

Minutes of the Ordinary Meeting of Council of the City of Holdfast Bay held in the Council Chamber, Glenelg Town Hall, Moseley Square, Glenelg, on Tuesday 12 February 2013 at 7:00pm.

MEMBERS PRESENT

Acting Mayor, Councillor RA Clancy
Councillor RM Bouchée
Councillor PW Dixon
Councillor KM Donaldson
Councillor JD Huckstepp
Councillor SC Lonie
Councillor TD Looker
Councillor S Patterson
Councillor RC Patton
Councillor AP Roe
Councillor LJ Yates

STAFF IN ATTENDANCE

Chief Executive Officer - JP Lynch
General Manager City Assets - SG Hodge
General Manager City Services - RA Cooper
General Manager Corporate Services - IS Walker
Manager Organisational Sustainability – PE Aukett

1. OPENING

The Acting Mayor declared the meeting open at 7.00pm.

2. KAURNA ACKNOWLEDGEMENT

With the opening of the meeting His Worship the Mayor stated:
We acknowledge Kaurna people as the traditional owners and custodians of this land.

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

3. PRAYER

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

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

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

4. APOLOGIES

- 4.1 Apologies Received - His Worship the Mayor, AK Rollond, Councillor LR Fisk
- 4.2 Absent - Nil

5. ITEMS PRESENTED TO COUNCIL - Nil**6. DECLARATION OF INTEREST**

Members were reminded to declare their interest before each item.

7. CONFIRMATION OF MINUTES**Motion****C120213/808**

That the minutes of the Ordinary Meeting of Council held on 22 January 2013 be taken as read and confirmed.

Moved by Councillor Lonie, Seconded by Councillor Huckstepp

Carried**8. QUESTIONS BY MEMBERS**

- 8.1 **Without Notice** - Nil
- 8.2 **With Notice** - Nil

9. MEMBER'S ACTIVITY REPORTS

- 9.1 **Mayoral Report** (Report No: 45/13)

10. PUBLIC PRESENTATIONS**10.1 Petitions**

- 10.1.1 **Petition – Brighton Caravan Park Permanent Residents Committee – To Preserve their Homes in Brighton Caravan Park** (Report No: 50/13)

A petition has been received from 1389 residents.

The petition states as follows:

The petitioners whose names, addresses and signatures appear hereunder support the Brighton Caravan Park Permanent Residents Committee in their petition of the City of Holdfast Bay Council to preserve their homes at Brighton Caravan Park.

We, the permanent residents of Brighton Caravan Park, request that Council:

1. *Rescind the decision made in relating to long term and annual rental discussed and decided in confidence at the Council Meeting held Tuesday 22 January 2013 at item 17 (Brighton Caravan Park (report 34/13)) of the Council Meeting Agenda.*
2. *Make the minutes and documentation relating to the decision referred to above for public comment; and*
3. *Establish a forum for consideration of the future of permanent residents and annual leases at Brighton Caravan Park which is inclusive of the public and all stakeholders of Brighton Caravan Park.*

This petition has been prepared by the Brighton Caravan Park Permanent Residents Committee and will be presented to the City of Holdfast Bay Council, Brighton Civic Centre, 24 Jetty Road, Brighton SA. Thank you for your support.

Motion

C120213/809

That the petition be received by Council and referred to the appropriate department for a response.

Moved Councillor Donaldson, Seconded Councillor Looker

Carried

10.2 **Presentations - Nil**

10.3 **Deputations**

10.3.1 **Permanent Residents of Brighton Caravan Park**

The Acting Mayor, Councillor Clancy has approved a deputation from Brighton Caravan Park Permanent Residents Committee, Mr Jerry Austin and Ms Pamela Bruce.

The Acting Mayor sought the leave of the meeting to consider Item 14.6 at this time

14.6 **Brighton Caravan Park – Implementation Plan (Report No: 48/13)**

Following Council's decision to seek Expressions of Interest for the management of Brighton Caravan Park, it is proposed to place notices in Tenders SA and national papers on Tuesday 19 February 2013. Final negotiations with the successful tenderer are expected to be concluded on or about 30 May 2013, allowing a smooth transition from the current management agreement to the new.

Motion

C120213/810

That Council notes the proposed timetable for the Expression of Interest Process and upgrade of the Caravan Park, and that two elected members be included in the assessment panel.

Moved Councillor Looker, Seconded Councillor Roe

Carried

The Acting Mayor paused the meeting to allow members of the gallery to leave.

