Minutes

Committee	Victor Harbor Council
Meeting Held	23 OCTOBER 2017 at 5:30pm
Location	Council Chambers, 1 Bay Road, Victor Harbor

Index

1.	**PRESENT**	**3**
2.	**LOCAL GOVERNMENT PRAYER & VISION**	**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 - 25 September 2017	4
5.2	Minutes of the Special Council Meeting - 26 September 2017	4
5.3	Minutes of the Special Council Meeting - 16 October 2017	4
6.	**MINUTES OF COUNCIL COMMITTEE MEETINGS**	**5**
6.1	Economic Development and Tourism Committee Minutes - 11 October 2017	5
6.2	Strategic Planning and Development Policy (S101A) Committee Minutes 17 October 2017	10
7.	**DEPUTATIONS**	**11**
8.	**QUESTIONS FROM THE GALLERY**	**11**
9.	**PETITIONS**	**12**
10.	**NOTICES OF MOTION**	**12**
11.	**MAYORAL REPORT**	**13**
11.1	Mayoral Report - October 2017	13
12.	**ELECTED MEMBER REPORTS**	**13**
12.1	Elected Member Reports - October 2017	13
13.	**PLANNING & REGULATORY SERVICES**	**13**
13.1.	Planning & Building	13
13.2.	Health	13
13.3.	General Inspectorial	13
13.4.	Economic Development	13

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

13.5. Tourism 13
14. ENVIRONMENT & INFRASTRUCTURE SERVICES 13
14.1. Infrastructure Matters 13
14.1.1 Road Safety Audit Report Franklin Parade (Bluff Jetty Road) 13
14.1.2 Assetic Maintenance Management System (MMS) - Customer Service Work Requests 14
14.2. Environment 15
14.3. Recreation & Open Space 15
14.4. Waste Management 15
14.5. Natural Resources Management 15
15. CORPORATE & COMMUNITY SERVICES 15
15.1. Corporate Services 15
15.1.1 Delegations 2016/17 Financial Statements 15
15.1.2 Fleurieu Beach Volleyball - Revised Lease 15
15.2. Community Services 16
15.3. Library 16
16. OFFICE OF MAYOR & CHIEF EXECUTIVE OFFICER 17
16.1. Governance 17
16.1.1 Interim CEO 17
16.1.2 CEO Selection Panel - Review of Recruitment Process 17
16.1.3 2017 South Australian State Coastal Conference 18
16.1.4 LGA Annual General Meeting 18
16.2. Strategy & Policy 19
16.3. General 19
16.3.1 Outstanding Council Resolutions - October 2017 19
16.3.2 Community Forum 2017 19
16.3.3 Shark Monitoring 19
17. REPRESENTATIVE REPORTS 20
17.1 Representative Reports - October 2017 20
18. MATTERS OF URGENCY 20
19. QUESTIONS ON NOTICE 20
19.1 Encounter It All Website 20
19.2 Questions on Notice - Media Policy and Code of Conduct (Cr Charles) 21
19.3 Questions on Notice - Stock Road/Crozier Hill subdivision (Cr Charles) 22
20. QUESTIONS WITHOUT NOTICE 23
21. MOTIONS WITHOUT NOTICE 24
21.1 Chief Executive Officer - Recognition of Service 24
21.2 National Police Checks 24
22. CONFIDENTIAL ITEMS 24
23. CLOSURE 24

1. PRESENT

Mayor G Philp (Chair)
Councillor P Charles
Councillor P Chigwidden
Councillor K Dutton
Councillor T Glazbrook
Councillor N Hayles
Councillor M Jenkins
Councillor C Schofield

In Attendance:

Mr G Maxwell – Chief Executive Officer
Ms K Knight-Stacey – Interim Director Corporate & Community Services
Mr G Pathuis – Director Planning &Regulatory Services
Mr G Sanford – Director Environment & Infrastructure
Ms M James – Communications Officer
Ms D Blagrove – Governance Officer
Ms K Overall – Executive Assistant (Minute Secretary)

2. LOCAL GOVERNMENT PRAYER & VISION

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

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.

3. APOLOGIES & LEAVE OF ABSENCE

Councillor T Andrews
Councillor R Marshall

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 - 25 September 2017

OC6252017 Moved: Cr Karen Dutton
Seconded: Cr Carol Schofield

That the minutes of the previous ordinary meeting of Council held 25 September 2017 be confirmed as true and accurate.

CARRIED UNANIMOUSLY

5.2 Minutes of the Special Council Meeting - 26 September 2017

OC6262017 Moved: Cr Peter Charles
Seconded: Cr Moira Jenkins

That the minutes of the special meeting of Council held 26 September 2017 be confirmed as true and accurate.

