Engagement Services for the Coorong, Lower Lakes and Murray Mouth Projects.	4pm Adelaide time 05 May 2009	Ryan Barmoy 0820 0200	Download from www.tenders.sa.gov.au (code:DEH017291)
Department for Families and Communities/Housing Asset Services	Request for Proposal No. PCM0147	Nation Building – Economic Stimulus Plan. REQUEST FOR PROPOSAL – LAND AND DWELLING PROPOSALS. Housing SA has issued a public Request for Proposal (RFP) seeking proposals for the supply of land and the construction of social housing dwellings throughout South Australia. Proposals may include house and land packages, apartments, townhouses and multi unit complexes constructed in accordance with Housing SA's specification. The RFP was issued as part of the Australian Government's Nation Building Economic Stimulus Plan aimed at building Australia's prosperity and securing jobs in response to the global economic recession. The Social Housing component of the plan will see the construction of approximately 1500 new affordable rental dwellings. Interested parties should go to the Tenders SA website for further details and to download the RFP documents.	3pm Adelaide time 29 April 2009	Elizabeth Chmielecki 8207 0641 elizabeth.chmielecki@dfc.sa.gov.au	Download from www.tenders.sa.gov.au (code:HAS017197)
Advanced Tender Notice No. PCM07073	Housing for Remote Aboriginal Communities – Amata & Mimili Stage 1.	Housing SA will issue a public Request for Tender (RFT) in late April / early May for the construction of new dwellings in	3pm Adelaide time 26 May 2009	Pheary Bou pheary.bou@dfc.sa.gov.au	Download from www.tenders.sa.gov.au (code:HAS017281)

10. ADJOURNMENT (TO ENABLE PERMANENT COMMITTEES TO MEET) (7:12PM)

C280409/239 Councillor Clancy moved and Councillor Looker seconded that Council stand adjourned to enable the permanent Economic and Corporate and Environment and Engineering Committees to meet.

CARRIED

11. RESUMPTION

C280409/240 Councillor Beh moved and Councillor Clancy seconded that Council resume at 8:18pm.

CARRIED

Councillor Beh joined the meeting at 7:31pm at the conclusion of the Economic and Corporate Committee.

Councillor Lonie left the meeting at 8:18pm.

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.

C280409/241 Councillor Looker moved and Councillor Beh 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 as follows:

Community Bonds

C280409/241.1 That Administration reports on the opportunities and risks of Council initiating a community (infrastructure) bond scheme and/or a Bequest scheme (foundation) to raise funds to carry out Council infrastructure project.

Background

Council is currently paying between 5.5 to 6% interest on its borrowings, whilst many of our ratepayer would have investments in banks earning significantly less than this.

(Extract from a Penrith City Council submission to the PM)

There are many examples in the United States of America and New Zealand where Municipal Bonds are a very effective way of delivering long term projects whilst providing an investment opportunity that allows some pride for citizens putting something back into

their communities.

It may be feasible to initially implement infrastructure bonds by accessing the wholesale financial markets and then expand the offering to the "mum and dad" investors in their own communities.

Statement of Receipts and Payments - March 2009 (Report No: 157/09)

The City of Holdfast Bay produces standard monthly reports for receipts, payments and bank reconciliation as well as balances of investments and reserves. The production of these reports is an important internal control mechanism that ensures all transactions are accounted for and allocated correctly in the accounting system.

The statements for the month of March 2009 are submitted for information.

C280409/241.2 That Report No: 157/09 be received.

Financial Reporting Update to 31 March 2009 (Report No: 158/09)

This report provides Council with the monthly update on the current status of the 2008/09 Budget, including resolutions of Council which have budget implications, but which have not yet been incorporated into Council's formal Budget Review process.

C280409/241.3 That the Committee recommends that Report No: 158/09 be noted.

Monthly Financial Reports - March 2009 (Report No: 159/09)

This report provides Elected Members with monthly financial reports. It comprises a Funds Statement and a Capital Expenditure Statement for the year-to-date compared with the 2008/09 budget.

