

District Council of Yankalilla
Minutes of Council Meeting held on 22 January 2019
At the Council Chambers, Yankalilla

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In Attendance

Cr. Glen Rowlands (Mayor)	Light
Cr. Simon Rothwell (Deputy Mayor)	Field
Cr. Alistair Christie	Light
Cr. Peter O'Neil	Field
Cr. David Olsson	Field
Cr. Davina Quirke	Light
Cr. Bruce Spilsbury	Light
Cr. Ruth Trigg	Light
Cr. Leon Zarins	Field

STAFF

Nigel Morris	Chief Executive
Andy Baker	Chief Operating Officer
Gemma Russell	GM – Customer & Community Services
Gary Lewis	Manager Finance & Procurement
Rachael Reeves	Minute Secretary

1 Commencement

Including recognition of the traditional land owners

The Mayor read aloud “We would like to begin by acknowledging the Kaurna people, the traditional custodians of this land and pay our respects to their elders past and present.”

The meeting commenced at 4.00pm.

2 Apologies

Nil

3 Leave of Absence

Nil

4 Confirmation of Minutes

C19001 Moved Cr. Zarins
Seconded Cr. Christie

That the minutes of the meeting held on 18 December 2018 as circulated to Councillors be confirmed as an accurate record of the proceedings of that meeting.

CARRIED

5 Declaration of Interest

Nil

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6 Mayor's Report

6.1 Mayor's Report

C19002 Moved Cr. Quirke
Seconded Cr. O'Neil

That the Mayor's Report be included in the minutes of the meeting.

CARRIED

December

18th Council meeting
25th Christmas Day
31st New Year's Eve Pageant

January 2019

7th Preview of Storm Boy
9th Met with community member, Normanville beach boat access.
10th Penneshaw, KI, met with Mayor Pengilly
14th Met with the Member for Mayo, Rebekha Sharkie
Met with Community member, Cape Jervis Progress Association
15th 2 Elected member public meetings re Normanville Service station
17th Uraidla, Tour Down Under
18th Met with Community member re rates and district improvements
Met with Community member, re Memorial Park
Cape Jervis public session on the Cape Jervis Progress Association
21st Government House, Australia Day Awards

I hope everyone had an enjoyable, safe Christmas and New Year. It is a special time of the year when things in our business slows, but the district numbers expand past it's elastic stretching point, but it has settled down again with many families still enjoying the beach and other places of interest.

New Year's Eve pageant was again a roaring success with many hours going into the floats and thousands of people enjoying a great night of entertainment including the traditional fireworks. Council makes a significant contribution to this event. Well done to the organising committee.

The Chief Executive had a "working" holiday, I sprung him with the Senior leaders in the office between Christmas and New Year, discussing reports for the January agenda, he also prepared other reports and had 2 official meetings in the city with government departmental executives.

We thank Nigel for his dedication.

In addition I would like to convey Council's sympathy to the families of Ralph Hurrell and Tim Stone who are both well-known community members that passed away during the last month.

7 Reports of Members, Delegates and Working Parties

7.1 Elected Member's Report – Cr Trigg & Cr Quirke

C19003 Moved Cr. Quirke
Seconded Cr. Trigg

That the Report be included in the minutes of the meeting.

CARRIED

A copy of the Report is provided in Attachment A

7.2 Elected Member's Report – Cr Trigg

C19004 Moved Cr. Trigg
Seconded Cr. Quirke

That the Report be included in the minutes of the meeting.

CARRIED

A copy of the Report is provided in Attachment B

8 Deputations / Public Forum

Sally Wiadrowski addressed Council regarding Report 14.3 - Proposed Transfer of CWMS and Water Assets to SA Water.

Angus Forbes addressed Council regarding Report 14.3 - Proposed Transfer of CWMS and Water Assets to SA Water.

Des Gubbin addressed Council thanking the Chief Executive for responses from last month's deputation.

Trevor Gadd addressed Council seeking an update on 9 Gold Coast Drive, Carrickalinga.

9 Petitions

Nil

10 Questions on Notice

10.1 Main South Road / Williss Drive Intersection – Cr. Trigg

Recent signage (Give Way) at the Main South Road and Williss Drive intersection is causing confusion with both locals and visitors.

