# Minutes

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| Committee | Victor Harbor Council |
| Meeting Held | 22 MAY 2017 at 5:30pm |
| Location | Council Chambers, 1 Bay Road, Victor Harbor |

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## 1. PRESENT

Mayor G Philp (Chair)
Councillor T Andrews
Councillor P Charles
Councillor P Chigwidden
Councillor K Dutton
Councillor T Glazbrook
Councillor M Jenkins

In Attendance:

Mr G Maxwell – Chief Executive Officer
Mr G Pathuis – Director Planning &Regulatory Services
Mr G Sanford – Director Environment & Infrastructure
Ms K Knight-Stacey – Manager Finance & Property
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 N Hayles
Councillor C Schofield
Councillor R Marshall



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# 4. ITEMS ADJOURNED AND/OR LYING ON THE TABLE

## 4.1 Adjourned Item - Back Valley Tennis Club - Request for Financial Assistance - Fence Replacement

OC2622017 Moved: Cr Karen Dutton
Seconded: Cr Moira Jenkins

That Council approve an allocation in the 2017/18 budget of $7,500 to assist the Back Valley Tennis Club with the cost to replace the fence subject to the Back Valley Tennis Club receiving a grant through the Office of Sport and Recreation and acquittal of the grant funding once the project is completed.

**CARRIED**

*5.34pm* *With the agreement of two thirds of members Mayor Graham Philp temporarily suspended meeting procedures to allow a technical issue to be addressed.*

*5.36pm* *Mayor Graham Philp determined the suspension period should be brought to an end and resumed meeting procedures.*

# 5. MINUTES OF THE PREVIOUS MEETING

## 5.1 Minutes of the Previous Meeting - 24 April 2017

OC2632017 Moved: Cr Pat Chigwidden
Seconded: Cr Moira Jenkins

That the minutes of the previous ordinary meeting of Council held 24 April 2017 be confirmed as true and accurate.

**CARRIED**

## 5.2 Minutes of the Special Council Meeting - 8 May 2017

OC2642017 Moved: Cr Moira Jenkins
Seconded: Cr Terry Andrews

That the Minutes of the Special Meeting of Council held 8 May 2017 be confirmed as true and accurate.

**CARRIED**

# 6. MINUTES OF COUNCIL COMMITTEE MEETINGS

## 6.1 Audit Committee Minutes - 1 May 2017

OC2652017 Moved: Cr Moira Jenkins
Seconded: Cr Tim Glazbrook

That the minutes of the Audit Committee meeting held on Monday, 1 May 2017 be received, noting that recommendations relating to the Draft 2017/18 Annual Business Plan and Budget (AC172017 and AC182017) were considered by Council at a Special Council meeting on 8 May 2017, and that the remainder of the Audit Committee recommendations be noted.

**CARRIED**

OC2662017 Moved: Cr Karen Dutton
Seconded: Cr Tim Glazbrook

That Council notes the 2017/18 Audit Committee scheduled meeting dates and topics for discussion.

**CARRIED**

OC2672017 Moved: Cr Moira Jenkins
Seconded: Cr Pat Chigwidden

That Council note that the Audit Committee has reviewed the Draft 2016/17 Interim Management Letter and the Outstanding Audit Recommendations Register and advises that no high risk items have been identified. That Council implements plans to address the moderate risk findings as a matter of priority, as recommended by the Auditor. That Council endorse Management's responses contained within the Draft 2016/17 Interim Management Letter for provision to the external auditors.

**CARRIED**

OC2682017 Moved: Cr Karen Dutton
Seconded: Cr Tim Glazbrook

That Council approve the Infrastructure Asset Management Policy, Strategy and Plans (provided to Elected Members on 27 April 2017 under separate cover to the agenda). That the Infrastructure Asset Management Plans as presented are incorporated into Council's Long Term Financial Plan.

**CARRIED**

OC2692017 Moved: Cr Moira Jenkins
Seconded: Cr Tim Glazbrook

That Council extend Audit Committee Independent Board Member, Ms Claudia Goldsmith's term to four years concluding on 21 February 2020.

**CARRIED**

OC2702017 Moved: Cr Moira Jenkins
Seconded: Cr Tim Glazbrook

That Council notes that the Audit Committee has received the report on risk management and notes the current review of the Risk Management Policy and Framework will be presented to the next Audit Committee meeting.

**CARRIED**

OC2712017 Moved: Cr Tim Glazbrook
Seconded: Cr Moira Jenkins

That Council notes that the Audit Committee advises Council that Mr. R. Haslam, current independent member of the Audit Committee, has been nominated to the CEO Recruitment Panel subject to Council endorsement; and

That Mr R. Haslam, current independent member of the Audit Committee whose term expires on 22 May 2017, be confirmed as the appointee to the CEO Recruitment Panel (as per Council resolution OC2502017).

**CARRIED**

OC2722017 Moved: Cr Moira Jenkins
Seconded: Cr Tim Glazbrook

That Council pay a sitting fee of $350 per meeting to Mr R. Haslam for each meeting he attends as a member of the CEO Recruitment Panel.

**CARRIED**

## 6.2 Recreation Centre Management Committee Minutes - 9 May 2017

OC2732017 Moved: Cr Karen Dutton
Seconded: Cr Pat Chigwidden

That the minutes of the Recreation Centre Management Committee meeting held on Tuesday, 9 May 2017 be received and the following recommendation be endorsed by Council:

- Council endorse the appointment of Mr Ken Puckridge as the representative for the Victor Harbor Volleyball Association.

