



MINUTES

Of the ordinary meeting of the
District Council of Lower Eyre Peninsula
held in the Council Chambers, 32 Railway Terrace, Cummins,
on Friday, January 18, 2019 at 9am

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DISTRICT COUNCIL OF LOWER EYRE PENINSULA

MINUTES OF THE COUNCIL MEETING HELD IN THE CUMMINS COUNCIL CHAMBERS, RAILWAY TERRACE, CUMMINS, ON FRIDAY, JANUARY 18, 2019 AT 9AM.

PRESENT:

Mayor JT Quigley, Councillors PL Mitchell, RB Howell, WJ Holman, A Tingay, GR Bayly and SJ Woolley.

R Pearson (Chief Executive Officer), A Douglas (Director Works and Infrastructure), S Hopewell (Manager Corporate Services), G Jutzen (Works Manager), P O'Rielly (Airport Operations Manager), B Breed (Senior Corporate Services Officer), and B Puckridge (Executive Assistant).

I16 WELCOME

Mayor Quigley welcomed staff and Councillors to the first meeting of 2019.

I17 ACKNOWLEDGEMENT OF COUNTRY

Mayor Quigley cited an acknowledgement of country.

We acknowledge the traditional custodians of the ancestral land on which we meet today and pay our respects to elders past and present.

I18 APOLOGIES

The Chief Executive Officer advised the Manager Development Environmental Services will join the meeting after lunch due to a training session.

I19 DECLARATION OF CONFLICT OF INTEREST

Cr Holman declared a perceived conflict of interest (pursuant to section 75 of the Local Government Act 1999 as a member of the Cummins District Enterprise Committee and sub-committee about Cummins Hall in relation to item CL/06/19. Cr Holman advised she would remain in the meeting as the matter was for wider community benefit. Cr Holman voted in favour of the motion, as did all Elected Members.

Mayor Quigley declared a perceived conflict of interest (pursuant to section 75 of the Local Government Act 1999 as a member of the Cummins District Enterprise Committee in relation to item CL/06/19. Mayor Quigley advised she would remain in the meeting as the matter was for wider community benefit. Mayor Quigley voted in favour of the motion, as did all Elected Members. (continued)

I19 DECLARATION OF CONFLICT OF INTEREST**CONT'D:**

Cr Mitchell declared a conflict of interest (pursuant to section 75 of the Local Government Act 1999 as a member of the Council Assessment Panel in relation to item D21 (1), in that his participation in this agenda item could lead to him having an actual or perceived bias in decision making in his role as a member of the Council Assessment Panel.

I20 OVERVIEW OF ADDITIONAL DOCUMENTS

The Chief Executive Officer advised of the following additional items:

W18 WORKS AND INFRASTRUCTURE REPORT
W&I/02/19 – DISPOSAL OF CUMMINS HOMES BARBECUE
SHELTER

Additional information with folio.

C59 COUNCIL OFFICER REPORTS
CL/11/19 – AMENDMENT TO THE FIRE AND EMERGENCY
SERVICES ACT 2005

Addendum with folio.

I21 CONFIRMATION OF MINUTES

TINGAY/ WOOLLEY

That the Minutes of the following meetings:-

- *Ordinary council meeting held 20 December 2018.*
- *Confidential council meeting held 20 December 2018 be confirmed.*

Carried.

I22 BUSINESS ARISING FROM THE MINUTES

Nil.

I23 INVITED GUESTS

Nil.

I24 DEPUTATIONS**1. SA Water**

Chloe Ringwood, Senior Stakeholder Engagement Advisor, and Liam Threadgold, Senior Program Manager gave an update on SA Water's plans to enhance the Eyre Peninsula's potable water supply network with a new seawater desalination plant at Sleaford Bay.

Water produced from the proposed desalination plant would supplement groundwater from the Uley South Basin, and help improve water quality issues like hardness, which is a natural characteristic of the region's groundwater.

Potential desalination plant sites were assessed in 2009, looking at a range of criteria including the marine and terrestrial environment, geotechnical, cultural and infrastructure considerations, with the location validated again this year.

Ms Ringwood advised the site at Sleaford Bay was identified as the preferred location for a stand-alone desalination plant, based on a number of factors like its proximity to the water supply network, strong ocean currents and accessibility.

