

CITY OF HOLDFAST BAY

Minutes of the Ordinary Meeting of Council of the City of Holdfast Bay held in the Council Chamber, Glenelg Town Hall, Moseley Square, Glenelg, on Tuesday 22 March 2011 at 7:04pm.

PRESENT

His Worship the Mayor	A K Rollond
Deputy Mayor	R A Clancy
Councillor	R M Bouchée
Councillor	P W Dixon
Councillor	K M Donaldson
Councillor	L R Fisk
Councillor	J D Huckstepp
Councillor	S C Lonie
Councillor	T D Looker
Councillor	S Patterson
Councillor	R C Patton
Councillor	A P Roe
Councillor	L J Yates
Chief Executive Officer	J P Lynch
General Manager Alwyndor Aged Care	G Potter
General Manager City Assets	S G Hodge
Acting General Manager City Services	A Marroncelli
General Manager Corporate Services	I S Walker

1. Opening

His Worship the Mayor declared the meeting open at 7:04pm.

2. Kurna Acknowledgement

With the opening of the meeting His Worship the Mayor stated:

We acknowledge Kurna people as the traditional owners and custodians of this land.

We respect their spiritual relationship with country that has developed over thousands of years, and the cultural heritage and beliefs that remain important to Kurna People today.

3. Prayer

His Worship the Mayor requested all present to pray and read the following Prayer:

Heavenly Father, we pray for your presence and guidance at our Council Meeting.

Grant us your wisdom and protect our integrity as we carry out the powers and responsibilities entrusted to us on behalf of the community that we serve.

4. Apologies

4.1 Apologies Received Nil

4.2 Absent Nil

5. Items Presented to Council Nil

6. Declaration of Interest

Members were reminded to declare their interest before each item.

7. Confirmation of Minutes

C220311/107

Councillor Clancy moved and Councillor Huckstepp seconded that the minutes of the Ordinary Meeting of Council held on 8 March 2011 be taken as read and confirmed.

CARRIED

8. Questions by Members

8.1 Without Notice

8.1.1 Glenelg Oval Lights – Environment Resources and Development Court Meeting

Councillor Patton asked a question regarding the Glenelg Oval Lights Environment Resources and Development Court appeal.

The Acting Manager City Services, Mr A Marroncelli provided a response.

8.2 With Notice

8.2.1 Funding for Surf Life Saving Clubs in Holdfast Bay

In accordance with her notice, Councillor Donaldson asked the following question:

Can Administration report on the funding provided to the Surf Lifesaving Clubs by Council since the development of the State Government Strategy to redevelop all Surf Lifesaving facilities across the State.

Could the report itemise:

- Council's contribution.
- State Government's Contribution.
- Individual Club Contributions.

Do Councils Asset Management Plans identify the replacement or renewal timelines and associated costs for these facilities and if so what are the details of those plans.

Background

There has been much discussion around the amount of funding provided to these Community Facilities which enables the clubs to continue to provide a valuable service to our community.

However the clubs are predominately Council owned facilities, although, manned and managed mostly by volunteers, however, as part of council's asset base they need to be replaced /renewed at some point. The State Government Strategy to help fund these redevelopments through contributions from the Emergency Services Levy should be seen as a significant gain for council given that without these contributions council would need to fund the total cost of replacement when they have reached the end of their useful life.

Acting General Manager City Services, Mr P Smith's response.

The City of Holdfast Bay has a total of 4 Surf Life Saving Clubs (SLSC) along its coast line being:

- **Glenelg**
- **Somerton**
- **Brighton**
- **Seacliff**

Until recently all these SLSC were identified on Council's Building Asset Plan and Council was identified as the property owner and therefore responsible for maintenance and upgrade of the building.

The exception to this as at 2011 is that the responsibility for Glenelg SLSC now resides with the Glenelg SLSC following an agreement between the developers of Holdfast Shores and the Glenelg SLSC.

Prior to the agreement brokered between the State Government and metropolitan seaside councils (around 2000) all the costs of maintaining SLSC within a Council area were the responsibility of the respective Council's.

With the establishment of a funding model (through the Emergency services Levy) between Surf Life Saving SA, the State Government (Attorney General) and Councils a sharing of the capital costs for reconstruction / replacement of SLSC was established being 56% (State Government), 33% (Local Government) and 11% (surf life saving club).

