

M I N U T E S

Committee **Ordinary Council**
Meeting Held **Monday, 23 June 2008 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 P Ruciak
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

Councillor K Trezise

OC 08/0293	Apologies
-------------------	------------------

Moved: Cr D Sinclair-Warren Seconded: Cr P Ruciak

That the apologies be received.

CARRIED UNANIMOUSLY

4. MINUTES OF THE PREVIOUS MEETING

OC 08/0294	Confirmation of the Minutes of the Previous Meeting
------------	---

Moved: Cr P Chigwidden Seconded: Cr K Ewens

That the Minutes of the Previous Ordinary Council Meeting held on Tuesday, 10 June 2008 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY

5. MINUTES OF COUNCIL COMMITTEE MEETINGS

OC 08/0295	Confirmation of Council Committee Meetings
------------	--

Moved: Cr D Michelmore Seconded: Cr E Cooper

That the Minutes of the:

- 5.1. Fleurieu Region Community Services Advisory Committee Meeting held 3 June 2008; and
- 5.2. Recreation Centre Management Committee Meeting held 17 June 2008

be received and the recommendations contained therein adopted.

CARRIED UNANIMOUSLY

Disability Access Steering Committee Meeting Minutes of 28 May 2008 were withdrawn, as these were incomplete.

6. ITEMS LYING ON THE TABLE

6.1. Donation Requests

OC 08/0296	Donation Requests
------------	-------------------

Moved: Cr E Cooper Seconded: Cr P Lewis

That the matter be raised from the Table.

CARRIED UNANIMOUSLY

OC 08/0297 Donation Requests - SteamRanger Heritage Railway

Moved: Cr D Sinclair-Warren Seconded: Cr P Ruciak

That a donation to SteamRanger Heritage Railway be deferred until a financial statement is received.

CARRIED UNANIMOUSLY

OC 08/0298 Donation Requests - Fleurieu Peninsula Tourism

Moved: Cr K Ewens Seconded: Cr P Lewis

That a \$500 contribution be made to the Fleurieu Peninsula Tourism (Art trail Sub Committee) to assist with the costs associated with the production of a Fleurieu Peninsula Art Trail brochure from General Donation (70170) and conditional upon a commitment from the adjoining councils agreeing to also make a donation.

CARRIED

OC 08/0299 Donation Requests

Moved: Cr D Sinclair-Warren Seconded: Cr D Michelmore

That a donation of \$1,000 be made to the Southern Fleurieu Cancer Support and Resource Group Inc for the 2009 Calendar Project from general Donation (70170) in the 2008/09 budget.

CARRIED UNANIMOUSLY

7. PLANNING & REGULATORY SERVICES

7.1. Planning

7.1.1. Monthly Report - May 2008

OC 08/0300 Monthly Report - May 2008

Moved: Cr E Cooper Seconded: Cr T Rose

That the Planning & Regulatory Services Department Report be received.

CARRIED UNANIMOUSLY

7.2. General Inspectorial

7.2.1. Proposed Time Limit Parking in Wills Street, Victor Harbor

OC 08/0301	Proposed Time Limit Parking in Wills Street, Victor Harbor
------------	--

Moved: Cr D Michelmore Seconded: Cr T Rose

That Council approve the change in three car parking spaces that currently exist outside the Newland Memorial Uniting Church Hall situation in Wills Street, Victor Harbor from "all day" parking to a two-hour time limit parking area.

CARRIED

7.3. Economic Development

7.3.1. LGA Climate Change Summit - 4/5 June 2008

OC 08/0302	LGA Climate Change Summit - 4/5 June 2008
------------	---

Moved: Cr P Lewis Seconded: Cr D Sinclair-Warren

1. That Council staff explore the potential for the conduct of a public information forum on climate change.
2. That Council lobby Planning SA and the Minister for Urban Planning and Development to seek changes to the rules and regulations concerning wind turbines and solar panels on private and public urban dwellings, presently prescribed by the Development Act 1993 to allow local solar/wind power generation.
3. That Council further explore the opportunity for solar and wind turbine energy generation with the Local Government Association and Fleurieu Regional Development.

