

M I N U T E S

Committee **Ordinary Council**
Meeting Held **Monday, 20 April 2009 at 5.30pm**
Location **Council Chambers, Bay Road, Victor Harbor**

1. PRESENT

Her Worship the Mayor, M Corcoran (Chairperson)
Councillor P Chigwidden
Councillor E Cooper
Councillor K Ewens
Councillor P Lewis
Councillor D Michelmore
Councillor T Rose
Councillor D Sinclair-Warren

In Attendance:

Mr G Maxwell - City Manager
Ms J Bohnsack - Director of Corporate & Community Services
Mr P Bond - Director Environment & Infrastructure Services
Mrs G Riley - Minute Secretary

2. LOCAL GOVERNMENT PRAYER & VISION

Prayer

Almighty God, we humbly beseech Thee to grant Thy blessings on the works of this Council. Direct and prosper its deliberations to the advancement of Thy glory and the true welfare of the people of the district. Amen.

Vision

Council's vision within the Strategic Directions 2006/09 acknowledges the needs of current and future residents and visitors, and also recognises Victor Harbor's role as the regional retail, commercial, educational and service centre of the Southern Fleurieu.

3. APOLOGIES

Cr K Trezise, Cr P Ruciak

OC 09/0126	Apologies
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Moved: Cr E Cooper Seconded: Cr D Sinclair-Warren

That the apologies be received.

CARRIED UNANIMOUSLY

4. MINUTES OF THE PREVIOUS MEETINGS**4.1. Ordinary Council Meeting - 16th March 2009**

OC 09/0127	Confirmation of the Minutes of the Previous Ordinary 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, 16th March 2009 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY

4.2. Special Council Meeting - 6th April 2009

OC 09/0128	Confirmation of Special Council Meeting
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Moved: Cr D Michelmore Seconded: Cr T Rose

That the Minutes of the Special Council Meeting held on Monday, 6th April 2009 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY

5. MINUTES OF COUNCIL COMMITTEE MEETINGS

OC 09/0129	Confirmation of Council Committee Meetings
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Moved: Cr P Chigwidden Seconded: Cr D Sinclair-Warren

That the Minutes of the:

- 5.1. Disability Access Steering Committee Meeting held on 25th March 2009;
- 5.2. Fleurieu Region Community Services Advisory Committee Meeting held on 7th April 2009;
- 5.3. Occupational Health, Safety & Welfare Committee Meeting

8. MAYORAL REPORT

OC 09/0133	Mayoral Report
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Moved: Cr P Lewis

Seconded: Cr E Cooper

That the report be received.

CARRIED UNANIMOUSLY**9. PLANNING & REGULATORY SERVICES****9.1. Planning****9.1.1. Monthly Report - March 2009**

OC 09/0134	Monthly Report - March 2009
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Moved: Cr P Chigwidden

Seconded: Cr D Michelmore

That the Planning & Regulatory Services Department Report be received.

CARRIED UNANIMOUSLY**9.1.2. Development Plan Review (Section 30)**

OC 09/0135	Development Plan Review (Section 30)
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Moved: Cr E Cooper

Seconded: Cr D Sinclair-Warren

That Council endorse the '*Victor Harbor Section 30 Development Plan Review - Final Report*' (March, 2009), including the following amendments:

- Insert a clause/footnote in the section discussing "modest expansion" of industrial land use to clarify that this will 'be in accordance with the SA Planning Strategy' (page 16 of Report).

CARRIED UNANIMOUSLY

OC 09/0136	Development Plan Review (Section 30)
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Moved: Cr P Lewis

Seconded: Cr P Chigwidden

That Council seek the approval/endorsement of the Minister for the '*Victor Harbor Section 30 Development Plan Review - Final Report*' (Marc, 2009).

