MINUTES

OF THE

CORPORATE AND COMMUNITY SERVICES COMMITTEE

HELD ON

TUESDAY, 13 DECEMBER 2011
CORPORATE AND COMMUNITY SERVICES COMMITTEE

MINUTES

13 DECEMBER 2011

MINUTES OF THE MEETING OF THE CORPORATE AND COMMUNITY SERVICES COMMITTEE HELD IN THE COUNCIL CHAMBERS, 131 BELAIR ROAD, TORRENS PARK ON TUESDAY, 13 DECEMBER 2011 AT 8.33 PM.

MEMBERSHIP:
Cr E Grimm (Presiding Member), Cr S Fisher (Deputy Presiding Member), His Worship the Mayor (M. Picton), Crs C Adcock, C Campbell, C Geillie, N Greer, L Moriarty, D Munro, Y Poland, J Sanderson, J Silbereisen, M Ward and J Weaver.

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PRESENT: Cr E Grimm (Presiding Member), Cr S Fisher (Deputy Presiding Member), His Worship the Mayor (M Picton), Crs C Adcock, C Campbell, C Gellie, N Greer, L Moriarty, D Munro, J Silbereisen, M Ward and J Weaver.

APOLOGIES: Crs J Sanderson and Y Poland.

STAFF IN ATTENDANCE: Chief Executive Officer, Director Customers and Corporate, Director Planning Development and Compliance, Acting Director Libraries Community and Corporate Governance, Manager Property and Contracts, Team Leader Planning Policy and Secretary (L Young).

WELCOME

The Presiding Member welcomed those present to the meeting.

CONFIRMATION OF MINUTES

MOVED Cr Ward that the Minutes of the Meeting of the Corporate and Community Services Committee held on 8 November 2011 be confirmed.

SECONDED Cr Moriarty CARRIED
ADJOURNED BUSINESS

Nil.

BUSINESS

1. DEPUTATIONS

Nil.

2. PETITIONS

Nil.

3. FINANCE

3.1 ACCOUNTS
Wade Reynolds / Milo Rubbo (Prepared: 1/11/11)

MOVED Cr Munro that the report be received for information only.

SECONDED Cr Campbell

CARRIED

3.2 BANK RECONCILIATION
Wade Reynolds / Milo Rubbo (Prepared: 1/11/11)

MOVED Cr Munro that the Bank Reconciliation Statements as at 31 October 2011, be noted.

SECONDED Cr Fisher

CARRIED

3.3 BUDGET UPDATE
Wade Reynolds / Milo Rubbo (Prepared: 8/11/11)

MOVED Cr Fisher that the report be received for information only.

SECONDED Cr Moriarty

CARRIED
4. ADMINISTRATION

4.1 STAFFING MOVEMENTS

Wade Reynolds / John Skoblyk (Prepared: 29/11/11)

MOVED Cr Munro that the report be received for information only.

SECONDED Cr Campbell

CARRIED

4.2 MITCHAM HERITAGE COMMITTEE

Craig Harrison / David Roberts (Prepared: 2/12/2011)

MOVED Cr Weaver:

(1) That Council elects up to two Councillors to replace the two resigned Members on the Mitcham Heritage Committee, with the term of office expiring on 23 November 2012.

(2) That Cr Gellie be appointed to the Mitcham Heritage Committee.

SECONDED Cr Fisher

CARRIED UNANIMOUSLY

MOVED Cr Ward that Clause 2.1 of the Terms of Reference under Membership be amended to read:

“Membership of the Committee shall consist of up to five Elected Members, plus the Mayor (ex officio) and five community representatives.”

SECONDED Cr Fisher

CARRIED UNANIMOUSLY

5. ASSET MANAGEMENT

5.1 EDWARDSTOWN PRIMARY SCHOOL - JOINT USE AGREEMENT

Wade Reynolds / George Forbes (Prepared: 26 October 2011)

Pursuant to Section 74(1) of the Local Government Act 1999, Cr Ward declared a conflict of interest this item - he is an employee of the Department for Education and Children's Services - and left the room at 8.55 pm.

MOVED Cr Campbell that:

(1) Council renews the Joint Use Agreement with the Minister for Education and Children’s Service.

(2) Administration negotiate appropriate signage with the Minister of Education and Children’s Services on the Edwardstown Primary
School oval and gazebo to reflect that the area is available for community use and acknowledging Council’s contribution to the development of the facility.

(3) The Mayor and Chief Executive Officer be authorised to sign the appropriate documents under seal.

