Minutes

Committee Victor Harbor Council
Meeting Held 27 JULY 2020 at 5:30pm
Location Council Chambers, 1 Bay Road, Victor Harbor

Index

1. PRESENT ........................................................................................................... 3
2. LOCAL GOVERNMENT PRAYER & ACKNOWLEDGEMENT .......................... 3
3. APOLOGIES & LEAVE OF ABSENCE .......................................................... 3
4. ITEMS ADJOURNED AND/OR LYING ON THE TABLE ............................... 4
5. MINUTES OF THE PREVIOUS MEETING ................................................. 4
5.1 Minutes of the Previous Meeting - 22 June 2020 ........................................ 4
5.2 Minutes of the Special Council Meeting of Council - 10 July 2020 ............. 4
6. DECLARATION OF MEMBER'S INTEREST ............................................... 4
7. DEPUTATIONS .................................................................................................. 4
8. QUESTIONS FROM THE GALLERY .............................................................. 5
9. PETITIONS ........................................................................................................ 5
10. OFFICE OF CHIEF EXECUTIVE OFFICER .............................................. 5
10.1 Outstanding Resolutions - July 2020 .......................................................... 5
10.2 Order of Business ........................................................................................ 5
10.4 Review - Donations Policy ......................................................................... 6
10.5 Audit Committee Terms of Reference ....................................................... 7
10.6 2020/21 Strategic Planning Program .......................................................... 10
10.7 2020 Local Government Association Annual General Meeting - Proposed Items of Business ................................................................. 10
10.8 Statutes Amendment (Local Government Review) Bill 2020 .................... 11
10.9 Section 270 - Internal Review of Councils Decision - Minutes of previous meeting - 24 February 2020 (OC1462020) ............................................ 11
11. COMMUNITY AND DEVELOPMENT ..................................................... 12

Victor Harbor Council 27/07/2020 1

These Minutes are subject to confirmation at the next Ordinary Council Meeting
# City of Victor Harbor

11.1 Fleurieu Peninsula Tourism Review and Work Plan ........................................... 12
11.2 Economic Development Strategy Community Consultation ............................ 13
11.3 2020/21 Arts and Culture Grants Program ...................................................... 14
11.4 2020/21 Festivals and Events Sponsorship Program ......................................... 15

12. CORPORATE AND CUSTOMER SERVICES ............................................... 15

13. ENVIRONMENT AND INFRASTRUCTURE SERVICES ................................. 16
13.2 2020/21 Commonwealth Infrastructure Investment Black Spot Program Funding Deed ....................................................................................... 16
13.3 Lease Renewal - Victor Harbor Croquet Club Inc. ............................................. 17

14. MINUTES OF COUNCIL COMMITTEE MEETINGS .................................... 17
14.1 Southern Communities Transport Advisory Committee - 17 June 2020 ................... 17
14.2 CEO Performance Review Committee Minutes - 11 June 2020, 9 July 2020 and 16 July 2020 .............................................................................. 17
14.3 Disability Access and Inclusion Advisory Committee Meeting Minutes - 11 June 2020 ...................................................................................... 19
14.4 Audit Committee Minutes - 6 July 2020 ............................................................. 19
14.5 Fleurieu Region Community Services Advisory Committee Minutes - 14 July 2020 ......................................................................................... 20

15. SUBSIDIARIES AND REPRESENTATIVE REPORTS ...................................... 20
15.1 Representative Reports - July 2020 ................................................................ 20
15.2 Fleurieu Regional Waste Authority Strategic Plan 2020-30 .............................. 21

16. MEMBER REPORTS .................................................................................... 21
16.1 Mayoral Report - July 2020 ............................................................................ 21
16.2 Elected Member Reports - July 2020 .............................................................. 21

17. MATTERS OF URGENCY ........................................................................... 21
17.1 Little Penguins Granite Island – Cr Andrew Robertson ....................................... 21

18. QUESTIONS ON NOTICE .......................................................................... 21

19. QUESTIONS WITHOUT NOTICE ................................................................. 21

20. MOTIONS ON NOTICE ............................................................................... 22
20.1 Motion on Notice - Revoke OC8602019 - Declaration of Climate Emergency - Cr Andrew Robertson ................................................................. 22

21. MOTIONS WITHOUT NOTICE .................................................................. 22
21.1 Motion without Notice - Granite Island Little Penguins - Cr Andrew Robertson ................................................................................................. 22

22. CONFIDENTIAL ITEMS .............................................................................. 23
22.1 CONFIDENTIAL CEO Performance Review Committee Minutes - 11 June 2020 and 9 July 2020 ................................................................. 23
22.2 CONFIDENTIAL - Audit Committee Minutes - 6 July 2020 .............................. 24
22.3 CONFIDENTIAL - Review of Confidential Orders ............................................. 25

23. CLOSURE .................................................................................................. 30

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

Mayor M Jenkins (Chair)
Councillor Marilyn Henderson
Councillor Brayden Mann
Councillor Tim Glazbrook
Councillor Bryan Littlely
Councillor Nick Hayles
Councillor Carol Schofield
Councillor David Kemp
Councillor Andrew Robertson

In Attendance:

Ms Victoria MacKirdy – Chief Executive Officer
Mr Graham Pathuis – Director Community and Development
Ms Karen Rokicianski – Director Corporate and Customer Service
Ms Kellie Knight-Stacey – Group Manager Governance and Finance
Ms Michelle James – Communications Officer
Ms Kyla Walker – Governance and Policy Officer
Ms Karina Overall – Executive Assistant (Minute Secretary)

2. LOCAL GOVERNMENT PRAYER & ACKNOWLEDGEMENT

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.

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

Service Acknowledgement

We gratefully acknowledge the men and women of the Navy, Army and Air Force who made the Supreme Sacrifice in the preservation of Australia’s freedom and democracy, we also proclaim our gratitude to those who returned to us.

