Minutes

Committee	Victor Harbor Council
Meeting Held	27 FEBRUARY 2023 at 5:30pm
Location	Council Chambers, 1 Bay Road, Victor Harbor

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These Minutes are subject to confirmation at the next Ordinary Council Meeting

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These Minutes are subject to confirmation at the next Ordinary Council Meeting

1. PRESENT

Mayor Moira Jenkins (Chair)
Councillor Brayden Mann
Councillor Stewart Burns
Councillor David Kemp
Councillor Angela Schiller
Councillor Carlos Quaremba
Councillor Carol Schofield

In Attendance:

Ms Victoria MacKirdy – Chief Executive Officer
Mr Graham Pathuis – Director Community and Development
Ms Karen Rokicinski – Director Corporate and Customer Service
Ms Kathy Hayter - Director Environment and Infrastructure
Ms Emma Warren – Acting Communications Officer
Ms Katie Common – Executive Assistant (Minute Secretary)

2. ACKNOWLEDGEMENT OF COUNTRY, DIVERSITY COMMITMENT, SERVICE ACKNOWLEDGEMENT AND PRAYER

Acknowledge of Country
The City of Victor Harbor acknowledges the Ramindjeri and Ngarrindjeri people, the Traditional Custodians of the land and surrounding waters where we live and work. We acknowledge their deep connection to Country and pay our respects to Elders past, present and emerging. This respect is extended to Aboriginal and Torres Strait Islander people across Australia.

Diversity Commitment
The City of Victor Harbor is committed to diversity, equity and inclusion. We respect people of all ages, abilities, genders, sexualities, religions, cultures and backgrounds.

Service Acknowledgement
We recognise the brave individuals who have served, and continue to serve, our nation. We remember those who have lost their lives and paid the ultimate sacrifice to our country.

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

3. APOLOGIES AND LEAVE OF ABSENCE

Councillor Nick McKenzie

These Minutes are subject to confirmation at the next Ordinary Council Meeting

4. ITEMS ADJOURNED AND/OR LYING ON THE TABLE

Nil

5. MINUTES OF THE PREVIOUS MEETING

5.1 Minutes of the Previous Meeting - 23 January 2023

OC332023 Moved: Cr Carol Schofield
Seconded: Cr Marilyn Henderson

That the minutes of the Ordinary Meeting of Council held 23 January 2023 are confirmed as true and accurate.

CARRIED

6. DEPUTATIONS

Nil

7. QUESTIONS FROM THE GALLERY

7.1 – Mr Peter Charles on behalf of Team Victor

Question 1:

Will the Councillors please seek administration costings and place this urgently needed option in the 2023/24 Budget?

Question 2:

Will Council also consider making the Bike/Walkway at number 181 Coromandel Drive wider and more robust so that emergency services have an alternative point of entry?

Response:

I note that these are requests of Council, not questions, as Council are unable to respond to them without formalising resolutions.

It is correct that Council purchased 181 Coromandel with a view to improving pedestrian and bicycle access and circulation in the neighbourhood. The project has not yet received funding priority from Council.

181 Coromandel wouldn't likely service vehicular thoroughfare due to the height variation between the land and Adelaide Road and the position that the DIT holds on minimising access points to Adelaide Road.

Council also owns 131 Coromandel Drive, which was a strategic purchase made in 2012 for the purpose of creating a road network connection into the Hindmarsh Valley residential zone to the north. There have been negotiations with the previous landowner/developer of the Hindmarsh Valley Zone to achieve this, and the negotiations will continue with the new landowner/developer when the opportunity arises.

There is a further possibility for connection of road network from McCracken into Hindmarsh Valley Residential Zone via Riverway Court, either via the Hindmarsh Riverfront reserve area or via further strategic land acquisition opportunity.

7.2 – Mr. Andrew Robertson

Question 1:

When is the permanent sign going to be installed?

Response:

Council is in the process of determining a suitable location to permanently install the sign, particularly given the low grade quality of the sign in the context of the two DEW information/restriction signs and the Nderunderi sculpture installation.

A request has been sent to DIT/DEW seeking their permission for the possibility to fix the signage to their infrastructure.

Question 2:

Can CVH install a sign at the entrance to the Causeway stating that bicycles and scooters are banned from being on Granite Island?

Response:

It has been difficult to determine a suitable location to fix the sign as mentioned above.