CARRIED UNANIMOUSLY

OC 09/0137 Development Plan Review (Section 30)

Moved: Cr D Michelmore Seconded: Cr T Rose

That Council grant delegation to the City Manager and Principal Planner to make alterations to the *'Victor Harbor Section 30 Development Plan Review - Final Report'* (March, 2009) document if/where deemed necessary to improve legibility, presentation and interpretation.

CARRIED UNANIMOUSLY

OC 09/0138 Development Plan Review (Section 30)

Moved: Cr T Rose Seconded: Cr P Chigwidden

That Council grant delegation to the city Manager and Principal Planner to make required alterations to the *'Victor Harbor Section 30 Development Plan Review - Final Report'* (March, 2009) document if/where deemed necessary, and appropriate, to obtain both the Department of Local Government and Planning and the Minister's final approval.

CARRIED UNANIMOUSLY

9.1.3. Victor Harbor Urban Growth Management Strategy 2008-2030**OC 09/0139 Victor Harbor Urban Growth Management Strategy 2008-2030**

Moved: Cr T Rose Seconded: Cr P Chigwidden

1. That Council endorse the Victor Harbor Urban Growth Management Strategy 2008-2030 and make the necessary changes and adopt the recommendations as per the *'UGMS Consultation Report - Final Report'* (February, 2009) including the following amendments:
 - Change reference from "church" to "Places of Worship" (and on page 135 of UGMS Consultation Report);
 - Insert further alterations/justification required for the Residential Land Demand/supply section (Section 4.2.1.1, page 91);
 - Insert "work with our community and" in action 4.4 on page 136 of UGMS Consultation Report (under "climate Change" heading) and make subsequent alterations to the UGMS document.

CARRIED UNANIMOUSLY

OC 09/0140	Victor Harbor Urban Growth Management Strategy 2008-2030
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Moved: Cr D Michelmore Seconded: Cr P Lewis

That Council grant delegation to the City Manager and Principal Planner to make alterations to the UGMS document if/where deemed necessary to improve legibility, presentation and interpretation.

CARRIED UNANIMOUSLY

9.2. General Inspectorial

9.2.1. Proposed Time Limit Parking in Island Street, Victor Harbor

OC 09/0141	Proposed Time Limit Parking in Island Street, Victor Harbor
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Moved: Cr P Lewis Seconded: Cr P Chigwidden

That the all day car parking that currently exists in Island Street between the corner of Victoria Street and the western alignment of Newland Street, Victor Harbor be changed to a two hour time limit parking zone at all times in accordance with the provisions of the Australian Road Rules 1999.

CARRIED UNANIMOUSLY

9.3. Tourism

9.3.1. South Australian Tarmac Rally Championship - Road Closures

OC 09/0142	South Australian Tarmac Rally Championship - Road Closures
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Moved: Cr E Cooper Seconded: Cr P Chigwidden

1. That the Council exercises its power pursuant to Section 33 of the Road Traffic Act 1961 and Clause F of the Instrument of General Approval of the Minister dated 17 June 2006 to:

1.1 Pursuant to Section 33 (1) of the Road Traffic Act 1961, declare that the South Australian Tarmac Rally Championship 2009, that is to take place on the roads described below, is an event to which Section 33 of the Road Traffic Act 1961 applies; and

1.2 Pursuant to Section 33(1)(a) of the Road Traffic Act 1961, make an order directing that the road on which the event is to be held and any adjacent or adjoining roads specified below, be closed to traffic on Saturday 30 May 2009, for the

By-law No 5 - Dogs;

By-law No 6 - Cats; and

By-law No 7 - Nuisances Caused by Building Sites

As attached to the Report for the purposes of public consultation in accordance with Section 249 of the Local Government Act 1999 and Section 90 of the Dog and Cat Management Act 1995.

