

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 14 May 2013 at 7:01pm.

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 TD Looker
Councillor S Patterson – 7.26pm.
Councillor RC Patton
Councillor AP Roe
Councillor LJ Yates

STAFF IN ATTENDANCE

Acting Chief Executive Officer – SG Hodge
General Manager Corporate Services - IS Walker
Manager Organisational Sustainability – PE Aukett
Manager Development Services – A Marroncelli

1. OPENING

His Worship the Mayor declared the meeting open at 7.01pm.

2. KAURNA ACKNOWLEDGEMENT

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

We acknowledge Kurna 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 Kurna 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 SC Lonie
- 4.2 Absent - Nil

5. PRESENTATIONS AND DEPUTATIONS

It is proposed hear the Presentation by Zero Waste SA and the Annual Business Plan Consultation earlier on the agenda than was previously published.

Motion

C140513/917

That the presentation from Zero Waste SA and the Annual Business Plan Consultation be considered as part of item 5 as shown on the Amended Agenda and that a Short Term Suspension of Proceedings to occur.

Moved by Councillor Looker, Seconded by Councillor Clancy

Carried

Short Term Suspension of Proceedings

The Mayor sought the approval of two-thirds of the members present to suspended the meeting procedures pursuant to Regulation 21(1) of the Local Government (Procedures at Meetings) Regulations 2000, for a period sufficient to facilitate the presentation from Zero Waste SA and informal discussion in relation to the 2013/2014 draft Annual Business Plan and will resume at the discretion of the Mayor at the end of the consultation.

The suspension commenced at 7.05pm

5.1 **Zero Waste SA**

Mr Justin Lang, Program Manager, Local Government | Zero Waste SA will made a presentation to Council on the Food to Green Waste Grant Program and answered any questions.

Councillor Patterson joined the chamber at 7.26pm.

Councillor Bouchee left the chamber at 7.33pm.

Councillor Bouchee rejoined the chamber at 7.35pm.

Councillor Donaldson left the chamber at 7.37pm.

Councillor Donaldson rejoined the chamber at 7.39pm.

Councillor Dixon left the chamber at 7.46pm.

Councillor Dixon rejoined the chamber at 7.47pm.

5.2. Annual Business Plan Consultation

Under Section 123 (4)(a)(i)(B) of the Local Government Act 1999, Council will provide a period of at least one hour for members of the public to ask question and make submissions on the Annual Business Plan and Budget.

His Worship the Mayor resumed the meeting procedures at 7.51pm.

6. DECLARATION OF INTEREST

Members were reminded to declare their interest before each item.

Councillor Huckstepp left the chamber at 7.49pm.

Councillor Huckstepp rejoined the chamber at 7.53pm.

7. CONFIRMATION OF MINUTES

Motion

That the minutes of the Ordinary Meeting of Council held on 23 April 2013 be taken as read and confirmed.

Moved by Councillor Fisk, Seconded by Councillor Bouchee

Lost

Division called

A division was called:

Those voting for: Councillors Fisk, Bouchee and Patterson (3)

Those voting against: Councillors Patton, Dixon, Looker, Clancy, Donaldson, Roe, Huckstepp and Yates (8).

His Worship the Mayor declared the motion

Lost

8. QUESTIONS BY MEMBERS

8.1 Without Notice

8.1.1 Provision of Legal Advice– Councillor Bouchee

Councillor Bouchee asked a question regarding the provision of legal advice to Elected Members.

The Acting Chief Executive Officer, Mr S Hodge provided a response.

Councillor Bouchee asked a question regarding the legal advice quoted by Councillor Looker.

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

8.2 With Notice

8.2.1 Brighton Caravan Park (Report No: 152/13)

Councillor Bouchee asked the following questions:

Question:

