

M I N U T E S

Committee **Ordinary Council**
Meeting Held **Monday, 28 April 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 Michelmores
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 B Price - Director of Planning & Regulatory 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 08/0176	Apologies
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Moved: Cr T Rose

Seconded: Cr D Sinclair-Warren

That the apologies be received.

CARRIED UNANIMOUSLY

4. MINUTES OF THE PREVIOUS MEETING

OC 08/0177	Confirmation of the Minutes of the Previous Meeting
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Moved: Cr P Chigwidden

Seconded: Cr E Cooper

That the Minutes of the Previous Ordinary Council Meeting held on Monday, 14 April 2008 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY

5. MINUTES OF COUNCIL COMMITTEE MEETINGS

OC 08/0178	Minutes of Council Committee Meetings
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Moved: Cr D Sinclair-Warren

Seconded: Cr P Lewis

That the Minutes of the:

- 5.1. Fleurieu Region Community Services Advisory Committee Meeting held on 1 April 2008;
- 5.2. Southern Communities Transport Advisory Committee Meeting held on 16 April 2008;
- 5.3. Southern Fleurieu Youth Advisory Committee Meeting held on 8 April 2008;
- 5.4. Tourism Victor Harbor Committee Meeting held on 19 February 2008; and
- 5.5. Tourism Victor Harbor Committee Meeting held on 18 March 2008

be received and the recommendations contained therein be adopted.

CARRIED UNANIMOUSLY

6. PETITIONS**6.1. Missen Reserve**

OC 08/0179	Missen Reserve
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Moved: Cr T Rose

Seconded: Cr P Ruciak

That the petition from the residents of Missen Avenue and Heysen Parade at Chippendale Estate be received.

CARRIED UNANIMOUSLY

7. NOTICES OF MOTION**7.1. Insurance Cover & Licences Policy**

5.37pm Cr Ewens declared a conflict of interest as her husband holds an Amusement Licence.

OC 08/0180	Insurance Cover & Licences Policy
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Moved: Cr P Ruciak

Seconded: Cr D Sinclair-Warren

That copies of an applicants' current licences and current insurance policy cover is presented to elected members as a mandatory requirement before any potentially hazardous enterprise activities on council land is approved by Council.

CARRIED

OC 08/0181	Insurance Cover & Licences Policy
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Moved: Cr P Ruciak

Seconded: Cr D Sinclair-Warren

That the City of Victor Harbor require any applicant applying for permission to lease council land for the purpose of a potentially hazardous high risk enterprise activity must hold a \$20million insurance policy.

AMENDED

Cr Rose put an amendment.

OC 08/0182	Insurance Cover & Licences Policy
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Moved: Cr T Rose

Seconded: Cr E Cooper

That the City of Victor Harbor require any applicant applying for permission to lease council land for the purpose of a potentially hazardous high risk enterprise activity must declare that they are prepared to hold a \$20million insurance policy.

LOST

As the amendment was lost, the meeting returned to the previous motion and voted.

OC 08/0183	Insurance Cover & Licences Policy
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Moved: Cr P Ruciak Seconded: Cr D Sinclair-Warren

That the City of Victor Harbor require any applicant applying for permission to lease council land for the purpose of a potentially hazardous high risk enterprise activity must hold a \$20million insurance policy.

CARRIED

Cr Ruciak called for Division:

For: Crs Ruciak, Sinclair-Warren, Rose, and Cooper

Against: Crs Michelmores, Lewis, and Chigwidden

5.50pm Cr Ewens re-entered the meeting

8. PLANNING & REGULATORY SERVICES

8.1. Tourism

8.1.1. Progress Report on South Australian Whale Centre Re-development and Request for Additional Funds

OC 08/0184	Progress Report on South Australian Whale Centre Re-development and Request for Additional Funds
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Moved: Cr P Lewis Seconded: Cr D Michelmores

That Council approves an additional \$20,000 (as per Attachment 1) to enable the redevelopment of the S A Whale Centre to be completed to a satisfactory level, prior to the 1 June re-opening.

CARRIED UNANIMOUSLY

8.2. Economic Development

8.2.1. Establishment of Victor Harbor Produce Market

5.53pm The City Manager entered the meeting.

