



Council Agenda

NOTICE OF MEETING

Notice is hereby given that an ordinary meeting of Council will be held in the

**Council Chamber – Glenelg Town Hall
Moseley Square, Glenelg**

Tuesday 26 March 2013 at 7.00pm

Justin Lynch
CHIEF EXECUTIVE OFFICER

Ordinary Council Meeting Agenda

1. OPENING

His Worship the Mayor will declare the meeting open at 7:00pm.

2. KAURNA ACKNOWLEDGEMENT

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

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 Yates

4.2 Absent

5. ITEMS PRESENTED TO COUNCIL

6. DECLARATION OF INTEREST

If a Council Member has an interest (within the terms of the Local Government Act 1999) in a matter before the Council they are asked to disclose the interest to the Council and provide full and accurate details of the relevant interest. Members are reminded to declare their interest before each item.

7. CONFIRMATION OF MINUTES

Motion

That the minutes of the Ordinary Meeting of Council held on 12 March 2013 be taken as read and confirmed.

Moved Councillor _____, Seconded Councillor _____

Carried

8. QUESTIONS BY MEMBERS**8.1 Without Notice****8.2 With Notice**

8.2.1 Question with Notice – Elected member Costs – Councillor Looker (Report No: 112/13)

8.2.2 Question with Notice – Clarification of Information Provided to Caravan Park Residents (Report No: 117/13)

9. MEMBER'S ACTIVITY REPORTS - Nil**10. PUBLIC PRESENTATIONS**

10.1 **Petitions** - Nil

10.2 **Presentations** - Nil

10.3 **Deputations** - Nil

11. MOTIONS ON NOTICE

11.1 Motion on Notice – Dog Park – Councillor Donaldson (Report No: 118/13)

12. ADJOURNED MATTERS

12.1 Adjourned Report – Adjourned Reports – Brighton Over 50's Club - Lease, Helmsdale Tennis Club – Licence, Glenelg Pigeon Club – Lease And Holdfast Bay Dog Owners Club – Lease (Report No: 99/13)

13. REPORTS OF MANAGEMENT COMMITTEES, SUBSIDIARIES AND THE DEVELOPMENT ASSESSMENT PANEL

13.1 Minutes – Alwyndor Aged Care – 19 February 2013 (Report No: 97/13)

13.2 Minutes – Development Assessment Panel – 27 February 2013 (Report No: 79/13)

13.3 Minutes – Audit Committee – 13 March 2013 (Report No: 111/13)

14. REPORTS BY OFFICERS

14.1 Items in Brief (Report No: 98/13)

14.2 Mobile Trading Policy (Report No: 11/13)

14.3 Glenelg Christmas Pageant (Report No: 95/13)

14.4 Appointments to Executive Committee (Report No: 101/13)

14.5 Elected Member Training Request – Web Seminar Series (Report No: 102/13)

14.6 Partridge House (Report No: 114/13)

14.7 Development Assessment Panel 2012 Annual Report (Report No: 113/13)

14.8 Monthly Financial Report – February 2013 (Report No: 115/13)

14.9 Representation Review (Report No: 116/13)

15. RESOLUTIONS SUBJECT TO FORMAL MOTIONS

Presented for the information of Members is a listing of resolutions subject to formal resolutions, for Council and all Standing Committees, 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**17. CLOSURE**

**JUSTIN LYNCH
CHIEF EXECUTIVE OFFICER**

Item No: **8.2.1**

Subject: **QUESTIONS WITH NOTICE – AVERAGE COST OF AN ELECTED MEMBER
– COUNCILLOR LOOKER**

Date: 26 March 2013

QUESTION

Councillor Looker asked the following question:

“What is the average current all-inclusive cost per year for a Council Elected Member?”

ANSWER – General Manager Corporate Services

Council’s current 2012/13 budget provides the following expenditure in relation to Elected Members:

Elected Members allowances	\$250,000
Provision of computers, laptops, printers, internet access, mobile phones and related consumables	\$24,100
Catering for Council meetings, workshops and special events	\$22,500
Training, courses and seminars	\$13,000
Other expenses including reimbursements allowed under legislation, taxis and legal etc	\$5,544
Total	\$315,144

This equates to \$24,242 per Elected Member.

The above does not include costs incurred in relation to:

- Preparation of Council and Committee agendas
- Mayoral garden party
- Maintenance of the voters’ roll
- Conducting Council elections
- Staff time in relation to Council and Elected Member support

Item No: **8.2.2**

Subject: **QUESTIONS WITH NOTICE – CLARIFICATION ON INFORMATION PROVIDED TO BRIGHTON CARAVAN PARK RESIDENTS – COUNCILLOR BOUCHEE**

Date: 26 March 2013

QUESTION

Councillor Bouchee asked the following question:

Clarification is requested on the information provided to the Caravan Park residents regarding the redevelopment.

ANSWER – Manager Organisational Sustainability

The following response has been provided by the Manager Brighton Caravan Park.

Since 2007 as a result of the changes to the residential parks act any new resident was required to sign a formal agreement which described the terms and conditions, and included that the agreement was for a fixed 12 month period. New agreements were issued at least one month before the due expiry date.

Prior to 2007, Brighton City Council sanctioned permanent residents about 25 years ago, but none of these original guests still remain. No written contracts existed at this time, however residents were given a copy of regulations and the contents explained to them.

Historically, up to and since 2007, any person wishing to occupy a site on a permanent basis was provided with a copy of the park rules and regulations which included the following clauses:

- Clause 2: A six week trial period applies to all new long-term Residents and all extensions after that time are at the sole discretion of Management.
- Clause 33 states; At their own cost, the resident must if requested move their caravan from one site to another or from the caravan park.
- Clause 35 states; Management may terminate occupancy at any time giving one hours' notice . No reason need be given.

The contents of these clauses have been incorporated into the current regulations

1. The earliest arrival date of any existing guest is 20/10/98 and we are of the understanding he will be dismantling his accommodation and decamping later this month.
2. Tenant 1 has a canvas annex and if necessary could be easily located to another site.
3. Tenant 2 arrived on 21/10/01 also has a canvas annex and can be moved to another site.
4. Tenant 3 arrived on 11/12/04 and has a solid annex

5. Tenant 4 arrived on 6/2/06 and has a solid annex
6. Tenant 5 arrived on 20/2/07 has a solid annex
7. Tenant 6 arrived on 6/3/07 and although he has a solid annex, will be moving out later this month.

Twenty two residents have arrived after the introduction of Residential Tenancy Contracts and of these 21 are fitted with a solid annex plus one site which is a deceased estate. During the compulsory interview for long term residency, all residents were presented with a copy of parks regulations to which all of them stated they understood the terms and conditions which included no automatic right to occupy the site at the completion of any residential contract.

Apart from residential contracts and applications for residency and regulations, there is little other documentation in our possession which demonstrates that the client has a right of renewal or extension. We have only been invited to a few of the permanent meetings where we have been able to discuss matters pertaining to residency and regulations

Newsletter 3.3.10 provided to each of the residents specifically shows:

1. Each agreement shall be for a maximum 12 months with all agreements expiring on 30th day of June annually.
2. At the end of such agreement there is no guarantee of any extension or renewal of any agreement and all extensions and renewals remain the sole decision of management.
3. The maximum term whereby the caravan park retains permanent residents is unknown.

Recently we have been concerned that residents were advertising their caravan for sale at exorbitant prices and failing to tell the purchaser that the site is not included. This concern was expressed to the residents committee that stated we were interfering with potential sales. (written in the minutes of permanent committee meeting) It has always been our policy to meet with prospective buyers and explain our terms and conditions, and emphasized the fact that all contracts expire on June 30th annually and there is no automatic right of renewal.

At times we have disregarded the advice of the committee and informed prospective purchasers that they would be unwise to continue with the purchase as caravan park regulations make the period of stay uncertain, particularly with the forthcoming proposed development.

To reduce the risk of misunderstanding, it has always been our policy that, interviews with prospective tenants are held in the presence of our office staff wherever possible.

Item No: **11.1**

Subject: **MOTION ON NOTICE – DOG PARK – COUNCILLOR DONALDSON**

Date: 26 March 2013

PROPOSED MOTION

Councillor Donaldson proposed the following motion:

“That Administration explore the feasibility and options of creating a dedicated Dog Park in a reserve east of Brighton Rd, between Oaklands Rd and Addison Rd.”

BACKGROUND

In recent times there has been much discussion both privately and through the various media regarding the amount of dogs on our beaches and the associated issues of owners not picking up after their pets or not having them under effective control, which creates issues both for our residents (many of whom are not necessarily dog lovers) and our staff in trying to police the various bylaws.

A dedicated dog park would alleviate many of these issues and provide a place where both dogs and owners could meet and socialise.

Hopefully this would also reduce the sheer numbers of dogs on our beaches and streets leading to the foreshore.

Item No: **12.1**

Subject: **ADJOURNED REPORTS – BRIGHTON OVER 50'S CLUB - LEASE, HELMSDALE TENNIS CLUB – LICENCE, GLENELG PIGEON CLUB – LEASE AND HOLDFAST BAY DOG OWNERS CLUB - LEASE**

Date: 26 March 2013

Written By: Strategic Property Officer

General Manager: Corporate Services, Mr I Walker

SUMMARY

On 22 January 2013 four reports were submitted to Council, (report numbers C220113/789, 793, 793 and 704), recommending that the following leases be renewed:

- Brighton Over 50's Club Inc. – term of five years from 1 January 2013 over the land contained in Certificate of Title Volume 5664 Folio 439.
- Helmsdale Tennis Club Inc. – term of five years from 1 January 2012 over the land contained in Certificate of Title Volume 5852 Folio 722.
- Glenelg Pigeon Club Inc. – term of 4 years, 5 months from 1 February 2013 to 30 June 2017 over portion of the land contained in Certificate of Title Volume 5750 Folio 187.
- Holdfast Bay Dog Owners Club Inc. - term of 4 years, 5 months from 1 February 2013 to 30 June 2017 over portion of the land contained in Certificate of Title Volume 5750 Folio 187.

Each of these reports was adjourned with Council resolving as follows:

“That the report be adjourned subject to receiving a copy of the Club’s constitution, copy of minutes for 2012 or 2013 AGM whichever is the latest and a copy of the latest audited financial report for 2012 or 2013”.

All clubs have provided the information requested and this is contained in Attachment 1.

RECOMMENDATION

That the leases be renewed as follows;

- 1. That approval be granted to enter into a new lease with the Brighton Over 50's Social Club Inc. for a term of five years from 1 January 2013 over the land contained in Certificate of Title Volume 5664 Folio 439.**
 - 2. That approval be granted to enter into a new licence with the Helmsdale Tennis Club Inc. for a term of five years from 1 January 2012 over the land contained in Certificate of Title Volume 5852 Folio 722.**
 - 3. That approval be granted to enter into a new lease with the Glenelg Pigeon Club Inc. for a term from 1 February 2013 to 30 June 2017 over portion of the land contained in Certificate of Title Volume 5750 Folio 187, marked 'A', together with shared use over the area marked 'B'.**
 - 4. That approval be granted to enter into a new lease with the Holdfast Bay Dog Owners Club Inc. for a term from 1 February 2013 to 30 June 2017 over portion of the land contained in Certificate of Title Volume 5750 Folio 187, marked 'A', together with shared use over the area marked 'B'.**
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COMMUNITY PLAN

A Place with a Quality Lifestyle
A Place for Every Generation
A Place that Provides Value for Money
A Place that Provides Choices and Enhances Life

COUNCIL POLICY

Nil

STATUTORY PROVISIONS

Local Government Act, 1999,
Retail and Commercial Leases Act, 1995,
Associations Incorporations Act, 1985.

REPORT

A copy of the original report presented at the Council meeting on 22 January 2013 is attached for the information of members.

Refer to Attachment 2

Following that resolution contact was made with each of the clubs to obtain the required information.

All clubs have now responded providing copies of their latest constitution, minutes of the last Annual General Meeting and latest audited financial report. Copies are contained in Attachment 1.

Refer Attachment 1

The Associations Incorporations Act, 1985 provides that organisation's that are registered under this Act, where gross receipts are less than \$500,000 are not required to have their financial statements audited. However if the organisation's constitution states that the financial statements are to be audited then the organisation must have their financial statements audited, notwithstanding that the gross receipts may be less than \$500,000.

Conversely if an organisation has gross receipts over \$500,000 and that organisation's constitution states that the financial statements do not require auditing then the constitution is in contravention of the Associations Incorporations Act and those financial statements must be audited.

All of the clubs, with the exception of the Brighton Over 50's Club Inc., have gross receipts of less than \$500,000 and none of their constitutions state that the financial statements need to be audited. Therefore the Helmsdale Tennis Club Inc., the Glenelg Pigeon Club Inc. and the Holdfast Bay Dog Owners Club have provided unaudited financial statements.

All clubs have therefore provided the following information.

Club Name	Constitution	AGM Minutes	Financial Statement
Brighton Over 50's	√	√	√
Helmsdale Tennis Club	√	√	√
Glenelg Pigeon Club		√	√
Holdfast Bay Dog Owners Club	√	√	√

The constitution for the Brighton Over 50's Club Inc. states that the financial statements must be audited; however this club has misunderstood the interpretation of the Associations Incorporations Act. They are now urgently seeking for the financial statements to be audited.

BUDGET

The rentals payable under the new leases will be as follows:

- Brighton Over 50's Club Inc. –\$1 per annum, payable on demand
- Helmsdale Tennis Club Inc. – \$670.00 per annum, excluding GST
- Glenelg Pigeon Club Inc. – \$640.00 per annum, excluding GST
- Holdfast Bay Dog Owners Club Inc. - \$2,500 per annum, excluding GST.

LIFE CYCLE COSTS

Under the terms of the new lease the City of Holdfast Bay will be responsible for the structural maintenance of the shed.

Attachment 1 – Responses from Clubs

Attachment 2 – Original Reports

1st Draft

AGM 26/5/2012 1435 hours

Apologies

Colin Charlton
Christine Solomon
Robyn Sweatman
Cherie Young
Christie Honan.

Minutes from previous meeting. True and accurate, signed by President Doug Kenny.
No business arising

Motion to increase membership fees
Currently \$15 membership.

Discussion about amount and sliding scale and when it starts.- if full amount paid

Lyn Woodforde discussion:
Chart of sliding scale.

Ms K Molloy moved motion:

“Agree to increase membership fees from \$15 to \$25 per year. The pro rata structure to be decided at subsequent committee meeting”

Seconded! Lyn Woodforde.

Vote all in favour.

President's Report.

Read to AGM members by President Doug Kenny.:-
Governance mentioned-

Mr D Kenny moved accepted, Ms J Molloy Seconded.
All in Favour.

Mr Kenny-Discussed lease of clubrooms and subsequent use.
Council in agreement, they will speak to Pigeon club. (flexibility)

Master plan Guiding Principles, Conditions as good or better, No financial penalty
Band aid solution for current location.

Treasurer's report

Feb 2011to Jan 2012.

Membership down in 2011

Recoveries-work cover for Mary Gibson
Expenses-ceased mail outs, save on postage.

Increase public liability

SAWater - usage has increased - as well as increase in price.

Wages split Day care and training.

Gardening-Anthony Tonkin

Admin assistance -Shanice Small

Loss-\$4604-58.

overtime for Anthony assistance.

By end Jan 2012 - \$16000

As of 26 May 2012 - \$23000

Mrs Gluskowski moved report accepted.

Seconded by Yvonne Prowse

All in Favour.

Mrs Gluszkowski - Treasurer for 8 yrs since 2004.

Instructors report

Numbers down in 2011. Bad winter 2011

Poor Accommodation impacted. Classes held 10/11 yrs.

- Dog owners returning-with new dog.

6 wk course instead of 8 wk commitment.

Changed structure of course

Council Discount at end of Advance classes (12wk)

Loss of instructor Deb Mundy and Shanice Small and Anthony Tonkin

Clinton still taking Mon night classes

Ms J and K Molloy taking Saturday classes Bridget Moore-13 yrs.-dedicated-appreciated

Kelly Eason may be able to take classes

Monique Pena -assisting with classes.

Conference from 2011 impacted on changing class concepts

Day care suffered with weather. Friday numbers drop-in bad weather

Impacts

Weather-shelter.

Lack of permanency of site: Uncertainty.

Mr Taylor explained problems and expenses to buy sheds etc.

Denise Galdes-(contact for materials)

Another Day Centre at Keswick –indoors.

Cost differences \$30-\$48:

Impact of large advertising and registration

Declare all positions vacant.-

Member Lycia Maley took Chair.

Nominated

President D Kenny K Molloy Seconded

Treasure T Gluszkowski

Karyn Molloy.

Robyn Sweatman.

New Committee members-

Denise Galdes...

Yvonne Rowse

Christie Honan.

Nominated

Declared elected.

Next committee meeting to elect secretary...

No other general business

Next committee meeting... to be decided by email correspondence June-16 on 23-or a Friday

Meeting closed at 1535 hours.

Holdfast Dog Centre

Stopford Road
HOVE SA 5048

Profit & Loss Statement

February 2012 through January 2013

20/02/2013
4:11:34 PM

Income	
Membership	\$2,655.88
Training fees	\$38,268.59
Day care	\$194,870.90
Interest received	\$354.57
Fundraising activities	
Calenders	\$666.06
Santa photos	\$168.19
Shop proceeds	\$114.06
Recoveries/Reimbursements	\$41,400.84
Total Income	<u>\$278,499.09</u>
Expenses	
General expenses	
Advertising	\$518.00
Bank charges	\$176.31
Computer expenses	\$226.36
Internet expense	\$392.16
Legal expenses	\$199.80
Postage, printing & stationery	\$661.82
Repairs & maintenance	\$878.50
Fundraising expenses	
Calenders	\$2,265.45
Entertainment books	\$472.73
Asset outgoings	
Amplifier & microphone	\$271.82
Utilities	
Electricity	\$1,191.06
Insurance - Building	\$155.34
Insurance - Public liability	\$650.56
Lease of grounds	\$1,237.27
SA Water	\$1,586.52
Telephone	\$671.38
Employment expenses	
Day care	\$159,094.05
Training	\$26,846.68
Administration	\$2,460.28
Workcover injury payments	\$41,933.14
Telephone allowance	\$346.25
Superannuation	\$15,669.33
Workcover	\$3,040.45
Staff amenities	\$365.78
Gift vouchers - employees	\$500.00
Entertainment	\$185.73
Conference fees	\$1,518.19
Uniform	\$780.91
Total Expenses	<u>\$264,295.87</u>
Operating Profit	<u>\$14,203.22</u>
Other Expenses	
Net Profit/(Loss)	<u>\$14,203.22</u>

Holdfast Dog Centre

Stopford Road
HOVE SA 5048

Profit & Loss Statement

February 2011 through January 2012

7/12/2012
9:42:50 AM

Income	
Membership	\$6,203.69
Training fees	\$33,199.95
Day care	\$202,432.36
Interest received	\$556.70
Fundraising activities	
Calenders	\$3,370.50
Doggy day	\$172.73
Donations	\$354.00
Monarto books	\$218.18
Shop proceeds	\$32.34
Recoveries/Reimbursements	\$6,256.95
Total Income	<u>\$252,797.40</u>
Expenses	
General expenses	
Advertising	\$693.00
Bank charges	\$129.10
Cleaning	\$2,250.00
Computer expenses	\$80.89
Dog treats/toys	\$2,133.78
Internet expense	\$442.16
Postage, printing & stationery	\$484.54
Repairs & maintenance	\$3,520.63
Subscriptions	\$45.00
Fundraising expenses	
Entertainment books	\$236.36
Utilities	
Electricity	\$905.82
Insurance - Building	\$305.33
Insurance - Public liability	\$1,069.67
Lease of grounds	\$1,495.40
SA Water	\$1,821.95
Telephone	\$931.10
Employment expenses	
Day care	\$147,127.14
Training	\$51,572.70
Wages - Gardening/maintenance	\$3,761.46
Administration	\$2,453.40
Workcover injury payments	\$7,323.80
Telephone allowance	\$346.40
Superannuation	\$18,442.40
Workcover	\$5,096.18
Staff amenities	\$268.85
Gift vouchers - employees	\$477.27
Entertainment	\$113.64
Conference fees	\$3,274.01
Uniform	\$600.00
Total Expenses	<u>\$257,401.98</u>
Operating Profit	<u>-\$4,604.58</u>
Other Expenses	
Net Profit/(Loss)	<u>-\$4,604.58</u>

Holdfast Dog Centre
Stopford Road
HOVE SA 5048

Profit & Loss Statement

February 2012 through October 2012

7/12/2012
10:14:44 AM

Income	
Membership	\$1,678.49
Training fees	\$31,090.77
Day care	\$154,854.80
Interest received	\$272.18
Fundraising activities	
Calenders	\$666.06
Santa photos	\$168.19
Shop proceeds	\$114.06
Recoveries/Reimbursements	\$30,441.26
Total Income	<u>\$219,285.81</u>
Expenses	
General expenses	
Advertising	\$518.00
Bank charges	\$139.45
Computer expenses	\$226.36
Internet expense	\$294.12
Legal expenses	\$199.80
Postage, printing & stationery	\$129.09
Repairs & maintenance	\$867.57
Fundraising expenses	
Calenders	\$2,265.45
Entertainment books	\$472.73
Asset outgoings	
Amplifier & microphone	\$271.82
Utilities	
Electricity	\$863.79
Insurance - Building	\$155.34
Insurance - Public liability	\$650.56
Lease of grounds	\$619.09
SA Water	\$1,099.99
Telephone	\$527.70
Employment expenses	
Day care	\$119,003.95
Training	\$22,033.16
Administration	\$2,023.28
Workcover injury payments	\$32,982.37
Telephone allowance	\$263.15
Superannuation	\$11,891.64
Workcover	\$2,044.18
Staff amenities	\$365.78
Entertainment	-\$72.72
Conference fees	\$1,518.19
Total Expenses	<u>\$201,353.84</u>
Operating Profit	<u>\$17,931.97</u>
Other Expenses	
Net Profit/(Loss)	<u>\$17,931.97</u>

RULES FOR THE BRIGHTON DOG OWNERS ASSOCIATION INCORPORATED

1. The name of the incorporated Association is Brighton Dog Owners Association Incorporated referred to herein as "the Association".

2. In these rules unless the contrary intention appears -

'Committee' means the Committee of the Association;

'meeting' means a general meeting of members of the Association convened in accordance with these rules;

'member' means a member of the Association;

the 'Act' means the Association Incorporation Act, 1985;

the 'Regulations' means the Association Regulations, 1985.

3. OBJECTS AND PURPOSES

(1) To protect the rights of Dog Owners and their dogs within the Brighton Council area.

(2) To encourage responsible attitudes in Dog Control, including cleanliness on the beach and in other public places.

(3) To liaise with Brighton Council in order to ensure that Brighton beaches can be enjoyed by ALL who wish to use them.

4. POWERS

The Association shall have all the powers conferred by section 25 of the Act save and except such modifications and exclusions as are specified in this rule.

5. MEMBERSHIP

(1) Brighton Dog owners.

(2) Brighton Dog Lovers.

(3) Any person wishing to support the Association.

(4) Categories:- Individual, Family, Honorary.

6. SUBSCRIPTIONS

- (1) The subscription fees for each class for membership shall be such as the members shall determine from time to time in general meeting.
- (2) The subscription fees for each class of membership shall be payable annually on 1st February or at such other time as the Committee shall determine from time to time.
- (3) Any member whose subscription is outstanding for more than three months after the due date for payment shall cease to be a member of the Association, provided always that the Committee may reinstate such a person's membership on such terms as it thinks fit.

7. RESIGNATION

A member may resign from membership of the Association by giving written notice thereof to the secretary or public officer of the Association. Any member so resigning shall be liable for any outstanding subscriptions which shall be recovered as a debt to the Association.

8. EXPULSION OF A MEMBER

- (1) Subject to giving a member an opportunity to be heard or to make a written submission, the Committee may resolve to expel a member upon a charge of misconduct detrimental to the interests of the Association.
- (2) Particulars of the charge shall be communicated to the member at least one calendar month before the meeting of the Committee at which the matter will be determined.
- (3) The determination of the Committee shall be communicated to the member, and in the event of an adverse determination the member shall subject to sub-rule (4) cease to be a member 14 days after the Committee has communicated its determination to him/her.
- (4) It shall be open to a member to appeal to the Association in general meeting against the expulsion. The intention to appeal shall be communicated to the secretary or public officer of the Association within 14 days after the determination of the Committee has been communicated to a member.
- (5) In the event of an appeal under sub-rule (4) the appellant's membership of the Association shall not be terminated unless the determination of the Committee to expel the member is upheld by the members of the Association in general meeting after the appellant has been heard, and in such event membership will be

terminated at the date of the general meeting at which the determination of the Committee is upheld.

9. THE COMMITTEE

- (1) The affairs of the Association shall be managed and controlled exclusively by a Committee which in addition to any powers and authorities conferred by these rules may exercise all such powers and do all such things as are within the objects of the Association, and are not by the Act or by these rules required to be done by the Association in general meeting.
- (2) The Committee shall have the power to appoint such officers and employees as are required to carry out the objects of the Association, including a public officer required by the Act, and may discuss or delegate any of its powers to such officers and employees.
- (3) The Committee shall be comprised of a President, Vice-President, Secretary and Treasurer and 4-6 committee members all of whom shall be members of the Association.
- (4) The first Committee of the Association shall be appointed from the promoters of the Association, or be comprised of such persons as hold office prior to incorporation. The first Committee shall hold office until the first annual general meeting after incorporation at which time one half of the members of the Committee, who shall be chosen by ballot shall retire from the Committee but shall be eligible for reappointment. At each subsequent annual general meeting four of the longest serving members of the Committee shall retire and shall be eligible for reappointment.
- (5) The Committee shall appoint a natural person to fill a casual vacancy, and such a committee member shall hold office until the next annual general meeting of the Association and shall be eligible for reappointment.
- (6) Nomination of a member may be made before or at the annual general meeting.
- (7) Notice of all persons seeking election to the Committee shall be given to all members of the Association with the notice calling the meeting at which the election is to take place.
- (8) If only the required number of persons are nominated to fill existing vacancies, the Secretary shall report accordingly to the annual general meeting, and the President shall declare such persons duly elected as committee members.

10. DISQUALIFICATION OF COMMITTEE MEMBERS

The office of committee member shall become vacant if a committee member is:-

- (i) Disqualified by the Act;
- (ii) Expelled under these rules;
- (iii) Permanently incapacitated by ill health;
- (iv) Absent without apology from more than three consecutive meetings, or more than three committee meetings in a financial year;
- (v) No longer the duly appointed representative of a corporate member.

11. PROCEEDINGS OF THE COMMITTEE

- (1) The Committee shall meet together for the despatch of business at least 2 monthly.
- (2) Questions arising at any meeting shall be decided by a majority of votes, and in the event of equality of votes the President shall have a casting vote in addition to a deliberative vote.
- (3) A quorum for a meeting of the Committee shall be five members.
- (4) A member of the Committee having a pecuniary interest in a contract with the Association must disclose the interest to the Committee as required by the Act, and shall not vote with respect to the contract.

12. FINANCIAL YEAR

The first financial year of the Association shall be the period ending 31st January 1994 and thereafter a period of 12 months ending 31st January in each year.

13. BORROWING POWERS

- (1) Subject to this rule the Association may borrow money from banks or other financial institutions upon such terms and conditions as the Committee sees fit, and may secure the repayment thereof by charging the property of the Association.
- (2) Subject to section 53 of the Act the Association may invite and accept deposits of money from any person on such terms and conditions as may be determined by the Committee from time to time.

14. RULES

- (1) Subject to approval by a resolution of the members of the Association, these rules may be altered (including alteration to name), or be rescinded and replaced by substituted rules. Such an alteration shall be registered with the Commission as required by the Act.
- (2) The registered rules shall bind the Association and every member to the same extent as if they had respectively signed and sealed them, and agreed to be bound by all of the provisions thereof.

15. THE SEAL

- (1) The Association shall have a common seal upon which its corporate name shall appear in legible characters.
- (2) The seal shall not be used without the express authorisation of the Committee, and every use of the seal shall be recorded in the minutes of the Association. The affixing of the seal shall be witnessed by 2 of 3 signatories.
- (3) The seal shall be kept in the custody of the Secretary or such other person as the Committee may from time to time decide.

16. MEETINGS

- (1) The Committee may call a special general meeting of the Association at any time, and shall call an annual general meeting in accordance with the Act.
- (2) The first annual general meeting shall be held within eighteen (18) months after the incorporation of the Association, and thereafter within five (5) months after the end of its financial year.
- (3) Upon a requisition in writing of not less than 10 of the total number of members of the Association, the Committee shall within one (1) month of the receipt of the requisition, convene a special general meeting for the purpose specified in the requisition.
- (4) Every requisition for a special general meeting shall be signed by the members making the same and shall state the purpose of the meeting.
- (5) If a special general meeting is not convened within one (1) month as required by sub-rule (3) the requisitionists may convene a special general meeting. Such a meeting shall be convened in the same manner as a meeting convened by the Committee, and for this purpose the Committee shall ensure that the requisitionists are supplied free of charge with particulars of the members entitled

to receive a notice of meeting. The reasonable expenses of convening and conducting such a meeting shall be borne by the Association.

- (6) Subject to sub-rule (7) at least seven (7) days notice of any general meeting shall be given to members. The notice shall set out where and when the meeting will be held, and particulars of the nature and order of the business to be transacted at the meeting. In the case of an annual general meeting, the order of the business at the meeting shall be the consideration of the accounts and reports of the Committee and the auditors, the appointment of auditors and committee members (if required), and any other business requiring consideration of the Association in general meeting.
- (7) Notice of meeting at which a special resolution is to be proposed shall be given at least 21 days prior to the date of the meeting.
- (8) A notice may be given by the Association to any member with the notice personally, or by letter boxing to listed address, or by sending it by post to the address appearing in the register of members.
- (9) Where notice is sent by post, service of the notice shall be deemed to be effected if it is properly addressed and posted to the member by ordinary prepaid mail.

