

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 26 March 2013 at 7:03pm.

MEMBERS PRESENT

His Worship the Mayor, AK Rollond
Deputy Mayor, RA Clancy
Councillor RM Bouchée
Councillor PW Dixon
Councillor KM Donaldson
Councillor LR Fisk
Councillor JD Huckstepp
Councillor SC Lonie
Councillor TD Looker
Councillor S Patterson – 7.13pm
Councillor RC Patton
Councillor AP Roe

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

His Worship the Mayor declared the meeting open at 7.03pm.

2. KAURNA ACKNOWLEDGEMENT

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

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

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

3. PRAYER

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

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

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

4. APOLOGIES

- 4.1 Apologies Received - Councillor LJ Yates
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****C260313/827**

That the minutes of the Ordinary Meeting of Council held on 26 March 2013 be taken as read and confirmed.

Moved by Councillor Huckstepp, Seconded by Councillor Clancy

Carried**8. QUESTIONS BY MEMBERS****8.1 Without Notice****8.1.1 Old Gum Tree Reserve– Councillor Patton**

Councillor Patton asked a question regarding the expansion of the Old Gum Tree Reserve and if there will be any extra carparking along McFarlane Street.

The General Manager City Assets, Mr S Hodge provided a response.

8.1.2 Update on Upcoming Reports – Councillor Bouchee

Councillor Bouchee asked a question regarding when the following reports will be presented to Council for consideration:

- Transport Review,
- Update on Library Redevelopment, and
- Cinema Proposal.

The General Manager City Services, Ms R Cooper and the Chief Executive Officer, Mr J Lynch provided a response.

8.1.3 Brighton Caravan Park – Councillor Bouchee

Councillor Bouchee asked a question regarding the answer provided in Questions on Notice.

The Manager Organisational Sustainability, Ms T Aukett provided a response.

8.2 With Notice

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

Councillor Looker asked the following question:

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

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

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

Councillor Bouchee asked the following question:

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

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 needs 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.

9. MEMBER'S ACTIVITY REPORTS

9.1 Holdfast Bay Community Centre

Councillor Donaldson reported that she and Councillor Looker attended Holdfast Bay Community Centre Board Meeting held on 19 March 2013 and attended an interview on 14 March 2013 to discuss the operation of the centre.

9.2 **Western Region Waste Management Authority**

Councillor Bouchee provided members an update on the activities of the Western Region Waste Management Authority.

10. PUBLIC PRESENTATIONS

- 10.1 **Petitions** - Nil
- 10.2 **Presentation** - Nil
- 10.3 **Deputations** - Nil

11. MOTIONS ON NOTICE

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

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.

Councillor Patterson joined the chamber at 7.13pm.

Motion

C260313/828

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

Moved Councillor Donaldson, Seconded Councillor Bouchee

Carried

12. ADJOURNED MATTER

- 12.1 **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)

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.

Motion

C260313/829

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'.

- 5. That the leases are subject to each club having a valid constitution and that a fee review be undertaken in this financial year.**

Moved Councillor Bouchee, Seconded Councillor Lonie

Carried

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

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

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

Motion

C260313/890

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

Moved Councillor Clancy, Seconded Councillor Lonie

Carried

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

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.

Motion

C260313/891

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

Moved Councillor Dixon, Seconded Councillor Clancy

Carried

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

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.

Motion

C260313/892

- 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.**

Moved Councillor Looker, Seconded Councillor Fisk

Carried

14. **REPORTS BY OFFICERS**

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

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

C260313/893

That the report be noted and items of interest discussed.

Moved Councillor Huckstepp, Seconded Councillor Looker

Carried

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

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.

Motion

C260313/894

That this matter be adjourned pending consultation with Jetty Road Mainstreet Management Committee.

Moved Councillor Looker, Seconded Councillor Fisk

Carried

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

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.

Motion

C260313/895

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

Moved Councillor Looker, Seconded Councillor Huckstepp

Carried

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

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.

Motion

C260313/896

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 Donaldson - Brighton Ward**
- **Councillor Fisk - Glenelg Ward**
- **Councillor Huckstepp - Seacliff Ward**
- **Councillor Patterson- Somerton Ward**

Moved Councillor Bouchee, Seconded Councillor Huckstepp

Carried/Lost

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

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.

Motion

C260313/897

That Councillor Yates and Councillor Looker 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 per person.

Moved Councillor Clancy, Seconded Councillor Fisk

Carried

14.6 **Partridge House** (Report No: 114/13)

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.

Motion

C260313/898

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.**

Moved Councillor Bouchee, Seconded Councillor Fisk

Carried

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

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.

Motion

C260313/899

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.

Moved Councillor Clancy, Seconded Councillor Huckstepp

Carried

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

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.

Motion

C260313/900

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)

Moved Councillor Looker, Seconded Councillor Lonie

Carried

14.9 **Representation Review** (Report No: 116/13)

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.

Motion

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 3 (Option 4) being one of the following:
 - (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 4,
 - 2.5 The future Council of the City of Holdfast Bay comprises 9 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.

Moved Councillor Looker, Seconded Councillor Roe

Lost

Division called

A division was called:

Those voting for: Councillors Looker, Clancy, Lonie and Roe (4)

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

His Worship the Mayor declared the motion

Lost

Motion

C260313/901

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 1 - being the 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,
 - 2.5 The future Council of the City of Holdfast Bay comprises 12 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.

Moved Councillor Fisk, Seconded Councillor Patton

Carried

Division called

A division was called:

Those voting for: Councillors Fisk, Patton, Dixon, Bouchee, Patterson, Donaldson Lonie and Huckstepp (8)

Those voting against: Councillors Looker, Clancy and Roe (3).

His Worship the Mayor declared the motion

Carried

15. **RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil**
16. **URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING - Nil**
17. **ITEMS IN CONFIDENCE - Nil**

CLOSURE

The Meeting closed at 8.30 pm.

CONFIRMED Tuesday 9 April 2013

MAYOR