

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 12 April 2011 at 7:01pm.

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	L J Yates
Chief Executive Officer	J P Lynch
General Manager Alwyndor Aged Care	G Potter
Acting General Manager City Assets	P A Smith
Acting General Manager City Services	P E Aukett
General Manager Corporate Services	I S Walker

1. Opening

His Worship the Mayor declared the meeting open at 7:01pm.

2. Kaurna Acknowledgement

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

We acknowledge Kaurna 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 Kaurna 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 Councillor A P Roe

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

C120411/122

Councillor Clancy moved and Councillor Huckstepp seconded that the minutes of the Ordinary Meeting of Council held on 22 March 2011 be taken as read and confirmed.

CARRIED

8. Questions by Members

8.1 Without Notice

8.1.1 2011/2012 Draft Budget

Councillor Bouchée apologised to the Chamber for not attending the Budget Workshop on 5 April 2011.

Councillor Bouchée asked a question regarding the provision of the Draft Operational/Activities Budget to Elected Members.

The Chief Executive Officer, Mr J Lynch provided a response.

Councillor Dixon congratulated staff on first draft budget, the documentation provided has been fantastic to date.

Councillor Huckstepp supported the comments of Councillor Dixon.

8.2 With Notice Nil

9. Member's Activity Reports

9.1 Mayoral Report Nil

9.2 Deputy Mayor's Report (Report No: 114/11)

The Deputy Mayor, Councillor Clancy presented a report on her activities for March 2011.

10. Public Presentations

10.1 Petitions Nil

10.2 Presentations

10.2.1 Australian Beach Volleyball Championship

Mr Paul Yeomans, Director PMY Consulting made a 5 minute presentation to Council providing an overview of the 2011 Australian Championships event, how it worked and the benefits delivered to Council as promised.

10.2.2 Surfing SA

Mr Steve Reddy, Surfing South Australia made a 5 minute presentation to Council on the proposed FlowRider attraction at Glenelg.

10.3 Deputations

10.3.1 Bay Discovery Centre

Ms Jan Smith made a deputation to Council on the importance of the Bay Discovery Centre.

11. Motions on Notice

11.1 Blue Loop Bus

In accordance with his notice:

C120411/123

Councillor Looker moved and Councillor Yates seconded that council is provided with a report reviewing the operation of the Blue Loop bus.

CARRIED

A division was called.

For	Against
R M Bouchée	L R Fisk
R A Clancy	
P W Dixon	
K M Donaldson	
J D Huckstepp	
S C Lonie	
T D Looker	
S Patterson	
R C Patton	
L J Yates	

HIS WORSHIP THE MAYOR DECLARED THE MOTION CARRIED

Background

The 'Blue Loop Bus' was initiated to replace the more expensive 'Bay City Roller'. Its funding comes from the 'Glenelg Access Strategy' with the purpose of reducing traffic in the Glenelg Jetty Road precinct.

At a cost of \$83,000 per year to provide 6,300 passenger journeys, this equates to \$13 per passenger journey. It runs at times when parking is not an issue in Glenelg and offers a free service to a limited area and limited numbers of residents.

Council also provides a door to door 'community bus' service for the frail aged of the whole City of Holdfast Bay area to enable shopping and library visits. A review of the Blue Loop is timely in the light of evaluating whether or

not this service continues to meet its intended purpose and provide value for money.

11.2 Review of Bay Discovery Centre

In accordance with his notice:

Councillor Looker moved that the Chief Executive Officer reviews the role and function of the Bay Discovery Centre in the light of Council's evolving initiatives for Tourism and Visitors. Such a review would provide a report and recommendation to Council indicating the future course for the Bay Discovery Centre in the light of wider Council strategies.

C120411/124

Councillor Clancy moved Councillor Fisk seconded that this matter be adjourned for 6 weeks to allow elected members to develop an understanding of the Bay Discovery Centre and members and staff to develop parameters to conduct this review.

CARRIED

A division was called.

For	Against
R M Bouchée	J D Huckstepp
R A Clancy	
P W Dixon	
K M Donaldson	
L R Fisk	
S C Lonie	
T D Looker	
S Patterson	
R C Patton	
L J Yates	

HIS WORSHIP THE MAYOR DECLARED THE MOTION CARRIED

Background

At 10 years old the Bay Discovery Centre is in need of modernisation and a redevelopment plan has been produced. This will require substantial extra and unbudgeted investment by Council if it is agreed that redevelopment should proceed.