SECONDED Cr Munro CARRIED UNANIMOUSLY

CR WARD RETURNED TO THE MEETING AT 9.00 PM

5.2 NORMAN RESERVE – RISK AUDIT OF THE PLAYING OF BASEBALL – CONSULTANT’S BRIEF
Wade Reynolds / George Forbes (Prepared: 8/11/11)

MOVED Cr Moriarty:

(1) That Council undertakes a Risk Audit of the playing of baseball at Norman Reserve commencing in January 2012, in accordance with the attached Consultant’s Brief (attachment pp 8 - 38 Corporate and Community Services Committee agenda dated 13 December 2011).

(2) That Council holds over the licence of Norman Reserve to the Sturt Baseball Club until the 30 April 2013 pending consideration of the findings and recommendations of the audit and public consultation.

(3) That funding to enable this work to be undertaken be referred to the December budget review, through either increasing the current operating deficit or by reducing expenditure on another service.

(4) That Council notes the program of proposed milestones for the licence renewal for the Sturt Baseball Club at Norman Reserve.

SECONDED Cr Weaver CARRIED

6. RECREATION AND OPEN SPACE

Nil.
7. COMMUNITY AND INFORMATION SERVICES

7.1 WARD COMMUNITY FORUMS – SURVEY RESULTS
S Saffin/ G Webster (Prepared: 11 November 2011)

MOVED Cr Campbell that the current system of holding 5 Ward Forums during the summer months, Chaired by a Ward Councillor, be continued.

SECONDED Cr Munro

CARRIED

8. STRATEGIC POLICY MATTERS

8.1 MEMBERS' ALLOWANCES AND SUPPORT POLICY - REVIEW
Stephen Saffin/Meredith Nunan (Prepared: 14/11/2011)

MOVED Cr Ward that Council endorses the updated Policy 09.10 – Members’ Allowances and Support Policy in attachment pp 63 - 68 (Corporate and Community Services Committee Agenda 13 December 2011).

SECONDED Cr Campbell

CARRIED UNANIMOUSLY

8.2 PROGRESS REPORT – CITY OF MITCHAM STRATEGIC PLAN 2008-2012

MOVED Cr Campbell that the report be received for information only.

SECONDED Cr Ward

CARRIED UNANIMOUSLY

8.3 THE CHARACTER PRESERVATION (MCLAREN VALE) BILL 2011 AND THE BAROSSA VALLEY AND MCLAREN VALE PROTECTION DISTRICTS DEVELOPMENT PLAN AMENDMENT (DPA).
Craig Harrison / David Roberts (27 October 2011)

MOVED Cr Ward:

(1) That Council endorses the submission to the Minister for Planning dated 28 October 2011 on the Character Preservation (McLaren Vale) Bill 2011 (refer attachment pp 114 - 116 of the Corporate and Community Services agenda dated 13 December 2011), which requests the Minister to remove those parts of the Protection Districts which fall within the Mitcham Council area from ambit of the Character Preservation (McLaren Vale) Bill 2011, and associated legislation.

(2) In addition to the original submission as per attachment pp 114 - 116 of the Corporate and Community Services agenda dated 13 December 2011, Council writes to both the Minister and the Presiding Member, Development Policy Advisory Committee where appropriate, requesting withdrawal of those areas of land within the Mitcham Council area from Barossa Valley and McLaren Vale
Protection Districts Development Plan Amendment and associated legislation, on the following basis:

(2)(1) Council considers that the Minister presently has sufficient control over inappropriate development occurring within the Hills Face Zone through the existing assessment process whereby Council is required to seek concurrence from the DAC if Council wishes to grant development consent to a non-complying form of development. Again noting that the provisions of the Hills Face Zone (prior to the introduction of the Barossa Valley and McLaren Vale Protection Districts Development Plan Amendment which increases restrictions on development within both the Hills Face Zone and the Rural Landscape Zone) contained a comprehensive list of non-complying developments.

(2)(2) Of particular note is that included within this former list is land division, certain types of dwellings that could result in inappropriate bulk and scale siting and density, as well as industry and retail development all of which the Bill and the DPA have identified and seek to prevent.

(2)(3) It is further considered that former controls contained within both the Hills Face Zone and Rural Landscape Zone provisions are sufficiently robust to prevent inappropriate development from occurring. They have been adequately managed by the City of Mitcham together with the Minister's involvement in the decision making process (via the Development Assessment Commission) to date enabling the protection and enhancement of the unique and special character of the Hills Face Zone contained within the City of Mitcham.

