Minutes

Committee Victor Harbor Council
Meeting Held 24 AUGUST 2020 at 5:30pm
Location Council Chambers, 1 Bay Road, Victor Harbor

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Victor Harbor Council 24/08/2020

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

Mayor M Jenkins (Chair)
Councillor Marilyn Henderson
Councillor Brayden Mann
Councillor Tim Glazbrook
Councillor Bryan Littlely
Councillor Peter Charles *(arrived at 6.39pm)*
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 Rokicinski – Director Environment and Infrastructure
Ms Kellie Knight Stacey – Director Corporate and Customer Service
Ms Tara Butler – Administration & Communications Assistant
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

Cr Nick Hayles - Apology
4. ITEMS ADJOURNED AND/OR LYING ON THE TABLE

Nil.

5. MINUTES OF THE PREVIOUS MEETING

5.1 Minutes of the Previous Meeting - 27 July 2020

OC4102020 Moved: Cr Carol Schofield
Seconded: Cr Marilyn Henderson

That the minutes of the Ordinary Meeting of Council held 27 July 2020 be confirmed as true and accurate.

CARRIED UNANIMOUSLY

5.2 Minutes of the Special Meeting of Council - 3 August 2020

OC4112020 Moved: Cr Marilyn Henderson
Seconded: Cr Carol Schofield

That the minutes of the Special Meeting of Council held 3 August 2020 be confirmed as true and accurate.

CARRIED UNANIMOUSLY

6. DEPUTATIONS

Nil.

7. QUESTIONS FROM THE GALLERY

Nil.

8. PETITIONS

Nil.
9. OFFICE OF CHIEF EXECUTIVE OFFICER

9.1 Outstanding Resolutions - August 2020

OC4122020 Moved: Cr David Kemp
Seconded: Cr Marilyn Henderson

That Council receive and note the Outstanding Resolutions - August 2020 report.

CARRIED UNANIMOUSLY

9.2 2020 Local Government Finance Authority - Annual General Meeting

OC4132020 Moved: Cr Bryan Littlely
Seconded: Cr David Kemp

1. That Council receive and note the 2020 Local Government Finance Authority – Annual General Meeting report.

2. That Council appoint Mayor Moira Jenkins as Council’s voting delegate and Deputy Mayor Marilyn Henderson as proxy voting delegate for the Annual General Meeting of the Local Government Finance Authority Annual General Meeting to be held on Thursday 29 October 2020.

CARRIED UNANIMOUSLY

9.3 Delegation Register - Partial Review

OC4142020 Moved: Cr Andrew Robertson
Seconded: Cr Bryan Littlely

That Council receive and note the Delegations Register – Partial Review report.

CARRIED UNANIMOUSLY
OC4152020 Moved: Cr Marilyn Henderson
Seconded: Cr Carol Schofield

That having conducted a partial review of Council’s Delegation Register in accordance with Section 44(6) of the Local Government Act 1999, the Council:

1.1 Revocations

Hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following:

1.1.1 Fire and Emergency Services Act 2005 and Fire and Emergency Regulations 2005
1.1.2 Natural Resources Management Act 2004
1.1.3 South Australian Public Health Act 2011, South Australian Public Health (Ligionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013, South Australian Public Health (General) Regulations 2013

CARRIED UNANIMOUSLY

OC4162020 Moved: Cr Bryan Littlely
Seconded: Cr David Kemp

1.2 Delegations made under the Local Government Act 1999

1.2.1. In exercise of the power contained in Section 44(1) of the Local Government Act 1999, the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Appendices 14, 22 and 29 to this report, and are identified below are hereby this 24 August 2020 to the person occupying the office of Chief Executive Officer (and any person appointed to act in that position) subject to the conditions and/or limitations specified in each proposed Instrument of Delegation and such powers and functions may be further delegated by the Chief Executive Officer or in the schedule of conditions in each such proposed Instrument of Delegation.

- Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations (Appendix 14)
- Landscape South Australia Act 2019 and Landscape South Australia (General) Regulations 2020 (Appendix 22)
- South Australian Public Health Act 2011, South Australian Public Health (Ligionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013, South Australian Public Health (General) Regulations 2013 (Appendix 29)

1.2.2. Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with Sections 44 and 101 of the Local Government Act 1999, as the Chief
Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each of the proposed Instrument of Delegation.