C280409/241.4 That Report No: 159/09 be received and noted.

Licence - SA Water - Kiwanis Park, Glenelg East (Report No: 171/09)

Endorsement is sought for Council to enter into a licence with SA Water for a period of 10 years from 1 July 2006 for use of the land on the corner of Diagonal Rd and Tennant Street, Glenelg East, at a "peppercorn" rental. The original licence for the property expired on 30 June 2006.

C280409/241.5 That:

- 1. Council accepts the offer of an extended licence received from SA Water for the land on the corner of Diagonal Rd and Tennant Street, Glenelg East for a term of ten years, commencing on 1 July 2006, at a rental of \$1pa payable on demand (or similar);**
- 2. His Worship the Mayor and the Chief Executive Officer be authorised to sign and seal any necessary documentation in regard to the licence.**

Lease - Meals on Wheels (SA) Inc - Glenelg North (Report No: 170/09)

Endorsement is sought for the grant of a lease to Meals on Wheels (SA) Inc for an initial period of 5 years (with a right of renewal for a further 5 years) for use of the premises on the corner of David Ave and Golflands Terrace, Glenelg North, at a rental of \$10 pa plus GST, payable on demand. As agreed between the parties, the date of commencement of the lease is 1 November 2008.

This matter required public consultation as the land is on the Community Land Register.

C280409/241.6 That:

1. a lease for a term of five years, commencing on 1 November 2008, at a commencing rental of \$10 per annum plus GST, payable on demand, be granted to Meals on Wheels (SA) Inc;
2. His Worship the Mayor and the Chief Executive Officer be authorised to sign and seal any necessary documentation in regard to the lease.

Licence - Kingston Park Kiosk - (Report No: 172/09)

Endorsement is sought for the grant of a licence to Mr Michael Kingston for a period of 4 years (with no right of renewal) for use of the kiosk premises at the southern end of the Brighton Caravan Park, at a commencing rental of \$8,676 pa plus GST, payable on demand. The date of commencement of the new licence is 1 June 2009.

This matter required public consultation as the land is on the Community Land Register.

C280409/241.7 That:

1. a licence for a term of four years, commencing on 1 June 2009, at a commencing rental of \$8,676 per annum plus GST, payable on demand, be granted to Mr Michael Kingston to occupy the Kingston Park Kiosk facility;
2. His Worship the Mayor and the Chief Executive Officer be authorised to sign and seal any necessary documentation in regard to the licence.

Draft 2009/10 Annual Business Plan (Report No: 181/09)

The Draft 2009/10 Annual Business Plan is presented for consideration.

C280409/241.8 That the Draft 2009/10 Annual Business Plan contained at Attachment 1 be received and further considered by Council at it's meeting on 12 May 2009.**Internal Loan Funding 25 Moseley Street Glenelg, 2008/09 External Loan Borrowing (Report No: 182/09)**

In August 2008 Council resolved to fund the purchase of the property at 25 Moseley Street, Glenelg by a short term "internal loan" from the Glenelg Access Strategy Reserve Fund. This report identifies the most appropriate form of medium term funding for this purchase.

This report also discusses the recurrent 2008/09 adopted external loan borrowing program totalling \$750,000 to fund the capital works program.

C280409/241.9 That:

1. The ongoing funding for the acquisition of the property at 25 Moseley Street, Glenelg be met by an internal loan from the Glenelg Access Strategy Reserve Fund on a 15 year variable interest rate repayment basis with interest foregone to be capitalised to that fund, to be fully repaid on the earlier of:
 - a. implementation of longer-term funding strategies for the property acquisition; and
 - b. when a call is made on the Glenelg Access Strategy Reserve pursuant to a Council resolution.
2. Council borrows externally an amount up to \$750,000 to fund the 2008/09 capital works program.
3. The General Manager Corporate Services and Manager Financial Services negotiate the borrowing at the least cost to Council in accordance with Council's borrowing policy and considering sound treasury and fund

management practice.