11. MOTIONS ON NOTICE

11.1 Motion on Notice – Questions on Notice – Councillor Looker (Report No: 37/13)

Motion

That the Chief Executive Officer and Mayor review questions submitted under regulation 10 ‘questions on notice’ to offer more appropriate and cost effective options for the member to obtain answers.

Moved Councillor Looker, Seconded Councillor Huckstepp

Lost

Division called

A division was called:

Those voting for: Councillors Looker and Roe (2)

Those voting against: Councillors Patton, Dixon, Bouchee, Patterson, Lonie, Huckstepp and Yates (7).

His Worship the Mayor declared the motion Carried

BACKGROUND

Meeting regulations allow members to ask questions both with and without notice. Members also have access to information through Council administration. The formal path of a public ‘question on notice’ requires a formal answer to be recorded in the minutes and this is appropriate in many cases where the answer may be of wider public interest. Such an answer, due to the immediacy of the council meetings, requires other work by administration to be set aside along with detailed gathering of data in order to prepare a comprehensive response. Due to the consuming of scarce resources it is incumbent on Members to make sure that questions lodged in this manner are significant and not ones that may be more efficiently answered through the multitude of other channels available.

Currently there is no process being applied to review these questions even though the meeting regulations anticipate that happening by allowing the Mayor to rule. Meeting regulations do allow the Mayor to be overruled should the meeting decide the questions should be answered ensuring there is no inappropriate application of the rules. It may also be appropriate for elected member training to include some education on the most effective and efficient manner for them to find the information required to undertake their role and how to use the ‘question on notice’ facility judiciously.

ADMINISTRATION COMMENT

The Local Government (Procedures at Meetings) Regulations 2000, states:

“10—Questions

(1) A member may ask a question on notice by giving the chief executive officer written notice of the question at least five clear days before the date of the meeting at which the question is to be asked.

(2) If notice of a question is given under sub regulation (1)—

(a) the chief executive officer must ensure that the question is placed on the agenda for the meeting at which the question is to be asked; and

(b) the question and the reply must be entered in the minutes of the relevant meeting.

(6) The presiding member may rule that a question with or without notice not be answered if the presiding member considers that the question is vague, irrelevant, insulting or improper.”

The Local Government Meeting Procedures Handbook states that the purpose of Questions with Notice is to allow members to obtain information that is relevant to their role as a member of a governing body. They recommend that Questions with Notice should relate to functional, strategic or policy issues of the Council and that questions which relate to operational matters should be directed to the Chief Executive Officer outside of a meeting.

Currently when a Question on Notice is received by the Chief Executive Officer, at least 5 days before the date of the meeting, it is circulated to the Senior Leadership Team who prepare an answer for inclusion in the agenda.

11.2 **Rescission Motion – Reduced Fees for the Buffalo – Councillor Clancy** (Report No: 49/13)

Motion

C120213/811

That Council’s decision on 11 December 2012 (C111212/771):

- 1. Rental relief is granted to Buffin Pty Ltd for a period of 3 months from 1 September to 30 November 2012.**
- 2. A rental of \$60,000 per annum be applied from 1 September 2012, subject to annual indexation in accordance with the Consumer Price Index, All Groups, Adelaide.**
- 3. That 80% of the rental received by Council in each year be put towards a maintenance fund, administered by Council, for external maintenance on the condition that the Buffalo remain on its current site.**
- 4. This arrangement be reviewed in the event the lease is assigned or at the expiration of the current lease.**

Be amended to read:

1. **Rental relief is granted to Buffin Pty Ltd for a period of 3 months from 1 September to 30 November 2012.**
2. **A rental of \$60,000 per annum is applied from 1 September 2012, subject to annual indexation in accordance with the Consumer Price Index, All Groups, Adelaide.**
3. **That 80% of the rental received by Council in each year be put towards a maintenance fund, administered by Council, for external maintenance on the condition that the Buffalo remain on its current site, for a period not exceeding three years.**
4. **This arrangement, i.e. point 3 above, is reviewed in the event the lease is assigned within this three year period.**

Moved Councillor Looker, Seconded Councillor Dixon

Carried

BACKGROUND

At the Council meeting on 11 December 2012 (C111212/771) Council resolved:

".....

3. *That 80% of the rental received by Council in each year be put towards a maintenance fund, administered by Council, for external maintenance on the condition that the Buffalo remain on its current site.*
4. *This arrangement be reviewed in the event the lease is assigned or at the expiration of the current lease."*

Council during discussions was advised that the lease was for three years. Since then council has been advised that the lease is for nine years. The decision was made with incorrect information. It is important that leases and conditions are followed to the requirement of Council and this was a most unfortunate oversight.