CARRIED UNANIMOUSLY

9.4 Fleurieu Regional Waste Authority Board - Staff Member Appointments

OC4172020 Moved: Cr Bryan Littlely
Seconded: Cr Tim Glazbrook

1. That Council receive and note the Fleurieu Regional Waste Authority Board – Staff Member appointments report.

2. That Council authorises the Chief Executive Officer to appoint the Staff Member and Deputy Staff Member positions to the Fleurieu Regional Waste Authority Board and to revoke or terminate the appointment at any time.

CARRIED UNANIMOUSLY

10. COMMUNITY AND DEVELOPMENT

10.1 Council Assessment Panel Independent Membership Vacancy

OC4182020 Moved: Cr Marilyn Henderson
Seconded: Cr Carol Schofield

That Council receive and note the Council Assessment Panel membership vacancy report.

CARRIED UNANIMOUSLY

OC4192020 Moved: Cr Carol Schofield
Seconded: Cr Marilyn Henderson

That Council appoint Ms Sue Giles to the Council Assessment Panel as an Independent Member until either the implementation of phase three of the Planning and Design Code or a two (2) year period, whichever occurs first.

CARRIED UNANIMOUSLY
OC4202020  Moved:   Cr Marilyn Henderson  
Seconded:   Cr Brayden Mann  

That Council appoint Mr Michael Doherty as the Presiding Member of the Council Assessment Panel until the implementation of phase three of the Planning and Design Code.  

CARRIED UNANIMOUSLY

11. CORPORATE AND CUSTOMER SERVICES

11.1 Financial Assistance Request - Encounter Bay Sporting Clubs

5.45pm  Cr Bryan Littlely declared a perceived conflict of interest being the Public Officer for the Encounter Bay Football Club who are participating in the proposed project and advised he would remain in the Chamber and participate in the debate and vote.  

OC4212020  Moved:   Cr Marilyn Henderson  
Seconded:   Cr Carol Schofield  

That Council receive and note the Financial Assistance Request – Encounter Bay Sporting Clubs report.  

CARRIED UNANIMOUSLY

OC4222020  Moved:   Cr Andrew Robertson  
Seconded:   Cr Carol Schofield  

That Council endorse the provision of a line of credit of $150,000 to the Encounter Bay Football Club for the purpose of providing sufficient cashflow during the construction of the Clubroom upgrades with funds to be made available with seven days’ notice and no interest to be charged subject to repayment of amounts drawn at the receipt of grant funding from the Federal Government; and

That Council endorse the provision of an $80,000 community loan, should it be required, to the Encounter Bay Football Club for the purpose of covering construction contingencies, with funds to be made available with 14 business days’ notice, with a one year term and interest charged as per the variable rate applicable to Council’s Cash Advance Debenture held with the Local Government Finance Authority; and

That the Mayor and Chief Executive Officer be authorised to sign and seal a Memorandum of Understanding for the line of credit and loan.

CARRIED UNANIMOUSLY
OC4232020 Moved: Cr Marilyn Henderson
    Seconded: Cr Tim Glazbrook

That Council endorse an increase to the capital budget of $100,000 for the purpose of fire safety system and grease arrestor upgrades at the Encounter Bay Football Club subject to all other approvals and consultation with Council’s Building Facility Officer.

CARRIED UNANIMOUSLY

12. ENVIRONMENT AND INFRASTRUCTURE SERVICES

12.1 Request to Rename Kent Reserve to Muwerang

OC4242020 Moved: Cr Carol Schofield
    Seconded: Cr Brayden Mann

That Council receive and note the Request to Rename Kent Reserve to Muwerang report.

CARRIED UNANIMOUSLY

OC4252020 Moved: Cr Marilyn Henderson
    Seconded: Cr Bryan Littlely

That the Administration consult with the Ngarrindjeri Aboriginal Corporation and Council's Heritage Advisory Group, to determine whether they support:

- a name change for Kent Reserve to Muwerang;
- dual naming of this Reserve; and
- the inclusion of an option for dual naming of public places in Council's Road and Public Place Naming Policy.

CARRIED UNANIMOUSLY

OC4262020 Moved: Cr Bryan Littlely
    Seconded: Cr David Kemp

That following consultation with the Ngarrindjeri Aboriginal Corporation and Council's Heritage Advisory Group, the Administration review the Road and Public Place Naming Policy and hold a workshop with the City Activation and Strategic Planning Advisory Committee to consider consultation feedback and recommended Policy changes to Council.