**CARRIED**

## 6.3 Environment and Infrastructure Advisory Committee Minutes 21 April 2017

OC2742017 Moved: Cr Pat Chigwidden
Seconded: Cr Moira Jenkins

That the minutes for the Special Environment & Infrastructure Committee meeting held on 21 April 2017 be received and noted.

**CARRIED**

OC2752017 Moved: Cr Moira Jenkins
Seconded: Cr Pat Chigwidden

That the Council approve the attached draft Terms of Reference as amended for the proposed Boating Advisory Committee.

**CARRIED**



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

## 6.4 Southern Communities Transport Scheme Advisory Committee - 19 April 2017

OC2762017 Moved: Cr Pat Chigwidden
Seconded: Cr Tim Glazbrook

That Council receives the minutes of the meeting of the Southern Communities Transport Scheme Advisory Committee held 19 April 2017, and notes the recommendations contained therein.

**CARRIED**

OC2772017 Moved: Cr Karen Dutton
Seconded: Cr Pat Chigwidden

That given expected budget pressures in 2017/18 that the Southern Communities Transport Scheme does not introduce any new transport services in 2017/18 unless services are self-funded or fully grant funded.

**CARRIED**

## 6.5 Horse Tram Committee Minutes - 4 May 2017

OC2782017 Moved: Cr Karen Dutton
Seconded: Cr Terry Andrews

That the Minutes of the Horse Tram Committee meeting held 4 May 2017 be received and noted.

**CARRIED**

## 6.6 Fleurieu Region Community Services Advisory Committee - 11 April 2017

OC2792017 Moved: Cr Moira Jenkins
Seconded: Cr Pat Chigwidden

That Council receive the minutes of the meeting of the Fleurieu Region Community Services Advisory Committee held 11 April 2017 and notes the recommendations contained therein.

**CARRIED**

*5.54pm*

**MOVED ITEM**

OC2802017 Moved: Cr Moira Jenkins
Seconded: Cr Pat Chigwidden

That item 7.1 Deputation, Agribusiness Reference Group – Ms Beryl Price be brought forward to be considered prior to item 6.7 Economic Development and Tourism Committee Minutes 10 May 2017.

**CARRIED**

## 7. DEPUTATIONS

## 7.1 Deputation - Agribusiness Reference Group - Ms Beryl Price

OC2812017 Moved: Cr Moira Jenkins
Seconded: Cr Tim Glazbrook

That the deputation from Beryl Price on the issues identified through the 2017 Victor Harbor Agribusiness Survey be received.

**CARRIED**

## 6.7 Economic Development and Tourism Committee Minutes - 10 May 2017

OC2822017 Moved: Cr Moira Jenkins
Seconded: Cr Terry Andrews

**Minutes**
That Council receives and notes the minutes of the Economic Development and Tourism Committee meeting held 10 May 2017.

**CARRIED**

OC2832017 Moved: Cr Moira Jenkins
Seconded: Cr Terry Andrews

**Economic Development, Tourism & Cultural Draft Budget 2018/19**
That Council include in its 2018/19 draft budget:

- Arts Grants for $5,300;
- Business week to be held annually with funding of $3,000; and
- $1,000 to support Junior School Art Festival to include all Fleurieu schools.

**CARRIED**

OC2842017 Moved: Cr Pat Chigwidden
Seconded: Cr Karen Dutton

**2016 Victor Harbor Business Survey - Key Findings Report**
That Council receive and acknowledge the 2016 Victor Harbor Business Survey Key Findings report as a guiding 'Strategic Document' to assist effective decision making on matters directly relating to Economic Development.

**CARRIED**

OC2852017 Moved: Cr Terry Andrews
Seconded:

**Arts and Cultural Committee Terms of Reference**
That the matter lie on the table until advice is received on funding.

**LAPSED FOR WANT OF A SECONDER**

OC2862017 Moved: Cr Moira Jenkins
Seconded: Cr Peter Charles

**Arts and Cultural Committee Terms of Reference**
That Council adopt the Terms of Reference, as amended, for an Arts and Culture Committee for implementation by an Arts and Culture Officer, if and when one is employed by Council (attached to this report) and include in the Terms of Reference an invitation for a representative of the local Aboriginal community to be a member of the committee.

**CARRIED**

OC2872017 Moved: Cr Moira Jenkins
Seconded: Cr Pat Chigwidden

**2017 Victor Harbor Agribusiness Survey - Key Findings Report**
That Council consider increasing its Environmental Weed Control budget by a further $30,000 as a part of the 2017/18 annual budget process, to address roadside weed control issues identified through the 2017 Victor Harbor Agribusiness Survey (Key Findings report attached).

**CARRIED**

OC2882017 Moved: Cr Pat Chigwidden
Seconded: Cr Tim Glazbrook

**Margaret Worth - Support for exhibiting at Lorne Sculpture Bienniale and Sculpture acquisition**
That Council do not support the proposal from Margaret Worth for exhibiting at the Lorne Sculpture Biennial and Sculpture acquisition at this time.