4. **His Worship the Mayor and the Chief Executive Officer be authorised to sign and seal the debenture documentation.**
5. **That the necessary budget adjustments be brought to account as part of budget review three in 2008/09.**

Miscellaneous Debtors – Bad Debt Write-Off (Report No: 184/09)

The Local Government Act specifies the conditions under which bad debts can be written off. A review has been conducted of outstanding miscellaneous debts. This report identifies those debts over \$1,000 that is considered to be irrecoverable.

C280409/241.10 That:

1. **the Committee recommends that Council writes off \$5,050.82 in miscellaneous debts.**
2. **the practice of seeking an ABN and/or Tax File Number from suppliers be adopted in future.**

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.

C280409/242 Councillor Huckstepp moved and Councillor Clancy seconded that:

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

Greening Policy – Large Trees

C280409/242.1 That the Notice of Motion on Greening Policy – Large Trees be adjourned and referred to the Street Tree Strategy Review Working Party meeting to be held on Tuesday 5 May 2009 for consideration.

Background

Council approvals for tree removals in the past year numbered around 50 and added to that is the natural attrition as living organisms come to the end of their lives. Loss of tall trees is diminishing the area's attractiveness for people and habitat for birds. To counter this Council must actively plant trees which on maturity will be regarded as dominant and significant.

Many locations around the City are suitable for plantings of such trees and these opportunities should not be missed. A deliberate focus on SA natives, especially large eucalypts will ensure Holdfast Bay retains an Australian character as well as providing encouragement and habitat for native birds. This is not so much the case with other popular Eucalypts from interstate - the Euc Maculata and Citradora the use of which should be limited to specific applications. In some locations exotic species such as the Norfolk Island Pines, Moreton Bay Figs are appropriate as are other trees of botanical interest.

There are a number of good examples of attractive plantings such as the small forest on the north of the Marymount Oval, around the Old Gum tree and the Euc Camaldulensis

and Leucoxyloids in Sutherland Park. Compare these to the barren areas such as the small reserve behind Outbound Auto parts and the lack of large trees in the reserve on Cecelia Street. The Sturt River water course has at earlier times been considered for mass plantings of *Euc. Camaldulensis*.

There are many other examples of locations which would benefit from having large trees while not causing risk or impediment of views. It may be that some interested residents may be able to undertake some of this work through growing seedlings or planting and maintaining areas.

Items in Brief (Report No: 188/09)

These items are presented for the information of Members and do not require a separate resolution.

C280409/242.2 That the report be noted and items of interest be discussed.

Feasibility of 'At-Call' Hard Rubbish Collection (Report No: 189/09)

At its meeting on 16 December 2008, Council resolved (in part):

- “2. That Administration reports further on the feasibility of moving to an “at-call” hard rubbish collection, as at July 2009, having regard to:
 - a. Number of collections per year;
 - b. Reuse/recycling benefits;
 - c. Service fee introduction;
 - d. Cost implications.
3. That Administration investigates potential regional collaboration for the delivery of the hard rubbish collection beyond 2009.”

This report provides further information for Members' consideration.

C280409/242.3 That:

1. **Council adopts a fee for service hard rubbish collection for trial in the 2009/10 financial year, with the fee for the trial period set at \$10, with a restriction of two collections per household per year.**
2. **Administration develops a specification and tender which includes a greater focus on recycling rates.**
3. **Administration pursues a regional hard waste collection program consistent with Council's preferred model, with the City of West Torrens.**
4. **Administration reports further in March 2010 on the trial program in order for Council to review outcomes and future direction/s as part of the 2010/11 Annual Business Plan and budget deliberations.**

Road Funding – Roads To Recovery Program 2009/2010 to 2013/2014 (Report No: 190/09)

Councils across Australia are set to receive unprecedented financial assistance of \$1.75 billion from the Federal Government to maintain and upgrade Council roads for the next five years. The City of Holdfast Bay will receive \$1,356, 521 over the next five years commencing 2009/10 to 2013/14.

C280409/242.4 That:

1. **Council expresses to the Commonwealth Government its gratitude for**

continuing the Roads to Recovery Program for the next five years.