3. APOLOGIES & LEAVE OF ABSENCE

Councillor Peter Charles
4. ITEMS ADJOURNED AND/OR LYING ON THE TABLE

Nil.

5. MINUTES OF THE PREVIOUS MEETING

5.1 Minutes of the Previous Meeting - 22 June 2020

OC3432020 Moved: Cr Nick Hayles
Seconded: Cr Carol Schofield

That the Minutes of the Ordinary Meeting of Council held 22 June 2020 be confirmed as true and accurate.

CARRIED UNANIMOUSLY

5.2 Minutes of the Special Council Meeting of Council - 10 July 2020

OC3442020 Moved: Cr Marilyn Henderson
Seconded: Cr Brayden Mann

That the minutes of the Special Meeting of Council held 10 July 2020 be confirmed as true and accurate.

CARRIED UNANIMOUSLY

6. DECLARATION OF MEMBER’S INTEREST

Declaration of Member’s Interest is to remind Council Members of their requirements under Section 73, 74, 75 75A and 75B of the Local Government Act 1999.

When Members have an actual, perceived or material conflict of interested, they must declare their interest and provide full and accurate details of the relevant interest at the time the matter arises for consideration.

7. DEPUTATIONS

7.1 Geoff Burden (Building Project Manager) and Todd Kelly (Encounter Bay Cricket Club) - Encounter Bay Sporting Clubs (Football, Netball and Cricket), Victor Harbor Hockey Club and Victor Harbor Riding Club.
8. QUESTIONS FROM THE GALLERY
Nil.

9. PETITIONS
Nil.

10. OFFICE OF CHIEF EXECUTIVE OFFICER

10.1 Outstanding Resolutions - July 2020
OC3452020  Moved: Cr Carol Schofield
Seconded: Cr Nick Hayles

That Council receive and note the Outstanding Resolutions July 2020 Report.

10.2 Order of Business
OC3462020  Moved: Cr Nick Hayles
Seconded: Cr Andrew Robertson

That Council receive and note the Order of Business report.

OC3472020  Moved: Cr Marilyn Henderson
Seconded: Cr Nick Hayles

That Council endorse the Order of Business for Ordinary Council meetings as contained at Attachment B to this report.

OC3482020  Moved: Cr Carol Schofield
Seconded: Cr Marilyn Henderson


CARRIED UNANIMOUSLY
OC3492020   Moved:  Cr Nick Hayles  
Seconded:  Cr Andrew Robertson

That Council endorse the Complaint Handling Policy and Internal Review of Council Decision Procedure as provided at Attachment B and F to this report.

CARRIED UNANIMOUSLY

OC3502020   Moved:  Cr Carol Schofield  
Seconded:  Cr Marilyn Henderson

That Council note the draft Complaint Handling Procedure as provided at Attachment C to this report.

CARRIED UNANIMOUSLY

OC3512020   Moved:  Cr David Kemp  
Seconded:  Cr Carol Schofield

That Council revoke the Unreasonable Complainant Conduct Management Policy; and That Council endorse the Unreasonable Complainant Conduct Management Procedure as provided at Attachment D and E to this report.

CARRIED UNANIMOUSLY

10.4 Review - Donations Policy

OC3522020   Moved:  Cr Marilyn Henderson  
Seconded:  Cr Andrew Robertson


2. That Council endorse the Donations Policy as provided at Attachment B to this report.

3. That Council delegates to the Chief Executive Officer to remove references to Special Circumstances – COVID-19 within the policy once circumstances no longer warrant inclusion.

CARRIED UNANIMOUSLY
10.5 Audit Committee Terms of Reference

6.14pm Cr Tim Glazbrook declared a material conflict of interest stating he stands to benefit from Council's decision as he receives an additional allowance for chairing the Audit Committee and vacated the Chamber.

OC3532020 Moved: Cr Carol Schofield
Seconded: Cr Marilyn Henderson

That Council receive and note the Audit Committee Terms of Reference report.

CARRIED UNANIMOUSLY

OC3542020 Moved: Cr David Kemp

6.15pm Cr Nick Hayles seconded the motion then withdrew seconding.

Seconded: Cr Andrew Robertson

That Council endorse Membership - Option 2 in the report, and that this provision come into effect at the expiry of the current Elected Members term in November 2020.

LOST

6.26pm A division was called
The Mayor declared the vote be set aside

FOR: Cr Andrew Robertson and Cr David Kemp

AGAINST: Cr Marilyn Henderson, Cr Bryan Littlely, Cr Brayden Mann, Cr Carol Schofield and Cr Nick Hayles.

THE MAYOR DECLARED THE MOTION LOST
That Council;

i. endorse Membership Option 1 in the report; and
ii. commence recruitment of a suitably qualified Independent Chair.

CARRIED

6.30pm

A division was called
The Mayor declared the vote be set aside

FOR: Cr Marilyn Henderson, Cr Bryan Littlely, Cr Brayden Mann, Cr Carol Schofield and Cr Nick Hayles.

AGAINST: Cr Andrew Robertson and Cr David Kemp.

THE MAYOR DECLARED THE MOTION CARRIED

That Council establish a selection panel comprising of the:

- Chief Executive Officer or delegate; and
- one Elected Member from the Audit Committee, and
- one Independent Member from either the City of Victor Harbor, Alexandrina Council or District Council of Yankalilla Audit Committee

for the purpose of reviewing, short-listing and interviewing applicants and recommend to Council for the appointment of an Independent Chair to the Audit Committee.

CARRIED

6.32pm

A division was called
The Mayor declared the vote be set aside

FOR: Cr Marilyn Henderson, Cr Bryan Littlely, Cr Andrew Robertson, Cr Brayden Mann, Cr Carol Schofield and Cr Nick Hayles.

