

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 23 July 2013 at 7:00pm.

MEMBERS PRESENT

His Worship the Mayor, AK Rollond
Deputy Mayor, RA Clancy
Councillor RM Bouchée
Councillor PW Dixon
Councillor LR Fisk
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 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 7.00pm.

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 - Councillor KM Donaldson
- 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****C230713/965**

That the minutes of the Ordinary Meeting of Council held on 9 July 2013 be taken as read and confirmed.

Moved by Councillor Looker, Seconded by Councillor Clancy

Carried**8. QUESTIONS BY MEMBERS****8.1 Without Notice****8.1.1 Cinema Proposal – Councillor Bouchee**

Councillor Bouchee asked a question regarding the length of free time for parking in the Woolworths carpark which is associated with the proposal for the cinema.

The Chief Executive Officer, Mr J Lynch provided a response.

8.2.2 Weather Events – Councillor Bouchee

Councillor Bouchee asked a question if there have been any incidents during the weather events of the past two weeks.

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

8.2 With Notice**8.2.1 Question with Notice – Brighton Caravan Park – Legal Fees and Compensation – Clarification – Councillor Bouchee (Report No: 245/13)**

“1. To date, how much has the council paid in legal advice and consultant fees concerning the intended termination of leases of Brighton Caravan Park tenants?”

2. ***To date, how much compensation has been given to the residents?"***

ANSWER – Manager Organisational Sustainability

1. Approximately \$2,250
2. To date no one has taken up our offer.

On reflection, the Manager Organisational Sustainability believes this answer is not clear, and provides the following clarification:

Council has not offered any compensation to people affected by Council's decision. It has offered reimbursement of reasonable costs associated with moving from the Park. To date no one has sought reimbursement of any costs.

8.2.2 **Question with Notice – Brighton Caravan Park – Compensation – Councillor Bouchee** (Report No: 246/13)

“Could the Manager Organisational Sustainability please provide details and clarification of financial assistance that has been offered and not taken up by residents as referred to in the reply to question 2 that ‘To date no one has taken up our offer’.

The offer of \$10,000 has in the past been quoted as a figure for assistance with ‘incidental expenses’ but no further detail has been provided.”

Background

Recently I was informed that a resident who was relocating submitted a request for \$400 to assist with removal expenses. The request was made via the Homelessness Service at Marion. That request was refused.

I am referring to your answers to Questions with Notice provided in the agenda of the meeting held 14 May 2013.

ANSWER – Manager Organisational Sustainability

The Uniting Care Service, Inner Southern Homeless Service, located at Marion, was advised in writing earlier this month that the City of Holdfast Bay would provide financial reimbursements to cover reasonable costs associated with moving for any clients who were living at the Brighton Caravan Park. To date I have not received any requests.

The Service has been contacted to clarify the situation in regards to the particular request referred to in the councillor's question.

8.2.3 **Question with Notice – Cinema Proposal – Financial Implications/Impacts on Residents/Ratepayers – Councillor Bouchee (Report No: 247/13)**

“Could the CEO please outlay the details of the specific financial benefits and negatives (including potential cash flows) to the Residents/Ratepayers of the Taplin’s Cinema Proposal?”

Background

Considering this development has major financial implications/impacts for the City of Holdfast Bay now and in the future, I believe a financial breakdown of benefits and negatives would be a basic requirement in Council assessing the true Business case.

ANSWER – Chief Executive Officer

The question will be taken on notice.

8.2.4 **Questions with Notice – Brighton Caravan Park – His Worship the Mayor, Dr Rollond (Report No: 248/13)**

His Worship the Mayor asked the following questions at the Council Meeting held on 9 July 2013:

“8.1.2 Brighton Caravan Park

His Worship the Mayor asked the following questions:

1. ***In a previous council meeting, a request was made by Senator Xenophon for council to agree to mediation with the permanent residents of the caravan park. Council refused this request because there was no firm evidence that legal action was pending. With an article in the Messenger outlining probable legal action, will Administration of Council be recommending:***
 - a. ***Conciliation, mediation or compromise?***
 - b. ***Standing firm and await legal action with request for funds to fight it in court?***
 - c. ***Do nothing and let elected members decide?***
2. ***Can Administration put an estimated total cost, to council, since January related to the Caravan Park including staff, legal and consultants’ costs?***
3. ***How many hours is the Consultant, on \$250 per hour, contracted to work?***