CARRIED UNANIMOUSLY

8. ENVIRONMENT & INFRASTRUCTURE SERVICES

8.1. Infrastructure Matters

8.1.1. Bluff Boat Ramp Upgrade

OC 08/0303	Bluff Boat Ramp Upgrade
------------	-------------------------

Moved: Cr P Chigwidden Seconded: Cr K Ewens

1. That Council support, in principle, the inclusion of a southern breakwater into the Bluff Boat Ramp Upgrade subject to amended designs and costings being brought back to Council

for endorsement.

2. That the Director of Environment & Infrastructure Services proceeds to obtain the necessary crown project approvals related to the inclusion of a breakwater in the Bluff Boat Ramp Upgrade.

CARRIED

8.2. Open Space

8.2.1. Hicks Reserve Landscape Masterplan

OC 08/0304	Hicks Reserve Landscape Masterplan
------------	------------------------------------

Moved: Cr E Cooper Seconded: Cr D Michelmore

1. That the Hicks Reserve Landscape Masterplan be adopted as a guiding document by Council.
2. That Council instigate the Landscape Masterplan as finances and resources are available.

CARRIED UNANIMOUSLY

9. CORPORATE & COMMUNITY SERVICES

9.1. Finance

9.1.1. Fees and Charges Review 2008/09

OC 08/0305	Fees and Charges Review 2008/09
------------	---------------------------------

Moved: Cr P Ruciak Seconded: Cr D Sinclair-Warren

That the proposed SCOTS Community Bus hire fees and Old School Building hire fees be included in the 2008/09 Fees and Charges Register

CARRIED UNANIMOUSLY

9.2. Corporate Services

9.2.1. National Aboriginal Islanders Day of Observance Celebrations

OC 08/0306	National Aboriginal Islanders Day of Observance Celebrations
------------	--

Moved: Cr P Lewis Seconded: Cr P Ruciak

That approval be granted to the Southern Fleurieu Health Service for a rolling road closure for their street march on Tuesday, 8 July 2008, to celebrate the National Aboriginal Islanders Day of Observance

Celebrations. The march to commence at 9.10am from Grosvenor Gardens and proceed down Coral Street to Ocean Street to conclude with a flag raising ceremony on Warland Reserve.

CARRIED UNANIMOUSLY

9.2.2. Hindmarsh Valley Progress Association

OC 08/0307 Hindmarsh Valley Progress Association

Moved: Cr T Rose Seconded: Cr D Sinclair-Warren

That a donation not be granted to the Hindmarsh Valley Progress Association for their general insurance premium.

CARRIED UNANIMOUSLY

9.2.3. Victor Harbor Country Markets

OC 08/0308 Victor Harbor Country Markets

Moved: Cr E Cooper Seconded: Cr D Sinclair-Warren

1. That a 12 month Licence to 340 June 2008, be granted to Victor Harbor Country Markets to operate their Market on Soldiers Memorial reserve.
2. That the total number of Markets approved for 2008/09 be 28 as per listing and that Council will not approve additional dates.
3. That the Special Conditions to the Licence be as listed.

CARRIED UNANIMOUSLY

9.3. Community Services

9.3.1. City of Victor Harbor Community Grants Program

OC 08/0309 City of Victor Harbor Community Grants Program

Moved: Cr D Michelmores Seconded: Cr P Chigwidden

That the following applications for funding under the City of Victor Harbor Community Grants Program 2007/2008 be approved:

- Friends of the Victor Harbor R-7 School - \$390 for bus hire and driver for "Frameworx" - Community Bike Project
- Encounter Centre - \$85 for educational puzzles for project participants
- Southern Gateway Community Church - \$120 for Lego for floor activities at "Jump 'n Jive" playgroup
- Southern Fleurieu Cancer Support Group - \$125 for refurbishment of quiet area

- Probus Club of Port Victor Combined - \$440 for audio visual equipment at Carrickalinga House Seniors Centre
- Happy Hour Club (Rosetta Village) - \$55 for publishing newsletter
- Yilki Uniting Church Council - \$367 for fold away baby change table
- Victor Harbor Baptist Church - \$300 for Kid’s Busyness Playgroup - outdoor play equipment
- Victor Harbor Division St Johns Ambulance - \$500 for equipment trailer (subject to other funding being secured)