AGAINST: Cr David Kemp

THE MAYOR DECLARED THE MOTION CARRIED

6.36pm

Mayor Moira Jenkins called for nominations for the Audit Committee Independent Chair Selection Panel.

6.36pm Mayor Moira Jenkins nominated Cr Tim Glazbrook.
6.37pm  Kyla Walker – Governance & Policy Officer vacated the Chamber and confirmed Cr Tim Glazbrook accepted the nomination and returned to the Chamber.

OC3572020  Moved:  Cr Carol Schofield
Seconded:  Cr Nick Hayles

That Council appoint Cr Tim Glazbrook to the Audit Committee Selection Panel.

CARRIED

OC3582020  Moved:  Cr Carol Schofield
Seconded:  Cr Marilyn Henderson

That Council amend the Audit Committee Terms of Reference as follows:

2.1.3 propose and provide information to, a review of Council’s Strategic Management Plans and Annual Business Plan

3.1.1 Two Elected Members; and

3.1.2 Up to Three Independent Members with recent and relevant financial, risk management and internal audit experience; and

13.2 Council shall appoint the Chairperson to the Committee who will be Independent of Council and have qualifications as outlined in Clause 3.1.2.

13.3 Council may appoint a Deputy Chairperson to the Committee for the purpose of filling in for the Chair who is unable to attend all or part of an Audit Committee.

3.10 Selection Panel

3.10.1 At the time of a vacancy of an Independent Member, a selection panel comprising of the Chief Executive Officer or Delegate, an Elected Member from the Audit Committee and one Independent Member from either the City of Victor Harbor, Alexandrina Council or District Council of Yankalilla Audit Committee, will undertake a selection process and recommend Independent applicants to the Council for appointment as Independent Members.

CARRIED

6.39pm  
A division was called
The Mayor declared the vote be set aside

FOR:  Cr Marilyn Henderson, Cr Bryan Littlely, Cr Andrew Robertson, Cr Brayden Mann, Cr Carol Schofield, and Cr Nick Hayles.

AGAINST:  Cr David Kemp

THE MAYOR DECLARED THE MOTION CARRIED
OC3592020

Moved:   Cr Marilyn Henderson
Seconded:   Cr Carol Schofield

That Cr Tim Glazbrook remains as Chair until the conclusion and appointment of an 
Independent Chair to the Audit Committee.

CARRIED UNANIMOUSLY

6.41pm   Cr Tim Glazbrook returned to the Chamber and resumed his seat.

10.6 2020/21 Strategic Planning Program

OC3602020

Moved:   Cr Tim Glazbrook
Seconded:   Cr Nick Hayles

That Council receive and note the 2020/21 Strategic Planning Program report and flowchart 
provided at Attachment A.

CARRIED UNANIMOUSLY

10.7 2020 Local Government Association Annual General Meeting - 
Proposed Items of Business

OC3612020

Moved:   Cr Nick Hayles
Seconded:   Cr Brayden Mann

1.   That Council receive and note the 2020 Local Government Association Annual General 
Meeting – Proposed Items of Business report.

2.   That Council submits a Proposed Item of Business as provided at Attachment B to this 
report, to the 2020 Local Government Association Annual General Meeting to be held 
on Thursday 29 October 2020 at the Adelaide Town Hall (subject to restrictions on 
gatherings).

CARRIED UNANIMOUSLY
10.8 Statutes Amendment (Local Government Review) Bill 2020

OC3622020 Moved: Cr Nick Hayles
Seconded: Cr Marilyn Henderson


2. That the feedback contained within this report and Attachment B as provided under separate cover to this report form the basis for the submission from the City of Victor Harbor to the Local Government Association.

CARRIED UNANIMOUSLY

10.9 Section 270 - Internal Review of Councils Decision - Minutes of previous meeting - 24 February 2020 (OC1462020)

6.55pm Mayor Moira Jenkins declared a perceived conflict of interest as the matter relates to a previous declaration of conflict of interest by herself and vacated the Chair and left the Chamber.

6.55pm Deputy Mayor Cr Marilyn Henderson vacated her seat and took the Chair

6.55pm Cr Bryan Littlely declared a perceived conflict of interest as the matter relates to a previous declaration of conflict of interest by himself and vacated the Chamber.

OC3632020 Moved: Cr Nick Hayles

6.59pm Cr Tim Glazbrook raised a point of order stating that members may move a motion of their choice. Chief Executive Officer – Victoria MacKirdy agreed with the point of order.

Seconded: Cr Carol Schofield

That Council receive and note the Section 270 – Internal Review of Councils Decision – Minutes of the previous meeting – 24 February 2020 (OC1462020).

CARRIED
That Council endorse an External Independent Investigation of the Section 270 – Internal Review of Council’s Decision – Minutes of the previous meeting – 24 February 2020 (OC1462020) process and other relevant documents and recordings to this matter.

7.11pm
A division was called
The Deputy Mayor declared the vote be set aside

FOR: Cr Andrew Robertson and Cr David Kemp
AGAINST: Cr Tim Glazbrook, Cr Brayden Mann, Cr Carol Schofield and Cr Nick Hayles

THE DEPUTY MAYOR DECLARED THE MOTION LOST

11. COMMUNITY AND DEVELOPMENT

11.1 Fleurieu Peninsula Tourism Review and Work Plan

That Council receive and note the Fleurieu Peninsula Tourism Review and Work Plan report.

CARRIED

That Council endorse the recommendations and direction outlined within the Fleurieu Peninsula Tourism Review.

CARRIED
OC3672020 Moved: Cr Marilyn Henderson
Seconded: Cr Carol Schofield

That Council work together with regional funding partner Councils and the Board of Fleurieu Peninsula Tourism on the implementation of the Fleurieu Peninsula Tourism Review Work Plan.