**CARRIED**

## 8. QUESTIONS FROM THE GALLERY

8.1 Mr Steven Nicholls – Stock Road – Crozier Hill Estate

Mayor Graham Philp disallowed two questions related to Stock Road/Crozier Hill estate proposed by Mr Nicholls as he was unable to attend the meeting. Councils Code of Practice for Meeting Procedures states: A person who has submitted a question in writing must be present at the meeting for it to be considered and shall address the Council as directed by the presiding member.

8.2 Mr Jerome Blatchford – Stock Road – Crozier Hill Estate

Mayor Graham Philp disallowed the following two questions related to Stock Road/Crozier Hill Estate proposed by Mr Blatchford as he was unable to attend the meeting. Councils Code of Practice for Meeting Procedures states: A person who has submitted a question in writing must be present at the meeting for it to be considered and shall address the Council as directed by the presiding member

8.3 Ms Kelly Jamieson – Breakwater Point – Fee for access to Granite Island

Ms Jamieson provided a brief preamble to her questions noting she is a business owner and local resident of the City of Victor Harbor and has a keen interest in Granite Island and a long standing involvement in trying to secure a sculpture trail project for the Island. The following question was asked through the Mayor to Councillors Andrews and Charles.

Question

Can either of you confirm that the proposal for Breakwater Point will be funded via public levy of up to ten dollars for each person who crosses the Causeway to Granite Island?

Answer

Cr Terry Andrews answered the residents of Victor Harbor will not be charged to access Granite Island or the Breakwater Point development. Fees would only apply to tourists, accessing the Breakwater Point building, under the current concept plan. He highlighted a number of other National Parks which charge access fees.

Cr Peter Charles also answered that all residents will not be charged to go into the proposed building and that National Parks now have access fees and hire fees which are charged for use of ovals and tennis courts.

Subsequent

How will the Breakwater Point project be funded if not by a levy as there is a significant amount of money to be raised?

Answer

Cr Terry Andrews answered it will be funded by private money and government money and that Council will not be paying for the Breakwater Point proposal. Further that it would be a decision of DEWNR whether the proposal proceeds as it is their land.

*6.36pm* *Councillor Tim Glazbrook raised a point of order, questioning if the discussion in responding to the questions was appropriate as this item is an opportunity for the community to ask questions of Council, not a time for debate.*

*6.36pm* *Mayor Graham Philp ruled in favour of the point of order.*

## 9. PETITIONS

Nil.

## 10. NOTICES OF MOTION

### 10.1 Notice of Motion - Selfie Frame - Cr Peter Charles

OC2892017 Moved: Cr Moira Jenkins
Seconded: Cr Pat Chigwidden

That the Selfie Frame report be received.

**CARRIED**

OC2902017 Moved: Cr Peter Charles
Seconded: Cr Terry Andrews

That the Selfie Frame be put on hold so that local artists throughout the Fleurieu can be given the opportunity to submit original ideas.

**LOST ON THE CASTING VOTE OF THE CHAIR**

### 10.2 Notice of Motion - Sculptures by the Sea (Cr Charles)

OC2912017 Moved: Cr Karen Dutton
Seconded: Cr Pat Chigwidden

That the report on the Sculptures project be received.

**CARRIED**

*6.52pm* *Mayor Graham Philp raised a point of order asking Cr Peter Charles to remain on the subject and stop speaking in a vague and wordy manner.*

*6.52pm* *Cr Moira Jenkins raised a point or order noting the debate was not about the report but the proposed motion.*

*6.52pm* *Mayor Graham Philp ruled in favour of the point of order.*

OC2922017 Moved: Cr Peter Charles
Seconded: Cr Tim Glazbrook

1. That Council notify DEWNR that Council supports the concept of a Sculpture Trail on Granite Island but are unable to commit to the proposal or contribute any further funds to the Sculpture Trail.

2. Council encourages DEWNR to fully explore the two known proposals for a Sculpture Trail to ensure the best results for Granite Island and Tourism in South Australia.

*7.10pm*
**AMENDMENT**

OC2932017 Moved: Cr Moira Jenkins
Seconded: Cr Pat Chigwidden

'That Council:

1. notify DEWNR that Council supports the delivery of a sculpture trail on Granite Island with local, national and international content.

2. encourage DEWNR to support the delivery of an arts trail project in order to assist with the revitalisation of Granite Island as an iconic local, visitor and tourism destination and to thank DEWNR for the ongoing support of this initiative.'

*7.21pm*
OC2942017 Moved: Cr Karen Dutton
Seconded:

That the question be put.

*The formal motion* **LAPSED FOR WANT OF A SECONDER**

**THE AMENDMENT WAS PUT AND CARRIED ON THE CASTING VOTE OF THE CHAIR**

**THE AMENDMENT BECAME THE MOTION AND CARRIED ON THE CASTING VOTE OF THE CHAIR**

*7.25pm*
***A division was called***

*FOR: Cr Pat Chigwidden, Cr Moira Jenkins, Cr Karen Dutton and Mayor Philp*

*AGAINST: Cr Peter Charles, Cr Tim Glazbrook and Cr Terry Andrews*

*The Mayor declared the motion* **CARRIED**

## 11. MAYORAL REPORT

## 11.1 Mayoral Report - May 2017

OC2952017 Moved: Cr Karen Dutton
Seconded: Cr Pat Chigwidden

That the Mayoral Report for April to May 2017 be received.

**CARRIED**

# 12. ELECTED MEMBER REPORTS

## 12.1 Elected Members Reports - May 2017

OC2962017 Moved: Cr Pat Chigwidden
Seconded: Cr Karen Dutton

That the Elected Members reports for April 2017 to May 2017 be received.