There is already signage there that state no bicycles and to add more signage creates a risk of signage clutter. However, we will be including this in our discussions with DIT/DEW so that they can provide assistance.

Supplementary Question:

Wouldn't it be better to put a proper sign up there rather than dealing with the bicycles on Granite Island through human intervention?

Response:

As stated, there is already a sign there that states no bicycles, and to add more signage creates a risk of signage clutter. However, we can be include this in our discussions with DIT/DEW so we can get a permanent sign installed.

8. PETITIONS

Nil

9. OFFICE OF CHIEF EXECUTIVE OFFICER

9.1 Outstanding Resolutions - February 2023

OC342023 Moved: Cr Angela Schiller
Seconded: Cr Marilyn Henderson

That Council receive and note the Outstanding Resolutions February 2023 report.

CARRIED

9.2 Fleurieu Region Community Services Advisory Committee - Terms of Reference

OC352023 Moved: Cr Marilyn Henderson
Seconded: Cr Carol Schofield

That Council adopts the reviewed Terms of Reference for the Fleurieu Region Community Services Advisory Committee as provided at Attachment A.

CARRIED

9.3 2022/23 Annual Business Plan Mid-Year Review

OC362023 Moved: Cr David Kemp
Seconded: Cr Stewart Burns

That the Council receive and note the 2022/23 Annual Business Plan Mid-Year Review report.

CARRIED UNANIMOUSLY

9.4 Tree Assessment Policy and Panel

OC372023 Moved: Cr Marilyn Henderson
Seconded: Cr Angela Schiller

That Council endorse the reviewed Tree Management Policy as provided at Attachment A.

CARRIED

6.04pm Mayor Moira Jenkins called for nominations

6.04pm Cr Burns nominated himself

OC382023 Moved: Cr Carol Schofield
Seconded: Cr Brayden Mann

That Council appoints Cr Stewart Burns to the position of Council Member representative to the Tree Assessment Panel commencing on 28 February 2023, until the conclusion of the 2026 Council Periodic Election.

CARRIED UNANIMOUSLY

9.5 Murray Darling Association - Region 6 - Council Member appointment

6.06pm *Mayor Moira Jenkins called for nominations*

6.06pm *Cr Burns nominated himself*

6.06pm *Cr Quaremba nominated himself*

OC392023 Moved: Cr Angela Schiller
Seconded: Cr Marilyn Henderson

That Council appoints Cr Stewart Burns and Cr Carlos Quaremba to the Murray Darling Association Region 6, until the conclusion of the 2026 Council Periodic Election.

CARRIED

9.6 2022 Local Government Periodic Elections - Disclosure Return - Cr Michael Quinton

OC402023 Moved: Cr Carol Schofield
Seconded: Cr Carlos Quaremba

That Council receive and note the notification in accordance with Section 54(6) of the Local Government Act 1999 that the office of area councillor, formerly occupied by Michael Quinton, became vacant by operation of Section 54(1)(h) of the Local Government Act 1999 on 21 January 2023.

CARRIED

9.7 2023 National General Assembly

6.16pm *Mayor Moira Jenkins declared a material conflict of interest as she will benefit from attending the Assembly, vacated the Chair and left the Chamber.*

6.16pm *Deputy Mayor Kemp took the Chair*

OC412023 Moved: Cr Carol Schofield
Seconded: Cr Marilyn Henderson

That Council:

i. appoints Mayor Moira Jenkins as the City of Victor Harbor voting delegate to be registered to attend the National General Assembly of Local Government to be held at the National Convention Centre in Canberra on 13-16 June 2023; and
ii. endorses the transfer of $1,040 from Job# 70972 (Mayoral Training and

Conference) to Job#70973 (*Mayoral Travel / Accommodation expenses*) in the 2022/23 Operating Budget.

CARRIED

6.25pm
A division was called

The Deputy Mayor declared the vote be set aside

FOR: Cr Mann, Cr Schiller, Cr Schofield, Cr Henderson

AGAINST: Cr Burns, Cr Quaremba

THE DEPUTY MAYOR DECLARED THE MOTION CARRIED

6.26pm Deputy Mayor Kemp vacated the Chair and resumed his seat

6.26pm Mayor Jenkins returned to the Chamber and took the Chair

9.8 2022/23 December Budget Review

OC422023 Moved: Cr Marilyn Henderson
Seconded: Cr Brayden Mann

That Council endorse the 2022/23 December Budget Review providing net capital expenditure of $11,940,700 and an operating deficit of $1,750,000.

