



Minutes of the Council Meeting

Held on 20 March 2023

Alexandrina Council

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Minutes of the Alexandrina Council Ordinary Meeting held on Monday, 20 March 2023 commencing at 5:30 pm

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1. Opening of Meeting

An audio recording of this meeting was made for minute-taking purposes and lasted the length of the open meeting. The audio file will be available on the Council website.

Present

Deputy Mayor Bill Coomans (Acting Presiding Member), Councillors Margaret Gardner, Milli Livingston, Craig Maidment, Sue Miller, Lou Nicholson, Peter Oliver, Michael Scott and Christie Thornton.

Apologies / Leave of Absence

Mayor Keith Parkes

In Attendance

Nigel Morris (Chief Executive Officer), Matt Atkinson (Acting General Manager Community), Andy Baker (General Manager Infrastructure), Trish Kirkland (Acting General Manager Corporate), Tash Hunt (Executive Manager Office of the CEO), Tanya Cregan (Executive Assistant to the Mayor and Council Members - Minute Secretary), and other staff as required.

Gallery

A large number of members of the public in the gallery and outside the Chambers, a representative from the Victor Harbor Times, a representative from the Southern Argus, a representative from the Fleurieu Sun, and a representative from South Coast Television.

Acknowledgement of Traditional Owners

The Alexandrina Council and its communities acknowledge the Ngarrindjeri, Peramangk and Kaurna people as the traditional custodians of the lands and waters of our Council District.

Local Government Prayer

Almighty God, we humbly beseech thee to grant thy blessing upon the works of this Council, guide us in our deliberations for the advancement and the true welfare of the people of this district.

Declarations of Interest

If a Council Member has an interest in a matter before the Council, they are asked to disclose the interest to Council and provide full and accurate details of the relevant interest. Members are reminded to declare their interest before each item.

Cr Peter Oliver advised that he has a general conflict of interest at item 8.1 - Commencement of *the Local Government (Casual Vacancies) Amendment Act 2023* due to being one of the Council Members affected and advised he will remain in the Chamber, participate in the debate and vote on the matter.

Cr Peter Oliver advised that he has a general conflict of interest at item 8.13 – *Murray River Lakes & Coorong Tourism Alliance Funding Agreement* due to mention of his personal business and advised this will not affect his decision making and he will remain in the Chamber, participate in the debate and vote on the matter.

Cr Peter Oliver declared that he has a general conflict of interest at item 10.1 – *Wharf Tenancy Strategy Expressions of Interest* due to his personal business considering submitting an expression of interest in operating from the Goolwa Wharf Precinct. (recommendation 1)

Cr Peter Oliver declared that he has a material conflict of interest at item 10.1 – *Wharf Tenancy Strategy Expressions of Interest* due to his personal business having submitted an expression of interest to operate from the Chart Room and Signal Point Building One and will leave the Chamber when this matter is considered. (recommendations 2 & 4)

Confirmation of Minutes

C23075

Moved Cr Margaret Gardner seconded Cr Christie Thornton

That the Minutes of Alexandrina Council meeting held on 20 February 2023 be received as a true and correct record.

CARRIED UNANIMOUSLY

2. Adjourned Debate

2.1. Adjourned Debate - Strathalbyn Harness Racing Club proposal to purchase a portion of Lot 10 Langhorne Creek Road, Strathalbyn

Cr Craig Maidment declared a general conflict of interest due to being a life member of the Strathalbyn Harness Racing Club and advised he will remain in the Chamber, participate in the debate and vote on the matter.

Adjourned debate from 20 February 2023, Item 8.3 - Strathalbyn Harness Racing Club proposal to purchase a portion of Lot 10 Langhorne Creek Road, Strathalbyn

C23076

Moved Cr Sue Miller seconded Cr Christie Thornton

That Council notes the minutes of the Lot 10 Langhorne Creek Road Project Steering Group held 7 February and does not support the further investigation into the sale of the whole or portion of Lot 10 Langhorne Creek Road, Strathalbyn to the Strathalbyn Harness Racing Club (SHRC), and within 7 days writes to the SHRC advising of Councils decision. Further, Council acknowledges advice from the SHRC that they be removed from the Lot 10 Project Steering Group.

CARRIED

2.2. Adjourned Debate - Lot 10 Langhorne Creek Road Project Steering Group - Highlights Report

Adjourned debate from 20 February 2023, Item 8.4 - Lot 10 Langhorne Creek Road Project Steering Group - Highlights Report

C23077

Moved Cr Sue Miller seconded Cr Margaret Gardner

- 1. That Council note the Lot 10 Langhorne Creek Road Project Steering Group Minutes of the meeting held 7 February 2023; and**
- 2. That Council progress with the preparation of a Business Case for future recreational land uses at Lot 10 Langhorne Creek Road, Strathalbyn; and**
- 3. That Council progress with the preparation of an Infrastructure Investigation Report for Lot 10 Langhorne Creek Road, Strathalbyn; and**
- 4. That Council note the removal of the Strathalbyn Harness Racing Club from the Lot 10 Langhorne Creek Road Project Steering Group.**

CARRIED UNANIMOUSLY

The Acting Presiding Member sought and was granted leave of the meeting to consider Item 8.9 – *Support for non-Council owned Ovals and Halls* at this time, as it contains adjourned debate.

The meeting moved to Agenda Item 8.9 – *Support for non-Council owned Ovals and Halls* at 5.52 pm

8.9. Support for non-Council owned ovals and halls

Cr Scott declared a general conflict of interest due to being noted as a trustee for the Strathalbyn & Polo Recreation Grounds and advised he will remain in the Chamber, participate in the debate and vote on the matter.

Cr Michael Scott, with the consent of Cr Sue Miller, sought and was granted leave of the meeting to vary the motion to include the Strathalbyn & Polo Recreation Grounds to the list of recipients.

Adjourned debate from 19 December 2022, Item 8.12 – Proposed 2022-2023 Grant Recipients

C23078

Moved Cr Sue Miller seconded Cr Michael Scott

1. That the remaining \$17,634 be set aside to be distributed evenly to community-owned and managed halls and/or ovals within Alexandrina Council (excluding those who have received funding in any of the funding programs at 1-5) for maintenance of, or improvement to, or renewal of, or new infrastructure, with the only criteria being that an application must be in writing by close of business 28 April 2023 advising what the funds will be used for, and be the subject of a future council agenda item for approval in May 2023, and disbursements from this fund are made no later than 30 June 2023.