(2)(4) Council considers that there is simply no need or justification for the enactment of character preservation legislation in circumstances where our current planning system already provides a well established and appropriate mechanism to achieve the objects of the Bills.

(2)(5) A preferable approach to addressing such community concerns is to achieve the character preservation outcomes broadly sought by the Bills within the existing planning framework established under the Development Act 1993.

(2)(6) Council is of the view that there is simply no need for a new legislative scheme that will in effect replicate and overlay an existing system (i.e. the current Development Act). Such an approach complicates and potentially obstructs the efficient operation and functionality of that system. Furthermore Council considers that the outcomes sought by the Government in land use terms would more sensibly be achieved by using the current system through the
introduction of appropriate Development Plan policy and consequential changes which could be incorporated in the Development Act.

(3) In the event the Minister for Planning and/or the Development Policy Advisory Committee do not accede to Council’s request not to be included in either the Character Preservation (McLaren Vale) Bill 2011 and/or the Barossa Valley and McLaren Vale Protection Districts Development Plan Amendment, then Council advises the Minister for Planning and/or the Development Policy Advisory Committee where appropriate, that:

(3)(1) The Barossa Valley and McLaren Vale Protection Districts Development Plan Amendment (in so much as it relates to the City of Mitcham’s Development Plan) needs amending as a matter of urgency

- to make ‘Wind Farm’ a non-complying use in both Hills Face Zone and Rural Landscape Zone, so as to prevent inappropriate development to occur; and

- to make ‘Demolition or part demolition of any State or Local Heritage Place’ a non-complying use in the Hills Face Zone thereby ‘providing greater capacity to retain heritage character values in the Protection Districts’; and

- to reinstate ‘detached dwelling or additions to, or conversion of, an existing dwelling’ (with the former exceptions) as a ‘consent use on merit’ within the Hills Face Zone; and

- to make outbuildings— including sheds, garages, verandahs, pergolas and the such like, swimming pools, retaining walls, and fencing a ‘consent use on merit’ within the Hills Face Zone; and

- to make ‘tree damaging activities’ a ‘consent use on merit’ within the Hills Face Zone (ie to not be treated as non complying).

- amended to include a comment that viticulture as a use of land for the purpose of the change of use of land should be non complying within the Hills Face Zone.

(3)(2) It is imperative the Minister for Planning consults with Council on any proposed legislative changes including but not limited to regulations under the Character Preservation (McLaren Vale) Act 2011 and to provide Council with sufficient time to consult effectively with the community and respond.
CR MUNRO LEFT THE MEETING AT 9.44 PM AND RETURNED AT 9.46 PM DURING THE DISCUSSION OF THIS ITEM.

CR GELLIE LEFT THE MEETING AT 9.48 PM AND RETURNED AT 9.50 PM DURING DISCUSSION OF THIS ITEM.

SECONDED Cr Campbell CARRIED UNANIMOUSLY

8.4 PLANNING SERVICES REVIEW 2011/2012
Craig Harrison/Magnus Heinrich (Prepared: 25 November 2011)

MOVED Cr Ward:

(1) Administration report back to Council the result of the independent audit on the quality of development decisions made by Council staff, and

(2) Administration report back to Council the findings of the customer satisfaction survey.

SECONDED Cr Moriarty CARRIED UNANIMOUSLY

9. REPORTS FROM SUB COMMITTEES

Nil.

10. REPORTS OUTSTANDING AND RESOLUTIONS NOT YET EFFECTED
(Prepared: 7/11/11)

MOVED Cr Campbell that the report be received for information only.

SECONDED Cr Fisher CARRIED

11. OTHER BUSINESS

11.1 CR GELLIE – COMMERCIAL DEVELOPMENTS

MOVED Cr Gellie that the City of Mitcham notes two new major commercial developments within the City, the near completion of the greatly enlarged Pasadena Shopping Centre and the large new Stratco development on South Road, St Marys. The Council further notes the enhanced benefit for the City of these major investments, sustained new employment and enlarged customer service.

SECONDED Cr Munro TIED
A DIVISION WAS CALLED BY CR FISHER AND THE DECISION WAS SET ASIDE:

For the motion: Cr Fisher, Cr Adcock, Cr Munro, Cr Gellie, Cr Silbereisen and Cr Moriarty.

Against the motion: Cr Ward, Cr Campbell, Mayor Picton, Cr Greer, Cr Weaver and Cr Grimm.

THE CHAIR DECLARED THE MOTION TIED

12. CONFIDENTIAL

Nil.

CLOSE:

There being no further business, the meeting closed at 10.35 pm.