

# MINUTES

Committee Ordinary Council

Meeting Held Monday, 28 July 2014 at 5.30pm

Location Council Chambers, Bay Road, Victor Harbor

#### 1. PRESENT

His Worship the Mayor, G Philp (Chairperson)

Councillor B Bond

Councillor P Chigwidden

Councillor K Dutton

Councillor P Lewis

Councillor R Marshall

Councillor T Telfer (5.32pm)

#### In Attendance:

Mr G Maxwell - City Manager

Ms K Jessep - Director Corporate & Community Services

Mr G Pathuis - Director of Planning & Regulatory Services

Mr B Doman - Manager Environment & Recreation

Mrs G Riley - Minute Secretary

Ms M James - Communications Officer

Ms D Blagrove - Governance Officer (5.45pm)

## 2. LOCAL GOVERNMENT PRAYER & VISION

## <u>Prayer</u>

Almighty God, we ask you to bless this council and allow it to be an agent of change to the people of this City and beyond. Direct and prosper its deliberations to the honouring of Your name and the welfare of the people whom it serves. Amen

### Acknowledge Country

We acknowledge the traditional custodians of our beautiful lands and surrounding waters, the Ramindjeri and Ngarrindjeri people. As a community we recognise and respect their cultural connection with the land and waters.

## 3. APOLOGIES & LEAVE OF ABSENCE

Cr D Shepherd, Cr D Hall and Cr C Sedunary

### 4. MINUTES OF THE PREVIOUS MEETINGS

## 4.1. Confirmation of Minutes of Ordinary Council Meeting - 23 June 2014

OC 14/0254 Confirmation of the Minutes of the Previous Ordinary Council Meeting

Moved: Cr P Chigwidden Seconded: Cr P Lewis

That the Minutes of the Previous Ordinary Council Meeting held on Monday, 23 June 2014 be confirmed as a true and correct record.

**CARRIED** 

#### 4.2. Confirmation of Minutes of Special Council Meeting - 7 July 2014

OC 14/0255 Confirmation of Minutes of Special Council Meeting - 7 July 2014

Moved: Cr K Dutton Seconded: Cr B Bond

That the Minutes of the Previous Special Council Meeting held on Monday, 7 July 2014 be confirmed as a true and correct record.

**CARRIED** 

### 5. MINUTES OF COUNCIL COMMITTEE MEETINGS

#### 5.1. Community Library Advisory Committee – 15 July 2014

OC 14/0256	Community Library Advisory Committee - 15 July 2014
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Moved: Cr P Lewis Seconded: Cr P Chigwidden

That the Minutes of the Community Library Advisory Committee Meeting held on 15 July 2014 be received and the recommendations contained therein, and printed below, be adopted.

**CARRIED** 

CCL 14/0003 Confirmation of the Minutes of the Previous Meeting

Moved: Ms M Allison Seconded: Mayor G Philp

That the Minutes of the Previous Community Library Advisory Committee Meeting held on Tuesday, 15 April 2014 as per copies supplied to members be confirmed as a true and correct record of that meeting.

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CCL 14/0004	Finance Rep	Finance Report			
	Moved:	Ms M Allison	Seconded:	Mr D Michelmore	
	That the Lil	orary Finance Report to the 30tl	n of June 2014 b	e received.	

**CARRIED** 

CCL 14/0005	Library Ma	Library Manager's Report				
	Moved:	Ms M McGill	Seconded:	Mr D Michelmore		
	That the Library Manager's Report be received.					

**CARRIED** 

CCL 14/0006	Thankyou to	Thankyou to Library Staff			
	Moved:	Ms M Allison	Seconded:	Ms M McGill	
		of thanks be forwarded to the efforts in the 2013/14 financial	to the Victor Harbor Public Library staff for their		

**CARRIED** 

CCL 14/0007	Thanks to	s to Outgoing Friends President			
	Moved:	Ms M Allison	Seconded:	Cr P Lewis	
		of thanks be forwarded of the Victor Harbor Lib	,	Gill for her efforts as President of	

**CARRIED** 

# 5.2. Disability Access Advisory Committee - 17 June 2014

OC 14/0257	Disability Access Advisory Committee - 17 June 2014			
	Moved:	Cr B Bond	Seconded:	Cr P Lewis
	held on 1	5	and the red	visory Committee Meeting commendations contained

CDA 14/0007	Minutes of	Minutes of the previous meeting			
	Moved:	M Gray	Seconded:	K Ewens	
	That minut	tes of the previous n	neeting held 18 March 2014	be confirmed.	

CDA 14/0008	Car parks	Car parks for disabled permit holders near the Norfolk House Medical Centre				
	Moved:	Mayor G Philp	Seconded:	K Ewens		
		rmit holders be created near the s in front of Cobblestone Corner.				