What is the current status of discussion with Department of Planning, Transport & Infrastructure regarding this hot spot?

Chief Executive Response

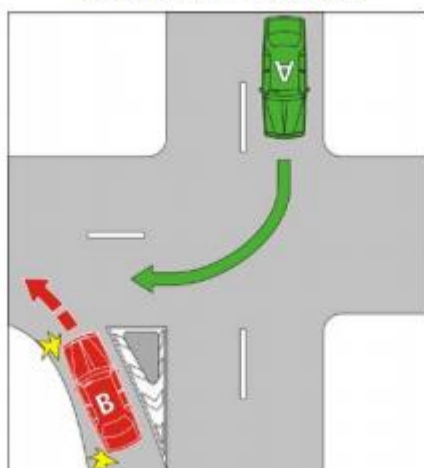
DPTI have confirmed that the give sign was installed to reinforce the existing give way road rule, DPTI did this after considering correspondence from residents and a member of parliament, and after assessing the configuration of the intersection.

Background:

Previous traffic Turning counts at the intersection, undertaken by DPTI, have indicated that twice as many vehicles travel on the Main South Road/ Main Road (Carrickalinga Road) legs as turn off to Williss Drive. It is why the “through” road of the intersection is Main South Road - Main Road.

Under Australian Road Rules provisions, Motorists turning off Main South Road and Merging into Williss Drive, via the slip lane, have had to give way to traffic turning from Main Road (see below)

Example 5
Driver turning left using a slip lane giving way to a vehicle that is turning right into the road the driver is entering



In this example, vehicle B must give way to vehicle A.

Although Give way signs are not normally installed in these situations, it appears that, given the constrained and unusual layout of the intersection, and following queries, a give way sign could have been installed at this particular intersection to reinforce this road rule.

Current investigations:

Queuing along Williss Drive, particularly during peak Summer times, have also been raised as an issue. DPTI are undertaking counts during the current January School holiday period, together with a new count during a more “typical” period for assessment, in a couple of months’ time.

10.2 Elected Member Potential Breach of Confidentiality – Cr. Trigg

I am seeking clarification on procedure when a resident informs me that an elected member has divulged information to them that is currently in confidence?

Chief Executive Response

Disclosure of information or a document in relation to which there is an order of a council or council committee under section 90 requiring the information or document to be treated confidential is a criminal offence. As such it falls within the expanded definition of 'corruption in public administration' and hence is subject to mandatory reporting to the OPI.

A breach of confidentiality outside of the above is 'misconduct in public administration' and is both misconduct under the ICAC Act and a breach of the Code of Conduct for Council Members - and must be reported to the OPI or to the Ombudsman.

A breach of confidentiality is, therefore, a matter that is reportable to an external oversight body as per the above.

11 Questions without Notice

11.1 Normanville Swimming Pontoon

Cr. Trigg – What risk assessment was performed on the new Normanville Beach Swimming Pontoon, is Council's public risk liability with the Swimming Pontoon? What is Council's responsibility should there be an accident? What would happen if someone broke their back while using the pontoon?

Chief Executive Response

Council worked with the Local Government Risk Services, Surf Life Saving SA and the Normanville Surf Life Saving Club on the risk assessment carried out for the pontoon. If there were to be an accident, Council will assess on a case by case basis.

The Chief Executive took on notice the response to what would happen if someone broke their back while using the pontoon and will provide a response at the next Council meeting.

11.2 Building Height of 9 Gold Coast Drive

C19005 Moved Cr. Olsson
Seconded Cr. Trigg

That the response to the question raised by Mr Trevor Gadd in relation to an update on the ERD Court Order to lower the height of 9 Gold Coast Drive, Carrickalinga be noted in the minutes.

CARRIED

Chief Executive Response

The 120 day timeframe for the completion of the lowering of the height of 9 Gold Coast Drive has now passed, Council Administration are meeting with the lawyers next week to determine the next course of action.

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12 Motions on Notice

12.1 Refugee Welcome Zone

C19006 Moved Cr. Rowlands
Seconded Cr. Quirke

That in a follow up to a presentation by the Fleurieu Refugee Support Group that the Chief Executive presents a report to March 2019 meeting of Council on declaring the Yankalilla district a Refugee Welcome Zone.