CARRIED UNANIMOUSLY

5.3 Minutes of the Special Council Meeting - 16 October 2017

OC6272017 Moved: Cr Nicholas Hayles
Seconded: Cr Peter Charles

That the minutes of the special meeting of Council held Monday 16 October 2017 be confirmed as true and accurate.

CARRIED UNANIMOUSLY

6. MINUTES OF COUNCIL COMMITTEE MEETINGS

6.1 Economic Development and Tourism Committee Minutes - 11 October 2017

OC6282017 Moved: Cr Carol Schofield
Seconded: Cr Pat Chigwidden

That the Minutes of the Economic Development and Tourism Committee meeting held 11 October 2017 be received and noted.

CARRIED UNANIMOUSLY

OC6292017 Moved: Cr Peter Charles
Seconded: Cr Moira Jenkins

Rambler Working Party Funding
That the previously committed matched funds of $2,500 that were for the tarpaulin now be redirected to the general project for preservation work, and that the 2017/18 budget be amended accordingly to make this provision.

CARRIED

OC6302017 Moved: Cr Karen Dutton
Seconded: Cr Moira Jenkins

Mainstreet Façade Grant Scheme
That Council approve the application by Beckley Family Trust for a grant to the amount of $1350 to undertake the preparation of woodwork and painting of 2 pergolas, windows and rear carport (that is visible from Hindmarsh Rd and Eyre Tce) at 78 Ocean Street Victor Harbor under the conditions of Council's Mainstreet Façade Grant Scheme.

CARRIED UNANIMOUSLY

OC6312017 Moved: Cr Pat Chigwidden
Seconded: Cr Karen Dutton

2017 New Years Eve Celebrations
That:

1. Council exercises its delegation, pursuant to Section G of the 'Instrument of general approval and delegation to Council' for the 'Use of traffic control devices, road closure and granting of exemptions for events' dated 22 August 2013 and Section 33 of the Road Traffic Act 1961 ('the Act') to:
   - Pursuant to Section 33 (1) of the Road Traffic Act 1961, declare that the event described below as "the event", that is to take place on the roads described

below as “the road”, is a Road Event to which Section 33 of the Road Traffic Act 1961 applies; and

- Pursuant to Section 33(1)(a) of the Road Traffic Act 1961, make an Order directing that the road on which the event is to be held and any adjacent or adjoining roads specified below, be temporarily closed to traffic for the period as specified below:
  “The Event”: Victor Harbor New Years Eve Celebrations

  Thursday 31 December 2017
  “The Road” The Esplanade from Flinders Parade to Wills Street from 1700 until 0600*
  “The Road” Albert Place from The Esplanade to Railway Terrace from 1700 until 0600*
  “The Road” Flinders Parade from Coral Street to The Esplanade from 1700 until 0600*
  “The Road” Railway Terrace from Albert Place to Coral Street from 1700 until 0600*
  “The Road” Ocean Street from Coral Street to Albert Place from 1700 until 0600*
  “The Road” Albert Place from Crozier Road to Railway Terrace from 1700 until 0600*
  *Denotes the next day (1/1/18)

- Pursuant to Section 33(1)(b) of the Road Traffic Act 1961, make an order directing that persons taking part in the Event be exempted, in relation to the Road.

2. Council’s administration notify relevant bodies of the road closures as required under the Minister’s Instrument and advertise the road closures in accordance with Section 33(3) of the Road Traffic Act.

3. Subject to approval from SAPOL, Council endorse a temporary reduction of speed limits from 60km/hr to 25km/hr as outlined below:

   31 December 2017
   Esplanade from Flinders Parade to Wills Street from 1700 to *0600
   Flinders Parade from Bridge Terrace to the Esplanade from 1700 to *0600
   Victoria Street from Torrens Street to Albert Place from 1700 to *0600
   * denotes 1 January 2018

4. Council administration implement the 15 minute parking controls as outlined below:

   31 December 2017
   Esplanade from Flinders Parade to Albert Place from 1200 to 1700
   Flinders Parade from the Breeze Apartments to the Esplanade from 1200 to 1700
   Albert Place from Railway Terrace to the Esplanade from 1200 to 1700
   Railway Terrace from Albert Place to the SA Whale Centre from 1200 to 1700

CARRIED UNANIMOUSLY

OC6322017 Moved: Cr Moira Jenkins
Seconded: Cr Peter Charles

2018 Santos Tour Down Under (Operational)
That Council:

1. Approves the staging of the 2018 SANTOS Tour Down Under to occur on Thursday 18 January 2018, subject to the following conditions:

    a. If damage occurs to Council assets as a direct result of the event the applicant is to reimburse the Council for any expenses directly relating to reinstating the damaged item(s).
    b. A post-event evaluation and report is to be submitted to Council in accordance with Section 10 of Council's Major Festivals and Events Policy. This is to be submitted within three months of the conclusion of the event.
    c. With regard to any approved road closures and in accordance with Section 33 of the Road Traffic Act 1961, the applicant must:
        i. notify prescribed bodies of the road closure (including the Commissioner of Police and emergency services); and
        ii. advertise the road closure in the local newspaper in accordance with Section 33(3) of the Act and Regulations; and
        iii. the applicant is to provide verification to Council before the event that these requirements have been met.