CARRIED

CDA 14/0009	Complaint	Complaint to SA Police Traffic Division				
	Moved: Mayor G Philp Seconded: Cr P Lewis					
		That it be recommended that Council lodge a complaint with the SA Police Division regarding the issue of motorised scooters being used on roads in Victor I				
		CARRIED				

CDA 14/0010	Footpath e	Footpath encroachments adjacent to the library car park				
	Moved:	Cr P Lewis	Seconded:	M Gray		
		dequate manoeuvring space that s fronting the wetland to prevent				

**CARRIED** 

# 5.3. Disability Access Advisory Committee - 15 July 2014

OC 14/0258	Disability Access Advisory Committee - 15 July 2014				
	Moved:	Cr B Bond	Seconded:	Cr P Lewis	
	That the Minutes of the Disability Access Advisory Committee held on 15 July 2014 be received and the recommendation therein, and printed below, be adopted.				

CDA 14/0011	Minutes of the previous meeting				
	Moved:	Cr P Lewis	Seconded:	S James	
	That minutes of the previous meeting held 17 June 2014 be confirmed.				

CDA 14/0012	Resignation of M Gray				
	Moved:	Cr P Lewis	Seconded:	S James	

That it be recommended that the resignation of M Gray as a community member on the Disability Access Advisory Committee be accepted with regret.

**CARRIED** 

# 5.4. Fleurieu Region Community Services Advisory Committee - 8 July 2014

OC 14/0259	Fleurieu Region Community Services Advisory Committee - 8 July 2014				
	Moved: Cr P Lewis Seconded: Cr P Chigwidden				
	That the Minutes of the Fleurieu Region Community Services Advisor Committee Meeting held on 8 July 2014 be received and t	_			
	recommendations contained therein, and printed below, be adopted.				

**CARRIED** 

FRCS 14/0017	Minutes o	Minutes of the previous meeting				
	Moved:	Mayor G Philp	Seconded:	Cr P Lewis		
	That minu	tes of the previous meetir	ng held 10 June 2014 b	e confirmed.		

**CARRIED** 

FRCS 14/0018	Commonwealth Aged Care Reforms								
	Moved:	Cr P Lewis		Seconded:	Ma	yor G	Philp		
		ıpdate report on alth Home Support			Aged	Care	Reforms	and	the

FRCS 14/0019	Applicatio	Application for funding for Fleurieu Families					
	Moved:	Mayor G Philp	Seconded:	Cr P Lewis			
		That the report on preparation of an application for funding to the Department Services under the Families and Communities Program for Fleurieu Families be r					

FRCS 14/0020	Departmen	Department of Social Services - Ageing and Service Improvement Program					
	Moved:	Cr M Gardner	Seconded:	Cr P Lewis			
	Councils, s	ubmit an application wit	h the Department of S	pehalf of the Southern Focial Services, under the puthern Fleurieu and KI I	Ageing		

Ageing Taskforce

**CARRIED** 

FRCS 14/0021	Caring Ne	Caring Neighbourhood Program - 2013/14 Activity Report					
	Moved:	Moved: Cr P Lewis Seconded: Cr M Gardner					
		That the activity report for the Caring Neighbourhood Program for the period July June 2014 be received.					
				CARRIE			

FRCS 14/0022	Country Arts Sa - Step Out Grants					
	Moved:	Mayor G Philp	Seconded:	Cr P Lewis		

That the City of Victor Harbor consider an application to Country Arts SA for a Step Out Grant for Wet Paint Youth Theatre.

**CARRIED** 

# 5.5. Recreation & Sport Advisory Committee - 2 July 2014

OC 14/0260	Recreatio	Recreation & Sport Advisory Committee - 2 July 2014						
	Moved:	Cr P Chigwidden	Seconded:	Cr T Telfer				
	held on	That the Minutes of the Recreation & Sport Advisory Committee Meheld on 2 July 2014 be received and the recommendations contatherein, and printed below, be adopted.						

CRS 14/0018	Confirmat	Confirmation of the Minutes of the Previous Meeting					
	Moved:	Cr T Telfer	Seconded:	Mr J Guy			
	on Wedne	That the Minutes of the Previous Recreation & Sport Advisory Committee Meeting held on Wednesday, 7 May 2014 as per copies supplied to members be confirmed as a true and correct record of that meeting.					

CRS 14/0019 Ms Y Cooke - Letter of Resignation Accepted

Moved: Mr J Bell Seconded: Ms M Jagger

It is recommended to Council that Ms Y Cooke's letter of resignation is accepted and that administration send a letter of acknowledgement and appreciation.

**CARRIED** 

CRS 14/0020 Report, Master planning Encounter Bay Recreation Ground and Victor Harbor Oval.

Moved: Cr T Telfer Seconded: Ms S Baxter

It is recommended to Council that the Report, Master Planning Encounter Bay Recreation Ground and Victor Harbor Oval be received.

**CARRIED** 

CRS 14/0021 Recreation and Sport Small Grants Scheme 2014/15 Round 1

Moved: Mr J Guy Seconded: Ms M Jagger

It is recommended to Council that the Recreation and Sport Small Grants Scheme Round 1, 2014/15 commence immediately with a closure date of 25 July 2014 to allow for two rounds of funding within the 2014/15 financial year.