CARRIED

12.2 Deferral of Purchase Decision – 81-83 Andrew Avenue, Normanville

Moved Cr. Trigg
Seconded Cr. Quirke

That consideration of the purchase of 81-83 Andrew Avenue, Normanville is deferred until the following considerations are met:

1. That soil analysis to a depth of 4 metres and water table analysis is carried out by another engineering firm
2. An urban plan be developed for options of possible uses of site addressing:
 - 2.1 Community needs
 - 2.2 Retail needs
 - 3.2 Traffic management

Motion LOST

Cr. Quirke CALLED for DIVISION

In Favour	Against
Cr. Quirke	Cr. Spilsbury
Cr. Trigg	Cr. Zarins
	Cr. Rowlands
	Cr. Olsson
	Cr. O'Neil
	Cr. Rothwell
	Cr. Christie

Motion LOST

Moved Cr. Christie
Seconded Cr.

That Council seek another extension of the contract to allow further investigation and options for future planning, or if the extension is not possible, that Council withdraw the offer.

Motion LAPSED for want of SECONDER

Cr. O'Neil left the meeting at 5.02pm
Cr. O'Neil returned at 5.04pm

12.3 Protection of Sand Dunes

C19007 Moved Cr. Trigg
Seconded Cr. Quirke

That the 'Protection of the Sand Dunes' be subject to a discussion at the February 2019 Elected Member's Forum.

CARRIED

13 Motions Without Notice

Nil

14 Reports of Officers

14.1 Chief Executive Report

C19008 Moved Cr. Rothwell
Seconded Cr. Zarins

That the Report be received.

CARRIED

14.2 Strategic Purchase – 81-83 Andrew Avenue, Normanville

Moved Cr. Olsson
Seconded Cr. O'Neil

1. That the Report be received.
2. That Council in consideration of the contract to purchase the whole of the Land comprised in certificates of title Volume 5165 Folios 291 and 292 (otherwise known as 81-83 Andrew Avenue Normanville) resolves that:
 - 2.1 Council is satisfied with the due diligence process
 - 2.2 Council proceed with the purchase of the subject land
 - 2.3 The funding of the purchase be through a 15-year debenture loan from the LG Finance Authority for the full purchase price
3. That Council authorises the Chief Executive and Mayor to finalise and sign all necessary documentation (including where required the affixing of the common seal) to execute paragraph 2.
4. That on finalisation of the contract that all Council reports and minutes relating to the purchase be released from confidentiality.
5. That any changes in the use of the site be subject to full public consultation with the consultation plan at that time to be resolved by Council.

FORMAL Motion

C19009 Moved Cr. Christie
Seconded Cr. Trigg

That the Question be adjourned to Item 17.1 in the Council agenda for consideration of going into a confidential discussion and therefore not requiring the gallery to immediately exit.

CARRIED

14.3 Proposed Transfer of CWMS and Water Assets to SA Water

Cr. Olsson requested to suspend Part 2 of the Local Government (Procedures at Meetings) Regulations 2013 for up to 15 minutes to allow for informal discussion in relation to this item.

The Presiding Member, with the consent of two thirds of the members present suspended the operation of Part 2 of the Regulations for up to 15 minutes.

The Presiding Member resumed Part 2 of the Local Government (Procedures at Meetings) Regulations 2013 at 5.40pm.

C19010 Moved Cr. Rowlands
Seconded Cr. Rothwell

1. That the Report be received.
2. That Council consult with the Community on the updated information for the proposed transfer of the CWMS and Water assets to SA Water including:
 - 2.1 Distributing to all ratepayers a high level advantages and disadvantages to each category of ratepayers (Wirrina Water, Wirrina CWMS, Non-Wirrina CWMS and Non-Wirrina and CWMS) and a summary of the changes that would occur if the transfer was to proceed including the pros and cons of each change.
 - 2.2 A day time and evening Public Meeting be held at 1:30pm and 6:30pm, Friday 15 February 2019.
 - 2.3 Notifications of the consultation and public meetings to be featured in the Loop, Victor Times, Council website, Social Media and on Community notice boards.
3. That the following be updated to the advantages and disadvantages list:
 - 3.1 That the Non-Wirrina CWMS Ratepayers disadvantage should be modified from "Increase in CWMS charge if property valuation less than \$446,549 (dependent on property valuation)" To "Increase in CWMS charge if property valuation more than \$446,549 (dependent on property valuation)
4. That the following be updated to the pros and cons list:
 - 4.1 That the Council usage charge for water be stated as \$3.51 and not \$3.52 (page 158 of the agenda)