2. Exercises its delegation, pursuant to Section G of the 'Instrument of general approval and delegation to Council' for the 'Use of traffic control devices, road closure and granting of exemptions for events' dated 22nd August 2013 and Section 33 of the Road Traffic Act 1961 ('the Act') to:
    a. Pursuant to Section 33 (1) of the Road Traffic Act 1961, declare that the event described below as "the event", that is to take place on the roads described below as "the road", is a Road Event to which Section 33 of the Road Traffic Act 1961 applies; and
    b. Pursuant to Section 33(1)(a) of the Road Traffic Act 1961, make an Order directing that the road on which the event is to be held and any adjacent or adjoining roads specified below, be temporarily closed to traffic for the period as specified below:

        "The Event": 2018 SANTOS Tour Down Under
        Thursday 18 January 2018
        "The Road": The Esplanade from Albert Place to Flinders Parade 6:00am to 6:00pm.
        "The Road": Esplanade from Albert Place to Wills Street 6:00am to 7:00pm
        "The Road": Esplanade from Wills Street to Island Street 6:00am to 6:00pm
        "The Road": Albert Place from Esplanade to Railway Terrace 6:00am to 6:00pm
        "The Road": Island Street from Victoria Street to The Esplanade 6:00am to 6:00pm
        "The Road" Flinders Parade from Coral Street to the Esplanade from 6:00am

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

to 6:00pm

3. Approves the variation to parking conditions as outlined below:

Wednesday 17 January 2018
"The Road" The Esplanade from Albert Place three parking spaces in front of the Hotel Victor from 7:00am to midnight
"The Road" Albert Place five parking spaces in front of the Hotel Victor from roll-a-door (south) from 7:00am to midnight

Thursday 18 January 2018
"The Road" Victoria Street (both sides) from Newland Bridge to Island Street from 11:00am until 3:30pm.
"The Road" George Main Road between the round-about and Bay Road round-about on the left hand side from 11.00am to 3:30pm.
"The Road" Hindmarsh Road between Grantley Avenue and Downs Street on the left hand side only, from 11:00am to 3:30pm.
"The Road" The Esplanade from Albert Place three parking spaces in front of the Hotel Victor from 12:01am to 7:00pm
"The Road" Albert Place (Hotel Victor side only) five car park spaces in front of the old bottle shop from 12:01am to 7:00pm

CARRIED UNANIMOUSLY

5.45pm *Cr Karen Dutton declared a material conflict of interest being a stall holder at the proposed event and vacated the Chamber.*

5.45pm *Mayor Graham Philp declared a material conflict of interest being a member of the Victor Harbor & Port Elliot Lions Club Board and vacated the Chamber.*

5.45pm *Deputy Mayor Nicholas Hayles took the Chair.*

OC6332017 Moved: Cr Pat Chigwidden
Seconded: Cr Carol Schofield

Major Event Application – 2018 Lions Club Food & Wine Festival
That Council:

1. Approves the staging of the 2018 Victor Harbor Food & Wine Festival to occur on Grosvenor Gardens, on Sunday 14 January 2018 as described within the report and that the approval be subject to the following conditions:
   i) A renewed public & products liability insurance certificate is presented to Council at least 30 days before the event. That the policy provide for a minimum of twenty million dollars of insurance coverage.
   ii) The event is granted a Limited Liquor License by the Office of the Liquor & Gambling Commissioner.
   iii) All signage, litter, marquees and other event related materials must be removed from Grosvenor Gardens and nearby roadsides within twelve hours of the

conclusion of the event. Any damage incurred to public property as a result of the event must be reported to Council as soon as possible.

iv) In the event that either public or private property is damaged as a result of the event, the organisers are to repair / reinstate damaged property immediately.

v) All residents/businesses impacted by the road closures and other operational matters associated with the event are to be notified at least one month before the event.

vi) A post-event evaluation and report is to be submitted to Council in accordance with Section 10.2 of Council's Major Festivals and Events Policy. This is to be submitted within twelve weeks of the conclusion of the event.

ix) That Council's Festivals and Events Officer is kept informed of the events progress.