At the same time council is reviewing its tourism and marketing strategy and as the Bay Discovery Centre forms a part of our local visitor attractions, the role of the Bay Discovery Centre should be considered in the light of possible changes in direction.

At a current cost of around \$800 to \$1000 a day to run the Bay Discovery Centre is expensive. It may represent value for money but no review has been undertaken for a number of years to confirm this.

11.3 Litter

In accordance with her notice:

C120411/125

Councillor Lonie moved and Councillor Yates seconded that the Council

write to the Ministers for the Environment, Health, Local Government, Education, the Attorney General and the Local Government Association to strongly urge both levels of government to address the issue of litter and that Council stress the need for education, raised community awareness of specific areas of concern, and a change in powers necessary to change behaviour.

CARRIED

The Chief Executive Officer, Mr J Lynch left the chamber at 8:03pm.

Background

This comes after noticing a person standing in a boat flicking a cigarette butt into the water off of Seacliff beach in front of two small children.

11.4 Greening the City

In accordance with her notice:

C120411/126

Councillor Lonie moved and Councillor Bouchée seconded that Administration explores methods of engaging the community to empower, educate and assist the community to green (including local native plantings) more of the city.

CARRIED

Councillor Lonie moved and Councillor Bouchée seconded that Administration develops an asset plan of significant trees and plantings within the city and develop a strategy for managing these assets.

AMENDMENT

C120411/127

Councillor Clancy moved and Councillor Donaldson seconded that Administration prepares a report to Council on the costs of developing an Asset Plan for Trees in the City of Holdfast Bay.

THE AMENDMENT ON BEING PUT WAS CARRIED

THE MOTION, AS AMENDED, ON BEING PUT WAS CARRIED

The Chief Executive Officer, Mr J Lynch rejoined the chamber at 8:14pm.

Background

This is to encourage the community to plant on verges and seek to identify vacant 'patches' of land that can be planted. Seacliff Primary School has planted a butterfly garden on some vacant land outside of their school gate.

Further, trees can have a dollar value, they are valued by councils overseas, and we need to identify our important plantings and plan to maintain these into the future.

The gums that line Ilfracome Avenue and continue into the grounds of Minda Home form an avenue that lines the former drive to the Featherstone mansion. As these trees age, we should have an asset plan to replace them.

The Acting General Manager City Assets, Mr P Smith's Comment.

Council currently promotes and encourages volunteers in a number of areas of its preservation and enhancement of bio diversity (Barton Gully, Primary schools and coastal dunes) and while these programs are well supported and have achieved much there is still significant opportunities to increase the biodiversity of the City and therefore its amenity through the removal of hard infrastructure (roads and footpaths) to allow for what is known as Water Sensitive Urban Design (WSUD).

A number of programs are envisaged in the 2011/12 budget and the HEAT fund for progression of these opportunities. With this increased focus on bio diversity and native plants (brought about by climate change and recent drought) there is further opportunity to work with our community (planting days) in major projects such as John Miller Reserve upgrade or other projects as they are delivered in the future.

The Council area is home to many thousands of trees that are located in private property, Council reserves and in our streets. While the Development Act and in particular the significant tree legislation protects those trees with a circumference of greater than 2 metres at 1.2 metres above the natural ground it does not prevent the removal of trees of a lesser size than this. The Council through its reserves and street verges is also owner of a large number of trees (of various ages and condition). Like all Council's other assets there is a need to plan for maintenance off and future replacement of these trees within our reserves and streets.

While trees do not have a financial accounting value and therefore cannot be depreciated (AAS 27) like normal assets they do have a community and amenity value for the City and it is therefore appropriate that they be identified and a plan developed to ensure the tree stocks of the City (streets and reserves) are maintained. As part of the Administrations improvement program for asset management this value of trees and the need for a plan has been recognised with the intent to develop an asset plan for trees in 2012.

11.5 Relocation of Glenelg Library to Glenelg Town Hall

In accordance with her notice:

Councillor Lonie moved and Councillor Bouchee seconded:

- 1. That Administration prepares a report/concept plan for a possible move of the Glenelg library into the Glenelg Town Hall and create a design that allows for our history to be shown amongst the collection. Include a tourist information centre within the building.**
- 2. That Administration prepares an report/concept plan and estimates for the upgrade of Brighton Library.**

C120411/128

Councillor Looker moved and Councillor Huckstepp seconded that this motion lie on the table.