17. PROCEEDINGS AT MEETINGS

- (1) 10 members present personally or by proxy shall constitute a quorum at any general meeting.
- (2) If within thirty minutes after the time appointed for the meeting a quorum of members is not present, a meeting convened upon the requisition of members shall lapse. In any other case, the meeting shall stand adjourned to the same day in the next week, at the same time and place and if at such adjourned meeting a quorum is not present within 30 minutes of the time appointed for the meeting the members present shall form a quorum.
- (3) The President of the Committee or if there shall be no President, then Vice-President of the Committee or in their absence, or on their declining to take, or retiring from the chair, one of the Committee members chosen by meeting shall preside at every general meeting of the Association.
- (4) If there is no such President or Vice-President present within five minutes after the time appointed for holding the meeting, the members present may choose one of their number to preside.
- (5) The President may with the consent of the meeting at which a quorum is present, and shall if so directed by the meeting, adjourn from time to time and from place

to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

- (6) When a meeting is adjourned for 30 days or more, notice of the adjourned meeting shall be given as if that meeting were an original meeting of members.
- (7) At any general meeting, a resolution put to a vote shall be decided on a show of hands, and a declaration by the President of the meeting that a resolution has been carried or lost, shall unless a poll is demanded by conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, the resolution.
- (8) If a poll is demanded by the President of the meeting or by three or more members present personally or by proxy, it shall be taken in such manner as the President directs. The result of such poll shall be the resolution of the meeting, except that in the case of a special resolution a majority of not less than three quarters of the members who being entitled to do so vote personally or by proxy at the meeting is required.
- (9) A poll demanded on the election of a President of a meeting or on any question of an adjournment shall be taken at the meeting and without adjournment.

18. MINUTES

- (1) Proper minutes of all proceedings of meetings of the Association and of meetings of the Committee, shall be entered within one month after the relevant meeting in triplicate and kept in separate files and in separate places.
- (2) The minutes kept pursuant to this rule shall be signed by the President of the meeting at which the proceedings took place or by the President of the next succeeding meeting.
- (3) Where minutes are entered and signed they shall until the contrary is proved be evidence that the meeting was convened and duly held, that all proceedings held at the meeting shall be deemed to have been duly held, and that all appointments made at a meeting shall be deemed to be valid.

19. VOTING RIGHTS

Subject to these rules each member present or by proxy shall be entitled to one vote per membership fee.

20. **PROXIES**

A member shall be entitled to appoint in writing a natural person who is also a member of the Association to be his/her proxy, and to attend and vote at any meeting of the Association.

21. **ACCOUNTS**

The Association shall keep such accounting records as are necessary to correctly record and explain the financial transactions and financial position of the Association.

22. **WINDING UP**

The Association may be wound up in the manner provided for in the Act.

23. **APPLICATION OF SURPLUS ASSETS**

If after the winding up of the Association there remains 'surplus assets' as defined in the Act, such surplus assets shall be donated to a charity as decided by the members at the time of dissolution.

Gleneelg Invitation Racing Pigeon Club Inc.

Secretary: 23 Winston Ave, Cumberland Pk SA 5041
(08) 83510791

Treasurer's report 2010

The attached income and expenditure report shows the financial activity for the 2010 period and also includes the 2009 and 2008 figures for comparison purposes. This format will continue to be used for future Treasurer's reports comparing the current year with the previous two.

As the income and expenditure report shows, the income for the 2010 year was \$2,902.50; \$339.14 more than the previous financial year but \$443.87 less than 2008. Expenditure for 2010 was \$2,588.15 resulting in a **net profit of \$315.35**.

The operating account had a closing balance of \$2,454.96 as at 31 December 2010. The fixed term high interest account remains at \$9,000. The club carried a \$20.00 race float. Interest earned on the investment account was \$450.00, a \$100.00 improvement over 2009 but still short of the 2008 high of \$648.57.

Overall our equity has grown by around \$1,000.00.

Once again the club has benefited from the support of individual members with raffle prizes and fundraising. On behalf of the Committee I express our thanks to all members who have contributed so generously to our fundraising efforts, particularly Graham Goodrich.

The small profit made this year is gratifying – continued strength in interest rates and fundraising will maintain this position.

George Boswell
Treasurer

Glenelg Pigeon Racing Club Income and Expenditure 1/1/2009 - 31/12/2010

INCOME	2010	2009	2008
Association fees	\$ 570.00	\$ 715.00	\$ 660.00
Club fees and stationery	\$ 400.00	\$ 650.00	\$ 540.00
Donations		\$ -	\$ -
Federation fees	\$ 160.00	\$ 325.00	\$ 300.00
Fundraising/Canteen	\$ 560.00	\$ -	\$ 833.50
Interest	\$ 450.00	\$ 348.86	\$ 648.57
Life rings	\$ 510.00	\$ -	\$ -
Loft plan		\$ -	\$ 20.00
Prize money - Royal Adelaide Show	\$ 20.00	\$ 154.00	
Rebate from Federation		\$ -	\$ 50.00
Refund trophy engraving (2008)		\$ 22.50	
Ring Nominations	\$ 122.00	\$ 190.90	\$ 169.40
Social membership fees	\$ 15.00	\$ 5.00	\$ 20.00
Stationery contribution from members		\$ -	\$ -
Vaccine	\$ 95.50	\$ 92.10	\$ 104.90
TOTAL INCOME	\$ 2,902.50	\$ 2,503.36	\$ 3,346.37
EXPENDITURE			
Association fees	\$ 570.00	\$ 715.00	\$ 660.00
Catering		\$ -	\$ 26.90
Club trophies and engraving	\$ 163.15	\$ 200.20	\$ 180.00
Computer and internet		\$ -	\$ 45.85
Daytona signs board		\$ -	\$ -
Federation fees	\$ 160.00	\$ 325.00	\$ 300.00
Freight		\$ -	\$ -
Fundraising - raffle prize		\$ 53.00	
Life rings	\$ 510.00	\$ -	\$ -
Loft plan		\$ -	\$ 20.00
Nominations		\$ -	\$ -
Personal notices		\$ -	\$ -
Race rubbers	\$ 110.00	\$ 165.00	\$ 150.00
Rent - hall	\$ 900.00	\$ 900.00	\$ 750.00
Security and keys		\$ -	\$ 7.95
<i>Stationery</i>			
a. race books		\$ 120.00	\$ 25.00
b. clock rolls	\$ 15.00	\$ 55.00	\$ 30.00
c. race seals	\$ 40.00	\$ 40.00	\$ -
d. clock silks	\$ 15.00	\$ -	\$ 30.00
e. general stationery		\$ -	\$ 4.35
Vaccine	\$ 105.00	\$ 105.00	\$ 105.00
TOTAL EXPENDITURE	\$ 2,588.15	\$ 2,678.20	\$ 2,335.05
NET PROFIT (LOSS)	\$ 315.35	-\$174.84	\$ 1,011.32



Glenelg Pigeon Racing Club Balance sheet as at 31/12/10

ASSETS	2010	2009
Current assets		
Operating account	\$ 2,454.96	\$ 1,817.87
Fixed term deposit	\$ 9,000.00	\$ 9,000.00
Race float	\$ 20.00	\$ 50.00
Fixed assets		
Nil		
Total assets	\$ 11,474.96	\$ 10,867.87
LIABILITIES		
Current liabilities	\$ -	\$ -
Fixed liabilities	\$ -	\$ -
Total liabilities	\$ -	\$ -
Income	\$ 2,902.50	\$ 2,503.36
Expenditure	\$ 2,588.15	\$ 2,678.20
Retained earnings	\$ 315.35	-\$174.84
EQUITY	\$ 11,790.31	\$10,693.03

GLENELG HOMING PIGEON CLUB AGM Minutes 25/3/2012

Present: Mark Bruggemann, Mark Coates, John Crummey, Tim Buxton, Dan Barton

Apologies: Graham Goodrich, Robbie Keszler, Vinko Eldic

Correspondence: D.Barton welcomed as new member – nominated J.Crummey , seconded M.Bruggemann – carried unanimously.

Minutes of previous meeting accepted

Treasurer / Auditor's Report: as presented by Mr Gorge Boswell – attached. Moved M.Bruggemann seconded M.Coates that the financial report be accepted - Carried.

Election of Officers: T.Buxton took the chair for the election of officers

Chairman: M.Bruggemann – Nominated - M. Coates - Seconded - J.Crummey - ELECTED.

V.Chairman: R.Keszler – Nominated – T.Buxton – Seconded - M.Coates - ELECTED.

Secretary: T.Buxton – Nominated – M.Coates – Seconded – M.Bruggemann - ELECTED

Assistant Secretary: M.Bruggemann - Nominated - Seconded J.Crummey - ELECTED

Treasurer: Maria Keszler - Nominated - M.Bruggemann – Seconded – T.Buxton - ELECTED

A/Treasurer: M.Coates – Nominated – T.Buxton – Seconded - M.Bruggemann - ELECTED

Race Secretary: G.Goodrich – Nominated – M.Bruggemann – Seconded – T.Buxton – ELECTED

A/Race Secretary: R.Keszler (ETS) – Nominated – G.Goodrich – Seceoded – M.Coates - ELECTED

Clock Chairman: M.Coates – Nominated – R.Keszler – Seconded – G.Goodrich – ELECTED

A/Clock Chairman: R.Keszler (ETS) – Nominated – G.Goodrich – Seconded – M.Coates - ELECTED

Management Committee: – as in previous years and as per constitution

Hamper Steward: J.Crummey – Nominated - M.Bruggemann – Seconded T.Buxton - ELECTED

Social Barman: R.Keszler – Nominated – M.Bruggemann – Seconded – T.Buxton - ELECTED

Publicity Officer: T.Buxton – Nominated – M.Coates – Seconded – M.Bruggemann - ELECTED

General Business

1. Cheque required for Mr. Paul Springett for \$210 to cover transport of birds for the final seven weeks of the flying program.

2. Pigeon Pox Vaccine – Club Secretary - T.Buxton to organise collection of vaccine from SAHPA Secretary. Dates for conducting vaccinations to be finalised. M.Bruggemann has needles required for same. Possibly to be conducted over the Easter weekend. Pigeon Pox Vaccine: 10c per bird.
3. PMV – vaccine – Club Secretary – T.Buxton to order two bottles and two administration guns from Mr.D Cawte and Mr.P Springett. Total cost \$304.
4. SAHPA Capitation Fees set at \$100 for full members and \$90 pensioners. Members who have paid this fee today J.Crummey, D.Barton, M,Bruggemann – others to follow asap. Cheque to be sent from the club for the full amount by the closing date.
5. Club Fees – To be set at \$50 Moved M.Bruggemann – Seconded – M.Coates – Carried.
6. New Member – Dan Barton – requires GPS reading – M.Bruggemann to contact Mr W.Myera to conduct same asap.
7. Set date for Club Presentation Night to be last week in November of each year
8. G.Goodrich to again gather sponsorship through work with meat trays – much appreciated by the club - Thank you letter to be sent at the end of the year

Meeting Closed.



CONSTITUTION AND RULES

OF

GLENELG INVITATION RACING PIGEON CLUB INC.

(Enacted: 31st January 1992.)

NAME

The Club shall be known as the Glenelg Invitation Racing Pigeon Club Incorporated.

The Headquarters of the Club shall be at the Club Rooms situated at Stopford Road BRIGHTON or such other places as may from time to time be determined by the Committee of Management.

MEMBERSHIP

Membership shall be open to lofts situated:

NORTH BOUNDARY: Burbridge Road east to Marion Road,

EAST BOUNDARY: Marion Road south to South Road and South Road due south, bordered by the coast - or by invitation.

No person desiring to join the Club shall be admitted to membership unless nominated at any meeting of the Club, and approved by a two-thirds majority of those members present entitled to a vote.

THE OBJECTS OF THE CLUB

1. The encouragement of breeding, training and racing of the working homing pigeon.
2. The encouragement and guidance of newcomers to the sport of pigeon racing.
3. The organizing, controlling and regulating of the sport of pigeon racing and training.
4. The breeding and training of homing pigeons for the purposes of national defence.
5. The organizing and promoting of such tests and competitions as may be deemed necessary from time to time to achieve these objects.
6. To ensure that the birds are sent in charge of fully qualified convoyers in order that they may be fed, watered and have every attention during the journey and at the race points.
7. To make such arrangements that the convoyers have, as

far as possible, full information as to the state of weather between the home end and the race points, thus to ensure that every precaution has been taken to obviate a smash race.

8. To have a uniform system of race-marking, setting and opening clocks, checking on race marks and the compiling of race reports.
9. The protection of birds and owners by the adoption of such measures as may from time to time be deemed necessary or advisable for the protection of the birds or owners or fliers of homing pigeons.
10. The acquisition by any lawful means of property or funds for the purpose of carrying out the aforesaid objects or other objects of the Club for the time being, including such special object or objects as shall be determined by the Club, whether such acquisition shall be by subscription, gift, devise or bequest of real or personal property, or the sale of goods or other real or personal property, or by exchange, purchase or such other means as may be approved by the Club.
11. To borrow or raise money by the issue of debentures or debenture stock, bonds, mortgages or any other securities founded or based upon all or any of the property of the Club, or without any such security, and upon such terms as to priority or otherwise as the Club shall think fit.
12. To provide land and a clubhouse, for the furtherance of such objects and for the accommodation of the members and their friends, and for such purposes to purchase, take or lease, exchange or otherwise acquire land, and to erect, maintain and alter any buildings or erections that may be required for the purposes of or can be conveniently used in connection with the Club.
13. To furnish any such building or buildings in such a manner as may be thought expedient, and to maintain, improve, repair or replace the buildings and furniture of the Club whenever necessary or expedient.
14. To manage, let, lease, sell, hire, exchange or otherwise deal with the property of the Club in such manner and upon such terms as may be considered expedient or desirable.
15. To buy, make, sell and dispose of to members of the Club hampers, cages, clocks, rings and other apparatus and materials, pigeon food and other goods or articles used in connection with pigeon breeding, training and flying.
16. To appoint or employ officers, clerks, servants and workmen for the purposes of the Club and to remunerate any persons so appointed or employed for their services by the payment of wages, salaries and gratuities.
17. To provide prizes, challenge cups and shields to be competed for by members of the Club.
18. To invest the monies of the Club not immediately required in such a manner as may from time to time be determined. From time to time to contribute or subscribe to any charitable, benevolent or useful object of a public character.

19. To draw, accept, make, endorse, discount and negotiate bills of exchange and promissory notes.
 20. Generally to do all such things as are incidental or conducive to the attainment of the foregoing objects or any of them.
 21. Life members may be elected by the annual general meeting of the Club and are to be men who have conferred signal benefit on the Club.
- (1) Annual subscription fees shall be determined at the annual general meeting each year. These, along with new membership fees and loft location plans to be in the Secretary/Treasurer's hands on or before the 31st March each year. Failure to pay due subscriptions or fees by the set date shall be treated as an infringement of Club rules.
 - (2) Loft location shall be measured from the middle of a competitors allotment.
 - (3) The officers of the Club shall consist of President, Chairman/Public Officer, Vice-Chairman, Secretary, Treasurer, Assistant Secretary, Treasurer, Hamper Chairman and Hamper Committee, Clock Chairman and Clock Committee, Two Auditors, Two Bird Inspectors, Publicity Officer.
 - (4) Cheques shall be signed by any two of the following officers of the Club, Chairman, Vice-Chairman or Secretary and Treasurer.
 - (5) Annual General Meetings shall be held within fifteen weeks of the conclusion of the last race of the completed programme, when the Secretary, Treasurer and Auditor's reports shall be presented.
 - (6) The financial year of the Club shall be from 1st January to 31st December for all reporting.

COMMITTEE OF MANAGEMENT

1. The Committee of Management shall consist of the Club Chairman, Club Secretary and Treasurer and Two other members, this number to be reviewed annually at the A.G.M. All positions will become vacant at the Annual General Meeting each year.
2. Committee meetings to be held when deemed necessary at a time and place determined by the Committee. Minutes of these meetings to be placed on the notice board.
3. General meetings to be held when deemed necessary. Special meetings can be called at any time by three members requesting the same, to the Secretary in writing.

4. Any member who in the opinion of the Management Committee is guilty of dishonourable or disorderly conduct may be suspended from membership for a period recommended by the Committee and ratified by a two-thirds majority of members at a full general meeting. No recommendation shall be made until the member in question has had the right of appeal for a period of a full seven days.
5. The Committee shall have the power at any time deemed necessary to make a levy on all members and should any member fail to pay any such levy or levies within the time specified by the Committee he shall be adjudged unfinancial and cease to be a member of the Club.
6. All members of the Club shall vote for the election of members to the Committee of Management, each member of the Club shall be entitled to vote.
7. The Committee of Management may meet together for the dispatch of business at such times and from time to time as the Committee or the Chairman thereof shall think fit and may adjourn and otherwise regulate their meetings and proceedings as they think fit. Until otherwise determined, four members of the Committee shall form a quorum.
8. The Committee of Management shall have power at any time, and from time to time, to appoint any other person as a member of the Committee of Management to fill a casual vacancy, or as an addition to the Committee, but so that the total number of members of the Committee at any time shall not exceed the maximum number fixed. Any member so appointed shall hold office only until the next annual general meeting of the Club when he shall retire, but he shall be eligible for re-election at such meetings.
9. Votes of members of the Committee of Management shall be by show of hands.
10. All decisions of the Committee shall be carried by a simple majority.
11. All meetings of the Committee shall be held in camera and, with the exception of the annual general meeting, no notice of such meeting shall be given to members of the Club.
12. The Committee of Management may in its sole discretion, and at any time, invite any person or persons to attend meetings of the Committee of Management. Such persons may, by invitation, be heard, but unless a member of the Committee shall not be entitled to vote.

13. Minutes of all meetings of the Committee of Management and of the annual general meeting and of any special general meeting shall be recorded at the meeting by the Secretary and subsequently read aloud at the next meeting, alterations being made as necessitated. The members present shall confirm the minutes of the prior meeting as read and amended.

OVER-RIDING POWERS OF GENERAL MEMBERS

A resolution carried by 75% of General Members of the Club present, in person, at a special meeting called pursuant to this rule shall over-ride any resolution or decision of the Committee of Management to contrary effect only if the nominator and seconder withdraw the said resolution or decision, and the General Members may by a majority of 75% of their total number at any time vote to remove from office any one or more of the Committee of management and upon the passing of such resolution, such member or members shall forthwith cease to hold office as members of the Committee of Management and a casual vacancy shall be declared and filled in accordance with these rules.

In the event that the whole Committee of Management shall be dismissed from office, or shall resign, an election to replace all members of the Committee of Management shall be held in accordance with these rules and the Secretary for the time being shall have all powers given by these rules to conduct the election to appoint the returning officer, and to call a special meeting of members for the purpose of declaring the results of the election and all other powers necessary to lead to the valid appointment of a new Committee of Management.

No alteration or variation of or addition to these rules, or of the objects of the Club, shall be made except by majority of the Committee of Management present at the annual general meeting, or at a special general meeting of the members of the Club called for that purpose. Fourteen clear days notice of such a special meeting shall be given to members stating the time and place of holding same, and specifying the alterations, variations or additions to the rules or objects to be brought forward.

STANDING ORDERS

1. Every member, when about to speak shall address the Chair respectfully, and conduct himself in a respectful manner towards the Chair. No member shall be allowed to interrupt the speaker, except through the Chairman, and in explanation of a point of order.



2. No member shall be allowed to speak more than once on any subject, nor longer than five minutes, except with the consent of the meeting. Any member who has spoken on a motion shall not be in order in speaking on any amendment except the mover of the motion, who shall be called on by the Chairman to reply after the debate has closed and no member shall speak afterwards on the same subject.
3. Not more than two members shall speak in succession, either for or against any motion or amendment, and if, at the conclusion of the second speaker's remarks, no member wishes to speak on either side, the question shall be put to the meeting after the mover has replied.
4. The time for discussing any matter shall not exceed twenty (20) minutes, unless an extension of time has been agreed upon by a two-thirds majority of the members present, and the time for such an extension must be stated.
5. On any member raising a point of order during the debate, the speaker shall retire and the person raising the point of order shall state his point concisely, when the Chairman shall rule thereon, his ruling being final, unless challenged by a formal motion submitted to the meeting.
6. Should any member disagree with the ruling of the Chair he shall at once challenge the same, and on this action being taken, the Chairman shall vacate the Chair, and the question put to the meeting without discussion; it shall require a two-thirds majority to have the rulings disagreed with.
7. The Chairman shall not speak for or against any motion or amendment. In the event of the votes on any subject being equal, he shall have a casting vote only, but not otherwise. He shall decide all points of order.
8. All notices of motion shall be in writing, and shall take precedence of all new business.
9. On the adoption of any amendment, such amendment shall become the motion.
10. No motion or amendment shall be entertained or discussed until it has been seconded, and one amendment only shall be before the meeting at any one time. Should a member desire to move a further amendment he shall give notice of and indicate it before the vote is taken on the original motion.

NOMINATIONS AND ACCEPTANCES

1. Entries in Club races must be made on the recognized form and contain all marks on the metal rings and the correct description of each bird entered.

2. If a member can not nominate his birds in person by 7.15 p.m., he is required to notify the Secretary or a member of the committee of Management his number of birds (cocks and hens) for that particular race. All nomination forms to be in the Secretary's hands by 8.00 p.m. Any late nominations will incur a fine of \$5.00.
3. Unless in the opinion of the Committee of Management, a clerical error has been made, the numbers on rubber race rings produced in the clock must correspond with those on the entry form.

OWNERSHIP

1. All birds before nomination must be the absolute property of the competitor or competitors in whose name they are nominated and flown, and must be flown to a loft on the registered premises of competitor or competitors.
2. No competitor or competitors will be allowed to fly to more than one registered loft. If more than one members loft is situated on the same premises, such lofts and birds must be nominated. Any infraction of this rule will annul all rights to prizes.
3. Registration of foreign rings or gift rings, all members to ensure transfer cards are in the Secretary/Treasurer's hands one week before the date specified for registration of same, by the governing body each year.
4. All birds to be entered at owners risk from the time they leave the owners hands but every care will be taken to prevent losses or injury.

RACE RULES

1. Race nomination fees and special prizes will be set annually at a general meeting to be held one month prior to the commencement of racing.
2. Where prize-money has been allotted to any race and all positions are not filled in the stipulated flying time, all the money so allotted shall be redistributed between birds filling positions. When competing for special prizes, if no bird clocked in race time, all money will be refunded to members competing.
3. All pigeons must be vaccinated against pigeon pox, and the Club Secretary to be in possession of Certificate of Vaccination one week prior to the date specified by the governing body each year.

FLYING TIME

1. Flying time will be reckoned from half an hour before sunrise until half an hour after sunset.
2. Normal racing time from release to half an hour after sunset.
3. If there are not enough birds home on day of release to finalize race, race to close half an hour after last bird clocked between sunset and normal closing time.
4. Any bird or birds clocked in through the night, actual flying time and velocities to be worked out to determine placings. Positions are then taken in order from the velocity of the last day bird clocked, one decimal place, to separate birds in order of placing.
5. If no day birds, velocities of birds clocked during the night will be taken as from sunset on the day of release.
6. Any bird which is clocked within half an hour of normal opening time, the race is then opened by that bird.
7. If any bird is clocked, and is at a disadvantage to bird in Rule 4, actual flying time and velocity to be worked out between them to determine the position in race.
8. In the event of a competitor clocking in bird or birds until the time of 9.00 p.m. where the race is still deemed to be open, the competitor to contact the Clock Chairman for verification. Any bird or birds clocked in after 9.00 p.m., the competitor is required to fire his clock immediately once more after clocking each bird.
9. No race to close until all winning velocities fill specified places except where time limits for races automatically close the race, such limits to be three calendar days for all races excepting both long distance races which shall close at the end of the second calendar day after the clocking of the first bird or at the end of the fifth calendar day whichever is the earlier. The bird making the highest velocity to be declared the winner, excepting any competitor making such a velocity as the Committee of Management consider impossible on the day. When two or more birds record any equal velocity to the third decimal, in this case the position will be declared a dead heat, and the prize divided.

HAMPERING

1. Birds must be race-marked with rubber race rings and each member's rubber ring duplicate shall be placed in envelopes and these, together with clock setting sheet entry forms and the Club Race Register, shall be kept in a box fitted with a lock, the keys to be kept by two separate members of the Management Committee.

2. No less than four members shall be present at any table when race marking commences and is in progress.
3. Each basket must be duly wired and sealed, one wire and seal to each of the two ends of a drop front. On the drop front door the name of the Club must be clearly painted. All doors must be fitted with chains or similar.
4. All birds competing in races must be rung with solid rings, such rings not to be defaced in any manner, shape or form and to be registered and approved by the Club.
5. The race programme to be flown the following year and matters relating to that season's racing to be decided at the annual general meeting of the Club.
6. The Committee of Management shall have the power to disqualify any bird from competing in any or all races flown under these rules.

CLOCK RULES

1. All competitors must use continuous-running printing clocks. Such clock or clocks must be in good order and must be approved by the Clock Committee. Any member of the Clock Committee or Committee of Management objecting to any clock must give reasons for such objections, and if the Committee considers such objections are satisfactory, such clock or clocks may be rejected.
2. If any clock is rejected by the Clock Committee, the owner shall be informed of the fact and the reason for such rejection. The responsibility for accurate running, clear and definable print rests with the owner.
3. All clocks to be plainly marked with the name of the Club and the owner to whom the clock belong.

Dolometer

4. If in the opinion of the Clock Committee any clock or clocks which are presented for checking have the dolometer or similar device at such a variation from correct setting point to create the clock or clocks have been mishandled, the said clock or clocks shall be disqualified.

Variation of Timing Clocks

When the gain or loss be at the rate of less than four seconds per hour, the variation will be struck and deducted from (in the case of a fast clock) or added to (in the case of a slow clock) the registered times on the dials. In the event of a clock gaining at the rate of four or more seconds per hour, the registered times on the dials will be taken as the times of arrivals.

In the event of a clock losing at the rate of four seconds or more per hour, the variation must be struck and double the time slow at the time of timing in will be added to the registered times on the dials.

5. Clocks must be in the hands of the Clock Committee by 7.30 p.m. or as instructed by Clock Committee, on setting night, and to be handled by the Clock Committee and readers only whilst in the possession of the Club.
6. All spring mechanism clocks to be wound by owner and set, sealed, read and checked by three members of the Clock Committee.
7. No seals to be broken except in conformity with Rule 6. All clocks shall be set and checked by a master timer.
8. In the event of any competitor not clocking in his bird or birds, his clock or clocks must be returned to the Clock Committee with seals intact by time specified for such races.
9. Any competitor returning a clock with seal not intact may forfeit all rights and privileges and claims for that race.
10. Any thimble clock used in a race which has not the race ring in the thimble and the thimble mouth down in the receptacle for same shall be disqualified for such race.
11. All thimbles used and operated to be made by the makers for each particular clock or acceptable to the Clock Committee.
12. Any member may have his clock prints of any particular race upon application to his Club Secretary for same within fourteen days after race, subject to the approval of the Committee of Management.
13. The club will not recognise any stopped clock except as provided for in Rules 15, 16, and 17.
14. When all positions of a race have not been filled and this race is still open, all clocks produced for verification are to be opened, the tapes and rubbers removed, resealed and fired off against the master timer.
15. In the event of a clock stopping before a bird is clocked, the owner of the stopped clock to contact the Clock Chairman for re-setting or may time his bird in another owner's clock providing he has the owners permission to do so.
16. In the event of any clock stopping after a bird is clocked, the owner of the stopped clock may take his clock and bird to the Chairman of the Clock Committee and the Chairman may, if he thinks fit, break the seal of the stopped clock and transfer the race rubber to his own clock. The owner's clocking time will be that of the Chairman's clock print.
17. A stopped clock shall be treated as a slow clock and double the slow time added.

18. Clock to be presented by 7.30 p.m. or as instructed by Clock Committee on setting night. Late settings \$5.00 fine. All clocks to be wound and set by owners.
19. All paper dials must bear the race date, owners name, race point and Club name, and the signature of one of the Clock Committee. No time will be given unless the clock opening puncture appears on or after the registered time when the clock was struck against the master timer when timing in.
20. If a member's clocking in print is not readable, for whatever reason, to the naked eye, the member is required to immediately refire his clock. All due consideration will be given to ascertain a reading, and if no legible reading can be given, such a print will be disqualified.
21. Clocks to be presented by 5.45 p.m. on result night or as instructed by Clock Committee. Late reading fee \$2.00.
22. All race rules from No. 1 to 21 above may vary from season and from race to race, and may be over ruled by Federation or Association Rules, depending on the status of the race at the time.
23. All Club perpetual trophies to be returned to the Club Secretary by the holders upon instruction from the Secretary and shall be in good repair and clean.

DISPOSAL OF PROPERTY ON DISSOLUTION OR
WINDING UP OF THE CLUB

If upon the final winding up or dissolution of the Club there remains after satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid to or distributed among the members of the Club, but shall be paid to or distributed amongst such body or bodies as are considered best able to assist and promote the sport of Pigeon Racing within the State of South Australia as the Committee of Management shall think fit.

All members are required to make themselves fully conversant with these rules.

CLUB SECRETARY

CLUB CHAIRMAN

DATE: 28/2/1992.

DATE: 28/2/1992

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BRIGHTON OVER 50's SOCIAL CLUB INC.

CONSTITUTION

July 2003

1. NAME

The association shall be known as the;
"Brighton Over 50's Social Club Incorporated".

2. DEFINITIONS

- (a) "Act" shall mean the Associations Incorporation Act, 1985 with any amendments hereto.
- (b) "Annual General Meeting" (or 'AGM') shall mean a meeting of the members of the Association held once each year at which the Association's accounts are presented to the members and other business conducted.
- (c) "Association" means the Brighton Over 50's Social Club Incorporated.
- (d) "Club" has the same meaning as "Association" and the Association shall in this document be hereinafter referred to as the "Club".
- (e) "Committee" means the Committee of Management of the Association, duly elected or appointed in accordance with this constitution.
- (f) "Executive Committee" means a less formal group of Association Officers, consisting of the President, Vice-President, Secretary, Treasurer and Immediate Past President.
- (g) "Member" means a person who has completed the requirements of section 5 of this Constitution.
- (h) "General Meeting" means a meeting held of the members of the Association held to discuss routine business.
- (i) "Special General Meeting" means a meeting held in accordance with section 14 of this Constitution and which is primarily held to debate a Special Resolution.
- (j) "Special Resolution" means a resolution laid before a duly convened meeting of the members of the Association where twenty-one days' notice in writing has been given to all members of the Association and which is passed by not less than three-quarters of such members as, being entitled to do so, vote in person at that Meeting.