2. Exercises its delegation, pursuant to Section G of the 'Instrument of general approval and delegation to Council' for the 'Use of traffic control devices, road closure and granting of exemptions for events' dated 22nd August 2013 and Section 33 of the Road Traffic Act 1961 ('the Act') to:

i) Pursuant to Section 33 (1) of the Road Traffic Act 1961, declare that the event described below as "the event", that is to take place on the roads described below as "the road", is a Road Event to which Section 33 of the Road Traffic Act 1961 applies; and

ii) Pursuant to Section 33(1)(a) of the Road Traffic Act 1961, make an Order directing that the road on which the event is to be held and any adjacent or adjoining roads specified below, be temporarily closed to traffic for the period as specified below:

"The Event": 2018 Victor Harbor Food & Wine Festival

Sunday 14 January 2018

"The Road" Coral Street from Stuart Street to Torrens Street from 0630 until 1900.

"The Road" Stuart Street from Coral Street to Torrens Street from 0630 until 1900.

iii) That Council's administration ensures that relevant bodies are notified of road closures as required under the Minister's 'Instrument of general approval and delegation to Council' and advertise the road closures in accordance with Section 33(3) of the Road Traffic Act.

3. Provide a letter supporting the application for a limited Liquor License for the 2018 Victor Harbor Food & Wine Festival.

4. Provide in-kind sponsorship of approximately $3347, as outlined within the report.

CARRIED UNANIMOUSLY

5.46pm Deputy Mayor Nicholas Hayles vacated the Chair and resumed his seat.

5.46pm Mayor Graham Philp returned to the Chamber and took the Chair.

5.46pm Cr Karen Dutton returned to the Chamber and resumed her seat.

OC6342017 Moved: Cr Moira Jenkins
Seconded: Cr Pat Chigwidden

Event Sponsorship Application – South Australian Affiliates State 8 Ball Carnival
That Council approve a waiver of hire fee of the Recreation Centre up to the value of $1250 for the SA State 8 Ball Carnival subject to the following conditions:

1 A post-event evaluation and report is to be submitted to Council in accordance with Section 10.2 of Council's Festivals and Events Policy. This is to be submitted within three months of the conclusion of the event.

2 Regular liaison is maintained with Council's Festivals and Events Officer leading up to the event.

3 Councils logo is included in promotional material related to the event.

CARRIED UNANIMOUSLY

6.2 Strategic Planning and Development Policy (S101A) Committee Minutes 17 October 2017

OC6352017 Moved: Cr Karen Dutton
Seconded: Cr Pat Chigwidden

That the minutes of the Strategic Planning and Development Policy Committee meeting held Tuesday 17 October 2017 be received and noted.

CARRIED UNANIMOUSLY

OC6362017 Moved: Cr Moira Jenkins
Seconded: Cr Nicholas Hayles

Town Centre Traffic Movement and Car Parking Strategy
That the Strategic Planning and Development Policy Committee recommend that Council:

1. note the consultation conducted and subsequent submissions received for the 'Victor Harbor Town Centre Traffic Movement and Car Parking Strategy' relating to 'Part A - Traffic Movement', 'Part B - Parking & Policy Strategy' and the 'Torrens Street Review'.

2. endorse the amendments identified in the 'Consultation Feedback' summary report and recommend for inclusion into the 'Victor Harbor Town Centre Traffic Movement and Car Parking Strategy' (comprising - 'Part A: Traffic Movement', 'Part B: Parking & Policy Strategy' and, the 'Torrens Street Review') with the following further amendment:
   - Alteration to the Grantley/Bridge/Hindmarsh intersection to 'left in' and 'left out' only (into and out of Hindmarsh Road), for the purpose of a trial and subject to consultation with the Department of Planning, Transport and Infrastructure.

3. adopt the 'Victor Harbor Town Centre Traffic Movement and Car Parking Strategy' (comprising 'Part A: Traffic Movement', 'Part B: Parking & Policy Strategy' and, the 'Torrens Street Review') as amended, for the purpose of future strategic planning and delivery of services/infrastructure.

CARRIED UNANIMOUSLY

7. DEPUTATIONS

Nil

8. QUESTIONS FROM THE GALLERY

8.1 Stock Road Land Division – Mr Steven Nicholls

5.55pm Mayor Graham Philp read out Mr Nicholls preamble and questions in his absence

Question 1

In August 1999 staff in a document to South Australian Governor explained correctly that principle 9 would facilitate the allocation of reserves. However the minutes of the Council meeting 27 March 2000 Elected Member Johnson was told the developer would facilitate the allocation of reserves. Now that suggests to me that is clear evidence that the developer facilitated the allocation of the reserve. That is clear evidence to me that principle 9 was not used but the developer was given a free hand. Can Mr Pathuis please explain this?