CARRIED

7.20pm

**A division was called**

The Mayor declared the vote be set aside

FOR: Cr Marilyn Henderson, Cr Bryan Littlely, Cr Brayden Mann, Cr Carol Schofield and Cr Nick Hayles.

AGAINST: Cr Andrew Robertson, Cr David Kemp and Cr Tim Glazbrook

THE MAYOR DECLARED THE MOTION CARRIED

11.2 Economic Development Strategy Community Consultation

OC3682020 Moved: Cr Marilyn Henderson
Seconded: Cr Andrew Robertson


CARRIED UNANIMOUSLY

OC3692020 Moved: Cr Andrew Robertson
Seconded: Cr Marilyn Henderson

That Council adopt the draft Economic Development Strategy for the purpose of public consultation and endorse the implementation of the Economic Development Strategy – Community Consultation Plan.

7.23pm Cr David Kemp raised a point of order stating the Director was being invited into the debate by the Mayor.

7.24pm Mayor Moira Jenkins overruled the point of order stating as the Presiding Member she may seek advice from Administration at any time to ensure Elected Members make informed decisions and the Director was not entering into the debate.
7.25pm

FORMAL MOTION

OC3702020 Moved: Cr David Kemp
Seconded: Cr Andrew Robertson

That the Elected Members do not agree with the Mayors ruling on the point of order.

LOST

7.29pm

A division was called

The Mayor declared the vote be set aside

FOR: Cr David Kemp and Cr Andrew Robertson

AGAINST: Cr Brayden Mann, Cr Tim Glazbrook, Cr Bryan Littlely, Cr Nick Hayles, Cr Marilyn Henderson and Cr Carol Schofield.

THE MAYOR DECLARED THE MOTION LOST

THE MAYOR PUT THE ORIGINAL MOTION (OC3692020) AND IT WAS CARRIED

11.3 2020/21 Arts and Culture Grants Program

OC3712020 Moved: Cr Nick Hayles
Seconded: Cr Carol Schofield

That Council receive and note the 2020/21 Arts and Culture Grants Program report.

CARRIED UNANIMOUSLY

OC3722020 Moved: Cr Marilyn Henderson
Seconded: Cr Brayden Mann

That Council adopt the 2020/21 Arts and Culture Grand Program and call for applications, subject to final adoption of the 2020/21 Budget.

CARRIED UNANIMOUSLY

OC3732020 Moved: Cr Carol Schofield
Seconded: Cr Marilyn Henderson

That Council appoint the Arts and Culture Advisory Group to assess the 2020/21 Arts and Culture grant applications, and to make subsequent recommendations via the City Activation and Strategic Planning Advisory Committee to Council for decision.

CARRIED UNANIMOUSLY
11.4 2020/21 Festivals and Events Sponsorship Program

OC3742020  Moved: Cr Marilyn Henderson
Seconded: Cr Carol Schofield

That Council receive and note the 2020/21 Festivals and Events Sponsorship Program report.

CARRIED UNANIMOUSLY

OC3752020  Moved: Cr David Kemp
Seconded: Cr Carol Schofield

That Council approve the 2020/21 Festivals and Events Sponsorship Program Guidelines and call for applications, subject to final adoption of the 2020/21 Budget.

CARRIED UNANIMOUSLY

7.45pm Mayor Moira Jenkins called for nominations to the Festival and Events Sponsorship Assessment Panel.

7.45pm Cr Marilyn Henderson nominated herself.

7.45pm Cr Carol Schofield nominated herself.

7.45pm Mayor Moira Jenkins nominated herself.

OC3762020  Moved: Cr Bryan Littlely
Seconded: Cr Nick Hayles

That Council appoint Mayor Moira Jenkins, Cr Carol Schofield and Cr Marilyn Henderson to the Festival and Events Sponsorship Assessment Panel, to assess the 2020/21 Festival and Events sponsorship applications, and to make subsequent recommendations to Council.

CARRIED UNANIMOUSLY

12. CORPORATE AND CUSTOMER SERVICES

Nil.
13. ENVIRONMENT AND INFRASTRUCTURE SERVICES


OC3772020 Moved: Cr Marilyn Henderson
Seconded: Cr Andrew Robertson


CARRIED UNANIMOUSLY

OC3782020 Moved: Cr Marilyn Henderson
Seconded: Cr Carol Schofield

That Council waive the Esplanade Car Park Permit Fees to the Causeway Café and the Dunes Mini Golf for 2020/21 financial year and issue two permits per business.

CARRIED UNANIMOUSLY

OC3792020 Moved: Cr David Kemp
Seconded: Cr Bryan Littlely

That Council waive the CPI increase for the peppercorn lease/licence fees for the 2020/21 financial year.

CARRIED UNANIMOUSLY

13.2 2020/21 Commonwealth Infrastructure Investment Black Spot Program Funding Deed

OC3802020 Moved: Cr Bryan Littlely
Seconded: Cr Marilyn Henderson

1. That Council receive and note the 2020/21 Commonwealth Infrastructure Investment Black Spot Program Funding Deed report.

2. That Council agrees to enter into a funding deed with the Commissioner of Highways for the two year project.

3. That the Mayor and Chief Executive Officer be authorised to sign and seal the Funding Deed under 2020/21 Commonwealth Infrastructure Investment Black Spot Program for Project Number 106467-20SA-BS (Waggon Road, Victor Harbor) between the Commissioner of Highways and the City of Victor Harbor for the period from 1 July 2020 to 30 June 2022.

CARRIED UNANIMOUSLY
13.3 Lease Renewal - Victor Harbor Croquet Club Inc.

OC3812020  Moved:   Cr Andrew Robertson  Seconded:   Cr Marilyn Henderson

That Council receive and note the Lease Renewal - Victor Harbor Croquet Club Inc. report.