CARRIED UNANIMOUSLY
OC4272020 Moved: Cr Marilyn Henderson
Seconded: Cr Bryan Littlely

That a further report be provided to Council to consider changes recommended by the City Activation and Strategic Planning Advisory Committee to the Road and Public Place Naming Policy and to make a decision regarding the name of the public place currently known as Kent Reserve.

CARRIED UNANIMOUSLY

12.2 Revocation of Community Land Status - Roadside Buffer Reserves - Welch Road

OC4282020 Moved: Cr David Kemp

6.12pm, Cr Bryan Littlely seconded the motion then withdrew seconding.

Seconded: Cr Brayden Mann

1. That Council receive and note the Revocation of Community Land Status - Roadside Buffer Reserves - Welch Road report.

2. That pursuant to Section 194(3)(b) of the Local Government Act 1999 and the Ministerial approval dated 22 July 2020, Council revoke the community land classification of Lots 35, 40, 41, and 62 Welch Road as contained in the following certificates of titles:
   i. Allotment 35 – Certificate of Title Volume 5893 Folio 207; and
   ii. Allotment 40 - Certificate of Title Volume 6216 Folio 952; and
   iii. Allotment 41 - Certificate of Title Volume 6216 Folio 953; and

3. That further consideration be given to the reinstatement of the buffer reserve once access to the land division is finalised, to protect the safety and integrity of Welch Road from unnecessary vehicle.

CARRIED UNANIMOUSLY
12.3  Rotary Youth Driver Awareness Program Road Closure

OC4292020  Moved:  Cr Bryan Littley  
Seconded:  Cr Brayden Mann

1. That Council receive and note the Rotary Youth Driver Awareness Program Road Closure report.

2. That Council exercises its delegation, pursuant to Clause G of the Instrument for General Approval contained in the Minister’s Notice, titled ‘Notice to Council to use traffic control devices and to close roads and grant exemptions for events’ dated 22 August 2013 (“the Minister’s Notice”) and Section 33 of the Road Traffic Act 1961 (“the Act”) to:

   1.1 pursuant to Section 33(1) of the Act, declare that the event described below as (“the Event”) that is to take place on the road described below as (“the Road”), is a Road Event to which Section 33 of the Act applies; and

   1.2 pursuant to Section 33(1)(a) of the Act, make an Order directing that the Road be temporarily closed to traffic, during the Event and for the period commencing at 8.30am and concluding at 3:00pm, on both Friday 11 and Friday 18 September 2020.

   “the Event”  Rotary Youth Driver Awareness Program

   “the Road”  Ewen Terrace, Victor Harbor

   (from TAFE car park entrance to the end of Ewen Terrace); and

   1.3 That Council administration notifies the relevant bodies of the road closure as required under the Minister’s Notice and advertise the road closure in accordance with section 33(3) of the Road Traffic Act.

   CARRIED UNANIMOUSLY

13.  MINUTES OF COUNCIL COMMITTEE MEETINGS

13.1 City Activation and Strategic Planning Advisory Committee  
Minutes - 4 August 2020

6.39pm  Cr Peter Charles entered the Chamber and took his seat.

OC4302020  Moved:  Cr Carol Schofield  
Seconded:  Cr Marilyn Henderson

That Council receive and note the minutes of the City Activation and Strategic Planning Advisory Committee - 4 August 2020 as provided at Attachment A to this report.

   CARRIED UNANIMOUSLY
6.41pm  Cr Andrew Robertson declared a perceived conflict of interest in relation to the Newland Memorial Uniting Church proposal being a member of the Congregation and advised he would remain in the Chamber but not vote on the matter.

OC4312020  Moved:  Cr Marilyn Henderson  
Seconded:  Cr Bryan Littlely

That the Council support the Newland Memorial Uniting Church proposal to progress to Stage 2 preparation under the Unsolicited Proposal Policy and Guidelines, and in doing so, Council provide in-kind professional support and guidance required for the Church to meet the Stage 2 requirements.