**CARRIED** 

CRS 14/0022 Correspondence IN

Moved: Mr J Guy Seconded: Ms J Curran

It is recommended that the correspondence in be received.

**CARRIED** 

CRS 14/0023 Correspondence OUT

Moved: Mr J Bell Seconded: Ms S Baxter

It is recommended to Council that the correspondence out be received.

**CARRIED** 

# 5.6. Southern Communities Transport Advisory Committee – 18 June 2014

OC 14/0261	Southern Communities Trans	Southern Communities Transport Advisory Committee - 18 June 2014				
	Moved: Cr P Lewis	Seconded: Cr P Chigwidden				
	Committee Meeting held	outhern Communities Transport Advisory on 18 June 2014 be received and the herein, and printed below, be adopted.				
		CARRIED				

SCTS 14/0017	Minutes o	Minutes of the previous meeting					
	Moved:	Cr P Lewis	Seconded:	B McFarland			
	That minu	That minutes of the previous meeting held 21 May 2014 be confirmed					
					CARRIED		

SCTS 14/0018	Correspon	Correspondence					
	Moved:	Cr P Lewis	Seconded:	D Schirmer			
	That corre	That correspondence be received.					
					CARRIED		

SCTS 14/0019	2013/14 Financial Report				
	Moved:	Cr A Woolford	Seconded:	Mayor G Philp	

That the minutes records thanks to L Dodd and M Woodman for their efforts to minimize the budget impact of additional Coordinator salaries required as a result of the Program Support Office position being vacant.

SCTS 14/0020	Financial,	Financial, statistical and brokerage reports				
	Moved:	Cr A Woolford	Seconded:	C Shackleford		
	That financial, statistical and brokerage reports be received.					

# 5.7. Southern Communities Transport Advisory Committee - 16 July 2014

OC 14/0262	Southern Communities Transport Advisory Committee - 16 July 2014				
	Moved: Cr P Lewis Seconded: Cr K Dutton				
	That the Minutes of the Southern Communities Transport Advis Committee Meeting held on 16 July 2014 be received and recommendations contained therein, and printed below, be adopted.				

**CARRIED** 

SCTS 14/0021	Minutes o	Minutes of the previous meeting			
	Moved:	D Schirmer	Seconded:	Cr P Lewis	
	That minu	tes of the previous meet	ting held 18 June 2014 b	e confirmed.	

**CARRIED** 

SCTS 14/0022	Correspondence				
	Moved:	Mayor G Philp	Seconded:	Cr A Woolford	
	That correspondence be received.				

**CARRIED** 

SCTS 14/0023	Financial, statistical an brokerage reports				
	Moved:	C Shackleford	Seconded:	Cr M Gardner	
	That financial, statistical and brokerage reports be received.				

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## 5.8. Victor Harbor Economic Development Committee - 2 July 2014

## OC 14/0263 Victor Harbor Economic Development Committee - 2 July 2014

Moved: Cr P Lewis

Seconded: Cr P Chigwidden

That the Minutes of the Victor Harbor Economic Development Committee Meeting held on 2 July 2014 be received and the recommendations contained therein, and printed below, be adopted.

CARRIED

ECO 14/0011 Confirmation of the Minutes of the Previous Meeting

Moved: Cr T Telfer

Seconded: B Ca

**B** Carmichael

That the Minutes of the Previous Victor Harbor Economic Development Committee Meeting held on Wednesday, 4 June 2014 as per copies supplied to members be confirmed as a true and correct record of that meeting.

**CARRIED** 

ECO 14/0012 Mainstreet Markets Strategy

Moved: Cr T Telfer

Seconded:

K Baker-Jamieson

That Council staff assist the Victor Harbor Business Association and Victor Harbor Country Markets to further investigate the Mainstreet Market Strategy presented.

**CARRIED** 

### 6. QUESTIONS FROM THE GALLERY

#### 6.1. Residential DPA

Mr Abblett indicated that his question raised at the council meeting held on 23 June 2014 has not been responded to, although he had been provided with a copy of the Development Plan Amendment Guidelines. The question previously asked was: Has there been a budget allocation made within the draft 2014/2015 budget for the Residential DPA and what is the proposed timeframe for the commencement and completion of the DPA process?

The question was taken on notice.

### 6.2. Footpath - Sturt Street

Mr Abblett asked: It is my belief that Council workers repaired and resealed the footpath outside no. 18A and 18B Sturt Street last week. Therefore can council tell me - Who paid for the repair and tar sealing of the footpath outside 18A and 18B Sturt Street that was done last week, was it ratepayers or Council? If it is the developer, when will the developer receive an account?

The question was taken on notice.

#### 6.3. Stock Road Subdivision

Mr Blatchford endeavoured to raise two questions and a supplementary question regarding the Stock Road/Crozier Hill subdivision.