**CARRIED**

# 13. PLANNING & REGULATORY SERVICES

## 13.1. Planning & Building

## 13.2. Health

## 13.3. General Inspectorial

### 13.3.1 Dog and Cat Registration Fees

OC2972017 Moved: Cr Karen Dutton
Seconded: Cr Moira Jenkins

1 That the report entitled 'Increase in Dog and Cat Registration Fees' be received.

2. That council endorse that the maximum dog registration fee for 2017/18 be $75.00, with the eligible rebates as per Attachment 1 - Dog Registration Fee Schedule Proforma 2017-/18.

3. That dog and cat registration refunds be granted if it passes away within four weeks of being registered.

4. That Council approves the proposed increases in dog and cat registration fees for the 2017/18 Financial Year as per Attachment 1 and seek approval of these proposed charges from the Dog and Cat Management Board.

**CARRIED**

## 13.4. Economic Development

## 13.5. Tourism

# 14. ENVIRONMENT & INFRASTRUCTURE SERVICES

## 14.1. Infrastructure Matters

### 14.1.1 Update - Department of Environment & Infrastructure Services Major Projects FY2016-17

OC2982017 Moved: Cr Pat Chigwidden
Seconded: Cr Moira Jenkins

That the Department of Environment and Infrastructure Services Major Projects Update for Financial Year 2016-17 be noted.

**CARRIED**



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## 14.1.2 Draft Traffic Movement Strategy, Part A - Public Consultation

OC2992017 Moved: Cr Moira Jenkins
Seconded: Cr Tim Glazbrook

That the draft Traffic Movement Strategy, Part A as Attachment 1 be endorsed and approved for community consultation.

**CARRIED**

## 14.1.3 Franklin Parade (Bluff Jetty Road)

OC3002017 Moved: Cr Peter Charles
Seconded: Cr Pat Chigwidden

That the unsealed road section of Franklin Parade (Bluff Jetty Road) from the Bluff Car Park extending to approximately 175 metres be considered for bitumen sealing during financial year 2018-2019.

**LOST**

## 14.1.4 Bluff Boat Ramp Car Park Extension - 'Well Discovery'

OC3012017 Moved: Cr Moira Jenkins
Seconded: Cr Pat Chigwidden

1. That the report and attachments be noted.

2. That the revised Bluff Boat Ramp Car Park Extension design plan as shown in Attachment 2 be approved for construction.

3. That an application be lodged seeking a minor variation to the development approval based on the revised Bluff Boat Ramp Car Park Extension design plan as marked in Attachment 2.

**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 2017-18 Fees and Charges Register

OC3022017 Moved: Cr Pat Chigwidden
Seconded: Cr Tim Glazbrook

1. That the Fees and Charges Register for 2017-18 be adopted as presented, with legislative fees and charges to be added to the Register upon gazettal.
2. That the Proposed 2017-18 Fees and Charges provided by Fleurieu Regional Waste Authority (FRWA) for the Goolwa Waste & Recycling Depot be received.

**CARRIED**

### 15.1.2 Custodian Consent - Replace Shed - Victor Harbor Croquet Club

OC3032017 Moved: Cr Karen Dutton
Seconded: Cr Tim Glazbrook

That Council as custodian of the land at Lot 776 Bridge Terrace Victor Harbor, give consent to the Victor Harbor Croquet Club who lease the land, to replace the existing garden shed with a shed of similar size.

**CARRIED**

## 15.1.3 2016/17 Loan Requirements

Moved: Cr Moira Jenkins
Seconded: Cr Pat Chigwidden

That a Fixed Term Debenture Loan for $2,500,000 be negotiated and executed with the Local Government Finance Authority, and the Mayor and Chief Executive Officer be authorised to sign and affix the common seal to the document.

**CARRIED**

## 15.1.4 2016-17 March Budget Review

Moved: Cr Moira Jenkins
Seconded: Cr Pat Chigwidden

That Council endorse the 2016/17 March Budget Review, as presented in the Uniform Presentation of Finances (Attachment A), detailing an operating deficit of $452,700 and net capital expenditure of $10,764,900.

**CARRIED**

## 15.2. Community Services

## 15.2.1 Victor Harbor Community Grants Program 2016/17

OC3062017 Moved: Cr Moira Jenkins
Seconded: Cr Pat Chigwidden

That Council approves seven applications for funding under the Victor Harbor Community Grants Program 2016/17 for a total amount of $3,702:

- Fleurieu Ostomy Support Group - $200 to assist with the professional training of four stoma nurses (subject to confirmation of other funding for the project)
- Victor Harbor Art Society - $352 for advertising banner to assist with promotion of the group and its activities
- Australian Plants Society SA (Fleurieu Group) - $500 as contribution to development of logo and purchase of pull up banner and feather banners to promote the group's activities and increase membership
- Victor Harbor Riding for the Disabled - $400 for specialised equipment to support people with Cerebral Palsy to be able to ride in comfort



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- The Fleurieu Bridge Players - $750 as contribution to a course to develop knowledge of people with a basic knowledge of bridge (subject to receiving a signed copy of the application form and bank details for EFT payment)
- Southern Fleurieu Community Mental Health Team - $600 for Southern Fleurieu Mental Health Photography Group
- Country Women's Association - Victor Harbor Branch - $900 for arm chairs for elderly people using the CWA hall

**CARRIED**

## 15.3. Library

# 16. OFFICE OF MAYOR & CHIEF EXECUTIVE OFFICER

## 16.1. Governance

### 16.1.1 Section 41 Committee - Community Representatives

OC3072017 Moved: Cr Moira Jenkins
Seconded: Cr Tim Glazbrook

That –

1. the term for the current community representatives on the Environment and Infrastructure Advisory Committee and the Economic Development and Tourism Committee be extended to the 31 July 2017; and
2. a report be prepared for Council giving consideration to future membership and Committee structural issues outline within this report.