The first construction of a SLSC in Holdfast Bay was at the Somerton SLSC in around 2004 (prior to asset plans being developed) at a cost to Council of \$610,000, in 2007 Brighton SLSC was reconstructed at a cost to Council of \$777,028 and the Seacliff SLSC is currently being reconstructed at a cost to Council of \$999,659.

These financial contributions represent the 33% Council's funding under the agreement.

Any building that Council owns is captured in an asset plan for buildings. These asset plans have been in place since 2008 and while these plans are a high level assessment of the building requirements (planned to do greater detailed assessments in 2011/12) as it relates to

asset replacement they provide a general indication as to when Council will need to invest money in buildings upgrade or replacement.

The asset plans for Buildings (2008) indicated:

Surf Life Saving Club	Due date for reconstruction	Remaining useful life
Seacliff	2012	2
Brighton	2018	10
Somerton	2018	10

It is worth noting two important matters about the dates of SLSC replacement discussed above and they are:

- The Somerton SLSC was added to and not demolished or refurbished like the other two clubs; and
- That the “due date for reconstruction” is a theoretical date which would need to be confirmed by inspection. It is possible that the buildings location (sea environment) or its original contraction may have reduced this asset life even further.

In summary while the City of Holdfast Bay has contributed \$2,386,687 to SLSC’s in the area it could have been responsible to fund in the order of \$7,232,384 for replacement of surf life saving club buildings (excluding Glenelg) had the State Government funding model not been available.

8.2.2 Development on the Broadway

At the Council Meeting held 9 November 2010, Councillor Bouchée asked the following question without notice.

Councillor Bouchée asked a question regarding why bungalows on the Broadway, Glenelg are being replaced by modern buildings and is this, the type of development which is promoted by the planners within the historic zone.

Acting General Manager City Services, Mr A Marroncelli’s response.

The Broadway at Glenelg is located within the Historic Conservation Zone, excluding the shopping district situated between Partridge Street and Ramsgate Street.

Of the 63 dwellings located along the Broadway, 36 have been assigned some form of heritage status, whether as Contributory, Local Heritage or State Heritage places. The remainder have no heritage protection and can be demolished.

Council’s Development Plan prescribes the type of new development envisaged within the Zone, but does not offer protection for the bungalows which have no heritage status. All development applications for new dwellings along the Broadway are referred to Council’s Heritage and Conservation Advisers (McDougall and Vines) for assessment and review. In this sense, Council’s planning staff are

guided by the advice of experts in the field with respect to the appropriateness or otherwise of planned development.

It should be noted that both Council's Development Plan and McDougall and Vines espouse the practice of ensuring a clear distinction between new dwellings and heritage listed dwellings. Indeed, Council's Development Plan states that new development in the Historic Conservation Zone "...should complement the character of the Zone...without necessarily replicating historic detailing." This ensures that the historic bungalows are clearly identifiable through a contrast between new and old architectural themes. The architecture industry defines this as 'negative joining' and is seen as the best way to preserve the character of heritage buildings. In turn, this creates opportunities for more contemporary buildings to be constructed along the Broadway, which are deliberately quite distinct form heritage listed dwellings.

Notwithstanding this practice, new buildings must still complement the streetscape, and hence why Council's Heritage and Conservation Advisers have an active role in the design of all new dwellings proposed for the Broadway to ensure that buildings are complementary without necessarily replicating the heritage listed bungalows.

8.2.3 Meetings with SACA/SANFL

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

Has the Chief Executive Officer or Mayor had any meetings with SACA/SANFL or State Government in relation to the Glenelg Football Club ?

The Chief Executive Officer, Mr J Lynch's response.

There were discussions with SACA in August 2010 back when they initially requested 1st Class games be played at the Bay. Council subsequently consented and upgraded the playing surface. There has been nothing of any note since. There have been no meetings with SANFL or Government.

His Worship the Mayor clarified that he has not had any official meetings with either the SANFL, SACA or Government.

8.2.4 Plans for Glenelg Football Club Lighting Upgrade

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

Has Council Administration received the detailed plans for the Lights at the Glenelg Football Club.

The Acting General Manager City Services, Mr A Marroncelli's response.

At this stage, the planning application remains unresolved due to the appeal which is pending before the Environment Court. As such, the

applicant cannot proceed to the detail design stage for the purpose of gaining full development approval. For this reason, Council Administration is yet to receive detailed plans for the lights at the Glenelg Oval.