1. ***How does Council intend to follow up the reply provided by the Caravan Park Manager to Council in relation to prior (alleged) advice provided to residents in relation to development of Brighton Caravan Park to verify its validity considering the answer provided by the Permanent Residents Committee?***
2. ***Administration refers in the media, at meetings, and in various other communications, to the assistance being provided to residents of Brighton Caravan Park by the Community Care Team (CCT) to assist them to find alternate housing and the transition to relocate. One report suggested there are five case managers working with residents. Many residents registered on the initial number given to register for information and assistance either via telephone or email. Several of those people have not been contacted.***
3. ***What does the assistance from Council/Administration to residents to transition to alternate housing and to relocate actually involve? Financial assistance to relocate is said to be available but no details have been provided. The sum of \$200 relocation assistance has been mentioned. Also provision of a flatbed truck to transport dwellings to a new location has been mentioned. Could Administration provide details in writing of what is included in their offer to assist residents in the transition to find alternate housing and in relocating residents and/or their dwellings, including what financial assistance is being offered?***
4. ***Has Council received any reports from the Community Care Team in relation to progress made in assisting resident to find alternate housing and to relocate? Two case managers are currently working with some of the residents who registered for assistance. Residents who have met with the CCT case managers have been referred to check with HousingSA, Seniors***

SA, ACH (Retirement Villages), Affordable Housing SA, Community Housing, various emergency housing agencies and St Kilda Caravan Park. To date no actual housing options have been identified by case managers and residents have been left to follow up the leads themselves.

- 5. What assistance will be available to residents if the housing options provided to them are inappropriate i.e. too far from work, family, or in areas not suitable to residents?***
- 6. What plans does Council have to deal with residents who have not found appropriate accommodation by 30 June 2013?***
- 7. What communication or directive has there been between Council and Park Management about the transition period for residents who may be relocating before 30 June and also for residents to be in a position to consider relocation whilst still being in current lease agreement till June 30 2013?***

BACKGROUND

Further to my question submitted to the Council meeting 12 March 2013, the reply provided by the Manager of Brighton Caravan Park listed on the Agenda of 26 March 2013 at Item 8, and the answer provided by Brighton Caravan Park Permanent Residents Committee by email at 5.03pm, 26 March 2013 to Councillors, the Mayor and the Chief Executive Officer.

ANSWER – MANAGER ORGANISATIONAL SUSTAINABILITY

- 1.** Council has sought copies of all current Residential Park Site Agreements held between the Park Manager, Rickelmore Park Management Pty Ltd and the current occupiers. Copies of each of those agreements have been made available to Council staff and we can confirm that a current signed agreement exists for all but one of the people occupying under the Residential Parks Act 2007. Each of these agreements is for 12 months, expiring on the 30 June 2013.
- 2.** Two Community Services team members are currently providing information and support to those residents who contact the provided number and request a face to face meeting. In keeping with giving residents choice and control, the team undertakes research and information gathering and presents the residents with available options.

The rest of the team is currently working 'behind the scenes' to support the project with information gathering, coordination of appointments, documentation control and opportunities for the team to debrief.

At this stage the team has met with nine (9) residents who have contacted the number provided (8229 9820) and requested assistance.

3. A letter individually addressed to each person was delivered during the week beginning 18 February 2013. This letter provided advice on the service available and contact details. A second letter, again individually addressed was sent on 4 April 2013. This letter reiterated the details of the support available and included the following:

'If you would like information about the housing choices available to you, assistance with accessing relevant agencies and support, or just a friendly ear, please don't hesitate to contact ... to make an appointment.' We've also put in place a number of practical supports including access to towing, a skip for hard rubbish, and site remediation at our cost, if required. A total of \$10,000 has been included in the project budget for incidental expenses incurred by individuals as part of their transition to more permanent housing.

4. As of Friday 19 April 2013 the team has met with 2 couples, 1 family and 6 individuals (a total of 9 individuals), and has provided links to a number of support options, including Housing SA and private rental accommodation options, Legal Services Commission, Centrelink, Community Housing and others.

Our team is not in a position to negotiate housing outcomes for individuals. This must be agreed between the person concerned and the relevant agency. Our services are limited to facilitation, support and advice.

5. Council is sympathetic to the needs of the people affected by the decision to no longer offer long term agreements at Brighton Caravan Park. People who are having difficulty finalising suitable permanent arrangements from the 30 June 2013, can contact Council officers during June 2013, to negotiate short-term arrangements (up to 9 months) in accordance with Council's resolution at its meeting on 23 April 2013 and the Residential Parks Act 2007. A letter has been sent to people advising them of Council's latest decision.

6. At a meeting with the manager of the caravan park on Friday 12 April, it was confirmed that where people have found alternate accommodation but are nonetheless struggling to end their contract early for reasons associated with their Agreement, or because they have difficulty moving the caravan for whatever reason, the caravan park manager will negotiate appropriate solutions at **no or minimal cost** to the person concerned.