OC 08/0185	Establishment of Victor Harbor Produce Market
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Moved: Cr P Chigwidden Seconded: Cr P Ruciak

That Council approves the initiation and operation of a Produce Market to operate in Grosvenor Gardens every Saturday morning from Saturday

5 July 2008, subject to the usual hire conditions applicable to activities on Council reserves.

CARRIED UNANIMOUSLY

9. ENVIRONMENT & INFRASTRUCTURE SERVICES

9.1. Infrastructure Matters

9.1.1. Rapid Drive, McCracken - Footpath Paving

OC 08/0186	Rapid Drive, McCracken - Footpath Paving
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Moved: Cr P Lewis

Seconded: Cr D Micheltmore

1. That the existing "Footpath Construction Policy: adopted by Council on 28 February 2005 be reviewed within the 2008/09 financial year in conjunction with the finalisation of the pedestrian strategy.
2. That the 07/08 Footpath Construction Program proceed as per program with the exception of the footpath on Rapid Drive which will be deferred to future programming and funding consideration.

CARRIED UNANIMOUSLY

9.1.2. Encounter Lakes Development - Infrastructure

OC 08/0187	Encounter Lakes Development - Infrastructure
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Moved: Cr D Sinclair-Warren

Seconded: Cr E Cooper

That Council endorse the Franklin Island Bridge proposal subject to the structure receiving development approval and discussions with the Director of Environment and Infrastructure in relation to a decking material giving the best outcome for Council.

CARRIED UNANIMOUSLY

9.2. Open Space

9.2.1. Hicks Reserve Landscape Masterplan

OC 08/0188	Hicks Reserve Landscape Masterplan
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Moved: Cr D Sinclair-Warren

Seconded: Cr E Cooper

That the report be received and released for public viewing for a period of 4 weeks.

CARRIED UNANIMOUSLY**10. CORPORATE & COMMUNITY SERVICES****10.1. Corporate Services****10.1.1. Encounter Lakes Trust Fund**

OC 08/0189	Encounter Lakes Trust Fund
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Moved: Cr D Sinclair-Warren Seconded: Cr P Chigwidden

1. That Council authorises 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**10.2. Community Services****10.2.1. City of Victor Harbor Community Venues Survey**

OC 08/0190	City of Victor Harbor Community Venues Survey
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Moved: Cr P Ruciak Seconded: Cr P Chigwidden

That the report be received for information.

CARRIED UNANIMOUSLY**10.2.2. City of Victor Harbor Community Grants Program**

OC 08/0191	City of Victor Harbor Community Grants Program
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Moved: Cr D Sinclair-Warren Seconded: Cr E Cooper

That this report be received, and that a committee consisting of Mayor [or Deputy Mayor, if Mayor unavailable], Cr Kay Ewens, Cr Penny

Ruciak, and Council's Manager Community Services be established to consider applications for funding under Council's Community Grants Program 2007/08, and make recommendation to Council regarding applications to be approved for funding.

CARRIED UNANIMOUSLY

10.2.3. National Volunteers Week Small Grants Scheme

OC 08/0192	National Volunteers Week Small Grants Scheme
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Moved: Cr P Lewis Seconded: CR P Ruciak

That the report be received.

CARRIED UNANIMOUSLY

10.3. Governance

10.3.1. Council Member's Residential Seminar

OC 08/0193	Council Member's Residential Seminar
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Moved: Cr D Michelmores Seconded: Cr P Chigwidden

That the report be received.

CARRIED UNANIMOUSLY

OC 08/0194	Council Member's Residential Seminar
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Moved: Cr P Lewis Seconded: Cr K Ewens

That the Mayor, Crs Sinclair-Warren and Ruciak attend the Council Member's Residential Seminar to be held at Mawson Lakes on 29, 30, 31 May & 1 June 2008.

CARRIED UNANIMOUSLY

10.3.2. Fleurieu NRM Group

OC 08/0195	Fleurieu NRM Group
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Moved: Cr D Michelmores Seconded: Cr T Rose

That the report be received.