CARRIED UNANIMOUSLY

OC4322020  Moved:  Cr Tim Glazbrook  
Seconded:  Cr Peter Charles

That the Council provide a donation of $5,000 to the Newland Memorial Uniting Church for the purpose of meeting immediate building safety requirements regarding power distribution and emergency egress.

CARRIED UNANIMOUSLY

OC4332020  Moved:  Cr David Kemp  
Seconded:  Cr Marilyn Henderson

That the Council endorse the Renewable Energy Advisory Group Terms of Reference as presented in Attachment B to this report.

CARRIED UNANIMOUSLY

6.48pm  Mayor Moira Jenkins called for nominations for Chair of the Renewable Energy Advisory Group.

Cr Bryan Littlely nominated Cr Marilyn Henderson, Cr Henderson accepted the nomination.

OC4342020  Moved:  Cr Carol Schofield  
Seconded:  Cr David Kemp

That the Council appoint Cr Marilyn Henderson as Chair of the Renewable Energy Advisory Group.

CARRIED UNANIMOUSLY
That the Council undertake the Genetically Modified Crops Management Act 2004 Community Engagement Plan as outlined in Attachment C to this report.

CARRIED UNANIMOUSLY

13.2 Audit Committee Minutes - 3 August 2020

That Council receive and note the Audit Committee minutes from the meeting held Monday, 3 August 2020 as provided at Attachment A to this report.

CARRIED UNANIMOUSLY

13.3 Fleurieu Region Community Services Advisory Committee minutes - 11 August 2020

That Council receive and note the minutes of the Fleurieu Region Community Services Advisory Committee meeting held 11 August 2020 as provided at Attachment A to this report.

That Council considers and endorses the drafted letter to the Minister for Health regarding security concerns at the Southern Fleurieu Emergency Department as provided at Attachment B to this report.

That Council endorse the revised Terms of Reference for the Fleurieu Region Community Services Advisory Committee as provided at Attachment C to this report.

CARRIED UNANIMOUSLY
14. **SUBSIDIARIES AND REPRESENTATIVE REPORTS**

14.1 **Representative Reports - August 2020**

OC4382020 Mov: Cr David Kemp
Second: Cr Andrew Robertson

That Council receive and note the Representative Reports – August 2020.

CARRIED UNANIMOUSLY

15. **MEMBER REPORTS**

15.1 **Mayoral Report - August 2020**

OC4392020 Mov: Cr Brayden Mann
Second: Cr Marilyn Henderson


CARRIED UNANIMOUSLY

15.2 **Elected Member Reports - August 2020**

OC4402020 Mov: Cr Marilyn Henderson
Second: Cr Tim Glazbrook

That Council receive and note the Elected Member reports for August 2020.

CARRIED UNANIMOUSLY

16. **MATTERS OF URGENCY**

Nil.

17. **QUESTIONS ON NOTICE**

Nil.

18. **QUESTIONS WITHOUT NOTICE**
19. MOTIONS ON NOTICE

19.1 Motion on Notice - Fleurieu Futures Project - Cr Tim Glazbrook

OC4412020 Moved: Cr Peter Charles
Seconded: Cr Andrew Robertson

That Council receive and note the Motion on Notice – Fleurieu Futures Project – Cr Tim Glazbrook report.

CARRIED UNANIMOUSLY

OC4422020 Moved: Cr Tim Glazbrook
Seconded: Cr Peter Charles

That the Chief Executive Officer provides a report to Council on the:

i. current and future potential collaboration between the City of Victor Harbor, District Council of Yankalilla and Alexandrina Council; and

ii. prospects of City of Victor Harbor forming a Fleurieu Council with our neighbouring Councils, District Council of Yankalilla and Alexandrina Council; and

iii. status of the Fleurieu Futures Resource Project commissioned by Southern and Hills Local Government Association in 2016 to review the City of Victor Harbor, District Council of Yankalilla and Alexandrina Council and

iv. to provide an assessment of governance options

CARRIED UNANIMOUSLY

OC4432020 Moved: Cr Tim Glazbrook
Seconded: Cr Andrew Robertson

That the Council:

i. write to the District Council of Yankalilla and Alexandrina Council to request permission to release the Fleurieu Futures Stage 1 and 2 reports from Confidence, and

ii. subject to written approval from the District Council of Yankalilla and Alexandrina Council, that Council authorises the Chief Executive Officer to release the Fleurieu Futures Stage 1 and 2 reports from Confidence.