3. **OBJECTS**

The objects of the Club are:

- (a) To provide, in a non-political, non-sectarian environment, facilities of a recreational, sporting, artistic and social nature for those members of the local population who are over fifty (50) years of age.
- (b) To arrange such outings, concerts, lunches, guest speakers and such other entertainment which in the opinion of the committee will provide for the economic recreation and social well being of the members.
- (c) To encourage members to participate in games, sports and activities and to promote such activities.
- (d) To encourage and promote the knowledge and appreciation of music, art and literature among the members.
- (e) To provide facilities for the use of its members in pursuing these objects.
- (f) To do such other legal things incidental to the above objects which the club may consider desirable for its purpose.
- (g) To be a non-profit organisation from which no members derive any personal financial benefit.

4. **POWERS**

- (a) The powers of the Club shall be the powers contained under section 25 of the Associations Incorporation act,-
 - 1. Acquire, hold, deal with, and dispose of, any real or personal property
 - 2. Administer any property on trust;
 - 3. Open and operate bank accounts;
 - 4. Invest its moneys;
 - 5. Borrow money upon such terms and conditions as the Club thinks it;
 - 6. Give such security for the discharge of liabilities incurred by the Club as the Club thinks fit;
 - 7. Appoint agents to transact any business of the Club on its behalf;
 - 8. Enter into any contract it considers necessary or desirable.

- (b) In addition, the Club may –
1. Employ or otherwise engage the services of any person, firm, association, company, or government agency or department for any purpose incidental or conducive to the attainment of the objectives of the club.
 2. Conduct fund-raising or social activities of any kind.
 3. Appoint committees or sub-committees, either standing or for a special purpose, for any purpose and dismiss such committees or sub-committees.
 4. Support and subscribe to any charitable, sporting, or cultural body in any way deemed appropriate by the committee.
 5. Do any other lawful thing that may be necessary for the attainment of the objects of the Club.
 6. The Committee shall exercise the full powers of the Club and without limiting those powers, shall have the management and control of the funds and other property of the Club.

5. **MEMBERSHIP**

- (a) Membership of the Club shall be open to all persons who are over 50 years of age.
- (b) Any person over the age of 50 years may make application in writing to the Committee of the Club who may in its absolute and uncontrolled discretion accept or refuse the application.
- (c) The Committee may, in its absolute and uncontrolled discretion, admit to membership any person under the age of 50 years, whose circumstances in its opinion make them eligible for membership.
- (d) Members may be required to pay a fee, fixed at the Annual General meeting of the Club as the fee to be paid by members until amended at a subsequent meeting. The membership fee shall be for a period of 12 months commencing on the 1st June. Fees shall be due and payable on the 1st June of each year.
- (e) Nominations for Life Membership may be considered by the Committee for any member who has given meritorious service to the club over a number of years. Only one member may be granted life membership in any one financial year.
- (f) A member who is three months in arrears in payment of his/her membership fees shall be deemed to have relinquished membership. Such a member may be re-admitted under conditions determined by the Committee.

6. MANAGEMENT

- (a) The management of the affairs of the Club shall be carried out by a Management Committee.
This committee shall consist of a:- President, Vice-President, Secretary, Treasurer, up to five other members and ex-officio, the immediate Past President. These members shall be elected at the Annual general meeting and will serve for one year up to the next Annual General Meeting.
- (b) The duties of this committee will include the day to day management of the club including the organisation of activities and all other functions to ensure its successful operation.
- (c) The Immediate Past President shall be included ex-officio until such time as he/she is superseded by the next retiring president. Until he/she is so superseded he/she will not be required to stand for election.
- (d) The Committee shall meet at least once a month for a minimum of ten months in each year.
- (e)
 - 1. An Executive Committee, comprising the; President, Vice President, Secretary and Treasurer shall be responsible for the day-to-day activities of the club. It shall keep minutes of any meetings it may have and decisions thereby made and where appropriate shall have them ratified at the next meeting of the full Committee.
 - 2. The Executive Committee shall have the power to spend up to \$200 without prior reference to the Committee, dispose of surplus equipment and property (including by sale to the highest bidder), and do any other thing in the normal course of administration.
- (f) Five members of the Committee shall form a quorum.
- (g) No two members from the one family can serve on the Committee concurrently.
- (h) In the event of a casual vacancy occurring during the year, the Committee shall have the power to co-opt a member at the next meeting of the Committee. Any person so appointed shall hold office until the next Annual General meeting and may then stand for election at that time.
- (i) The Committee shall be empowered to appoint deputies or assistants to any office bearer, but unless such person is already an elected member or has been appointed to fill a casual vacancy under sub-paragraph (h) above, he or she shall not have voting rights in Committee.
- (j) Any member of the Committee who is absent for three consecutive meetings without apology or valid excuse shall forfeit his/her position on the committee.
- (k) All Sub-Committees shall report to and be answerable to the Committee of Management.

7. ELECTION OF OFFICERS

- (a) At the Annual General Meeting of the Club, members shall elect the following officers:
- President
 - Vice President
 - Secretary
 - Treasurer
 - Up to Five (5) other Committee members
- who will form, with the Immediate Past President, the Management Committee for the ensuing 12 months.
- (b) Nominations for the election to the Club Committee must be proposed and seconded in writing by two club members and be signed by the nominee. They must be delivered to the Secretary one week prior to the Annual General meeting.
- Positions on the Committee for which there are no nominations in writing prior to Annual General Meeting, may be filled by nominations from the floor of the meeting at the AGM. Such nominations may only be accepted if the nominated person is present at the meeting and is willing to accept the position for which he/she has been nominated.
- (c) An officer or member of the committee who resigns from office in mid-term without justifiable cause shall be ineligible to stand for re-election for a period of twelve months from the date of the next annual general meeting following his/her resignation.
- (d) A returning Officer (who may be the current secretary) shall be appointed to conduct any ballot or vote.
- (e) Candidates who are nominated and are voted into office shall hold the specified positions on the committee for which they stood.

8. DUTIES OF OFFICERS

- (a) **PRESIDENT**
1. The President shall chair meetings of the Executive and the Committee and all General Meetings of the members.
 2. The President shall have a personal deliberative vote and shall in addition have a casting vote if votes are equal.
 3. In the absence of the President and the Vice-President, or at the request of the President or of a majority of a meeting, another member may be elected as chairperson for that meeting.

4. The President, together with the Secretary shall prepare the agenda for committee and general meetings.
5. The President shall encourage full balanced participation by all members and shall decide on matters of order.
6. The President shall act as Spokesperson unless an alternative Spokesperson has been appointed by the Committee or a General Meeting. The Spokesperson shall make statements only in accordance with previously agreed policy, or in an emergency, following consultation with at least two other members of the committee.

(b) SECRETARY

1. The secretary shall ensure that notice of meetings is given in accordance with the provisions of this constitution.
2. The secretary shall ensure that Club records are kept, including the constitution and policies, a register of members, minutes of all meetings and copies of notices etc. The secretary shall also maintain correspondence files and records of submissions or reports made or on behalf of the Club.
3. In the absence of the Secretary, or at the request of the Secretary or of a majority or the members attending a meeting, another member may be appointed as minute secretary.

(c) TREASURER

1. The treasurer shall ensure that all monies received are paid into an account authorised by the Committee in the name of the Club.
2. All expenditure shall be authorised in advance by the committee, except that in an emergency the Executive Committee may authorise payments, subject to subsequent Committee approval.
3. The treasurer shall ensure that records are kept of all receipts and payments and other financial transactions. These records shall be available for inspection at all times by the President and the Secretary and at each Committee meeting by the Committee.
4. The treasurer shall ensure that financial budgets and statements are prepared as necessary and shall submit a report on the finances to each Committee Meeting.
5. The treasurer shall ensure that annual Financial Statements comprising either an account of Receipts and Payments and a statement of Assets and Liabilities or an account of Income and Expenditure and a balance sheet shall be prepared following the end of the Club's financial year.

6. The treasurer shall ensure that the annual financial statements are audited before presentation to the Annual General Meeting by an independent auditor who shall be appointed by the members at an Annual General Meeting.

9. FINANCE

- (a) The financial year shall be from 1st July to the following 30th June.
- (b) The books of account shall be audited annually by the auditor.
- (c) Cheques and withdrawal forms shall be signed by any two of the following committee members:
- President;
Vice-President;
Secretary;
Treasurer;
- Any other member appointed by the committee to act as a cheque signatory.
- (d) A cheque signatory may not sign a cheque of which he/she is the payee.
- (e) All accounts must be paid by cheque other than those of less than \$50.00
- (f) A petty cash account shall be kept by the treasurer from which accounts under \$50.00 may be paid.
- (g) The Committee members, jointly and severally, are responsible for ensuring that proper books and records are kept by the Club.

10. AUDITOR

- (a) An Auditor shall be appointed by the members at each Annual General meeting.
- (b) The Auditor shall in each year examine the accounts and supporting documents (including the minutes) and shall certify the correctness thereof.
- (c) The Auditor shall report to members the result of the audit and other matters relating thereto.

11. PUBLIC OFFICER

- (a) The Club shall appoint a natural person, over the age of 18 years and resident in this State, to be its Public Officer.
- (b) The Public Officer need not be a member of the Club.
- (c) The Committee shall ensure that the position of Public Officer is always filled.

12. VOTING

- (a) Except where stated in this section, voting on all matters at any meeting of the Club shall be by show of hands.
- (b) All voting for elections to the committee shall be by secret ballot.
- (c) At any other time, the President may order a vote to be taken in secret, including votes in committee and at general meetings.
- (d) During any general meeting, should at least two of the members present request a secret ballot, the members present, by simple resolution, may decide that the motion shall be resolved by secret vote.
- (e) At any meeting held by the club, the person chairing the meeting shall have a deliberative vote and a casting vote.
- (f) All matters put to the vote by the members shall be decided by a simple majority, with the exception of any special resolution, which shall require a three quarters majority.
- (g) Any member who is unable to attend a meeting in person, may, in writing, appoint a proxy and the proxy holder shall vote in accordance with the member's wishes. Any such written authority shall be presented to the chairman at the commencement of the meeting.
- (h) Members voting by proxy shall not be included in any calculation of a quorum at that meeting.
- (i) Postal votes shall not be permitted.

13. ANNUAL GENERAL MEETING

- (a) The Annual General Meeting of the Club will be held in or about the month of August each year at a date set by the Committee and it is held for the following purposes:
 - 1. presentation of the annual report and audited balance sheet or financial statement;
 - 2. election of members to all committees for the ensuing year.
 - 3. appointment of an auditor
 - 4. any other business

- (b) Members shall be notified of the annual general meeting by a notice displayed on the public notice board at the club rooms or by written advice sent by the Secretary to every member, not less than twenty-one days before the date of the meeting. Such notice shall advise the members of the place where the meeting is to be held, the date and commencement time of the meeting and will also contain some details as to the proposed agenda.
- (c) A quorum for an Annual General Meeting shall be ten (10) members present in person.

14. SPECIAL GENERAL MEETING

- (a) A special General Meeting of members shall be called at the request of the President or Secretary, or any ten members of the club who have requisitioned such a meeting in writing. This meeting shall be held within thirty (30) days of the request.
- (b) Members shall be notified of a Special General meeting by a notice displayed on the public notice board at the club rooms or by written advice sent by the Secretary to every member, not less than twenty one (21) days before the date of the meeting.
- (c) A quorum for any such meeting shall be ten (10) members present in person.

15. DETRIMENTAL CONDUCT

- (a) Any member who wishes to complain about any matter associated with the club, including its management, activities or administration, must lodge the complaint in writing, addressed to the President and Secretary and be signed and dated. The President and Secretary will investigate the complaint and will cause a detailed response to be made to the complainant and also present their response to the next Committee meeting.
Anonymous complaints will be ignored as unjustified.
- (b) Where a member of the Club is perceived to have acted in a manner detrimental to the interests of the Club the Executive Committee shall investigate the matter and at its sole discretion, may deem the matter frivolous and take no further action or proceed as detailed below:
 - 1. The Executive shall call the member to a meeting at a mutually convenient time, where the member will be given every opportunity to explain his or her behaviour.
 - 2. The Executive, in its sole discretion, may decide that;
 - no further action be taken,
 - that the person be expelled from the club,
 - that the membership of that person be suspended for a specific period,
 - any other penalty that the Executive deems appropriate bearing in mind the facts of the case.

3. The member will be clearly informed in writing of the recommendation of the Executive and he or she will then have fourteen (14) days in which to appeal the decision of the Executive to the full Committee. Where the Executive has recommended suspension of membership or expulsion from the club pending the hearing of his or her appeal, the person shall be excluded from all privileges of membership, including admission to the club-rooms.
4. Upon receiving notice of an appeal against the Executive's findings, the Secretary will convene a meeting of the Committee which will review the Executive's findings and hear any additional evidence the member wishes to present and either dismiss the appeal or vary recommendations of the Executive Committee.
The Committee's decision shall be final.

16. MISCELLANEOUS MATTERS

(a) LIABILITY

1. Persons who by authority of the Executive Committee accept or incur any pecuniary liability on behalf of the Club shall be held indemnified against any personal loss in respect of such liability.
2. Members who incur reasonable expenses in connection with any duty or service to the Club shall be reimbursed for such costs.
3. If a member, by any breach of these rules or by any unlawful act, causes the Club or any Officer of the Club to incur any liability whatsoever, such member shall be liable to the Club or to the Officer concerned for the full extent of that liability.

(b) PROPERTY OF THE CLUB

The income, property and funds of the Club shall be under the control of the Management Committee and be used solely towards the promotion of the Objects and shall not be paid or transferred to any members or relatives of members, provided that nothing herein shall prevent any payment in good faith to any person in return for services actually rendered or to any person in furtherance of the Objects and without undue preference.

(c) ALTERATION TO CONSTITUTION

This constitution may be altered, added to, or amended from time to time at any Annual General Meeting or any Special General Meeting called for that purpose and of which twenty-one (21) days notice of the proposed amendments has been given to members and which is passed by a three quarters majority of members present at such a meeting.

(d) **LACK OF QUORUM**

On any occasion after half an hour has passed since the notified time for any meeting to be declared open, no quorum is present, the Chair of that meeting will order the meeting suspended for one week, to the same time and place. At the reconvened meeting, a quorum shall be the members who are then present.

(e) **WINDING UP**

1. The Club may be wound up in accordance with the ACT.
2. Upon resolving to wind up the club, the members shall determine how any surplus assets are to be disposed of. Such distribution may be made to any charitable, sporting, cultural or community based organisation with particular reference to the local community area.
3. No private individual, whether or not a member of the club at the time, may benefit from such a distribution.

(f) **INTERPRETATION**

Where any matter arises for which this constitution does not provide, or where there is doubt as to the interpretation thereof, the Committee shall determine the matter (subject to the Acts Interpretation Act) and its decision shall be final.

**BRIGHTON OVER 50's SOCIAL CLUB
45th ANNUAL GENERAL MEETING**

9th August 2012

Meeting commenced at 11:18 a.m. with President Malcolm (Pip) Pearson welcoming 32 members present.

Apologies: Ronnie Madigan.

Minutes of 2012 AGM:

Read by President

Moved by Heather Mason, seconded Robert Murphy, that the minutes be approved as a true and accurate record of the meeting. Carried.

Business arising from Minutes:

1. President Pip reported that discussions and negotiations were continuing with the City of Holdfast Bay regarding the Lease of the premises.
2. It was noted that the ceilings repairs to the Bingo Room around the Air-Conditioning unit had been completed by Council.

Treasurer's Report:

President / Treasurer, Pip Pearson presented a statement of income and expenditure for the last financial year as per the statement attached to these minutes showing an operating surplus of \$11,193.04.

The Treasurer noted that the Club was in still in a stable financial position. Moved, Ken Shilling, seconded Jennie Binnie, that the Treasurers report be received. Carried.

ELECTION OF OFFICERS:-

President declared all positions vacant and called for nominations for new Committee.

Following nominations were received for office bearers:

President:-	Malcolm (Pip) Pearson
Vice President:-	Ronnie Madigan
Secretary:-	Austin Nevis
Treasurer:-	Malcolm (Pip) Pearson
Committee Members:-	Robert Murphy
	Heather Mason
	Lee Morgan
	Jennie Binnie

Moved Bert Ulseth, seconded Annette Gay that the existing Committee be re-elected in block and continue in the present positions on the Committee. Carried.

General Business:-

1. The President reported that the Club had 78 paid up members last year, an increase of 8 over the previous year.
2. It was decided to hold this year's Xmas Function on Thursday December 13th at the Clubrooms and the Committee to make the necessary arrangements for catering. Committee instructed to request caterers to supply normal cutlery not plastic knives and forks Club to subsidise the cost at the rate of \$10 per head as per last year.
3. The meeting again requested the Committee to take action to update the "Notice Board" which faces Brighton Road as nothing has been done since last year.
4. The Committee reported to the Meeting that it has confirmed its decision to replace the carpet on the Stage and the "Sick (Meditation) Room".

There being no further business to discuss the meeting was closed at 11:56 am.

All Members were invited to remain for lunch and drinks.

Brighton Over 50's Social Club

Statement of Income & Expenditure - Financial Year - 1st July 2011 to 30th June

Income	2011 - 2012	2010 - 2011	2009 - 2010
Membership (70)	2,130.00	1,050.00	1,117.50
Bowls	2,213.00	2,278.00	2,001.30
Cards	1,601.90	1,678.90	1,898.35
Keep Fit	506.00	670.00	737.00
Line Dancing	2,942.00	3,446.20	1,828.75
Hall Hire	14,773.50	10,301.50	9,068.00
Scrabble	911.00	950.00	937.00
Snooker	1,204.00	1,208.10	1,036.00
Mah Jong	1,075.00		219.00
Bank Int. -	3.29	1.31	189.64
Xmas Lunch Receipts	540.00	558.00	
Miscellaneous	1,227.20		
Total Operating Income	29,126.89	22,142.01	19,032.54
	\$	\$	
2011/12 Operating Surplus	\$ 11,193.04		

Investment Accounts;_

Commonwealth Glenelg A/C No. 50214793

Term Deposit \$10,123.04 (Maturing 1/9/12 @ 3.2%)

Treasurer's Report to Members.

The Membership Fees this year reflect the fact that many members paid next year's dues prior to the year end. We are still managing to keep our financial status very sound but without the benefit of income from our facilities are satisfying a great need in the community as a small scale community facility. The benefit of our Club activities now only provide approx. 50% of our total income.

Reflecting on the last 3 years we are still a very viable and stable Club within the community.

Malcolm Pearson - President/ Treasurer.

2012

Expenditure:-	2011 - 2012	2010 - 2011	2009 - 2010
Office		180.05	45.30
Food	1,541.80	1,302.79	220.10
Club Supplies	2,021.96	1,270.30	1,848.85
Repairs & Maintenance	831.12	2,986.32	9,794.49
Utilities	4,302.17	3,700.91	3,307.60
Cleaning	4,740.27	4,183.05	3,854.38
General Insurance	1,321.04	1,265.61	1,233.71
Building Insurance	1,261.07	1,218.21	1,171.44
Xmas Function	314.42	868.00	134.00
Hall Hire - Refunds	600.00	651.97	
Bowls Mats	1,000.00	\$ 17,627.21	\$ 21,609.87
	\$ 17,933.85	19.00	
Investment Cwlth Bank	\$ 10,000.00	\$ 17,646.21	
Total Expenses	27,933.85		

at the end of the financial year. This will reflect in a much lower figure for the 2012 /13 financial year.
1 Hall Hire to various community groups, our viability becomes questionable.
Benefit of this income offsets the occasional inconvenience and loss of amenity to members.

**HELMSDALE TENNIS CLUB AGM 2012
PRESIDENT'S REPORT**

It is pleasing to report on another successful year for the Helmsdale Tennis Club. I would like to take the AGM as an opportunity to applaud the good work of the committee and to encourage others to join to ensure the good work continues into the future.

ACHIEVEMENTS

- *Success of teams at both senior (Div 3 men's premiership) and junior levels of 13 teams with 4 grand final appearances.*
- *Lease arrangement with the council in operation and public use of facilities*
- *Club building to a point of being at capacity – (excess capacity with the juniors)*
- *Continued dedication and hard work of the committee – Graham Tilley and Greg Kelly*
- *Continued strong relationship with our junior coach, Mark Bowman + 100 private students*
- *New junior coach Kim Wudke supervising 5 new winter teams (all into finals) and 7 days a week coach with 70 students.*
- *Continued dedication and hard work of junior coordinator, Mark Bowman and assistance for the junior girls from Don Forster*
- *Strong financial position*
- *Effective blend of competition, training, coaching and court hire time*

WEAKNESSES/THREATS

- *Deterioration of southern court surface to dangerous/unplayable state*
- *Possibility of the club growing beyond court capacity, especially amongst juniors.*
- *Potential conflict over court time use*
- *Failure of juniors to progress to senior level*
- *Failure to attract new members to the committee*

OPPORTUNITIES

- *Partnership with council to resurface southern courts before summer*
- *Develop more social functions*
- *Option to develop club for dual use – tennis and netball.*
- *Apply for Active Club Grant with council financial support to resurface northern courts with dual tennis markings for multiple use with potential to install lights.*
- *Fresh blood/energy on new committee members*
- *STAR CLUB development Program participation including requirement of trained Child Safe Officer.*

Gabriele Trobbiani.

HELMSDALE TENNIS CLUB
2011/2012

STATEMENT OF RECEIPTS AND PAYMENTS

RECEIPTS

Subscriptions
- Junior \$7674.60
- Senior \$3000.00
- Court Hire \$2160.00
-
Interest \$89.20

Club Shirts \$2175.00

\$15098.80

PAYMENTS

Electricity \$1019.68
Tennis Balls \$1199.00
Council Lease \$724.52
Trophies \$674.20
Insurance \$453.01
GDТА -
-Affiliation \$1320.00
Tennis SA
- Registration \$1095.00
Court Hire \$1000.00
Coaching \$960.00
Club Shirts \$2169.20
Dish Cheque \$240.00

\$10854.61

BANK RECONCILIATION

Balance 1/7/2011 **\$23224.29**

+ Receipts \$15009.60
+ Interest \$89.20

\$15098.80

- Payments \$10854.61

\$10854.61

Balance 30/6/2012 **\$27468.48**

I HAVE EXAMINED THE BOOKS & ACCOUNTS OF HELMSDALE TENNIS CLUB AND CERTIFY THAT THE STATEMENT OF RECEIPTS AND PAYMENTS IS A TRUE AND CORRECT RECORD OF THE CLUB'S ACTIVITIES.


Dija Fernandez
TENNIS CLUB

HELMSDALE TENNIS CLUB INCORPORATED

ANNUAL GENERAL MEETING 2012

When 7.00pm, Tuesday 14/8/2012
Where 7 First Avenue Glenelg East

1. Open Meeting/apologies
2. Present: Graeme Tilley, Kym Wuttke, Gabriele Trobbiani, Mark Bowman.

Apologies: Greg Kelly, Brett Gaborit, StevenPaparella.

3. Minutes of 2011 AGM

“Move to accept minutes as a true and accurate record of 2011 AGM.”

Moved: M. Bowman

Seconded: K. Wuddke

Carried unanimously.

4. Correspondence

(a) Hughes and Loveday re balls offer.

Association using Slazenger balls – purchased from Bruce Tucker.

(b) Invoice from Marion tennis Club – directed to treasurer.

5. Presentation of President’s Annual Report

Presented and attached

6. Presentation of Financial Statement

Graeme Tilly presented unaudited financial report – to be audited.

Good year due to junior.

Expense increase due to court hire and coaches hire.

Current bank balance \$28,730.63.

Move to accept the financial records as a true and accurate record. To be audited.

Moved: Mark Bowman

Seconded: Kym Wuddke

7. State of courts/repairs

8.

G. Trobbiani presented report.

Discussion centered on whether courts were playable on asphalt.

Kym and Mark to organise hire of alternate courts. G. Trobbiani to contact the council to initiate prompt asphalt, top coat and marking.

Need write a business plan – Graeme Tilley to undertake business plan.

Senior team nominations.

Div 2 doubles /mixed

Div 3 & 7 mens

Junior team nominations

Appx 17 junior teams

Melody Oaten to continue as coach.

**9. Day/night court allocation –club training/ private coaching/private hire
Court time allocation**

DAY	TRAINING	PRIVATE COACHING	HIRE	COMPETITION
MONDAY	4 – 6pm	Mark 6- 8pm Kym 3 – 7.30pm		
TUESDAY	4 – 7pm	Kym 3 – 8pm	8 – 10pm	
WEDNESDAY	4 – 7pm	Kym 3.30 - 8pm		
THURSDAY		Mark 4 – 8pm Kym 3.30 – 8pm	7 -10pm	
FRIDAY		Kym 3 – 7.30pm		
SATURDAY				8am – 7pm
SUNDAY		Kym 8.30am – 2pm 3 – 7.30pm		

10. Subscriptions

“Increase junior fees to \$130 with \$20 discount if paid on or by open day. Increase seniors fees to \$160.”

Moved: Mark Bowman

Seconded: Graeme Tilly

Carried unanimously.

11. Election of Officers for ensuing season

President
G. Trobbiani

Vice President
Kym Wuttke

Secretary
Graeme Tilley

Treasurer
Auditor
Biju Fernandez

Club Captain
Greg Kelly – tbc

Junior Coordinator
Mark Bowman - boys
Kym Wuttke – girls

All members confirmed to have current police checks.

12. AOB

a. GDTA report from Kym Wuttke 13/8 at Seacliffe Tennis Club

- Slazenger ball to be used
- Season dates juniors and seniors align. Begin 13/10 finish 15/12. Recommence 2/2/13. Last minor round 9/3/13. @2 finals
- Nominations for seniors close 6/9, grading 9/9
- Nominations for juniors close 13/9, grading 16/9
- Affiliation to be advised by tennis SA
- Bylaws vote on rewrite at the next meeting
- Next meeting 10/9

Thanks for Kym Wuttke for representing the club at the important GDTA

b. Plumbing repairs required – K. Wuttke to repair and be compensated.

c. Electrical repairs required – K. Wuttke to initiate repairs.

Meeting closed 9.30pm.





SOUTH AUSTRALIA

Associations Incorporation Act 1985
Section 24(5)(b)

Incorporation Number: **A4939**

Certified Copy of the Certificate of Incorporation of an Association

This is to certify that

HELMSDALE TENNIS CLUB INCORPORATED

was, on and from the ninth day of March 1976
incorporated under the Associations Incorporation Act 1985.

Given under the seal of the Corporate Affairs Commission at Adelaide on this
twentieth day of May 2004

Commissioner for Corporate Affairs



LM

Corporate Affairs and Compliance

Incorporating the Corporate Affairs Commission ABN 30 652 402 747

Ground Floor Chesser House
91 - 97 Grenfell Street
Adelaide SA 5000

GPO Box 1407
Adelaide SA 5001

Telephone: 1300 138 918
Fax: (08) 8204 9771
Email: businessnames@agd.sa.gov.au



Government
of South Australia

OCSA 03/06/71

CONSTITUTION OF HELMSDALE TENNIS CLUB INCORPORATED

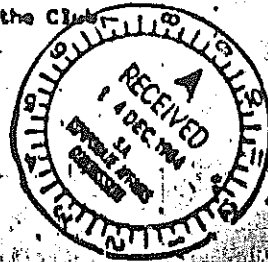
Adopted by Members at the Annual General Meeting of the Club on Sunday, 21st August, 1966 and amended on Thursday, 19th February, 1970, and 2nd August, 1981.

NAME:

1. The name of the Club shall be "HELMSDALE TENNIS CLUB INCORPORATED" (subject to approval of the Registrar of Companies).

OBJECTS:

2. The objects of the Club are:
 - (a) To promote, foster, encourage and control the game of tennis amongst the members of the Club.
 - (b) To co-operate with other Clubs and/or Associations in competition and organisation in any way for the furthering of the interests of tennis.
 - (c) To encourage, secure, prepare, form, erect and offer interests and attractions of all kinds for the purpose of raising moneys to assist the Club in the attainment of its objects or any of them.
 - (d) To set down, erect or form courts and provide facilities for the benefit of members of the Club.
 - (e) To acquire by purchase, lease or otherwise any real or personal property and any rights or privileges which may be considered necessary or expedient for the benefit of the Club.





- 3 -

Honorary Secretary
Honorary Treasurer
Honorary Social Treasurer
Honorary Auditor
Club Captain

TERM OF OFFICE:

8. Each person elected to any office of the Club shall only hold office from appointment at the Annual General Meeting and until offices are declared vacant at the Annual General Meeting of the following year.

MANAGEMENT:

9. The business and general affairs of the Club shall be under the control and management of the Management Committee to be appointed from time to time as hereinafter provided.

MANAGEMENT COMMITTEE:

10. The Management Committee shall consist of the following:

President
Vice President
Honorary Secretary
Honorary Treasurer
Club Captain
Honorary Social Secretary
and three (3) other members

The Management Committee shall have the following powers:

- (a) To appoint sub-committees for any particular purpose deemed expedient and to instruct same accordingly, but reserving the right to veto any decision or action made by any such sub-committee.
- (b) To make regulations and by-laws not inconsistent with these Rules, and to amend, alter, add to or rescind any such regulations and by-laws.



- (c) From time to time borrow moneys for the purpose of the Club at such rates of interest and in such manner and form and upon such security as it may deem expedient.

ANNUAL GENERAL MEETING:

11. The Annual General Meeting of the Club shall be held as soon as possible after the end of the financial year each year. The date to be on a day to be fixed by the Management Committee Seven days prior written notice of such Annual General Meeting shall be sent to every member of the Club. At all meetings of the Club, the President or Vice President shall preside. In the absence of the President and Vice President, the meeting may elect a Chairman from the members present. A total number of 10 members shall constitute a quorum for any meeting of the Club.

The Annual General Meeting shall transact the following business:

- (a) Presentation of Secretary's Annual Report.
- (b) Presentation of Financial Statement
- (c) Election of Officers for ensuing season.
- (d) Nomination of Delegates to sundry committees
- (e) Appointment of Sub-committees (if any)
- (f) Nomination of Teams
- (g) Any general business

POWER TO VOTE:

12. All office bearers and members shall be entitled to vote at all General Meetings. The Chairman of the Meeting shall exercise a casting vote if necessary.