CARRIED UNANIMOUSLY

10. COMMUNITY AND DEVELOPMENT

11. CORPORATE AND CUSTOMER SERVICES

12. ENVIRONMENT AND INFRASTRUCTURE

12.1 Proposed Road Closure of the Unmade Road Reserve - 1465 Inman Valley Road Inman Valley

OC432023 Moved: Cr Marilyn Henderson
Seconded: Cr Angela Schiller

1 That Council commences a road closure process under the *Roads (Opening and Closing) Act 1991* for the portion of unmade road reserve that separates section 622 CT 6266/743 and Section 623 CT 6266/744, for the purpose of selling the land to the adjoining property owner at 1465 Inman Valley Road, Inman Valley to be incorporated into the adjoining property's Certificate of Title.

2. That the applicant proceed with obtaining an identification survey and one independent

certified land valuation to enable the Chief Executive Officer to negotiate the terms of the proposed sale of the land.

3. That a further report be submitted for Council consideration to proceed with the road reserve closure and sale of the land based on the agreed sale details.

CARRIED UNANIMOUSLY

12.2 Request for Council Support - Friends of Granite Island - Coast Protection Board Community Participation Grant

OC442023 Moved: Cr David Kemp
Seconded: Cr Stewart Burns

1. That Council support the Friends of Granite Island (FOGI) in its endeavour to secure a Coast Protection Board Community Participation grant by agreeing to provide financial administration for such a grant, under the following conditions:
   - Council bares no liability or responsibility for FOGI, the project or any ongoing maintenance;
   - Council is not responsible for ensuring that the outcomes of the grant are met;
   - Council is not responsible for providing any monies above the grant amount; and,
   - Council's support is contingent on FOGI securing landowner consent from the relevant State Government authority.

2. That Council provide the Friends of Granite Island volunteer group with a letter of support to accompany its application to the 2023/24 Coast Protection Board Community Participation Grant program, articulating its conditional support.

3. That, if the Friends of Granite Island is successful in securing a Coast Protection Board Community Participation grant, that Council financially administers the grant on behalf of the Friends group.

CARRIED UNANIMOUSLY

13. MINUTES OF COUNCIL COMMITTEE MEETINGS

13.1 Audit Committee Minutes - 6 February 2023

OC452023 Moved: Cr Stewart Burns
Seconded: Cr David Kemp

That Council receive and note the minutes of the Audit Committee meeting held on Monday, 6 February 2023 as provided at Attachment A.

CARRIED

14. SUBSIDIARIES AND REPRESENTATIVE REPORTS

14.1 Victor Harbor Horse Tram Authority - 2022/23 December Budget Review

OC462023 Moved: Cr Carol Schofield
Seconded: Cr Angela Schiller

That Council receive and note that Victor Harbor Horse Tram Authority 2022/23 December Budget Review including the Uniform Presentation of Finances detailing an unchanged contribution from Council of $415,000.

CARRIED

14.2 Victor Harbor Horse Tram Authority - Draft 2023/24 Business Plan and Budget

OC472023 Moved: Cr Marilyn Henderson
Seconded: Cr Brayden Mann

That Council:

i. endorse the Victor Harbor Horse Tram Authority draft 2023/24 Business Plan; and
ii. approve the Victor Harbor Horse Tram Authority draft 2023/24 Operating Budget, with any alterations required to the Operating budget as a result of part (c) to be presented as part of the first budget review; and
iii. request that the Victor Harbor Horse Tram Authority revise their Draft Capital Funding Plan to reflect the return of surplus Operating funds from 2022/23 to Council and provide the revised plan to Council for approval.

CARRIED

15. MATTERS OF URGENCY

16. QUESTIONS ON NOTICE

16.1 Questions on Notice - Victor Harbor Watercourse Floodplain Mapping Study - Cr David Kemp

1. **Question –** Resolution OC6682020 19.3 Motion on Notice - Victor Harbor Watercourses Floodplain Mapping Study - Ref: 18067-2A - Cr Peter Charles, was not listed on the Out Standing Resolution register, why not?

   Response – Resolution OC6682020 was resolved on 23 November 2020, and listed on the Outstanding Resolutions register at the Ordinary Council Meeting of 14 December 2020. Subsequently it was identified as being complete at the December meeting as the matter was scheduled for discussion as part of the draft 2021/22 budget discussions with Council Members.

