



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**

Prayer

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
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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
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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
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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.

CARRIED

CCL 14/0004	Finance Report
Moved: Ms M Allison	Seconded: Mr D Michelmore
That the Library Finance Report to the 30th of June 2014 be received.	
<u>CARRIED</u>	

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

CCL 14/0006	Thankyou to Library Staff
Moved: Ms M Allison	Seconded: Ms M McGill
That a vote of thanks be forwarded to the Victor Harbor Public Library staff for their outstanding efforts in the 2013/14 financial year.	
<u>CARRIED</u>	

CCL 14/0007	Thanks to Outgoing Friends President
Moved: Ms M Allison	Seconded: Cr P Lewis
That a vote of thanks be forwarded to Ms Maryanne McGill for her efforts as President of the Friends of the Victor Harbor Library over the past two years.	
<u>CARRIED</u>	

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
That the Minutes of the Disability Access Advisory Committee Meeting held on 17 June 2014 be received and the recommendations contained therein, and printed below, be adopted.	
<u>CARRIED</u>	

FRCS 14/0019 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 of Social Services under the Families and Communities Program for Fleurieu Families be received.

CARRIED

FRCS 14/0020 Department of Social Services - Ageing and Service Improvement Program

Moved: Cr M Gardner Seconded: Cr P Lewis

It is recommended that the City of Victor Harbor, on behalf of the Southern Fleurieu Councils, submit an application with the Department of Social Services, under the Ageing and Service Improvement Program, for funding for the Southern Fleurieu and KI Positive Ageing Taskforce

CARRIED

FRCS 14/0021 Caring Neighbourhood Program - 2013/14 Activity Report

Moved: Cr P Lewis Seconded: Cr M Gardner

That the activity report for the Caring Neighbourhood Program for the period July 2013 to June 2014 be received.

CARRIED

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 Recreation & Sport Advisory Committee - 2 July 2014

Moved: Cr P Chigwidden Seconded: Cr T Telfer

That the Minutes of the Recreation & Sport Advisory Committee Meeting held on 2 July 2014 be received and the recommendations contained therein, and printed below, be adopted.

CARRIED

CRS 14/0018	Confirmation of the Minutes of the Previous Meeting		
Moved:	Cr T Telfer	Seconded:	Mr J Guy
<p>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.</p>			
<p style="text-align: right;"><u>CARRIED</u></p>			

CRS 14/0019	Ms Y Cooke - Letter of Resignation Accepted		
Moved:	Mr J Bell	Seconded:	Ms M Jagger
<p>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.</p>			
<p style="text-align: right;"><u>CARRIED</u></p>			

CRS 14/0020	Report, Master planning Encounter Bay Recreation Ground and Victor Harbor Oval.		
Moved:	Cr T Telfer	Seconded:	Ms S Baxter
<p>It is recommended to Council that the Report, Master Planning Encounter Bay Recreation Ground and Victor Harbor Oval be received.</p>			
<p style="text-align: right;"><u>CARRIED</u></p>			

CRS 14/0021	Recreation and Sport Small Grants Scheme 2014/15 Round 1		
Moved:	Mr J Guy	Seconded:	Ms M Jagger
<p>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.</p>			
<p style="text-align: right;"><u>CARRIED</u></p>			

CRS 14/0022	Correspondence IN		
Moved:	Mr J Guy	Seconded:	Ms J Curran
<p>It is recommended that the correspondence in be received.</p>			
<p style="text-align: right;"><u>CARRIED</u></p>			

CRS 14/0023	Correspondence OUT		
Moved:	Mr J Bell	Seconded:	Ms S Baxter

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

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 Advisory Committee Meeting held on 16 July 2014 be received and the recommendations contained therein, and printed below, be adopted.			
<u>CARRIED</u>			

SCTS 14/0021	Minutes of the previous meeting		
Moved:	D Schirmer	Seconded:	Cr P Lewis
That minutes of the previous meeting held 18 June 2014 be confirmed.			
<u>CARRIED</u>			

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

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

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.	
<u>CARRIED</u>	

OC 14/0265	Petition - Torrens Lane East
Moved: Cr K Dutton	Seconded: Cr P Lewis
That the head petitioner be advised that -	
<ol style="list-style-type: none"> 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. 	
<u>CARRIED</u>	

8. MAYORAL REPORT

OC 14/0266	Mayoral Report
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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 One Hour Time Limit outside 54 Victoria Street, Victor Harbor
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Moved: Cr T Telfer Seconded: Cr P Lewis

That Council approve the installation of a one-hour time limit outside of 54 and 56 Victoria Street, Victor Harbor and install a 'No Stopping Zone' (solid 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 Banners at the Victor Harbor Visitor Information Centre
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Moved: Cr P Lewis Seconded: Cr P Chigwidden

That Council approve the display of three feather banners, advertising the services of the Visitor Information Centre, in the Council reserve in front of the Visitor Information Centre during the opening hours of the Centre.

CARRIED

9.2.2. Tourism Section - Quarterly Reporting (April - June 2014)

OC 14/0269	Tourism Section - Quarterly Reporting (April - June 2014)
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Moved: Cr B Bond Seconded: Cr K Dutton

That the April to June 2014 quarterly tourism report be received and noted.

CARRIED

9.2.3. Whaletime Playtime Festival 2014 – post event report

OC 14/0270	Whaletime Playtime Festival 2014 - post event report
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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
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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 22nd 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.

CARRIED

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
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Moved: Cr K Dutton Seconded: Cr B Bond

1. 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
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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
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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.

CARRIED

11. CORPORATE & COMMUNITY SERVICES

11.1. Finance

11.1.1. Licence Agreements - Fees & Charges

OC 14/0275	Licence Agreements - Fees & Charges
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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
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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 17th to 10.00am on Monday 24th November 2014;**
- Christmas Pageant - Victor Harbor Areas 1 and 2 - 13th December 2014 - 3.00pm to 10.00pm;**
- New Year's Eve -Victor Harbor Areas 1 and 2 - 31st December 2014 - 3.00pm - 10.00pm and 1st 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.**

CARRIED

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 until the next council meeting for further clarification.

CARRIED

11.3.4. Enforcement Policy

OC 14/0281 Enforcement Policy

Moved: Cr K Dutton Seconded: Cr P Lewis

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 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.

CARRIED

12. REPRESENTATIVES REPORTS

OC 14/0286

Representatives 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 (underlining 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 its 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
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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
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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 Council, 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.

CARRIED