8.2.5 Development Assessment Process for Additional Site Coverage

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

If a Development Application has been approved by the Development Assessment Panel and at the time was over the %percentage of site coverage and approved "on merit", if within 4-6 weeks the same applicant put in another application for an additional storage garage; is this additional build assessed together with the already increased site coverage of the original application.

The Acting General Manager City Services, Mr A Marroncelli's response.

The Development Assessment Panel will need to consider the totality of the site coverage when assessing minor structures.

For instance, if a dwelling was approved on merit by the Development Assessment Panel having a site coverage of 60% in a zone where the maximum prescribed site coverage was 50%, and this application was followed by a separate proposal to erect an outbuilding, then the Panel would need to consider the outbuilding in the context of the total variation from the prescribed maximum.

If the total site coverage (dwelling plus outbuilding) reached 70%, then the Panel could not simply consider the variation as being 10% from what was already approved, but rather would have to consider the fact that the total site coverage was in fact 20% over of the maximum, thereby rendering the proposal seriously at variance with the Development Plan.

8.2.6 Organisational Structure

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

Could the Chief Executive Officer please advise/provide Council with an updated Organisation Structure for reference during Budget discussions.

The Chief Executive Officer, Mr J Lynch's response.

A copy of the current Organisational Structure will be provided to Elected Members at the upcoming Budget Workshops when discussing the overall labour budget for the Council.

9. Member's Activity Reports

9.1 Holdfast Bay Community Centre

Councillor Donaldson reported that she and Councillor Looker had attended the Holdfast Bay Community Centre meeting held 15 March 2011.

9.2 Correspondence from Minister of State/Local Government Relations

His Worship the Mayor discussed correspondence from the Minister State/Local Government Relations the Hon Bernard Finnigan MLC.

10. Public Presentations

10.1 Petitions Nil

10.2 Presentations Nil

10.3 Deputations Nil

11. Motions on Notice Nil

12. Adjourned Matters Nil

13. Reports of Management Committees, Subsidiaries and the Development Assessment Panel Nil

14. Reports by Officers

14.1 Items in Brief (Report No: 94/11)

Report No: 94/11 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

C220311/108

Councillor Fisk moved and Councillor Lonie seconded that the report be noted and items of interest be discussed.

CARRIED

14.2 Development Assessment Panel 2010 Annual Report to Council (Report No: 95/11)

Pursuant to Section 56A(2) of the Development Act, Council's Development Assessment Panel ('the Panel') is charged with the function of reporting to Council in respect of development trends, issues and other matters. This provides important feedback from the Panel to Council as part of its policy making role.

A range of statistical data in relation to the Panel's activities during 2010 is provided as part of this report for the information of Members. In addition, a report from the Presiding Member of the Panel is also provided, representing the Panel's observations in relation to various development issues of note.

C220311/109

Councillor Clancy moved and Councillor Looker seconded:

1. That the information provided as Attachment 1 to this report be noted.
2. That the report from the Presiding Member of the Panel provided as Attachment 2 be endorsed and provided to Council via a report for information.

- 3. That the advice from the Presiding Member of the Development Assessment Panel addressing Development Plan policy be considered for inclusion in future suitable Development Plan Amendments and/or the general review of the Holdfast Bay (City) Development Plan under Section 30 of the Development Act.**

CARRIED

- 14.3 Request for Funds to Defend Appeals before the Environment, Resources and Development Court (Report No: 96/11)

Council has received notice of an appeal lodged with the Environment, Resources and Development Court against a decision of the Development Assessment Panel made on 16 December 2010. In accordance with a previous Council resolution, prior approval is sought for the expenditure of funds to resource a proper defence of the decision.

C220311/110

Councillor Clancy moved and Councillor Bouchée seconded that Council Administration is permitted to expend funds to resource the proper defence of the appeal described in Attachment 1 to this report lodged with the Environment, Resources and Development Court against a decision of the City of Holdfast Bay Development Assessment Panel.

CARRIED

- 14.4 Draft Animal Management Directions Plan 2012 – 2016 (Report No: 97/11)

The Dog and Cat Management Act 1995 highlights the importance of animal management plans and it is now mandatory for all South Australian councils to develop and implement a 5 year Animal Management Plan.

Administration is now preparing a plan for the period 2012-2016 to set the direction for the management of urban animals within our community for the next 5 years as required under the Act.

Council's in principle endorsement of the plan is sought prior to public consultation.