2. **Question –** Was the resolution actioned where an allocation to be made in the 2021/22 operating budget?

   Response – Discussion was included in Budget Workshop #1, held on 15 Feb 2021 where it was identified that there was (at the time) no operating budget assigned to prepare and deliver the non-structural flood mitigation measures. . There were no subsequent inclusions in future budget workshops. That said, Council has undertaken a number of the measures that did not require specific budget allocation:

   The flood mapping was made available on Council's website, and on the State Government's website for access by the public and emergency service, per below links:

   https://www.victor.sa.gov.au/__data/assets/pdf_file/0025/386215/Floodplain-mapping.pdf

   https://www.victor.sa.gov.au/community-information/emergencies/storms-and-floods

   https://www.ses.sa.gov.au/flood/before-a-flood/#tab-start

   https://www.waterconnect.sa.gov.au/Systems/FAM/SitePages/Home.aspx

   All new developments are now required to limit post-development stormwater flows to pre-development flows (as far as possible) to ensure that new development does not further exacerbate existing flood risk.

   To note, the Attorney General has also undertaken flood mapping across Council areas with the aim of incorporating the mapping into the new planning Portal to ensure that new development is constructed above known flood levels. This mapping was completed in late 2022.

   Council has recently recommenced work on the Urban Stormwater Masterplan, after a hiatus at the request of the Stormwater Management Authority (SMA), awaiting the release of the Attorney General's flood mapping. Once endorsed by Council and the SMA, Council will be in a position to provide further information/education for community. Community consultation will form part of the development of the Urban Stormwater Masterplan.

3. **Question –** If so, could you, please provide the budget bid documentation presented to the Council for consideration in the 2021/22 operating budget?

   Response – The following extract from the 15 February 2021 Budget Workshop Agenda highlights that no budget was allocated to the non-structural flood mitigation measures at that stage, and it was not identified for progression. Consequently, a budget bid was not prepared. (Noting that, conversely, both the Economic Development and Waste Collection items were progressed by Elected Members and ultimately included in the 2021/22 budget.)

   Other considerations:
   A number of items have been identified for potential inclusion in the budget as follows:

Activity	*Requested*	*Detail*
Cultural Services	*TBA*	*Additional staff funding to support range of arts and cultural programs and projects OC7052020*
Economic Development	*$100k*	*Grant to Business Victor Harbor to support Executive Officer position (job 49993)*
Environmental Projects	*TBA*	*Nonstructural flood mitigation measures, as identified in Victor Harbor Watercourse Floodplain Mapping Study 2019 OC6682020*
Waste Collection	*$46.5k*	*Extension of organic green waste kerbside collection to include 266 properties. $20k initial cost, $26.5k ongoing OC142021*

These items are not included in the draft budget currently presented and will be formalised should Council consider that they have merit.

4. **Question –** Will resolution OC6682020 19.3 Motion on Notice - Victor Harbor Watercourses Floodplain Mapping Study - Ref: 18067-2A - Cr Peter Charles be placed on the Outstanding Resolutions register?

   Response – The resolution was deemed complete as it was not included in the draft 2021/22 budget discussions, and Council subsequently endorsed the budget.

5. **Question –** Will Resolution OC6682020 19.3 Motion on Notice - Victor Harbor Watercourses Floodplain Mapping Study - Ref: 18067-2A - Cr Peter Charles be listed in the 2023/24 operating budget?

   Response – A budget bid for nonstructural flood mitigation measures such as direct consultation and education programs for properties at risk as identified in the Victor Harbor Watercourse Floodplain Mapping Study 2019 is not currently included in the draft 2023/24 operating budget. However, there is opportunity to include budget allocation if so resolved by Council through the budget process. Administration is seeking advice from the specialist stormwater engineers about the likely extent and cost of implementing a flood awareness consultation program subsequent to the endorsement of the Urban Stormwater Masterplan.

   A list of 2023/24 projects (operating or capital) cannot be confirmed until the final budget is adopted by Council.

17. QUESTIONS WITHOUT NOTICE

18. MOTIONS ON NOTICE

18.1 Motion on Notice - Paid Car Parking Rollout Limit - Cr Stewart Burns

OC482023 Moved: Cr Stewart Burns
Seconded: Cr Carlos Quaremba

That the current City of Victor Harbor Traffic Movement and Car Parking Strategy document and policy be amended to exclude any further expansion of paid on-road or off-road parking paid fees/charges outside of that already existing within the current Esplanade Car Park area, and within the future McKinlay Street multi-deck car park, should that project be approved by elected members and construction completed.