2. That the City Manager be authorised to cause a copy of the draft By-law No 4 - Local Government Land to be provided to the Minister for Transport as soon as practicable in accordance with Section 18A of the Harbors and Navigation Act 1993.
3. That the City Manager be authorised to cause a copy of the draft By-law No 5 - Dogs and the draft By-law No 6 - Cats, together with the requisite reports, to be provided to the Dog and Cat Management Boards as soon as practicable.
4. That the City Manager be authorised to make copies of the draft by-laws available for public inspection without charge at the principal office of the Council during ordinary office hours no less than 21 days after the provision of the draft By-law No 5 - Dogs and the draft By-law No 6 - Cats to the Dog and Cat Management Board, and not before receiving comments from the Board and the Minister for Transport.
5. That the City Manager be authorised to publish notices informing the public of the availability of the draft by-laws in The Times.

CARRIED

11.2.2. S A Whale Centre Entrance Upgrade

OC 09/0148	S A Whale Centre Entrance Upgrade
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Moved: Cr P Lewis

Seconded: Cr P Chigwidden

That Council approve the closure of the SA Whale Centre for one business day prior to the 30th June 2009. The date of closure will be confirmed once the Development Application approval has been granted and the contractors booked.

CARRIED UNANIMOUSLY

11.2.3. Mayoral Vehicle

6.07pm Mayor Corcoran declared a conflict of interest as this item addresses the use of the Mayoral vehicle and Cr Chigwidden took the Chair.

OC 09/0149	Mayoral Vehicle
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Moved: Cr K Ewens Seconded: Cr D Michelmore

That the report be received.

CARRIED UNANIMOUSLY

OC 09/0150	Mayoral Vehicle
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Moved: Cr P Lewis Seconded: Cr K Ewens

That the Mayoral vehicle be provided for business and private use without the necessity of a log book. However, when the vehicle is for private use outside of Victor Harbor, the Mayor would be responsible for meeting petrol costs.

LAPSED

Cr Michelmore spoke against the motion and foreshadowed a further motion.

OC 09/0151	Mayoral Vehicle
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Moved: Cr D Michelmore Seconded: Cr D Sinclair-Warren

That this matter lie on the table pending further information relating to cost of private use.

CARRIED

6.13pm Mayor re-entered the meeting and resumed the Chair.

11.3. Community Services

11.3.1. "Fusion 09" Youth Music Event

OC 09/0152	"Fusion 09" Youth Music Event
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Moved: Cr K Ewens Seconded: Cr D Sinclair-Warren

That the report be received.

CARRIED UNANIMOUSLY

11.3.2. Extension of Dry Area for Victor Harbor Skate and Youth Park

OC 09/0153	Extension of Dry Area for Victor Harbor Skate and Youth Park
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Moved: Cr D Sinclair-Warren Seconded: Cr D Michelmore

That Council support the recommendation of the southern Fleurieu Youth

Advisory Committee to make the Victor Harbor Skate and Youth Park area a 24 hour, 7 day per week dry zone.

CARRIED UNANIMOUSLY

11.3.3. Volunteer Week Small Grants Program 2009

OC 09/0154	Volunteer Week Small Grants Program 2009
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Moved: Cr P Chigwidden Seconded: Cr P Lewis

That the 22 applications received for funding under the Volunteer Week Small Grants Scheme 2009, as listed below, be approved for funding:

- South Coast Little Athletics Club - \$50
- Whalers Housing Association - \$100
- Encounter Centre - \$100
- Busy Bugs Active Playgroup - \$50
- Heart Foundation Walking Group - \$50
- Steam Ranger Southern Fleurieu Region Volunteers Group - \$100
- Lifeline Shop - \$100
- Victor Harbor riding Club - \$100
- Friends of Newland Head Conservation Park - \$100
- South Coast Carer Support - \$100
- National Trust Victor Harbor - \$100
- Victor Harbor Seniors On Line - \$100
- Encounter Lutheran School - \$100
- Great Southern FM Radio Station - \$100
- Victor Harbor High School - \$100
- Encounter Bay Netball Club - \$100
- Ross Robertson Memorial Care Centre - \$100
- Southern Fleurieu Cancer Support and Resource Group - \$100
- Hindmarsh Valley CFS Brigade - \$100
- Lower Inman CFS Brigade - \$100
- Waitpinga CFS Brigade - \$100

The following resolutions were carried for the purpose of preparing a further public consultation document.