CARRIED UNANIMOUSLY

20. MOTIONS WITHOUT NOTICE

Nil.
21. CONFIDENTIAL ITEMS

21.1 CONFIDENTIAL - Arts and Culture Precinct update

OC4442020 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 the Chief Executive Officer (Victoria MacKirdy), Director Community and Development (Graham Pathuis), Director Corporate and Customer Service (Kellie Knight-Stacey), Director Environment and Infrastructure (Karen Rokicinski) and Executive Assistant (Karina Overall) be excluded from attendance at the meeting for Agenda Item 21.1 - CONFIDENTIAL - Arts and Culture Centre Precinct update.

That Council is satisfied that, pursuant to Section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to the agenda item is information the disclosure of which 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.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. The Council satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in these circumstances because the information could jeopardise the commercial position of third parties.

CARRIED

7.32pm With the agreement of more than two thirds of the members Mayor Moira Jenkins called a short-term suspension of meeting procedures pursuant to Regulation 20(1) of the Local Government (Procedures at Meetings) Regulations 2013, to facilitate informal discussions on the matter.

8.10pm 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.

8.18pm Mayor Moira Jenkins determined the adjournment period should be brought to an end and reconvened the meeting.
OC4452020 Moved: Cr Bryan Littlely
Seconded: Cr Andrew Robertson

That Council receive and note the confidential Arts and Culture Centre Precinct update report.

CARRIED UNANIMOUSLY

OC4462020 Moved: Cr Marilyn Henderson
Seconded: Cr Brayden Mann

That Council authorise the Chief Executive Officer to negotiate a Property Option Agreement for the potential purchase of the property identified as 43 Ocean Street Victor Harbor (Bells Store), Certificate of Title 5084/392, to a limit not exceeding $2,000,000; and that the Property Option Agreement be subject to Council making a final decision about the purchase following public consultation on the current footprint and concept design for the development of an Arts and Culture Centre, inclusive of the Town Hall, Old Library building, Victa Cinema and the Bells Store building.

LOST

8.34pm

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

FOR: Cr Brayden Mann and Cr Marilyn Henderson

AGAINST: Cr Tim Glazbrook, Cr Bryan Littlely, Cr Peter Charles, Cr David Kemp, Cr Andrew Robertson and Cr Carol Schofield.

THE MAYOR DECLARED THE MOTION LOST
1. That Council discontinue negotiations for the purchase of Bells Store, and reduce the footprint of the precinct to encompass the floor areas of Town Hall, Old Library and Victa Cinema and prepare for the next design phase on this basis, and as provided for under the 2020/21 Annual Business Plan and Budget.

2. That considering that community consultation hasn’t occurred since the initial concept design for the project was prepared (which didn’t include the Victa Cinema), some further community consultation incorporating the cinema would be valuable ahead of committing the costs to further architectural work. Sufficient concept designs exist that are inclusive of the cinema and would be satisfactory for use in the consultation.

CARRIED

8.40pm Cr David Kemp raised a point of order stating that Cr Peter Charles had called a division and it had not been recorded.

8.40pm Mayor Moira Jenkins overruled the point of order stating that Cr Peter Charles had asked a question if a division should be called.

8.41pm A division was called.
The Mayor declared the vote be set aside

FOR: Cr Tim Glazbrook, Cr Bryan Littlely, Cr Peter Charles, Cr David Kemp, Cr Andrew Robertson and Cr Carol Schofield.

AGAINST: Cr Marilyn Henderson and Cr Brayden Mann

THE MAYOR DECLARED THE MOTION CARRIED

OC4482020 Moved: Cr Andrew Robertson
Seconded: Cr Carol Schofield

That having considered Agenda Item 21.1 - CONFIDENTIAL - Arts and Culture Precinct update in confidence under Section 90(2) and (3)(b) of the Local Government Act 1999; the Council;

i. pursuant to Section 91(7) of the Act, orders that the report, attachments and associated documents in relation to Arts and Culture Precinct, be retained in confidence as it is confidential information of a commercial nature, until the next annual review of confidential orders, or as otherwise determined by the Chief Executive Officer; and

ii. The public be readmitted to the meeting.

CARRIED
22. CLOSURE

The chair closed the meeting at 8.46pm

Signed: ________________________________     Date:  __________________________