Answer

Mr Graham Pathuis, Director of Planning and Regulatory Services answered the question - The evidence of consideration of Principle 9 is quite obvious and is actually supported in your (Mr Nicholls) preamble.

Page 64 of the agenda of the meeting of 27 March 2000 being item 6.1.3 provides the following information.

"The subject site is located within the Rural Living 4 zone of Council's Development Plan. The zone provides for rural residential land uses.

The proposal complies with the relevant zoning provisions in that:

The land will be used for rural residential land uses:

Housing envelopes will be above the 1 in 100 ARI Flood;

Each allotment is over 1.0 hectare and the average of all allotments is 1.7 hectares;

An area of open space is provided along the river;

Encumbrances will be placed on each allotment to ensure a minimum loss of vegetation."

All of these references directly relate to the principles of development control and follow the order of the Principles within the Development Plan itself. Particularly the reference to "An

open space is provided along the river" is evidence that the Assessment Officer had regard for Principle 9.

Further, as you (Mr Nicholls) have indicated, Cr Johnson referenced the reserve at the Council meeting of 27 March 2000. The minutes of that meeting reflect questions and discussion about the reserve which clearly demonstrates that Councillors had turned their mind to Principle 9 in determining the subdivision application.

5.59pm Mayor Graham Philp read out the second question from Mr Steven Nicholls.

Question 2

Because principle 9 was not even considered when the lot next door to mine was subdivided does that make the subdivision illegal and the roadway built into that subdivision which floods my property illegal?

Answer

The previous response demonstrated that Principle 9 was considered notwithstanding the notes of the Assessing Officer for the subdivision of former lot 25 into two allotments make reference to the Officer considering Principle 9. The officer noted that Principle 9 had been considered in the original land division in 2000 . The Officer further concluded in his considerations of the application that, as the allotments created by the subdivision of lot 25 into 2 allotments were a hectare or more in size, there was no justification under either the Development Plan or the Development Act to require additional open space (or reserve) to be provided, and that on balance, the subdivision could meet all other Principles of development control.

8.2 Stock Road Land Division – Mr Ben Blatchford

Mayor Graham Philp advised Mr Blatchford has raised a question about agenda item 19.3 which he has ruled it improper to respond to prior to consideration of the agenda item by Council and Mayor Philp has determined that the report actually answers his question.

Mr Blatchford has sought feedback on a request for a presentation to Council which Mayor Philp has declined, as the subject matter is in conflict with a resolution carried by Council on 29 March 2016 and confirmed following legal advice in letters dated 27 May and 25 November 2016 and email dated today.

9. PETITIONS

Nil

10. NOTICES OF MOTION

Nil

11. MAYORAL REPORT

11.1 Mayoral Report - October 2017

OC6372017 Moved: Cr Karen Dutton
Seconded: Cr Carol Schofield

That the Mayoral Report for September to October 2017 be received.

CARRIED UNANIMOUSLY

12. ELECTED MEMBER REPORTS

12.1 Elected Member Reports - October 2017

OC6382017 Moved: Cr Nicholas Hayles
Seconded: Cr Peter Charles

That the Elected Members reports for August to October 2017 be received.

CARRIED UNANIMOUSLY

13. PLANNING & REGULATORY SERVICES

13.1. Planning & Building

13.2. Health

13.3. General Inspectorial

13.4. Economic Development

13.5. Tourism

14. ENVIRONMENT & INFRASTRUCTURE SERVICES

14.1. Infrastructure Matters

14.1.1 Road Safety Audit Report Franklin Parade (Bluff Jetty Road)

OC6392017 Moved: Cr Pat Chigwidden
Seconded: Cr Nicholas Hayles

That the Road Safety Audit Report for Franklin Parade (Bluff Jetty Road) as attached be received and noted.

CARRIED UNANIMOUSLY

OC6402017 Moved: Cr Nicholas Hayles
Seconded: Cr Carol Schofield

That Administration be authorised to apply to the Department of Planning, Transport and Infrastructure (DPTI) for a speed limit review and amendment for Franklin Parade (Bluff Jetty Road) from 50 km/h to 30 km/h.

CARRIED UNANIMOUSLY

OC6412017 Moved: Cr Pat Chigwidden
Seconded: Cr Carol Schofield

That the provision of additional roadside marker posts/delineators along the coastal side of the road be installed.

CARRIED UNANIMOUSLY

OC6422017 Moved: Cr Karen Dutton
Seconded: Cr Pat Chigwidden

That several areas listed 1 to 4 inclusive, where parking is occurring be restricted by placing 'No Stopping' parking control signs.

1. Narrow roads sections / squeeze points;
2. At the access to the tracks up the Bluff;
3. Near curves 1 and 2 to avoid further limiting sight lines, as shown in the Safety Audit Report;
4. Near edges with erosion.