CARRIED UNANIMOUSLY

OC3822020  Moved:   Cr Marilyn Henderson  Seconded:   Cr Nick Hayles

That Council endorse the lease renewal for the Victor Harbor Croquet Club Inc. located at Sec 776 Bridge Terrace, Victor Harbor, for a further five years until 30 June 2025, and that the Mayor and Chief Executive Officer be authorised to sign and seal the lease on behalf of the City of Victor Harbor.

CARRIED UNANIMOUSLY

14. MINUTES OF COUNCIL COMMITTEE MEETINGS

14.1 Southern Communities Transport Advisory Committee - 17 June 2020

OC3832020  Moved:   Cr Marilyn Henderson  Seconded:   Cr Nick Hayles

That Council receive and note the minutes of the Southern Communities Transport Scheme Advisory Committee meeting held 17 June 2020.

CARRIED UNANIMOUSLY

14.2 CEO Performance Review Committee Minutes - 11 June 2020, 9 July 2020 and 16 July 2020

OC3842020  Moved:   Cr Marilyn Henderson  Seconded:   Cr David Kemp

That Council receive the Minutes of the CEO Performance Review Committee meetings held 11 June 2020, 9 July 2020 and 16 July 2020 and note the recommendations contained therein.

CARRIED UNANIMOUSLY
OC3852020 Moved:   Cr Marilyn Henderson
Seconded:   Cr Carol Schofield

That Council endorse the CEO Key Performance Indicators (KPI’s) for the review period July 2020 to June 2021, as listed below:

**Strategy**

- Review and refine medium to long term strategic planning methodology (e.g. providing more detailed financial information to supplement project plans, identifying longer-term costs vs benefits and direct linkages to identified community needs)
- Ensure that strategic objectives are translated into meaningful activities via organisational plans and communication to staff and Elected Members; including:-
  - Undertake a comprehensive review of Councils community wellbeing services and programs and provide recommendations for Councils consideration.
  - Undertake a review of visitor services and prepare a longer term plan in consultation with Council and local business operators.
  - Prepare a workforce plan for the organisation, taking into consideration any changing reforms to local government and the service delivery expectations of the community.
  - Commence a comprehensive review of the organisation’s corporate operating systems.

**Leadership**

- Implement a feedback-seeking mechanism (such as a 360-degree feedback survey for self and senior management team or a whole-of-organisation employee/culture survey) to obtain and act on detailed feedback about leadership style and performance.
- Cultivate a strong understanding of any current human resource management challenges existing in the organisation (e.g. performance appraisal and management, absenteeism/presenteeism, turnover rates) and provide high-level feedback to Elected Members together with strategies for addressing the challenges:
  - Implement strategies and processes to improve communication and engagement with elected members and staff.
  - Build strong working relationships with Business Victor Harbor, Neighbouring Councils, key State Government Departments, local indigenous groups and key community groups.

*CARRIED UNANIMOUSLY*
14.3 Disability Access and Inclusion Advisory Committee Meeting Minutes - 11 June 2020

OC3862020 Moved: Cr Marilyn Henderson
Seconded: Cr Nick Hayles

That Council receive and note the minutes of the Disability Access and Inclusion Advisory Committee Meeting held 11 June 2020.

CARRIED UNANIMOUSLY

14.4 Audit Committee Minutes - 6 July 2020

OC3872020 Moved: Cr Tim Glazbrook
Seconded: Cr Carol Schofield

That Council receive and note the Audit Committee minutes from the meeting held Monday, 6 July 2020 provided at Attachment A.

CARRIED UNANIMOUSLY

OC3882020 Moved: Cr Tim Glazbrook
Seconded: Cr Nick Hayles

That Council notes the Audit Committee had reviewed the draft Community Plan 2030 and provides the following feedback:

- That Council ensure that their review of the Asset Management Plan and the Long Term Financial Plan is reflective of the Community Plan 2030 and provides more specific details and timing within the Long Term Financial Plan

- That the Audit Committee consider future Community Plans and Annual Business Plans prior to the commencement of public consultation.

CARRIED UNANIMOUSLY
OC3892020 Move: Cr David Kemp
Seconded: Cr Tim Glazbrook

That Council notes the Audit Committee has reviewed the draft 2020/21 Annual Business Plan and Budget and provides the following feedback:

- That Council give consideration to the longer term impacts of no rate rise and review operation budget bids before the final endorsement of the 2020/21 Annual Business Plan and Budget
- That the Audit Committee consider future Community Plans and Annual Business Plans prior to the commencement of public consultation.

CARRIED UNANIMOUSLY

14.5 Fleurieu Region Community Services Advisory Committee Minutes - 14 July 2020

OC3902020 Move: Cr Carol Schofield
Seconded: Cr Brayden Mann

That Council receive and note the minutes of the Fleurieu Region Community Services Advisory Committee meeting held 14 July 2020.

CARRIED UNANIMOUSLY

15. SUBSIDIARIES AND REPRESENTATIVE REPORTS

15.1 Representative Reports - July 2020

OC3912020 Move: Cr Carol Schofield
Seconded: Cr Nick Hayles

That Council receive and note the Representative Reports for July 2020.

CARRIED UNANIMOUSLY

8.06pm In accordance with Council’s Discretionary Meeting Practices Mayor Moira Jenkins determined the meeting had been in progress for a period longer than two and a half hours and temporarily adjourned the meeting for a 10 minute break.

8.17pm Mayor Moira Jenkins determined the adjournment period should be brought to an end and reconvened the meeting.
15.2 Fleurieu Regional Waste Authority Strategic Plan 2020-30

OC3922020 Moved: Cr Tim Glazbrook
Seconded: Cr Marilyn Henderson

1. That Council receive and note the Fleurieu Regional Waste Authority Strategic Plan 2020-30 report.

2. That Council approves the Fleurieu Regional Waste Authority Strategic Plan 2020-30 as provided at Attachment A.

CARRIED UNANIMOUSLY

16. MEMBER REPORTS

16.1 Mayoral Report - July 2020

OC3932020 Moved: Cr Marilyn Henderson
Seconded: Cr Brayden Mann


CARRIED UNANIMOUSLY

16.2 Elected Member Reports - July 2020

OC3942020 Moved: Cr Nick Hayles
Seconded: Cr Carol Schofield

That Council receive and note the Elected Member Reports for July 2020.