MANAGEMENT COMMITTEE MEETINGS:

13. Meetings of the Management Committee shall be held monthly on a day to be agreed upon, or otherwise as may from time to time be decided by the Committee to be most suitable in the circumstances. Special meetings of the Management Committee may be called, upon the requisition (in writing) of any three members of the Committee, setting forth the reason for which they desire the meeting to be called. The Secretary shall then convene a special meeting of the Management Committee within one week from the date of the receipt by him of such requisition.

Minutes of proceedings of all Management Committee Meetings shall be recorded by the Secretary in the Minute Book, and at the commencement of all Management Committee Meetings, the Minutes of the previous meeting shall be read and confirmed

Minutes of all proceedings of any sub-committees shall be forwarded to the Secretary, and when required shall be read and discussed at the following Management Committee Meeting

All matters shall be decided by a show of hands, unless a member of the Committee shall request that the matter be decided by ballot. In the event of an equality in the voting, the Chairman shall exercise a casting vote.

A total of five members shall constitute a quorum.

SELECTION COMMITTEE:

14. The Selection Committee shall consist of the Honorary Secretary, Club Captain, the Captain of each team, and one other member to be elected at the Annual General Meeting. The Captain of each team is to be appointed by the Management Committee prior to the commencement of the first match of the season. The selection of players for the respective teams for the first match of each season shall be made by the Management Committee, and thereafter by the aforesaid Selection Committee.

POWER TO VARY RULES:

15. The existing rules shall not be repealed, altered or added to, without the consent of the majority of the members at the Annual General Meeting or at a Special Meeting called for that purpose. Seven day notice in writing shall be given by the Hon. Secretary of such proposed repeal, alteration or addition.



RETIREMENT OF OFFICERS:

16. In the event of a vacancy occurring in any office or offices, such position or positions shall be filled by the Management Committee at its next meeting following the date upon which such vacancy occurs. The member so elected to fill such office shall remain in that office until that term of office expires.

EXPULSION:

17. The Management Committee shall have the power to expel from the Club any person whose presence may be detrimental or obnoxious to members of the Club, provided that no member may be so expelled unless the motion for such expulsion shall be carried by a majority of at least two-thirds of the Management Committee voting thereon, nor until such member shall have been given the opportunity to speak in his or her defence before the Management Committee.

LIFE MEMBERS:

18. The Club shall have the power to appoint Honorary Life Members, who must be elected by a majority vote of those members present at the Annual General Meeting. Any nomination for Life Membership must be submitted to the President prior to the Annual General Meeting.

CHAMPIONSHIPS:

19. Club Championships for Men, and Women, and Junior Boys and Junior Girls, shall be competed for annually.

COMMON SEAL:

20. Subject to the Helmsdale Tennis Club becoming an incorporated body, the Club will have a common seal to be kept at the home of the Secretary. The Common Seal shall, with the authority of the Management Committee, be affixed to any document for the authentication of which a seal is necessary. The affixing of the seal to be witnessed by any two of the Management Committee.

DISSOLVING OF THE CLUB

21. If for any reason, the members determine that the Club is to be dissolved (as distinct from merging with another Club) the surplus of assets including funds, after payment of debts, are to be transferred to the Glenside District Tennis Association.

6/12/84

J. R. A.M.
President

U

Copy of Adjourned Reports

Item No: **14.4**

Subject: **BRIGHTON OVER 50'S SOCIAL CLUB - LEASE**

Date: 22 January 2013

Written By: Strategic Property Officer

General Manager: Corporate Services, Mr I Walker

SUMMARY

The Brighton Over 50's and Social Club Inc. has been occupying the premises located at 376 Brighton Road Hove for a number of years, with the existing lease expiring on 30 June 2011. The lease has continued on a monthly holding over basis since that date.

Subject to the approval of Council, a new lease for a period of five years from 1 January 2013 was offered to the Brighton Over 50's Social Club Inc. The Brighton Over 50's Social Club Inc. has accepted the proposal to enter into a new five year lease from 1 January 2013.

RECOMMENDATION

That approval be granted to enter into a new lease with the Brighton Over 50's Social Club Inc. for a term of five years from 1 January 2013 over the land contained in Certificate of Title Volume 5664 Folio 439, as detailed on Attachment 1.

COMMUNITY PLAN

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COUNCIL POLICY

Nil

STATUTORY PROVISIONS

Local Government Act, 1999, Retail and Commercial Leases Act, 1995.

BACKGROUND

The lease to the Brighton Over 50's Social Club Inc. commenced on 1 July 2001 for a period of five years with an option to renew for five years thereafter. The option to renew was exercised in 2006 and therefore the lease expired on 30 June 2011.

REPORT

Subject to the approval of Council a new lease for a period of five (5) years was offered to the Brighton Over 50's Social Club Inc. from 1 January 2013. The Brighton Over 50's Social Club has accepted the proposal to enter into a new five year lease from 1 January 2013.

The Brighton Over 50's Social Club Inc. has been in occupation of the premises for a considerable time and during its period of occupancy has demonstrated that it is a worthwhile tenant.

BUDGET

There is an allowance in the 2012/13 budget for the rental payable under this new lease. The rental payable under the terms of the new lease is \$1 per annum, payable on demand.

LIFE CYCLE COSTS

Under the terms of the new lease the City of Holdfast Bay will be responsible for the structural maintenance of this facility. The renewal of the major structural components of the buildings is provided within Council's asset management plans.

Item No: **14.8**

Subject: **HELMSDALE TENNIS CLUB - LICENCE**

Date: 22 January 2013

Written By: Strategic Property Officer

General Manager: Corporate Services, Mr I Walker

SUMMARY

The Helmsdale Tennis Club inc. has been occupying the premises located at the corner of Fourth Avenue and Augusta Street Glenelg East for a number of years, with the existing licence expiring on 31 December 2011.

Subject to the approval of Council, a new licence for a period of five years from 1 January 2012 has been negotiated with the Helmsdale Tennis Club Inc.

RECOMMENDATION

That approval be granted to enter into a new licence with the Helmsdale Tennis Club Inc. for a term of five years from 1 January 2012 over the land contained in Certificate of Title Volume 5852 Folio 722, as detailed on Attachment 1.

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COUNCIL POLICY

Nil

STATUTORY PROVISIONS

Local Government Act, 1999,
Retail and Commercial Leases Act, 1995.

BACKGROUND

The licence to the Helmsdale Tennis Club Inc. commenced on 1 January 2007 for a period of five years with an option to renew for five years thereafter. The option to renew was not exercised in

accordance with the terms of the existing licence and therefore the licence expired on 31 December 2011. The licence has continued on a monthly holding over basis since that date.

REPORT

Subject to the approval of Council a new licence for a period of five (5) years from 1 January 2012 was offered to the Helmsdale Tennis Club Inc. The Helmsdale tennis Club Inc. has accepted the proposal to enter into a new five year licence from 1 January 2012. The lease area is detailed in Attachment 1.

Refer Attachment 1

The Helmsdale Tennis Club Inc. has been in occupation of the premises for a considerable time and during its period of occupancy has demonstrated that it is a worthwhile tenant.

BUDGET

There is an allowance in the 2012/13 budget for the rental payable under this new licence. The rental payable under the terms of the new licence is \$670.00 per annum, payable on demand.

LIFE CYCLE COSTS

Under the terms of the new licence the City of Holdfast Bay will be responsible for the structural maintenance of this facility. The renewal of the major structural components of the buildings is provided within Council's asset management plans.

Subject: **GLENELG PIGEON CLUB INC. - LEASE**

Date: 22 January 2013

Written By: Strategic Property Officer

General Manager: Corporate Services, Mr I Walker

SUMMARY

The Glenelg Pigeon Club Inc. has been occupying the premises located at Stopford Road, Brighton for a number of years, with the existing lease expiring on 30 April 2012.

Subject to the approval of Council, a new lease for a period from 1 February 2013 to 30 June 2017 was offered to the Glenelg Pigeon Club Inc. The Glenelg Pigeon Club Inc. has accepted the proposal to enter into a new lease from 1 February 2013.

RECOMMENDATION

That approval be granted to enter into a new lease with the Glenelg Pigeon Club Inc. for a term from 1 February 2013 to 30 June 2017 over portion of the land contained in Certificate of Title Volume 5750 Folio 187, marked 'A', together with shared use over the area marked 'B', as detailed in Attachment 1.

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COUNCIL POLICY

Nil

STATUTORY PROVISIONS

Local Government Act, 1999.
Retail and Commercial Leases Act, 1995.

BACKGROUND

The lease to the Glenelg Pigeon Club Inc. commenced on 1 May 2007 for a term of five years. There is no option to renew this lease.

REPORT

As Council is aware, a contract of sale was entered into for the sale of the property of 411 Brighton Road, Brighton. This property is occupied by the Rotary Club of Brighton. Discussions with the Rotary Club of Brighton at that time identified that the property currently being shared by the Glenelg Pigeon Club Inc. and the Glenelg Pigeon Club Inc. would best suit the needs of the Rotary Club of Brighton.

Refer Attachment 1

Subsequent discussion with all clubs have concluded with the Glenelg Pigeon Club Inc. relocating from this building, thus allowing the Rotary Club of Brighton to occupy this building. During discussions with the Glenelg Pigeon Club Inc. it was identified that the Club did not require such a large area of space for its clubrooms and that it would be able to operate from much smaller premises.

Subsequently negotiations have concluded to relocate the Glenelg Pigeon Club into portion of a new shed being constructed adjacent its existing building.

Subject to the approval of Council, a new lease for a period of five years from 1 February 2013 was offered to the Glenelg Pigeon Club Inc. The Glenelg Pigeon Club Inc. has accepted the proposal to enter into a new lease for five years from 1 February 2013.

BUDGET

The rental payable for the new lease is \$640.00 per annum, excluding GST.

LIFE CYCLE COSTS

Under the terms of the new lease the City of Holdfast Bay will be responsible for the structural maintenance of the shed.

Item No: **14.9**

Subject: **HOLDFAST BAY DOG OWNERS CLUB INC. - LEASE**

Date: 22 January 2013

Written By: Strategic Property Officer

General Manager: Corporate Services, Mr I Walker

SUMMARY

The Holdfast Bay Dog Owners Club Inc. has been occupying the premises located at Stopford Road, Brighton for a number of years, with the existing lease expiring on 31 December 2011.

Subject to the approval of Council, a new lease for a period from 1 February 2013 to 30 June 2017 was offered to the Holdfast Bay Dog Owners Club Inc. The Holdfast Bay Dog Owners Club Inc. has accepted the proposal to enter into a new lease from 1 February 2013.

RECOMMENDATION

That approval be granted to enter into a new lease with the Holdfast Bay Dog Owners Club Inc. for a term from 1 February 2013 to 30 June 2017 over portion of the land contained in Certificate of Title Volume 5750 Folio 187, marked 'A', together with shared use over the area marked 'B', as detailed in Attachment 1.

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COUNCIL POLICY

Nil

STATUTORY PROVISIONS

Local Government Act, 1999.
Retail and Commercial Leases Act, 1995.

BACKGROUND

The lease to the Holdfast Bay Dog Owners Club Inc. commenced on 1 January 2002 for a term of five years, with an option to renew for a further five years from 1 January 2007. That option was exercised in 2007 and therefore the existing lease expired on 31 December 2011.

A clubroom that was used by the Holdfast Bay Dog Owners Club Inc. was demolished approximately 2-3 years ago due to it being in an unsafe condition. Since that time the club has operated without a clubroom.

REPORT

As Council is aware, a contract of sale was entered into for the sale of the property of 411 Brighton Road, Brighton. This property is occupied by the Rotary Club of Brighton. Discussions with the Rotary Club of Brighton at that time identified that the property currently being shared by the Holdfast Bay Dog Owners Club Inc. and the Glenelg Pigeon Club Inc. would best suit the needs of the Rotary Club of Brighton.

Refer Attachment 1

Subsequent discussion with all clubs have concluded with the Holdfast Bay Dog Owners Club Inc. and Glenelg Pigeon Club Inc. relocating from this existing building, thus allowing the Rotary Club of Brighton to occupy this building. The relocation of the Holdfast Bay Dog Owners Club Inc. will provide the club with a clubroom that they have not had for 2-3 years.

Subject to the approval of Council, a new lease for a period of five years from 1 February 2013 was offered to the Holdfast Bay Dog Owners Club Inc. The Holdfast Bay Dog Owners Club Inc. has accepted the proposal to enter into a new lease for five years from 1 February 2013.

BUDGET

The rental payable under the existing lease is \$770.50 per annum. Under the new lease the rental will increase to \$2,500 per annum, excluding GST.

LIFE CYCLE COSTS

Under the terms of the new lease the City of Holdfast Bay will be responsible for the structural maintenance of the shed. The Holdfast Bay Dog Owners Club Inc. will be responsible for the structural maintenance of the structures that it has erected on the land.

Item No: **13.1**

Subject: **MINUTES – ALWYNDOR MANAGEMENT COMMITTEE – 19 FEBRUARY 2013**

Date: 26 March 2013

Written By: Governance Officer

General Manager: Alwyndor, Mr G Potter

SUMMARY

The Minutes of the Alwyndor Aged Care Management Committee for 19 February 2013 are provided for information.

RECOMMENDATION

That the Minutes of the Alwyndor Aged Care Management Committee for 19 February 2013 be noted by Council.

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COUNCIL POLICY

Not applicable

STATUTORY PROVISIONS

Not applicable

BACKGROUND

This report is presented following the Alwyndor Management Committee Meetings. 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.



Alwyndor Aged Care Funds Statement as at 28 February 2013

<i>Original Budget</i> \$,000	<i>Revised Forecast</i> \$,000	<i>Actual YTD</i> \$,000
3,071 User Charges	3,065	2,212
9,556 Operating Grants and Subsidies	9,449	6,107
219 Investment Income	522	455
249 Reimbursements	249	144
164 Other Income	125	80
417 Alwyndor Donations and Contributions	432	300
13,676 Operating Revenue	13,842	9,297
9,467 Salaries	9,544	6,121
2,259 Contractual Services	2,190	1,470
696 Materials	696	582
60 Finance Charges	60	84
431 Depreciation	431	0
353 Other Expenditure	379	256
13,267 Less Operating Expenditure	13,300	8,513
409 =Operating Surplus/(Deficit)	542	783
431 Depreciation	431	0
(194) Provisions	194	(10)
237 Plus Non Cash Items in Operating Surplus/(Deficit)	625	(10)
646 =Funds Generated from Operating Activities	1,167	774
6,411 Capital Expenditure on New and Upgraded Assets	6,411	4,059
6,411 Less Total Capital Expenditure	6,411	4,059
(5,765) = FUNDING REQUIREMENT	(5,244)	(3,286)
Funded by		
(5,808) Increase/(Decrease) in Cash & Cash Equivalents	(5,675)	(2,970)
43 Non Cash Changes in Net Current Assets	431	(315)
(5,765) =Funding Source	(5,244)	(3,286)



MEETING RECORD

of the Alwyndor Management Committee

**Tuesday 19 February 2013 at
6.30pm**

AMC MINUTES

Our Vision

*To honour the legacy, vision and intent of the **DOROTHY CHEATER TRUST** by providing high quality community and residential services, offering a viable and flexible mix of personalised care and support services to older people in the local community.*

ALWYNDOR AGED CARE

MANAGEMENT COMMITTEE

MINUTES

of the meeting held in the AAC Meeting Room on

TUESDAY 19 February 2013 at 6.30 pm

1. **PRESENT**
- | | |
|-------------|--------------|
| Cr S Lonie | Mr N Hakof |
| Ms C Cotton | Cr R Clancy |
| Mr M Bower | Mr T Evans |
| Mr I Pratt | Ms K Stevens |
| Mr D Royans | |
2. **IN ATTENDANCE**
- | | |
|-------------|------------------------------|
| Mr G Potter | General Manager |
| Ms K Field | Manager Community Services |
| Mr A Hook | Act Manager Residential Care |

3. **OPENING**

The Chairman, Mr N Hakof declared the meeting open at 6.35 pm and welcomed all in attendance.

4. **APOLOGIES**

Mr T Hill

5. **DECLARATION OF INTEREST**

If a Committee Member has an interest (within the terms of the Local Government Act 1999) in a matter before the AMC, they are asked to disclose the interest to the AMC and provide full and accurate details of the relevant interest. Members are reminded to declare their interest before each item.

6. **CONFIRMATION OF MINUTES**

6.1 Recommendation:

The minutes of the meeting held on 18 December 2012 were taken as read, approved and confirmed as a true record.

Moved: C Cotton

Seconded: Cr R Clancy

CARRIED

7. **BUSINESS ARISING FROM THE MINUTES**

7.1 Stage 1B Redevelopment - Official Opening - AMC Chairman's Report

The official opening of Stage 1B of the Alwyndor Redevelopment by the Minister for Mental Health & Ageing, the Honorable Mark Butler, was held on Thursday 24th January 2013.

The following documents were tabled for the AMC's information:

- a. Press Release from Rann Consulting
- b. The AMC Chairman's address
- c. Mr. Len Sverdloff's (Resident Representative) address
- d. Cr R Clancy's address
- e. Mr. J Lynch, CHB Chief Executive Officer - Event Recognition

A selection of photos from the event was included in the General Managers February Report to the AMC.

8. **REPORTS**

8.1 Correspondence Report

8.1.1 Assessment Contact Report – High Care

- Standards & Accreditation Agency Ltd

8.1.2 Assessment Contact Report – Low Care

- Standards & Accreditation Agency Ltd

8.1.3 Employee Fringe Benefits / Salary Sacrifice

- a. Weekend Australian Article: 12 January 2013
- b. ACSA submission to the Not –For-Profit Tax Concession Working Group

8.1.4 Mr. T Evans – AMC Membership: term extension to April 2015

- a. General Managers Report to Council, dated 25 January 2013

8.2 The National Report

Issues 295,296, 297 and 298

8.3 Letters of Thanks

- 8.3.1 Mason Family re Paul Mason

Information Reports (8.1 to 8.3) were noted by the AMC

9. ITEMS UNDER REVIEW

Item	Responsibility	Due	Status
Instrument Of Delegation	GM	Oct '13	Annual Review
Quality Improvement Plan	Ops Manager	Feb '13	Mid Year Progress Report Tabled : Refer Agenda Item 10.1
Strategic Plan Review	GM	Feb '13	Mid Year Progress Report Tabled: Refer Agenda Item 10.2
Governance Standard – Prudential Bond Statement	GM	Oct '13	Annual Review
Investment Performance Report	GM + MFA	Oct '13	Annual Review
WHS “One System” Mapping	GM	Feb '13 April '13	Implementation Progress Report The AMC approved the GM request that this item be deferred until April '13, at which time it is expected that the LGAWCS will have released an updated suite of policies/ procedures that comply with the Legislative changes to the Act.
Stage 1B Official Opening	AMC	Jan '13	Chairman’s Update Tabled: Refer Agenda Item 7.1
AAC Investment Policy Review	AMC	Oct '14	Biennial Review
AAC Accommodation Bonds Policy Review	AMC	Oct '14	Biennial Review
AMC Membership	GM /AMC Chairman	April '13	Recruitment process to fill current Community Member vacancy on the AMC
AMC Strategic Planning Workshop discussion	AMC/GM	December '13	Agree a date, focus and content of workshop event, to be held in 2014
WHS –Responsible Officers	GM	March '13	Report on the changes to the definition of a Responsible Officer arising from the January 2013 WHS Legislation

ITEMS IN CONFIDENCE

Cr S Lonie moved and D Royans seconded that, pursuant to Section 90(2), 90(3)(a) and 90(3)(b) of the Local Government Act 1999 the Alwyndor Management Committee order that the public be excluded from attendance at the meeting, with the exception of Alwyndor officers and any other visitors permitted to remain, after taking into account the relevant considerations under Section 90(3), 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 AMC is conducting, or proposing to conduct, business, or to prejudice the commercial position of AAC; and**

- (ii) would on balance, be contrary to the public interest.
- (iii) Information, the disclosure of which, would involve the unreasonable disclosure of information concerning the personal affairs of a person or persons (living or dead).

CARRIED

10. NEW and URGENT BUSINESS

10.1 Quality Improvement Plan Progress Report

The General Manager tabled the six monthly Quality Improvement Plan Progress Report for the AMC's information and review.

Resolution:

The AMC:

1. Receives and notes the bi-annual AAC Quality Improvement Plan Progress Report and requests that revised timelines be provided at the next review for those projects that are behind schedule
2. A further report on QI Project "Direct Debit", to be provided to the March meeting of the AMC Finance Sub –Committee.

Moved: I Pratt

Seconded: K Stevens

CARRIED

10.2 Strategic Plan Progress Report

The General Manager tabled the six monthly AAC Strategic Plan Progress Report for the AMC's information and review.

Resolution:

The AMC:

1. Receives and notes the bi-annual AAC Strategic Plan Progress Report

Moved: I Pratt

Seconded: T Evans

CARRIED

11. CONFIDENTIAL REPORTS

11.1 Manager Community Service's Report **February 2013**

11.2 Act Manager Residential Care's Report **February 2013**

11.3 Operations Manager's Report **February 2013**

Recommendation:

The AMC notes the Operations Managers Fire Detection System Upgrade Report and approves the engagement of Titon Fire, Security & Electrical Services P/L to replace existing detection equipment throughout the balance of the facility, with the identical equipment installed in Stages 1B & 2, at a cost of \$37,059.00 including GST. Procurement costs to be funded through the General AAC Capital Budget.

Moved: D Royans

Seconded: K Stevens

CARRIED

11.4 Building Sub Committee Chairman **Refer General Managers Report**

11.5 General Manager's Report **February 2013**

11.6 Finance Reports **January 2013**

11.6.1. Bank Reconciliation for the Month of January 2013

11.6.2. "Year to Date" Budget / Actual Comparison by Department as at 31st January 2013

Recommendations:

1. That the Bank Reconciliation for the Month of January 2013 be confirmed.
2. That the "Year to Date" Budget / Actual Comparison by Department as at 31st January 2013, be confirmed

Moved: I Pratt

Seconded: Cr R Clancy

CARRIED

11.7 Formal Complaints

Nil

11.8 OH &S Committee

- Minutes of the meeting held 17 December 2012

11.9 Quality Improvement Committee

- Minutes of the meeting held 13 February 2013

Confidential Reports **11.1 to 11.9** were noted by the AMC

ORDER TO RETAIN DOCUMENTS IN CONFIDENCE:

T Evans moved and M Bower seconded that pursuant to Section 90(2), 90(3)(a) and 90(3)(b) and of the Local Government Act 1999:

1. **The Alwyndor Management Committee orders that the documents and minutes relating to Report No: 11.1 to 11.9 with the exception of the Resolution for going into confidence be kept confidential and not available for public inspection on the basis that they deal with information relating to commercial advantage; contrary to public interest; or information involving the unreasonable disclosure of information concerning the personal affairs of a person or persons (living or dead), under Sections 90(2), 90(3)(a) and 90(3)(b) and of the Act.**
2. **This resolution will be reviewed on or before 30 June 2013 by the Alwyndor Management Committee.**

CARRIED

RESUMPTION:

I Pratt moved and Cr S Lonie seconded that the Alwyndor Management Committee resume as an open meeting of Alwyndor Aged Care at 8.00 pm

CARRIED

12. DATE OF NEXT MEETING

Next Ordinary Meeting of the AMC will be held 19th March 2013 at 6.30pm

Venue: Alwyndor Meeting Room

Noted by the Alwyndor Management Committee

Apologies:

Mr T Evans

Noted by the AMC

The AMC noted an invitation from the Men's Shed Volunteers to attend the Alwyndor Anzac Day Ceremony to be held in the Lifestyle Hub at 11.00am on 23 April 2013.

13. ALWYNDOR MANAGEMENT COMMITTEE MEETING DATES FOR 2013

Member	Term Expires	19 Feb	19 March	16 April	21 May	18 June	16 July	20 Aug	17 Sept	15 Oct	19 Nov	17 Dec
N.Hakof	July 2013											
I. Pratt	July 2013											
D.Royans	July 2013											
C.Cotton	July 2014											
VACANT												
K. Stevens	July 2014											
M.Bower	July 2014											
T. Evans	April 2015											
R.Clancy	NA											
S Lonie	NA											

Key:

- In attendance
- Apology

Noted by the AMC

14. MEETING CLOSURE

The Chairman thanked all members for their contribution and declared the meeting closed at 8.02 p.m.

Mr Greg Potter
General Manager

Mr Nick Hakof
Chairman

Distribution:

Mr N Hakof, Ms C Cotton, Mr I Pratt, Cr R Clancy, Cr S Lonie, Mr D Royans, Ms K Stevens, Mr M Bower, Mr T Evans.

Others:

General Manager, Manager Residential Care, Manager Community Services, Operations Manager, Chief Executive Officer-City of Holdfast Bay, Governance Officer CHB, Master File.

Item No: **13.2**
Subject: **DEVELOPMENT ASSESSMENT PANEL MINUTES – 27 FEBRUARY 2013**
Date: 26 March 2013
Written By: Governance Officer
General Manager: City Services, Ms R Cooper

SUMMARY

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

The minutes of the Development Assessment Panel meeting held 27 February 2013 are presented to Council for information.

RECOMMENDATION

That the minutes of the Development Assessment Panel meetings held on 27 February 2013 be received.

COMMUNITY PLAN

A Place that is Well Planned

COUNCIL POLICY

Not applicable

STATUTORY PROVISIONS

Development Act 1993

BACKGROUND

The minutes of the Development Assessment Panel are presented to Council for information.

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.

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.

Minutes of the Development Assessment Panel of the City of Holdfast Bay held in the Kingston Room, Civic Centre, Jetty Road, Brighton, on Wednesday, 27 February 2013 at 7:00pm.

MEMBERS PRESENT

Presiding Member – G Goss
J Newman
N Sim
I Winter
R Clancy
T Looker
P Dixon

STAFF IN ATTENDANCE

Manager Development Services – A Marroncelli
Team Leader Development Assessment – C Watson

1. OPENING

G Goss welcomed the people in the gallery.

2. APOLOGIES

Apologies Received – Nil
Absent – Nil

3. DECLARATION OF INTEREST

Members were reminded to declare their interest before each item.

4. PRESIDING MEMBER'S REPORT

Motion

270213/0013

That the Presiding Member's Annual Report for 2012 be received and that the report is amended to refer to the decisions made in accordance with the officer's recommendation prior to it being presented to Council.

Moved by N Sim, Seconded by T Looker

Carried

5. CONFIRMATION OF MINUTES

Motion

270213/0014

That the minutes of the Development Assessment Panel held on 23 January 2013 be taken as read and confirmed.

Moved by T Looker, Seconded by P Dixon

Carried

6. DEVELOPMENT ASSESSMENT MATTERS

6.1 REDSCAPE PROPERTY FUND, 466 BRIGHTON ROAD, BRIGHTON (Report No 60/13)

DA NO.	:	<u>110/00782/12</u>
APPLICANT	:	<u>REDSCAPE PROPERTY FUND</u>
LOCATION	:	<u>466 BRIGHTON ROAD, BRIGHTON</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 26 APRIL 2012</u>
ZONE AND POLICY AREA	:	<u>DISTRICT CENTRE A</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>DEMOLITION OF EXISTING BOTTLE SHOP AND CONSTRUCTION OF RETAIL LIQUOR STORE, ASSOCIATED ADVERTISING SIGNS AND RECONFIGURED CAR PARKING</u>
EXISTING USE	:	<u>HOTEL AND DRIVE-THRU BOTTLE SHOP</u>
REFERRALS	:	<u>DPTI</u>
CATEGORY	:	<u>TWO</u>
REPRESENTATIONS	:	<u>ONE</u>
RECOMMENDATION	:	<u>REFUSAL</u>

Motion

270213/0015

Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, the Development Assessment Panel considers that the proposed development is seriously at variance with the Development Plan and that Development Application 110/00782/12 be refused Development Plan Consent, for the reason that it is contrary to Council Wide Principles 2, 29, 153, 157, 259, 261 and Introduction to District Centre A Zone and Zone Principle 2. More specifically, the application does not meet the intent of the Development Plan in relation to:

- Location within the Zone;
- Building scale and size;
- Location, scale and extent of signage; and
- Siting of building and insufficient landscape screening.

Moved N Sim, Seconded J Newman

Carried

7. REPORTS BY OFFICERS**7.1 Nil****7.2 Extension of Time – 110/00560/10
12 Kent Street, Glenelg (Report No: 61/13)**

Development application 110/00560/10 for a two storey residential flat building, comprising two dwellings with associated double garaging and roof top decking with stair enclosure was granted Development Plan Consent by the ERD Court on 1 March 2011. An extension of time expiring on 1 March 2013 was granted on 27 June 2012.

It is considered that there is merit for a further 12 month extension of time given the background.

Motion**270213/0016**

- 1. That pursuant to Section 40(3) of the Development Act 1993 and regulation 48(2) of the Development Regulations 2008, the Development Assessment Panel agrees to extend the operative date for Development Plan Consent granted to Development Application 110/00560/10 for a further 12 months expiring at midnight on 1 March 2014.**

Moved T Looker, Seconded I Winter

Carried**7.3 Extension of Time – 110/01145/08 - Development at 601-607 Brighton Road, Seacliff (Report No: 62/13)**

Development application 110/00129/08 for the construction of a residential flat building comprising 8 dwellings was granted Development Plan Consent by the Development Assessment Panel on 23 July 2008. Subsequently, the current development application 110/01145/08 sought minor variations to the original and was issued with approval on 21 January 2011, followed by an extension of time until approval until 22 January 2012, and a second extension of time granted by the DAP until on 21 January 2013. As development application 110/01145/08 has recently lapsed, this is the third extension of time that has been sought. It is considered there is merit for an extension time for an additional 12 months to allow for substantial commencement of development.

It is considered that there is merit for a further 12 month extension of time given the background.

Motion

270213/0017

That pursuant to Section 40(3) of the Development Act 1993 and regulation 48(2) of the Development Regulations 2008, the Development Assessment Panel agrees to extend the operative date for Development Plan Consent granted to Development Application 110/00129/08 and 110/01145/08 for a further 12 months expiring at midnight on 21 January 2014.

Moved T Looker, Seconded P Dixon

Carried

7.4 Appeal – 110/00815/12 - 30A Edwards Street, Brighton

On the 23 January 2013, the Development Assessment Panel refused a development application for the construction of a two storey detached dwelling with integral garage located on the eastern property boundary.