CARRIED UNANIMOUSLY

9.4. Governance

9.4.1. Policy Review – (S6) Sale and Disposal of Council Land and Other Assets and (P9) Procurement

OC 08/0310	Policy Review – (S6) Sale and Disposal of Council Land and Other Assets and (P9) Procurement
------------	--

Moved: Cr T Rose

Seconded: Cr P Ruciak

That Council

- (i) Rescind the (C3) Competitive Tenders, Contracting and Sale and Disposal of Council Land and Asset Policy;
- (ii) Adopt the (S6) Sale and Disposal of Council Land and Other Assets Policy as presented; and
- (iii) Adopt the (P9) Procurement Policy as presented and amended.

CARRIED UNANIMOUSLY

9.4.2. Customer Service Philosophy

OC 08/0311	Customer Service Philosophy
------------	-----------------------------

Moved: Cr P Lewis

Seconded: Cr P Chigwidden

That the Customer Service Philosophy document prepared for the City of Victor Harbor and accompanying this report be endorsed.

CARRIED UNANIMOUSLY

9.4.3. Report on Outstanding Council Resolutions

OC 08/0312	Report on Outstanding Council Resolutions
------------	---

Moved: Cr P Chigwidden Seconded: Cr D Michelmore

That the Status Report on Council Resolutions as at 17 June 2008 be received as presented.

CARRIED UNANIMOUSLY

9.5. Property

9.5.1. Victoria Street - Land Sale Proposal

6.09pm Cr D Sinclair-Warren declared a conflict of interest as Chairperson of one of objector groups and left the meeting.

OC 08/0313	Victoria Street - Land Sale Proposal
------------	--------------------------------------

Moved: Cr E Cooper Seconded: Cr P Chigwidden

That Council continue with the proposed public land sale of land adjacent Lot 5 Filed Plan 106825, Victoria Street, Victor Harbor, seeking to reasonably address the objections raised by means of directing the City Manager to assign appropriate staff to address the objections received in the form of a report back to Council, with the potential of such report being endorsed by Council for submission as part of a continuing road process lodgement.

CARRIED

6.17pm Cr Sinclair-Warren re-entered the meeting.

9.5.2. Coromandel Drive - Land Exchange Proposal

OC 08/0314	Coromandel Drive - Land Exchange Proposal
------------	---

Moved: Cr T Rose Seconded: Cr P Lewis

1. In Principle Support

That Council give in principle support for the land exchange proposed by Dr Peter Speck (the Applicant) involving the exchange of portions of the privately owned allotment 1161 of Coromandel Drive, McCracken and the adjoining Council reserves of Gleneagles and Cootamundra, subject to.

- 1) The Applicant supplying Council with updated survey/sub-division plans detailing the proposed land exchange and division, with the recommendation that the applicant consult

with Council staff prior to the preparation of such plans.

- 2) The revocation of the community land status being achieved for the required public land involved in the proposed land exchange.
- 3) The Applicant meeting all reasonable cost in relation to the proposed land exchange and division.

2. Community Land Revocation

That upon the Applicant's acceptance of the above conditions, Council staff prepare a Community Land Revocation Proposal Report, as required by Section 194(2) of the Local Government Act 1999, to be presented back to Council for endorsement, prior to commencement of the public consultation phase of the revocation.

CARRIED UNANIMOUSLY

10. REPRESENTATIVES REPORTS

10.1. Carrickalinga Board of Management

10.2. Fleurieu Regional Development Incorporated

Meeting held on 28 May 2008, items discussed included:

- FRD Resource Agreement occupied quite a deal of discussion and time at this meeting.
- Water issues in Langhorne Creek and Currency Creek high on the agenda.
- Extensive presentation on Marine Parks by Phil Hollow of DEH.

10.3. Southern & Hills Local Government Association

Meeting held on 20 June 2008. Awaiting minutes.

10.4. South Australian Regional Organisation of Councils (SAROC)

Next meeting scheduled for 16 July 2008 at Port Augusta.

10.5. South Australian South Central Area Consultative Committee

Next meeting scheduled for 4 July 2008 McLaren Vale.

10.6. Granite Island Management Committee

10.7. Inman River Catchment Group

10.8. National Sea Change Taskforce

Next meeting scheduled for 27 July 2008 in Queensland.