2. That the Strathalbyn Polo and Recreation Grounds be included in the list of recipients.

The outcome being TIED, the Acting Presiding Member exercised his casting vote FOR the motion and declared the motion **CARRIED**

The meeting returned to Item 3 – Deputations at 6.03 pm

3. Presentations / Deputations

3.1. Goolwa Hockey Club

Ms Dawn Birkett, President of the Goolwa Hockey Club made a deputation regarding future planning for the Goolwa Hockey Club.

The Acting Presiding Member thanked Ms Birkett for her deputation.

3.2. Affordable and Social Housing

The Acting Presiding Member advised that Ms Bronwyn Lewis has requested to defer her deputation regarding affordable and social housing, due to ill health.

3.3. Goolwa Wharf Precinct Revitalisation Project

Mr Jim Davis, on behalf of the Friends of the PS Oscar 'W' made a deputation regarding the Goolwa Wharf Precinct Revitalisation Project.

The Acting Presiding Member thanked Mr Davis for his deputation.

3.4. Goolwa Wharf Precinct Revitalisation Project

The Acting Presiding Member sought and was granted leave of the meeting for the deputation to be 10 minutes in duration.

Mr Steve Ramsey (Wharf Barrel Shed) made a deputation regarding the Goolwa Wharf Precinct Revitalisation Project.

The Acting Presiding Member thanked Mr Ramsey for his deputation.

3.5. Goolwa Wharf Precinct Revitalisation Project

Ms Janne Harris, on behalf of the Friends of the Oscar 'W', as volunteer co-ordinator of the Goolwa Riverboat Centre, made a deputation regarding the Goolwa Wharf Precinct Revitalisation Project.

The Acting Presiding Member thanked Ms Harris for her deputation.

The Acting Presiding Member sought but was not granted leave of the meeting to consider Item 7.5 – *Rescission Motion – Goolwa Wharf Precinct Revitalisation Project* at this time.

4. Petitions

Nil

5. Questions with Notice

5.1. Cr Sue Miller - Gifted Assets

Question

'Can Administration please advise the number and value annually of assets gifted to Council for financial years since 30 June 2018?'

Answer

The table below provides the number and value of gifted assets by financial year since 30 June 2018.

Year	Number of Assets	Current Asset Value
FY 2018-19	186	\$419,463.03
FY 2019-20	394	\$1,687,034.10
FY 2020-21	397	\$1,176,396.58
FY 2021-22	544	\$2,558,227
FY 2022-23*	771	\$3,187,045

*Figures are year to date as at 17/3/2023

5.2. Cr Lou Nicholson - Middleton Creek Management Plan

1. *'What clean-up has Council done in Middleton Creek?'*
2. *'What additional work does Council need to do in the Creek and what is the timeline for completion of this work?'*
3. *'Who owns the various segments of the creek line in the catchment area?'*
4. *'For all creeks in Alexandrina:*
 - 4.1 *'What are the roles and responsibilities of individual owners of the land?'*
 - 4.2 *'What activity requires authorisation to complete, and what agency provides this?'*
 - 4.3 *'What authority does Council have to enforce required action in the creek line?'*

Answer

1. *What clean-up has Council done in Middleton Creek?*

- i. Selected flood related vegetation removal
- ii. Assorted rubbish removal
- iii. Stones placed around skate ramp to secure concrete
- iv. Reporting to Aboriginal Affairs and Reconciliation SA for finding of historic Aboriginal use of the area.
- v. Ramp works
- vi. Small pieces of asbestos removed by contractor (continued monitoring and removal of asbestos as required/identified)

2. *What additional work does Council need to do in the Creek and what is the timeline for completion of this work?*

Council is currently out to tender for design and construction contracts to repair/replace the two affected pedestrian bridges.

1. Contract award – Mid April
2. Current timeframes for completed IFC detailed designs are around 3 months
3. Construction timeframes will be unknown until the tenders have been evaluated, however we are hopeful that work will be complete prior to the 2023/2024 Summer period.

No further work is programmed for the creek from the Assets Team, however the outcome of a hydrology assessment of the catchment may propose future works.

3. *Who owns the various segments of the creek line in the catchment area?*

There is a catchment area of approximately 20 km² north of Middleton. This encompasses the land of numerous private landowners. From the rail corridor to the sea, the creek is for a short distance on road reserve owned by Council and for the remainder of the distance it traverses a reserve in the freehold ownership of Council. Determining the ownership of the 'drain' sections through Middleton is not a straightforward matter. Middleton was originally a township privately developed by Mr Thomas Higgins in the 1850s. Evidence from Land Services SA indicates that Mr Higgins had purchased the land in 1849. General Registry Office Plan 508 of 1856 laid out the township and all of the land was owned by Mr Higgins at that time. The 'drain' sections are shown on this plan, indicating that Mr Higgins had already channelled the creek through the township, or was intending to do so in the near future. This is what is referred to as 'old system land' because it has never been brought under the *Real Property Act 1886* (RPA) and it has never had a certificate of title. If the land has ever been transferred, it was prior to 1886 when the RPA was introduced. Investigations of old system land rely on inspection of original non-digitised documents, which is a slow process. A search is continuing for any evidence that the 'drain' land may have been transferred from Mr Higgins, either to the Council of the day or to any other person. At this point no such evidence has been found and it is probable that the 'drain' land remains in the ownership of the estate of Mr Higgins, who died in 1899.

As per Attachment 1.

4. *For all creeks in Alexandrina:*

4.1 *What are the roles and responsibilities of individual owners of the land?*

Landscapes Board have authority and education programs for individual owners of land with creeks for weeds, protecting banks and animal controls, landowners are responsible to apply for a water affecting activity permits or discuss with the Landscapes team prior to undertaking works, Abiding by Native Vegetation Council Act and Legislation, any EPA requirements.

4.2 What activity requires authorisation to complete, and what agency provides this?

1. Should Council need to enter DEW and/or other private lands, agreements would need to be sought and negotiated prior to entering and undertaking any works.
2. Water Affecting Activity Permit from Landscape Board for works along water ways
3. Ngarrindjeri monitoring and liaison
4. Coast Protection Board for works at the beach/outfall end
5. Native Vegetation Removal proposal from Native Vegetation Council

4.3 What authority does Council have to enforce required action in the creek line?

1. Council can enforce dumping (of asbestos and other debris) on our land and we can report to State Government Authorities any breaches
2. Bushfire prevention control measures via Council's Community Safety Team
3. Send letters to property owners to support waterway restoration initiative (In good faith gesture)

6. Questions without Notice

Cr Sue Miller:

Question 1

Further to council resolution C23042 of 20 February 2023 council meeting (also unanimous) which resulted in the roundtable discussion on 8 March 2023 between the Mayor and the CEO and Friends of PS Oscar W on governance matters and a path forward:

- a. Who was in attendance at that roundtable discussion?
- b. Were they all committee members?
- c. What were the outcomes or actions agreed to?
- d. When will the notes be provided to Council Members?
- e. Is the PS Oscar W a publicly-owned asset?

Response 1

The notes of the meeting held on 8 March 2023 will record the answers to the above questions. The notes are proposed to be distributed to Council Members on 21 March 2023.

The PS Oscar W is a council-owned community asset.

Question 2

When I speak to Deputy Mayor Cooman's motions at Item 7.5 later in this agenda, if I wish to extensively reference the contents of a confidential and commercially sensitive document titled "Goolwa Wharf Shed Commercial Review and Discussion Paper" that was provided to Council Members in a confidential email on 19 January 2023 and contains very pertinent commercial data and analysis we have not had a chance to consider in the chamber, how can I reference that document tonight?

Response 2

If you need to ask questions of a confidential nature, you can ask the Presiding Member if they can be considered in confidence.

Question 3

When will Council Members see, as requested of the administration via unanimous resolution CM23018 – part 2 - of 16 January 2023 (that's 2 months ago), the analysis of the governance, financials and risk management practices of the PS Oscar W?

Response 3

A report is proposed to be presented at the Council meeting on 17 April 2023.

Question 4

The Friends of the PS Oscar W workshop site at the Northern end is in a high foot traffic area and for cruise events poses an inherent risk to public and volunteer safety - has there ever been a formal risk assessment done as to undertaking mechanical activities and loading wood in areas that are considered pedestrian walkways and that it could be said cause access conflicts with pedestrians walking along the wharf at both the Northern end and Southern end so that we can understand the inherent risks, and make a comparison between the mitigated risk assessments?

Response 4

Council team members attend Oscar W meetings on Wednesdays, where discussion on these matters do occur.

Question 5

In a letter from Council to Friends of Oscar W dated 24 February 2020, and Friends of Oscar W Inc's reply dated 8 April 2021 (over a year later), there is reference to the expired Memorandum of Understanding (MOU) between Council and The Friends, and the development of a long term management model where the insurance and WHS issues are resolved to ensure continued maintenance and operation of the PS Oscar W. Has that work been completed, and if not, what is causing the delay?

Response 5

The Memorandum of Understanding refers to a space within the shed that has not yet been determined by Council. Once that space has been determined the MOU can reference that space and be finalised.

Question 6

Is it correct that the petition tabled for the second time at the 19 September 2022 Council meeting with 1056 signatures had been confirmed as having only 784 valid signatures?

Is it correct that in terms of the LG Act, a petition is only a count for one side of an argument?

Response 6

Yes.

A petition is not a vote, a petition is one sided.

Question 7

Why is it that when a question is asked about the financials, it is taken to be dismissive or to have disregard for history and being disrespectful to the volunteers?

Response 7

This was considered a statement and not a question and therefore not answered.

Question 8

Is it correct that on 27 February 2023 council members were advised that across the 8 categories of volunteers, which included the PS Oscar W volunteers – totals were 19,980 hours – equivalent labour cost \$819,190?

Response 8

There are a number of volunteers throughout the organisation, with over 9,000 hours by the PS Oscar W volunteers.

Question 9

How much does Council contribute annually to the maintenance and operation of the PS Oscar W?

Response 9

The PS Oscar W is not self-funded. It costs Council approximately over \$100,000 to put the PS Oscar W on Slip (every two years). Income is received from cruises, but financially it runs at a loss.

Question 10

Is there any difference between someone who volunteers for Alexandrina Council (e.g. in the visitor information centre, libraries, cemeteries, galleries, events, Centenary Hall, Open Spaces) and those who volunteer for the PS Oscar W?

Response 10

A report will be presented for the Council meeting on 17 April 2023, which will include various governance matters in relation to the Friends of the Oscar W running the PS Oscar W.

Question 11

Has anyone considered the risk to this important historical asset if it were to sink? All of that history and the magnificent physical historical record would be gone!

Who pays for any damage to the PS Oscar W?

Response 11

Yes, all risks are considered.

Council pays for insurance; a current insurance claim is in process for the recent damage caused to the Oscar W.

C23079

Moved Cr Sue Miller seconded Cr Craig Maidment

That the Questions without Notice from Cr Sue Miller, and responses, be recorded in the minutes.

CARRIED UNANIMOUSLY

7. Notice of Motions

7.5. Cr Bill Coomans - Rescission Motion - Goolwa Wharf Precinct Revitalisation Project

The Acting Presiding Member sought and was granted leave of the meeting to consider Item 7.5 – *Cr Bill Coomans - Rescission Motion – Goolwa Wharf Precinct Revitalisation Project* at this time.

The meeting moved to Item 7.5 – *Cr Bill Coomans - Rescission Motion – Goolwa Wharf Precinct Revitalisation Project* at 7.12 pm.

The Notice of Motions appearing below were submitted by Cr Bill Coomans. As Cr Bill Coomans, Deputy Mayor is Acting Presiding Member of this meeting due to Mayor Parkes being absent, Cr Peter Oliver moved the Notices of Motion on Cr Bill Cooman's behalf.

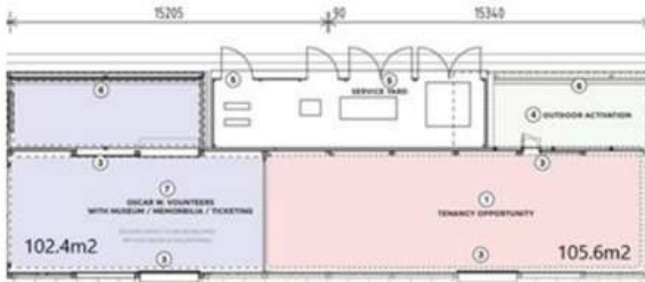
C23080

Moved Cr Peter Oliver seconded Cr Michael Scott

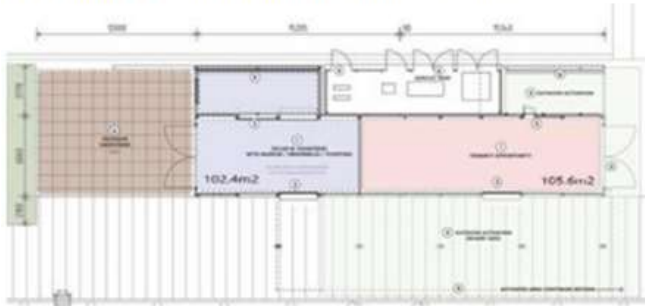
That the Council decision (C23037) made by Council at its meeting on 20 February 2023 at item 2.2 as follows:

Moved Cr Christie Thornton seconded Cr Margaret Gardner

That the internal allocation of the space within the Wharf Shed be provided as follows (Oscar W = 102.4m² and Commercial Tenant = 105.6m²):



With additional external allocation as indicated below:



CARRIED

be revoked in its entirety.

FORMAL MOTION

Moved Cr Sue Miller seconded Cr Christie Thornton

That the question be adjourned for consideration in confidence after item 10.1 – *Wharf Tenancy Strategy Expression of Interest* later in this meeting.

The outcome being TIED, the Acting Presiding Member exercised his casting vote AGAINST the motion and declared the motion **LOST**

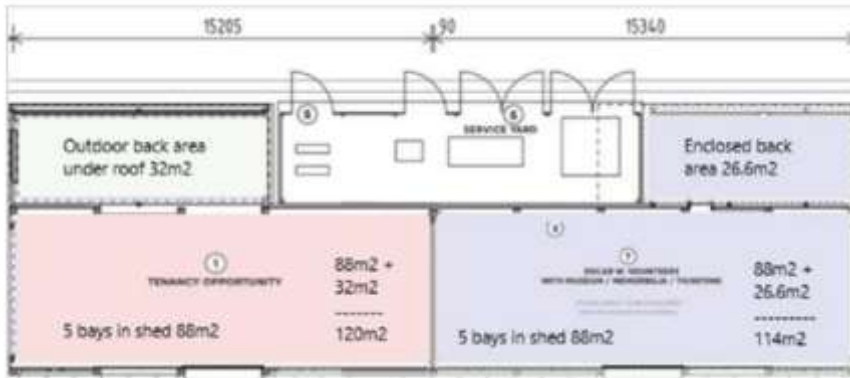
The original motion was put.

The outcome being TIED, the Acting Presiding Member exercised his casting vote FOR the motion and declared the motion **CARRIED**

Moved Cr Peter Oliver

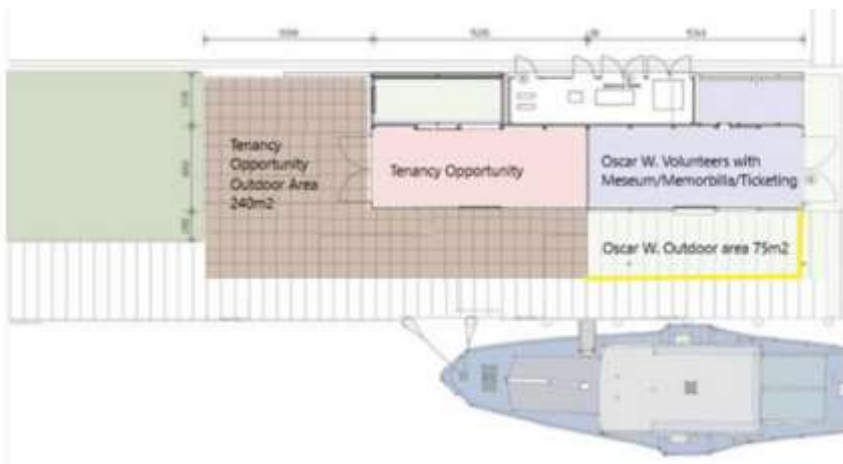
1. That the internal allocation of the space within the Wharf Shed be allocated as follows:
 - a. That the Wharf Shed be split in half with the commercial tenancy space and the Oscar W facilities each being equally allocated 5 bays.
 - b. That the Oscar W volunteers facilities including museum/memorabilia/ticketing:
 - i. remain in the current position of the North Side of the Wharf Shed.
 - ii. have the space at the back of the shed that previously housed toilets be fully enclosed.
 - c. That the Commercial Tenancy Opportunity:
 - i. remain in the current position of the South Side of the Wharf Shed.
 - ii. have the space at the back of the shed that previously housed the toilets be an under roof outdoor area.
 - d. That the plans be updated to reflect the above allocations, including the previously defined glazing requirements.

2. That Council note the following visual representation of the internal space with approximate size allocations:



3. That the Oscar W Paddle Steamer remain moored on the North Side of the Wharf Shed.

4. That the outdoor approximate areas made available to the commercial tenancy and Oscar W volunteer facilities provided as below:



LAPSED
for want of a seconder

C23081

Moved Cr Peter Oliver seconded Cr Lou Nicholson

1. That the internal allocation of the space within the Wharf Shed be allocated as follows;

a. That the Wharf Shed be split in half with the commercial tenancy space and the Oscar W facilities each being allocated 5 bays.

b. That the Oscar W volunteers facilities including museum/memorabilia/ticketing:

i. Move to the South Side of the Wharf Shed.

ii. have the space at the back of the shed under the roof that previously housed toilets be fully enclosed.

iii. that the plans be updated to provide additional overhead coverage adjacent to the shed (where the current external shed roof does not currently extend at the Southern end with approximate location illustrated in yellow below) to protect patrons from the weather that meets heritage requirements.

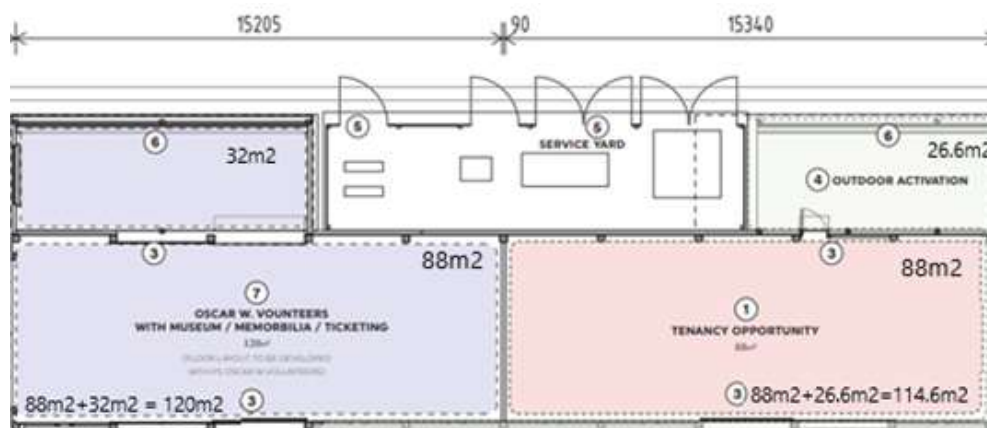
c. That the commercial tenancy opportunity:

i. Move to the North Side of the Wharf Shed.

ii. have the space at the back of the shed that previously housed the toilets be an under roof outdoor area.

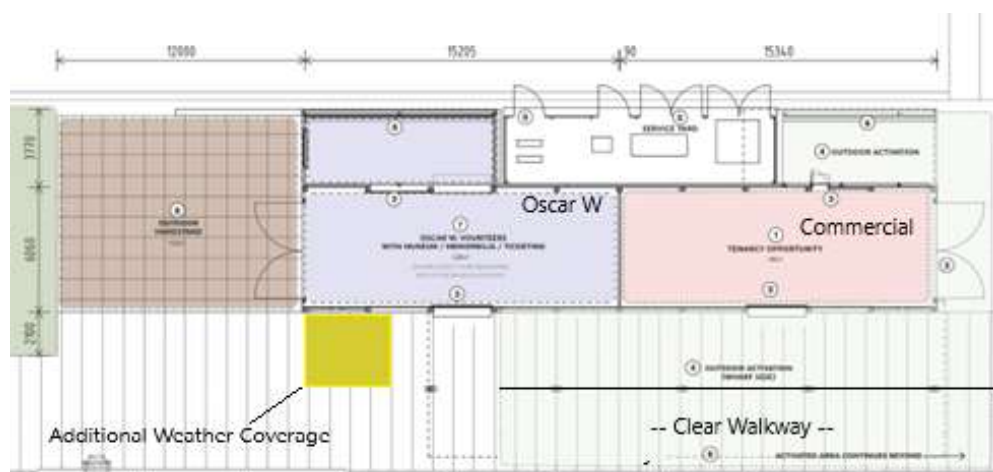
d. That the plans be updated to reflect the above allocations.

2. That Council note the following visual representation of the internal space with approximate size allocations:



3. That the Oscar W Paddle Steamer be moored the South Side of the Wharf Shed.

4. That the outdoor approximate areas made available to the commercial tenancy and Oscar W volunteer facilities provided as below noting a clear walkway through the outdoor area for the commercial tenant:



The outcome being TIED, the Acting Presiding Member exercised his casting vote FOR the motion and declared the motion **CARRIED**

A Division was requested by Cr Margaret Gardner.

The Acting Presiding Member declared the vote set aside.

Voting in the AFFIRMATIVE	Voting in the NEGATIVE
Cr Peter Oliver	Cr Christie Thornton
Cr Michael Scott	Cr Sue Miller
Cr Milli Livingston	Cr Craig Maidment
Cr Lou Nicholson	Cr Margaret Gardner
Cr Bill Coomans (casting)	

The Acting Presiding Member declared the motion **CARRIED**

C23082

Moved Cr Craig Maidment seconded Cr Michael Scott

That the Alexandrina Council Audit and Risk Committee place on their workplan a detailed look at the financial aspects of the commercial tenancy of the Wharf Shed taking into account the significant funds to be spent and additional infrastructure provided and offer advice to Council on acceptable annual rates for the shed and any external areas Council may consider incorporating into the future lease.

The outcome being TIED, the Acting Presiding Member exercised his casting vote FOR the motion and declared the motion **CARRIED**

C23083

Moved Cr Sue Miller seconded Cr Margaret Gardner

That the Alexandrina Council Audit and Risk Committee place on their workplan a detailed look at the financial aspects of the PS Oscar W in the Wharf Shed taking into account the significant funds to be spent and additional infrastructure provided and offer advice to Council on acceptable annual rates for the shed and any external areas Council may consider incorporating into the future lease.

CARRIED

C23084

Moved Cr Sue Miller seconder Cr Craig Maidment

That the document titled '*Goolwa Wharf Shed Commercial Review and Discussion paper*' as circulated to Council Members in a confidential email 19 January 2023, be released from confidence, with any redactions identified by the CEO (if required).

CARRIED

The meeting returned to Item 7.1 – *Cr Lou Nicholson – Parking corner of North Terrace and Montpelier Terrace, Port Elliot* at 8.18 pm

7.1. Cr Lou Nicholson - Parking corner of North Terrace and Montpelier Terrace, Port Elliot

The meeting adjourned for a short recess at 8.19 pm

The meeting resumed at 8.29 pm

C23085

Moved Cr Lou Nicholson seconded Cr Peter Oliver

That the correspondence from Kathy Burns of Port Elliot, received via email on 7 January 2023, be noted by Council as per her written request.

CARRIED UNANIMOUSLY

7.2. Cr Sue Miller - Addressing gaps in Transport Options in the North Ward

C23086

Moved Cr Sue Miller seconded Cr Craig Maidment

That Council:

- 1. Note the recommendations of the 'Report of the Select Committee on Public and Active Transport' in particular recommendations 1, 2, 9 and 10;**

2. Write to the Premier and Minister for Transport requesting a meeting to scope out introducing a 6-month trial of a Keoride service in the North Ward to obtain data to inform the merits of permanently introducing this service. The trial, as a minimum, to include Langhorne Creek, Strathalbyn, Woodchester, Ashbourne and the South Ward townships of Milang and Finniss if possible; and
3. Review as a priority Council's agreement with Hills Community Transport with a view to increasing support in the draft Annual Business Plan and Budget 2023/24 for Alexandrina Council residents under this arrangement who reside in the North Ward, and the South Ward townships of Milang and Finniss.

CARRIED UNANIMOUSLY

7.3. Cr Sue Miller - Infrastructure Agreements with Developers

C23087

Moved Cr Sue Miller seconded Cr Craig Maidment

That, given answer 3b) to my Questions on Notice 5.4 'Developer Contributions towards Infrastructure External to Development Sites' asked at the 20 February 2023 council meeting, that Council Members and the Audit and Risk Committee be provided as soon as practicable, a list or register of all Infrastructure Agreements entered into with developers since January 2018.

CARRIED

7.4. Cr Sue Miller - Development of an Internal Audit Program

C23088

Moved Cr Sue Miller seconded Cr Lou Nicholson

That Council consider including in the draft Annual Business Plan and Budget 2023/24, and annually after that, an appropriate budget allocation for a 3-Year Internal Audit Program to review policy and procedures for the management and reporting to Council and Community for the following:

- Gifted Assets
- Infrastructure Agreements with Developers
- Community Donations
- Any other topic identified by the Audit and Risk Committee or Council's Strategic Risk Register rated equal to or above High Risk

CARRIED

7.5. Cr Bill Coomans - Rescission Motion - Goolwa Wharf Precinct Revitalisation Project

Considered earlier in this meeting.

7.6. Cr Michael Scott - Dogs and Sporting Facilities

Moved Cr Michael Scott seconded Cr Christie Thornton

1. That in accordance with Clause 10 of Alexandrina Council Dogs By-Law 2016, a person must not allow a dog under that person's control, charge or authority (except an assistance dog or at dog related events) to enter or remain on the playing fields of the following ovals:
 - Ashbourne Oval
 - Finniss Oval

- Goolwa Oval
- Langhorne Creek Oval
- Milang Oval
- Mount Compass Burgess Oval
- Mount Compass Town Oval
- Port Elliot Oval
- Strathalbyn Oval
- Strathalbyn Polo Recreation Grounds

2. That appropriate signage be displayed at each location advising of the prohibition.

LOST

7.7. Cr Michael Scott - Middleton Storm Event - Council Rates

Cr Michael Scott advised that he wished to withdraw his Notice of Motion – *Middleton Storm Event – Council Rates* given that a similar motion will be considered in Notice of Motion at Item 7.9.

7.8. Cr Michael Scott - Middleton Storm Event - Road Repairs

C23089

Moved Cr Michael Scott seconded Cr Milli Livingston

That roads damaged in the Storm Event of 12 November 2022, that have sections which pose a threat to road safety, receive remedial attention as soon as possible.

CARRIED

7.9. Cr Lou Nicholson - Alexandrina Disaster Response

C23090

Moved Cr Lou Nicholson seconded Cr Peter Oliver

That Administration:

Immediately commission hydrologist services up to the value of \$45,000 (with budget adjustments at the 3rd quarter budget review) with the resulting report presented to Council to:

- **Provide much needed answers to Middleton Residents including:**
 - **Determine the Middleton Stormwater Catchment Area**
 - **Investigate the flow that occurred on 12 November 2022**
 - **Model future rainfall, the effect, and the likelihood of it occurring again**
 - **Determine the effect of the tree caught under the Middleton Bridge on the day of the event**
 - **Determine what mitigation measures can be put in place by Council and other agencies to assist in future events, including indicative budget estimates for any future work to occur**

CARRIED

C23091

Moved Cr Lou Nicholson seconded Cr Milli Livingston

That Administration:

Develop a report on what it would take to produce a Disaster Response Plan (based on examples of excellence in this field) and build capacity to respond to future disasters in our region that includes:

- **Defined mechanisms for activating the Disaster Response**
- **Defined roles and accountability for the response**
- **Specific community support strategy**
- **Investigation of suitable public consultation**

CARRIED

Moved Cr Lou Nicholson seconded Cr Peter Oliver

That Administration send a letter to each known Alexandrina resident and business impacted by the 12 November 2022 storm event, to acknowledge the ongoing impact of the event, provide an update on council actions and priorities, give information about available disaster services, support and resources (council specific and external agencies), invite questions and feedback.

LOST

Moved Cr Lou Nicholson seconded Cr Michael Scott

That in order to facilitate consideration of financial relief to flood affected residents across Alexandrina:

- **That the 2022/23 Rate Rebate Application Form as per Attachment 1 at Item 7.9 of this meeting agenda, be updated to allow applications from ratepayers affected by flood events.**
- **That Council distribute the updated Rate Rebate Application Form and the Valuer General Fact Sheet (that details valuations adjustments due to natural disasters) as per Attachment 2 at Item 7.9 of this meeting agenda, on Council's website, social medial channels and currently identified properties.**
- **That Rate Rebate Applications be due to return at the end of April 2023 and presented to the May 2023 Council Meeting for Council consideration.**

LOST

C23092

Moved Cr Sue Miller seconded Cr Christie Thornton

That in accordance with clause 35 of Council's Code of Practice – Council Meeting Procedures, this Council meeting continue beyond 10.00 pm to consider remaining items of business to be identified by the Chief Executive Officer.

CARRIED

C23093

Moved Cr Lou Nicholson seconded Cr Michael Scott

That Administration provide on application 'Free Waste Dumping Vouchers' for flood damaged material equivalent to two 8 by 5 Trailer Loads for those unable to cover the costs by insurance.

CARRIED

C23094

Moved Cr Lou Nicholson seconded Cr Michael Scott

That Council encourage residents across Alexandrina to establish personal household disaster plans through making links/resources available on the council website and through council communications (e.g. newsletter, social media).

CARRIED

C23095

Moved Cr Sue Miller seconded Cr Craig Maidment

That the agenda items be reordered for consideration at this meeting as follows:

- 8.1 Commencement of the Local Government (Casual Vacancies) Amendment Act 2023
- 8.2 Middleton Deferred Urban Code Amendment
- 8.6 Local Roads & Community Infrastructure (LRCI) Program – Phase 4 (Dalveen Road Bridge Renewal and Clayton Bay Toilet Upgrade)
- 8.7 Chiton Rocks Public Toilet – Redirection of Sewer
- 8.10 Re-appointment of Fleurieu Regional Aquatic Centre Authority Chairperson and appointment of Executive Officer
- 8.15 Community Donation Program – Goolwa Bowling Club
- 8.23 Chief Executive Officer Report
- 10.3 (Confidential) Strategic Land Program Proposed Land Purchase, Strathalbyn
- 10.4 (Confidential) Strategic Land Program Proposed Land Purchase, Goolwa

With the remaining items on this meeting agenda to be adjourned for consideration at a date and time to be decided later in this meeting.

CARRIED UNANIMOUSLY

8. Administration Reports

8.1. Commencement of the Local Government (Casual Vacancies) Amendment Act 2023

Cr Peter Oliver left the chamber at 10.08 pm

Cr Peter Oliver had declared a general conflict of interest at item 8.1 - Commencement of *the Local Government (Casual Vacancies) Amendment Act 2023* due to being one of the Council Members affected.

C23096

Moved Cr Milli Livingston seconded Cr Lou Nicholson

That Council note that:

1. the *Local Government (Casual Vacancies) Amendment Act 2023* commenced operation on 9 March 2023; and
2. the effect of this Act is to provide that the office of Alexandrina South Ward, occupied by Cr Peter Oliver and Alexandrina West Ward, occupied by Cr Michael Scott, is taken not to be, and to never have been, vacant as a result of the ordinary operation of Section 54(1)(h) of the *Local Government Act 1999*.

CARRIED UNANIMOUSLY

8.2. Middleton Deferred Urban Code Amendment

C23097

Moved Cr Craig Maidment seconded Cr Margaret Gardner

That Council endorses the letter per Attachment 1 at Item 8.2 of this meeting agenda as a suitable response to the Middleton Code Amendment affecting the land at Allotment 104 Port Elliot Road and Allotment 105 Mindacowie Terrace, Middleton, as proposed by the Designated Entity, Gums ADHI Pty Ltd which:

- supports the rezoning of the land for residential purposes;
- recommends the Neighbourhood Zone be considered as a more suitable alternative; and
- requests that the Urban Tree Canopy Overlay be applied.

Cr Peter Oliver returned to the Chamber at 10.10 pm

CARRIED

8.6. Local Roads & Community Infrastructure (LRCI) Program - Phase 4 (Dalveen Road Bridge Renewal and Clayton Bay Toilet Upgrade)

C23098

Moved Cr Sue Miller seconded Cr Margaret Gardner

1. That Council endorse two (2) projects listed in the table below as the 'grant activity' to be included in the Local Roads and Community Infrastructure (LRCI) Program – Phase 4:

LOCATION	ESTIMATED COST
Dalveen Road Bridge Renewal	\$200,000
Clayton Bay Toilet Upgrade - Including Ambulant and accessibility access	\$485,920
Total Funding	\$685,920

2. That Council update the Long Term Financial Plan and Annual Business Plan and Budgets to incorporate the additional grant funding and associated expenditure.

CARRIED UNANIMOUSLY

8.7. Chiton Rocks Public Toilet - Redirection of Sewer

C23099

Moved Cr Michael Scott seconded Cr Lou Nicholson

1. That to mitigate risk, that Council approves an immediate capital budget expenditure of \$99,000 to connect the Chiton Rocks Public Toilet to the SA Water sewer system.
2. That the Capital Budget adjustment be processed at the third quarter budget review.

CARRIED UNANIMOUSLY

8.9. Support for non-Council owned ovals and halls

Considered earlier in this meeting at Item 2 – Adjourned Debate.

8.10. Re-appointment of Fleurieu Regional Aquatic Centre Authority Chairperson and appointment of Executive Officer

C23100

Moved Cr Margaret Gardner seconded Cr Lou Nicholson

1. That Council endorse the re-appointment of Steve Matthewson as the Independent Chairperson of the Fleurieu Regional Aquatic Centre Authority for 12 months, expiring on 20 April 2024, subject to City of Victor Harbor resolving the same way.
2. That Alexandrina Council endorse the Fleurieu Regional Aquatic Centre Authority (FRACA) resolution (FRACA00612) to appoint the Executive Officer role as follows:

*Moved: Cr Angela Schiller
Seconded: Cr Margaret Gardner*

The Authority Board:

- *Receive and note the report;*
- *Appoint Victoria MacKirdy to act as Executive Officer of the Authority from 3 March 2023 until 31 March 2023;*
- *Appoint Kellie Knight-Stacey to act as the Executive Officer of the Authority from 1 April 2023 until the completion of the Review of Authority Support Arrangements are undertaken and a formal and ongoing arrangement is determined for the role; and*
- *Respond to City of Victor Harbor CEO to formally thank them for their support of the Authority.*

CARRIED UNANIMOUSLY

8.15. Community Donation Program - Goolwa Bowling Club

C23101

Moved Cr Christie Thornton seconded Cr Craig Maidment

That Council does not approve the Community Donation Program Application from the Goolwa Bowling Club for the amount of \$2,500 for financial assistance to subsidise the cost of commemorative Polo Shirts for their Centenary celebrations on 21 - 23 May 2023.

CARRIED

8.23. Chief Executive Officer Report

C23102

Moved Cr Margaret Gardner seconded Cr Sue Miller

1. That the Chief Executive Officer's Report for March 2023 be received.
2. That Council authorises the Chief Executive Officer (on an ongoing basis) to appoint one of his three General Managers during periods of absence of the Chief Executive Officer.
3. That Council note that the Chief Executive Officer will be out of the country on annual leave from 24th March to 31st March 2023.
4. That Council note that the Chief Executive Officer has been appointed to Regional Development Australia Adelaide Hills, Fleurieu & Kangaroo Island

CARRIED UNANIMOUSLY

Cr Michael Scott left the Chamber at 10.33 pm

9. Council Member Reports

10. Confidential Items

10.3. (Confidential) Strategic Land Program Proposed Land Purchase, Strathalbyn

C23103

Moved Cr Sue Miller seconded Cr Milli Livingston

Pursuant to section 90(2) of the *Local Government Act 1999*, the Council orders that all members of the public be excluded, with the exception of the Chief Executive Officer, General Manager Infrastructure, Acting General Manager Community, Acting General Manager Corporate, Executive Manager Office of the CEO, Manager Property & Procurement Services, Executive Assistant to the Chief Executive Officer and Executive Assistant to the Mayor and Council Members on the basis that it will receive and consider Item 10.3 (Confidential) Strategic Land Program Proposed Land Purchase, Strathalbyn.

The Council is satisfied, pursuant to section 90 (3)(d) of the Act, that the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which:

- could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
- would, on balance, be contrary to the public interest.

The Council is satisfied that the principle that the meeting should be conducted in a place open to the public has been outweighed in the circumstances because this agenda item contains official and sensitive government information relating to property and provided in good faith.

CARRIED UNANIMOUSLY

Cr Michael Scott returned to the Chamber at 10.35 pm

C23105

Moved Cr Sue Miller seconded Cr Lou Nicholson

1. That having considered Agenda Item 10.3 (Confidential) Strategic Land Program Proposed Land Purchase, Strathalbyn in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999* the Council, pursuant to section 91(7) of the *Local Government Act 1999*, orders that the minutes, report and attachments and audio recording relative to the Agenda Item 10.3 (Confidential) Strategic Land Program Proposed Land Purchase, Strathalbyn be retained in confidence until further order.
2. That pursuant to section 91(9)(c) of the *Local Government Act 1999* the Council delegates to the Chief Executive Officer the power to revoke, in whole or in part, the order made in paragraph 1 of this resolution.

CARRIED UNANIMOUSLY

10.4. (Confidential) Strategic Land Program Proposed Land Purchase, Goolwa

C23106

Moved Cr Lou Nicholson seconded Cr Michael Scott

Pursuant to section 90(2) of the *Local Government Act 1999*, the Council orders that all members of the public be excluded, with the exception of the Chief Executive Officer, General Manager Infrastructure, Acting General Manager Community, Acting General Manager Corporate, Executive Manager Office of the CEO, Manager Property & Procurement Services, Executive Assistant to the Chief Executive Officer and Executive Assistant to the Mayor and Council Members on the basis that it will receive and consider Item 10.4 (Confidential) Strategic Land Program Proposed Land Purchase, Goolwa.

The Council is satisfied, pursuant to section 90(3) (b) of the Act, that the information to be received, discussed or considered in relation to this 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; and
- would, on balance, be contrary to the public interest.

The Council is satisfied that the principle that the meeting should be conducted in a place open to the public has been outweighed in the circumstances because this agenda item contains confidential financial information relating to property ownership.

CARRIED UNANIMOUSLY

C23108

Moved Cr Michael Scott seconded Cr Sue Miller

1. That having considered Agenda Item 10.4 (Confidential) Strategic Land Program Proposed Land Purchase, Goolwa, in confidence under section 90(2) and (3)(b)(i)(ii) of the *Local Government Act 1999* the Council, pursuant to section 91(7) of the *Local Government Act 1999*, orders that the minutes, report and attachments and audio recording relative to the Agenda Item 10.4 (Confidential) Strategic Land Program Proposed Land Purchase, Goolwa be retained in confidence until further order.
2. That pursuant to section 91(9)(c) of the *Local Government Act 1999* the Council delegates to the Chief Executive Officer the power to revoke, in whole or in part, the order made in paragraph 1 of this resolution.

CARRIED UNANIMOUSLY

11. Adjournment

FORMAL MOTION

C23109

Moved Cr Milli Livingston seconded Cr Peter Oliver

That due to the lateness of the hour, this Council meeting be adjourned to Monday 3 April 2023 commencing at 5.30 pm.

CARRIED

The Acting Presiding Member declared the meeting adjourned at 10.54 pm

MINUTES CONFIRMED.....DATE.....

Deputy Mayor Bill Coomans

Attachment 1 - Middleton Creek land ownership

The following details the Middleton Creek Ownership for highlighted area below:



Ownership is defined in the following pages defined by the letter on the following map:



MIDDLETON CREEK LAND

A

ACT3745/142 – Owned by Council



B

Road Reserve – Owned by Council

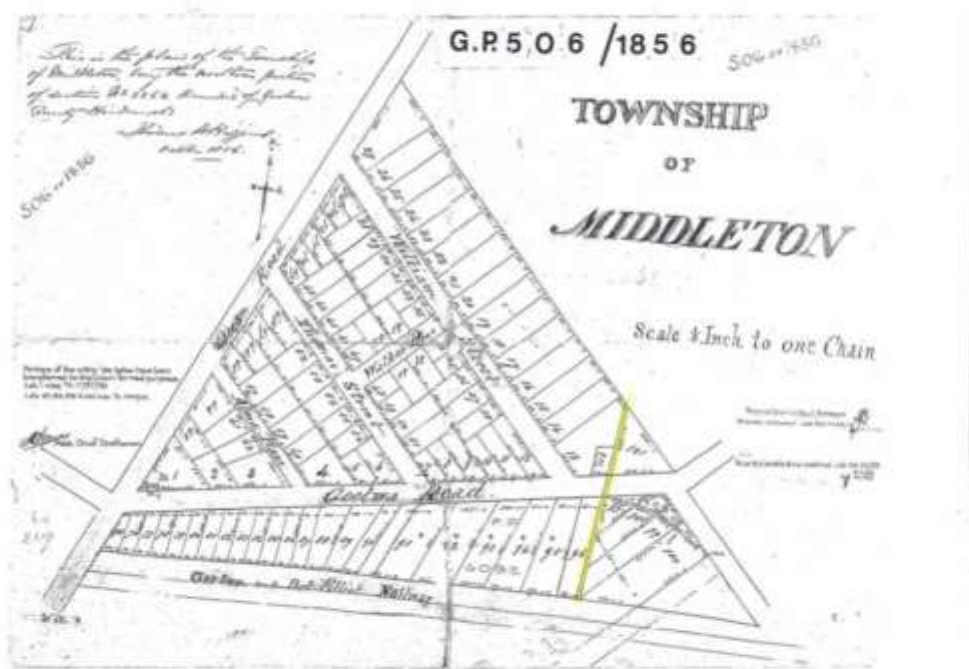


C

CR5747/58 – Unalienated Crown land – Rail corridor



Between C and D – Highlighted in yellow below – Yet to be determined – Seeking Legal Advice



D

CT5425/549 – Owned by Private Ownership



E

CT6148/779 – Owned by Private Ownership



F

CT5260/155 – Owned by Private Ownership



G

CT5260/156 – Owned by Private Ownership



H

CT6104/715 – Owned by Private Ownership



I

CT6104/714 – Owned by Private Ownership



MIDDLETON CREEK CATCHMENT AREA