LOST

7.23pm *Cr Schofield raised a point of order, stating that members of the gallery were speaking*

Mayor Jenkins ruled in favour of the point of order, reminding the gallery of their responsibilities.

7.23pm
A division was called

The Mayor declared the vote be set aside

FOR: Cr Burns, Cr Quaremba, Cr Kemp

AGAINST: Cr Mann, Cr Schiller, Cr Schofield, Cr Henderson

THE MAYOR DECLARED THE VOTE LOST

18.2 Motion on Notice - Undercroft Disability Car Parking, Victor Central Shopping Centre - Cr Angela Schiller

7.26pm *Cr Mann declared a general conflict of interest as his parents lease a premise within Victor Central and vacated the Chamber.*

OC492023 Moved: Cr Angela Schiller
Seconded: Cr Carol Schofield

1. That council administration investigate and seek legal advice as to whether Victor Central Shopping Centre and or Big W are required to lodge a Development Application for the removal of disability parking and Police/Emergency Services parking in the under croft car park, which appear to have been converted to Big W parcel, click and collect / Direct to Boot.

2. Whether this triggers the Victor Central Shopping Centre to provide an alternate, compliant system of access from the shopping centre ground floor to the under croft

car park for members of the community who are no longer able to use the travelator.

3. Investigate if the signage placed at the entrances of the car park stating that there is no disability access to the under croft level is appropriate and meets relevant building code legislation and DDA standards.

4. Council administration to report their findings back to the next council meeting.

CARRIED UNANIMOUSLY

7.34pm Cr Mann returned the Chamber and resumed his seat.

19. MOTIONS WITHOUT NOTICE

20. CONFIDENTIAL ITEMS

20.1 CONFIDENTIAL - Request to Minister

OC502023 Moved: Cr Marilyn Henderson
Seconded: Cr Carol Schofield

That pursuant to section 90(2) of the Local Government Act 1999 (the Act), the Council orders that all members of the public, except Chief Executive Officer (Victoria MacKirdy), Director Community and Development (Graham Pathuis), Director Corporate and Customer Service (Karen Rokicinski), Director Environment and Infrastructure (Kathy Hayter), Group Manager Governance and Finance (Kellie Knight-Stacey), Executive Assistant (Katie Common) and Council Member and Administration Support Officer (Bridget Perre) be excluded from attendance at the meeting for Agenda Item 20.1 – CONFIDENTIAL – Development Application referral to Minister.

The Council is satisfied, that pursuant to section 90(3)(g), (h) and (i) of the Act, the information to be received, discussed, or considered in relation to this Agenda Item is information the disclosure of which, respectively:

- is information concerning matters that must be considered in confidence in order to ensure that the Council does not breach any other legal obligation or duty;
- Is or refers to legal advice (which is privileged), in that is have been provided by Wallmans Lawyers on instruction from the Council (via the Local Government Association Mutual Liability Scheme) and the Chief Executive Officer will be explaining this advice to the Council Members about the intent to refer the subject Development Application to the State Planning Commissioner
- Is information in relation to litigation that the Council believes on reasonable grounds will take place.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because:

- The detailed information about the confidentiality of a court proceedings could prejudice the Council's position.
- A council decision has not yet been made in relation to the advice and its subject matter.
- Disclosure of this information may compromise the Council's position if litigation is commenced.

CARRIED

7.36pm *With the agreement of two thirds of the members, Mayor Moira Jenkins temporarily adjourned the meeting for a 5 minute break*

7.41pm *Mayor Moira Jenkins determined the adjournment period should be ended and reconvened the meeting.*

OC512023 *Retained in confidence*

OC522023 Moved: Cr Marilyn Henderson
Seconded: Cr Angela Schiller

That Council having considered this Agenda Item 20.1 – CONFIDENTIAL – Development Application referral to Minister in confidence under section 90(2) and (3) (d), (h) and (i) of the Local Government Act 1999, the Council:

i. Pursuant to Section 91(7) of the Act orders that the report, attachments, and minutes be retained in confidence for 12 months; or as otherwise determined by the Chief Executive Officer; and
ii. The Public be readmitted to the meeting.

CARRIED

21. CLOSURE

The chair closed the meeting at 7.49pm.

Signed: _____ Date: _____