LOST

14.1.2 Assetic Maintenance Management System (MMS) - Customer Service Work Requests

OC6432017 Moved: Cr Pat Chigwidden
Seconded: Cr Nicholas Hayles

That Council receive and note the Assetic Maintenance Management System (MMS) - Customer Service Work Requests report and attachments.

CARRIED UNANIMOUSLY

OC6442017 Moved: Cr Karen Dutton
Seconded: Cr Carol Schofield

That the Director of Environment and Infrastructure Services place forward a project budget bid for the financial year budget 2018-19 to allow Council to consider the Assetic Maintenance Management System (MMS) during budget deliberations.

CARRIED

14.2. Environment

14.3. Recreation & Open Space

14.4. Waste Management

14.5. Natural Resources Management

15. CORPORATE & COMMUNITY SERVICES

15.1. Corporate Services

15.1.1 Delegations 2016/17 Financial Statements

OC6452017 Moved: Cr Nicholas Hayles
Seconded: Cr Carol Schofield

That Council authorise the Chief Executive Officer and Mayor to sign the 'Certification of Financial Statement' to allow for presentation to the Audit Committee and Council's external auditors – Galpins Accountants Auditors and Business Consultants.

CARRIED UNANIMOUSLY

15.1.2 Fleurieu Beach Volleyball - Revised Lease

OC6462017 Moved: Cr Karen Dutton
Seconded: Cr Moira Jenkins

That Council authorise staff to prepare and conduct public consultation over a new lease between Fleurieu Beach Volleyball and Council for the existing beach volleyball courts and café located on the Flinders Parade Foreshore, Victor Harbor, pursuant to Section 202 of the Local Government Act 1999.

That the proposed lease include the following conditions and considerations:

1) A fifteen (15) year lease to Fleurieu Beach Volleyball of the existing beach volleyball and café area, consisting of an initial five (5) year lease followed by two rights of renewal, of five (5) years each.

2) The café and adjacent courtyard/dining area be leased on a commercial basis with the initial annual fee to be determined by a commercial valuation, with the rent fee increasing annually by CPI.

3) The outdoor sporting court area be leased for the ongoing use as an outdoor beach volleyball and recreational activity area for use and hire, having an annual lease fee of $258 (2017/18), increasing annually by CPI.

4) That Council reserves the right to terminate the lease, or vary the lease area, at any time giving twelve (12) months written notice to the lessee.

5) That no permanent structures be established in the outdoor dining and courtyard area (between café and playing courts) that would prevent Council from gaining heavy vehicle access to and from the beach foreshore.

6) As land dedicated to Council by the Crown, Council obtain the endorsement of the Crown to enter into the lease.

7) That such a lease agreement is consistent with local government management of risk in regard to Council, the lessee and public interest.

In the event that there are no objections or recommendations from the public consultation that need addressing by a meeting of Council, Council authorise staff to negotiate the final lease agreement, without moving away from the above considerations. Further, giving authorisation to the Mayor and Chief Executive Officer to sign and seal the lease documentation.

Should the lease be established, Council also authorise staff to enter into an annual agreement with Fleurieu Beach Volleyball for the joint management of the existing tennis courts, which adjoin the lease area on the causeway side.

CARRIED UNANIMOUSLY

15.2. Community Services

15.3. Library

16. OFFICE OF MAYOR & CHIEF EXECUTIVE OFFICER

16.1. Governance

16.1.1 Interim CEO

OC6472017 Moved: Cr Carol Schofield
Seconded: Cr Nicholas Hayles

That pursuant to section 98 (2) of the Local Government Act 1999 council appoint Mr Geoff Sheridan to act in the position of Chief Executive Officer of the City of Victor Harbor from Saturday, 4 November 2017 until Sunday, 14 January 2018 (inclusive).

CARRIED UNANIMOUSLY

16.1.2 CEO Selection Panel - Review of Recruitment Process

OC6482017 Moved: Cr Pat Chigwidden
Seconded: Cr Moira Jenkins

That the CEO Selection Panel report on the review and assessment of the recruitment and selection process be received.

CARRIED UNANIMOUSLY

OC6492017 Moved: Cr Moira Jenkins
Seconded: Cr Nicholas Hayles

1. That the Chief Executive Officer Recruitment Procedure be amended as highlighted within the report.

2. That the Chief Executive Officer Selection Panel Terms of Reference be amended as highlighted within the report.

3. That no changes be made to the Chief Executive Officer Recruitment Policy.

4. That Council endorse a $7,400 operating budget increase to Job 71184 to cover legal expenses & advertising associated with the CEO Recruitment Process.