10.9. Victor Harbor Coastcare

10.10. Encounter Group (Youth Week)

10.11. Fleurieu Community Road Safety Group

10.12. Fleurieu Alliance

Next meeting is scheduled for 11 July 2008.

10.13. Victor Harbor High School Governing Council

10.14. Provincial Cities Association of South Australia

City Manager reported on three key issues:

- South Australian Country Health Plan
- Regional Development Board and 5 year Resource Agreements to be signed by 30 June 2008
- Association is to undertake a review of its activities.

10.15. Fleurieu Peninsula & Kangaroo Island Waste Management Strategy Committee

10.16. District Bushfire Prevention Committee

10.17. Murray Darling Association

Working group meeting held 20 June 2008. Cr Chigwidden presented a report.

10.18. Hindmarsh Tiers Biodiversity Group

10.19. Southern Fleurieu Coastal Reference Group

10.20. Ranges to River NRM Local Government Group

10.21. Regional Community Consultative Committee

Next meeting is scheduled 25-27 June 2008 at Murray Bridge.

10.22. LGA State Executive

10.23. S A Water Re-Use Group

10.24. SA Boating Council

10.25. Coast Protection Board

11. MATTERS OF URGENCY**11.1. Notice of Motion to Revoke**

OC 08/0315	Notice of Motion to Revoke
------------	----------------------------

Moved: Cr E Cooper Seconded: Cr T Rose

That resolution number OC/080189 as follows, carried on Monday 28 April 2008, be revoked -

1. That Council authorizes the City Manager to transfer the amount of \$20,068.91 into the Encounter Lakes Trust Fund reserve in order to re-establish the balance as of the last draw down on 30 April 2002.
2. That Council appoints 12 May 2008 as the *Vesting Day* for the purposes of Clause 4 of the Encounter Lakes Trust Fund.
3. That the funds contained within the Encounter Lakes Trust Fund Reserve be transferred back to the general revenue of Council on *Vesting Day* in accordance with Clause 4 (c) of the *Encounter Lakes Trust Fund Deed* to honour the formal requirements of the Deed.
4. That Council advise the Ombudsman of the legal advice received by Council and the resolutions passed this evening before enacting those Council directions.

CARRIED UNANIMOUSLY

OC 08/0316	Encounter Lakes Trust Fund Deed
------------	---------------------------------

Moved: Cr E Cooper Seconded: Cr T Rose

1. That Council authorizes the City Manager to transfer the amount of \$20,068.91 into the Encounter Lakes Trust Fund reserve in order to re-establish the balance as of the last draw down on 30 April 2002.
2. That Council appoints 27 June 2008 as the *Vesting Day* for the purposes of Clause 4 of the Encounter Lakes Trust Fund.
3. That the funds contained within the Encounter Lakes Trust Fund Reserve be transferred back to the general revenue of Council on *Vesting Day* in accordance with Clause 4 (c) of the *Encounter Lakes Trust Fund Deed* to honour the formal requirements of the Deed.
4. That Council advise the Ombudsman of the legal advice received by Council and the resolutions passed this evening before enacting those Council directions.

CARRIED UNANIMOUSLY

12. QUESTIONS ON NOTICE**12.1. Malen Avenue**

At the Ordinary Meeting of Council dated 10 June 2008 the following question was asked from the gallery to the Director of Environment and Infrastructure Services:

Mr Roy Jones asked when will Malen Avenue be opened from Harbourview Terrace to Bartel Boulevard for through traffic?

The Director of Environment and Infrastructure Services took the questions on notice.

In response to the question from Mr Roy Jones, Malen Avenue footpath is due for completion in approximately 5 days. South Coast Sand and Civil have indicated that they are able to reopen Malen Avenue once the footpath has been completed with or without street lighting.

Currently, there are no street lights in Malen Avenue. The luminars have been on order for considerable time and South Coast Sand and Civil are unable to give a firm date when these will be available.

OC 08/0317	Question on Notice - Malen Avenue
------------	-----------------------------------

Moved: Cr P Ruciak

Seconded: Cr T Rose

That the question from R Jones and the answer thereto be received and further that Council advise South Coast Sand and Civil that Malen Avenue be reopened upon completion of the footpath.