The questions were disallowed by the Mayor as it was his opinion that the questions related to two independent and confidential investigations that were currently occurring.

#### 7. PETITIONS

#### 7.1. Petition – Torrens Lane East

OC 14/0264	Petition - Torrens Lane East			
	Moved: Cr K Dutton Seconded: Cr B Bond			
	That the petition calling for the sealing of Torrens Lane East, Victor Harbor be received.			

**CARRIED** 

OC 14/0265	Petition - Torrens Lane East	
	Moved: Cr K Dutton	Seconded: CrPLewis

That the head petitioner be advised that -

- 1. Torrens Land East is currently programmed for construction in the 2015/16 financial year;
- 2. the construction of the Laneway cannot be accommodated within the 2014/15 Capital Works program as it currently stands; and
- 3. Council reviews its budget several times throughout the year and, depending on the outcome of grant applications, progress on other budget priorities and availability of resources, it may be possible to reconsider the timing of constructing Torrens Lane East.

## 8. MAYORAL REPORT

OC 14/0266	Mayoral Report			
	Moved:	Cr P Chigwidden	Seconded:	Cr T Telfer
	That the Mayoral report for the period 16 June to 19 July 2014 be received.			

**CARRIED** 

# 9. PLANNING & REGULATORY SERVICES

# 9.1. General Inspectorial

9.1.1. Proposed One Hour Time Limit outside 54 Victoria Street, Victor Harbor

OC 14/0267	Proposed	Proposed One Hour Time Limit outside 54 Victoria Street, Victor Harbor				
	Moved:	Cr T Telfer	Seconded:	Cr P Lewis		
	54 and 56	That Council approve the installation of a one-hour time limit outsid 4 and 56 Victoria Street, Victor Harbor and install a 'No Stopping Zosolid yellow line) on the western side of King Street Victor Harbor.				

**CARRIED** 

# 9.2. Tourism

### 9.2.1. Feather Banners at the Victor Harbor Visitor Information Centre

OC 14/0268	Feather B	Feather Banners at the Victor Harbor Visitor Information Centre			
	Moved:	Cr P Lewis	Seconded:	Cr P Chigwidden	
	the servi	ces of the Visitor In	formation Centre,	ather banners, advertising in the Council reserve in the opening hours of the	
				CARRIED	
9.2.2.	Tourism	Section - Quarterly	Reporting (April -	June 2014)	
OC 14/0269	Tourism	Section - Quarterly I	Reporting (April - ]	June 2014)	
	Moved:	Cr B Bond	Seconded:	Cr K Dutton	
	That the noted.	April to June 2014	quarterly tourisi	n report be received and	

## 9.2.3. Whaletime Playtime Festival 2014 - post event report

OC 14/0270 Whaletime Playtime Festival 2014 - post event report

Moved: Cr P Chigwidden Seconded: Cr K Dutton

That Council receive and note the report relating to the 2014 Whaletime Playtime Festival.

**CARRIED** 

#### 10. ENVIRONMENT & INFRASTRUCTURE SERVICES

#### 10.1. Infrastructure Matters

10.1.1. Rotary Youth Driver Awareness Project Road Closure

# OC 14/0271 Rotary Youth Driver Awareness Project Road Closure

Moved: Cr B Bond Seconded: Cr P Lewis

That Council hereby exercises its delegation, pursuant to Clause G of the Instrument for General Approval contained in the Minister's Notice, titled 'Notice to Council to use traffic control devices and to close roads and grant exemptions for events' dated 22<sup>nd</sup> August 2013 ("the Minister's Notice") and Section 33 of the Road Traffic Act 1961 ("the Act") to:

- 1. pursuant to Section 33(1) of the Act, declare that the event described below as ("the Event") that is to take place on the road described below as ("the Road"), is a Road Event to which Section 33 of the Act applies; and
- 2. pursuant to Section 33(1)(a) of the Act, make an Order directing that the Road be temporarily closed to traffic, during the Event and for the period commencing at 9:00am and concluding at 3:00pm, on Friday 5th and 12th September 2014.

"the Event" Rotary Youth Driver Awareness Project

"the Road" Ewen Terrace, Victor Harbor (from TAFE Car Park Entrance to the End of Ewen Terrace); and

3. That Council administration notifies the relevant bodies of the road closure as required under the Minister's Notice and advertise the road closure in accordance with section 33(3) of the Road Traffic Act.

#### 10.2. Environment & Recreation

#### 10.2.1. Norfolk Island Pine Tree Removal Request - Victoria Street

OC 14/0272 Norfolk Island Pine Tree Removal Request - Victoria Street

Moved: Cr K Dutton Seconded: Cr B Bond

- That the report and attachments be received and noted.
- 2. That Council not approve the removal of the Norfolk Island Pine at 85-87 Victoria Street (adjacent Bridgestone Service Centre).