CARRIED UNANIMOUSLY

17. MATTERS OF URGENCY

17.1 Little Penguins Granite Island – Cr Andrew Robertson

Cr Andrew Robertson raised a matter of urgency regarding the declining number of Little Penguins on Granite Island and foreshadowed a Motion without Notice.

18. QUESTIONS ON NOTICE

Nil

19. QUESTIONS WITHOUT NOTICE
20. MOTIONS ON NOTICE

20.1 Motion on Notice - Revoke OC8602019 - Declaration of Climate Emergency - Cr Andrew Robertson

OC3952020  Moved:  Cr David Kemp  
Seconded:  Cr Andrew Robertson

That Council receive and note the Motion on Notice – Revoke OC8602019 Climate Emergency Declaration – Cr Andrew Robertson report.

CARRIED UNANIMOUSLY

OC3962020  Moved:  Cr Andrew Robertson  
Seconded:  Cr David Kemp

That Council rescind the Motion OC8602019 Declaration of Climate Emergency as no substantive action or follow-up has been taken by the Chamber to address the proposed actions.

LOST

9.00pm

A division was called

The Mayor declared the vote be set aside

FOR:  Cr Andrew Robertson and Cr David Kemp

AGAINST:  Cr Marilyn Henderson, Cr Tim Glazbrook, Cr Bryan Littley, Cr Brayden Mann, Cr Carol Schofield and Cr Nick Hayles.

THE MAYOR DECLARED THE MOTION LOST

21. MOTIONS WITHOUT NOTICE

21.1 Motion without Notice - Granite Island Little Penguins - Cr Andrew Robertson

OC3972020  Moved:  Cr Andrew Robertson  
Seconded:  Cr David Kemp

That the Chief Executive Officer write to the Ministers of Department of Planning, Transport and Infrastructure and the Department of Environment and Water, highlighting the community concerns about the impending extinction of the penguin breeding colony on Granite Island.

CARRIED UNANIMOUSLY
22. CONFIDENTIAL ITEMS

22.1 CONFIDENTIAL CEO Performance Review Committee Minutes - 11 June 2020 and 9 July 2020

OC3982020 Moved: Cr Carol Schofield
Seconded: Cr Marilyn Henderson

That pursuant to Section 90(2) of the Local Government Act 1999, the Council orders that all members of the public, except Chief Executive Officer (Victoria MacKirdy) and Executive Assistant (Karina Overall) be excluded from attendance at the meeting for Agenda Item 22.1 CONFIDENTIAL CEO Performance Review Committee Minutes – 11 June 2020 and 9 July 2020.

That the Council is satisfied that, pursuant to Section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in these circumstances because the disclosure of details of the CEO Employment Agreement may lead to the possibility of court action.

CARRIED UNANIMOUSLY

OC3992020 Moved: Cr Carol Schofield
Seconded: Cr Marilyn Henderson

That Council receive the minutes of the CEO Performance Review Committee from meetings held on 11 June 2020 and 9 July 2020.

CARRIED UNANIMOUSLY

OC4002020 Moved: Cr Carol Schofield
Seconded: Cr Marilyn Henderson

That Council endorses the request by the Chief Executive Officer and recommended to Council by the CEO Performance Review Committee, that the CEO receives no remuneration increase for the current year because of her consideration of the external economic environment and its impact on our ratepayers and in our community.

CARRIED UNANIMOUSLY
22.2 CONFIDENTIAL - Audit Committee Minutes - 6 July 2020

OC4012020  Moved:  Cr David Kemp  
Seconded:  Cr Nick Hayles

That Pursuant to Section 90(2) of the Local Government Act 1999, 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), Group Manager Governance and Finance (Kellie Knight Stacey) and Executive Assistant (Karina Overall) be excluded from attendance at the meeting for Agenda Item 22.2 - CONFIDENTIAL – Audit Committee Minutes – 6 July 2020.

The Council is satisfied that, pursuant to Section 90(3)(k) of the Local Government Act, the information to be received, discussed or considered in relation to this Agenda Item are tenders for the provision of services in that they are for the provision of Auditing Council.

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 information to be disclosed and discussed has the potential to impact adversely on each of the tenderers as competitive commercial information will be disclosed.

CARRIED UNANIMOUSLY

OC4022020  Retained in Confidence

OC4032020  Retained in Confidence

OC4042020  Moved:  Cr Carol Schofield  
Seconded:  Cr Nick Hayles

That having considered Agenda Item 22.2 - CONFIDENTIAL – Audit Committee Minutes – 6 July 2020 in confidence under Section 90(2) and (3)(k) of the Local Government Act 1999, the Council:

i. Pursuant to Section 91(7) of the Act orders that the report, minutes and associated documents be retained in confidence until the contract documentation has been executed; or otherwise determined by the Chief Executive Officer; and

ii. The public be re-admitted to the meeting

CARRIED
22.3 CONFIDENTIAL - Review of Confidential Orders

OC4052020 Moved: Cr Marilyn Henderson
Seconded: Cr Nick Hayles

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 Chief Executive Officer (Victoria MacKirdy), Director Community and Development (Graham Pathuis), Director Corporate and Customer Service (Karen Rokicinski), Group Manager Governance and Finance (Kellie Knight-Stacey) and Executive Assistant (Karina Overall), to enable the matter of the Annual Review of Confidential Orders to be considered in confidence.

The Council is satisfied that, pursuant to Section 90(3)(g) of the Act, the information to be received, discussed, or considered in relation to the agenda item is information relating to matters that must be considered in confidence to ensure that the Council does not breach any duty of confidence.