4. ***Is the Council aware that many of the homes in the park, occupied by permanent residents, are insured for many thousands of dollars?***
5. ***If council demolishes these buildings, will the insurers be able to claim compensation from council?***
6. ***Of interest, it was reported on radio today, that cars left in the street cannot be disposed of by councils without a lengthy process. Does this apply to caravans and homes?"***

ANSWERS – Manager Organisational Sustainability

1. In this instance, where Council has made a lawful decision, the role of Administration is to implement this decision. If members of Council wish to amend or rescind the decision in order to seek a compromise then this should be brought to the Council by way of a Motion on Notice and decided on by the majority of members.
2. Staff Time - Impossible to quantify. Hours spent across the organisation (customer service, media and communications, community services, property, procurement, and asset services) on matters relating to the caravan park have been absorbed through normal FTE's. The cost, which cannot be quantified, may have been to other projects which have been deferred or delayed in order to focus on the Brighton Caravan Park redevelopment.

Legal Fees – Contractual and Procurement - \$13,000
General Advice - \$15,000
Section 270 Review - \$2,700

Consultant - \$5,000 (Budget) (Actual to be confirmed, but is likely to be under budget at this time.)
3. 20 hours @ \$250 per hour
4. No. Administration is not privy to the personal financial arrangements of people in the caravan park.
5. We have discussed this matter with our legal advisors, and to date are waiting for their advice.
6. As above. We are still waiting for legal advice on this matter.

9. MEMBER'S ACTIVITY REPORTS

9.1 Murray Darling Association Annual General Meeting

Councillor Yates reported that she attended the Murray Darling Association Annual General Meeting.

10. PUBLIC PRESENTATIONS

10.1 **Petitions** - Nil

10.2 **Presentation** - Nil

10.3 **Deputations**

10.3.1 **Richard Finlayson, Proprietor of The Buffalo Restaurant**

Mayor Rollond approved a deputation from Richard Finlayson to address Council regarding the future of The Buffalo Restaurant for five minutes.

11. MOTIONS ON NOTICE - Nil

12. ADJOURNED MATTERS - Nil

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

13.1 **Minutes of Development Assessment Panel – 26 June 2013** (Report No: 227/13)

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

The minutes of the Development Assessment Panel meeting held 26 June 2013 are presented to Council for information.

Motion

C230713/966

That the minutes of the Development Assessment Panel meetings held on 26 June 2013 be received.

Moved Councillor Clancy, Seconded Councillor Lonie

Carried

14. REPORTS BY OFFICERS

14.1 **Items in Brief** (Report No: 239/13)

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

C230713/967

That the report be noted and items of interest discussed.

Moved Councillor Yates, Seconded Councillor Looker

Carried**14.2 Coastal Vegetation Master Plan New Format (Report No: 54/13)**

Following a report to Council in March 2012 on the request from several residents for the removal of coastal vegetation between Seacliff and Brighton a detailed master plan has been developed in consultation with the Coastal Protection Board. This report seeks endorsement of that plan and policy following community consultation and the staged implementation of the plan.

Motion**C230713/968**

- 1. That the draft Coastal Vegetation Master Plan be endorsed as the basis for replanting of the sand dunes between Seacliff and Brighton.**
- 2. That Council, endorse the draft Coastal Vegetation Policy as the guiding principles for future management of vegetation along the coast.**
- 3. That the Coastal Vegetation Master Plan be modified where possible to allow for the early removal or trimming of Coastal Tea-trees adjacent to the western footpath as defined in Attachment 4.**
- 4. Commence as soon as possible trimming of the coastal tea tree (only) to approximately 2-2.5m in the sections identified in attachment 4, under supervision of council tree team, remove totally once cleared areas have been suitably revegetated, which will occur over a number of years as planned by administration.**

Moved Councillor Roe, Seconded Councillor Looker

Carried**14.3 Alteration to Design of Seacliff Coast Park (Report No: 240/13)**

Following recent meetings with several residents and subsequent letters received by elected members regarding the feasibility of reviewing the design of some sections of the Seacliff Coast Park, administration has reviewed the design in line with the requests from residents and this report outlines the results of that review.