C220311/111

Councillor Lonie moved and Councillor Looker seconded:

- 1. That Council endorses, in principle, the Draft City of Holdfast Bay's Animal Management Directions Plan 2012-2016 for the purposes of public consultation.**
- 2. That Administration commences public consultation on the Draft City of Holdfast Bay's Animal Management Directions Plan 2012-2016 and that a further report be presented to Council summarising the consultation feedback.**

CARRIED

- 14.5 Constitutional Recognition of Local Government (Report No: 98/11)

The Australian Local Government Association (ALGA) has written to Council to ask the City of Holdfast Bay to become directly involved in the campaign for Constitutional Recognition of Local Government.

C220311/112

Councillor Clancy moved and Councillor Bouchée seconded:

1. That the City of Holdfast Bay declares its support for financial recognition of Local Government in the Australian Constitution so that the Federal Government has the power to fund Local Government directly and also for inclusion of Local Government in any new Preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.
2. That the Mayor write to the Australian Local Government Association, Prime Minister of Australia, Leader of the Federal Opposition and local Federal Members of Parliament informing them of Council's support for Constitutional Recognition of Local Government.

CARRIED

14.6 Monthly Financial Reports (Report No: 99/11)

This report provides Elected Members with financial reports as at 28 February 2011 (excluding Alwyndor). It comprises a Funds Statement and a Capital Expenditure Statement for the year to date compared with the 2010/11 budget.

Council's year to date (YTD) operating surplus is \$534,000 higher than YTD budget mostly due to the timing of invoices received. Capital expenditure is \$223,000 lower than YTD budget also mostly due to timing of invoices received.

C220311/113

Councillor Huckstepp moved and Councillor Clancy seconded that the financial reports to 28 February 2011 be received and noted.

CARRIED

14.7 Election of Metropolitan Adelaide Representatives to the LGA State Executive Committee (Report No: 100/11)

Following the call for nominations for Metropolitan Adelaide Representatives to the LGA State Executive Committee Local Government Association (LGA) has received 14 nominations for the 12 available positions.

This reports seeks Council's preferences for the positions, comprising 8 members and 4 proxy members.

C220311/114

Councillor Dixon moved and Councillor Bouchée seconded that Council cast a vote for the 8 Metropolitan Representatives and 4 Proxy Members numbering the following 1 to 14:

2	O'LOUGHLIN, DAVID	Mayor	City of Prospect
3	ROSENBERG, LORRAINE	Mayor	City of Onkaparinga
14	CORNISH, PETER	Councillor	City of Burnside
4	JAMIESON, PETER	Councillor	City of Port Adelaide Enfield
13	WIGG, CAROLYN	Councillor	Town of Walkerville
8	CLYNE, LACHLAN	Mayor	City of Unley
5	SAMBELL, BRIAN	Mayor	Town of Gawler
1	TRAINER, JOHN	Mayor	City of West Torrens
10	WHITTAKER, JILLIAN	Councillor	Campbelltown City Council
11	PICTON, MICHAEL	Mayor	City of Mitcham

9	LLEWELLYN-SMITH, MICHAEL	Councillor	Adelaide City Council
6	ALDRIDGE, GILLIAN	Mayor	City of Salisbury
7	SMITH, MIRIAM	Mayor	City of Tea Tree Gully
12	SPEIRS, DAVID	Councillor	City of Marion

CARRIED

- 14.8 Elected Member Training Request – 2011 National General Assembly of Local Government, Growing with our Community – Place, Position, Partnership, 19 – 22 June 2011 (Report No: 101/11)

The 2011 National General Assembly of Local Government, Growing with our Community, Place, Position, Partnership will be hosted by the Australian Local Government Association (ALGA) from 19 - 22 June 2011, in Canberra, ACT.

Usually following this meeting is the one and half day meeting of the Australian Council of Local Government, held at Parliament House. The date for this meeting has not been confirmed to date.

An elected member has expressed an interest in attending and representing Council at these two events in Canberra this year.

C220311/115**Councillor Looker moved and Councillor Fisk seconded:**

1. **That Council approves the attendance of Mayor Rollond, Councillor Bouchee and Councillor Lonie at the National General Assembly of Local Government, from 19 - 22 June 2011.**
2. **That Council approves the attendance of Mayor Rollond at the Australian Council of Local Government meeting if held in conjunction (prior or after) with the National General Assembly of Local Government, from 19 – 22 June 2011.**
3. **That any delegates attending the 2011 National General Assembly of Local Government present a report back to Council.**

CARRIED

- 14.9 John Miller Reserve Community Consultation (Report No: 102/11)

The John Miller Park Community Reference Group (CRG) met on Wednesday 16 February 2011 to review the outcomes of the community consultation of the draft John Miller Park Master Plan conducted from September to November 2010.

Community members of the CRG were joined by Brighton Ward Councillors Lonie and Donaldson (Councillor Clancy was an apology) to discuss the outcomes of the second round of community consultation and make recommendations for Council's consideration in progressing with the redevelopment of the Park.

C220311/116

Councillor Fisk moved and Councillor Yates seconded that Council endorses the Master Plan with the suggested changes for John Miller Park in order for the construction of the Park to commence.

CARRIED

- 14.10 Environmental Initiatives Update (Report No: 104/11)

The report seeks to provide Elected Members with an update on the HEAT Fund as well as progress on the appointment of community representatives to the Environmental Advisory Committee (EAC) and seeks endorsement of the projects identified in this report to be undertaken in the current financial year (2010/11).

C220311/117

Councillor Yates moved and Councillor Bouchee seconded:

- 1. That the nominations for the Environmental Advisory Committee be noted, and that Council endorse the appointment of a maximum of seven community members identified in this report in line with the appropriate amendment(s) to the Terms of Reference.**
- 2. That the projects identified in this report for delivery of the HEAT fund objectives for 2010/11 be endorsed.**
- 3. That a further report be brought back to Council by no later than October 2011 once the Environmental Advisory Committee have identified and prioritised a future program of projects that will deliver sustained action across all areas of the Sustainable Futures Directions Plan.**

CARRIED

14.11 Late Item – Section 270 Review of Council Decision – Upgrade of Glenelg Football Club Lighting (Report No: 108/11)

The Chief Executive Officer has received a request in accordance with Section 270 of the Local Government Act 1999 to review a decision of Council. The request concerned the Development Assessment Panel (DAP) decision in relation to the upgrading of lighting at Glenelg Oval, which has been appealed and is before the Environment, Resources and Development Court for determination.

As Council is a party to the ERD Court appeal, it is inappropriate for Council to comment on the integrity of the Development Assessment Panel's decision, as this will be formally undertaken by the Court. Furthermore, any decision made by the Development Assessment Panel is not open to review under the Local Government Act 1999.

The focus of the Section 270 Review is on the Community Consultation process in relation to landlord consent.

In accordance with its policy, as the decision in question was a decision of Council, the review must be conducted by Council. The Chief Executive Officer determined that the review should be handled independently and engaged Wallmans Lawyers to undertake the review.

C220311/118

Councillor Clancy moved and Councillor Lonie seconded that Council notes the status of the review pursuant to Section 270 on the Act.

CARRIED

15. Resolutions subject to formal motions

Presented for the information of Members is 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.

16. Urgent Business – Subject to the Leave of the Meeting

16.1 Hotels in Broadway/Pier Street, Glenelg Area

Councillor Bouchée sought leave of the meeting to provide an update on situation in the area regarding Hotels in the Broadway Pier Street area as a resident was assaulted on Friday 18 March 2011.

16.2 Africaine Road/Tapleys Hill Road Intersection

C220311/119

Councillor Fisk moved and Councillor Bouchee seconded that Council requests the State Government reconsider their intent of not installing temporary or permanent traffic lights at Africaine/Tapleys Hill Road intersection.

CARRIED

16.3 ANZAC Day – Malta Memorial Fundraising

C220311/120

Councillor Looker moved and Councillor Fisk seconded that a further report to Council be presented on the Maltese Anzac Memorial be presented to the next meeting.

CARRIED

17. Items in Confidence

C220311/121

Councillor Looker moved and Councillor Clancy Seconded

- 1. That council moves consideration of the Confidential Report No: 105/11 to the Assets and Environment Committee, in order for it to be discussed at the end of the meeting and so minimise inconvenience to any members of the public.**
- 2. For the purposes of resolving the matters considered by the Confidential Report No: 105/11 Council delegates the Assets and Environment Committee with the power to make a decision in the matters canvassed by the report.**

CARRIED

18. Closure

The Meeting closed at 7:57pm.

CONFIRMED Tuesday 12 April 2011

MAYOR