CARRIED UNANIMOUSLY

16.1.3 2017 South Australian State Coastal Conference

OC6502017 Moved: Cr Pat Chigwidden
Seconded: Cr Moira Jenkins

That Council endorse the attendance of Mayor Philp at the 2017 South Australian State Coastal Conference being held at the Cruising Yacht Club of South Australia on 9 and 10 of November 2017.

CARRIED UNANIMOUSLY

16.1.4 LGA Annual General Meeting

OC6512017 Moved: Cr Nicholas Hayles
Seconded: Cr Peter Charles

That Council endorse the voting recommendations related to Council Notices of Motion for the Local Government Association Annual General Meeting on 16 November 2017 as follows:

8.1 Community Land Management Plans (Charles Sturt) - Support Council motion

8.2 Material Conflicts of Interest (West Torrens) - Support Council motion

8.3 Rating of Electricity Generators (Wattle Range) – Support LGA alternate motion

8.4 Child Visitations within Council Facilities (Prospect) - Support Council motion

8.5 Essential Services Property Reinstatement Policy (Prospect) - Support Council motion

8.6 Establishing Local Government common data formats (Prospect) - Support Council motion

8.7 2018 Periodic Election Postal Voting (Mitcham) - Support Council motion

8.8 Car Parking and Traffic Management in and around Schools (Mitcham) - Support Council motion

8.9 Use of independent experts for assessment of Regulated or Significant trees (Unley) –Support LGA alternate motion

8.10 Development Assessment Fees (Campbelltown) - Support Council motion

CARRIED UNANIMOUSLY

OC6522017 Moved: Cr Karen Dutton
Seconded: Cr Carol Schofield

That Council endorse the attendance of Mayor Graham Philp, Deputy Mayor Nicholas Hayles and Cr Moira Jenkins at the Local Government Association Conference and Annual General Meeting to be conducted on Wednesday, 15 November and Thursday, 16 November 2017.

CARRIED

16.2. Strategy & Policy

16.3. General

16.3.1 Outstanding Council Resolutions - October 2017

OC6532017 Moved: Cr Nicholas Hayles
Seconded: Cr Moira Jenkins

That the Outstanding Council Resolutions – October 2017 report be received.

CARRIED

16.3.2 Community Forum 2017

OC6542017 Moved: Cr Moira Jenkins
Seconded: Cr Carol Schofield

That the City of Victor Harbor's 2017 community forum be postponed until February 2018 to use the event as an opportunity to introduce council's new Chief Executive Officer to the community.

CARRIED UNANIMOUSLY

16.3.3 Shark Monitoring

OC6552017 Moved: Cr Moira Jenkins
Seconded: Cr Nicholas Hayles

That Council support a shark monitoring program to the value of $2,500 to be undertaken by Flinders University with additional funding support from the Department of Environment, Water and Natural Resources (DEWNR) and Oceanic Victor.

CARRIED UNANIMOUSLY

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

17. REPRESENTATIVE REPORTS

17.1 Representative Reports - October 2017

OC6562017 Moved: Cr Nicholas Hayles
Seconded: Cr Pat Chigwidden

That the representative reports for October 2017 be received.

CARRIED

18. MATTERS OF URGENCY

Nil

19. QUESTIONS ON NOTICE

19.1 Encounter It All Website

Question

Why is Council promoting on the Council's Victor Harbor Encounter It All website a major tourist attraction which is no longer operational?

Answer

Based on the preamble Cr Peter Charles provided at the meeting, it is understood that the question specifically relates to the promotional video on the website. The video was produced a few years ago following an opportunity that came about through Fleurieu Peninsula Tourism. The video contains footage of the former Greenhills Adventure Park, as well as the former Penguin Centre on Granite Island which doesn't operate anymore either. Given the expense of a video of this nature, it's not the type of production that could occur too frequently, and unfortunately sometimes things do change that end up dating things too soon.

Notwithstanding, and following enquiries made after Cr Peter Charles first raised his concern about this matter some weeks ago, we have been fortunate to be able to redevelop the video content using alternative existing footage. This also provided an opportunity to integrate the new place brand into the video. At the time of writing, the final edit was nearing completion, with uploading to the website imminent.

OC6572017 Moved: Cr Peter Charles
Seconded: Cr Nicholas Hayles

That the question from Cr Charles regarding the Victor Harbor Encounter It All website, and the response thereto be received and noted.

CARRIED UNANIMOUSLY

19.2 Questions on Notice - Media Policy and Code of Conduct (Cr Charles)

Part 1 – Question 1

Questions regarding the media policy were raised and answered at the Council meeting of 28 August 2017.

Part 2 - Question 2

Is the person identified as Moira Jenkins in the local paper, Councillor Moira Jenkins?