2. **Roads to Recovery Program funds of \$271,000 for the 2009/2010 financial year, be directed towards the Coast Park project, specifically attributed to works to roadway resealing, kerb and watertable replacement and footpath paving.**
3. **A further report be presented to Council with a proposal for the Roads to Recovery program for 2010/11 to 2013/14.**

Final Draft of Cat By-Law for Adoption (Report No: 191/09)

On 25 November 2008, Council endorsed in principle the release of the draft City of Holdfast Bay Local Government Act 1999, Cat By-Law for public consultation.

The purpose of this report is to outline the consultation, feedback and to seek Council's adoption of the Cat By-Law.

C280409/242.5 That:

1. **The comments and feedback received from the community in relation to the draft Cat By-Law be received and noted.**
2. **The final draft of the City of Holdfast Bay Cat By-Law included at attachment 2 to Report No. 191/09, be adopted as Council's Cat by-Law and be dated and signed by the Chief Executive Officer.**
3. **The Chief Executive Officer inform the Legislative Review Committee of the South Australian Parliament of Council's adoption of the City of Holdfast Bays' Cat By-Law for the Parliamentary process to continue and finalise Council's Cat By-Law.**

Budget Variance – Pier Street, Stormwater Drainage Upgrade Stage 2 (Report No: 192/09)

The Pier Street Stormwater Drainage System is currently being upgraded from Brighton Road to Partridge Street, representing Stage 2 of a three stage total project. Funding was received from the Stormwater Management Authority comprising \$173,000 to assist with the stormwater drainage system upgrade; \$318,967 was allocated from the Roads to Recovery Program and the balance funded by Council \$151,540, for a total project budget of \$643,507.

The likely projected cost to complete this project is now \$698,500. The expenditure for this project year to date (YTD) as at 7 April 2009 is \$496,130.

C280409/242.6 That Council approves an additional budget allocation of up to \$55,000, to be funded from the Infrastructure Reserve Fund, to complete the Pier Street Stormwater Drainage System Upgrade Stage 2 during financial year 2008/09.

Enforcement on Graffiti Removal on Private Properties (Report No: 193/09)

This report is presented in response to the following resolution of Council on 24 March 2009.

That Administration report back to Council on what enforcement is available to Council for residents not removing graffiti from their properties."

The report outlines the current context and issues associated with graffiti and its legal removal from properties.

C280409/242.7 That Report No. 193/09, enforcement on graffiti removal on private property be received and noted.

Temporary Parking On Anzac Highway, Glenelg (Report No: 194/09)

Council has sought a report on temporary parking for major events along Anzac Highway. Due to the important traffic movement role Anzac Highway plays in connecting surrounding areas, temporary parking for major events could add confusion and congestion for road users. Council only owns and controls the area of Anzac Highway from Brighton Road to Colley Terrace.

It would be probable to implement a parking scheme for major events that would not detrimentally impact current traffic conditions. Traffic studies undertaken in conjunction with the Glenelg Access Strategy indicate that parking is adequate without unduly adding pressure that would add to congestion on this key access route, even on a temporary basis.

In previous larger events held in the area that require parking, event organisers have worked together with Council in allocating the existing centre median strip parking bays. This has worked quite well and allows approximately 70 car parks close to the event.

It would be of a greater benefit for Council and all road users within the precinct area, that during these major events, more funds are made available for the promotion and coordination of programs already in existence, such as the Blue Loop Bus system on a park and ride basis

C280409/242.8 That without utilising the grassed centre median from Colley Terrace to Adelphi Terrace there can be no further parking spaces created than currently exist.

Budget Reallocation – RLCIP – Infrastructure Renewal: Seacliff Sports Club and John Miller Reserve Public Toilet (Report No: 195/09)

Council at its meeting of 16 December 2008 resolved that the \$196,000 allocated to the City of Holdfast Bay under the Regional and Local Community Infrastructure Program (RLCIP) 2009 be used to replace the public toilet facility at John Miller Reserve (\$101,000) and complete the removal of higher risk asbestos at the Seacliff Sports Club Clubrooms (\$95,000).