**CARRIED**

## 16.2. Strategy & Policy

## 16.3. General

### 16.3.1 Outstanding Council Resolutions - May 2017

OC3082017 Moved: Cr Karen Dutton
Seconded: Cr Terry Andrews

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

**CARRIED**

## 16.3.2 Fleurieu Regional Aquatic Centre Authority - Payment of Board Sitting Fees

OC3092017 Moved: Cr Moira Jenkins
Seconded: Cr Terry Andrews

That the City of Victor Harbor advises the FRAC Authority Board that it has already resolved that sitting fees will be paid to independent board members and further clarifies that there will be no sitting fee payable to constituent council board members.

**CARRIED**

## 16.3.3 Release of Confidential Items - May 2017

OC3102017 Moved: Cr Pat Chigwidden
Seconded: Cr Karen Dutton

That Council notes the resolutions of the Council Meeting held 27 February 2017 relating to Code of Conduct – Alleged Disrespectful Comments have been released from confidence, having satisfied the terms of the confidential orders.

**CARRIED**

## 16.3.4 Cultural Gifting - Will Hendriks Sculpture

OC3112017 Moved: Cr Terry Andrews
Seconded: Cr Tim Glazbrook

That the report on the Will Hendriks Cultural Gifting proposal be received.

**CARRIED**

OC3122017 Moved: Cr Terry Andrews
Seconded: Cr Peter Charles

That the Sculptor gift from Will Hendriks be accepted and placed appropriately for the Premier of South Australia and our Mayor to unveil during the time of the Premier and Cabinets' visit to Victor Harbor

**LOST**

# 17. REPRESENTATIVE REPORTS

## 17.1 Representative Reports - May 2017

OC3132017 Moved: Cr Karen Dutton
Seconded: Cr Pat Chigwidden

That the Representative Reports for May 2017 be received.

**CARRIED**

# 18. MATTERS OF URGENCY

Nil.

# 19. QUESTIONS ON NOTICE

## 19.1 Questions on Notice - Crozier Hill Estate Land Division - Cr Peter Charles

Question

When was the discrepancy between Figure RuL4(ViH)/1 and Map 999254-2G first realised?

Answer

Differences between FigureRuL4(ViH)/1 and Map 999254-2G were observed when the map was first lodged by a resident of Stock Road during the course of court proceedings relating to unlawful development in the floodplain by that resident. Note Map 999254-2G was created on the 20/2/13.

Question

Has council noticed that Figure RuL4(ViH)/1 is a FIGURE and Map 999254-2G is actually a MAP!? (E.g. figuratively and literally speaking) are Opposite's

Answer

If your reference to Council means Council staff then the answer is "yes". Both a figure and a map are a representation – I don't know that they can be defined as opposites but to argue this point is a pedantic exercise.

Question

Why is there not 'absolute certainty and clarity' rather than "some discrepancy" considering the fact that all the Principals of the Cities Development Plan were implemented and have been adhered to at the time of Development approval?

Answer

This question is vague. If the development approval referenced in the question refers to the original land division for the Crozier Hill/Stock Road estate, then it is illogical that a map submitted after the fact of development approval could possibly have figured in the consideration of the principles of the Development Plan for the purpose of the development application assessment.

Question

Please advise council and community how much was paid to the City of Victor Harbor in return for the 'unvested flood plain,' public reserve, (open space) that has been sold to private owners?

Answer

Why would there be an expectation that council receive payment in return for the sale of land that it didn't or doesn't own. There was nothing paid to Council because Council was never the owner of the land. Any public reserve (open space) that exists within the land division, exists as a result of consideration and subsequent approval by Council of the development application that enabled the creation of the allotments. No public reserve (open space) existed in this location prior to the land division and the open space which resulted from the land division exceeded what was required to be provided under the Development Plan.

Question

Since you have now confirmed in your report that flood plain has been sold into private property, would your planning department be able to do a mathematical calculation to work out the actual percentage of the flood plain that has been sold?

Answer

This is a moot exercise and, as such, I have not deployed staff resources into it. Regarding the Crozier Hill/Stock Road estate, any floodplain land that has been sold as private property, was privately held property to start with.

Additionally, and as previously stated, it is not illegal for floodplain land to be held in private ownership. There are a number of examples of this in Victor Harbor, and many more across the State and throughout Australia. Planning tools such as principles of development control, building envelopes and Land Management Agreements are widely applied in floodplain circumstances.

Question

Was Principal 9 of the Victor Harbor Development plan used and how?

Answer

If this question relates to the use of Principle 9 for the assessment of the development application for the original Crozier Hill/Stock Road land division application, this have been answered previously on a number of occasions. Most recently a response to a

very similar question from Mr Steve Nicholls was provided at the last ordinary Council meeting held 24 April 2017. Please refer to page 9 of the minutes for that meeting.