Mr Threadgold advised that the recent run of dry years has prompted the decision to proceed with the desalination plant to provide security to the water supply on Eyre Peninsula, noting a 12 to 18 month lead in period is required to build the facility.

Councillors discussed the project and the inner workings of the facility.

Mayor Quigley thanked Mr Threadgold and Ms Ringwood for their time.

FINANCE

F15 FINANCE REPORT

HOLMAN/ MITCHELL

That the Finance Reports be received.

Carried.

SENIOR CORPORATE SERVICES OFFICER

FN/01/19 - INVESTMENT REVIEW

Noted.

FN/02/19 - 2018/19 SECOND QUARTER BUDGET REVIEW

Noted.

MITCHELL/ HOLMAN

That the Finance Reports be adopted.

Carried.

F16 FINANCE UPDATES

- (1) Bank Reconciliation Statement as at 10/01/2019**
- (2) Reserve Status Report as at 08/01/2019**

Cr Holman requested an update on the Sleaford Bay Cabin Park Reserve, with the Senior Corporate Services Officer advising that advice had been received in October 2018 that the property was to be placed on the market prior to Christmas 2018, however this has not occurred.

The SCSO advised staff were making attempt to contact the relevant solicitor for additional information prior to any further decisions of Council in relation to this matter.

- (3) Funds Status Report as at 09/01/2019**
- (4) Council Budget Report as at 28/12/2018**

Noted.

F17 FINANCE MEETINGS ATTENDED

Noted.

F18 FINANCE CORRESPONDENCE – FOR COUNCIL DECISION

(1) Bicycles SA – Contribution for Annual Tour

Noted.

F19 TENDERS / QUOTATIONS

(1) Tenders Provisionally Awarded

Noted.

F20 FINANCE CORRESPONDENCE – INFORMATION ONLY

(1) SA Ambulance Service – Thank you for donation

(2) Department of Infrastructure, Transport, Regional Development and Cities – Continuation of Roads to Recovery Program

(3) Armistice Community Group – Thank you for grant funding

(4) STARCLUB Field Officer program

Noted.

F21 FINANCE GENERAL BUSINESS

Nil.

... The Senior Corporate Services Officer left the meeting at 9.35am and did not return.

WORKS AND INFRASTRUCTURE

W18 WORKS AND INFRASTRUCTURE REPORT

HOLMAN/ BAYLY

That the Works and Infrastructure Report be received.

Carried.

DIRECTOR WORKS AND INFRASTRUCTURE

W&I/01/19 - ASSESSMENT OF PARKING CONTROLS - TULKA

HOLMAN/ BAYLY

That Council approve the restriction of 'No Stopping' within the unnamed and unconstructed road reserve abutting the western boundary of 35 Tulka Esplanade, Tulka.

Carried.

W&I/02/19 - DISPOSAL OF CUMMINS HOMES BARBECUE SHELTER

The following was provided as late additional information.

SUMMARY

Following completion of the Agenda issued on Friday, 11 January an omission to the report was found.

Correspondence from the Marble Range Community and Sports Centre that had been received in late August had been responded to but the correspondence not been flagged for referral to Council.

As stated in the report, the Director Works and Infrastructure noted that there had been contact with a number of groups and unfortunately the name of this group was forgotten – the other group had been the White Flat Hall Committee group however they did not follow up on the discussions.

BACKGROUND

This introduces a second group interested in the BBQ Shelter. Based on the nominal criteria for groups invited to express interest in the structure, the Marble Range Community and Sports Centre meets those, namely being within the District with land not under Council's care and control.

(continued)

W18 WORKS AND INFRASTRUCTURE REPORT**CONT'D:****W&I/02/19 - DISPOSAL OF CUMMINS HOMES BARBECUE SHELTER****CONT'D:**

This information now presents Council with two groups expressing interest in the shelter and separate outcomes with regards future costs for Council.

The correspondence from the Marble Range Sports Centre is provided.

(REFER FOLIO: W&I19.01.08)

An alternate recommendation to that circulated with the Agenda is provided.