Following a detailed analysis, the projected cost to complete the John Miller Reserve toilet upgrade is \$141,000 and the staged completion of the Seacliff Sports Club total asbestos removal upgrade is estimated at \$255,000 (stage 2 \$55,000, stage 3 \$200,000).

C280409/242.9 That Council approves the expenditure of 2008/09 budget provision of \$95,000 previously allocated to the Seacliff Sports Club asbestos removal project, to be used to complete:

1. **The John Miller Reserve Exeloo toilet project with an additional \$40,000 reallocation, for total project cost of \$141,000.**
2. **Stage 2 of the Seacliff Sports Club asbestos removal with an allocation of \$55,000.**

CARRIED

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

13.1 Minutes – Jetty Road Mainstreet Management Committee (Report No:179/09)

The Jetty Road Mainstreet Management Committee (JRMMC) has been established to undertake work to benefit the traders on Jetty Road, Glenelg, using the levy raised for this purpose. The Council has endorsed the committees Terms of Reference and given the committee delegated authority to manage the business of the committee.

The Minutes of the Jetty Road Mainstreet Management Committee of its meeting held 8 April 2009, are attached and presented for Councils' information.

C280409/243 Councillor Clancy moved and Councillor Looker seconded:

1. **That the following resolutions of the Jetty Road Mainstreet Management Committee numbered 1 - 9 be noted:**

2009/10 Budget

1. **That the Council be advised that the Jetty Road Mainstreet Management Committee approves the draft 2009/2010 Jetty Road Mainstreet Management Committee budget and that the budget be recommended for Council adoption.**

Annual Information Evening

2. **That the JRMMC establish a working group to make arrangements for a JRMMC Annual Information Evening to be held on 25 May 2009 to a maximum budget of \$12,000.**

Christmas Decorations

- 3 **That:**
 - a. **the JRMMC invites John Tuckey to the Traders' Annual Information Evening to present his ideas for Christmas decorations in the Jetty Road Glenelg Precinct and canvas traders' opinions**
 - b. **the JRMMC sets a budget of \$25,000 for Christmas decorations in the Jetty Road Glenelg Precinct.**

CEO City of Holdfast Bay – various matters

4. **That the JRMMC write to Council explaining that the article that appeared in the Messenger on 11 March 2009 reflected the outcomes of a JRMMC workshop held on 4 February 2009 and that it regrets any confusion caused.**
5. **That the Chairman of the JRMMC writes to Council to explain that the JRMMC's draft budget proposes no increase to the traders' levy from the previous financial year and that the JRMMC Strategic Plan is still in the process of being drafted and will in due course be presented to Council for endorsement.**

Request for Leave of Absence – Mr G Digance

6. **That Mr Digance's request for leave of absence for the following three (3) months be granted.**

Marketing - Street Talk

7. **That the JRMMC endorses the proposed advertisement for the Adelaide Visitor's Guide.**

Future of Sub-Committees

8. That the JRMMC writes to Sub-Committee members to let them know that the Sub-Committees have been disbanded and will be replaced by focus groups working on specific projects. There will be information about and the opportunity to sign up for the focus groups at the Traders' Annual Information Evening to be held on 25 May 2009.

Palindrome Festival

9. That the JRMMC offers in principle support of the Palindrome Festival to a similar budget amount as their previous sponsorship of the event.
2. That the following recommendations of the Jetty Road Mainstreet Management Committee Numbered 10 and 11 be endorsed by Council for inclusion in the Jetty Road Mainstreet Management Committee Terms of Reference:

Frequency of Formal Committee Meetings

10. That following the scheduled meeting in June, future meetings of the JRMMC be held monthly on the second Wednesday of the month between the times of 5.45pm – 7.15pm.

Appointment of Spokesperson for Jetty Road Mainstreet Management Committee

11. That the Chairman or his delegate be the official spokesperson for the JRMMC and the Messenger Press be notified as such.

CARRIED

13.2 Minutes – Glenelg Community Centre Property Management Committee (Report No:180/09)

The Glenelg Community Centre Property Management Committee was established to manage the Glenelg Community Centre.