The proposal was refused for the following reason:

The proposal incorporates a garage that visually dominates the street elevation of the associated dwelling in terms of its width.

Motion

270213/0018

Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, the Development Assessment Panel considers that the development is not seriously at variance with the Development Plan and resolves to grant Development Plan Consent to Development Application 110/00815/12 subject to the following conditions:

- 1. That the design and siting of all buildings and structures and site works shall be as shown on the amended plans dated 11 January 2013 submitted to and approved by Council unless varied by any subsequent conditions imposed herein.**
- 2. That all upstairs windows on the western and eastern side elevations and northern rear elevation shall have minimum window sill heights of 1.7 metres above finished floor level, or any glass below 1.7 metres shall be manufactured obscure glass and fixed shut or as otherwise approved by Council. Further details of this requirement shall be provided at Building Rules Assessment stage.**

3. That a detailed landscape plan and schedule is submitted to Council prior to Development Approval to the reasonable satisfaction of Council and landscaping as detailed in the application for development shall be planted prior to occupation and shall be maintained in good health and condition at all times. Any such vegetation shall be replaced if and when it dies or becomes seriously diseased.
4. The external roof sheeting shall comprise manufactured pre-coloured sheet metal and shall not include zincalume, colorbond 'surfmist' or equivalent.
5. That stormwater from each dwelling shall be collected and connected to a 1000 litre (minimum) rainwater tank with a sealed system over flow connection to the street water table. Final details of the location and size of the tank(s) shall be submitted to Council for approval prior to the issue of full Development Approval. Furthermore, all stormwater from the dwelling and the site shall be collected and disposed of in a manner that does not adversely affect any properties adjoining the site or the stability of any building on adjacent sites.

NOTE:

Stormwater shall not be disposed of over a vehicle crossing place and any connection to the street water table, including remedial works to footpaths, verges or other Council infrastructure, is subject to any necessary approvals from Council and will be at the applicant's cost.

6. That the finished level of the crossover at the property boundary shall be a minimum of 75mm above the top of kerb in accordance with AS2890.1 and the maximum gradient of the driveway shall not be greater than 5% across the footpath, with the invert profile conforming to AS2876. Furthermore, the footpaths on either side shall be graded to the driveway preventing tripping hazards at this junction, without any steep grades along the footpath. The provision for vehicle crossovers and inverts, and reinstatements of existing crossovers not required by the development, be constructed at the owner's expense. The maximum length along the kerb of inverts must not exceed 5.5 metres. Requests for inverts greater in length may be considered, but will require separate approval from the City Assets Department.
7. Any change in levels along external site boundaries of 200mm or more shall be retained to suitable engineering standards and any fencing shall be erected on top of such retaining walls. Construction of all retaining walls shall be undertaken and completed prior to the commencement of construction of the dwelling(s) herein approved.

8. That construction shall take place between 7am and 7pm Monday to Saturday and not on Sundays or public holidays. All such work shall be undertaken in such a manner so as not to, in the reasonable opinion of Council, cause any nuisance or annoyance to any of the occupiers of buildings within the locality. Any work outside of these hours requires the written approval of Council.
9. That dust emissions from the site shall be controlled by a dust suppressant or by watering (subject to any relevant water restrictions) regularly to the reasonable satisfaction of Council.
10. That the builder shall at all times provide and maintain a waste receptacle to the reasonable satisfaction of Council on the site in which and at all times all builder's waste shall be contained for the duration of the construction period and the receptacle shall be emptied as required.
11. That all hard building materials, waste and litter on site be stored in a manner that secures it on site during the construction works.
12. That no solid or liquid trade wastes be discharged to the stormwater system.
13. That all domestic mechanical plant and equipment, including air conditioners, should be selected, designed, and installed to comply with the following mandatory criteria:
 - (a) Noise level not to exceed 52dB(A) between the hours of 7am and 10pm when measured and adjusted at the nearest residential zone interface in accordance with the Environment Protection (Noise) Policy 2007*, and
 - (b) Noise level not to exceed 45dB(A) between the hours of 10pm and 7am when measured and adjusted at the nearest residential zone interface in accordance with the Environment Protection (Noise) Policy 2007*, and
 - (c) Where marked with an * the above noise levels must include a penalty for each characteristic where tonal/modulating/impulsive/ low frequency characteristics are present in accordance with the Environment Protection (Noise) Policy 2007.

Moved J Newman, Seconded N Sim

Carried

7.5 Appeal – 7 Mann Street, Seacliff Park (Report No: 64/13)

On the 24 October 2012, the Development Assessment Panel refused a development application for Variation to DA 110/00373/06 (proposed extension to existing dwelling and garage extension to front (and pergola to rear and shed at rear of site)) – comprising the extension of garage 1.65m forward of the main face of the associated dwelling and increased wall height to 3.5 metres and the construction of a protruding facade forward of the main face of the associated dwelling comprising rendered posts and parapet.

The proposal was refused for the following reasons:

1. Council Wide Principle of Development Control 74(g), which states:

The appearance of land and buildings should contribute to the desired future character of the relevant Zone or Policy Area, in terms of built form elements such as facade articulation.

2. Council Wide Principle of Development Control 89(a) and (b), which states:

Garages and carports should not visually dominate the street elevation of the associated dwelling in terms of their width and have a roof form and pitch, building materials and detailing that complement those of the associated dwelling.

3. Council Wide Principle of Development Control 91(a), which states:

Domestic outbuildings (including garden sheds, garages and carports) should not detract from the visual appearance of the site as viewed from neighbouring properties due to their size and location relative to property boundaries.

4. Council Wide Principle of Development Control 93(a), (b) and (c), which states:

Carports and garages should be setback as to not diminish the attractiveness of the streetscape, not dominate the views of the dwelling from the street and have regard to the desired future character of the area.

5. Residential Zone Objective 1, which states:

Development should be in accordance with the desired future character statement which incorporates garaging set back clearly behind the immediately adjacent part of the front building façade.

Motion**270213/0019**

Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, the Development Assessment Panel advise the Environment, Resources and Development Court and the applicant that it does not support the amended proposal to Development Application 110/00270/12.

Moved N Sim, Seconded R Clancy

Carried**7.6 Appeal – 3 Ocean Vista, Seacliff Park (Report No: 58/13)**

On the 26 September 2012, the Development Assessment Panel refused a development application for a land division (Torrens Title) creating two allotments from one in a hammerhead configuration. The applicant has subsequently lodged an appeal with the Environment Resources and Development Court and has submitted amended plans comprising Community Titles and relocation of a proposed carport associated with the existing dwelling. It is considered that the amendments are an improvement to the previous plans and contribute to addressing some of the reasons for refusal, which included size and shape of each allotment, vehicle access and parking and length and width of driveway.

Motion**270213/0020**

That the Development Assessment Panel advise the Environment Resources Development Court and the applicant that the Panel supports the amended plan and recommends that the Court grant Development Approval for Development Application 110/00040/12 (DAC 110/D001/12) subject to conditions as may be required by the Development Assessment Commission and the following Council requirement:

- 1. That the development be as shown on the amended Community Titles Land Division plan dated 15/02/13.**

Moved N Sim, Seconded J Newman

Carried

8. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING

- 8.1 J Newman queried whether deeming proposals to be 'seriously at variance' with the Development Plan, as a matter of course, was still appropriate, given that some proposals, when assessed on balance, may not always be seriously at variance with the Development Plan, notwithstanding the officer's recommendation for refusal. Similarly, J Newman queried if in circumstances where a proposal was deemed to be 'seriously at variance' with the Development Plan, whether this negated the need to proceed to a detailed assessment of the proposal.

9. CLOSURE

The meeting closed at 7:37pm.

CONFIRMED 27 March 2013

PRESIDING MEMBER

Item No: **13.3**

Subject: **AUDIT COMMITTEE MINUTES – 13 MARCH 2013**

Date: 26 March 2013

Written By: Personal Assistant to the General Manager Corporate Services

General Manager: Corporate Services

SUMMARY

The minutes of the Audit Committee meeting held 13 March 2013 are presented to Council for information and endorsement. Also included is a report to Council comprising the annual review of the Committee's activities.

RECOMMENDATION

1. **That the minutes of the Audit Committee meeting held 13 March 2013 be received and noted.**
 2. **That Council receive the Audit Committee's annual review of its activities for 2012.**
 3. **That Council:**
 - (1) **accounts for the resulting net reduction in annual infrastructure depreciation of \$320,400 in the next formal budget update;**
 - (2) **increases the capitalisation thresholds for infrastructure assets to \$10,000 for buildings and roads and \$6,500 for all other infrastructure assets;**
 - (3) **updates the current accounting policies to reflect these changes.**
-

COMMUNITY PLAN

A Place that Provides Value for Money

COUNCIL POLICY

Not applicable

STATUTORY PROVISIONS

Local Government Act 1999, Sections 41 and 126

BACKGROUND

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.

At its meeting on 13 March 2013, the Committee endorsed the report to Council of its activities for the 2012 calendar year.

Refer Attachment 2

CITY OF HOLDFAST BAY

Minutes of the meeting of the Audit Committee of the City of Holdfast Bay held in the Mawson Room, Civic Centre, 24 Jetty Road, Brighton on Wednesday 13 March 2013 at 6.30 pm.

PRESENT

Members

Chairman - Councillor TD Looker
Councillor A Roe
Mr A Neville
Mr M Kosonen
Ms V Brown

Staff

General Manager Corporate Services - Mr IS Walker
Manager Finance - Mr J Newton
Manager Finance & Administration Alwyndor Aged Care - Ms P Warburton
Manager Organisational Sustainability – Ms T Aukett

1. OPENING

The Chairman declared the meeting open at 6.37 pm.

2. APOLOGIES

- 2.1 For Absence - Nil
- 2.2 Leave of Absence - Nil

3. DECLARATION OF INTEREST

Members were reminded to declare any interest before each item.

4. CONFIRMATION OF MINUTES

Motion

That the minutes of the Audit Committee held on 5 December 2012 be taken as read and confirmed.

Moved by Councillor Roe, Seconded by Mr Kosonen

Carried

5. QUESTIONS BY MEMBERS**5.1 Without Notice****5.2 With Notice****5.2.1 Questions on Notice – Ms V Brown – WH&S Legislation (Report No: 76/13)****Question**

1. (a) *What positions at Council, have been identified as ‘Officers’ under the WH&S Legislation? (And have the independent Audit Committee Members clearly been excluded from this definition, having consideration of the definition of an Officer under the Corporations Act 2011)*
- (b) *What actions have been taken to ensure that ‘Officers’ are exercising ‘Due Diligence’ under the Act [Section 27 (5)]*

Background

Due Diligence is defined as

taking reasonable steps to:

- acquire and keep up to date knowledge of work health and safety matters
- gain an understanding of nature of business and associated risk and hazards
- ensure persons conducting the business have available for use:
 - appropriate resources and processes to minimise risks
 - appropriate processes for receiving and considering information regarding -incidents, -hazards and risks and an appropriate response time
 - processes for complying with any duty or obligation

“officer” of a corporation means:

- (a) a director or secretary of the corporation; or
- (b) a person:
 - (i) who makes, or participates in making, decisions that affect the whole, or a substantial part, of the business of the corporation; or

- (ii) who has the capacity to affect significantly the corporation's financial standing; or
- (iii) in accordance with whose instructions or wishes the directors of the corporation are accustomed to act (excluding advice given by the person in the proper performance of functions attaching to the person's professional capacity or their business relationship with the directors or the corporation);

"officer" of an entity that is neither an individual nor a corporation means:

- (a) a partner in the partnership if the entity is a partnership; or
- (b) an office holder of the unincorporated association if the entity is an unincorporated association; or
- (c) a person:
 - (i) who makes, or participates in making, decisions that affect the whole, or a substantial part, of the business of the entity; or
 - (ii) who has the capacity to affect significantly the entity's financial standing.

ANSWER – General Manager Corporate Services

1. Council has adopted a broad view that all members of its Leadership Team are 'officers' under the *Work Health Safety Act 2012*. The Leadership Team comprises the Chief Executive Officer, General Managers and Managers who have responsibility for managing staff, managing budgets and with matching authority to make decisions to deliver Council's strategic and operational outcomes. This broad view has been supported and reinforced by specific training with the Leadership Team.

Council has received advice from its legal adviser, Kelledy Jones, and the Local Government Association Workers Compensation Scheme (LGAWCS) that, under the new Act:

An elected member of Council is specifically excluded as being categorised as an 'officer'.

- a. There is no equivalent exemption in relation to 'independent' members of a committee of Council or a regional subsidiary established under the *Local Government Act 1999*.
- b. Under its terms of reference, Council's Audit Committee does not have any delegated decision-making powers, providing an advisory role making recommendations to Council and, as such,

its independent members are not 'officers' for the purposes of the *Work Health Safety Act 2012*.

- c. On the other hand, Council's Alwyndor Management Committee and Jetty Road Mainstreet Management Committee do have delegated powers to make decisions and, as such, members are 'officers' under the Act.
 - d. Similarly, Council's regional subsidiaries, Western Region Waste Management Authority (WRWMA) and Southern Region Waste Resource Authority (SRWRA), also have decision-making powers in relation to the subsidiary's business and, as such, board members would be 'officers' under the *Work Health Safety Act 2012*.
2. Council has been working with the LGAWCS to ensure it complies with the *Work Health Safety Act 2012*. This has included:
- a. Training for Council's Leadership Team on the key changes in the new legislation, particularly its terminology and the broader definition of 'officer' plus specific training on key changes such as working at heights.
 - b. Inclusion of Work Health Safety as a topic at all meetings of the Senior Leadership Team and Leadership Team, with the expectation that it is included in all team meetings.
 - c. LGAWCS is updating its 'Model One System' suite of policies to reflect the new legislation. These are due for imminent release and will be incorporated into Council's suite of policies following review, tailoring, training and consultation.
 - d. A KPI Audit by LGAWCS to test Council's level of implementation and compliance. This has identified some gaps in Council's documentation that are being addressed.
 - e. Developing a Work Health Safety mapping tool originally developed at Alwyndor to apply across all of Council. This will be an improved web-based information portal with a user-friendly interface showing a graphical overview of Council's Work Health Safety framework with hyperlinks to policies, procedures and on-line forms.

Motion

That the Committee discussed the classification of an 'officer' under the Work Health Safety Act and notes the legal advice that independent members are not 'officers'.

Moved Ms Brown, Seconded Mr Kosonen

Carried

6. MOTIONS ON NOTICE - Nil**7. ADJOURNED ITEMS Nil****8. REPORTS BY OFFICERS****8.1 Audit Committee Standing Items March 2013 (Report No: 73/13)****Motion**

That the Audit 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

Moved Councillor Roe, Seconded Mr Neville

Carried

8.2 Mid-year Budget Review to 31 December 2012 (Report No: 74/13)**Motion**

That the Audit Committee advises Council that it has considered the mid-year 2012/13 budget review as at 31 December 2012.

Moved Mr Neville, Seconded Councillor Roe

Carried

8.3 2012-13 to 2031-32 Long Term Financial Plan (Report No: 75/13)**Motion**

That the committee note the adoption by Council of the 2012/13 – 2031/32 Long Term Financial Plan.

Moved Mr Kosonen, Seconded Councillor Roe

Carried

8.4 Review of Asset Useful Lives and Depreciation (Report No: 80/13)**Motion**

That the Audit Committee advises Council that:

- 1. It has considered a review of the useful life of footpaths, road sub-base, kerbing and drains and recommends the extension of their standard useful lives as contained in this report.**
- 2. It recommends the resulting net reduction in annual infrastructure depreciation of \$320,400 be accounted for in the next formal budget update.**
- 3. It recommends that the capitalisation thresholds for infrastructure assets be increased to \$10,000 for buildings and roads, and \$6,500 for all other infrastructure assets.**
- 4. It recommends that the current accounting policies be updated to reflect these changes.**

Moved Councillor Roe, Seconded Mr Kosonen

Carried

8.5 Risk Management Update – Strategic Risks (Report No: 84/13)**Motion**

That the Audit Committee advises Council that it has received and considered a report on strategic risks.

Moved Ms Brown, Seconded Mr Neville

Carried

8.6 2013 Work Program (Report No: 91/13)**Motion**

- 1. That the Committee adopts the following meeting schedule (subject to additional meetings being called if required):**
 - Wednesday 8 May 2013**
 - Wednesday 7 August 2013**
 - Wednesday 16 October 2013**
 - Wednesday 11 December 2013**
- 2. That the work program outlined in Report No: 91/13 be adopted.**

Moved Mr Neville, Seconded Councillor Roe

Carried

8.7 Internal Audit Update Report (Report No: 93/13)

That the Audit Committee advises Council that it has received and considered the Internal Audit Update Report of March 2013.

Moved Mr Kosonen, Seconded Ms Brown

Carried

8.8 Three Year Internal Audit Plan Update (Report No: 94/13)

That the Audit Committee advises Council that it has received and considered the Three Year Internal Audit Plan Update Report of March 2012.

Moved Mr Neville, Seconded Mr Kosonen

Carried

9. REPORTS BY MEMBERS**9.1 Operations of the Audit Committee for the 2012 Year (Report No: 72/13)****Motion**

That the report be endorsed and presented to Council.

Moved Mr Neville, Seconded Mr Kosonen

Carried

10. ACTION ITEMS

The Action Items were tabled and discussed.

11. URGENT BUSINESS – Subject to the leave of the meeting

The Presiding Officer, Councillor Looker, advised the Committee that Mr Kosonen's term is expiring and will not be renewed. His 3 years' service has been appreciated.

12. DATE AND TIME OF NEXT MEETING

The next meeting of the Audit Committee will be held on Wednesday 8 May 2013 in the Mawson Room, Civic Centre, 24 Jetty Road, Brighton.

13. CLOSURE

The meeting closed at 7.55 pm.

CONFIRMED Wednesday 8 May 2013

PRESIDING OFFICER

Item No: **9.1**

Subject: **OPERATIONS OF THE AUDIT COMMITTEE FOR THE 2012 YEAR**

Date: 13 March 2013

Written By: Councillor Tim Looker, Presiding Member

SUMMARY

This report provides an overview of the City of Holdfast Bay Audit Committee operations for the calendar year 2012. The Committee was established in accordance with the Local Government Act under Council approved Terms of Reference.

RECOMMENDATION

That the report be endorsed and presented to Council.

COMMUNITY PLAN

A Place to do Business
A Place that Provides Value for Money

COUNCIL POLICY

Insert appropriate Council Policy which is relates to

STATUTORY PROVISIONS

Local Government Act 1999.

BACKGROUND

Clause 5 of the Committee's Terms of Reference state:

"5.1 The Audit Committee shall, at least once per year following the adoption of the audited financial statements by Council, review its own performance, terms of reference and provide a report to Council including any recommended changes it considers necessary."

Meetings of the Audit Committee are in accord with a detailed work program linked to events in the annual financial cycle of Council, including Alwyndor.

During 2012 a total of 6 meetings were held exceeding the minimum required under the Local Government Act 1999 and the Committee's Terms of Reference.

Audit Committee Members' Attendance

Member	Number of meetings eligible	Number attended
Cr Tim Looker – Chairman	6	5
Cr Anthony Roe	6	6
Ms Vicki Brown	6	5
Mr Andrew Neville	6	6
Mr Mike Kosonen	6	6

REPORT

Summary of work done during the year

The Committee receives and reviews a 'standing items' report each meeting comprising:

- monthly financial statements;
- internal controls and risk management;
- whistle blowing;
- internal audit;
- economy and efficiency audits.

Significant items brought before the Audit Committee:

- Monitored the integrity of the financial statements of Council, including its annual reports, reviewing significant financial reporting issues and judgements which they contain.
- Monitored quarterly budget reviews.
- Advised Council that it has considered correspondence from the external auditor in relation to the audit of the 2010/2011 financial statements and notes the actions being taken.
- Met with Council's external auditor.
- Received the Audit Plan for the year ending 30 June 2012 from PKF and authorise the Acting Chairman to sign the engagement letter dated 11 April 2012.

- Reviewed the Draft 2012/13 – 2031/32 Long Term Financial Plan and noted that impending decisions of Council including the strategic property review will further inform this plan to reflect more realistic projections.
 - Received a briefing on Council’s asset management plan.
 - Received and considered a report on the recently completed asset revaluation at 30 June 2012.
 - Noted submissions arising from community consultation on the Draft 2012/13 – 2031/32 Long Term Financial Plan and Asset Management Plans.
 - Reviewed and provided recommendations to Council on the sustainability of Council’s financial performance.
 - Considered budget reviews;
 - Reviewed updated accounting policies, the application of accounting standards and appropriate estimates and judgements, taking into account the views of the external auditor.
 - Reviewed the internal audit functions.
 - Overviewed the work of the internal auditor.
- 3 Received and considered the updated Internal Audit Plan for the period March 2012 to June 2014.
- Noted actions arising from the review of internal controls.
 - Received a report on Risk Management and noted the implementation of an Enterprise Risk management Framework.
 - Noted the risk management review by the Local Government Mutual Liability Scheme.
 - Noted administration’s actions regarding risk management and reporting to the Audit Committee.
 - Discussed the new workplace safety legislation and its implication for Council and officers.
 - Received and considered a report on the introduction of the new Work Health & Safety Act 2012.
 - Noted the significant operations of Alwyndor and requested regular reports on standing items.

- Noted Council's participation in programs and reviews to improve its governance systems and processes.
- Reviewed and updated the Audit Committee Terms of Reference.

Summary of Recommendations made to Council and Administration

- Recommended that the Chief Executive Officer consider reimbursement of professional membership deemed essential for managers and officers to undertake their roles.
- Recommended that the Chief Executive Officer support the Internal auditor to undertake professional membership and training of the Institute of Internal Auditors.
- Advised Council it has received a report of Risk Management and noted the implementation of an Enterprise Risk Management Framework.
- Requested administration provide a report at the May Audit Committee meeting showing all risks rated extreme or high, including identification of controls in place and definitions for probability and consequence in the risk matrix.
- Recommended that consideration be given to include accounting for capital expenditure (capitalisation, controls and completion) in the Internal Audit Plan.
- Recommended that in the light of the Coroner's finding in relation to the death from a falling tree, of motorist, Rebecca Jolly, Council administration report to any implications arising for the City of Holdfast Bay and its management of risk posed by trees.
- Advised Council that it has reviewed the 2012/13 Annual Business Plan and Budget and noted the proposed operating surplus and encouraged Council to retain an operating surplus in its adopted budget.
- Recommended that Council treat internal audit as a priority and ensure allocation of adequate resources to this area including ad hoc high risk activities as required.
- Recommended to Council amendments to the Audit Committee Terms of Reference.

CONCLUSION

Now entering its 8th year of operation the Committee operates to a comprehensive work program following the annual financial cycle.

The expertise provided to the Committee by the independent members – Ms Vicki Brown, Mr Andrew Neville and Mr Mike Kosonen is appreciated and acknowledged.

The Committee is also grateful for the excellent administrative support provided by Mr Ian Walker, Mr John Newton, Ms Karen Peake, Ms Pam Warburton and other supporting staff.

The work of the Committee continues to contribute to the goals of the City of Holdfast Bay to ensure efficiency, financial sustainability with excellence in governance.

Item No: **14.1**
Subject: **ITEMS IN BRIEF**
Date: 26 March 2013
Written By: PA Corporate Services
General Manager: Corporate Services, Mr I Walker

SUMMARY

These items are presented for the information of Members.

After noting the report any items of interest can be discussed and, if required, further motions proposed.

RECOMMENDATION

That the report be noted and items of interest discussed.

COMMUNITY PLAN

A Place that Provides Value for Money

COUNCIL POLICY

Not applicable.

STATUTORY PROVISIONS

Not applicable.

BACKGROUND

Not applicable.

REPORT

14.1.1 Project Schedules

The City Assets- Infrastructure Unit's Monthly Updated Project Schedule is attached for Members information.

Refer Attachment 1

14.1.2 Use of Logo for External Organisation

The Freemasons Foundation in conjunction with the Royal Society for the Blind are holding My Eye Health programs to community groups throughout the state at various Council venues. They will be conducting a presentation at the City of Holdfast Bay on 15 May 2013 in the Kingston Room which Mayor Rollond will be attending to give a short speech.

This is to advise Elected Members that the organisation has requested the use of Council's logo to go on any advertising material and invitations to community groups, which we propose to supply.

14.1.2 Heritage and Character DPA – Interim Authorisation and Public Consultation

Following lengthy and technical negotiations with the Department of Transport and Infrastructure, the Minister for Planning has approved the Heritage and Character DPA for interim authorisation. Notices have been placed in the Government Gazette and in The Advertiser on Thursday 21 March 2013 advising that public consultation will commence and the DPA is immediately operational from that date.

A similar notice will appear in the Messenger dated 27 March 2013.

The eight-week public consultation period will end on 17 May 2013, a drop-in information session is scheduled for Wednesday 17 April (2-4pm and 5.30-7.30 pm), and a Public Hearing will be held on 29 May 2013. A separate Report will be submitted to Council seeking appointment of membership of the Public Hearing Committee.

The interim authorisation applies for a 12 month period, from 21 March 2013.

An Information Sheet, a 'frequently asked questions' Sheet, and a Feedback Sheet will be available from the Civic Centre and Libraries and Council's "Your viewhq" website.

Letters are being sent to the owners of all 24 properties being listed as Local Heritage Places. The above information, together with an Inventory sheet specific to the affected property will be enclosed with the letters which will be posted on Friday 22 March. Letters will also be sent to stakeholders identified in the DPA.

Item No: **14.2**

Subject: **MOBILE TRADING POLICY**

Date: 26 March 2013

Written By: Manager, Tourism and Marketing

General Manager: City Services, Ms R Cooper

SUMMARY

At Council's meeting on 13 November 2012, Resolution C131112/709 was carried as follows:

1. That Council discourages itinerant food vendors, free food, beverage give-aways and voucher distribution in the Glenelg precinct with the intention of showing support to local traders who endure the quiet cold winter season and whose viability is undermined by unfair competition in peak season.
2. That following the summer trading season, Administration report to council on this matter.

Following the 2012/13 events season, there are a number of changes required to the current Mobile Trading Van Policy to ensure Holdfast Bay remains a vibrant City, while ensuring permanent traders are not disadvantaged.

RECOMMENDATION

That Council endorses the updated Mobile Trading Policy.

COMMUNITY PLAN

A Place for Every Generation
A Place to do Business
A Place that Welcomes Visitors
A Place that Provides Value for Money
A Place that Provides Choices and Enhances Life

COUNCIL POLICY

Mobile Trading Van Policy, RS. 11.00.00-01.

STATUTORY PROVISIONS

Local Government Act 1999

Council By-law 3: Local Government Land, Section 2.36: Trading

BACKGROUND

On average there are 15 events per year that have sold food and/or drinks to the public on the fringe of the Jetty Road precinct within the last two years. In addition there have been four occurrences per year of activities where food based give aways have occurred as part of a marketing activity or radio station activity.

In the past, mobile traders have been allowed, in a limited capacity, to set-up a temporary presence within the areas retail precincts. Approval has been provided when the application has been part of a larger activity, such as a large scale event or as part of a stand alone promotional activity – this largely includes radio stations conducting outside broadcasts. Often these promotions include give away and promotional items, such as food, drinks and sunscreen. Those in direct competition with nearby traders are not allowed.

When the mobile trading forms part of a large scale event, Jetty Road traders are always provided with the opportunity to participate before any external vendors are commissioned.

On occasion unauthorised promotions have operated in the area without the knowledge of Council. When Council is made aware of these occurrences the inspectors are contacted to move them on.

REPORT

The current Mobile Trading Van Policy does not provide adequate detail to ensure that the operation of mobile trading activities are appropriate for the area and do not cause any nuisance to the surrounding residents or businesses.

Council's internal process allows the flexibility to access each case and either approve or deny use as deemed appropriate. This involved a permit system where each application is accessed on its merit and consultation with the Jetty Road Development Manager to ensure the interests of traders were covered.

As a result a number of assessment criteria was introduced to assist in vetting applications for mobile trade within the precinct, these have been included in the draft policy in order to acknowledge the concerns of Jetty Road Traders whilst still being able to deliver a vibrant atmosphere that benefits the entire community.

This is in line with the operating guidelines set out for Mobile Food Vendors within Adelaide City Council where mobile vendors are encouraged into spaces to create a vibrant atmosphere without compromising the trade of permanent retailers. Adelaide City Council has been actively encouraging mobile traders to 'enliven' the city and 'foster different and exciting food experiences on the city streets'.

BUDGET

Please note that the attached fee schedule, which has been updated, will be reflected in Council's fees and charges schedule included as part of the budget.

LIFE CYCLE COSTS

N/A



1. Preamble

1.1 Introduction

Regular requests are received from mobile traders to set up on Council land and/or the beach and foreshore to provide various goods and services.

This policy is intended for mobile businesses engaged in preparing and/or dispensing of goods or services within the City of Holdfast Bay.

1.2 Policy Objective

- To allow for the operation of trading activities in a manner that does not interfere or conflict with the City's permanent retail and service traders.
- To ensure that the operation of mobile trading activities are appropriate for the area and do not cause any nuisance to the surrounding residents or businesses.
- To ensure the amenity of the area is protected while enhancing the area's vibrancy and encouraging visitor and residents to the City.

1.3 Scope

This policy applies to all mobile trading on council land within the City of Holdfast Bay.

1.4 Definition

Mobile trading is defined as the temporary use of the public realm for of goods and services, either free of charge or at a cost.

2. Policy

2.2 Mobile trading cannot occur in any public place until a permit has been issued by Council, as per Schedule A.

2.3 Approval of permits will consider:

- a. Location;
- b. Permanent retail and service traders;
- c. Benefit to the community;
- d. Ambience created by the trader.

2.4 Council can modify or revoke a mobile trading permit as it sees fit

2.5 The permit is to be carried at all times while trading and produced upon request by an authorised Council representative or Police Officer.

2.6 Permanent Retail and Service Traders

- a. Permanent retail and service traders and the amenity of the Council area must not be adversely affected by mobile trading.
- b. Mobile traders must not set up within 25 metres of a permanent trader unless the mobile vendor has written agreement of permanent trader.