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 UNANIMOUSLY

OC4062020 Moved: Cr Carol Schofield
Seconded: Cr David Kemp

That Council receive and note the Confidential – Review of Confidential Orders report.

CARRIED UNANIMOUSLY

OC4072020 Moved: Cr Nick Hayles
Seconded: Cr Marilyn Henderson

That Council note the confidential orders that have lapsed or that have been assessed by staff as appropriate to release during the review period.

CARRIED UNANIMOUSLY

OC4082020 Moved: Cr Carol Schofield
Seconded: Cr Marilyn Henderson

That Council endorse continuation of the following confidential Orders:

i. That pursuant to Section 91(7)(b) and 9(a) of the Local Government Act 1999, the documentation and discussion relevant to SC562017 ‘Fleurieu Futures Project” remain in confidence until the three participating Councils agree to release the matter and/or the research reaches a conclusion or until the next annual review of outstanding confidential orders to ensure that the Council does not breach any
duty of confidence. [Section 90(2) and (3)(g)]

ii. That pursuant to Section 91(7)(b) and (9)(a) of the Local Government Act 1999, the report and associated documentation relating to OC8112017 “Fleurieu Regional Aquatic Centre Authority 2017/18 Budget Review” remain in confidence until the next annual review of outstanding confidential orders as the commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party and would, on balance, be contrary to the public interest. [Section 90(2) and (3)(d)]

iii. That pursuant to Section 91(7)(b) and (9)(a) of the Local Government Act 1999, the Council orders that the report and associated documentation relating to OC922019 Strategic Planning and Development Policy Committee (S101A) Minutes – 19 December 2018 – Town Centre Carparking and Ground Lease Proposal be retained in confidence until negotiations between third parties and Council have been concluded as the information in relation to this, is information the disclosure of which would prejudice the commercial position of the Council. [Section 90(3)(b)]

iv. That pursuant to Section 91(7)(b) and (9)(a) of the Local Government Act 1999, the Council orders that the report and associated documentation relating to OC4932019, OC4942019, OC4952019 Strategic Planning and Development Policy Committee (S101A) Minutes – 19 June 2019 – Arts & Culture Centre be retained in confidence until negotiations between third parties and Council have been concluded and/or a contract agreement has been entered into, as the information in relation to this, is information the disclosure of which would prejudice the commercial position of the Council. [Section 90(3)(b)]

v. That pursuant to Section 91(7)(b) and (9)(a) of the Local Government Act 1999, the Council orders that the report and associated documentation relating to OC5962019 Strategic Planning and Development Policy Committee (S101A) Minutes – 8 August 2019 – Arts & Culture Centre be retained in confidence until negotiations between third parties and Council have been concluded and/or a contract agreement has been entered into, as the information in relation to this, is information the disclosure of which would prejudice the commercial position of the Council. [Section 90(3)(b)]

vi. That pursuant to Section 91(7)(b) and (9)(a) of the Local Government Act 1999, the Council orders that the report and associated documentation relating to SC742019, SC752019, SC762019, SC772019 Art and Culture Precinct Update be retained in confidence until negotiations between third parties and Council have been concluded and/or a contract agreement has been entered into, as the information in relation to this, is information the disclosure of which would prejudice the commercial position of the Council. [Section 90(3)(b)]

vii. That pursuant to Section 91(7)(b) and (9)(a) of the Local Government Act 1999, the report, attachments and resolutions relating to OC7562019, OC7572019 “City
Activation and Strategic Planning Advisory Committee Minutes - 1 October 2019 – Future Trail Network Opportunity” be retained in confidence and further reviewed in 12 months time, as the information may confer a commercial advantage on a person with whom the council is conducting business or prejudice the commercial position of Council. [Section 90 (2) and (3) (b)(i)]

viii. That pursuant to Section 91(7)(b) and (9) of the Local Government Act 1999, the report and resolutions relating to OC7602019 “City Activation and Strategic Planning Advisory Committee Minutes - 1 October 2019 – Infrastructure Agreement between Council and ALDI” be retained in confidence until a final legal resolution has been achieved.[Section 90(2) and (3)(h)]

ix. That pursuant to Section 91(7)(b) and 9(a) of the Local Government Act 1999, the agenda, minutes, audio recording, report, attachments and associated documents relating to OC8922019, OC8932019, OC8942019, OC8952019 “Fleurieu Regional Aquatic Centre Authority Management Options” be retained for a period of 12 months or as otherwise determined by the CEO as the information provided in the report contains financial and business information that if disclosed, may result in damage to a party's commercial interests, intellectual property or trade secrets.. [Section 90 (2) and (3)(b)(i)(ii)]

tax. That pursuant to Section 91(7)(b) and (9)(a) of the Local Government Act 1999, the Council orders that the minute, report and associated documentation relating to OC8982019, OC8992019, OC9002019, OC9012019 City Activation and Strategic Planning Advisory Committee Minutes 10 December 2019 – Arts & Culture Precinct be retained in confidence until negotiations between third parties and Council have been concluded and/or a contract agreement has been entered into, as the information in relation to this, is information the disclosure of which would prejudice the commercial position of the Council. [Section 90(3)(b)]

xi. That pursuant to Section 91(7)(b) and (9)(a) of the Local Government Act 1999, the agenda, minutes, audio recording, report, attachments and associated documents relating to OC542020, OC552020, OC562020, OC572020 “Fleurieu Regional Aquatic Centre Authority Management Options” be retained for a period of 12 months or as otherwise determined by the CEO as the information provided in the report contains financial and business information that if disclosed, may result in damage to a party's commercial interests, intellectual property or trade secrets.. [Section 90 (2) and (3)(b)(i)(ii)]