CARRIED UNANIMOUSLY

11. REPRESENTATIVES REPORTS

11.1. Carrickalinga Board of Management

11.2. Fleurieu Regional Development Incorporated

11.3. Southern & Hills Local Government Association

11.4. South Australian Regional Organisation of Councils (SAROC)

11.5. South Australian South Central Area Consultative Committee

11.6. Granite Island Management Committee

11.7. Inman River Catchment Group

Cr Sinclair-Warren reported on recent meeting.

11.8. National Sea Change Taskforce

11.9. Victor Harbor Coastcare

Cr Sinclair-Warren reported on meeting held last week and working bee held 27 April 2008.

11.10. Encounter Group (Youth Week)

11.11. Fleurieu Community Road Safety Group

11.12. Fleurieu Alliance

11.13. Victor Harbor High School Governing Council

11.14. Provincial Cities Association of South Australia

11.15. Fleurieu Peninsula & Kangaroo Island Waste Management Strategy Committee

11.16. District Bushfire Prevention Committee

Minutes of Committee meeting held last week.

11.17. Murray Darling Association

11.18. Hindmarsh Tiers Biodiversity Group

11.19. Southern Fleurieu Coastal Reference Group

11.20. Ranges to River NRM Local Government Group

11.21. Regional Community Consultative Committee

11.22. LGA State Executive

11.23. S A Water Re-Use Group

11.24. SA Boating Council

11.25 Chinese Delegation – 24 April 2008

Mayor reported on the visit by the Chinese Delegation from Guiyang Province.

12. MATTERS OF URGENCY

Nil.

13. QUESTIONS ON NOTICE**13.1. Hard Rubbish Collection**

Cr. Trezise has submitted the following Question on Notice pursuant to Regulation 10(1) of the Local Government (Procedures at Meetings) Regulations 2000.

“Could Council have an indication about our position in relation to a Hard Rubbish Collection Service by the next Council Meeting?”

In relation to Cr. Trezise’s question the following response is provided:

1. The last Hard Refuse Collection was provided in March 2003.
2. The cost of this activity in the last year of operation was \$20,730 for one collection in that year. This cost would have been made up of labour, plant and overhead costs.
3. Hard Refuse Collection has not been budgeted for since 2003 and is not included in Council’s draft budget for the 2008/09 financial year.
4. Council has since 2003 been investing heavily into more beneficial waste diversion options such as green waste kerb side collection and co-mingled kerbside collection. Both these collection services are being promoted regionally to reduce the volume of waste to landfill. Historically, Hard Refuse Collection has added significantly to volumes to landfill.
5. Council continues to review best options for waste reduction and diversion from landfill. Waste disposal cost to the ratepayers is anticipated to escalate significantly over the next few years due to mandatory requirements imposed by the EPA on Councils at landfill as well as waste reduction targets set by the state government. Consideration of hard waste options is but a small part of the jigsaw, however there is wider call for increased levels of service relating to co-mingled and green organics collection.

Unlike some of the metropolitan Council’s who currently provide for a Hard Rubbish Collection service, we do not have the population base, staff resources, budget income or facilities to cater for the diversity of services they provide to their residents. From an equity perspective, the recent initiatives Council has provided its community in terms of waste collection services have been targeted at a broader community benefit. Hard Rubbish Collection has historically provided a lesser and more targeted community benefit with significant drain on our resources.

OC 08/0196	Question on Notice
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Moved: Cr D Michelmore Seconded: Cr E Cooper

That the Question on Notice from Councillor Trezise regarding Hard Rubbish Collection and the answer thereto be received.

CARRIED UNANIMOUSLY

14. QUESTIONS WITHOUT NOTICE

Nil.

15. MOTIONS WITHOUT NOTICE

Nil.

16. QUESTIONS FROM THE GALLERY

16.1. Farmers Produce Market

Carolyn Jeffrey, Managing Editor of the Times asked: Will the nearby businesses to Grosvenor Gardens be consulted? Are there any plans to close Stuart Street? Please give considerations to traffic congestion and the need for businesses like ours to have easy access into our garage.

The Director of Planning and Regulatory Services 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.

17. CONFIDENTIAL

17.1. Tender 03/08 Bluff Boat Ramp Stage 1 - Contract Variation

OC 08/0197	Tender 03/08 Bluff Boat Ramp Stage 1 - Contract Variation
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Moved: Cr D Michelmore Seconded: Cr D Sinclair-Warren

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 items to be considered in confidence as it relates to the carrying out of works.