**CARRIED** 

### 10.3. Waste Management

10.3.1. Regional Fleurieu Waste Authority Draft Business Plan 2014-2017

OC 14/0273 Fleurieu Regional Waste Authority Draft Business Plan 2014-2017

Moved: Cr P Chigwidden Seconded: Cr P Lewis

That Council receive and note the Fleurieu Regional Waste Authority's

draft Business Plan 2014 -2017.

**CARRIED** 

OC 14/0274 Fleurieu Regional Waste Authority Draft Business Plan 2014-2017

Moved: Cr P Chigwidden Seconded: Cr T Telfer

That the following Council feedback be provided in relation to the Fleurieu Regional Waste Authority's draft Business Plan 2014-2017:

The City of Victor Harbor -

- i) Supports a strategy to increase the amount of food waste being disposed of with the green waste collection;
- ii) Encourages FRWA Board to continue to review collection frequencies of each stream of waste as a separate strategy; and
- iii) Recommends to the Board a strategy that seeks to maximise financial returns from on-sale of recyclable products.

#### 11. CORPORATE & COMMUNITY SERVICES

#### 11.1. Finance

#### 11.1.1. Licence Agreements - Fees & Charges

## OC 14/0275 Licence Agreements - Fees & Charges

Moved: Cr K Dutton Seconded: Cr P Chigwidden

That Council endorse an increase to the 2014/15 fee payable equal to the Consumer Price Index for the March quarter 2014 (2.9%) for agreements that specify the review will be in accordance with fees and charges.

**CARRIED** 

### 11.2. Corporate Services

## 11.2.1. Dry Areas - Extensions for Special Events

# OC 14/0276 Dry Areas - Extensions for Special Events

Moved: Cr K Dutton Seconded: Cr P Lewis

That Council apply to the Liquor and Gambling Commissioner for regulation of event dry areas as follows:

- Schoolies Victor Harbor Areas 1, 2 and 4 continuous from 8.00am Monday 17<sup>th</sup> to 10.00am on Monday 24<sup>th</sup> November 2014;
- Christmas Pageant Victor Harbor Areas 1 and 2 13<sup>th</sup> December 2014 - 3.00pm to 10.00pm;
- New Year's Eve -Victor Harbor Areas 1 and 2 31<sup>st</sup> December 2014 3.00pm 10.00pm and 1<sup>st</sup> January 2015 8.00am to 9.00am (effectively 3.00pm to 9.00am); and
- New Year's Eve Investigator Carpark 31st December 2014
   3.00pm to 9.00am on 1st January 2015.

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#### 11.3. Governance

#### 11.3.1. RSL Virtual War Memorial Project

## OC 14/0277 RSL Virtual War Memorial Project

Moved: Cr T Telfer Seconded: Cr B Bond

That Council advise the RSL and the Local Government Association that it is supportive of the Virtual War Memorial Project and that the City of Victor Harbor will donate a once off contribution of \$1213 to be paid in two instalments over two financial years (\$606.50 each year).

**CARRIED** 

# 11.3.2. Election Caretaker Policy

## OC 14/0278 Election Caretaker Policy

Moved: Cr P Chigwidden Seconded: Cr P Lewis

That Council adopt the Election Caretaker Policy and Guidelines as presented to the meeting.

**CARRIED** 

## 11.3.3. Review of Codes of Conduct

#### OC 14/0279 Review of Codes of Conduct

Moved: Cr P Lewis Seconded: Cr P Chigwidden

That the following feedback be provided to the Local Government Association, by 8 August 2014, on the proposed review of the mandatory Code of Conduct for Council Members:

- 1. The flexibility of investigation and penalty determination currently provided for within the Code of Conduct for Council Members for Part 2 (behavioural) complaints is considered satisfactory and change to item 2.25 of the Code is not support.
- 2. That Council has the following feedback regarding the Gifts and Benefits Section of the Code. Item 3.10 to read:

Where Council members receive a gift or benefit of more than a value published in the Government Gazette by the Minister from time to time, details of each gift or benefit, *including the source and recipient*, must be recorded within a gifts and benefits register maintained and updated quarterly by the Council's Chief Executive Officer. This register may be made available for inspection at the principal office of the Council and on the

Council website.

- 3. That Council does not support changes to Section 2.15 of the Code of Conduct for Council Members.
- 4. The Council seeks further clarification by what is meant by 'repayment of monies to the Council' within the penalty options.

**LAPSED** 

Cr Bond moved the following formal motion:

OC 14/0280	Review of Codes of Conduct		
	Moved: Cr B Bond	Seconded: Cr T Telfer	
	That this matter be adjourned clarification.	ed until the next council meeting for furthe	

**CARRIED** 

## 11.3.4. Enforcement Policy

OC 14/0281	<b>Enforcement Policy</b>				
	Moved:	Cr K Dutton	Seconded:	Cr P Lewis	
	4 1001				٠.

- 1. That Council notes that no submissions were received as a result of the public consultation process undertaken on the draft Enforcement Policy.
- 2. That Council adopt the amended Enforcement Policy as presented.