RECOMMENDATION DWI

“That Council:

offer the Cummins Homes BBQ Shelter to the Marble Range Community, and Sports Centre, and advise the Cummins Memorial Recreation Centre that their request has been declined due to the additional cost that would be borne by the Council with the relocation of the Shelter to the area of the Cummins skate park lease.”

Council discussed the issue with concerns the Cummins Memorial Recreation Centre may be under a different impression of the situation to that of Council.

HOLMAN/ WOOLLEY

That determination of the Cummins Homes shelter be deferred pending further discussion with the Cummins Memorial Recreation Centre.

Carried.

W&I/03/19 - CUMMINS HOMES KITCHEN RENOVATIONS UPDATE

Cr Tingay noted his concern that residents would have to vacate their homes for the renovations to occur.

The Director of Works and Infrastructure advised residents were making arrangements to stay with family for the period of renovations, and that Unit 15 was currently vacant, which could also be utilised.

(continued)

W18 WORKS AND INFRASTRUCTURE REPORT**CONT'D:****W&I/03/19 - CUMMINS HOMES KITCHEN RENOVATIONS UPDATE
CONT'D:**

MITCHELL/ WOOLLEY

That Council approve the renovation of the Cummins Homes kitchens based on a maximum project cost of \$190,000 to be undertaken commencing prior to June 2019 funded by loan borrowings with a 10-year repayment period.

Carried.

**W&I/04/19 - PORT LINCOLN AIRPORT – SCREENING EQUIPMENT
GRANT APPLICATION**

WOOLLEY/ TINGAY

That Council notes the information and actions being taken to implement new passenger and baggage security screening measures for the Port Lincoln Airport.

Carried.

W&I/05/19 - PORT LINCOLN AIRPORT – COMMERCIAL ACTIVITY

MITCHELL/ TINGAY

That;

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public, except (R Pearson, A Douglas, S Hopewell, G Jutzen, P. O’Rielly, and B Puckridge) be excluded from attendance at the meeting for Agenda Item W&I/05/19 PORT LINCOLN AIRPORT – COMMERCIAL ACTIVITY.

The Council is satisfied that, pursuant to section 90(3)(b) of the Act, 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 business; or*
- *proposing to conduct business; or*
- *would prejudice the commercial position of the Council*

In that Council is considering a commercial arrangement with a third party at the Port Lincoln Airport.

(continued)

W18 WORKS AND INFRASTRUCTURE REPORT**CONT'D:****W&I/05/19 - PORT LINCOLN AIRPORT – COMMERCIAL ACTIVITY
CONT'D:**

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because disclosure of commercial arrangement considerations would compromise the opportunity for Council to negotiate a satisfactory outcome in this matter.

Carried.

... Council entered in to a confidential meeting at 9.53am and resumed its ordinary meeting at 10.10am.

Following the confidential meeting Mayor Quigley advised that Council had resolved to retain the minutes, reports and folios pertaining to the confidential meeting in confidence for a minimum period of 12 months and that this order would be reviewed every 12 months.

**W&I/06/19 - PORT LINCOLN AIRPORT BUSINESS PLAN – REVIEW
OF METHODOLOGY**

Council determined to defer consideration of this matter to the Council - General Business section of the agenda, at which time this meeting will be arranged in conjunction with other Council activities.

WORKS MANAGER

Nil.

AIRPORT OPERATIONS MANAGER**W&I/07/19 - AIRPORT EMERGENCY / INCIDENT**

Noted.

HOLMAN/ MITCHELL

That the Works and Infrastructure Report be adopted.

Carried.

W19 WORKS AND INFRASTRUCTURE OPERATIONS UPDATES

- (1) Community Wastewater Management Systems**
- (2) Waste Transfer Station**
- (3) Construction Report**
- (4) Maintenance Report**
- (5) Patrol Grading**
- (6) Permits and Authorisations**

Noted.

W20 AIRPORT OPERATIONS UPDATES

- (1) Port Lincoln Airport Passenger Statistics – December 2018**

Noted.

- (2) Airport Operations**

Noted.

W21 WORKS AND INFRASTRUCTURE MEETINGS ATTENDED

Noted.

W22 WORKS AND INFRASTRUCTURE CORRESPONDENCE – FOR COUNCIL DECISION

- (1) Coffin Bay Tourist Association - Request waiver of green waste fees**

General discussion ensued with Councillors considering whether the waiver of fees was appropriate given it was a former business being run on private land.