OC 09/0159	Elector Representation Review
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Moved: Cr D Michelmore Seconded: Cr P Chigwidden

That the Principal Member be elected by the community.

CARRIED UNANIMOUSLY

OC 09/0160	Elector Representation Review
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Moved: Cr P Lewis Seconded: Cr T Rose

That Council continue as a single area council (i.e. no wards).

CARRIED UNANIMOUSLY

OC 09/0161	Elector Representation Review
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Moved: Cr T Rose Seconded: Cr P Chigwidden

That the Elected Members be reduced by one [1] (i.e. nine [9] councillors plus the Mayor).

CARRIED

11.4.4. Renewable Energy and Economic Development Policy

OC 09/0162	Renewable Energy and Economic Development Policy
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Moved: Cr K Ewens Seconded: Cr P Chigwidden

That Council adopt the Renewable Energy and Economic Development Policy as presented.

CARRIED UNANIMOUSLY

11.4.5. Outstanding Council Resolutions

OC 09/0163	Outstanding Council Resolutions
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Moved: Cr D Michelmore Seconded: Cr K Ewens

That the status report on Council Resolutions as at 14th April 2009 be received as presented.

CARRIED UNANIMOUSLY

12. REPRESENTATIVES REPORTS

12.1. Carrickalinga Board of Management

12.2. Fleurieu Regional Development Incorporated

12.3. Southern & Hills Local Government Association

12.4. South Australian Regional Organisation of Councils (SAROC) Meeting

12.5. South Australian South Central Area Consultative Committee

12.6. Granite Island Management Committee

Cr Michelmore reported on meeting held Wednesday 15th April 2009.

12.7. Inman River Catchment Group

12.8. National Sea Change Taskforce

12.9. Victor Harbor Coastcare

12.10. Encounter Group (Youth Week)

12.11. Fleurieu Community Road Safety Group

12.12. Fleurieu Alliance

12.13. Victor Harbor High School Governing Council

12.14. Provincial Cities Association of South Australia

12.15. Fleurieu Peninsula & Kangaroo Island Waste Management Strategy Committee

12.16. District Bushfire Prevention Committee

12.17. Murray Darling Association

Cr Chigwidden gave a report on the Committee meeting held on Friday 17th April 2009. Murray Darling Association

Cr Chigwidden foreshadowed two motions relating to the Murray Darling Association.

Cr Chigwidden also indicated that Region 6 has organised a free bus tour to look at the management of the River Murray and the Living Murray for Friday, 29th May. Brochures are available on this tour.

12.18. Hindmarsh Tiers Biodiversity Group

12.19. Southern Fleurieu Coastal Reference Group

12.20. Ranges to River NRM Local Government Group

12.21. Regional Community Consultative Committee

- 12.22. LGA State Executive
- 12.23. S A Water Re-Use Group
- 12.24. SA Boating Facilities Council
- 12.25. Coast Protection Board
- 12.26. LGA Waste Committee
- 12.27. Other Reports

13. MATTERS OF URGENCY

Nil.

14. QUESTIONS ON NOTICE

Nil.

15. QUESTIONS WITHOUT NOTICE

15.1. **Screwpile Jetty**

Cr Cooper asked about the priority of the screwpile jetty on Granite Island.

The Mayor responded that the Screwpile Jetty was still on the schedule of works for Granite Island but that the Causeway upgrade was a higher priority.

15.2. **General Inspectors - Weekends**

Cr Ewens asked if General Inspectors would be working on the weekends as the foreshore parking area was a source of frustration with many persons illegally parked. Cr Ewens indicated that she thought a report would be on the current agenda.