8.2.2 **Costs for the Patawalonga Marina** (Report No: 166/13)

Councillor Looker asked the following question:

“Will administration please provide an updated table of the costs for the Patawalonga marina that includes the accumulated depreciation figure?”

ANSWER – GENERAL MANAGER CORPORATE SERVICES, MR I WALKER

The amount of Depreciation has changed in accordance with revaluations. The large increase in 2009/10 reflects depreciation on the components of the lock.

The asset was subsequently re-consolidated as a coastal asset by the valuers and useful life changed. Indications are that the current annual depreciation amount does not accurately reflect differing useful lives of the component parts and will need to be reviewed.

Year	Rate Revenue	Maintenance Levy	Maintenance Expenditure	Depreciation	Surplus/Deficit
2000/01	\$15,373.00	\$14,146.00	\$19,245.00	\$68,500.00	-\$58,226.00
2001/02	\$14,724.00	\$27,283.00	\$19,697.00	\$68,500.00	-\$46,190.00
2002/03	\$13,278.00	\$29,195.00	\$54,261.00	\$68,500.00	-\$80,288.00
2003/04	\$12,892.00	\$33,473.00	\$90,373.00	\$68,958.00	-\$112,966.00
2004/05	\$11,476.00	\$32,345.00	\$49,640.00	\$68,958.00	-\$74,777.00
2005/06	\$11,633.00	\$44,326.00	\$38,969.00	\$68,958.00	-\$51,968.00
2006/07	\$11,858.00	\$43,189.00	\$35,986.00	\$68,958.00	-\$49,897.00
2007/08	\$21,252.00	\$32,575.00	\$41,100.00	\$92,917.00	-\$80,190.00
2008/09	\$44,822.00	\$33,497.00	\$41,910.00	\$92,917.00	-\$56,508.00
2009/10	\$71,826.00	\$33,702.00	\$325,955.00	\$212,938.00	-\$433,365.00
2010/11	\$101,108.00	\$120,700.00	\$76,716.00	\$56,925.00	\$88,167.00
2011/12	\$133,952.00	\$60,570.00	\$52,165.00	\$58,633.00	\$83,724.00
2012/13	\$133,952.00	\$63,600.00	\$100,000.00	\$58,633.00	\$38,919.00
2013/14	\$133,952.00	\$65,500.00	\$350,000.00	\$58,633.00	-\$209,181.00
Total	\$732,098.00	\$634,101.00	\$1,296,017.00	\$1,112,928.00	-\$1,042,746.00

9. MEMBER'S ACTIVITY REPORTS

9.1 Mayoral Report – February 2013 – April 2013 (Report No: 159/13)

Councillor Looker asked a question regarding the Mayoral Report in particular the meeting that the Mayor attended with Minister Gago and Member for Hindmarsh and why that the Council's resolution regarding the meetings with Government Representatives was not complied with.

His Worship the Mayor, Dr K Rollond provided a response.

10. PUBLIC PRESENTATIONS - Nil

11. MOTIONS ON NOTICE

11.1 Adjourned Motion on Notice – Maintenance of Patawalonga Lock (Report No: 165/13)

BACKGROUND

The intent of the original agreement was that the lock maintenance would be revenue neutral to council. That is previously confirmed in Council report 475/09 *"The cost to operate and maintain this facility through agreement with the marina berth holders is a revenue neutral arrangement to council."*

Over the years maintenance has consumed all the maintenance levy plus revenue raised from the minimum rate and no funds have been placed into the sinking fund for lock replacement as was originally planned.

Year	Rate Revenue	Maintenance Levy	Maintenance Expenditure	Surplus/ Deficit
2000/01	\$15,373	\$14,146	\$19,245	\$10,274
2001/02	\$14,724	\$27,283	\$19,697	\$22,310
2002/03	\$13,278	\$29,195	\$54,261	-\$11,788
2003/04	\$12,892	\$33,473	\$90,373	-\$44,008
2004/05	\$11,476	\$32,345	\$49,640	-\$5,819
2005/06	\$11,633	\$44,326	\$38,969	\$16,990
2006/07	\$11,858	\$43,189	\$35,986	\$19,061
2007/08	\$21,252	\$32,575	\$41,100	\$12,727
2008/09	\$44,822	\$33,497	\$41,910	\$36,409
2009/10	\$71,826	\$33,702	\$325,955	-\$220,427
2010/11	\$101,108	\$120,700	\$76,716	\$145,092
2011/12	\$133,952	\$60,570	\$52,165	\$142,357
2012/13	\$133,952	\$63,600	\$100,000	\$97,552
Total.	\$598,146	\$568,601	\$946,017	\$220,730

In 2013/14 the scheduled dewatering maintenance as per 2009/2010 will happen and seems to be required every 5 years. The cost is an extra \$205,000. That will consume any accumulated surplus. When this occurred in the past the added cost was spread over 3 years to ease the burden on berth lease holders. That is why the predictability of charges is important.

