DISTRICT COUNCIL OF CEDUNA

MINUTES OF THE ORDINARY MEETING OF COUNCIL held at the Council Chamber, 44 O'Loughlin Terrace, Ceduna, on 23 January 2019 at 3:30pm.

1. PRESENT

Mayor PA Will, Councillors IP Bergmann, PC Codrington ESM, IC Macgowan, BP Niemz, GA Ryan and RG Sleep.

GM Moffatt (Chief Executive Officer), MS Hewitson (Manager Governance), GK Drummond (General Manager Operations), Ms L Croft (Tourism & Event Officer) and KE Blums (Executive Assistant).

2. APOLOGIES

Councillor JL Brewster and PG Brown

3. ELECTED MEMBERS REPORT

3.1 Mayors Report

1c/12019 Moved – PC Codrington Seconded – RG Sleep
That the Mayor's Report be received and noted.

CARRIED

3.2 Councillor Reports

3.2.1 Councillor IC Macgowan

2c/12019 Moved – IP Bergmann Seconded – IC Macgowan
That All Councillor reports be received and noted.

CARRIED

4. CONFIRMATION OF MINUTES

4.1 Council Meeting – 19/12/2018

3c/12019 Moved – GA Ryan Seconded – BP Niemz
That the minutes of the Ordinary Council Meeting held on 19 December 2018 be confirmed as a correct record.

CARRIED

5. DEPUTATIONS AND PETITIONS

6. PUBLIC QUESTIONS WITHOUT NOTICE

7. REPORTS FROM COUNCIL COMMITTEES

7.1 Council Assessment Panel Meeting – 16/01/2019

4c/12019 Moved – PC Codrington Seconded – IP Bergmann
That the minutes of the Council Assessment Panel Meeting held on 16/01/2019 be received and noted.

CARRIED

8. DISCLOSURE OF INTERESTS

9. OFFICERS REPORTS

9.1 Chief Executive Officer's Report

9.1.1 Eyre Peninsula Local Government Association Review of Decisions Panel Membership

5c/12019 Moved – IP Bergmann Seconded – GA Ryan

That Council advise the Eyre Peninsula Local Government Association that Council does not wish to provide a nomination to the Regional Review of Decision Panel.

CARRIED

9.1.2 Eyre Peninsula Local Government Association Draft Eyre Peninsula Strategic Plan

6c/12019 Moved – GA Ryan Seconded – PC Codrington

That Council receive and note Chief Executive Officers Report 9.1.2 Eyre Peninsula Local Government Association – Draft Eyre Peninsula Strategic Plan and direct the Chief Executive Officer to articulate Council's concerns with the Draft Strategic Plan to the EPLGA Board as the Council Delegate at the February EPLGA meeting.

CARRIED

9.1.3 Financial Assistance – Letisha Ackland Djuki Mala Performance Ceduna

7c/12019 Moved – RG Sleep Seconded – PC Codrington

That Council provide Letisha Ackland with a commitment of support for the Djuki Mala performance by way of a waiver of Hall Hire for the Ceduna Memorial Hall and $3,000 in financial assistance toward the Djuki Mala performance in April 2019.

CARRIED

9.2 Manager Governance Report

9.2.1 Delegations

8c/12019 Moved – PC Codrington Seconded – GA Ryan

That Council

1. Revocations
   - 1.1 Hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following:
     - 1.1.1 Liquor Licensing Act 1997
     - 1.1.2 South Australian Public Health Act 2011 and South Australian Public Health (Legionella) Regulations 2013 and South Australian Public Health (Wastewater) Regulations 2013 and South Australian Public Health (Fees) Regulations 2018

2. Delegations made under Local Government Act 1999
   2.1 In exercise of the power contained in Section 44 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 10 & 19 (each of which is individually identified as indicated below) are hereby delegated this 23rd day of January 2019 to the person occupying the office of Chief Executive Officer subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation.
      2.1.1 Liquor Licensing Act 1997 (Appendix 10)
      2.1.2 South Australian Public Health Act 2011, South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013 and South Australian Public Health (General) Regulations 2013 (Appendix 19)
   2.2 Such powers and functions may be further delegated by the Chief Executive Officer 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 such proposed Instrument of Delegation

CARRIED

9.2.3 Policy Review Schedule

9c/12019 Moved – IP Bergmann Seconded – GA Ryan
That the Manager Governance Report 9.2.3 – Policy Review Schedule be received and noted.

CARRIED

9.2.4 Policy Review

9.2.4.1 Policy 1.13 - Community Consultation

10c/12019 Moved – PC Codrington Seconded – GA Ryan
That Council having reviewed Policy 1.13 – Community Consultation confirms the policy as presented without amendment.