Motion**C230713/969**

- 1. That an 80 metre section of proposed boardwalk through the coastal dune (adjacent to 215 The Esplanade and the toilet block opposite the hotel), be replaced with a 4 metre wide paved shared path that would be constructed around the Norfolk Island Pines.**

2. **That the section of proposed boardwalk to the southern Section of Precinct 6 be replaced by a 4 metre wide paved shared path to be built on the eastern section of the coastal dune.**
3. **That, where possible, car parking be created on the western carriageway at this section of the Coast Park approaching the Seacliff car park.**

Moved Councillor Roe, Seconded Councillor Huckstepp

Carried

14.4 **2012-13 Budgets Carried Forward** (Report No: 241/13)

As at 30 June 2013, a number of programs in Council's 2012/13 annual business plan and budget are incomplete as a result of delays arising from external factors, or where the project spans more than one budget year. Completion will require an allocation of funds in the form of a 'carry forward' from 2012/13 to the 2013/14 budget.

Motion

C230713/970

That capital expenditure of up to \$1,422,417, property sale income of \$2,000,000 and net operating expenditure of up to \$61,675 from the 2012/13 budget be carried forward for expenditure in 2013/14.

Moved Councillor Looker, Seconded Councillor Patterson

Carried

14.5 **Special Circumstances Licence Application – Kaz Hair** (Report No: 242/13)

A new business is opening in shops 18/19 525 Brighton Road Brighton. The premise has been leased by Zak Grooming for Men Pty Ltd with the intent of establishing a hair salon named 'Kaz Hair'. The lessees have also applied to the Office of the Liquor and Gambling Commissioner for a 'Special Circumstances Licence' to operate from the premises.

Under section 40 of the Liquor Licensing Act 1997 the applicant seeks to serve/supply liquor to customers (ONLY) between the hours of 12:00pm and 7:00pm Friday to Wednesday; and 12:00pm to 9:00pm Thursdays.

As a subsequent aspect of the application is that a section 97(2) exemption is sought to grant the licensed premises authority to operate without a 'Responsible Person' present at the premises at all times. Full details of the application are contained within this report.

Motion

C230713/971

That Council advise the Office of the Liquor and Gambling Commissioner that it supports the approval of a Special Circumstances Licence to sell and/or supply liquor in accordance with section 40 of the Liquor Licensing Act 1997 as well as endorsing the section 97(2) exemption based on the following conditions:

Special Circumstances Licence – Section 40

1. That the hours in which liquor is served/supplied be restricted to:
 - a. Friday to Wednesday between the hours of 12:00pm and 7:00pm;
 - b. Thursdays between the hours of 12:00pm and 9:00pm;
2. No liquor is to be offered for sale to the general public;
3. There will be no promotion of liquor for sale at the licensed premises;
4. A limit of one (1) standard alcoholic beverage on a gratuitous basis per customer per day for consumption on the premises be permitted;
5. That hair dressing activities remain as the predominant function of business at all times from the premises.
6. That the section 97(2) exemption is granted from the requirements outlined in section 97(1)(a) provided:
 - a. the licensing authority be given the right to review the exemption at any time.

Moved Councillor Looker, Seconded Councillor Lonie

Carried

14.6 **Public Health Act Delegations** (Report No: 243/13)

The final provisions of the *South Australian Public Health Act 2011* commenced on 16 June 2013, and on that date the *South Australian Public Health (Legionella) Regulations 2013*, and the *South Australian Public Health (Wastewater) Regulations 2013* came into operation.

The *Public and Environmental Health Act 1987* has been repealed and the delegations Council has previously made need to be revoked.

The LGA has been advised that Council that the delegations need to be made under the new Act and Regulations.

Motion

C230713/972

1. That Council hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the Public and Environmental Health Act 1987.

2. **That following the introduction of the South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013, the Council:**
 - a. **In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Attachment 1 to Report No: 243/13 are hereby delegated this 23rd of July 2013 to the person occupying the office of Chief Executive Officer subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation, in respect to the South Australian Public Health Act 2011 along with the South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013 (Appendix 18)**

Moved Councillor Dixon, Seconded Councillor Yates

Carried

14.7 **Elector Representation Review – Outcome of Second Consultation Period** (Report No: 244/13)

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 second of two prescribed public consultation stages has been completed. Council is now in a position to consider the submissions received and determine if it wishes to reconsider its model of representation.