Council also needs to be aware that the lock is scheduled for replacement in 2026 and the cost may be between \$2 and \$3 million. No funds have been accumulated for that purpose.

ADMINISTRATION COMMENT

Councillor Looker proposed this motion at the Council Meeting held 9 April 2013, where it was adjourned for discussion as part of the budget process, following a workshop on 30 April 2013, this matter is represented to Council for consideration. The resolution to adjourn the motion is shown below.

"Motion

C090413/904

That the matter be adjourned for discussion as part of the budget process.

Moved Councillor Huckstepp, Seconded Councillor Patton

"Carried"

Councillor Looker proposed the following motion at the Council Meeting held 9 April 2013, where it was adjourned for discussion as part of the budget process, following a workshop on 30 April 2013, this matter is represented to Council for consideration:

Motion

C140513/918

That council reaffirm the original intent that the maintenance of the Patawalonga Lock be revenue neutral to Council subject to the following conditions.

- 1. That Council make an annual budget allocation to assist to maintain the pedestrian walkway.**
- 2. That the separate marina maintenance levy be structured in such a way as to aim to provide predictability to berth holders.**

Adjournment

That this item be adjourned to be considered with the further information which will be provided in the Questions on Notice on the Marina on this topic at the next meeting of Council on 28 May 2013.

Moved Councillor Fisk and Seconded Councillor Bouchee

Lost

The substantive motion was put

Moved Councillor Looker and Seconded Councillor Patterson

Carried

Division called

A division was called:

Those voting for: Councillors Patterson, Looker, Clancy, Donaldson, Roe, Huckstepp and Yates (7)

Those voting against: Councillors Fisk, Patton, Dixon and Bouchee (4).

His Worship the Mayor declared the motion

Carried

11.2 Motion on Notice – Brighton Town Hall – Councillor Looker

Councillor Looker proposed the following motion:

Motion

C140513/919

That Council authorise the Acting Chief Executive Officer or the Chief Executive Officer to write to the Premier with copies to the Minister for Local Government Relations and local MP Chloe Fox to request that Council's application for removal of the community land status of the Old Brighton Town Hall be expedited to enable the removal of borrowings against this site and to allow funds to be applied to higher priority community projects.

Moved Councillor Looker, Seconded Councillor Clancy

Carried

Division called

A division was called:

Those voting for: Councillors Patton, Dixon, Patterson, Looker, Clancy, Donaldson, Roe and Huckstepp (8)

Those voting against: Councillors Fisk, Bouchee and Yates (3).

His Worship the Mayor declared the motion

Carried

BACKGROUND

Council resolved to remove the community land status of the Old Brighton Town Hall in May 2012 and at this time has still not received a response from the minister. On any scale a year is more than enough time to provide and answer. With the funding of this property on borrowed money the costs to the community are escalating and important community resources are diverted to unproductive interest rather than the community good.

The purchase of the RSL property was authorised by council on the clear understanding that the consolidated property would be sold. As Council has no use for the property, it is continuing as a local eyesore and the funds are needed to reduce debt and to be applied for more appropriate community needs, the hold up by the State Government needs to be resolved.

It should be noted that the building is local heritage listed and has a conservation plan that Council has resolved to make as a condition of sale. Heritage SA supports 'adaptive reuse' as one of the best ways to protect our idle heritage buildings.

12. ADJOURNED MATTERS - Nil

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

13.1 Minutes – Alwyndor Aged Care Management Committee – 19 March and 16 April 2013 (Report No: 155/13)

The Minutes of the Alwyndor Aged Care Management Committee for 19 March and 16 April 2013 are provided for information.

Motion

C140513/920

That the Minutes of the Alwyndor Aged Care Management Committee for 19 March and 16 April 2013 be noted by Council.