Question

Have you, or have you not relied on feedback from the Ombudsman?

Answer

Have we relied on feedback from the Ombudsman for what exactly? This question lacks sufficient context and is therefore vague.

Again this would seem to replicate subject matter addressed at the Council meeting of the 24 April 2017 (refer page 27 of the Minutes).

The Ombudsman has provided findings on a number of matters in recent years upon which I and the Council have relied. With the Crozier Hill/Stock Road estate, I am not aware of any occasion when complaints or matters being investigated by the Ombudsman were upheld. In these cases, the feedback from the Ombudsman has essentially been that the files have been closed. In the context of the question, yes we have relied upon this feedback.

Question

Will you please list the, 'independent parties' and 'others' who provided 'feedback' and provide council with their responses?

Answer

A very similar question was posed by Cr Charles at the last ordinary Council meeting held 24 April 2017, which was subsequently disallowed by Mayor Philp pursuant to Part 9 (6) of the Local Government (Procedures at Meetings) Regulations 2013 as vague and irrelevant. Mayor Philp has found the question to still be vague and irrelevant and has once again disallowed it under the same provisions.

Question

In your report you classify Risk as Significant. Mr Maxwell, if there is such a significant risk- have the Council's Insurers been advised of the risk factor that at any time there could be a class action against council? (Examples in metro area Brown Hill, Sturt Creeks, also the River Torrens).

Answer

A similar question (with less detail) was posed by Cr Charles at the last ordinary Council meeting held 24 April 2017. The response remains unchanged – The potential risks are matters that are more appropriately discussed under section 90 (2) and (3) parts (a), (g), and (i) of the Local Government Act 1999.

Significant risks are included in Council's risk register and, depending on the issue, are reported to Council's insurers. I am not aware of the grounds for Cr Charles suggesting a potential class action against the Council.

OC3142017 Moved: Cr Peter Charles
Seconded: Cr Karen Dutton

That the Questions on Notice from Cr Charles regarding Crozier Hill Estate Land Division and the answers thereto be received.

**CARRIED**

## 19.2 Questions on Notice - Tyre Supply and Associated Services Contract (Cr Charles)

Question

Have the Mayor and CEO signed the contract for tyres and associated services e.g. wheel alignments with the approved contractor in Strathalbyn?

Answer

The Mayor and CEO would not normally sign contracts for ongoing service arrangements. The Director of Environment and Infrastructure Services approved, under the standing delegated authority arrangements, the agreement with Dunlop Tyres Australia trading as Beaurepairs. The Agreement covers works depot based machinery, plant and equipment only. Most light vehicles (sedans and utes) are not captured under this agreement and staff will continue to source the supply of tyres and other associated services through Victor Harbor suppliers.

Question

Having read the document LGAP regarding the cost of tendering preparation process, please advise Council as to the cost to Council of the recent tender for the supply of tyres and associated maintenance for the council fleet of vehicles.

Answer

Historically council has spent up to $20,000/financial year on depot related tyre purchases and associated services.

OC3152017 Moved: Cr Peter Charles
Seconded: Cr Moira Jenkins

1. That the Questions on Notice from Cr Charles regarding the Tyres and Associated Services Contract and the answers thereto be received.

2. That a further report be provided at the 23 October 2017 Ordinary Council meeting providing an update on the performance of the tyre supply and service provider contract.

**CARRIED**

## 19.3 Questions on Notice - Sculptures Project (Cr Charles)

Question

Why are discussions still being had with DEWNER regarding the project on Granite Island?

Answer

The 2016/17 Annual Business Plan for Council listed one of the Key Planned Activities as being "Advocate for Granite Island to be maintained as a key tourist attraction." To this end Council made financial provision within the current budget of $10,000 to progress the Sculptures project.

The recently adopted Community Plan 2036 and Strategic Directions 2016 – 2020 document identifies the following strategy – "Work with the State Government for Granite Island to be maintained as a key cultural asset for residents and visitors (2.2.5)."

The draft 2017/18 Annual Business Plan (currently out for public consultation) lists under the above strategy a Key Planned Activity to "Continue discussions with the Department of Environment and Natural Resources regarding a sculptures project on Granite Island." This was endorsed by the Council at the Special Council Meeting of 8 May 2017.

There have been no decisions of council to negate either the above directions or past council resolutions related to the Sculptures by the Sea/Encounter Sculptures proposal.

Question

Have DEWNER been advised that Council has disbanded the Sculptures working party?

Answer

No. There were two motions moved (in confidence) at the Council meeting of 27 February 2017 one of which lapsed for want of a seconder and the other which was superseded by a formal motion "that the matter (question) lie on the table". In effect Council made no decision, therefore Council has not formally disbanded the Sculptures Working Party.

Although letters were sent to Sculptures Working Party members dated 11 April 2017 thanking them for their contribution and advising that the sub-committee will be discontinued, this was not consistent with the decision (or lack of decision) at the meeting of 27 February 2017 and demonstrates how confusing this matter and the decisions surrounding it have become.

Question

Has the Director of DEWNER been advised of Councils position to not fund the project on Granite Island?

Answer

The Director of DEWNR has been given no advice on Council funding with regard to a Sculpture Project for Granite Island nor has Council made any recent resolutions in this regard.

The Council still has a $10,000 allocation within the 2016/17 budget to progress the Sculptures Project. Further, the 2017/18 budget is still in draft form and yet to be subject to public consultation, therefore it would be premature to broadcast what Council may or may not have in store for next financial year.