xii. That pursuant to Section 91(7)(b) and 9(a) of the Local Government Act 1999, the report and resolution, excluding attachments, relating to OC602020, OC612020, OC622020 “Victor Harbor Horse Tram Granite Island Track Replacement Tender” be retained in confidence until the contract documentation has been executed as it may jeopardise the commercial position of third parties or as otherwise determined by the CEO. [Section 90 (2) and (3)(k)]

xiii. That pursuant to Section 91(7)(b) and 9(a) of the Local Government Act 1999, the report and resolution, excluding attachments, relating to OC602020, OC612020, OC622020 – Special Council – 3/2/2020 “Victor Harbor Horse Tram Granite Island Track Replacement Tender” be retained in confidence until the contract documentation has been executed as it may jeopardise the commercial position of third parties or as otherwise determined by the CEO. [Section 90 (2) and (3)(k)]
Track Replacement Tender” be retained in confidence until the contract documentation has been executed or as otherwise determined by the CEO as it may jeopardise the commercial position of third parties. [Section 90 (2) and (3)(k)]

xiv. That pursuant to Section 91(7)(b) and 9(a) of the Local Government Act 1999, the agenda, minutes, audio recording, report, attachments and associated documents relating to OC1292020, OC562020, OC1302020, OC1312020 “ADJOURNED ITEM - Fleurieu Regional Aquatic Centre Authority Management Options” be retained for a period of 12 months or as otherwise determined by the CEO as the information provided in the report contains financial and business information that if disclosed, may result in damage to a party's commercial interests, intellectual property or trade secrets. [Section 90 (2) and (3)(b)(i)(ii)]

xv. That pursuant to Section 91(7)(b) and 9(a) of the Local Government Act 1999, the report, attachment and resolution relating to OC1342020, OC1352020, 1362020 “Mainstreet Precinct Upgrade Stage 3 Construction (Tender)” be retained in confidence until the project’s construction has concluded or as otherwise determined by the CEO as the information could jeopardise the commercial position of third parties. [Section 90 (2) and (3)(k)]

xvi. That pursuant to Section 91(7)(b) and 9(a) of the Local Government Act 1999, the report and attachments relating to OC1852020, OC1862020, OC1872020, OC1882020 “Victor Harbor Horse Tram Granite Island Track Replacement” be retained in confidence until the contract documentation has been executed or as otherwise determined by the CEO as it may jeopardise the commercial position of third parties. [Section 90 (2) and (3)(k)]

xvii. That pursuant to Section 91(7)(b) and 9(a) of the Local Government Act 1999, the report and attachments relating to OC2342020, OC2352020, OC2362020 “Fleurieu Regional Aquatic Centre Authority Board – Appointment of Independent Board Chair and Independent Board Member 2020” be retained for a period of 12 months or as otherwise determined by the CEO as the information relates to the personal affairs of the individual applicants. [Section 90 (2) and (3)(a)]

xviii. That pursuant to Section 91(7)(b) and 9(a) of the Local Government Act 1999, the report, minutes, attachments and associated documents relating to SC232020, SC242020 “Arts and Culture Centre Precinct” be retained until negotiations between third parties conclude and contractual obligations have been met or otherwise determined by the CEO as the disclosure of the information could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the Council [Section 90 (2) and (3)(b)]

xix. That pursuant to Section 91(7)(b) and 9(a) of the Local Government Act 1999, the report, associated documents and minutes relating to OC2772020, OC2782020, OC2792020 “Strategic Land Acquisition – Canton Place” be retained until the contract of sale has settled or otherwise determined by the CEO as the information could jeopardise the commercial position of third parties. [Section 90 (2) and (3)(b)]

xx. That pursuant to Section 91(7)(b) and 9(a) of the Local Government Act 1999, the
City of Victor Harbor

report, minutes, attachments and associated documents relating to OC3182020, OC3192020, OC3202020 “Fleurieu Regional Aquatic Centre Authority – Response to Recommendations of Competition Commissioner Regarding Competitive Neutrality” be retained for a period of 12 months or as otherwise determined by the CEO as the information is commercial of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to confer a commercial advantage on a third party, the information considered may prejudice the commercial position of the Authority.. [Section 90 (2) and (3)(d)]

xxi. That pursuant to Section 91(7)(b) and 9(a) of the Local Government Act 1999, the report, attachments and associated documents relating to OC3232020, OC3242020, OC3252020, OC3262020, OC3272020, OC3282020, OC3292020, OC3302020, OC3312020 “Fleurieu Regional Aquatic Centre Authority – 2020/21 Budget and Fees and Charges” be retained for a period of 12 months or otherwise determined by the CEO as the disclosure of the information could reasonably be expected to confer a commercial advantage on a person with whom may prejudice the commercial position of the Fleurieu Regional Aquatic Centre [Section 90 (2) and (3)(b)]

xxii. That pursuant to Section 91(7)(b) and 9(a) of the Local Government Act 1999, the report, associated documents and minutes relating to OC3352020, OC3362020, OC3372020 “Developer Offer for Contribution to Works – Harborview Terrace” be retained until the works are complete or otherwise determined by the CEO as the information could jeopardise the commercial position of third parties. [Section 90 (2) and (3)(d)]

CARRIED

OC4092020 Moved: Cr Carol Schofield
Seconded: Cr Nick Hayles

That having considered Agenda Item 22.3 – CONFIDENTIAL – Review of Confidential Orders in confidence under Section 90(2) and (3)(g) of the Local Government Act 1999, the Council:

i. pursuant to Section 91(7) of the Act orders that Attachment B in relation to Confidential – Review of Confidential Orders, be retained in confidence for a period of twelve months from the date of this confidential order, or as otherwise determined by the Chief Executive Officer; and

ii. That the public be re-admitted to the meeting.

CARRIED UNANIMOUSLY
23. CLOSURE

The chair closed the meeting at 9.30pm

Signed: ________________________________     Date:  __________________________