Answer

Moira Jenkins and Councillor Moira Jenkins are one and the same person. Councillor Jenkins did not identify herself as a Councillor in her Facebook post (which incidentally was published in the Times at the discretion of the newspaper Editor and not at the request of Cr Jenkins), as she was expressing her personal/private views.

Part 2 – Question 3

Is the statement “I have never worked in a more toxic environment” referring to the working environment at the City of Victor Harbor Council?

Answer

Cr Jenkins has clarified, subsequent to her Facebook post, that her comment was related to the broader environment that one is exposed to as an elected member and was not critical of the Council or any individual within it.

Part 3, subsections (a) to (e) relate to Code of Conduct

Response - Mayor Philp has disallowed these questions as being irrelevant and improper pursuant to regulation 9 (6) of the Local Government (Procedures at Meetings) Regulations 2013. The matter has been investigated and concluded.

Part 4 Question to the Mayor regarding investigation under the Code of Conduct

Response - Mayor Philp has disallowed this question as being irrelevant and improper pursuant to regulation 9 (6) of the Local Government (Procedures at Meetings) Regulations 2013. The matter has been investigated and concluded.

Part 5 – subsections (a) to (g) relate to a former Code of Conduct matter.

Response - Mayor Philp has disallowed these questions as being irrelevant and improper pursuant to regulation 9 (6) of the Local Government (Procedures at Meetings) Regulations 2013. The matter has been investigated and concluded.

OC6582017 Moved: Cr Peter Charles
Seconded: Cr Tim Glazbrook

That the questions on notice from Cr Peter Charles regarding Media Policy and Code of Conduct and the answers/responses provided thereto, be received.

CARRIED UNANIMOUSLY

19.3 Questions on Notice - Stock Road/Crozier Hill subdivision (Cr Charles)

Question 1

Has the Mayor at any time stated and made claim that the Ombudsman, or ERD Court have investigated the use or non-use of Principles 7 or 9 of the Crozier Hill Development Plan?

Question 2

At any time has there been a finding from the Ombudsman or ERD Court which verifies the use or non-use of specifically Principals 7 or 9 of the Crozier Hill Development Plan?

Question 3

Has at any time ever a Public Officer or Authority such as the Ombudsman or the ERD Court investigated the issue as whether the use or non-use of Principals 7 or 9 of the Crozier Hill Development Plan?

Question 4

Please assure me preferably with documentation preferably, that investigations into whether or not the Principals 7 and 9 of the Crozier Hill Development Plan were referred to and investigated by a higher Government Authorities?

Response

Mayor Philp has determined that the questions are vague and improper pursuant to regulation 9 (6) of the Local Government (Procedures at Meetings) Regulations 2013. There have been virtually thousands of communications and multiple investigations/reviews in relation to Stock Road over the past 7 years. If Cr Charles can provide some specific original documentation that has given rise to his questions Mayor Philp may then understand the context and be able to consider a response.

OC6592017 Moved: Cr Peter Charles
Seconded: Cr Pat Chigwidden

That the questions on notice from Cr Peter Charles regarding Stock Road/Crozier Road Subdivision and the response thereto be received.

CARRIED

20. QUESTIONS WITHOUT NOTICE

20.1 Emergency Power Supply Fleurieu Aquatic Centre – Cr Peter Charles

Question

1. What arrangements are there for backup emergency power during power failure at the Fleurieu Aquatic Centre?

2. I am informed that power supply is often interrupted in this area, so what provisions are there for safe exit of a night time for clients and the continuation of filtration, heating and hygiene when this occurs?

Response

Mayor Graham Philp took the questions on notice.

20.2 Pedestrian Crossing – Adelaide Road – Cr Peter Charles

Question

What progress has been made in relation to the proposed pedestrian crossing on Adelaide Road adjacent the Aldi site?

Answer

Mr Glenn Sanford – Director of Environment and Infrastructure advised that next week a meeting will be held with the Department of Planning, Transport and Infrastructure to discuss plans for a community consultation engagement strategy. Meetings have already taken place with key stakeholders of the nearby residential facilities.

21. MOTIONS WITHOUT NOTICE

21.1 Chief Executive Officer - Recognition of Service

OC6602017 Moved: Cr Moira Jenkins
Seconded: Cr Pat Chigwidden

That the Elected Members thank Graeme Maxwell for his 23 years of service to the City of Victor Harbor, his continued professionalism, dedication and hard work, and wish him well in his future endeavours.

CARRIED UNANIMOUSLY

21.2 National Police Checks

OC6612017 Moved: Cr Peter Charles
Seconded: Cr Tim Glazbrook

That a report be prepared with a view to instigating a National Police check for all Council Employees, Elected Members and Volunteers.

LOST

22. CONFIDENTIAL ITEMS

Nil.

23. CLOSURE

The chair closed the meeting at 7.45pm.

Signed: _____ Date: _____