CARRIED

9.2.4.2 Policy 1.61 - Informal Gatherings

11c/12019 Moved – IC Macgowan Seconded – PC Codrington
That Council having reviewed Policy 1.61 – Informal Gatherings confirms the policy as presented without amendment.

CARRIED

9.2.4.3 Policy 1.24 – Elected Member Training and Development

12c/12019 Moved – PC Codrington Seconded – BP Niemz
That Council having reviewed Policy 1.24 – Elected Member Training and Development, adopt the amended policy as presented on 23/01/2019.

CARRIED

9.2.5 Temporary Road Closure

13c/12019 Moved – IC Macgowan Seconded – BP Niemz
That Council:
1. Direct the CEO to approve the road closure applications for the Repco Reliability Retrial event on 8th August 2019
2. Waive any applicable fees associated with road closure application for the Repco Reliability Retrial event on 8th August 2019.

CARRIED

9.3 General Manager Operations Report

9.3.1 Operations Project Update

14c/12019 Moved – BP Niemz Seconded – GA Ryan
That the General Manager Operations Report 9.3.1 - Operations Project Update be received and noted.

CARRIED

9.3.2 Thevenard Marine Offloading Facility

15c/12019 Moved – IP Bergmann Seconded – RG Sleep
That the General Manager Operations Report 9.3.2 - Thevenard Marine Offloading Facility be received and noted.

CARRIED

9.4 Manager Administration and Finance Report

9.4.1 Monthly Financial Reporting

16c/12019 Moved – PC Codrington Seconded – BP Niemz
That Manager Administration & Finance Report 9.4.1 – Monthly Financial Reporting be received and noted.

CARRIED

10. CORRESPONDENCE

10.1 Information Correspondence

10.1.1 Allan Lowe

File Reference: 61754 (7.3.2.1)
Officer: Chief Executive Officer

Response from Mr Lowe to Council's correspondence advising the outcome of a Section 270 Review of Council Decision into rateability of leased land.

10.1.2 Australia Local Government Association

File Reference: 62706 (10.85.1.12)
Officer: Chief Executive Officer

ALGA is not calling for Notices of Motions for the 2019 National General Assembly.

10.1.3 Department for Environment and Water

File Reference: 62722 (3.3.2.1)
Officer: Chief Executive Officer

Request to waiver Development Application fees for heritage conservation work.

10.1.4 The Hon Michael McCormack MP

File Reference: 62751 (10.3.2.1)
Officer: Chief Executive Officer

Notification of the expansion of the Drought Communities Programme to include our Council area.

10.1.5 Local Government Association of South Australia

File Reference: 62772 (17.3.3.1)
Officer: Chief Executive Officer

Circular 48.7 - The State Government has invited feedback from councils on the draft Disability Inclusion Regulations 2019.

10.1.6 Local Government Association of South Australia

File Reference: 62775 (4.3.2.2.)
Officer: Chief Executive Officer

Circular 49.2 - A discussion paper about a key element of the state's new planning system, which focuses on planning's relationship with South Australia's economy, is now out for consultation.

10.1.7 Minister Stephan Knoll MP

File Reference: 62809 (10.3.2.1)
Officer: Chief Executive Officer

Financial Assistance Grants and Supplementary Local Road Funding allocations.

10.1.8 Select Committee on Fire and Emergency Services Bill

File Reference: 62848 (5.3.2.1)
Officer: Chief Executive Officer

Invitation to make a submission to the inquiry into the Fire and Emergency Services (Miscellaneous) Amendment Bill 2018.

10.1.9 Eyre Peninsula Local Government Association

File Reference: 62862 (10.85.1.3)
Officer: Chief Executive Officer

EPLGA Minutes – 07/12/2018

10.1.10 Department of Social Services

File Reference: 62925 (17.65.1.5)
Officer: Chief Executive Officer

Continuation of the Cashless Debit Card trial in Ceduna and other regions.

10.1.11 Visitor Information Centre

File Reference: 62941 (4.67.2.1)
Officer: Chief Executive Officer

Complementary email from a visitor.

10.1.12 SA Health

File Reference: 62946 (11.3.2.1)
Officer: Chief Executive Officer

State Public Health Plan 2019-2024.

10.1.13 PHN Country SA

File Reference: 62947 (11.3.2.1)
Officer: Chief Executive Officer

2017-2018 Annual Report, provided under separate cover.

10.1.14 The Hon Michael McCormack MP

File Reference: 62975 (10.85.1.10)
Officer: Chief Executive Officer

Notification of Council's funding allocation under the Roads to Recovery Program from 01/07/2019 to 30/06/2024.

10.1.15 Local Government Association of South Australia

File Reference: 63098 (16.3.2.1)
Officer: Chief Executive Officer

Measuring change in South Australia's environment.