- 2.7 Mobile traders must;
- a. Enhance the vibrancy of the Council area;
 - b. Have an offering that encourage visitors and residents
- 2.8 Mobile trading must comply with the Local Government Act and relevant Council by-laws.
- 2.9 Mobile Trading Operations
- a. No fixed infrastructure, tables, chairs or signage or amplified sound are permitted.
 - b. All advertising must be fixed to the food vehicles and not encroach on the public realm.
 - c. Food vending on the footpath is only permitted in areas where there is adequate footpath space to accommodate it without compromising the safety of other street activities.
 - d. Exclusive use of an area is not permitted and areas are not able to be reserved.
 - e. The mobile vending area must be maintained at a high level of cleanliness. No waste or litter from the vendors operation may be disposed of in Council rubbish bins. All refuse generated as part of the operation must be continuously removed by the mobile trader. Failure to comply with these conditions may result in the permit being revoked.
 - f. Where the council has to undertake any cleaning or tidying of the area, the mobile trader will be liable to reimburse the Council for costs incurred.
 - g. Mobile Traders are not permitted to park on Council owned reserves.
- 2.10 Provision of permits
- a. The permit holder takes full responsibility for the care, appearance, maintenance and operation of their activity area and is responsible for abiding by all legislative requirements relating to the activity.
 - b. Permits are issued for a financial year.
 - c. It is preferred that permit requests are received prior to the start of the financial year.
 - d. Requests received during the financial year will be considered when received.
 - e. All requests, if approved, will be charged for a full year regardless of the date the request was received.
 - f. Applicants will need to demonstrate an appropriate level of public liability insurance. (See Schedule A)
- 2.11 Safety
- a. Safety measures required by mobile traders will be assessed on a case-by-case basis.
 - b. Mobile traders must comply with all legislative requirements relating to business operations, occupational health and safety, employment conditions and any other relevant requirements
 - c. All mobile food traders must comply with all health and food safety aspects as contained within the Food Act 2001 and Food Safety Standards. All mobile food traders will be subject to an inspection



from the Environmental Health team and will endure an annual fee as per the fees schedule.

- d. Safety of the public must be the primary consideration. Mobile traders must not compromise the safety of pedestrians or any other road users or any other users of the space.

Date **26 March 2013**

Mobile Trading Policy

Council

Author **Manager Tourism and Marketing**



Schedule A – Mobile Trading Process

1. Application for a Mobile Traders Permit

An applicant for a mobile traders permit must:

- Read the Mobile Trading Policy
- Complete the Mobile Trading Application Form.
- Include a detailed site plan showing proposed layout and locations of the mobile operation.
- Include a current copy of Public Liability Insurance for at least \$20,000,000.
- Pay the relevant application fee(s).

Mobile traders will receive written notification of Council's decision which will be accompanied by an invoice for the permit fee which must be paid prior to the permit being issued.

Mobile trading cannot occur in any public place until a permit has been issued by Council.

2. Restricted trading areas

In general terms the following areas are excluded from mobile trading, however applications may be considered in special circumstances at the discretion of Council:

- On the Glenelg Foreshore,
- Moseley Square,
- Brian Nadilo Reserve,
- Jetty Road and
- Glenelg Beach i.e. from the outlet of the Patawalonga Lake in the north, to the southern extremity of the Stamford Grand Hotel in the south.

3. Approval Process

On receiving an application Council will:

- Check that all relevant information has been received.
- Check the application to ensure it meets the intent and requirements of the Mobile Trading policy.
- Inspect the site and check accuracy of submitted application plans.
- Undertake an assessment of compliance with the permit conditions and non-competitive nature with businesses within the precinct.
- Assess application against other outstanding matters, which may relate to the premises.
- Approve or refuse the permit application.



The Council will notify the applicant of the outcome of the application in writing and will only issue a mobile trading permit upon the full payment of fees.

A permit is not transferrable.

Approval will be given from the date of issue until 5pm on 30 June of the same financial year.

Renewal of a mobile trading permit is required annually.

4. Insurance

- 4.1 Mobile traders must keep a current product and public insurance policy. The policy must insure for the amount of at least **TWENTY MILLION DOLLARS (\$20,000,000)** and must indemnify the City of Holdfast Bay and cover injury, loss or damage to persons or property arising from their mobile trading activity. A lesser amount might be accepted by Council, but this will be at the discretion of Council.
- 4.2 A Certificate of Currency must accompany the application for a mobile trading permit.



Schedule B – Fees

Fee Type	Dollar Amount
Mobile Trading Permit Fee (Annual fee)	\$500.00
Mobile Trading Permit Fee (Annual fee) non-motorised	\$300.00
Where the Mobile Vendor is based in the City of Holdfast Bay Environmental Health inspection fee (per annual inspection, at the place of business)	\$80.00 + GST
Where the Mobile Vendor is not based in the City of Holdfast Bay Environmental Health inspection fee (per site inspection)	\$40.00 + GST

* Fees are subject to change and are current as at 1 March 2013. All fees and charges are approved by Council.

Item No: **14.3**

Subject: **GLENELG CHRISTMAS PAGEANT**

Date: 26 March 2013

Written By: Manager Marketing & Tourism

General Manager: City Services, Rachel Cooper

SUMMARY

In August 2012 Council approved an increase of \$10,000 to the financial support of the event. This decision was made on the basis that the event has large community appeal but does not provide a strong benefit to traders within the precinct. Council requested a follow up report, following the staging of the 2012 event, to discuss future funding options.

RECOMMENDATION

- 1. Council and the Jetty Road Mainstreet Management Committee jointly contribute 50% towards the cost of the 2013 Glenelg Christmas pageant.**
 - 2. The 2013/14 amount to be \$28,400 plus in-kind contributions.**
 - 3. Council's contribution to the pageant is to be reviewed each financial year as part of the budget process.**
-

COMMUNITY PLAN

A Place that Celebrates Culture
A Place to do Business
A Place that Welcomes Visitors
A Place that is Well Planned

COUNCIL POLICY

Not applicable

STATUTORY PROVISIONS

Not applicable

BACKGROUND

On 14 August 2012, Council endorsed resolution C140812/610, being:

That Council notes the Committee's recommendation regarding CCTV in the Glenelg precinct.

3. *That further reports be presented to Council:*

- (a) regarding a proposed \$10,000 cash contribution to the Christmas Pageant; and*
- (b) in consultation with the Mainstreet Board, on the future of the Glenelg Christmas Pageant.*

The Glenelg Christmas Pageant is an iconic event that has been successfully staged for over 60 years. It has grown in popularity over this time and in 2012 attracted an audience of approx. 19,000 people. Previously, the event has been funded by the Jetty Road Mainstreet Management Committee (JRMMC) as a way of attracting people to shop at Jetty Road Glenelg. The budget for the 2012 event was \$62,040 with \$10,000 cash and \$7,040 in-kind being contributed by Council.

REPORT

Over recent years the JRMMC has received anecdotal feedback from traders that while the event does attract large crowd numbers to Glenelg, it is not a good trading day. Bearing this in mind, the JRMMC sought feedback from traders after the 2012 event.

Findings from the traders showed that the day of the event is, in fact, one of the worst trading days of the season. Further information was also sought from the Rundle Mall traders to better understand the effect of the Credit Union Christmas Pageant on sales. The Rundle Mall traders have indicated that similar to Jetty Rd, pageant day receives one of the lowest trading revenue. This is largely due to families coming to the precincts for the purpose of experiencing the pageant and not to shop. Some food and beverage outlets do have a busy morning, but the crowd disperses quickly after the pageant ends.

To ensure the continued success of the pageant it is recommended that funding is shared more equitably between Council and the JRMMC. The pageant has a strong appeal for families and often attracts both parents and grandparents attending with children. In addition, the pageant links to Councils other major events, such as New Year's Eve and Australia Day, which also have a family friendly focus.

BUDGET

The budget implications are as follows:

Item	2012/13	2013/14
Council in-kind	7,040.00	7,250.00
Council cash	10,000.00	28,400.00
JRMMC	45,000.00	28,400.00
Total	\$ 62,040.00	\$ 64,050.00

LIFE CYCLE COSTS

If approved, this expenditure would be considered during future budgeting process.

Item No: **14.4**

Subject: **APPOINTMENTS TO THE EXECUTIVE COMMITTEE**

Date: 26 March 2013

Written By: Governance Officer

General Manager: Corporate Services

SUMMARY

The Executive Committee of Council was established to manage Elected Member Code of Conduct complaints and the Chief Executive Officer's performance review.

Council has previously made appointments to the Executive Committee for a term of one year. The current appointments of the members of the committee have expired. It is recommended that appointments are made to conclude with the end of the current council term.

RECOMMENDATION

That Council appoints following members to the Executive Committee for a remaining term of 19 months from 1 April 2013 until 30 November 2014:

- **The Mayor**
 - **Deputy Mayor**
 - **Councillor _____ - Brighton Ward**
 - **Councillor _____ - Glenelg Ward**
 - **Councillor _____ - Seacliff Ward**
 - **Councillor _____ - Somerton Ward**
-

COMMUNITY PLAN

A Place that Provides Value for Money

COUNCIL POLICY

Not applicable.

STATUTORY PROVISIONS

Not applicable.

BACKGROUND

Council last appointed members to the Executive Committee in October 2011, for the period from 1 December 2011 – 30 November 2012. As these appointments have expired, for the Executive Committee to continue to perform its role new appointments are required to be made.

REPORT

The Executive Committee was established to receive and consider Elected Member Code of Conduct Complaints and to determine the Chief Executive Officer's employment contract and performance appraisal.

<i>Terms of Reference:</i>	Refer Attachment 1
<i>Delegations:</i>	n/a
<i>Operating Procedures:</i>	Meetings conducted in accordance with Part 3 of the Local Government (Procedures at Meetings) Regulations 2000
<i>Term of Appointment:</i>	Up to four years
<i>Sitting Fees Paid:</i>	n/a
<i>Meeting Timetable:</i>	Meets on an as needs basis.
<i>Membership:</i>	Mayor Deputy Mayor One Member from each ward

Council at its inaugural meeting on 23 November 2010 appointed Mayor Rollond, Deputy Mayor Councillor Clancy, Councillor Huckstepp (Seacliff Ward), Councillor Patterson (Somerton Ward), Councillor Fisk (Glenelg Ward) and Councillor Donaldson (Brighton Ward) to serve on the Executive Committee for one year with their term expiring on 30 November 2012.

The Executive Committee of Council was established to manage Elected Member Code of Conduct complaints and the Chief Executive Officer's Annual Performance Appraisal.

As the term of the current members on the executive committee has expired on 30 November 2011 and new appointments to the committee need to be made.

It is proposed that the appointments to the Executive Committee will be for the period 1 April 2013 to the end of the current council term.

BUDGET

There are no budget implications from this report.

LIFE CYCLE COSTS

There are no life cycle costs.



Executive Committee Terms of Reference

Endorsed by Council at its Meeting of 23 November 2010 Minute No: C231110/012

1. Introduction

The Executive Committee was established to manage the Elected Member Code of Conduct Complaints and the Chief Executive Officer's annual performance appraisal.

2. Purpose of the Committee

The purpose of the Executive Committee is to:

- Undertake a consistent process for the handling of allegations and complaints regarding breaches of the Elected Member Code of Conduct ("the Code").
- Ensure that the principles of natural justice are upheld and applied with respect to investigations and alleged breaches of the Code.
- Undertake a fair process for the Chief Executive Officer's annual performance appraisal.

3. Functions of the Committee

3.1 The functions of the Committee are –

- 3.1.1 To investigate allegations and complaints of breaches of the Code in accordance with the Elected Members – Complaints Handling Procedure.
- 3.1.2 To determine what, if any, action is required in relation to a breach of the Code.
- 3.1.3 To comply with the Elected Members – Complaints Handling Procedure.
- 3.1.4 To undertake the annual performance review of the Council's Chief Executive Officer with such assistance as the Committee and Chief Executive Officer deems necessary.
- 3.1.5 To make recommendation to the Council regarding the Chief Executive Officer's salary review.

4 Status of the Committee

The Executive Committee is a special purpose Committee of the City of Holdfast Bay constituted in accordance with Section 41 of the *Local Government Act 1999*.

5 Term of the Committee

Executive Committee Terms of Reference

Endorsed by Council at its Meeting of 23 November 2010 Minute No: C231110/012

- 5.1 The term of appointment of the Members of the Committee shall be as determined by the Council.
- 5.2 A Committee Member's office will become vacant upon the Member ceasing to hold office as an Elected Member of the Council.
- 5.3 In the event of a vacancy in the office of a Member of the Committee the Council shall, if it deems fit, appoint another person as a Member of the Committee on such terms and conditions as determined by the Council.

6 Reporting Requirements

The Executive Committee will present its minutes to Council for information and consideration of any recommendations from the committee.

7 Code of Conduct

- 7.1 All members of the Executive Committee are required to operate in accordance with Part 4 of the Local Government Act 1999, in that they are required at all times to:
 - 7.1.1 act honestly in the performance and discharge of official functions and duties;
 - 7.1.2 act with reasonable care and diligence;
 - 7.1.3 not make improper use of information or his or her position; and
 - 7.1.4 abide by the City of Holdfast Bay Elected Member Code of Conduct
- 7.2 All members of the Committee will support as one the decisions of the Committee and will work with other members of the Committee and with employees of the City of Holdfast Bay in a respectful and professional manner at all times.

8 Membership

- 8.1 Membership of the Committee shall consist of –
 - 8.1.1 The Mayor;
 - 8.1.2 The Deputy Mayor;
 - 8.1.3 Four other Elected Members, one from each ward appointed by the Council.

9 Method of Appointment of Members

The Council at its first meeting will appoint members to the committee.

10 Office Bearers

Executive Committee Terms of Reference

Endorsed by Council at its Meeting of 23 November 2010 Minute No: C231110/012

- 10.1 The Mayor of the Council shall be the Chairperson of the Committee and the Committee shall elect a Deputy Chairperson from amongst its Members as soon as practicable after the Local Government General Election for such term as the Committee determines.
- 10.2 The Deputy Chairperson will act in the absence of the Chairperson and if both the Chairperson and Deputy Chairperson are absent from a meeting of the Committee, a Member of the Committee will be chosen from those present to preside at the meeting as the Acting Chairperson.

11 Meeting Procedures

All meetings of the Executive Committee will be held in accordance with Part 3 of the Local Government (Procedures at Meetings) Regulations 2000, the Local Government Act 1999 and the City of Holdfast Bay Code of Practice for Meeting Procedures and any additional procedures identified in these Terms of Reference.

12 Meetings

- 12.1 The Executive Committee shall as required.
- 12.2 Meetings will not be held before 5:00pm unless the Committee resolves otherwise by a resolution supported unanimously by all members of the council committee.

Item No: **14.5**

Subject: **ELECTED MEMBER TRAINING REQUEST – KELLEDY JONES LAWYERS
LIVE WEB SEMINAR SERIES – GOVERNANCE SUPPORT**

Date: 26 March 2013

Written By: Governance Officer

General Manager: Corporate Services, Mr I Walker

SUMMARY

Councillor Yates has expressed an interest in attending the Seminars 3 to 10 of the Kelledy Jones Lawyers Live Web Seminar Series – Governance Support. The cost of participation in these seminars is \$792.00.

RECOMMENDATION

That Councillor Yates be approved to attend Seminars 3 to 10 of the Kelledy Jones Lawyers Live Web Seminar Series – Governance Support at a total cost of \$792.00.

COMMUNITY PLAN

A Place that Provides Value for Money

COUNCIL POLICY

Elected Member Training and Development Policy

STATUTORY PROVISIONS

Local Government Act 1999

BACKGROUND

Council has not considered this request previously.

REPORT

Councillor Yates has expressed an interest in attending Seminars 3 to 10 in the Kelledy Jones Lawyers Live Web Seminar Series – Governance Support.

This program is designed to provide governance support to avoid poor decision making. The introduction of new legislation, the commencement of ICAC and the mandatory Codes of Conduct are just some of the considerations. Whilst it has always been necessary to have command of the fundamental tools to maintain good governance standards, these tools are of even more importance during this period of change.

The introduction of the Office for Public Integrity as another recipient of complaints and the challenges that lie ahead for Councils to demonstrate good decision making processes and to provide justification of decisions made by and on behalf of the Council is, arguably, now more important than ever.

Poor decision making or decision making that is not consistent with administrative law principles can give rise to concerns and hence challenges about proper process, procedural fairness/natural justice and to cast doubt about the validity of a decision. This, in turn, can give rise to allegations of corruption, misconduct and maladministration as part of or evidenced by the decision making process. As readers will know, these three areas are all matters within the responsibility of the Office for Public Integrity and ICAC.

The purpose of the Live Web Seminar Series is to deliver 10 seminars that provide governance support to avoid poor decision making, to be confident in dealing with questions about proper process and to be assured about the validity of a decision that could lead to allegations of corruption, misconduct or maladministration.

Refer Attachment 1

Councillor Yates has requested to attend seminars 3 to 10 in the series.

Council's Elected Member Training and Development Policy states:

"2.1.7 Elected Members are encouraged to attend Conferences as they provide opportunities to enhance his/her understanding of Local Government and to network with other Elected Members both within and outside of the State:-

a. Council will support the attendance by all members at one intrastate local government related conference, and one interstate local government related conference or similar every two years."

"2.1.8 Elected Members who wish to participate in appropriate training, other than that provided to all Elected Members, must seek approval from Council prior to registering in any program, seminar or other development activity.

Refer Attachment 2

Councillor Yates has not attended any intrastate conferences in the past two years which would exclude her participation in the Live Web Seminar Series.

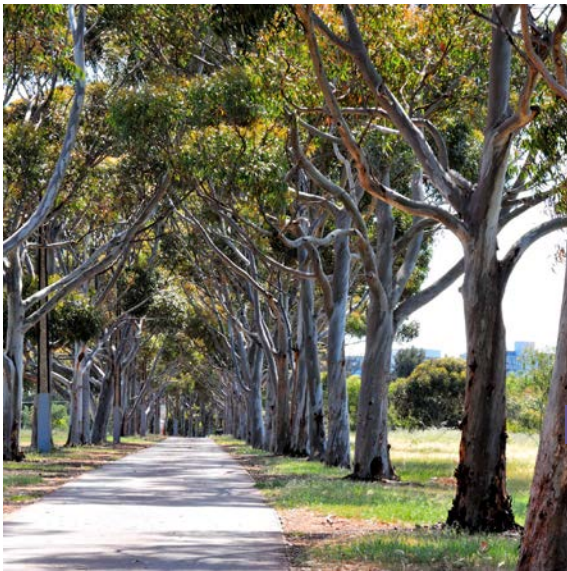
BUDGET

Attendance in costs \$792.00 per delegate.

The Elected Members Training budget for 2012/13 is \$ 13,000, and there is sufficient money in the budget to accommodate this cost.

LIFE CYCLE COSTS

There are no life cycle costs associated with this report.



Live Web Seminar Series

Governance Support

Prevention is better than cure: and much more cost effective!

This year is one of the most significant for local government in recent decades. The introduction of new legislation, the commencement of ICAC and the mandatory Codes of Conduct are just some of the considerations. Whilst it has always been necessary to have command of the fundamental tools to maintain good governance standards, these tools are of even more importance during this period of change.

The introduction of the Office for Public Integrity as another recipient of complaints and the challenges that lie ahead for Councils to demonstrate good decision making processes and to provide justification of decisions made by and on behalf of the Council is, arguably, now more important than ever.

Poor decision making or decision making that is not consistent with administrative law principles can give rise to concerns and hence challenges about proper process, procedural fairness/natural justice and to cast doubt about the validity of a decision. This, in turn, can give rise to allegations of corruption, misconduct and maladministration as part of or evidenced by the decision making process. As readers will know, these three areas are all matters within the responsibility of the Office for Public Integrity and ICAC.

The purpose of the Live Web Seminar Series is to deliver **10 seminars** that provide governance support to avoid poor decision making, to be confident in dealing with questions about proper process and to be assured about the validity of a decision that could lead to allegations of corruption, misconduct or maladministration.

Who should Participate?

- Chief Executive Officers and Senior Managers;
- Governance Managers and Governance Support Staff;
- Elected Members; and
- Executive Assistants.

What is a live web seminar?

A live web seminar is an online seminar.

All that is required to participate is broadband (internet connection) and a phone line.

The live web seminar will allow you to view presentations by logging in via a website, and dialling a phone number (to hear sound). You will be able to view the PowerPoint presentation and ask questions via a question tab (or via the phone line). There will also be an opportunity for you to ask questions in advance of the seminar to ensure you receive an answer during the presentation.

It is recommended that you use a phone which has speaker capability so you are able to have your hands free to take notes. No specialised software or other features are required.

Presenters

Natasha Jones will be the primary presenter for these sessions, assisted by other team members as relevant.

Cost

\$90.00 + GST per person for each session or \$810.00 + GST (discounted cost) per person for all 10 sessions.

Content – Timetable

1. Confidentiality and Minimising the use of Orders	Thursday 28 February, 12.30pm
Tips on how to minimise the use of the confidentiality provisions in light of the Ombudsman’s recent audit.	
2. The importance of understanding Integrity in Public Office	Thursday 28 March, 12.30pm
What does holding ‘public office’ really mean and why is it so important to understand.	
3. Role of Committees, Advisory Groups and Working Parties – What is legal?	Thursday 18 April, 12.30pm
An overview of the role and purpose of a Council’s decision making framework will be discussed.	
4. Terms of Reference for a Committee – Why have them and what should they include?	Thursday 30 May, 12.30pm
The recommended requirements of Terms of Reference will be canvassed.	
5. Delegations and Authorisations – Who can do what? Are they different?	Thursday 27 June, 12.30pm
The proper process for delegating powers and functions of the Council will be addressed, including the difference between authorisations and delegations.	
6. Review of Delegations – The necessary and the unnecessary	Thursday 25 July, 12.30pm
The necessary requirements of a review and tips to make the process and your scheme of delegations easier.	
7. Frequently asked Meeting Procedure Questions and Minute Taking	Thursday 29 August, 12.30pm
Some of the more frequently asked questions relating to meeting procedures will be explored such as when a Council decision results in ‘no decision’.	
8. Appointment to External Boards – the critical considerations	Thursday 26 September, 12.30pm
The important considerations for a Council and Elected Members who make appointments to external boards, including conflict of interest considerations will be addressed.	
9. What is the ‘Public Interest’ and when is it used?	Thursday 31 October, 12.30pm
The ‘public interest’ test can arise when the Council is considering matters in confidence and under Freedom of Information Legislation – but what does it really mean?	
10. Governance Issues for Development Assessment Panels	Thursday 28 November, 12.30pm
While the Council’s DAP performs the planning assessment function as the delegate of the Council there are also governance issues that the Council and DAP must have regard to.	

Registration Form

Please fill in the form below, one for each person attending, and then please either fax or email the completed forms to Wendy Bozzett on 08 8113 7199 or wbozzett@kellyjones.com.au

Once registered we will send you a website address and a confidential personal login, as well as a phone number to dial on the day.

I would like to participate in the following live web seminars (please tick)

- | | |
|---|--|
| <input type="checkbox"/> All 10 Sessions - \$810.00 + GST | <input type="checkbox"/> Session 6 only - \$90.00 + GST |
| <input type="checkbox"/> Session 1 only - \$90.00 + GST | <input type="checkbox"/> Session 7 only - \$90.00 + GST |
| <input type="checkbox"/> Session 2 only - \$90.00 + GST | <input type="checkbox"/> Session 8 only - \$90.00 + GST |
| <input type="checkbox"/> Session 3 only - \$90.00 + GST | <input type="checkbox"/> Session 9 only - \$90.00 + GST |
| <input type="checkbox"/> Session 4 only - \$90.00 + GST | <input type="checkbox"/> Session 10 only - \$90.00 + GST |
| <input type="checkbox"/> Session 5 only - \$90.00 + GST | |

Name:.....

Council:

Title:

Phone:

Email:

Address:

Payment:

Once this registration form is received, we will confirm your registration via email and send you an invoice. Payment is required no later than 7 days prior to the live web seminar.

Cancellation Policy:

We will require a minimum of 10 registrants per seminar to proceed.

Program Changes:

We reserve the right to defer and amend the program as required.

1 Preamble

1.1 Background

- 1.1.1. The City of Holdfast Bay supports the ongoing development of its Elected Members to enable them to engage in the decision making process with the appropriate knowledge, skills and competencies to undertake their Elected Member role
- 1.1.2. The training needs of Elected Members will be specific to their legislative and governance roles and functions
- 1.1.3. The City of Holdfast Bay recognises that the successful discharge of the role of the Elected Member is assisted by the provision of a range of training opportunities that include, but are not limited to:
 - a. Information sessions
 - b. Briefing on topical matters
 - c. Elected Member Workshops
 - d. Skills development
 - e. Conferences and seminars
- 1.1.4. A range of delivery methods will be considered, dependent upon the needs of the Members and the topic under consideration.

1.2 Purpose

- 1.2.1. This policy provides the framework under which the City of Holdfast Bay (Council) will provide appropriate training for Elected Members.

1.3 Scope

- 1.3.1. This policy applies to Elected Member of the City of Holdfast Bay.

1.4 Definitions

The following definitions apply to this policy:

- 1.4.1 **Training and Development** – personal skills related to activities as an Elected Member (i.e. public speaking, finance, leadership) specific to, and directly related to, Local Government.
- 1.4.2 **Conferences and seminars** (directly related to the role of an Elected Member) – includes workshops and forums, specific to, and directly related to, Local Government.
- 1.4.3 **Elected Member Workshops** – organised by City of Holdfast Bay staff on topics of immediate interest to Elected Members.

2 Policy Statement

- 2.1.1. Council is committed to providing training and development activities for its Elected Members to assist them in the performance and discharge of their functions and duties.
- 2.1.2. Council will provide an annual budget allocation to support the training and development activities undertaken by Elected Members.
- 2.1.3. Council will maintain a training and development plan.
 - a. The plan will be developed within two (2) months of a general election and annually from that date.

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- 2.1.4. Particular emphasis will be given in the training plan to the training needs of new Elected Members joining the City of Holdfast Bay following a general or supplementary election.
- 2.1.5. A range of strategies will be used to identify the training and development needs of Elected Members including:
- a. Surveys and questionnaires; and
 - b. Elected Member self-assessment and referral
- 2.1.6. The range of training delivery methods will include, but not be limited to:
- a. Training and development sessions provided by the Local Government Association (LGA) and other recognised providers. This training may be delivered in-house or externally
 - b. Informal briefing sessions
 - c. Conferences and seminars offered by organisations such as the LGA, Australian Local Government Association, Local Government Managers Australia and other providers that provide an opportunity for Elected Members to gain information and network with Elected Members and staff of other Councils from within and outside of South Australia
 - d. Purchase of training booklets and discussion papers for distribution to Elected Members for information
 - e. On-line training delivery
- 2.1.7. Elected Members are encouraged to attend Conferences as they provide opportunities to enhance his /her understanding of Local Government and to network with other Elected Members both within and outside the State.-
- a. Council will support the attendance by all members at one intrastate local government related conference, and one interstate local government related conference or similar every two years.
 - b. The Mayor and one elected member (or two elected members in the absence of the Mayor) may attend the Local Government Associations National Congress and AGM each year, with the understanding that different members will attend in different years. (Attendance at this Congress is to be included in 2.1.7 a above.)
 - c. Non-elected members of Council's committee's may also have the opportunity to attend a local government related conference with the approval of Council.
 - d. In approving a Members attendance at a conference, Council will take into account,
 - e. The relevance of the conference to the Member's role in Council,
 - f. The available budget
 - g. Whether the member has attended any previous conferences during the current term of council, ensuring that the opportunity to attend a conference is made equally available to all Elected Members
- 2.1.8. Elected Members who wish to participate in appropriate training, other than that provided to all Elected Members, must seek approval from Council prior to registering in any program, seminar or other development activity.
- a. If the cost of attendance at training is less than \$300 (including any related expenses), **either the Mayor or CEO may give approval to attend the training**, without the need for the matter to be put to Council. A note of the request and approval will be made in the next available Council meeting's Items in Brief report.

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- 2.1.9. A budget for Elected Member training and development will be approved each year as part of the annual budget process. This budget will be based on a dollar amount per elected member.
- a. If an individual member seeks to attend training and development, and the cost of this training will exceed the total budget allocation per member, then this will be identified in the Council report.
- 2.1.10. Where approval has been granted by City of Holdfast Bay for attendance at a training program/activity, an Elected Member may seek reimbursement of expenses in accordance with the relevant provisions of the Local Government Act and Regulations, and Council's Elected Member Benefits and Entitlements Policy..
- 2.1.11. All training undertaken by Elected Members will be recorded in the Register of Allowances and Benefits which will be updated as required to reflect attendances.
- 2.1.12. The City of Holdfast Bay's Annual Report will report on the attendance of Elected Members at any approved development activity.
- 2.1.13. Attendance at Council Workshops

In order to ensure that Elected Members have access to the wide variety of information necessary to make informed decisions, regular workshops will be scheduled for Elected Members. Examples of workshop topics include

- briefings from employees on current projects,
 - briefings from interested third parties on topical matters, and
 - training and development sessions.
- a. These workshops will be scheduled on the first Tuesday of each month, and prior to Council meetings.
- b. Elected Member workshops are not decision making forums. Rather they are opportunities to meet informally to hear about and discuss matters of interest without public scrutiny.
- c. Elected Member workshops may contain information which is of a sensitive commercial, political or personal nature and Members are required to respect the confidentiality of such information. Wherever practicable, workshop briefing notes will be made available to Elected Members prior to the workshop. Where the material is not identified as sensitive, Members may provide this information to members of the public at the conclusion of the workshop.
- d. Attendance at workshops is voluntary.

3 References

- 3.1.1. City of Holdfast Bay Elected Member Benefits and Entitlements Policy

3.2 Legislation

- 3.2.1. Local Government Act 1999

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Item No: **14.6**

Subject: **PARTRIDGE HOUSE FUTURE DIRECTIONS**

Date: 26 March 2013

Written By: Manager, Community Development

General Manager: City Services, Ms R Cooper

SUMMARY

Partridge House was built in 1899 as a private residence and in 1973 the Glenelg Council purchased the property for \$150,000 to use as a venue for functions and weddings.

The purpose of this report is to seek Council's endorsement regarding the future management model of Partridge House as identified in the feasibility study which has been undertaken and presented to Council in October 2012.