**CARRIED** 

# 11.3.5. Fleurieu Regional Aquatic Centre

OC 14/0282	Fleurieu 1	Fleurieu Regional Aquatic Centre		
	Moved:	Cr P Chigwidden	Seconded:	Cr T Telfer
	That Council received and notes the Fleurieu Regional Aquatic Centre Project Working Party notes from the meetings of 20 May 2014 and 8 July 2014.			

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## 11.3.6. LGA & LGFA Annual General Meeting

Cr Chigwidden nominated herself as Council's Proxy voting delegate

## OC 14/0283 LGA & LGFA Annual General Meeting

Moved: Cr T Telfer Seconded: Cr K Dutton

That Council endorse Mayor Graham Philp as Council's voting delegate and Cr P Chigwidden as Council's Proxy voting delegate for the Local Government Association Annual General Meeting on Friday, 31 October 2014.

**CARRIED** 

# OC 14/0284 LGA & LGFA Annual General Meeting

Moved: Cr Telfer Seconded: Cr P Chigwidden

That Council endorse Mayor Graham Philp as Council's voting delegate for the Local Government Financial Authority Annual General Meeting on Friday, 31 October 2014.

**CARRIED** 

#### 11.3.7. Petrel Cove

OC 14/0285	Petrel Cove	
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Moved: Cr B Bond Seconded: Cr P Lewis

That Council advise Nasrin and Kasim Gujari and the Adelaide Kurdish Youth Society that -

- 1. There is a strong sense from the community that Petrel Cove should remain accessible;
- 2. The signage at Petrel Cove was reviewed by Surf Lifesaving SA in June 2014 and they have expressed the view that the signage is adequate and appropriately located; and
- 3. The family is welcome to apply under Council's memorials policy if they wish to establish a memorial to Kamran Gujari in the vicinity of Petrel Cove.

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### 12. REPRESENTATIVES REPORTS

OC 14/0286	Represen	tatives Reports			
	Moved:	Cr K Dutton	Seconded:	Cr B Bond	

That the Representatives Reports be received.

**CARRIED** 

#### 13. MATTERS OF URGENCY

Nil.

# 14. QUESTIONS ON NOTICE FROM THE GALLERY

#### 14.1. Question on Notice - Development Plan Rural 4 Zone

At the Ordinary Council meeting held 23 June 2014, Mr B Blatchford asked the following question during 'Questions from the Gallery':

#### **Question:**

One intention of CVH Development Plan and Rural 4 zone is to make sure the 1/100ARI floodplain was to become an open space reserve in that section of the Inman River. It was to address all the concerns raised and protect residents from floods. Having spoken to several experts I believe the Development Plan is excellent but it has never been implemented correctly by CVH planners who only use concept approximate sketch map. We now have people and buildings inside this 1/100ARI floodplain according to and I quote "the best available information" that CVH has had for 14 years. What are you going to do about this?

The Mayor took the question on notice.

#### **Answer:**

To firstly clarify an underlying inference in the question, the decision of Council to grant Development Plan Consent to the Land Division which created allotments in the Rural Living 4 Zone (453/D035/99) occurred via Council resolution at the ordinary Council meeting held on 27th March 2000. Although an officer's assessment report and recommendation was provided to that Council meeting, the ultimate assessment and decision to grant consent to the development was made by the Elected Members at that time, and not by Council staff as inferred in the question.

Although not explicit, the question appears largely predicated around the status and assessment weight of FIG RuL4 (ViH)/1 in Council's Development Plan. This is hence worthy of some commentary. As indicated in the preamble to the question, the Rural Living 4 Zone of the Development Plan contains an overall concept plan [FIG RuL4 (ViH)/1] intended to guide development of the area (including subdivision). The figure shows approximate locations of:

- Significant site contours;
- Future road access points;
- A public reserve/open space area along the Inman River alignment; AND
- The approximate extent of a 1:100 ARI flood of the Inman River.

The Rural Living 4 Zone of Council's Development Plan also contains the following Principle of Development Control (PDC 7) which states (<u>underlining</u> added):

Land should generally be divided in accordance with Fig RuL4(ViH/1) and having regard to a hydrological assessment defining the extent of the 1-in-100 ARI flood.

In assessing any application for development plan consent, provisions which require general accordance with concept plans showing approximate locations must inevitably be treated with a degree of flexibility. Fig RuL4 (ViH/1) does not dictate specific mandatory requirements for a subdivision, but rather seeks to guide development of the area roughly down the lines of a general concept.

It is difficult to comment on the precise assessment considerations given over 14 years ago by previous Elected Members (most of whom are no longer on Council). However, from review of the relevant officer's report and Council Minutes from 27th March 2000, it is evident that in assessing the application Council considered multiple hydrological assessment reports and verifications provided by engineering firms B.C. Tonkins Pty Ltd and Connell Wagner Pty Ltd. These reports used scientific analysis to define the extent and impact on proposed allotments from a 1-in-100 ARI flood event with a far greater degree of accuracy than that nominally shown within concept plan Fig RuL4 (ViH/1). In dealing with the impact that this may have on the future use of the land, conditions were placed on the approval with regard to adequate freeboard for buildings, which were in turn ultimately effected through the implementation of a Land Management Agreement (LMA) tied to the Certificate of Title for each newly created allotment.