The Minutes of the Glenelg Community Centre Property Management Committee meeting held 6 April 2009, are presented and submitted to Council for information and endorsement.

C280409/244 Councillor Beh moved and Councillor Clancy seconded that the minutes of the Glenelg Community Centre Property Management Committee be received and noted.

CARRIED

14. REPORTS OF REGIONAL SUBSIDIARIES

Nil

15. REPORTS BY OFFICERS

15.1 Adjourned Item – [16/09] Adjourned Item – [579/08] Elected Member Training – Request to Attend Six of the Best Seminar Series – Good Decision Making: What you need to know (Report No: 174/09)

Council at its meeting held on 20 January 2009 resolved to adjourn consideration of Report No: 16/09 until the costs of Local Government Association training courses are confirmed.

The matter is now presented for further consideration.

Councillor Lonie returned to the meeting at 8:20pm.

- C280409/245** Councillor Fisk moved and Councillor Beh seconded that the report be received and the adjourned item [16/09] Adjourned Item – Adjourned Item [579/08] Elected Member Training – Request to Attend Six of the Best Seminar Series – Good Decision Making: What You Need to Know be reconsidered.
- CARRIED**

- C280409/246** Councillor Crutchett moved and Councillor Clancy seconded that the meeting proceed to the next item of business.
- HIS WORSHIP THE MAYOR DECLARED THE MOTION A TIE
AND USED HIS CASTING VOTE FOR THE MOTION**
- HIS WORSHIP THE MAYOR DECLARED THE MOTION CARRIED**

15.2 Items in Brief (Report No: 175/09)

Report No: 175/09 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

- C280409/247** Councillor Beh moved and Councillor Fisk seconded that the report be noted and items of interest be discussed.
- CARRIED**

15.3 Review of Delegations: Development Act 1993 and Regulations 2008 (Report No: 173/09)

The final amendments to the Development Act and Regulations stemming from the State Planning and Development Review were gazetted on 26 February 2009. The Bill introduced a substantial number of amendments and additions to the Development Act and Regulations requiring reciprocal revisions to Council's instrument of delegations for the legislation.

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 Development Regulations 2008 certain powers must be passed to the Development Assessment Panel and/or to the Chief Executive Officer. Changes to the legislation 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.

- C280409/248** Councillor van Camp moved and Councillor Looker seconded
- 1. That in response to changes to the Development Act 1993 and the Development Regulations 2008, Council having reviewed its delegations under the Development Act 1993 and Development Regulations 2008:**
 - 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 2008;**
 - 1.2. hereby revokes its previous delegations to its Development Assessment Panel under the Development Act 1993 and the Development Regulations 2008.**
 - 2. That 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 Delegations (annexed to the report Review of Delegations: Development Act 1993 and Regulations 2008, dated 28 April 2009, marked Attachment 1) are:

2.1 hereby delegated this 28 April 2009 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.

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 the 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 Delegations, (annexed to the report Review of Delegations: Development Act 1993 and Regulations 2008, dated 28 April 2009 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.

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
97	Schedule 10 – Decisions by Development Assessment Commission.

CARRIED

15.4 Request to Attend Training – Local Government Association Council Members' Strategic Issues Residential Seminar 2009 (Report No: 176/09)

Elected Members have expressed an interest in attending the Council Members' Strategic Issues Residential Seminar 2009, being held on Friday 8 and Saturday 9 May 2009 at the Mawson Lakes Hotel and Function Centre.

C280409/249 Councillor Crutchett moved and Councillor Beh seconded that Council approves the attendance of any Members who wish to attend the Council Members' Strategic Issues Residential Seminar 2009, being held on Friday 8 and Saturday 9 May 2009.

CARRIED

15.5 Appointment of Chief Executive Officer and Acting Chief Executive Officer (Report No: 178/09)

Following the resignation of Mr Rob Donaldson as Chief Executive Officer effective as from close of business 8 May 2009, and pursuant to the Local Government Act 1999, Council is required to resolve the appointment of a Chief Executive Officer and to appoint a suitable officer to act in the position in the event of a (temporary) vacancy in the office of Chief Executive Officer. After completing a recruitment process, Council is now in a position to resolve both such appointments.