CARRIED

Acting General Manager City Services, Ms T Auklett's Comment

Following the Council Workshop on 22 February 2011 regarding the future directions of our Library Service, we are currently preparing a report for Council's consideration to progress the options for redevelopment of both Library branches.

The recommendations of this report include preparation of preliminary concept drawings for each library branch to provide greater visual insight into the options presented. The report will also recommend a commercial analysis of options for usage and leasing of the existing Glenelg Library site on Colley Terrace, as well as presenting suggestions for funding the redevelopment of both branches and provide further detail into the compliance issues for disability access.

The proposed option for relocation of the Glenelg Library into the Town Hall currently includes the provision of exhibition spaces and displays, showcasing both the Council's history collection and a space for Community exhibitions and Council displays as required, and also includes a combined customer service and visitor information centre.

Cost estimates for redevelopment of both library branches have been received from quantity surveyors, Rider Levett Bucknall based on minor, medium and major fit out options. The total costs for a major refurbishment for Brighton Library is estimated at \$1.76 million and for Glenelg Library is \$2.08 million, noting that these are indicative costs only and decrease significantly depending on the degree of refurbishment and upgrade elements required.

12. Adjourned Matters Nil

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

13.1 Minutes – Development Assessment Panel (Report No: 115/11)

Council's Development Assessment Panel is established under the Development Act 1993.

The purpose of the panel is to:

- act as a delegate of Council and make decisions on development applications in accordance with the requirements of the Development Act;
- provide advice to Council on trends, issues and other matters relating to planning or development that have become apparent during the assessment of development applications;
- perform other roles, except policy formulation, as assigned by Council;
- consider and report on matters before the Environment, Resources and Development Court as a means to resolving judicial appeals.

The minutes of the Development Assessment Panel meetings held 23 March 2011 is presented to Council for information.

In accordance with its resolution on 27 November 2009, Council is also asked to determine the future of any planning appeal matters should they eventuate. Elected Members requiring a copy of the Development Assessment Panel Agenda, including reports and/or access to the Development Application files, are asked to contact Council Administration prior to the Council Meeting.

C120411/129 **Councillor Looker moved and Councillor Lonie seconded that the minutes of the Development Assessment Panel meeting held on 23 March 2011 be received.**

CARRIED

13.2 Minutes – Jetty Road Mainstreet Management Committee (Report No: 116/11)

The Jetty Road Mainstreet Management Committee (JRMMC) has been established to undertake work to benefit the traders on Jetty Road, Glenelg, using the separate rate 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 meeting held 2 March 2011 and 30 March 2011, are attached and presented for Councils' information.

C120411/130 **Councillor Clancy moved and Councillor Patton seconded that the following minutes of the Jetty Road Mainstreet Management Committee held 2 March 2011 and 30 March 2011 be received and the following recommendations numbered 1 - 10 be noted.**

5.2 Councillor B Patton and Mayor K Rollond provided a brief overview of the proposed electronic signage for car parking locations in Glenelg

1. That the Jetty Road Mainstreet Management Committee request the Manager to seek the following information from Council:

Detailed information on the electric parking signage

- **What car parks would be involved**
- **What streets would the electric signage be installed**
- **How the mechanics would work**
- **What will the sign/s display vacancies, other car park locations etc**

¹Request that Council does not make any decision until they have provided the report to the JRMMC.

5.4 Manager's Report (Report No: 71/11)

2. That the Manager's Report, Report No: 71/11, be received and noted.

3. That a Pageant Focus Group be established consisting of Mr R Caruso, Mr D Foy and Mrs G Higgins and the JRM Manager Mrs S

¹ Please note that a purchase order has been signed and installation is timed for mid May. Budget resolution C220610/921.

McKenzie to look at revitalising some aspects of the Pageant.