CARRIED UNANIMOUSLY

OC 08/0198 Tender 03/08 Bluff Boat Ramp Stage 1 - Contract Variation

Moved: Cr P Chigwidden Seconded: Cr D Michelmores

That Council approve the variation of \$62,635.93 (excluding GST) submitted by Ellers Earthmoving for extra work related to Tender 03/08, Bluff Boat Ramp Upgrade – Stage 1, Channel Widening.

CARRIED UNANIMOUSLY

OC 08/0199 Tender 03/08 Bluff Boat Ramp Stage 1- Contract Variations

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

That the resolution be released from confidence.

CARRIED UNANIMOUSLY

17.2. Caravan Park**OC 08/0200 Caravan Park**

Moved: Cr P Lewis Seconded: Cr T Rose

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 future options for the caravan park to be considered in confidence, as it relates to information that could potentially prejudice the commercial position of the Council and would, on balance, be contrary to the public interest.

CARRIED UNANIMOUSLY

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

17.3. Carbon Emission Offsets**OC 08/0203 Carbon Emission Offsets**

Moved: Cr D Michelmores Seconded: Cr T Rose

That pursuant to Section 90(2) & (3)(g) 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 Carbon Emission Offsets to be considered in confidence, as it relates to information 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.

CARRIED UNANIMOUSLY

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

17.4. RSL – Old Library Building

OC 08/0206	RSL – Old Library Building
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Moved: Cr K Ewens

Seconded: Cr P Lewis

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, be contrary to the public interest.

CARRIED UNANIMOUSLY

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

17.5. City Manager's Performance Review

7.13pm Director of Corporate & Community Services, Director of Planning & Regulatory Services and Director of Environment & Infrastructure left the meeting.

The City Manager distributed paperwork relating to this item

7.18pm City Manager left the meeting

OC 08/0209	City Manager's Performance Review
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Moved: Cr D Sinclair-Warren

Seconded: Cr E Cooper

That pursuant to Section 90 (2) & (3) (a) of the Local Government Act, 1999, the public and staff be excluded from the meeting, to enable the item on the City Manager's performance review and remuneration to be considered in confidence, as the item is a personnel matter of potential sensitivity.

CARRIED UNANIMOUSLY

7.25pm Minute Secretary left the meeting.

Cr. Ruciak volunteered to take the Minutes.

OC 08/0210 City Manager's Performance Review

Moved: Cr T Rose Seconded: Cr K Ewens

That Council received the report by Robert Wallace on the Performance Appraisal of the CEO for the period April 2007 to April 2008.

CARRIED UNANIMOUSLY

OC 08/0211 City Manager's Performance Review

Moved: Cr T Rose Seconded: Cr D Michelmores

That Council:

- Increase the City Manager's base salary by 4% as at 16 April 2008;
- Maintain other existing loadings and benefits under the employment contract.

CARRIED UNANIMOUSLY

OC 08/0212 City Manager's Performance Review

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

That no bonus be awarded to the City Manager for this review period. This is in no way a reflection on the quality of his performance but in line with current budget restraints.

CARRIED

OC 08/0213 City Manager's Performance Review

Moved: Cr P Lewis Seconded: Cr P Chigwidden

That Council establishes a Committee under Section 41 of the Local Government Act to meet with the CEO to determine the Key Goals, Objectives and Training Needs for the next 12 months and to oversee the appraisal in April 2009. The Committee shall be formed with the Mayor, Cr Michelmores, Cr Rose and Cr Sinclair-Warren.

CARRIED UNANIMOUSLY

OC 08/0214 City Manager's Performance Review

Moved: Cr D Michelmores Seconded: Cr P Lewis

That the contract renewal process be brought to the meeting on 23 June 2008 for resolution.

CARRIED

OC 08/0215	City Manager's Performance Review
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Moved: Cr D Sinclair-Warren Seconded: Cr E Cooper

That the resolutions be released from confidence and the Register of Salaries and Allowances be amended accordingly.

CARRIED UNANIMOUSLY

18. CLOSURE

The Chair declared the meeting closed at 8.00pm.

Date : _____

Chairperson : _____