Beyond the detail captured in the Council Minutes, the precise content and liveliness of debate which occurred at the Council meeting where the application was considered is simply unknown. What is clear is that Elected Members ultimately endorsed a position that Council grant consent to the Land Division. This decision appears to accord with the considerations expressed in the Officer's report that:

The proposal complies with the relevant zoning provisions in that:

- The land will be used for rural residential purpose;
- Housing envelopes will be above the 1 in 100 ARI flood;
- Each allotment is over 1.0 hectare in area and the average of all allotments is 1.7 hectares;
- An area of open space is provided along the river;
- Encumbrances will be placed on each allotment to ensure a minimum loss of vegetation.

With the granting of development consent for the land division, and it's subsequent implementation, Fig RuL4 (ViH/1) had, by and large, served its purpose as a 'concept plan'. Notwithstanding, it remains in the Development Plan and provides the delineation of an area within which certain types of activities (such as excavation and filling) are considered development under the Development Regulations 2008, thereby requiring development approval. This has recently been confirmed in *City of Victor Harbor v Blatchford* [2013] SAERDC 15, where His Honour, Judge Costello, found in favour of the Council that the respondent had carried out work on a retention pond located within a floodplain delineated on a map in Council's Development Plan, and that the work was undertaken without development approval.

Turning to the specific question – what is Council going to do about this (i.e. the small size of open space reserve & lots being located within the floodplain)? In light of the foregoing commentary, it is considered that there is nothing that needs to be done. By virtue of the decision to approve the subdivision application on 27th March 2000, Council accepted the area of reserve surrounding the Inman River in the Rural Living 4 Zone as being suitable to satisfy the intent of Council's Development Plan [including FIG RuL4(ViH/1)]. A portion of land immediately surrounding the Inman River alignment has since been vested to Council's care & control and continues to be maintained as a public reserve. Despite portions of allotments being located within the 1-in-100 ARI flood plain, Council ultimately accepted that all of the allotments were 'fit for purpose' provided that additional controls regarding minimum levels for housing envelopes were applied. Council's position regarding this determination remains unchanged, and the allotments created by this division continue to be the subject of a Land Management Agreement which places obligations on property owners to ensure adequate freeboard is provided above predicted flood levels (as defined within the hydrological reports considered at the time of the Land Division application).

Furthermore, there is no provision within the relevant legislation (that being the *Development Act 1993*) under which Council is able to retrospectively revisit the previous assessment of the Land Division Application or to alter Council's prior approval of the layout and locations of the allotments or reserve.

OC 14/0287 Question on Notice - Development Plan Rural 4 Zone

Moved: Cr P Chigwidden Seconded: Cr T Telfer

That the Question on Notice from Mr Ben Blatchford regarding the Development Plan 'Rural 4' Zone, and the answer thereto, be received.

**CARRIED** 

## 15. QUESTIONS WITHOUT NOTICE

#### 15.1. Hindmarsh Road Inspection

Cr Bond referred to recent accidents in the vicinity of the Hindmarsh Road bridge and a letter that had been forwarded to Council about this matter and asked: Would the City Manager please arrange site inspection with appropriate staff, elected members and Department of Planning, Transport, & Infrastructure as soon as possible?

The City Manager responded that administration will arrange the requested meeting with Department of Planning, Transport & Infrastructure.

### 15.2. National Sea Change Task Force

Cr Bond asked: could a report be written indicating the decisions of the Task Force which have affected Victor Harbor?

The question was taken on notice.

#### 15.3. Penguin Fund Raising

Cr Marshall asked (on behalf of a resident):

- 1. Will the Mayor please tell the meeting exactly what the funds he has been collecting will be used for?
- 2. Will the Mayor provide Council with a copy of his Penguin Fundraising Strategy Action Plan with its goals and outcomes?
- 3. How much money has been raised to date and where is that money being kept?
- 4. Who has access to those funds?
- 5. Is the Mayor aware that many people who have donated to his fund believe that they are donating to the Granite Island Penguin Centre?
- 6. Is the Mayor aware that the fundraising tins he has distributed and the references to the fund on the CVH website have confused many people who believe that they are donating to the Granite Island Penguin Centre?
- 7. Is it true that the Mayor told staff from the Granite Island Penguin Centre that he would arrange for CVH to take over the current leases for the Penguin Centre and the restaurant when they expired soon so that he could "manage" what happened at the Penguin Centre?
- 8. Is the Mayor able to confirm that of the two penguins given to Flinders University for "research", one has apparently died and the other has been given to the Gorge Wildlife Park?
- 9. Is the Mayor aware that the recent publicity given to the penguin issue which is largely blaming the New Zealand Fur Seals for the penguin demise has created a 'lynch mob mentality' amongst some less intelligent members of our community and what does he intend to do about that situation?