The City Manager indicated that he had received a report from the Senior General Inspector and although there was some funding within the budget for an increase in inspectorial hours there was a need to consult broadly with other staff to see if there were job share opportunities that may emerge with the redirection of some staffing resources to the regional waste management structure from 1st July.

15.3. **Building Standards - Earthquakes**

Cr Lewis asked about building standards following the report in the Sunday Mail relating to earthquakes in South Australia.

The City Manager indicated that there were minimum engineering standards and wind speed ratings that applied to buildings. The Building Officer could give more specific detail.

Cr Rose indicated that following the Newcastle earthquake an 'earthquake code' applies for commercial buildings constructed since that time.

15.4. Victor Harbor Promotions

Cr Cooper asked whether the elected members had seen the latest Arts in Australia magazine and the current Channel 2 vision both of which promote Victor Harbor.

16. MOTIONS WITHOUT NOTICE

16.1. Murray Darling Association

OC 09/0164	Murray Darling Association
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Moved: Cr P Chigwidden Seconded: Cr P Lewis

That Council forward a letter to the Secretary of the Murray Darling Association (MDA) Region 6 Committee in support of the following recommendations:

1. That the MDA Conference expresses its dismay at the outcome of the deliberations regarding the final results of the inter-government agreement on the governance of the Basin and calls upon the Federal Government to intervene and take over the governance arrangements and to create a truly independent Murray Darling Basin Authority; and
2. That the MDA Conference call for the Federal Government to re-examine the question of the Clarence River Diversion Study relative to water flows through the Murray Darling System.

CARRIED UNANIMOUSLY

16.2. Vote of Thanks

OC 09/0165	Vote of Thanks
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Moved: Cr K Ewens Seconded: Cr E Cooper

That a vote of thanks be extended to Jane Bohnsack and Shelley Belle for the work in relation to the Sheridan Brothers Commemoration event on 18th April 2009.

CARRIED UNANIMOUSLY

17. QUESTIONS FROM THE GALLERY**17.1. Murray Darling Association**

Ms B Bond asked if Council would consider having the motion moved by Cr Chigwidden on her report on the recent Murray Darling Association meeting, forwarded to The Times and The Argus papers for publication even if only to make the statement that our own SA Federal Minister's priorities are climate change over water issues.

The question was taken on notice.

17.2. Council Activities

Mr P Reedman asked: is there any reason why the monthly activities in relation to Council activity and responsibility of the Mayor, the City Manager and Elected Members should not form part of a report to Council, included in the agenda and tabled at the appropriate Council meeting?

The City manager and all the elected members are in place to represent the ratepayers who fund them and the community is entitled to know what activities are undertaken as part of their role in the organisation. It is not an invasion of privacy but a proper reporting procedure from a group who in real terms have been remunerated for their time and effort.

The minutes and agenda of Alexandrina Council will reveal a suitable format.

The question was taken on notice.

17.3. Council Agenda

Mr P Reedman asked: Is there any reason why agenda items on the Council website do not have the detail of each item? If not why cannot the information be made public?

For example in the Agenda for March 16, 2009 there is an item "Mt Alma Hill Climb" with no supporting information. A ratepayer has no idea what it is about, who initiated the item or what the consequences might be.

In the current agenda (Item 9.3.1) refers to "road closures" When and where and why? What are the benefits to the community and what are the risks?

Item 10.2.1 refers to "kiss and drop" funding. Again when, where and what are the social, environmental and economic impacts of the matter.

I suggest that this Council examine the agendas of Alexandrina Council where apart from the title of the agenda item the name of the officers involved with the matter, the people consulted (where applicable) a report outlining the matter and a recommendation from staff (where applicable) are listed. And where applicable an impact/benefit statement. The agenda also shows the budget that applies to the item and what has been spent to date.

On the surface it appears that Victor Harbor Council does not want the community to know the detail prior to the relevant meeting. The when and why. And what effect the item in question has on the budget.

Not everyone has the time to attend Council meeting to find out what is going on.