RECOMMENDATION

- 1. That Council approves the Operational and Management model as outlined in this report.**
 - 2. That Council approves the schedule of capital works and expenditure of \$550,000 for Partridge House as outlined in this report.**
 - 3. That Council approves changes to the hire fees to be in line with other similar venues as outlined in this report.**
-

COMMUNITY PLAN

A Place with a Quality Lifestyle
A Place for Every Generation
A Place that Celebrates Culture

BACKGROUND

The Social Needs and Community Infrastructure Planning and Analysis Study identified the need to review the use and management of Partridge House to increase its usage and profile. The Caretakers retired in April 2012 and since then a Council officer has been managing the house as well as undertaking a feasibility study on the house. Since Council has been managing the house, bookings and events have increased based on last year's numbers.

The feasibility report was undertaken to assist Council in deciding the future direction for Partridge House and was presented to Council in a workshop on 9 October 2012 and was also discussed at the Strategic Priorities Workshop on 30 October 2012.

The scope of the feasibility report included the following elements:

- Review all the options for the best use of the asset and recommend an Operational and Management model to ensure the best return, both financially and socially; and
- Potential renovation or extension of the facility retaining both community and private hiring of the facility.

The sale of the property or reduction in open space or was not considered in this study.

REPORT

The feasibility study identified a number of options to consider about how Partridge House should be operated in order to increase the utilisation, functionality and financial outcomes of the venue.

The model which best suits the future direction of the house is providing a combination of both a community centre and a commercial function centre. It's therefore recommended that Partridge House continues to stay as a community centre and source more community and commercial/private events to increase the usage of the venue. This operations model allows council to retain existing regular users (Community Groups), source commercial bookings and events, and gives council full control over the house and its maintenance.

This operational model will be managed by a Part-Time officer employed by Council dedicated to running Partridge House and will be located in an office on-site. This provides the ability to focus on selling the venue and increasing the income, reduce contractor expenditure and manage all the bookings and invoicing. The Part Time officer's salary will be paid using the current caretaker's allowance. There will be a difference of approximately \$9,000 which has been accommodated into the draft 2013/14 budget.

As part of the feasibility study a bench marking study was undertaken to look at similar function/community centres in the area. This benchmarking study demonstrates that the hire fees that Council charges for the venue are very low and in some instances are not covering administration and maintenance costs. For example Cummins House charges \$825 for a garden wedding ceremony, Carrick Hill charges \$550 and Partridge House has a hire fee of \$268. The fees and charges have been reviewed and have been increased to be in line with similar venues and will also help Council to recover costs on maintenance and administration overheads for the house. An overview of the benchmarking study can be found in attachment 1 and the proposed new hire fees can be found in attachment 2.

Refer Attachments 1 & 2

The feasibility study also recommends a number of capital work projects that need to be undertaken to update the venue and meet the expectations of current and future hires (refer to attachment 3 as a guide). These capital works projects will cost approximately \$550,000. The works include:

- new carpet and blinds throughout the house, covered in courtyard area;
- purchase of a marquee, chairs, trestles and Umbrellas for events;
- landscaping works throughout the grounds;
- bringing the house up to current building code and DDA standard;
- new fencing around the property;
- air-conditioning throughout;
- upgrade to the kitchen and toilets and general repairs and defects on the house.

Undertaking these capital works is essential to increasing and attracting new bookings and events for the house.

Refer Attachment 3

BUDGET

Currently there isn't a budget allocation for the Partridge House upgrade in the 2013/14 budget. The upgrades can be funded by a combination of two sources, being 1) utilising existing funds and/or 2) borrowings. If Council chose to borrow the full amount the repayment cost in the 2013/14 budget is approx. \$25,000 and a total of approx. \$150,000 over the ten year life of the loan. The income from Partridge House for the 2011/12 financial year was \$50,504 and its anticipated that the income for 2012/13 will be around \$56,300. If the upgrades are carried out and the new management model is approved, it is anticipated that the income for the 2013/14 financial year will be approx. \$62,000 (Increase of 10%). It is also anticipated that upgrades to the venue will allow Council to receive an average of 5-10% increase to revenue during the life of the loan.

Undertaking these upgrades and repairs will also reduce the maintenance cost of the house and keep the building at a high service level and address some areas of deficiency. Many aspects of the house are coming to the end of their life and replacement of these things is more cost effective than the maintenance cost over the next few years.

LIFE CYCLE COSTS

Investment in Partridge House is essential to ensure the on-going return of income to Council over the long term and start to increase and attract new bookings and events each year at the house and keep maintenance costs at a minimum. It also supports its grand heritage status which is enhanced by these works.



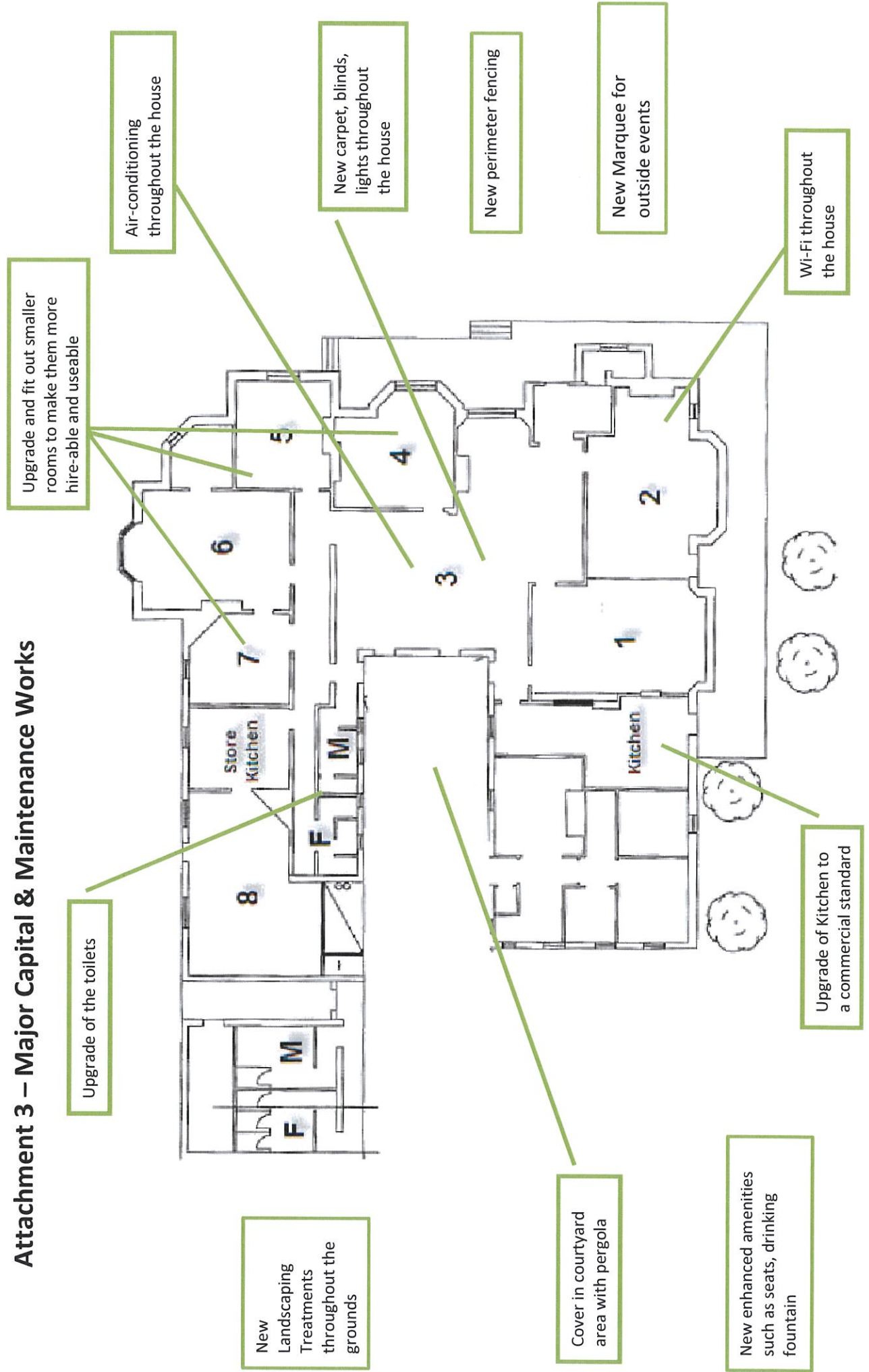
Attachment 1 – Benchmarking Study

Venue	Number of Rooms & Sizes	Types of event
Partridge House	<p>Room 1: 80pax theatre style, 24pax U-Shape, 70-78pax seated at trestles for dinner</p> <p>Room 3: 40pax theatre style, Cocktail style for 60pax</p> <p>Room 1 & 3: Cocktail style for 100-120pax</p> <p>Room 4: 8pax boardroom style</p> <p>Room 8: 30pax theatre style, 13pax U-Shape, 40pax cocktail style</p>	<p>Birthday parties, Wedding Ceremonies (inside & outside), Wedding Receptions, Christening/Baptisms, Cocktail parties, Dinners, funerals, meditation, meetings, performing arts (girl's choir & kids drama), Wedding photos in grounds.</p>
Cummins House	<p>Other than weddings/receptions and some of the larger conferences/seminars etc the venue is generally used for "small/intimate" type hirings.</p> <p>Prime areas used are: Enclosed/covered Courtyard Dining Room (12 pax) Drawing room (30 pax) - used for funerals/wakes/memorials etc</p> <p><i>(Other rooms located within the premises are generally not suitable for hire due to the "museum" factor etc)</i></p> <p>Other groups generally meet in the enclosed courtyard area at the northern end of the premises.</p>	<p>Occasional filming, Birthday parties, Wedding Ceremonies (inside & outside), Wedding Receptions, wedding rehearsals, Christening/Baptisms, Cocktail parties, Dinners, funerals, meetings, Wedding photos in grounds</p>
Carrick Hill	<p>The Food Business operate a Licenced Café when Carrick Hill is open from 10.00am to 4.00pm. Carrick Hill has a permanent Marquee (15m x 9m) on the property for hire for functions. The great Hall in Carrick Hill House is also available for hire when Carrick Hill is closed – 100 people Cocktail style, 44 people seated.</p> <p>The Gardens and Grounds are also for hire for functions including wedding ceremonies.</p>	<p>Festivals, Exhibitions, Picnics, Children's School Holiday Program, Fringe events in the garden, Weddings, Funerals, Birthdays, Exhibition Openings, Wedding Magazine shoots, Christmas Carols Filming re documentaries or short films.</p>

Attachment 2 - Partridge House Hire Fees

Event	Venue			
	Cummins House	Carrick Hill	Partridge House current	Partridge House proposed
Weddings				
Reception only	\$1,083	\$900	\$773	\$950
Ceremony only	\$825	\$550	\$268	\$450 House & \$375 Garden
Both	\$1,340	\$1,300	\$0	\$1,100
Photography	\$0	\$85	\$0	\$80.00 per hour
Funeral	\$270 (up to 2 hrs) then \$85 per hour	n/a	\$125 (1 ½ hours)	\$220 (2 hours) then \$80 per hour
Community before 5pm (Mon-Fri)				
Room 1 & 3	\$270 to \$460	\$150 to \$260	\$46	\$50
Room 4	\$270 to \$461	\$150 to \$261	\$26	\$28
Room 8	\$270 to \$462	\$150 to \$262	\$26	\$35
Community after 5pm (Mon - Thurs)				
Room 1 & 3	\$270 to \$460	\$150 to \$260	\$46	\$55
Room 4	\$270 to \$461	\$150 to \$261	\$26	\$33
Room 8	\$270 to \$462	\$150 to \$262	\$26	\$40
Private before 5pm (Mon - Fri)				
Room 1 & 3	\$270 to \$460	\$150 to \$260	\$165	\$220
Room 8	\$270 to \$461	\$150 to \$261	\$46	\$50 per hour
Private after 5pm (Mon - Thurs)				
Room 1 & 3	\$270 to \$460	\$150 to \$260	n/a	\$350
Room 8	\$270 to \$461	\$150 to \$261	n/a	\$85
Private Weekends & Public Hols				
Room 1 & 3	\$460 (4hrs)	\$800 (3hrs)	\$773 (whole day)	\$175.00 per hour
Room 8	\$270 to \$460	\$150 to \$260	\$180	\$110.00 per hour

Attachment 3 – Major Capital & Maintenance Works



Upgrade of the toilets

New Landscaping Treatments throughout the grounds

Cover in courtyard area with pergola

New enhanced amenities such as seats, drinking fountain

Upgrade of Kitchen to a commercial standard

New Marquee for outside events

New perimeter fencing

Wi-Fi throughout the house

New carpet, blinds, lights throughout the house

Air-conditioning throughout the house

Upgrade and fit out smaller rooms to make them more hire-able and useable

Item No: **14.7**

Subject: **DEVELOPMENT ASSESSMENT PANEL 2012 ANNUAL REPORT**

Date: 26 March 2013

Written By: Manager Development Services

General Manager: City Services, Rachel Cooper

SUMMARY

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 2012 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.

RECOMMENDATION

- 1. That Council note the information provided as Attachment 1 to this report.**
 - 2. That Council receive the report from the Presiding Member of the Panel provided as Attachment 2 for information.**
 - 3. That the advice from the Presiding Member of the Development Assessment Panel addressing Development Plan policy and provided as Attachment 2, be referred to the Chief Executive Officer for consideration 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.**
-

COMMUNITY PLAN

A Place with a Quality Lifestyle

A Place that is Well Planned

COUNCIL POLICY

Development Assessment Panel Terms of Reference

STATUTORY PROVISIONS

Development Act, 1993

BACKGROUND

N/A

REPORT

A range of statistics on the Panel's activities during 2012 is provided in Attachment 1 to this report. Analysis of some of these statistics and other procedural matters are outlined below.

Refer Attachment 1

Meeting Schedule

A Panel meeting was held in each month of 2012. The Panel met on the fourth Wednesday of the month, other than in December when the meeting was held a week earlier due to the Christmas period. This timing and frequency was considered satisfactory and will be continued in 2013.

Meetings generally lasted between one-and-a-half (1.5) hours-and-two (2) hours, depending on the number of items on the Agenda. This is an indicator of relative efficiency with which the meetings were run, and compares favourably with other councils with similar development characteristics (Burnside, Unley, Norwood, Payneham and St Peters and Mitcham), some of whose Panel meetings frequently lasted over three (3) hours. The duration of meetings and attendance of Panel Members throughout the year is shown in Attachment 1 to this report.

There was a quorum of Members for all Panel meetings held in 2012 and no meetings were cancelled. However, due to the occasional unavailability of Members, illness or vacancy, not all meetings were attended by all Members.

Delegations

Council has granted delegations to Administration to carry out the decision-making for the majority of non-controversial development applications. Certain developments must however be referred to the Panel for determination, as outlined in Council's policy manual. In summary, these include applications:

- where representations made by third parties remain unresolved;
- which have been recommended for refusal by Administration; and
- that Administration considers are controversial, unique and/or display certain features which would be of interest to the Panel.

In 2012, 52% of all applications referred to the Panel were due to unresolved representations. This indicates that many neighbours want to be involved and have a say in the development that occurs in their streets.

Panel Work Load

During 2012, the Development Assessment Panel considered a total of ninety-five (95) agenda items relating to Development Applications compared with ninety-four (94) in 2011. This is a substantial work load, and within the upper range of comparable councils. The Panel deferred only one (1) application during 2012, whereas 69% of all applications presented to the Panel were granted consent (supported) and approximately 30% were refused.

General Panel Operations

Over the past twelve (12) months Administration can report that the Panel has demonstrated highly effective management of its business. The Panel has managed its operational procedures carefully and in accordance with the legislative Code of Conduct and the Terms of Reference. The gallery is kept informed by the Presiding Member as to what is occurring in relation to the process of hearing representors and applicants and determining applications. As a result, representors and first-time applicants are able to present their submissions within a relaxed atmosphere.

Overall, Administration considers that over the last twelve (12) months the Panel demonstrated that it works cohesively in the performance of its duty, as Council's formal development assessment body. Its co-operative style in arriving at its decisions is evident in the bulk of its decision making by consensus, together with the Presiding Member's active encouragement of contributions of each member to the debate on each application. Each meeting has proceeded without any challenges from Panel members or members of the public in relation to meeting procedures. Similarly, the majority of Panel decisions in 2012 were made in accordance with the staff recommendation (81%), which compares with 73% in 2011.

Appeals

A number of 'appeal' items were presented to the Panel in 2012. This occurs when an applicant or a third party representor appeals the decision of the Panel to the Environment, Resources and Development (ERD) Court which often results in amended or 'compromise' plans being presented back to the Panel for consideration. Of the eight (8) separate appeal items presented to the Panel, the Panel supported the revised proposal in six (6) instances and did not support the revised proposal on two (2) occasions.

The number of appeal items presented to the Panel in 2012 was lower than with respect to 2011 (12). This declining rate of appeals is more a reflection of an increasing appreciation of the correctness of the Panel's decisions, which were generally upheld by the Environment, Resource and Development Court during 2012.

Public Interest

The Development Assessment Panel meetings regularly attract in excess of twenty (20) attendees, with 2012 attracting a combined public attendance of two-hundred-and-eighty-seven (287) persons, which compares with two-hundred-and-sixty-four (264) attendees in 2011. Whilst the majority of attendees are present to observe proceedings relating to a development application of particular interest to them, the Panel also hears from residents

and applicants directly affected by proposals. The Panel heard eighty-five (85) speakers during 2012, compared to fifty-one (51) in 2011. Once again, this is an indication of a desire for people to become more involved and be heard in relation to development occurring in their neighbourhoods.

Panel's Key Observations

The annual report from the Panel's Presiding Member (with contributions and endorsement from all other Panel Members) is attached for Members' information. The report canvasses a number of policy issues which the Panel has identified as being worthy of drawing to Council's attention, in addition to a brief statement on essentially formal matters. The key policy issues identified by the Panel for 2012 are listed in Part B of the Presiding Member's report provided as Attachment 2 to this report. In summary, the Panel identified a need to heighten awareness in Council's Development Plan with respect to environmental, energy efficiency, provision of zones for aged care accommodation, built heritage and significant tree fund matters. The Panel also expressed a need to improve provisions relating to dwelling densities, allotment configuration, and general amenity and aesthetic issues associated with new development.

Refer Attachment 2

BUDGET

There are no immediate budget implications resulting from this report or the recommendations. However, depending on whether some or all of the recommendations are enacted, there may be a need to revise current budget allocations to fund the projects

LIFE CYCLE COSTS

Members of the Panel are compensated for the time they give to preparation and meeting attendance. As previously endorsed by Council, the Presiding member is paid \$400 per meeting attended and all other Members are paid \$360 per meeting attended.





2012 DEVELOPMENT ASSESSMENT PANEL ANNUAL REPORT

Annual Review Report to Council from the Development Assessment Panel

In order to comply with the requirements of the *Development Act 1993*, the Panel comprises three elected Council members, three specialist independent members and an independent specialist presiding member. It is a pleasure to present this report on behalf of the Panel.

This report comprises two sections: Part A contains general comments about Panel membership and meeting procedure; Part B contains specific comments relating to particular matters that the Panel would like to bring to the attention of Council – The Panel recommends these matters be investigated and considered for incorporation in Council's next 'general' Development Plan Amendment.

PART A – GENERAL COMMENTS

1 Membership of the DAP

Membership of the Panel has remained constant through until November 2012. From January until November 2012 the membership included specialist independent members Graham Goss (Presiding Member), Jenny Newman (Deputy Presiding Member), Ivan Winter and Nathan Sim and elected Council members Councillor Rosemary Clancy, Councillor Jim Huckstepp and Councillor Peter Dixon. Council's policy to rotate elected members meant that for the December meeting, Councillor Jim Huckstepp was replaced by Councillor Tim Looker. Graham Goss, Ivan Winter, and Councillor Rosemary Clancy have continuously served on the Panel for six years since it was reconstituted in January 2007. Jenny Newman has been on the Panel for five years and Nathan Sim for four years. Councillor Jim Huckstepp was on the Panel for three years and I would like to thank him for his commitment to the Panel. I would also like to recognise the positive input and local knowledge that he brought to the Panel over this period.



2 Meeting Procedure

Council's Code of Conduct, formally adopted by the Panel each year, assists Panel members in Panel procedures, with the Presiding Member determining how the Panel meetings are to be run. Meetings have run smoothly and efficiently during 2012 with no changes made to the established procedure.

Meetings are generally held from 7.00pm on the fourth Wednesday of each month and for the early part of the year, Panel members were afforded the prior opportunity to inspect all sites as a group with planning staff. However, advice received from Council's Manager of Development Services later in the year indicated that group site visits might not be in accordance with the provisions of the Development Act in that they may actually constitute formal meetings of the Panel. As such, group site visits were discontinued and Panel members now inspect sites individually.

The process of the meeting is for the Presiding Member to welcome members of the public, applicants and representors, and to explain the procedure for the evening. The welcome includes an acknowledgement of meeting on traditional Kaurna lands. The nature of the meeting is clarified, namely that it is a public hearing, and that the Panel is a distinctly separate body from the Council and is subject to the provisions of the Development Act rather than the Local Government Act. It is stressed that all members of the Panel, elected and specialist independent, have a statutory duty to assess applications against the provisions of the Development Plan. For each development assessment item, representors who have indicated they would like to address the Panel are invited to do so, and Panel members ask questions of clarification where necessary. The applicant is then given a right of reply, again followed by questions from the Panel if required. The Panel may also ask questions of planning staff, before a round-table discussion occurs prior to a decision being made. It is emphasised that whilst the meeting is open to members of the public, it is not a forum for public debate.



3 Processing of Applications

Many of the applications that come to the Panel for determination have been through a rigorous process of negotiation between the applicant and Council planning staff to improve the quality of the development. Whilst this may take extra time, it generally results in an application with a recommendation for approval, rather than a recommendation for refusal. Refusals are frequently appealed with the result of a compromise proposal being submitted for consideration early in the appeal process. Thorough negotiations prior to assessment can thus often avoid the costly and time-consuming appeal process which often ultimately leads to the same outcome.

While the Panel does not always follow the Council planning staff recommendations in reports, the thoroughness of reports is consistent and of high quality. One of the major reasons for differing from a staff report is the tendency for some applicants to push the boundaries as far as possible in not providing minimum setbacks, maximum wall heights and other quantitative standards. A 'minimum' standard is often interpreted by an applicant as a 'desirable' standard. However, given that the policies have been carefully drafted and debated through the development plan amendment process prior to being authorised by the Minister, there is an expectation by the community, and generally by the Panel, those 'minimum' standards will generally be upheld. The Panel must take into consideration the extent an application's non-compliance with minimum standards and the circumstances of the development. As an overall guide, the wording of the 'Desired Future Character Statement' provides definition of what the Development Plan envisages for the particular zone. In relying on these provisions, the Panel has noted that the Environment, Resources and Development Court upheld this approach in the few appeals that have been lodged against a decision of the Panel.



PART B – SPECIFIC COMMENTS

In previous DAP Reports to Council a number of matters were brought to the attention of Council and a number of specific recommendations made for consideration with regard to amending the Development Plan. These included:

- Adding a fifth group: '(e) Natural Reserves' to Objective 65;
- Strengthening Council Wide Principles 116, 117 and 177 (Energy Efficient Design);
- Retention of all stormwater on site for appropriate use;
- Review of garage design requirements;
- Consideration of an offset fund to be paid into by proponents granted approval to remove significant trees which could then be used to assist people to retain significant trees where hardship in ongoing maintenance could be demonstrated;
- Review of provisions relating to sail shades and similar structures to allow consideration of environmental benefits in addition to aesthetic qualities;
- Review and potential increase of listing of heritage buildings;
- Review of the word 'mostly' in relation single/two-storey buildings;
- Consideration of providing guidance on maximum percentage of allotments not covered by hard surfaces;
- Review of car parking fund contribution rates and consideration of amending parking requirements for commercial and retail buildings so as to avoid entrenchment of car-dependent status quo;
- Consider including energy efficiency ratings in the Development Plan;
- Consideration of establishing interface zones between disparate zones;
- Inclusion of a Desired Future Character Statement for the Residential R(500) Zone;
- Inclusion of specific zoning for the Alwyndor Aged Care Home (currently zoned, inappropriately, 'Residential');
- Inclusion of a Principle of Development Control (PDC) seeking setbacks for air conditioners to reduce heat and noise impacts upon neighbouring properties;



- Consideration of the merits of reducing minimum frontages with a view to facilitating subdivision without the need for hammerhead allotments;
- Consideration of including text in the Development Plan that encourages the use of geothermal air conditioning systems in appropriate developments;
- Amendment of wording in the Desired Future Character Statement (DFC) for the *Residential Activity Node Zone* which reflects the appropriateness of mixed-use development. A number of applications for such development have been presented to the Panel with recommendations for approval, though the DFC does not clearly articulate this;
- Review appropriateness of *Residential Zone* Desired Future Character Statement part (h). This refers to the use of hipped roof forms with corrugated iron or shingles *that are generally dark in colour*. Darker roofs absorb heat easier, making building more difficult to cool and leading to increased energy consumption. Whilst dark roofs may be more aesthetically appealing in some situations within the Zone, the DFC should recognise that there are additional elements to consider in determining appropriate roof colour;
- Consideration of amending Energy Efficiency principles to provide some degree of protection against photovoltaic panels from being excessively overshadowed;
- Review of delegations and what types of developments are presented to the Panel. As a Panel appointed for expertise in specific matters, the Panel should not be investing its limited time in consideration of relatively trivial matters. A change to delegations may mean that the Panel can occasionally avoid meeting some scheduled dates and thus provide a degree of financial relief for Council.

The Panel appreciates that changes to the Development Plan are costly and time consuming and most appropriately considered during periodic statutory reviews in accordance with Section 30 of the *Development Act 1993*. The Panel understands that the above matters have been considered and incorporated into the recent draft Strategic Directions Report which resulted from the recent review in accordance with Section 30 of the Act. The resulting report is currently with the Minister for Planning for comment and approval.



Whilst probably too late to be incorporated in the current Strategic Directions Report, the Panel wishes to raise the following new matters and trust that these will also be considered when appropriate:

- Review of provision relating to roof pitch and orientation for solar panels (provision 120) to acknowledge solar panel stands/frames can be used;
- Review of provisions regarding overlooking/overshadowing/access to sunlight to acknowledge that requirements that tend towards increased building heights and densities may be difficult to achieve without some degree of overlooking.

A handwritten signature in black ink, appearing to read 'G. Goss'.

Graham Goss
Presiding Member
City of Holdfast Bay Development Assessment Panel

3 February 2013

Item No: **14.8**

Subject: **MONTHLY FINANCIAL REPORT - JANUARY 2013**

Date: 26 March 2013

Written By: Accountant

General Manager: Corporate Services, Mr I Walker

SUMMARY

Attached are financial reports as at 28 February 2013. They comprise a Funds Statement and a Capital Expenditure Report for Council's municipal activities and Alwyndor Aged Care.

RECOMMENDATION

That Council receives the financial reports to 28 February 2013 and notes:

1. Municipal Activities

- a projected operating deficit for 2012/13 of \$1.198 million (compared to an operating surplus of \$29,000 in the original budget)
- a projected capital expenditure for 2012/13 of \$10.220 million (compared to \$5.938 million in the original budget)
- a projected funding requirement for 2012/13 of \$1.967 million (compared to \$2.312 million in the original budget)

2. Alwyndor Aged Care

- a projected operating surplus for 2012/13 of \$542,000 (compared to an operating surplus of \$409,000 in the original budget)
 - an unchanged projected capital expenditure for 2012/13 of \$6.411 million
 - a projected funding requirement for 2012/13 of \$5.244 million (compared to \$5.377 million in the original budget)
-

COMMUNITY PLAN

A Place that Provides Value for Money

COUNCIL POLICY

Not applicable

STATUTORY PROVISIONS

Not applicable

BACKGROUND

Council receives financial reports each month which comprise of a Funds Statement and Capital Expenditure Report for each of Council's municipal activities and Alwyndor Aged Care.

The Funds Statements include an income statement and provide a link between the Operating Surplus/Deficit with the overall source and application of funds including impact on cash and borrowings.

REPORT

Funds Statements and Capital Expenditure Reports for Council municipal activities and Alwyndor Aged Care for the current financial year to 28 February 2013 are provided at Attachment 1.

Refer Attachment 1

Municipal activities

The following has resulted in a change to the forecasted operating result:

- Reduction in expected income from parking ticket machines of approximately \$80,000 due to downturn in economy.
- Reduction in expected income from parking fines of approximately \$40,000 due to downturn in economy.

The revised forecast includes unspent 2011/12 budget carried forward into the current 2012/13 year approved by Council on 11 September 2012, the budget update to 30 September approved by Council on 27 November 2012 and the budget update to 31 December approved by Council on 13 February 2013.

At 28 February 2013, Council had net borrowings of \$8.2 million, comprising:

Borrowings	\$14.2m
Less	
Cashed back reserves	\$3.2m
Working Capital	\$0.9m
Amounts owing by sporting groups	\$1.9m
Net:	\$8.2m

Alwyndor Aged Care

The revised forecast for Alwyndor includes the budget update to 31 December approved by Council on 13 February 2013.

At 28 February, Alwyndor had \$12.3m cash on hand including investments. Investment Reserves have been set aside for approved Alwyndor Redevelopment Stage 1B and Stage 2. This is in line with the Aged Care Act 1997 and prudential requirements.

BUDGET

This report provides information on Council's financial performance for the period 1 July 2012 to 28 February 2013.

LIFE CYCLE COSTS

This report does not have any full life cycle cost implications.