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5. That prior to distribution of all consultation material (detailed in paragraphs 2,3,4), that the material be peer reviewed and updated by independent Community Engagement Specialist, Becky Hirst to ensure that:
 - 5.1 Details are understandable and succinct
 - 5.2 Language is consistent, clear and balanced
6. That this report and attachments be provided to the Audit Committee in February 2019 for comment.
7. That all feedback from the Audit Committee and Community be presented to Council at a workshop prior to presentation to Council in March 2019 for consideration of a final decision.

CARRIED Unanimously

14.4 Request to Close and Purchase a Portion of Sorata Street

Moved Cr. Quirke
Seconded Cr. Trigg

1. That the Report be received.
2. That Council agrees that the sale price is to be negotiated by the Chief Executive or his delegate directly with the adjoining owner based on a pro-rata analysis of surrounding site values as provided by the South Australian Valuer-General.
3. That the price be brought back to Council for ratification and approval.

Motion LOST

Cr. Quirke CALLED for DIVISION

In Favour	Against
Cr. Quirke	Cr. Spilsbury
Cr. Rowlands	Cr. Zarins
Cr. Trigg	Cr. Olsson
Cr. Christie	Cr. O'Neil
	Cr. Rothwell

Motion LOST

C19011 Moved Cr. Rothwell
Seconded Cr. O'Neil

1. That the Report be received.
2. That Council commence the road closing process for the portion of Sorata Street marked A and abutting Allotment 1 in Deposited Plan 36741 contained in Certificate of Title Volume 5173 Folio 172, as shown in the Preliminary Plan at Attachment A in accordance with Section 5 of the Roads (Opening and Closing) Act 1991.
3. That Council authorise the Mayor and Chief Executive to sign and seal all necessary documentation to complete the road closure process.

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4. That Council authorise the Chief Executive or his delegate to negotiate an agreement with the owner of the land at Allotment 1 in Deposited Plan 36741 contained in Certificate of Title Volume 5173 Folio 172 to determine the terms of the Road Closure and transfer including the sale price and all associated costs with the closure to be met by the owner.
5. That Council agrees that the sale price is to be negotiated by the Chief Executive or his delegate directly with the adjoining owner based on a pro-rata analysis of surrounding site values as provided by the South Australian Valuer-General.
6. That Council approves, subject to the outcome of the road closure process and negotiated sale price, that the portion of Closed Road be merged with Allotment 1 in Deposited Plan 36741 contained in Certificate of Title Volume 5173 Folio 172.
7. That Council approves, subject to the outcome of the road closure process, that the Road be excluded from the Community Land classification in accordance with Section 193(4a) of the Local Government Act 1999.
8. That a further report to be submitted to Council tabling public consultation outcome and recommending whether a road process order should be made, and the sale proceed.

CARRIED

14.5 The Skate Art Project

C19012 Moved Cr. Trigg
Seconded Cr. Olsson

1. That the report be received.
2. That Council endorse allocating the 2018/19 budget allocation of \$10,000 for the project 'Arts activity and Youth Film Event' to Skate Art 2019 project (a combined District Council of Yankalilla (DCY) and Youth Advisory Committee (YAC) initiative).

CARRIED

14.6 SA Representatives – Australian Coastal Councils Association Committee

C19013 Moved Cr. Rowlands
Seconded Cr. Trigg

1. That the Report be received.
2. That Council vote for Nicholas Hayles to be the South Australian representative on the Australian Coastal Councils Association Committee of Management and that this decision be forwarded to the Association by close of business on Friday 1 February 2019.

CARRIED

14.7 EPA Proposed Cost Recovery Increases

C19014 Moved Cr. Christie
Seconded Cr. Zarins

1. That the Report be received.
2. That Council write to the Local Government Association to support the City of Victor Harbor request for the Local Government Association to provide strong representation of South Australian Councils against the Environment Protection Authorities proposed cost recovery increases.

CARRIED Unanimously

14.8 Tour Down Under – Expression of Interest to Host a 2020 Stage

Cr. Rowlands requested to suspend Part 2 of the Local Government (Procedures at Meetings) Regulations 2013 for up to 5 minutes to allow for informal discussion in relation to this item.

The Presiding Member, with the consent of two thirds of the members present suspended the operation of Part 2 of the Regulations for up to 5 minutes.

The Presiding Member resumed Part 2 of the Local Government (Procedures at Meetings) Regulations 2013 at 6.25pm.

C19015 Moved Cr. Rowlands
Seconded Cr. Rothwell

That the Report be received.

CARRIED

C19016 Moved Cr. Christie
Seconded Cr. O'Neil

That Council does not submit an Expression of Interest with Events SA to host a Stage for the 2020 Tour Down Under.

CARRIED

15 Regional Subsidiaries and other Organisations/Entities

15.1 Regional Development Australia Adelaide Hills, Fleurieu and Kangaroo Island

C19017 Moved Cr. Christie
Seconded Cr. Zarins

That the minutes of the Regional Development Australia Adelaide Hills, Fleurieu and Kangaroo Island meeting held on 12 December 2018 be received.

CARRIED

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15.2 Fleurieu Region Community Services Advisory Committee

C19018 Moved Cr. Quirke
Seconded Cr. Zarins

That the minutes of the Fleurieu Region Community Services Advisory Committee meeting held on 11 December 2018 be received.

CARRIED

16 Other Business/Admission of Late Items

Nil

17 Confidential Items

17.1 The resumption of Agenda item 14.2 Strategic Purchase – 81-83 Andrew Avenue, Normanville

C19019 Moved Cr. Rothwell
Seconded Cr. Christie

That pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, the Council orders that the public be excluded from the meeting with the exception of the Chief Executive, Chief Operating Officer, General Manager Customer & Community Services, Manager Finance & Procurement & Minute Secretary, on the basis that the Council considers it necessary and appropriate to act in a manner closed to the public in order to receive, discuss and consider information by way of a report and associated documents in relation to Report No 17.1 Strategic Purchase 81-83 Andrew Avenue, Normanville and the Council is satisfied that the principle that the meeting should be conducted in a place open to the public is outweighed in relation to the matter because receiving, considering and discussing the report on Report No 17.1 and associated documentation contains/involves:

(h) legal advice;

CARRIED

Meeting adjourned at 6.37pm for a short comfort break

Meeting resumed at 6.43pm

Clarification on the confidential agenda attachments were provided

The meeting was again opened to the public at 6:58pm

C19020 Moved Cr. Quirke
Seconded Cr. O'Neil

That Council be extended for a further 30 minutes up till 7.30pm.

CARRIED

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C19021 Moved Cr. Olsson
Seconded Cr. O’Neil

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4. That on finalisation of the contract that all Council reports and minutes relating to the purchase be released from confidentiality.
5. That any changes in the use of the site be subject to full public consultation with the consultation plan at that time to be resolved by Council.

CARRIED

Cr. Quirke CALLED for DIVISION

In Favour	Against
Cr. Spilsbury	Cr. Quirke
Cr. Zarins	Cr. Trigg
Cr. Rowlands	
Cr. Olsson	
Cr. O’Neil	
Cr. Rothwell	
Cr. Christie	

CARRIED

18 Closure

The meeting closed at 7.12pm.

Confirmed: As an accurate record on 19 February 2019.

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Chairperson

Item 7.1 - Elected Member's Report – Cr Trigg & Cr Quirke

Summary notes from the two community conversation meetings held 2.00pm and 6.30pm Tuesday 15 January. The purpose of the meetings was to provide information and listen to responses regarding the future possible purchase by the District Council of Yankalilla of site currently operating as the Normanville Service Station.

Attendance

2.00pm - 29 people, with Mayor Glen Rowlands, Cr Rothwell, and Cr Spilsbury, with CEO Nigel Morris and Andy Baker

6.30pm - 14 people, with Mayor Glen Rowlands, Cr Christie, and Andy Baker

Summary of responses

No	Not sure	Yes
9	5	10

Comments

No

- Premature move, notwithstanding the strategic position and nature of site, there are so many factors that need to be considered first. Traffic movement, community needs, remediation, other planning issues. Council needs to address the fundamental planning issues before diving into this process. Borrowing impact on longer term finances and rates is also a major consideration.
- This site will have massive contamination. Insufficient planning has been done for long term. However, concept of a town square and gallery is good.
- Not enough information regarding contamination.
- The contamination requires further testing. Council needs a visionary plan prior to purchase.
- More testing the contamination.
- Council is not a business, it is a statutory authority accountable to the ratepayers.
- until you have an ability to confirm just how much it will cost to remediate. If contaminated it will have potential to restrict future council use and be a money pit.
- Re proposal, no way to repay the loan. Present occupier now has an unviable business operation. Adelaide Fuel is unlikely to continue lease and trade against themselves when renewal time comes up in 2 years. Role of local government – not as a developer. Income on rates held on trust for ratepayers, not fund for developers.
- Local government role is not to be a developer with ratepayer money. Current sublease is not viable at current rent. Remediation costs are unknown. Risks are too great for prudent management. head lease would end in 2 years. Why would he renew? Sublease needs reduced rent.

Not sure

- A lot more discussion is necessary and more involvement with community is essential.
- Would be a great site for a community library, media centre, public gallery space, -that would also generate need for more car parking. Only if lots of research is done into contamination, future planning in the community.
- Awkward piece of land – needs careful thought and clarity before purchase. Without seeing site report on contamination feels as if there is a large potential for future problems. Needs more study.

- Needs considerably more planning so as to take in the impact on existing roads and businesses and the layout of the town centre.
- A lot more information needed, in preference to a developer buying it. A lot more research and planning needs to be done involving the community.
- What are the future prospects and vision for the site? Develop to what? Didn't think Council were commercial land-holders. Do not see the site as a town square. If Council take a loan, impact on residents and rates. Pending contract, re removal of tanks – cost to the council, cost to ratepayers.

Yes

- Adequate amount of analysis of site contamination and other unexpected costs. The benefit cost analysis shows that the purchase is not a major draw on rates leading to further rates increases.
- My main concern is that current sub-lessee is looked after. Still believe contamination is an issue. Look forward to seeing overall planning for town area.
- Take control but know the risks (and costs). Keep community onside.
- Has to be for the future of the town.
- Great to see Council being courageous and the site open for opportunity in the future.
- Depending on what Council aims to do with it. Certainly, no retail / business development. It has to remain open and available to all, for example, parking and open space.
- Go ahead.
- There is nobody better than the council to buy this. What an opportunity!

Item 7.2 - Elected Member's Report – Cr Trigg

Cr. Trigg attended three 'meet the public' sessions since the December meeting. Two at the Normanville Shopping Centre, the third at Yankalilla on footpath from 10am to 12midday.

Common concerns were:

- Rubbish collection at different areas over the holiday period, particularly at Carrickalinga and Parawa. Holiday makers leaving bins overflowing before collection date, bins upturned by wind, food and plastic blowing around, drawing vermin, and several snakes seen in bin area.
- Carrickalinga foreshore rubbish bins on their side in the wind, plastic going into the sea
- Wanting a focus on residents rather than tourists.
- Signage – does not capture the identity of the District.
- DCY to publish notification of meetings better – on noticeboards and In the Loop
- Footpaths – no overview plan, no disability consideration – Katherine Drive to shops - footpath non-existent.
- No bike path plan.
- Provide a register of 'what happens next' in planning.
- Swimming pontoon at Normanville – unsuitable for an open coast – safety - wave action on far side - anchoring issues – liability insurance and costs – documentation for consultation.
- Rates excessive, could be forced to move.
- No gas in the new servo.
- Yes, to sale of Servo – develop into a carpark (50%).
- No to sale of servo (50%).
- Protection of Moreton Bay trees on Jetty Road Normanville – historical evidence of local war memorial plantings, possibly the first in Australia in 1915.