4. **That Administration enters into a procurement process to appoint an event management company to run the Glenelg pageant for a period of three (3 years) with a right to renew.**
5. **That a 2011 Fashion Festival Focus Group be established, consisting of Mrs G Higgins, Mr M Faulkner, Mrs A Thomas, Mr D Foy and the JRM Manager, Mrs S McKenzie and other interested traders as required closer to the event.**

5.5 Finance Report

6. **That the Finance Report be received and noted.**

Jetty Road Mainstreet Management Committee Meeting – 30 March 2011

5.1 2011/12 Draft Budget

7.
 1. **That the 2011/12 Draft JRMMC Budget be received and noted.**
 2. **That Council be advised that the Jetty Road Mainstreet Management Committee approves the draft 2011/2012 Jetty Road Mainstreet Management Committee budget reflecting a 3% increase (\$535,144) of the JRM levy and that the budget is recommended to Council for adoption.**

5.2 Marketing Strategy

8.
 1. **That the JRMMC endorse the Marketing Strategy for the purpose of the Committee progressing with a planning session to establish a Tactical Plan for the marketing of the precinct.**
 2. **That this strategy be implemented in line with the budget for 2011/12**
 3. **That all marketing campaigns are to be presented for information to the Committee prior to implementation.**
9. **That the Manager emails the Committee for their creative input and arrange a planning session for Wednesday 13th April.**

5.4 Finance Report

10. **That the Finance Report be received and noted.**

CARRIED

13.3 Minutes – Alwyndor Aged Care (Report No: 117/11)

The Alwyndor Aged Care Management Committee was established to manage the affairs of Alwyndor Aged Care Facility. The Council has endorsed the Committee's Terms of Reference and given the Committee delegated authority to manage the business of Alwyndor Aged Care Facility.

The Minutes of the Alwyndor Aged Care Management Committee for the meeting held on 15 March 2011 are attached.

The Comparison Budget presenting their year to date financial position is also distributed to Members for information.

C120411/131

Councillor Clancy moved and Councillor Yates seconded that the Minutes of the Alwyndor Aged Care Management Committee meeting held 15 March

2011 and the Comparison Budget for February 2011 be received and noted by Council.

CARRIED

13.4 Minutes – Audit Committee (Report No: 118/11)

The Audit Committee is established under Section 41 of the *Local Government Act 1999*, and Section 126 of the *Local Government Act 1999* defines the functions of the Audit Committee to include:

- reviewing annual financial statements to ensure that they present fairly the state of affairs of the council; and
- proposing, and providing information relevant to, a review of the council's strategic management plans or annual business plan; and
- proposing, and reviewing, the exercise of powers under section 130 A; and
- if the council has exempted a subsidiary from the requirement to have an audit committee, the functions that would, apart from the exemption, have been performed by the subsidiary's audit committee; and
- liaising with the council's auditor; and
- reviewing the adequacy of the accounting, internal control, reporting and other financial management systems and practices of the council on a regular basis.

The minutes of the Audit Committee meeting held 16 March 2011, are presented and submitted for Council for information and endorsement, noting in particular the Committee's recommendations presented below for endorsement.

C120411/132

Councillor Looker moved and Councillor Yates seconded that the minutes of the Audit Committee meeting held 19 January 2011 be received and recommendations numbered 1 - 5 endorsed by Council:

8.2 Standing Items (Report No: 81/11)

- 1. That the Committee advises Council it has received and considered a Standing Items Report addressing:**
 - **Monthly financial statements**
 - **Internal control**
 - **Risk management**
 - **Whistle blowing**
 - **Internal audit**
 - **Economy and efficiency audits**

8.3 2011/12 Business Plan and Budget (Report No: 83/11)

- 2. That the Audit Committee advises Council it has received and considered a report in relation to the development of the 2011/12 Annual Business Plan and Budget.**
- 3. That the Audit Committee continues to recommend to Council that a balanced operating budget ensures long term financial**

sustainability.

8.4 *Budget Review 2 – For 2010/11 (Report No: 84/11)*

4. **That the Committee advise Council that it has considered Budget Review 2 for 2010/11.**

8.8 *Treasury Management (Report No: 85/11)*

5. **That the Audit Committee advises Council that it has received and considered a report in relation to treasury management and recommends to Council that it adopt the proposed treasury management policy contained at Attachment 1 of Report No: 85/11 subject to minor amendments agreed.**

CARRIED**14. Reports by Officers**

14.1 Items in Brief (Report No: 119/11)

Report No: 119/11 was presented detailing items which were presented for the information of Members and did not require a separate resolution.