Communication from Council on these important issues needs urgent attention.

The question was taken on notice.

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.

6.50pm Cr Rose left the chamber

18. CONFIDENTIAL

18.1. Water Re-use Scheme

OC 09/0166	Water Re-use Scheme
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Moved: Cr P Chigwidden Seconded: Cr E Cooper

That pursuant to Section 90 (2) & (3) (k) of the Local Government Act 1999, the public be excluded from the meeting, with the exception of staff required to service the meeting, to enable this information to be considered in confidence as it relates to consideration of tenders for the provision of a service and the carrying out of works for the Council.

CARRIED UNANIMOUSLY

6.54pm Cr Rose re-entered the meeting.

OC 09/0167	Water Re-use Scheme
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Moved: Cr P Lewis Seconded: Cr D Sinclair-Warren

That Council provide formal agreement to SA Water for contribution of \$135,000 prior to 30 June 2009 and a further \$205,000 to be paid on 1 July 2010 for the Stage 1 provision of re-use water.

CARRIED UNANIMOUSLY

OC 09/0168	Water Re-use Scheme
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Moved: Cr D Sinclair-Warren Seconded: Cr P Lewis

That Council continue to negotiation with SA Water to secure a maximum initial cost to Council for re-use water of \$1.41 per kilolitre (2009) with

future annual increases not to exceed CPI.

CARRIED UNANIMOUSLY

OC 09/0169	Water Reuse Scheme
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Moved: Cr D Sinclair-Warren Seconded: Cr E Cooper

That the resolution of Council be removed from confidence.

CARRIED UNANIMOUSLY

18.2. Henderson Road

OC 09/0170	Henderson Road
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Moved: Cr D Michelmore Seconded: Cr E Cooper

That pursuant to Section 90 (2) & (3) (h) of the Local Government Act 1999, the public be excluded from the meeting, with the exception of staff required to service the meeting, to enable the matter to be considered in confidence as it relates to legal advice.

CARRIED UNANIMOUSLY

The report and resolutions relating to this matter are filed in Council's safe.

18.3. Community Purchase of Renewable Energy Program (C-PREP)

OC 09/0173	Community Purchase of Renewable Energy Program (C-PREP)
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Moved: Cr T Rose Seconded: Cr E Cooper

That pursuant to Section 90 (2) & (3) (k) of the Local Government Act 1999, the public be excluded from the meeting, with the exception of staff required to service the meeting, to enable this information to be considered in confidence as it relates to consideration of tenders for the provision of a service.

CARRIED UNANIMOUSLY

OC 09/0174	Community Purchase of Renewable Energy Program (C-PREP)
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Moved: Cr T Rose Seconded: Cr D Michelmore

That Council endorse the evaluation panel recommendation of Zen Home Energy Systems as the preferred supplier/installer and Adelaide Bank as the preferred financial Lending partner for the C-PREP program.

CARRIED

OC 09/0175 Community Purchase of Renewable energy Program (C-PREP)

Moved: Cr P Chigwidden Seconded: Cr P Lewis

That the Economic Development Officer immediately draw up legally binding documentation with the preferred partners and proceed to implement C-PREP as outlined in the Council Workshop.

CARRIED

OC 09/0176 Community Purchase of Renewable Energy Program (C-PREP)

Moved: Cr D Michelmore Seconded: Cr P Lewis

That the registration fees for the C-PREP program be allocated to a separate Research and Development Fund for future allocation to other community energy initiatives which may be identified.

CARRIED UNANIMOUSLY

OC 09/0177 Community Purchase of Renewable Energy program (C-PREP)

Moved: Cr K Ewens Seconded: Cr P Chigwidden

That the report and recommendations be released from confidence.

CARRIED UNANIMOUSLY

7.26pm Cr Michelmore left the meeting.

7.31pm Cr Chigwidden left the meeting.

19. CLOSURE

The Chair declared the meeting closed at 8.05pm.

Date : _____

Chairperson : _____