Moved Councillor Bouchee, Seconded Councillor Clancy

Carried

13.2 Minutes – Jetty Road Main Street Management Committee – 3 April 2013 (Report No: 95/13)

The Minutes of the Jetty Road Mainstreet Management Committee meeting held 3 April 2013 are attached and presented for Council's information.

Motion

C140513/921

That the minutes of the Jetty Road Mainstreet Management Committee held 3 April 2013 is received.

Moved Councillor Bouchee, Seconded Councillor Patton

Carried

13.3 Minutes – Development Assessment Panel – 27 March 2013 (Report No: 136/13)

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

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

Motion**C140513/922**

That the minutes of the Development Assessment Panel meeting held on 27 March 2013 be received.

Moved Councillor Clancy, Seconded Councillor Dixon

Carried**14. REPORTS BY OFFICERS****14.1 Items in Brief (Report No: 154/13)**

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**C140513/923**

That the report be noted and items of interest discussed.

Moved Councillor Dixon, Seconded Councillor Yates

Carried**14.2 Food to Greens Program (Report No: 162/13)**

Proposal to provide residents with bio baskets and liners for the processing of household food waste as organics within the green organics bin.

Motion**C140513/924**

- 1. That Council endorse option 2 as its preferred model to manage food waste.**
- 2. That Council consider an allocation of \$63,000 in the 2013/14 budget as a new initiative for a "Food to Greens" Program and a reallocation of \$83,156 from the waste disposal budget to a "Food to Greens" budget (refer Table 2 Summary Budget and Detailed Budgets attached).**
- 3. That the grant application approved by Zero Waste SA for \$146,166 for 2013-14 and \$54,543 in the subsequent 2 years (\$255,252.00 total) for a "Food to Greens" program be endorsed.**

Councillor Bouchee left the chamber at 8.44pm.

Councillor Bouchee rejoined the chamber at 8.46pm.

Moved Councillor Yates, Seconded Councillor Donaldson

Carried

Division called

A division was called:

Those voting for: Councillors Patton, Dixon, Looker, Clancy, Donaldson, Roe and Yates (7)

Those voting against: Councillors Fisk, Bouchee, Dixon and Huckstepp (4).

His Worship the Mayor declared the motion

Carried

14.3 **Alwyndor Aged Care Management Committee Appointments** (Report No: 153/13)

The General Manager Alwyndor Aged Care, Mr G Potter has advised that the two year appointment term for Committee members Mr Nick Hakof, Mr Ian Pratt and Mr Darryl Royans will expire on the 30 June 2013.

All three committee members have confirmed their availability and willingness to extend their membership for a further two year term. The Alwyndor Management Committee at its meeting held on 16 April 2013, considered Mr Hakof, Mr Pratt and Mr Royans offer and subsequently endorsed a two year term extension, subject to Council approval.

Motion

C140513/925

That Council endorses the recommendation of the Alwyndor Management Committee in relation to the reappointment of Mr Nick Hakof, Mr Ian Pratt and Mr Darryl Royans to the Management Committee for a further two year term to expire on 30 June 2015.

Moved Councillor Clancy, Seconded Councillor Donaldson

Carried

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

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

16.1 **Personal Statement – Councillor Bouchee**

Councillor Bouchee sought leave of the meeting to make a personal statement regarding a breach of the Code of Conduct.

Leave was not granted by the meeting.

16.2 **Confirmation of the Minutes**

Motion

That the minutes of the meeting held 23 April 2013 are confirmed.

Moved Councillor Looker, Seconded Councillor Bouchee

His Worship the Mayor, under Section 13(7) of the *Local Government (Meetings at Proceedings) Regulations 2000* determined that the motion would not be considered.

16.3 Remaking of Decision C230413/903

Councillor Looker requested that due to procedural defects decision C230413/903 needed to be remade.

His Worship the Mayor, under Section 13(3) of the *Local Government (Meetings at Proceedings) Regulations 2000* determined that the motion would not be considered as it should be dealt with through either an amendment or rescission motion.

Councillor Roe left the chamber at 9.08pm.

Councillor Roe rejoined the chamber at 9.09pm.

17. ITEMS IN CONFIDENCE - Nil

CLOSURE

The Meeting closed at 9.10pm.

CONFIRMED 28 May 2013

MAYOR