CARRIED UNANIMOUSLY

12.2. Inman River

At the Ordinary Meeting of Council dated 10 June 2008 the following question was asked from the gallery to the Director of Environment and Infrastructure Services:

Mr Roy Jones asked if Council could advise if any prolonged damage to the Inman River will be sustained due to the large spill of effluent from the treatment works on 10th June 2008?

The Director of Environment and Infrastructure Services took the question on notice.

In response to the question from Mr Roy Jones, the spill occurred over the recent long-weekend into the Inman River due to a PLC (program logic controller) failure at the main pumping station. This PLC has since been replaced by United Utilities. The spill was minor in terms of quantity of at 400kl, and was diluted to a ratio of 1 in 20 by flushing the Inman River with 500 ML's of treated reuse water immediately following the spill.

The sewerage spilled had been chlorinated and had undergone partial treatment. Subsequent tests of the water quality in the Inman River by United Utilities staff indicated no residual harm to the river. In fact the upstream water quality from the outlet was worse than that tested down stream.

OC 08/0318	Question on Notice - Inman River
------------	----------------------------------

Moved: Cr D Michelmore Seconded: Cr P Ruciak

That the question from R Jones and the answer thereto be received.

CARRIED UNANIMOUSLY

13. QUESTIONS WITHOUT NOTICE

Nil.

14. MOTIONS WITHOUT NOTICE

Nil.

15. QUESTIONS FROM THE GALLERY

15.1. Bluff Boat Ramp Design

Ms N Dunsmuir: Is it correct to say that the initial design for the Bluff Boat Ramp upgrade had to be approved by DAC? And if so, doesn't any alterations/additional also have to be submitted to DAC for approval?

The Director of Environment and Infrastructure Services took the question on notice.

15.2. Country Markets

Mr R Jones: Now that the new agreement for Country Markets has been agreed upon, can they be asked to honour and respect the soldiers memorial on the reserve? If necessary, the request should be included in their contract.

The Mayor responded that this was a clause within their contract. The Director of Corporate and Community Services indicated that this item will be reinforced with the operators.

15.3. Signage - Encounter Centre

Mr J Dunsmuir : Recently, I had occasion to contact Council about signage for the Encounter Centre. On every occasion, I was sent to voice mail and from that I receive no response. Why? Is it policy to only respond to calls that staff sees fit?

The City Manager took the question 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.

16. CONFIDENTIAL**16.1. Recycled Water Draft Masterplan**

OC 08/0319	Recycled Water Draft Masterplan
------------	---------------------------------

Moved: Cr T Rose

Seconded: Cr P Ruciak

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

OC 08/0320	Recycled Water Draft Masterplan
------------	---------------------------------

Moved: Cr T Rose

Seconded: Cr D Sinclair-Warren

1. That the proposed system in the Draft Masterplan be approved for further development subject to investigating a revised network to further reduce construction costs.
2. That Council provide an in principle commitment to proceeding with discussions with SA Water.

CARRIED UNANIMOUSLY

OC 08/0321	Recycled Water Draft Masterplan
------------	---------------------------------

Moved: Cr D Sinclair-Warren

Seconded: CR T Rose

That Council consider a financial contribution toward construction of the network to allow the Technical Working Group to model and negotiate the unit price of recycled water as detailed in Options 1 and 2.

CARRIED UNANIMOUSLY

OC 08/0322	Recycled Water Draft Masterplan
------------	---------------------------------

Moved: Cr D Sinclair-Warren

Seconded: Cr T Rose

That the resolution of Council be released from confidence.

CARRIED UNANIMOUSLY

16.2. Old Library Building

OC 08/0323	Old Library Building
-------------------	-----------------------------

Moved: Cr D Sinclair-Warren Seconded: Cr P Chigwidden

That pursuant to Section 90(2) & (3)(b) 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 relating to the Old Library Building to be considered in confidence as it relates to information that could potentially prejudice the commercial position of the Council, and, on balance, may be contrary to the public interest.

CARRIED UNANIMOUSLY

The report and resolutions are filed in Council's safe.

17. CLOSURE

The Chair declared the meeting closed at 7.25pm.

Date : _____

Chairperson : _____