10.1.16 Minister for Environment and Water

File Reference: 63106 (10.85.1.13)
Officer: Chief Executive Officer

Advise that the Minister has ceased state government representation to all the NRM Boards.

10.1.17 Ceduna Foreshore Hotel Motel

File Reference: 63136 (4.3.2.1)
Officer: Chief Executive Officer

Information regarding SA Regional Taxis.

10.1.18 Local Government Association of South Australia

File Reference: 63159 (10.85.1.11)
Officer: Chief Executive Officer

Discussion Paper for the State Planning Commission.

10.1.19 NBN Co

File Reference: 63211 (3.3.2.1)
Officer: Chief Executive Officer

Notification of proposed co-location of telecommunication infrastructure without Development Application.

10.1.20 NBN Co

File Reference: 63212 (3.3.2.1)
Officer: Chief Executive Officer

Notification of proposed co-location of telecommunication infrastructure without Development Application.

10.1.21 Local Government Association of South Australia

File Reference: 63230 (17.3.3.1)
Officer: Manager Governance

Circular 2.8 – The Libraries Board of South Australia has selected Australia Post to provide the public library network's delivery services from 30/01/2019.

10.1.22 Local Government Association of South Australia

File Reference: 63231 (9.3.2.2)
Officer: Chief Executive Officer

Circular 2.7 – New laws regarding Council boundary change or amalgamation proposals, including the establishment of the Boundaries Commission, came into operation on 01/01/2019.

10.1.23 Office for Women

File Reference: 63260 (7.41.7.1)
Officer: Chief Executive Officer

125th Anniversary of SA women's suffrage – Community Grants available to celebrate the anniversary.

10.1.24 Rural Doctors Workforce Agency

File Reference: 63272 (11.3.2.1)
Officer: Chief Executive Officer

Copy of the RDWA Annual Report for 2017-18 is provided under separate cover.

10.1.25 State Library of South Australia

File Reference: 63275 (17.64.8.1)
Officer: Chief Executive Officer

Response to Council correspondence.

5:36pm Mayor PA Will left the meeting and vacated the chair

5:36pm Deputy Mayor IP Bergmann assumed the chair

5:40pm Mayor PA Will entered the meeting and resumed the chair

5:40pm Deputy Mayor IP Bergmann vacated the chair

17c/12019 Moved – GA Ryan Seconded – IP Bergmann
That Council receive and note all Correspondence.

CARRIED

11. QUESTIONS ON NOTICE

12. MOTION ON NOTICE

13. QUESTION WITHOUT NOTICE

14. MOTION WITHOUT NOTICE

14.1 Heliport

18c/12019 Moved – GA Ryan Seconded – PC Codrington
That Council install a shelter or relocate the Air Compressor at the Heliport at the Airport.

CARRIED

9. OFFICERS REPORTS

9.2 Manager Governance Report

9.2.2 Proposed Lease Agreement – Ceduna Can & Recycling

19c/12019 Moved – PC Codrington Seconded – GA Ryan
That Council :

1. Pursuant to Sections 90(2), 90(3)(d) of the Local Government Act 1999, Council orders that the public be excluded from attendance at the meeting, with the exception of Mr GM Moffatt (Chief Executive Officer), Mr MS Hewitson (Manager Governance), Mr GK Drummond (General Manager Operations), Ms L Croft (Tourism & Event Officer) and Mrs KE Blums (Executive Assistant), in order to consider in confidence Item 9.2.2 – Proposed Lease Agreement – Ceduna Can & Recycling.
2. 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 it involves the consideration and discussion of commercial information of a confidential nature (not being a trade secret) 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.

CARRIED

21c/12019 Moved – IP Bergmann Seconded – BP Niemz

That Council :

1. Pursuant to Sections 91(7) and 91(9) of the Local Government Act 1999 Council orders that the minutes and all reports and associated documents received, considered and discussed by Council relating to Item 9.2.2 – Proposed Lease Agreement – Ceduna Can & Recycling having been dealt with on a confidential basis under Sections 90(2) and 90(3)(d) of the Local Government Act 1999, be kept confidential and not available for public inspection on the grounds that they relate to commercial information of a confidential nature (not being a trade secret) 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, until a Lease Agreement is executed.
2. Pursuant to Section 44 of the Local Government Act 1999, Council delegates to the Chief Executive Officer of the Council the power pursuant to Section 91(9)(c) of the Local Government Act 1999 to revoke the order made by Council under Section 91(7) and (9) of the Act at paragraph 1 of this resolution at any time prior to the expiration of the period of the order specified therein.

CARRIED

10. MEETING CLOSED – 6:20PM

DATE: _____ **CONFIRMED:** _____

Mayor