C120411/133

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

CARRIED

Items in Brief Item 14.1.1 - 2011 National Disaster Rescue Competition

Councillor Huckstepp left the chamber at 8:48pm

C120411/134

Councillor Clancy moved and Councillor Looker seconded that Council donate \$1000 to the State Emergency Services as sponsorship for the 2011 National Disaster Rescue Competition to be held in July 2011.

CARRIED

14.2 Draft Concept Design for Public Consultation – Coast Park: North Brighton to Kingston Park (Precinct 7) Inc Kingston Park Coastal Reserve Cultural Design (Report No: 120/11)

At its meeting held 13 April 2010, Council endorsed the separation of Precinct 7 from the remainder of the North Brighton to Kingston Park Design Project (Report No. 131/10). The area known as Precinct 7 includes the Brighton Caravan Park and Holiday Village and the Kingston Park Coastal Reserve. The Precinct was separated from the main design project to enable adequate time for a collaborated design approach between Council and the Kaurua Nation Cultural Heritage Association (KNCHA).

In accordance with the direction of Council, Administration has facilitated development of a draft concept design in consultation with KNCHA. The design allows for both the protection and enhancement of the sacred Tjilbruke Spring site while still enabling the Kingston Park Coastal Reserve to provide opportunities for recreation and areas for native plantings. The design incorporates the Coast Park shared pathway through to Council's southern boundary and details its location with respect to the Brighton Caravan Park and Holiday Village with linkages through to key nodes and access ways.

The Draft Concept Design is presented to the Council for endorsement for community consultation.

Councillor Huckstepp rejoined the chamber at 8:49pm.

Councillor Donaldson left the chamber at 8:50pm.

C120411/135

Councillor Lonie moved and Councillor Clancy seconded:

- 1. That Council endorses the Draft Precinct 7 Concept Design – North Brighton to Kingston Park Coast Park located at Attachment 1 for wider community and State Agency Consultation.**
- 2. That Council endorses the methodology of consultation as outlined in Attachment 2.**
- 3. That, following the conclusion of the consultation period, Administration review the outcomes of the consultation and prepare a final Draft Concept Design for Precinct 7 for final Council endorsement prior to undertaking detailed design.**
- 4. The Council continues to engage with KNCHA Working Party to determine the final detail of interpretative elements of the design including signage and artwork.**

CARRIED

14.3 Review of Delegations (Report No: 121/11)

Section 44 (6) of the Local Government Act 1999, requires Council to review its delegations at least once each financial year.

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 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 the Chief Executive Officer. Subsequent to these delegations being made by Council, the Chief Executive Officer will then make any sub-delegations to other staff as appropriate.

Section 44 (6) of the Local Government Act 1999, requires Council to review its delegations at least once each financial year. The review has been undertaken by Administration and is presented for Council's endorsement.

Councillor Donaldson rejoined the chamber at 8:53pm.

C120411/136

Councillor Clancy moved and Councillor Looker seconded that having conducted its annual review of the Council's Delegations Register in accordance with Section 44(6) of the Local Government Act 1999, the Council:

- 1. Revocations**
 - 1.1 Hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following:**

- 1.1.1 Community Titles Act 1996
- 1.1.2 Development Act 1993 and Development Regulations 2008
- 1.1.3 Dog & Cat Management Act 1995
- 1.1.4 Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010
- 1.1.5 Expiation of Offences Act 1996
- 1.1.6 Fences Act 1975
- 1.1.7 Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005
- 1.1.8 Food Act 2001
- 1.1.9 Freedom of Information Act 1991
- 1.1.10 Housing Improvement Act 1940
- 1.1.11 Land & Business (Sale and Conveyancing) Act 1994
- 1.1.12 Liquor Licensing Act 1997
- 1.1.13 Local Government Act 1934
- 1.1.14 Local Government Act 1999
- 1.1.15 Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2005
- 1.1.16 Occupational Health Safety & Welfare Act 1986
- 1.1.17 Public and Environmental Health Act 1987 and Public and Environmental Health (Waste Control) Regulations 2010 and Public and Environmental Health (Legionella) Regulations 2008
- 1.1.18 Roads (Opening & Closing) Act 1991
- 1.1.19 Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 1999 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 1999
- 1.1.20 Supported Residential Facilities Act 1992
- 1.1.21 Unclaimed Goods Act 1987
- 1.1.22 Residential Parks Act 2007
- 1.2 Hereby revokes its previous delegations to its Development Assessment Panel under the Development Act 1993 and Development Regulations 2008.
- 2. Delegations made under Local Government Act 1999
 - 2.1 In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Appendices 1-18 (each of which is individually identified as indicated below) are hereby delegated this 12th day of April 2011 to the person occupying the office of Chief Executive Officer, and anyone who may, from time to time be appointed to act in that position, subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of

Delegation.