The questions were taken on notice.

# 16. MOTIONS WITHOUT NOTICE

Nil.

Pursuant to Section 83(5) of the Local Government Act 1999, it is recommended that the following items be considered in confidence under Part 3, Section 90(2) of the Act.

#### 17. CONFIDENTIAL

## 17.1. Centres Review Development Plan Amendment

# OC 14/0288 Centres Review Development Plan Amendment

Moved: Cr P Chigwidden Seconded: Cr K Dutton

That pursuant to Section 90(2) of the Local Government Act 1999, the Council orders that the public be excluded from the meeting, with the exception of the City Manager (Graeme Maxwell); Director of Corporate & Community Services (Kate Jessep); Director of Planning & Regulatory Services (Graham Pathuis); Manager of Environment & Recreation (Brian Doman) and Executive Assistant (Gwen Riley), to enable the matter of the Centres Review Development Plan Amendment to be considered in confidence.

Council is satisfied that, pursuant to Section 90(3)(m) of the Act, the information to be received, discussed or considered in relation to the agenda item is information relating to a proposed amendment to a Development Plan under the Development Act 1993 before a Development Plan Amendment proposal relating to the amendment is released for public consultation under that Act.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed by the need to discuss these matters in confidence.

**CARRIED** 

Please note OC14/0289 is held in confidence

# OC 14/0290 Centres Review Development Plan Amendment

Moved: Cr K Dutton Seconded: Cr P Chigwidden

That, having considered agenda item "Centres Review Development Plan Amendment (DPA)" in confidence under Section 90(2) and (3)(m) of the Local Government Act 1999, the Co8uncil, pursuant to Section 91(7) of that Act orders that:

- a) the report, associated attachments and resolutions be retained in confidence on the basis that a Development Plan Amendment may proceed and that this order remain in place until such time as the public consultation for the Development Plan Amendment has commenced; and
- b) the public be re-admitted to the meeting.

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#### 17.2. Annual Review of Confidential Orders

### OC 14/0291 Annual Review of Confidential Orders

Moved: Cr B Bond Seconded: Cr T Telfer

That pursuant to Section 90 (2) of the Local Government Act 1999, the Council orders that the public be excluded from the meeting, with the exception of the City Manager (Graeme Maxwell), Director of Corporate & Community Services (Kate Jessep), Director of Planning & Regulatory Services (Graham Pathuis), Manager of Environment & Recreation (Brian Doman) and Executive Assistant (Gwen Riley), to enable the matter of the Annual Review of Confidential Orders to be considered in confidence.

The Council is satisfied that, pursuant to section 90 (3)(g) of the Act, the information to be received, discussed or considered in relation to the agenda item is information relating to matters that must be considered in confidence to ensure that the Council does not breach any duty of confidence.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed by the need to discuss these matters in confidence.

**CARRIED** 

Please note resolutions OC14/0292 and OC14/0293 is retained in confidence

# OC 14/0294 Annual Review of Confidential Orders

Moved: Cr K Dutton Seconded: Cr P Lewis

That -

- (i) pursuant to Section 91 (7)(b) & (9)(a) of the Local Government Act 1999, the Review of Confidential Items table presented as Attachment "B" to the agenda item entitled "Review of Confidential Orders" be retained in confidence;
- (ii) the resolutions and Confidential Items Register (presented as Attachment "A") be released from confidence; and
- (iii) the public be re-admitted to the meeting.

**CARRIED** 

7.05pm B Doman and G Pathuis left the Chambers

#### 17.3. Stock Road/Crozier Hill Subdivision

OC 14/0295 Stock Road/Crozier Hill Subdivision

Moved: Cr K Dutton Seconded: Cr T Telfer

That pursuant to Section 90(2) of the Local Government Act 1999, the public be excluded from the meeting, with the exception of the City Manager (Graeme Maxwell), Director of Corporate and Community Services (Kate Jessep), and Executive Assistant (Gwen Riley) to enable the Council to receive a verbal briefing from the City Manager on matters associated with the Stock Road/Crozier Hill subdivision in confidence, as Council is satisfied that, pursuant to section 90(3)(a) and (g) of the Act, the information to be received, discussed or considered in relation to the agenda item is –

- i. Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person; and
- ii. Matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.

Seconded:

**CARRIED** 

Please note OC14/0296 is retained in confidence

OC 14/0297

Stock Road/Crozier Hill Subdivision

Moved: Cr K Dutton

That having considered agenda item - Stock Road/Crozier Hill subdivision in confidence under section 90(2) and (3)(a) and (g) of the Local Government Act 1999, the council, pursuant to Section 91(7) of that Act orders that the discussion and minutes relevant to this matter remain

Cr T Telfer

in confidence until formal investigations have been concluded.

**CARRIED** 

#### 18. CLOSURE

The Chair declared the meeting closed at 7.37pm.

Date :	Chairperson: