# **DISTRICT COUNCIL OF CEDUNA**

MINUTES OF THE ORDINARY MEETING OF COUNCIL held at the Council Chamber, 44 O'Loughlin Terrace, Ceduna, on Wednesday 17 May 2017 at 4:15pm.

#### PRESENT

His Worship the Mayor AJ Suter, Councillors LA Brown, IP Bergmann, PG Brown, PC Codrington ESM, KR Maynard and GA Ryan.

GM Moffatt (Chief Executive Officer), MS Hewitson (Manager Governance), GK Drummond (General Manager Operations), SP Redden (Manager Planning and Building), BW Taylor (Manager Administration and Finance) and KE Blums (Executive Assistant).

#### 2. APOLOGIES

Councillor PA Will.

#### 6. DEPUTATIONS AND PETITIONS

- 6.1 NBN Co. Tim Saul
- **6.2** Zippel Oysters Pty Ltd Bruce Zippel

#### 3. MAYOR'S REPORT

# 3.1 Mayors Verbal Report

25/04/2017 ANZAC Day Dawn Service

ANZAC Day March

26/04/2017 Interview with Ceduna student in relation to Cashless Debit

Card

**Community Panel Meeting** 

27/04/2017 Meeting with Aboriginal Lands Parliamentary Committee

28/04/2017 RDAWEP Meeting in Port Lincoln

03/05/2017 Elected Members Training

05/05/2017 EPLGA Meeting in Wudinna

06/05/2017 Briefing meeting with Chevron

**Audit Committee Meeting** 

Meeting with Jackie Constanzo in relation to Street Beat

08/05/2017 Meeting with Mayor Sam Johnson of Port Augusta City Council

17/05/2017 Tour of NBN site

1c/52017 Moved – PC Codrington

Seconded – GA Ryan

That the report be received and noted.

#### 4. CONFIRMATION OF MINUTES

**4.1 Council Meeting –** 19/04/2017

**2c/52017** Moved – KR Maynard Seconded – PC Codrington

That the minutes be confirmed as a correct record.

**CARRIED** 

#### 5. PUBLIC QUESTIONS WITHOUT NOTICE

#### 7. REPORTS FROM COUNCIL COMMITTEES

**7.1 Audit Committee Meeting Minutes –** 05/05/2017

3c/52017 Moved – KR Maynard Seconded – LA Brown

That this minutes be received and noted.

<u>CARRIED</u>

**4c/52017** Moved – KR Maynard Seconded – IP Bergmann

That Council adopt Policy 4.4 – Tenders & Purchasing, as presented.

**CARRIED** 

#### 8. OFFICERS REPORTS

# 8.1 Chief Executive Officer's Report

# 8.1.1 Tenders Awarded Under Delegated

**5c/52017** Moved – KR Maynard Seconded – LA Brown

That this Report be received and noted.

**CARRIED** 

# 8.1.2 Section 270 Review – Visitor Information Centre Review

5:00pm Councillor LA Brown declared a Perceived Interest in this matter, as he is a CBTA committee member, and left the meeting.

**6c/52017** Moved – KR Maynard Seconded – PC Codrington

That this Report be received and noted.

CARRIED

**7c/52017** Moved – KR Maynard Seconded – PC Codrington

That Report 8.2.3 Section 270 Review – Visitor Information Centre tabled

at the 19 April 2017 Council Meeting be lifted from the table.

CARRIED

Moved – KR Maynard Seconded – PC Codrington

That no further action be taken at this point in time on the basis that

\$10,000 is not budgeted or justified.

LOST

Councillor KR Maynard called for a division pursuant to the provisions of Section 17 of the Local Government (Procedures at Meetings) Regulations 2013.

Mayor Suter set aside the previous decision.

AFFIRMATIVE VOTES (2): Councillors PC Codrington and KR Maynard.

NEGATIVE VOTES (3): Councillor IP Bergmann, PG Brown and GA Ryan

Mayor Suter declared the motion LOST

**8c/52017** Moved – PG Brown Seconded – GA Ryan

That Council, having reviewed it's previous decision, advise the Ceduna Business & Tourism Association that Council will contribute 50% of the cost of the Visitor Information Centre Review if the Ceduna Business & Tourism Association meet the remaining 50% of costs for the review.

Moved – KR Maynard Seconded – IP Bergmann

That the motion be put.

**CARRIED** 

5:12pm Councillor LA Brown entered the meeting

# 8.2 Manager Governance Report

# 8.2.1 Section 270 Review – Use of Flag Poles in Poynton Street

9c/52017 Moved – KR Maynard Seconded – LA Brown

That Council, having reviewed their previous decision, will install a third flag pole in the Poynton Street median for utilisation by local community groups, clubs and services clubs, in accordance with a report to be prepared for Council.

CARRIED

#### 8.2.2 Renaming a Road

**10c/52017** Moved – PC Codrington Seconded – PG Brown

That Council rename Charoba Tank Road to Oats Road.

**CARRIED** 

#### 8.3 General Manager Operations Report

# 8.3.1 Operations Project Update

**11c/52017** Moved – GA Ryan Seconded – PC Codrington

That this Report be received and noted.

**CARRIED** 

# 8.3.2 Thevenard Marine Offloading Facility

**12c/52017** Moved – GA Ryan Seconded – IP Bergmann

That this Report be received and noted.

## 8.3.3 Taxi Rank Request

**13c/52017** Moved – KR Maynard

Seconded – LA Brown

That Council zone the car park adjacent the Ceduna Foreshore Hotel reception as a Taxi Zone between the hours of 7:00am – 10:00am and 5:00pm-8:00pm daily.

# **CARRIED**

#### 6. DEPUTATIONS AND PETITIONS

**6.3** Submissions on Draft 2017/2018 Annual Business Plan

Pursuant to Section 123 (4) of the Local Government Act 1999, members of the public will have time available commencing at 5:30pm, to make personal submissions or ask questions in relation to Council's Draft 2017/2018 Annual Business Plan.

The following members of the public attended and addressed the meeting:

Joyce Brewster

No written submissions were received in relation to Council's Draft 2017/2018 Annual Business Plan pursuant to Section 123(4)(a)(ii) of the Local Government Act 1999

- 5:30pm Councillor KR Maynard left the meeting
- 5:31pm Councillor PG Brown left the meeting
- 5:32pm Councillor PG Brown and KR Maynard entered the meeting
- 5:35pm Councillor KR Maynard left the meeting
- 5:36pm Councillor KR Maynard entered the meeting
- 5:46pm Councillor KR Maynard left the meeting
- 5:50pm Councillor KR Maynard entered the meeting
- 5:52pm Councillor LA Brown left the meeting
- 5:55pm Councillor LA Brown entered the meeting
- 6:01pm Councillor GA Ryan left the meeting
- 6:07pm Councillor GA Ryan entered the meeting
- 6:13pm Councillor PG Brown left the meeting
- 6:15pm Councillor PG Brown entered the meeting and GA Ryan left the meeting
- 6:16pm Councillor GA Ryan entered the meeting
- 6:20pm Councillor GA Ryan left the meeting

#### 8.5 Manager Administration and Finance Report

# 8.5.1 Monthly Financial Reporting

**14c/52017** Moved – PG Brown

Seconded – PC Codrington

That this Report be received and noted.

# 8.5.2 Council 2016-17 Budget Review #3

**15c/52017** Moved – LA Brown

Seconded – PC Codrington

That Council, having reconsidered the adopted 2016/2017 budget pursuant to and in accordance with Section 123 (13) of the Local Government Act 1999 and Section 9 of the Local Government (Financial Management) Regulations 2011, adopt revised 2016/2017 Budgeted Financial Statements as presented.

#### CARRIED

#### 8.5.3 **Elector Representation Review**

16c/52017 Moved – KR Maynard Seconded – PG Brown

That Council;

- 1. Adopts Elector Representation Review Report as presented and proposed Representation Structure outlined within the Report.
- 2. Directs the Chief Executive Officer to submit Council's Elector Representation Review Report to the South Australian Electoral Commission for certification.

## CARRIED

#### CORRESPONDENCE 9.

## 9.1 Information Correspondence

9.1.1 **Graham Tiller** 

> File Reference: 51648 (5.3.2.1)

Chief Executive Officer Officer:

Nuclear Waste Facility in the Kimba Area.

**Councillor Perry Will** 9.1.2

> File Reference: 51816 (9.33.3.1)

Officer: Chief Executive Officer

Apology for May Council Meeting.

9.1.3 **Local Government Association of South Australia** 

> File Reference: 51818 (10.3.2.2)

Chief Executive Officer Officer:

Circular 18.1 – Draft Minutes of the LGA Ordinary General Meeting held on Friday 21 April 2017.

9.1.4 **Department for Communities & Social Inclusion** 

> File Reference: 51858 (17.65.1.7) Officer: Chief Executive Officer

Street Beat Report April 2017.

#### 9.1.5 Local Government Association of South Australia

File Reference: 51940 (5.3.2.2)

Officer: Chief Executive Officer

Circular 19.1 – The Minister for Sustainability, Environment and Conservation has written to the LGA requesting nominations for a LG member on the Native Vegetation Council for a term commencing on 14/09/2017. Nominations must be forwarded to the

LGA by COB Friday 23 June 2017.

# 9.1.6 Sue Trewartha & Erica Bodger

File Reference: 51984 (16.67.2.1)
Officer: Manager Governance

Thank you letter.

**17c/52017** Moved – PC Codrington Seconded – PG Brown

That Council receive and note all Correspondence.

**CARRIED** 

#### 10. QUESTIONS ON NOTICE

### 11. QUESTION WITHOUT NOTICE

#### 12. MOTION ON NOTICE

# 12.1 Councillor GA Ryan

**18c/52017** Moved – LA Brown Seconded – KR Maynard

That Council does not support the feasibility study into a possible alternate Port for Thevenard. Council therefore should not support any request for funding for this purpose through the RDAWEP or any other body, given that our updated study into deepening the Port of Thevenard is almost complete.

**CARRIED** 

#### 13. MOTION WITHOUT NOTICE

**19c/52017** Moved – KR Maynard Seconded – LA Brown

That Ordinary meeting of Council commence at 3:00pm.

CARRIED

**20c/52017** Moved – KR Maynard Seconded – LA Brown

That Council prepare and distribute a press release detailing the need to

remove the trees from the Ceduna foreshore area.

#### 3. MAYORS REPORT

#### 3.2 Chief Executive Officer Annual Performance Review

**21c/52017** Moved – PC Codrington

Seconded – IP Bergmann

That:

- Pursuant to Sections 90(2) and 90(3)(a) of the Local Government Act 1999, Council orders that the public be excluded from attendance at the meeting, with the exception of Mr G Moffatt (Chief Executive Officer) and Mrs K Blums (Executive Assistant), in order to consider in confidence Item 3.2 – Chief Executive Officer Annual Performance Review.
- Council is satisfied that the principle that meetings of Council should be conducted in a place open to the public is outweighed in relation to this matter, because of information, the disclosure of which, would involve the unreasonable disclosure of information concerning the personal affairs of any person and would, on balance, be contrary to the public interest.

## **CARRIED**

#### **22c/52017** Moved – PG Brown

Seconded – LA Brown

That Council advise and confirm with the Chief Executive Officer, Geoffrey Moffatt, the intent to offer another 5 year Fixed Term Employment Contract of suitable term by both parties.

# **CARRIED**

His Worship the Mayor suspended the operation of Division 2 of Part 2 of the Local Government (Procedures at Meetings) Regulations 2000, with the approval of the members present, commencing at 7:07pm, to enable discussions in relation to CEO Performance Review.

His Worship the Mayor determined to resume the operation of Division 2 of Part 2 of the Local Government (Procedures at Meetings) Regulations 2000 at 7:24pm.

**23c/52017** Moved – PC Codrington

Seconded – LA Brown

That Council, having conducted a review of the Chief Executive Officer's performance for the 12 months from 12 November 2015 to 12 November 2016, Geoffrey Moffatt's performance, which has been to Council's absolute satisfaction, that Council make salary adjustments to the CEO's remuneration by way of an 2.5% increase in the Base Salary in Schedule 1 of the Fixed Term Employment Contract, which shall be applied retrospectively to have effect from 12 November 2016.

#### **CARRIED**

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# **24c/52017** Moved – IP Bergmann

Seconded – LA Brown

That Pursuant to Sections 91(7) and 91(9) of the Local Government Act 1999, Council orders that all reports and associated documents received, considered and discussed by Council relating to Item 3.2 – Chief Executive Officer Annual Performance Review, having been dealt with on a confidential basis under Sections 90(2) and 90(3)(a) of the Local Government Act 1999, be kept confidential and not available for public inspection until such time as the Chief Executive Officer is no longer employed by Council, with the exception of any minutes relating to any amendment of the Employment Contract Package which shall be a public document.

14.	MEETIN	IG C	CLOSE	ED –7	::26PM
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DATE: _	CONFIRMED:	
		Mayor