- 2.1.1 Community Titles Act 1996 (Appendix 1)**
- 2.2.2 Dog & Cat Management Act 1995 (Appendix 2)**
- 2.2.3 Environment Protection Act 1993 (Appendix 3)**
- 2.2.4 Expiation of Offences Act 1996 (Appendix 4)**
- 2.2.5 Fences Act 1975 (Appendix 5)**
- 2.2.6 Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005 (Appendix 6)**
- 2.2.7 Freedom of Information Act 1991 (Appendix 7)**
- 2.2.8 Housing Improvement Act 1940 (Appendix 8)**
- 2.2.9 Land & Business (Sale & Conveyancing) Act 1994 (Appendix 9)**
- 2.2.10 Liquor Licensing Act 1997 (Appendix 10)**
- 2.2.11 Local Government Act 1934 (Appendix 11)**
- 2.2.12 Local Government Act 1999 (Appendix 12)**
- 2.2.13 Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2005 (Appendix 13)**
- 2.2.14 Roads (Opening and Closing) Act 1991 (Appendix 14)**
- 2.2.15 Occupational Health Safety and Welfare Act 1986 (Appendix 15)**
- 2.2.16 Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 1999 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 1999 (Appendix 16)**
- 2.2.17 Unclaimed Goods Act 1987 (Appendix 17).**
- 2.2.18 Residential Parks Act 2007 (Appendix 18)**

2.2 Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.

3. Delegations made under Development Act 1993

3.1 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 Delegation (annexed to the Report dated 12 April 2011 and entitled Review of Delegations and marked Appendix 19) (distributed under separate cover) are hereby delegated this 12th day of April 2011 to the person occupying the office of Chief Executive Officer, and anyone who may, from time to time be appointed to act in that position, 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.

- 3.2** 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.
- 3.3** 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 Delegation (annexed to the Report dated 12 April 2011 and entitled Review of Delegations) (distributed under separate cover) 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.
- 1. Change of Land Use Declaration**
 - 6. Assessment of Development Proposal**
 - 7. Determination of Relevant Authority**
 - 8. Special Provisions Relating to Development Plan Assessment**
 - 9. Special Provisions Relating to Building Rules Assessment**
 - 9A Consultation With Other Authorities Or Agencies**
 - 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**
 - 22. Electricity Infrastructure Development**
 - 23. Open Space Contribution System**
 - 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**
 - 33. Land Management Agreements**

34. Land Management Agreements - Development Applications
 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. Withdrawing/Lapsing 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 Expert Advice
 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
4. Delegations made under Food Act 2001
- 4.1 In exercise of the powers contained in Section 91 of the Food Act 2001, the powers and functions under the Food Act 2001 contained in the proposed Instrument of Delegation (annexed to the Report dated 12 April 2011 and entitled Review of Delegations and marked Appendix 20) (distributed under separate cover) are hereby delegated this 12th day of April 2011 to the person occupying the office of Chief Executive Officer, and anyone who may, from time to time be appointed to act in that position, (“the head of the enforcement agency” for the purposes of the Food Act 2001), subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of

Delegation under the Food Act 2001.

- 4.2** 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 Food Act 2001.
- 5. Delegations made under Public and Environmental Health Act 1987**
 - 5.1** In exercise of the power contained in Section 6 of the Public and Environmental Health Act 1987, the powers and functions under the Public and Environmental Health Act 1987, Public and Environmental Health (Waste Control) Regulations 2010 and Public and Environmental Health (Legionella) Regulations 2008 contained in the proposed Instrument of Delegation (annexed to the Report dated 12 April 2011 and entitled Review of Delegations and marked Appendix 21) (distributed under separate cover) are hereby delegated this 12th day of April 2011 to the person occupying the office of Chief Executive Officer, and anyone who may, from time to time be appointed to act in that position, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Public and Environmental Health Act 1987.
 - 5.2** 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 Public and Environmental Health Act 1987.
- 6. Delegations under Supported Residential Facilities Act 1992**
 - 6.1** In exercise of the power contained in Section 9 of the Supported Residential Facilities Act 1992, the powers and functions under the Supported Residential Facilities Act 1992 contained in the proposed Instrument of Delegation (annexed to the Report dated 12 April 2011 and entitled Review of Delegations and marked Appendix 22) (distributed under separate cover) are hereby delegated this 12th day of April 2011 to the person occupying the office of Chief Executive Officer, and anyone who may, from time to time be appointed to act in that position, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.
 - 6.2** 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 Supported Residential Facilities Act 1992.
- 7. Authorisations and Subdelegation under the Road Traffic Act 1961**
 - 7.1** That, in accordance with the Notice to the Council dated 27 April 2009 from the Minister for Transport (“the Minister’s Notice”), the Council authorises the following officers to

exercise, for, and on behalf of the Council, the power conferred on the Council pursuant to the following clauses of the Minister's Notice in relation to the Road Traffic Act 1961:

Clause A.1 – General Manager City Assets, Manager Public Spaces, Manager Regulatory Services and Traffic and Transport Coordinator;

Clause B.1 – General Manager City Assets, Manager Public Spaces, Manager Regulatory Services and Traffic and Transport Coordinator;

Clause C.1 – General Manager City Assets, Manager Public Spaces, Manager Regulatory Services and Traffic and Transport Coordinator;

Clause D.1 – General Manager City Assets, Manager Public Spaces, Manager Regulatory Services and Traffic and Transport Coordinator;

Clause E.1 – General Manager City Assets, Manager Public Spaces, Manager Regulatory Services and Traffic and Transport Coordinator;

subject to –

- (i) the conditions contained in the Minister's Notice; and
- (ii) where applicable the conditions contained within the "Notice from the Commissioner of Highways for the Temporary use of Traffic Control Devices by persons other than Road Authorities" dated 8 April 2002, as amended from time to time;
- (iii) any conditions contained in this Resolution or in such instrument; and
- (iv) the creation of a separate instrument in writing reflecting such authorisations under the Minister's Notice and this Resolution.

7.2 The said instrument shall be in substantially the same form as the proposed instrument of authorisation annexed to the Report dated 12 April 2011 and entitled Review of Delegations and marked Appendix 23 (distributed under separate cover).

7.3 In exercise of the power contained in, and in accordance with, Clause F.1 of the Notice to the Council dated 27 April 2009 from the Minister for Transport ("the Minister's Notice"), the power contained in Section 33(1) of the Road Traffic Act 1961 and delegated to the Council pursuant to Clause F of the Minister's Notice is hereby sub-delegated to the person occupying the office of Chief Executive Officer of the Council subject to:

- (i) the conditions contained in the Minister's Notice; and
- (ii) any conditions contained in this Resolution or in such instrument; and
- (iii) the creation of a separate instrument in writing reflecting such subdelegation under the Minister's Notice and this Resolution.

7.4 The said instrument shall be in substantially the same form as the proposed instrument of subdelegation annexed to the Report dated 12 April 2011 and entitled Review of Delegations

and marked Appendix 23 (distributed under separate cover).

CARRIED

- 14.4 Request for Funds to Defend Appeal before the Environment, Resources and Development Court (Report No: 106/11)

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 23 February 2011. In accordance with a previous Council resolution, prior approval is sought for the expenditure of funds to resource a proper defence of the decision.

Councillor Patterson left the chamber at 9:21pm.

C120411/137

Councillor Fisk moved and Councillor Bouchee 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

- 14.5 Appointments to the Glenelg Brass Band and the Brighton and Seacliff Yacht Club (Report No: 122/11)

Council has historically appointed Elected Members and staff to boards or management committees of external organisations.

Appointments to the board or management committee of external organisations (usually a community organisation) give rise to additional but distinct fiduciary duties as well as exposure to the inherent liability of such appointments. Whilst there may be benefit to Council in making such appointments, it should be done with Council and the appointees being fully informed of the implications.