Councillor Crutchett left the meeting at 8:25pm.

C280409/250 Councillor Beh moved and Councillor Looker seconded that Council appoints Mr Justin Lynch as the Chief Executive Officer for the City of Holdfast Bay for a period of five years, consistent with the terms and conditions of his contract, commencing on 18 May 2009 and as agreed with His Worship the Mayor.

A division was called.

Voted For
R D Beh
R A Clancy

Voted Against

J L Deakin
L R Fisk
J D Huckstepp
S C Lonie
T D Looker
A C Norton
L van Camp

HIS WORSHIP THE MAYOR DECLARED THE MOTION CARRIED
Councillor Crutchett returned to the meeting at 8:28pm.

C280409/251 Councillor Clancy moved and Councillor Looker seconded that Council appoints Ms R A Thomas as Acting Chief Executive Officer from the date of Mr Donaldson's resignation (8 May 2009) until Mr Lynch's commencement.

CARRIED

15.6 Friends of the Holdfast Bay Library Service – Response to Council Regarding 25 Moseley Street, Glenelg (Report No: 178/09)

At its meeting on 10 March 2009, Council requested that the Friends of Holdfast Bay Library Service (the Friends) be advised of the findings of Report 91/09, '25 Moseley Street, Glenelg – Development Plan and Library Guidelines Assessment' and asked whether they would like Council to further pursue conversion of the church building to a library by first obtaining a cost estimate from an architect experienced in the design of libraries. Council also requested a copy of Friends President Lyn Magee's submission to the Glenelg Town Hall and Community Services Advisory Committee.

The Friends considered and discussed this matter at their meeting on 11 March 2009 and resolved that, at this point in time they did not want Council to further pursue conversion of the church by obtaining a cost estimate from an architect.

C280409/252 Councillor Fisk moved and Councillor Clancy seconded that Council receives and notes Report No 178/09 together with Attachment 1 "Letter from Friends of Holdfast Bay Library Service", and Attachment 2 "Submission written by Lyn Magee, committee member, to the Glenelg Town Hall and Community Services Advisory Committee."

CARRIED

15.7 Jetty Road Mainstreet Management Committee – Proposed 2009-10 Budget (Report No: 186/09)

The Jetty Road Mainstreet Management Committee (JRMMC) is a special purpose committee of the City of Holdfast Bay, constituted in accordance with Section 41 of the Local Government Act 1999 and responsible for overseeing the economic development of the Jetty Road Glenelg Precinct (the Precinct).

The activities of the JRMMC are funded by a separate rate levied on the properties designated as Commercial 2, 3 or 4 within the geographical boundaries of the Precinct.

One of the functions of the JRMMC is to annually recommend, to the Council, a budget to support the performance of its activities.

This report requests an amount to be raised via a separate rate, to be incorporated into Council's draft budget for 2009-10.

C280409/253 Councillor Looker moved and Councillor Clancy seconded that Council's 2009/2010 budget provides for an amount of \$519,558 to be raised, via a separate rate to be imposed on the properties designated as commercial 2, 3 or 4 within the geographical boundaries of the Jetty Road Glenelg Precinct, for the purposes of funding the projects and activities of the Jetty Road Mainstreet Management Committee set out in Attachment 1 to Report No: 186/09.

CARRIED

15.8 Chief Executive Officer's Overview (Report No: 183/09)

The City of Holdfast Bay Council meeting of 28 April 2009 will be the last such meeting for the current Chief Executive Officer. Report Number 183/09 is presented as a concluding overview after some five years in the Chief Executive Officer role, both summarising key strategic challenges for Council and highlighting some recent achievements and current issues, for Members' consideration, and such policy and leadership responses as Council may determine.

C280409/254 Councillor Looker moved and Councillor Clancy seconded that Report Number 183/09 be received and noted.

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 – SUBJECT TO THE LEAVE OF THE MEETING**17.1 Australia Day Council Annual General Meeting – Wednesday 29 April 2009**

C280409/255 Councillor Beh moved and Councillor Huckstepp seconded that the Chief Executive Officer be authorised to attend and vote on Council's behalf and cast Council's vote in favour of Dr A Cannon AM, Ms Evelyn Yap, Ms Adriana Christopoulos, Dr A Cocchiario and Dr P Schulz.

CARRIED

17.2 Recognition of Contribution of the Chief Executive Officer

Councillor Clancy thanked and acknowledged the contribution of the Chief Executive Officer, Mr R Donaldson to the City of Holdfast Bay and the former City of Glenelg.

18. ITEMS IN CONFIDENCE**18.1 Items in Brief (Report No: 187/09)**

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

C280409/256 Councillor Beh moved and Councillor Clancy seconded that, pursuant to Section 90(2) and 90(3)(d) 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:

- **commercial information of a confidential nature (not being a trade secret) the disclosure of which:**

- (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party, and
- (ii) would, on balance, be contrary to the public interest.

CARRIED

Items in Brief (Report No: 187/09)

Councillor Huckstepp left the meeting at 8:40pm.

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

C280409/258 Councillor Clancy moved and Councillor Looker seconded that pursuant to Section 90(2), 90(3)(d) and 91(7) of the Local Government Act 1999:

1. **The Council orders that the documents and minutes relating to Report No: 187/09 with the exception of Resolution No: C280409/256 for going into confidence be kept confidential and not available for public inspection on the basis that they deal with information the disclosure of which:**
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party, and
 - (ii) would, on balance, be contrary to the public interest.

under Section 90(2) and 90(3)(d) of the Act.
2. **This resolution will be reviewed by the Chief Executive Officer after the major event details have been made public.**

CARRIED

Councillor Huckstepp returned to the meeting at 8:43pm.

18.2 Lease - Squisito (Report No: 185/09)

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

C280409/259 Councillor Clancy moved and Councillor Beh seconded that, pursuant to Section 90(2) and 90(3)(d) 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:

- **commercial information of a confidential nature (not being a trade secret) the disclosure of which:**
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party, and
 - (ii) would, on balance, be contrary to the public interest.

CARRIED

Lease - Squisito (Report No: 185/09)

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE

- C280409/261** Councillor Clancy moved and Councillor Fisk seconded that pursuant to Section 90(2), 90(3)(d) and 91(7) of the Local Government Act 1999:
1. The Council orders that the documents and minutes relating to Report No: 185/09 with the exception of Resolution No: C280409/259 for going into confidence be kept confidential and not available for public inspection on the basis that they deal with information the disclosure of which:
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party, and
 - (ii) would, on balance, be contrary to the public interest under Section 90(2) and 90(3)(d) of the Act.
 2. This resolution will be reviewed on or before 30 June 2010 by the Council.
- CARRIED**

18.3 Proposed Major Event

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

- C280409/262** Councillor Clancy moved and Councillor Looker seconded that, pursuant to Section 90(2) and 90(3)(d) 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)(d), 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**

Proposed Major Event**ORDER TO RETAIN DOCUMENTS IN CONFIDENCE**

- C280409/264** Councillor Clancy moved and Councillor Lonie seconded that pursuant to Section 90(2), 90(3)(d) and 91(7) of the Local Government Act 1999:
1. The Council orders that the documents and minutes relating to Proposed Major Event with the exception of Resolution No: C280409/262 for going into confidence be kept confidential and not available for public inspection on the basis that they deal with information 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 under Section 90(2) and 90(3)(d) of the Act
 2. This resolution will be reviewed on or before 30 June 2010 by the Council.
- CARRIED**

19. RESUMPTION

C280409/265

Councillor Lonie moved and Councillor Clancy seconded that Council resume as an open meeting of Council at 8:55pm.

CARRIED

20. CLOSURE

The Meeting closed at 8:55pm.

CONFIRMED

Tuesday 12 May 2009

MAYOR