12. ADJOURNED MATTERS - Nil

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

13.1 Development Assessment Panel - Minutes (Report No: 36/13)

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

The minutes of the Development Assessment Panel meeting held 23 January 2013 are presented to Council for information.

Motion

C120213/812

That the minutes of the Development Assessment Panel meetings held on 23 January 2013 be received.

Moved Councillor Looker, Seconded Councillor Lonie

Carried

14. REPORTS BY OFFICERS

14.1 Items in Brief (Report No: 38/13)

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.

Motion

C120213/813

That the report be noted and items of interest discussed.

Moved Councillor Looker, Seconded Councillor Huckstepp

Carried

Motion

That the Glenelg Historical Society be granted a licence to use the Council's dolphin logo for a period of two years at a minimal cost.

Moved Councillor Bouchee

Lapsed for want of a seconder

14.2 Appointment of an Elected Member to a Minda DPA Working Group (DPAWG) (Report No: 39/13)

This Report seeks nomination of a member to a Development Plan Amendment Working Group (DPAWG) being established to facilitate communication between Minda and Council and the collaborative progression of the Minda DPA. The DPAWG is being established in accordance with the Deed of Agreement between Council and Minda regarding the DPA process.

Motion

C120213/814

That Council notes this report and nominates Councillor Clancy to be a member of a DPA Working Group (DPAWG) being established in accordance with the Deed of Agreement between Minda Incorporated and City of Holdfast Bay.

Moved Councillor Looker, Seconded Councillor Donaldson

Carried

14.3 Budget Update – as at 31 December 2012 (Report No: 40/13)

This report covers the second budget update of Council's 2012/13 budget conducted as at 31 December 2013.

It has resulted in a decrease of \$192,526 in Council's projected consolidated operating result to a forecast operating deficit of \$535,866. The major reason is an \$117,000 reduction in Commonwealth funding for residential care at Alwyndor.

Council's net financial liabilities at 30 June 2013 are projected to increase by \$412,499 to \$24.27 million (comprising \$13.2 million for municipal operations and \$11.07 million for Alwyndor). Council's net consolidated financial liabilities ratio is 48%, in excess of its adopted ceiling of 35%.

Motion

C120213/815

1. **That Council notes the second 2012/13 budget update for Council's municipal operations including:**
 - (a) **an increase of \$22,641 in the projected operating deficit from an \$1,055,148 to \$1,077,789;**
 - (b) **an increase of \$448,963 in projected net capital expenditure to \$10.22 million;**
 - (c) **an increase in projected net financial liabilities at 30 June 2013 of \$242,614 from 12.97 million to \$13.21 million.**

2. **That Council notes the second 2012/13 budget update for Alwyndor operations including:**
 - (a) **a decrease of \$169,885 in the projected operating surplus from \$711,808 to \$541,923;**
 - (b) **an unchanged projected net capital expenditure of \$6.41 million;**
 - (c) **an increase in projected net financial liabilities at 30 June 2013 of \$169,885 from \$ 10.89 million to \$ 11.06 million.**

Moved Councillor Looker, Seconded Councillor Yates

Carried

14.4 **Kent Street Ramp** (Report No: 42/13)

Following a question on notice at its meeting of 11 December 2012 regarding pedestrian access to the beach via the service ramp at Kent Street Council resolved that a report be presented on what condition the chains on the beach access ramp at Kent Street could be removed including alternative treatments to improve safety.

This report discusses the options available to Council.

Motion

C120213/816

1. **That the service ramp at Kent Street remain closed as a pedestrian access way due to risks associated with its design.**

2. **That as part of the 2013/2014 Capital Works Program a further set of access steps be constructed directly north of the current ramp.**

Moved Councillor Patton, Seconded Councillor Bouchee

Carried

- 14.5 **Metropolitan Seaside Councils Committee Constitution and Strategic Plan** (Report No: 46/13)

At the meeting of 22 November 2012, the Metropolitan Seaside Councils Committee endorsed a draft Constitution and Strategic Plan. The draft Constitution and Strategic Plans are now being presented to the constituent Councils for their endorsement.

Motion

C120213/817

1. **That the report be received and noted.**
2. **That Council endorse the Metropolitan Seaside Councils Committee draft Constitution and Strategic Plan.**

Moved Councillor Dixon, Seconded Councillor Bouchee

Carried

15. **RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil**

16. **URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING**

- 16.1 **Bikes and Pedestrians in Moseley Square**

Members discussed the conflict of bikes and pedestrians in Moseley Square and the crossing.

17. **ITEMS IN CONFIDENCE - Nil**

18. **CLOSURE**

The Meeting closed at 8.03 pm.

CONFIRMED Tuesday 26 February 2013

MAYOR