Question

Has the Director of DEWNER ever been made aware by this administration that there are Two Sculpture Trail proposals?

Answer

Yes, and I believe that the “Hendriks” consortium has also made their project known to the Director of DEWNR. Not that any advice to DEWNR was necessary, as they have media monitoring arrangements in place and also local DEWNR personnel in our area keeping the Director informed.

Question

When was the Director of DEWNR advised there are two Sculpture Trail proposals?

Answer

I can’t be certain without considerable research and cannot justify the allocation of resources for that purpose. However, it needs to be stated that it was not Council administration’s responsibility to promote the Hendriks’ proposal. Council (i.e. the elected body via resolution) has only ever provided endorsement for the Sculptures by the Sea proposal presented by David Handley. It has been the series of resolutions related specifically to that proposal that staff have taken their direction from.

Question

Is it possible that the Director of DEWNER has been led to believe there was only one proposal for the Island?

Answer

Possibly a question for the Director of DEWNR, however there is absolutely no doubt in my mind that the Director has been aware of two Granite Island Sculpture proposals. Firstly, there has been engagement with DEWNR for over two years in relation to the Sculptures by the Sea/Encounter Sculptures proposal. Secondly, the Hendriks consortium has been stating for many months that they have been engaging with Government, DEWNR and Oceanic Victor about their proposal, so it is incomprehensible that the Director may have been unaware that there were two proposals.

Question

Has the Premier of South Australia and the Minister been advised of Council's decision not to sign a new Contract or fund Encounter Sculptures?

Answer

No. Firstly, because administration would not be dealing directly with the Premier or the Minister. Our communications would be with DEWNR staff. Secondly, Council has not yet made a decision on a new Contract or funding for Encounter Sculptures. As indicted in the answer to question 2, the series of motions considered in confidence at the Council meeting of 27 February 2017 in fact resulted in no decisions being made. The resolution that "the matter (question) lie on the table" means that a motion or motions under consideration at that time are subject to a suspension of proceedings and are not considered again until a member formally moves a motion to "raise the matter (question) from the table." If the matter is raised (which may occur in the short, medium or long term, if it does occur at all) the discussion/consideration must re-commence at the point where the matter was discontinued.

A motion that "the matter (question) lie on the table" does not overrule or supersede any previous resolutions towards which council or the administration have been working.

Question

Did CEO Maxwell meet with the Director of DEWNER on the 23rd March 2017 in Adelaide to support the Encounter Sculptures Proposal?

Answer

The Director of Planning and Regulatory Services and CEO met with the Director of DEWNR on 23 March 2017 at the Director's invitation. The Director wanted to express that the Department supported the concept of a sculpture trail on Granite Island, to find out a bit more about the two competing Sculpture proposals and to seek our views about whether or not we believed there was community support for a sculpture trail on the Island. We were a little disadvantaged not having seen a

Business Plan or funding model for the Hendriks proposal, however I understand that the Hendriks consortium met with the Director on Friday, 28 April to present their proposal, possibly in more detail than we were able to provide.

While meeting with the Director we also took the opportunity to discuss the Horse Tram operation and our desire for lease or licence arrangements to be finalised for the Tram's continued operation as soon as possible.

OC3162017 Moved: Cr Peter Charles
Seconded: Cr Pat Chigwidden

That the questions on notice from Cr Charles about Granite Island Sculpture proposals and the answers thereto be received.

**CARRIED**

## 19.4 Questions on Notice - Horse Tram (Cr Charles)

Question

Have efforts been made to secure 'Right of Way' for the Tram to use the Causeway and tracks on Granite Island?

Answer

Discussions regarding Council's security of tenure were first held with DEWNR staff several years ago when it became evident that the Gunn Group were unlikely to renew their lease on Granite Island. Understandably, DEWNR have not been prepared to put resources into new lease/licence negotiations in the absence of any determination with regard to the future of Granite Island. Our lease/licence requirements are relatively insignificant in the context of other contract/lease/licence arrangements that DEWNR and the State Government more broadly deal with on a daily basis.

Following the State Government's acceptance of the "unsolicited proposal" from Oceanic Victor and the Development Assessment Commission's approval of the Tuna Diving Experience we renewed our requests for clarification on our lease/licence for the Horse Tram operation. We have been assured by both DEWNR and Oceanic Victor that the Council's Horse Tram interest will be preserved within future formal agreements.

DEWNR have advised that the agreement structure will differ from the "one agreement captures all" approach of the past. There is a very clear hierarchy of process which is as follows:

Unsolicited Proposal approval by State Government – we understand that this process is complete with appropriate conditions and performance criteria established



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

(although the detail is not publicly available)

Development Approval for the Tuna Dive Experience – Approval has been granted by the Development Assessment Commission and a minor variation is currently being processed with regard to moorings.

Granite Island North Shore licence – we are advised that Oceanic Victor currently have a licence to operate on the North Shore of the Island under a similar licence arrangement as that issued to Council for operating pop-up activities and the Penguin Centre.

Granite Island North Shore Lease (Head Lease) – Currently being negotiated between DEWNR and Oceanic Victor and expected to be executed very shortly.
Horse Tram operation – A sub-lease will be negotiated between Oceanic Victor and Council under the Head Lease which we believe will incorporate recognition of the sub-lease arrangement. This step can't be finalised until all preceding steps have been satisfied.