C120411/138

Councillor Clancy moved and Councillor Donaldson seconded that Council nominates the following members to the following committees:

- **Councillor Bouchee to the Glenelg Brass Band Inc, until November 2011.**
- **Councillor Roe to the Brighton and Seacliff Yacht Club as a non voting member of the Management Committee.**

CARRIED

- 14.6 Section 270 Review of Council Decision – Glenelg Oval Lighting Upgrade (Report No: 123/11)

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.

This report allows Council an opportunity to review the report prepared by Wallmans Lawyers regarding the Section 270 Review – Upgrade of Lighting at Glenelg Oval, prior to its presentation to Council at its meeting on 10 May 2011 for final determination.

Ms Panizzon has been invited to make written submissions or a deputation to Council on the 10 May 2011 meeting before Council makes its formal determination on the matter.

C120411/139

Councillor Lonie moved and Councillor Huckstepp seconded:

1. **That Council receives and notes Report No: 123/11, Section 270 Review – Upgrade of Lighting at Glenelg Oval.**
2. **That a further report be presented to the meeting scheduled for 10 May 2011.**

CARRIED

14.7 Review of Outdoor Dining Fees 2011/2012 (Report No: 106/11)

The City of Holdfast Bay is committed to enhancing urban life and promoting the continuing development of outdoor dining through an integrated approach to design and location of furniture.

Outdoor dining makes a significant contribution to the quality of public spaces and urban life. They provide an active street frontage that is alive and ever changing.

Our community enjoy an outdoor lifestyle including outdoor dining. There are several benefits from outdoor dining including revitalization of areas, enhancing social interaction, preventing vandalism and other forms of street crime as a result of the casual surveillance. It adds to the city's image, lifestyle and vibrancy.

Relevant fees are charged for the use of outdoor dining areas on Council land and these are reviewed regularly. This report outlines the current review of fees for outdoor dining permits 2011/2012 for Council's consideration and endorsement.

C120411/140

Councillor Clancy moved and Councillor Looker seconded:

1. **That Council considers the new fee structure as part of its 2011/12 budget deliberations.**
2. **That consultation occurs via the Jetty Road Mainstreet Management**

Committee.**THE QUESTION WAS PUT AND CARRIED****C120411/141****Councillor Dixon moved and Councillor Lonie seconded that the motion be put.****CARRIED**

14.8 Home and Community Care (HACC) Program Innovation Funding: Setting Up For Success in the South (Report No: 126/11)

The Inner Southern Region, comprising the Cities of Mitcham, Marion and Holdfast Bay successfully acquired a one-off Home and Community Care (HACC) Innovation Funding grant valued at \$25,000 to deliver a three-pronged training package to educate contractors, their workers and consumers regarding the new Community Care Common Standards and the HACC Service Principles.

C120411/142**Councillor Clancy moved and Councillor Bouchee seconded that Council approves entry into the Home and Community Care Service Agreement, Project no: 2294 *Setting Up For Success In The South*, between the Minister for Ageing and the City of Holdfast Bay.****CARRIED**

14.9 Elected Member Training Request – Event Sponsorship Contracts Seminar (Report No: 124/11)

Elected Members have expressed an interest in attending the Event Sponsorship Contracts Seminar to be held by the Wallmans Lawyers on 26 May 2011. The half day course will be held at Wallmans Lawyers and costs \$264 per person.

This item was withdrawn.**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 Farewell to Alice Monfries, Guardian Messenger Journalist

Council thanked Alice Monfries for her work with the Guardian Messenger and congratulated her appointment to the Sunday Mail.

16.3 Farewell to Greg Nankervis, Acting Manager Governance and Policy

Councillor Clancy thanked Mr Greg Nankervis, Acting Manager Governance and Policy and Manager People and Culture for his service to the City of Holdfast Bay over the past two and a half years and congratulated him on his appointment to the City of Burnside and wished him the best for the professional challenges ahead.

17. Items in Confidence

C120411/143**Councillor Bouchée moved and Councillor Clancy seconded**

1. That council moves consideration of the Confidential Report No: 125/11 and 127/11 to the Community and Visitors 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: 125/11 and 127/11 Council delegates the Community and Visitors Committee with the power to make a decision in the matters canvassed by the report.

CARRIED**19. Closure**

The Meeting closed at 9:32pm

CONFIRMED Tuesday 10 May 2011**MAYOR**