City of Holdfast Bay Funds Statement as at 28 February 2013

Original Budget \$,000	Revised Forecast \$,000	Actual YTD \$,000
28,748 Rates General	28,759	28,748
2,321 Statutory Charges	2,196	1,516
2,367 User Charges	2,349	1,507
3,328 Operating Grants and Subsidies	2,847	2,028
252 Investment Income	252	143
392 Reimbursements	474	467
0 Gain on Disposal of Non-Current Assets	0	11
550 Other Income	558	329
37,957 Operating Revenue	37,435	34,749
10,744 Salaries	10,846	7,316
3,510 Wages	3,512	2,520
7,799 Contractual Services	8,295	5,300
2,590 Materials	2,681	1,909
922 Finance Charges	914	381
7,872 Depreciation	7,872	3,885
0 Loss on Disposal of Non-Current Assets	0	2
4,846 Other Expenditure	4,867	2,920
(354) Less full cost attribution - % admin costs capitalised	(354)	0
37,928 Less Operating Expenditure	38,633	24,233
29 =Operating Surplus/(Deficit)	(1,198)	10,517
199 Provisions	199	0
7,872 Depreciation	7,872	3,885
8,071 Plus Non Cash Items in Operating Surplus/(Deficit)	8,071	3,885
8,100 =Funds Generated from Operating Activities	6,873	14,402
0 Amounts Received for New/Upgraded Assets	1,012	1,120
0 Proceeds from Disposal of Assets	216	105
0 Plus Funds Sourced from Capital Activities	1,229	1,225
3,446 Capital Expenditure on Renewal and Replacement	4,392	1,767
2,492 Capital Expenditure on New and Upgraded Assets	5,828	2,321
5,938 Less Total Capital Expenditure	10,220	4,089
151 Plus:Repayments of loan principal by sporting groups	151	262
151 Plus/(less) funds provided (used) by Investing Activities	151	262
2,312 = FUNDING SURPLUS/(REQUIREMENT)	(1,967)	11,800
Funded by		
0 Increase/(Decrease) in Cash & Cash Equivalents	0	86
669 Non Cash Changes in Net Current Assets	(3,610)	9,351
0 Less: Proceeds from new borrowings	0	1,300
1,643 Plus: Principal repayments of borrowings	1,643	1,064
2,312 =Funding Application/(Source)	(1,967)	11,800



City of Holdfast Bay Capital Summary by Budget Item to February 2013

<i>Original Budget \$,000</i>	<i>Revised Forecast \$,000</i>	<i>Actual YTD \$,000</i>
354 City of Holdfast Bay Contra Account	354	0
140 Corporate Services - Administration	140	0
70 Brighton Library	70	41
0 Policy and Strategic Planning	0	1
0 Life Links to SRF Facilities	50	45
0 HACC Home Maintenance	0	0
261 Machinery Operating	557	268
560 Road Construction and Re-seal Program	560	277
123 Car Park Construction	123	138
291 Footpath Program	291	78
60 Stormwater Drainage Program	60	0
0 Traffic Control Construction Program	1,309	86
38 Signage Program	38	9
533 Kerb and Water Table Construction Program	533	210
70 Other Transport - Bus Shelters etc.	138	109
1,090 Reserve Improvements Program	1,264	444
535 Land, Buildings and Infrastructure Program	1,120	454
207 Roads to Recovery	207	147
200 Streetscape Program	200	13
1,103 Foreshore Improvements Program	2,832	1,645
300 HEAT Fund	370	119
4 Healthy Communities	4	3
5,938 Total	10,220	4,089



Alwyndor Aged Care Funds Statement as at 28 February 2013

<i>Original Budget</i> \$,000	<i>Revised Forecast</i> \$,000	<i>Actual YTD</i> \$,000
3,071 User Charges	3,065	2,212
9,556 Operating Grants and Subsidies	9,449	6,107
219 Investment Income	522	455
249 Reimbursements	249	144
164 Other Income	125	80
417 Alwyndor Donations and Contributions	432	300
13,676 Operating Revenue	13,842	9,297
9,467 Salaries	9,544	6,121
2,259 Contractual Services	2,190	1,470
696 Materials	696	582
60 Finance Charges	60	84
431 Depreciation	431	0
353 Other Expenditure	379	256
13,267 Less Operating Expenditure	13,300	8,513
409 =Operating Surplus/(Deficit)	542	783
431 Depreciation	431	0
194 Provisions	194	10
625 Plus Non Cash Items in Operating Surplus/(Deficit)	625	10
1,034 =Funds Generated from Operating Activities	1,167	793
6,411 Capital Expenditure on New and Upgraded Assets	6,411	4,059
6,411 Less Total Capital Expenditure	6,411	4,059
(5,377) = FUNDING REQUIREMENT	(5,244)	(3,266)
Funded by		
(5,808) Increase/(Decrease) in Cash & Cash Equivalents	(5,675)	(2,970)
431 Non Cash Changes in Net Current Assets	431	(296)
(5,377) =Funding Source	(5,244)	(3,266)



Alwyndor Aged Care Capital Summary by Budget Item to February 2012

<i>Original Budget \$,000</i>	<i>Revised Forecast \$,000</i>	<i>YTD Actuals \$,000</i>
6,256 Hostels	6,256	4,033
15 Community Care Program	15	0
12 Alwyndor Home and Community Care	12	0
91 Nursing Home	91	22
10 Rehabilitation and Support Services	10	2
5 EACH Extended Aged Care at Home	5	0
5 EACHD-extended aged Care at Home -Dement	5	0
16 Hospitality Services	16	2
<hr/> 6,411 Total	<hr/> 6,411	<hr/> 4,059

Item No: **14.9**

Subject: **REPRESENTATION REVIEW**

Date: 26 March 2013

Written By: Governance Officer

General Manager: Corporate Services, Mr I Walker

SUMMARY

A Representation Review commenced in June 2012, as required by Section 12 of the *Local Government Act 1999*, and has progressed to the point where the first of two prescribed public consultation stages has been completed. Council must now give consideration to the submissions that have been received from the community and determine (in principle) what changes, if any, it proposes to bring into effect in respect to its future size, composition and structure.

RECOMMENDATION

1. **That Council notes and receives the submissions made by the Glenelg Residents Association and Mr David Hitchcock.**
2. **That Council agrees 'in principle' to the following:**
 - 2.1 **The name of the Council not be changed at this time.**
 - 2.2 **The principal member of Council continues to be a mayor, elected by the whole of the community.**
 - 2.3 **The council area continues to be divided into wards.**
 - 2.4 **That council seeks community feedback on the ward structure as presented in Attachment _____ being one of the following:**
 - (a) **Existing Ward Structure, with the Glenelg Ward Boundary altered to accommodate elector numbers (i.e. four wards each being represented by three ward councillors, as depicted in Option 1, or**
 - (b) **New Ward Structure, with the council area being divided into three wards, and each ward represented by three ward councillors, as depicted in Option 2, or**
 - (c) **Four Wards (existing ward structure) each being represented by two ward councillors, as depicted in Option 1.**

- 2.5 The future Council of the City of Holdfast Bay comprise _____ ward councillors.
- 2.6 Not to introduce area councillors in addition to ward councillors.
3. That Council authorises staff (if required) to propose appropriate new names for the proposed future wards for further consideration,.
4. That Council authorises the preparation of a report for public consultation (pursuant to the provisions of Section 12(8a) of the Local Government Act 1999) and commences of the required three week (minimum) second public consultation process.
-

COMMUNITY PLAN

A Place that Provides Value for Money

COUNCIL POLICY

Not applicable.

STATUTORY PROVISIONS

Local Government Act 1999

BACKGROUND

Section 12(4) of the *Local Government Act 1999* (the Act) requires Council to undertake a review of all aspects of its composition and the division (or potential division) of the council area into wards, at least once in every period prescribed by the Minister for Local Government (generally eight years).

The City of Holdfast Bay last completed an elector representation review in 2009, however recently introduced legislative amendments require Council to undertake and complete another review by October 2013. This will ensure fair and equitable representation of all electors prior to the 2014 Local Government elections.

The current review commenced in June 2012 and has progressed to the point where the first of two prescribed public consultation stages has been completed. Council must now give consideration to the submissions that have been received from the community and determine (in principle) what changes, if any, it proposes to bring into effect in respect to its future size, composition and structure.

REPORT

Council has reached the stage in the review process where it must identify the changes it proposes to make to its current composition and/or ward structure. Council cannot retain its current ward structure as the Glenelg Ward breaches the specified quota tolerance limit.

Council is required to make in principle decisions in respect to all of the following issues and present a proposal it considers should be presented to the community for further community consultation (as prescribed).

Public Submissions Received

Representation Review Options Paper was made available to the public for comment and review from 22 November 2012 to 31 January 2013. During this consultation period council received two responses to the Options paper.

Glenelg Residents Association Inc.	<ul style="list-style-type: none"> • Maintain the status quo <ul style="list-style-type: none"> - Elected Mayor - 4 Wards of 3 Councillors - Minor boundary changes only • Does not support the no ward option
Mr David Hitchcock	<ul style="list-style-type: none"> • Supported retention of the city name • Supported: <ul style="list-style-type: none"> - No ward option - 3 Wards of 3 councillors

The receipt of only two submissions is somewhat disappointing, while the responses cannot be taken to statistically reflect the attitudes of the community, the submissions do give some insight into the preferences of individual community members.

Both submissions clearly supported the retention of the Office of the Mayor being elected by the community. There is no consensus on the number of wards to be retained and the number of ward councillors to represent the area in total. A copy of the submissions received are attached.

Refer Attachment 1

The Local Government Act requires council to consider the following issues in any review it undertakes regarding representation.

Council Name

In considering Council's name, it is proposed that no further action be taken in respect to this matter, and that the council area retain the name of the City of Holdfast Bay.

Mayor/Chairperson

In considering the role of the Mayor and Chairperson, there is no reason to consider altering the way that the principal member is determined, and the Council retains a Mayor, elected across the whole council area.

Area Councillors (in Addition to Ward Councillors)

There is no proposal at this time to consider the addition of area councillors in addition to ward councillors.

Number of Councillors

As part of the representation review council must consider Sections 26 and 33 of the Local Government Act 1999 which states that there is *“the need to ensure adequate and fair representation while at the same time avoiding over-representation in comparison to other councils of a similar size and type (at least in the longer term)”*.

Further, Section 12(6) of the Act requires that, where a Council is constituted of more than twelve members, the elector representation review must examine the question of whether the number of elected members should be reduced.

When determining the appropriate composition of Council some consideration needs to be given to the role of the elected members, as the commitment and workloads of the elected members need to be taken into account.

Whilst it is difficult to specify an appropriate size for a Council as an elected body, the provisions of Sections 26 and 33 of the Act require that consideration be given to the composition and elector ratios of other Councils of a “similar size and type”.

Table 2 provides details of all metropolitan Councils and indicates that the elector ratio currently exhibited by the City of Holdfast Bay generally compares favourably with the elector ratios of the Councils which exhibit similar or fewer elector numbers (i.e. the City of Norwood Payneham and St Peters and the City of Unley).

Table 2: Comparison of elector details, all metropolitan Councils

Council	Councillors	Electors	Ratio
Walkerville	8	5,229	1: 653
Gawler	10	14,663	1:1,466
Prospect	8	13,710	1:1,713
Norwood**	13	24,068	1:1,851
Holdfast Bay	12	25,814	1:2,151
Unley	12	26,268	1:2,189
Adelaide Hills	12	28,832	1:2,402
Burnside	12	31,270	1:2,605
West Torrens	14	38,087	1:2,720
Playford	15	48,876	1:3,258
Campbelltown	10	33,288	1:3,328
Mitcham	13	46,094	1:3,545
Adelaide*	6	23,145	1:3,857

Pt Adelaide***	17	72,942	1:4,290
Charles Sturt	16	74,976	1:4,686
Marion	12	58,779	1:4,898
Salisbury	16	84,244	1:5,265
Onkaparinga	20	110,781	1:5,539
Tea Tree Gully	12	70,062	1:5,838

Source: Electoral Commission SA (August 2012 closure as at 2nd November 2012)

* City of Adelaide also has five area councillors (elector ratio of 1:2,090 if included)

** Denotes Norwood, Payneham & St Peters

*** Denotes Port Adelaide Enfield

The same cannot be said when the elector ratio of the City of Holdfast Bay is compared to the slightly larger (elector numbers) of the metropolitan Councils, such as the City of Burnside (31,270 electors and twelve councillors at a ratio of 1:2605) or the City of Campbelltown (33,288 electors and ten councillors at a ratio of 1:3,328).

It is also difficult to quantify how many more eligible persons may enroll on Council's Supplementary Voters Roll prior to the 2014 Local Government elections. As at August 2012 only 50 persons (of a previous total of 5,762) had been enrolled since the new enrolment provisions were introduced (i.e. December 2009). To complicate matters the provisions of the Act will see the Council's Supplementary Roll 'expire' in January 2014, thereby requiring all eligible persons to again seek enrolment on Council's Supplementary Roll.

This legislative requirement creates considerable uncertainty in respect to the number of electors who will be enrolled on Council's Supplementary Voters roll when the roll closes prior to the 2014 Local Government election.

Finally it is noted that, only one of the submissions received contemplated a reduction in the number of councillors (perhaps to nine).

It is suggested that a reduction in the number of councillors warrants consideration. This would comply with the perceived intent of Sections 12(6), 26 and 33 of the Local Government Act in regards to reducing the composition of Councils with twelve or more members and comparisons with other councils of a "similar size and type".

This action would result in cost savings (e.g. members' allowances of \$14,702 - \$17,953.18 pa per councillor) and should not create excessive or extraordinary workloads for the elected members, given that the elected members at other larger metropolitan councils (in terms of area and elector numbers) can seemingly function appropriately with fewer elected members or at higher elector ratios over, in some cases, greater areas.

Any proposal to increase the elector ratio through a reduction in the number of councillors will need to ensure that there are sufficient elected members to manage the affairs of Council; provide an appropriate level of elector representation; and present adequate lines of communication between the community and Council.

Ward Structure

The existing ward structure cannot be retained as the elector ratio within the Glenelg ward breaches the specified quota tolerance limit (refer Table 1).

The current ward structure's boundaries cannot be retained without a significant boundary adjustment to the Glenelg Ward, as this ward has had a 14% decrease in voters since the last representation review.

Table 1: Elector details per existing ward (as at 2nd November 2012).

Ward	Councillors	Electors	Ratio	% Variance
Glenelg	3	5,546	1:1,849	- 14.1
Somerton	3	6,571	1:2,190	+ 1.8
Brighton	3	6,891	1:2,297	+ 6.8
Seacliff	3	6,806	1:2,269	+ 5.5
Total	12	25,814		
Average			1:2,151	

Source: Electoral Commission SA

The selection of an appropriate ward structure needs to take into account a number of factors including the character and topography of the area; the likely impacts upon existing "communities of interest"; the preferred total number of elected members; future population growth; and the need for an equitable distribution of electors between wards.

Wards guarantees direct representation of areas and/or communities within the council areas and provides members with the ability to be more familiar with their constituents and the issues affecting the local community.

Council can resolve to retain wards or to abolish them in favour of councillors which represent the whole of the city. This option affords the whole electorate the opportunity to vote for all positions on council, and this would free members of possible parochial ward attitudes.

If council decides to continue to retain a ward structure, the future ward structure should demonstrate an equitable distribution of electors between wards and allow for future residential growth.

Council is asked to determine its preference regarding the structure of wards and three options are presented for its consideration. It is proposed to go to Community Consultation on one of the following models only.

Option 1 - Current Ward Structure

Council can determine that there is no need to consider changing the current ward structure and the number of elected members. If this option is selected the boundaries for the Glenelg Ward must be altered, to rebalance elector numbers across all wards.

The current ward structure is that the council area is divided into four wards, each ward being represented by three councillors (total of twelve councillors).

All of the existing ward boundaries will need to be adjusted in order to achieve a more even balance of electors between the wards and attain elector ratios within each of the proposed wards which lie well within the specified tolerance limits.

It should be noted that the current ward structure ability to sustain considerable fluctuations in elector numbers differs across each ward and may mean that Council may in the future have to again review its representation structure to accommodate additional elector growth.

Refer Attachment 2

Option 2 – Three Ward Structure

Council's consultant who is undertaking the representation review has recommended that the three ward structure, with each ward being represented by three members is the preferred structure as it offers the following benefits:

- Simple configuration of the boundaries aligning with the suburb boundaries and major/prominent roads, which maintain whole communities of interest within wards.
- Will reduce the number of elected members by three, in accordance with the perceived intent of Section 12(6) of the Act.
- Will result in an elector ratio of 1:2,868 which is comparable to the elector ratios exhibited by the "mid-sized" (elector numbers) metropolitan Councils (in accordance with the intent of Sections 26 and 33 of the Local Government Act).
- Is well balanced in terms of the level of representation in the proposed wards and the distribution of electors between wards
- Is capable of sustaining considerable fluctuations in elector numbers in all of the proposed wards (i.e. minimum increases of between 1200 and 1400 electors per ward).
- Will still afford the electors within all parts of the council area with direct representation on Council.
- Will provide financial benefits to Council (by reducing the number of members).
- Should have little detrimental impact in regards to the quality of representation afforded the local community or the lines of communication provided/available between council and the community.

Refer Attachment 3

Option 3 – Current Ward Structure – Reduction of Members.

Council can determine that there is no need to consider changing the current ward boundaries but reduce the number of elected members representing each ward to two (total of 8 councillors).

All of the existing ward boundaries will need to be adjusted in order to achieve a more even balance of electors between the wards and attain elector ratios within each of the proposed wards which lie well within the specified tolerance limits.

It should be noted that the current ward structure ability to sustain considerable fluctuations in elector numbers differs across each ward and may mean that Council may in the future have to again review its representation structure to accommodate additional elector growth.

Refer Attachment 4

Ward Identification

The issue of ward names will need to be considered once a decision has been made regarding the retention or abolition of wards.

If the three ward model is selected then new names for each ward will need to be considered.

Next steps

Once Council has provided in principle support for the retention of the council name, the principal member of Council to continue to be a directly elected mayor, the division of council into wards and the preferred wards structure and the number of members of the council, a further report will be prepared and presented to the community for a further period of consultation (pursuant to the provisions of Section 12(8a) of the Local Government Act 1999).

Council is required consult with the community for a minimum of three weeks as part of this second consultation process. At the end of this consultation period Council is required to consider the submissions and hear any representations on this matter before determining its future composition for the consideration of the Electoral Commissioner.

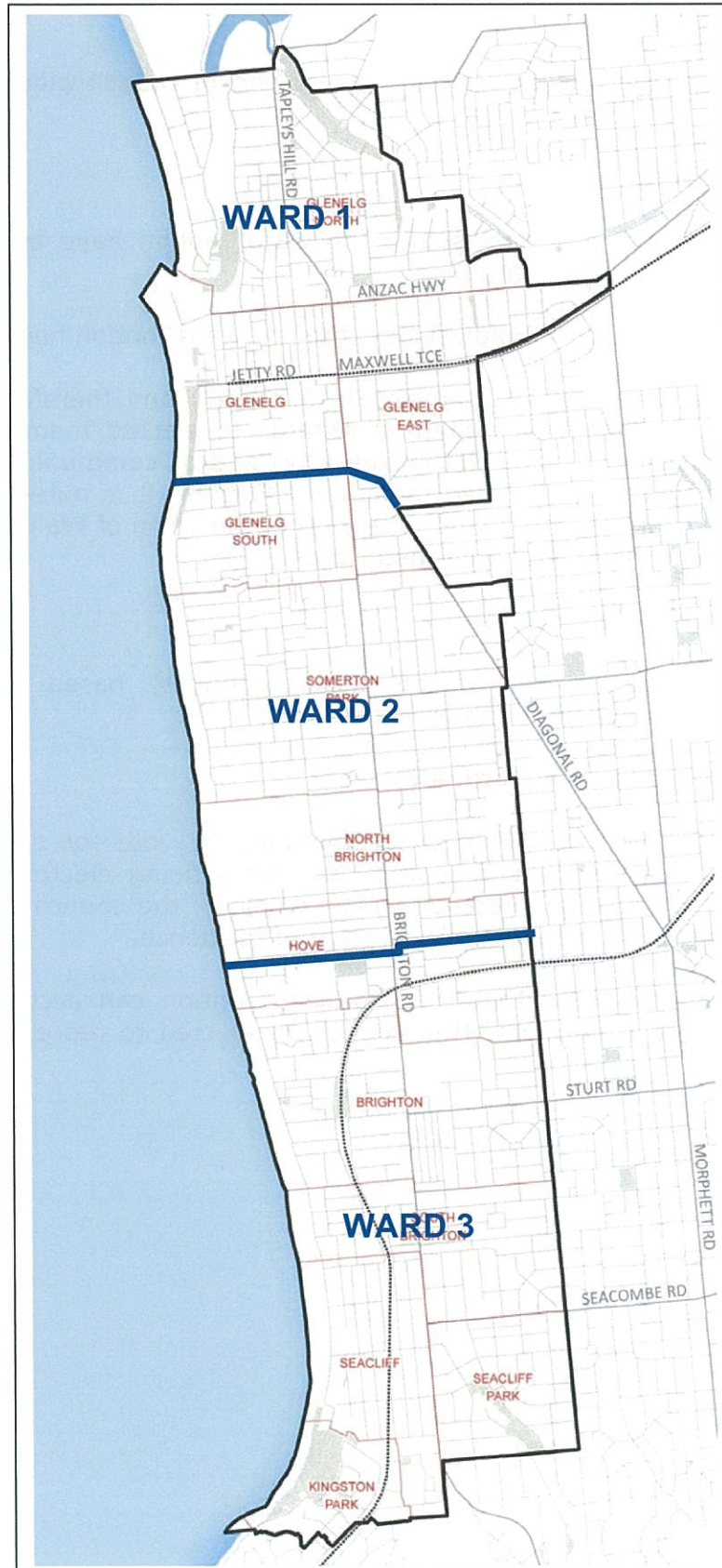
BUDGET

The cost of the Representation Review, \$15,000 plus consultation costs are provided for in Council's 2012/13 budget.

LIFE CYCLE COSTS

There are no life cycle costs associated with this report.

OPTION 4





PO Box 316 Glenelg 5045 Email gra@adam.com.au

28 January 2013

Chief Executive Officer
City of Holdfast Bay
PO Box 19
BRIGHTON SA 5048

Dear Sir

REPRESENTATION REVIEW

This submission is made in response to your invitation to respond to the statutory Representation Review Council is obliged to undertake in accordance with the requirements of Section 12 (7) of the Local Government Act 1999.

In making this submission on behalf of its members, it is pointed out that the Glenelg Residents Association Inc has a long involvement in ratepayer and Local Government election matters since 1967.

The Association's comments on the Representation Review Options Paper are set out below.

- Your options paper does not identify any dysfunctional aspects in the current representation structure.
- This Association is not aware of representational problems with the current representation structure viz., an elected Mayor and four wards each with three elected Councillors.
- This Association shares with the author of your Options Paper concerns in the accuracy and use of population projections. Your report states at section 7.3:

"The accuracy and usefulness of the population projections are considered to be questionable, given the duration of time which has lapsed since the collection of the base data, the assumptions which have been made in respect to fertility and migration rates to South Australia, and the changing circumstances of the City of Holdfast Bay. Indeed, the then Department of Planning and Local Government advised that the population projections are not forecasts for the future, but as estimates of future populations based on particular assumptions about future fertility, mortality and migration and, as such, the actual future population outcomes may vary from these projections."

- Already within the City of Holdfast Bay there have been development projects abandoned or deferred as a result of the recent and continuing economic crisis. This will ultimately have an effect on population trends and the accuracy of current projections.
- There is widespread opposition to the ever-increasing population density of central Glenelg where residents have already suffered a loss of amenity that has yet to be experienced by residents in the southern wards of the city. There may well be only limited population growth in the Glenelg Ward.
- It is agreed that the proposed ward boundary changes are necessary.

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SUMMARY

This Association supports the status quo i.e., elected Mayor, 4 wards of 3 Councillors outlined in the first part of Option 1 with 13 members, with the minor boundary changes so as to comply with the statutory requirement.

This would provide a fair and adequate representation for the electorate.

The "No Ward" option 5 is not supported by this Association.

Yours faithfully

Jack Messenger
President
Glenelg Residents Association Inc

mail@holdfast.sa.gov.au

Dear sir/madam

I write to provide comment on the City of Holdfast Bay Elector Representation Review.

I found the report to be instructive on the requirement to undertake the review and informative of the general issues that have been considered in the context of the future issues relating to future growth of the city.

It was good to see a number of possible elector representation outlined in the report, which included a no ward option.

Option 1

Not supported – This option appears to disenfranchise the suburban residents of Glenelg (that would end up in Ward 2) from the community of interest in the Jetty Road precinct. To which I think they will have a fundamental interest in continuing and future proposals. In this option any ward discussion/proposal will leave them without any direct political representation or influence (other than through the office of Mayor or influence of Councillor voting through the council meeting process).

This option also appears to be a massage of existing wards (up and down streets) to get a best fit to meet the quota tolerance requirements.

Eight councillors (elected members) in this option are not considered sufficient.

Option 2

Not supported – The four ward structure is geographically cumbersome and the variation of numbers of Councillors within each ward could be bit confusing. This option could be seen to be a mix and match option and the actual elector representation variance between Ward 1(+4.1%) and Ward 2(-3.5%) is material.

Option 3

Not supported – This option will definitely disenfranchise the traders and residents adjacent Jetty Road Glenelg. See comment in option 1. This proposal would result in the Jetty road community of interest being dissected down the middle. ie landholders (and tenants) on the southern side of Jetty Road will be in Ward 2 and those on the Northern side of Jetty Road will be in Ward 1.

Additionally it also tends to further fragment the concept of unity within the City by having more Wards than currently exist.

Option 4

Supported - This option to my mind appears a good fit on the basis of simplicity and geographical structure. It is noted residents of Hove will have some demarcation. However in my view the three wards proposed appear to have a good representation of the general communities of interest within the collective city suburbs.

Elector representation within each ward also has a good balance and significant flexibility to address any future variations in population movements (Elector representation variances).

With regard to the Hove "division" between Ward 2 and Ward 3 – What are the collective elector numbers between south of the proposed division line to the Hove- Brighton suburb boundary (west of Brighton Road) and proposed division line to the railway line (east of Brighton Road .

Could the boundary be adjusted to the Hove- Brighton suburb line and railway line without compromising ratio variances in relation to Ward 1?

I am undecided on the proposal for 9 Councillors or for 12 Councillors.

Reduction from the existing 12 Councillors to 9 Councillors would assist in reduction of governance costs and place elector ratios comparable to the City of West Torrens which has a population of 38,087. However the report does not identify what these reductions might be so it's difficult to determine what magnitude of benefit from cost reduction and governance would accrue.

Option 5 – No Wards

Supported - The no ward option has merit on the basis that by population and geography the City is not large and Area Councillors could collectively facilitate representation across the City.

No wards also provide opportunity for Councillors to balance the governance load on a case management basis and to provide relevant representative points of contact. I think no wards also assists in the collective view by residents and promotes interest in issues happening across the whole City rather than ward specific.

Additionally this option negates the requirement to mix and match ward boundaries up and down streets to meet elector representation variation tolerances.

Ward Identification

I do not think it appropriate any ward names be considered (if any) until such time as the final decision on how the City area will be divided is determined.

Council Name

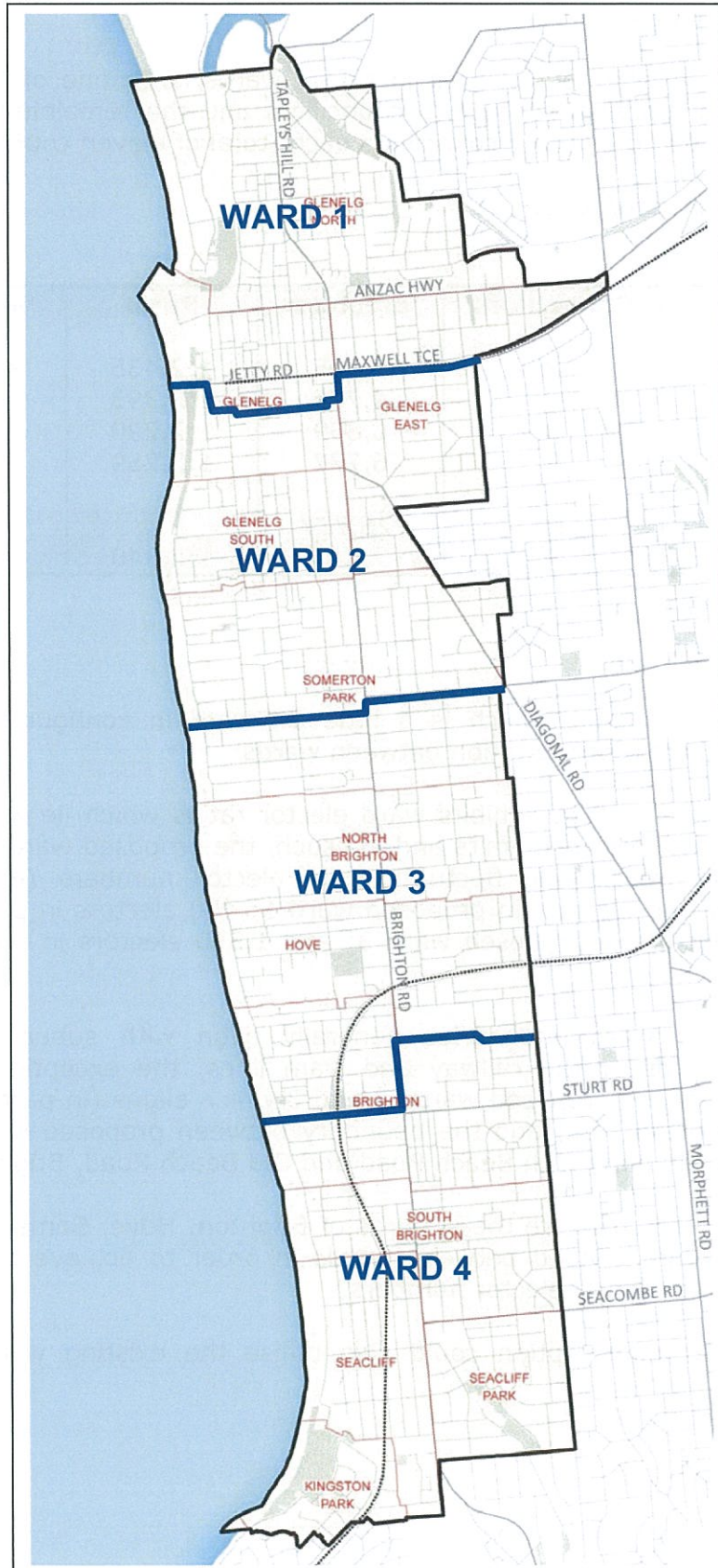
Retention of the name *City of Holdfast Bay* is supported.

Yours sincerely

David Hitchcock

Ph 82961312

OPTION 1



OPTION 1