Motion

1. **That the 47 written submissions be noted and received.**
2. **The name of the Council not be changed at this time.**
3. **The principal member of Council continues to be a mayor, elected by the whole of the community at council-wide elections.**
4. **The Council area continues to be divided into wards.**
5. **That Council gives further consideration to the issues of an appropriate future ward structure and the future composition of Council, in particular the three ward/nine councillor option.**
6. **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 the required three week**

(minimum) additional public consultation process, as soon as practical, on the 3 ward/9 councillor option.

Moved Councillor Looker, Seconded Councillor Lonie

AMENDMENT

Councillor Dixon left the chamber at 7.49pm.

Councillor Dixon rejoined the chamber at 7.50pm.

Motion

C230713/973

1. **That the 47 written submissions be noted and received.**
2. **The name of the Council not be changed at this time.**
3. **The principal member of Council continues to be a mayor, elected by the whole of the community at council-wide elections.**
4. **The Council area continues to be divided into wards.**
5. **The council area continue to be divided into four wards as per the structure presented in the Representation Review Report.**
6. **The existing ward names and level of ward representation be retained.**
7. **The council continue to comprise twelve ward councillors and the Mayor.**
8. **Council administration be authorised to prepare and forward the necessary report and documents to the Electoral Commissioner, pursuant to the provisions of sections 12(11) and 12(12) of the Local Government Act 1999.**

Moved Councillor Huckstepp, Seconded Councillor Yates

The amendment on being put was

Carried

The motion, as amended, on being put was

Carried

Division called

A division was called:

Those voting for: Councillors Fisk, Patton, Dixon, Bouchee, Roe, Huckstepp and Yates (9)

Those voting against: Councillors Patterson, Looker, Clancy and Lonie (4).

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****16.1 H Class Tram**

Councillor Bouchee asked a question regarding the H Class Tram in service on the weekend.

Councillor Huckstepp left the chamber at 8.01pm.

16.2 Ferry Service – Glenelg to Kangaroo Island**Motion****C230713/974**

That Council write a letter of Support for the proposed Ferry Service – Glenelg to Kangaroo Island.

Councillor Huckstepp rejoined the chamber at 8.03pm.

Moved Councillor Patton, Seconded Councillor Fisk

Carried**17. ITEMS IN CONFIDENCE****17.1 Brighton Caravan Park – Verbal Update****Motion****C230713/975**

1. That under provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer, General Managers and administrative staff in attendance in order to consider in confidence this item.
2. That the Chief Executive Officer is satisfied that it is necessary that the public be excluded to enable the Council to discuss and to consider the matter at the meeting on the following grounds:
 - a. information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person or persons (living or dead) in the matter of/in regards to *Brighton Caravan Park – Verbal Update*
 - i. information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council.

Moved Councillor Dixon, Seconded Councillor Bouchee

Carried

Council Staff in Attendance: Chief Executive Officer - JP Lynch, General Manager City Assets - SG Hodge, General Manager Corporate Services - IS Walker, Manager Organisational Sustainability – PE Aukett, Manager Development Services – A Marroncelli, Governance Officer – W Matthews

Update on Brighton Caravan Park - Verbal

His Worship the Mayor allowed Members a five minute recess for Members at 8.15pm.

The meeting recommenced after the recess at 8.20pm.

Councillor Bouchee left the chamber at 8.33pm.

Councillor Bouchee rejoined the chamber at 8.36pm.

Councillor Looker left the chamber at 8.48pm.

Councillor Looker rejoined the chamber at 8.52pm.

Councillor Patton left the chamber at 8.57pm.

Councillor Patton rejoined the chamber at 8.59pm.

Councillor Bouchee left the chamber at 9.02pm.

Councillor Fisk left the chamber at 9.06pm.

Councillor Fisk rejoined the chamber at 9.08pm

Order to Retain Documents in Confidence

Motion

C230713/977

1. **That an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the documents relating to Update on Brighton Caravan Park - Verbal including:**
 - **Minutes**
 - **Report**
 - **Attachment****relating to discussion of the subject matter of that document, having been dealt with on a confidential basis under Section 90 of the Act, should be kept confidential on the grounds of information contained in 90(3) (a and i)**
2. **This resolution will be reviewed within 12 months by the Council.**

Moved Councillor Clancy, Seconded Councillor Lonie

Carried

Councillor Clancy left the chamber at 9.17pm.

CLOSURE

The Meeting closed at 9.18 pm.

CONFIRMED Tuesday 13 August 2013

MAYOR