Council is not the controlling authority with regard to Granite Island and we have had little choice but to patiently wait through the processes that are occurring. The priority allocated to our circumstances is beyond our control. Everything passes through bureaucratic development, Crown Law scrutiny, departmental CEO sign-off and finally Political scrutiny. This process can be repeated several times when the other party to an agreement negotiation and their legal representation provide feedback and amendments to draft agreement documents.

We understand that there are questions being raised about whether the Horse Tram operation is at risk. Legally we have been provided the following advice with regard to the Horse Tram operation and its security under the past agreement. "Our advice is that there is a compelling argument that the Deed remains in force as between the State and the Council. However, if the Deed has been terminated (or otherwise expired), there is a strong argument that an implied licence exists between the State and the Council, in substantially the same form as the Deed, on the basis of the continuing use of the area by the Council in the absence of any contra position having been put by the State." From this advice I stress that we are talking about an implied licence or agreement and not a verbal agreement as some have so often referred. No contra position has ever been put to Council by the State to suggest that our rights are not continuing.

We also enjoy the vested interest of two Ministers – the Minister for Environment who wants to see the unsolicited proposal succeed without controversy and the Minister for Tourism who could not allow such a South Australian and Internationally recognised icon as the Horse Tram to be jeopardised.

Further, we have the word of DEWNR staff that the Horse Tram will be looked after, just as they have been assuring us for the past 6 or 7 years. There are no indications that the assurances we have been given will not be honoured.

And finally, we have the word of the operator of Oceanic Victor, Michael Dyer that he does not wish to interfere with or cause us to alter the operation of the Horse Tram service. He has demonstrated nothing but goodwill in his engagements with council staff and we have no reason to believe that he won't honour his commitment to the council and the tram.

Question

Why has a Written Contract not been negotiated in the period of time when it was first realised by the HDT Committee in December 2017?

Answer

Council is not the controlling party in relation to this matter, as outlined in the answer to the question above.

Question

Would it not be reasonable that Oceanic Victor agree that the Horse Tram has Right of Way across their Lease and that this be negotiated with urgency?

Answer

Refer to the answer provided to the first question. Oceanic Victor need to know what their own lease agreement finally looks like before they can negotiate anything with Council.

OC3172017 Moved: Cr Pat Chigwidden
Seconded: Cr Karen Dutton

That the questions on notice from Cr Charles regarding the Horse Tram and the answers thereto be received.

**CARRIED**

## 20. QUESTIONS WITHOUT NOTICE

Nil.



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

# 21. MOTIONS WITHOUT NOTICE

## 21.1 Cultural Gifting - Will Hendriks Sculpture

OC3182017 Moved: Cr Tim Glazbrook
Seconded: Cr Moira Jenkins

That Council extend thanks to Mr Will Hendriks for his kind offer of a cultural gift, and further, that he be encouraged to consult with the Arts and Cultural representatives on the Economic Development and Tourism Committee and/or the Manager of Economic Development and Tourism, about receipt of his gift and its location.

**CARRIED**

*8.42pm*
***A division was called***

*FOR: Cr Tim Glazbrook, Cr Pat Chigwidden, Cr Moira Jenkins and Cr Karen Dutton*

*AGAINST: Cr Peter Charles and Cr Terry Andrews*

*The Mayor declared the motion* **CARRIED**

## 21.2 City of Victor Harbor Procurement Policy

OC3192017 Moved: Cr Moira Jenkins
Seconded: Cr Peter Charles

That a review of the Procurement Policy be presented to Council as a matter of priority and that preceding this an informal briefing of members be provided to outline how a local supplier might be considered within our procurement processes.

**CARRIED**

## 21.3 The Rambler Boat - Funding

OC3202017 Moved: Cr Terry Andrews
Seconded: Cr Peter Charles

That the Council commitment of $2,500 for a cover for the Ramber be released to the National Trust as soon as the Trust sets up a bank account showing matching funds for the Ramber and the fundraising effort be advertised.

**CARRIED**

# 22. CONFIDENTIAL ITEMS

## 22.1 Audit Committee Independent Member - Selection Panel Recommendation

OC3212017 Moved: Cr Pat Chigwidden
Seconded: Cr Tim Glazbrook

That pursuant to Section 90(2) of the Local Government Act 1999, orders that all members of the public with the exception of the Chief Executive Officer (Graeme Maxwell), Manager Finance & Property (Kellie Knight Stacey) Director of Planning & Regulatory Services (Graham Pathuis), Director of Environment & Infrastructure (Glenn Sanford) and Executive Assistant (Karina Overall) be excluded from attendance at this meeting for this agenda item.

Council is satisfied that, pursuant to Section 90 (3)(a) of the Act, the information to be received discussed and/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), being those considered for the independent members position of the Audit Committee. A number of matters are likely to be raised and discussed that relate to the personal affairs of the individual candidates.

**CARRIED**

OC3242017 Moved: Cr Pat Chigwidden
Seconded: Cr Tim Glazbrook

That –

i. having considered this item in confidence under Section 90(2) and (3)(a) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the report, discussion and minutes be retained in confidence until a Council decision and the appointment of the Audit Committee independent member is made.
ii. The public be readmitted to the meeting.

**CARRIED**

## 23. CLOSURE

The chair closed the meeting at 9.02pm

Signed: _____ Date: _____