Cr Mitchell advised the facility will be run by volunteers of the Coffin Bay Progress Association for the benefit of visitors over the busy summer period, and that any income generated would be put back into maintaining the facility.

(continued)

W22 WORKS AND INFRASTRUCTURE CORRESPONDENCE – FOR COUNCIL DECISION CONT'D:**(1) Coffin Bay Tourist Association - Request waiver of green waste fees cont'd:**

TINGAY/ MITCHELL

That Council approves the donation of \$189 towards the green waste disposal fees arising from the tidying up of the Coffin Bay Putt Putt course and the Coffin Bay Tourist Association be advised accordingly.

Amendment

HOLMAN/ WOOLLEY

That Council approves the donation of \$100 towards the green waste disposal fees arising from the tidying up of the Coffin Bay Putt Putt course and the Coffin Bay Tourist Association be advised accordingly.

Amendment was lost.

TINGAY/ MITCHELL

That Council approves the donation of \$189 towards the green waste disposal fees arising from the tidying up of the Coffin Bay Putt Putt course and the Coffin Bay Tourist Association be advised accordingly.

Carried

(2) MacDonald Drive – B Moseby

HOLMAN/ WOOLLEY

That B. Moseby be thanked for his correspondence and advised that:

- 1. The standard of MacDonald Drive is considered appropriate to the land use of the area as there are no residences along this road. Any application for a residence along this road will require the applicant to upgrade MacDonald Drive accordingly in order to gain development approval;*
- 2. Council has no immediate plans on upgrading this road and any upgrade would need to be considered in future budgets in competition with other priorities;*
- 3. He may make an application for authorisation to alter (upgrade) the public road reserve at his cost;*
- 4. Council will invite the owner of the gates across MacDonald Drive to apply for a permit to use the road reserve for business purposes and will assess such an application on merit;*
 - a. Subject to determination of the permit to use the road reserve for business purposes the gates must be left open or closed as they are found;*
- 5. Council will liaise with the owner of the gates to improve their visibility.*

Carried.

W22 WORKS AND INFRASTRUCTURE CORRESPONDENCE – FOR COUNCIL DECISION CONT'D:**(2) MacDonald Drive – B Moseby cont'd:**

HOLMAN/WOOLLEY

That Council writes to K & W MacDonald advising that:

1. *Council has received a third party complaint in relation to their occupation of MacDonald Drive and that they need to apply for a permit in order for continued use to be considered by Council pursuant to Section 222 Local Government Act (1999);*
2. *The application for continued use of MacDonald Drive for business purposes is to be received by Council by 28 February, 2019;*
3. *Gates and stock fences across the road reserve need to be made clearly visible to road users.*

Carried.

W23 WORKS AND INFRASTRUCTURE CORRESPONDENCE – INFORMATION ONLY**(1) Louth Bay Community Club – Concern over camera at Louth Bay**

Noted.

W24 WORKS AND INFRASTRUCTURE – LATE CORRESPONDENCE

Nil.

W25 WORKS AND INFRASTRUCTURE GENERAL BUSINESS**1. Road works**

Cr Holman noted there were several formed and surfaced roads in the 2018/19 budget that had not had any work done on them, and queried what the priorities were to complete.

The Works Manager advised that Wakelin and Roberts Roads will be constructed over the next 2 to 3 months and that Farm Beach Road and Airport Lane were the next priorities, for which Native Vegetation clearance has just been gained to raise rubble. Rubble is yet to be secured for Mena Road and Duck Lake Road. The Works Manager advised contractors will need to be sought for at least two resheeting jobs, possibly including Douglas Well Road.

(continued)

W25 WORKS AND INFRASTRUCTURE GENERAL BUSINESS CONT'D:**2. Louth Bay concerns**

Cr Mitchell noted item W23 (1) and queried if any other communities had shown similar concerns in relation to camera being placed on jetties.

The Director of Works and Infrastructure advised not as such, although he had been in contact with Mount Dutton Bay Progress Association to clarify some details.

3. Auster

Cr Bayly asked for an update on the Auster restoration project, voicing concerns it was taking too long.

The Director of Works and Infrastructure advised he had met with the steel contractor and had since received a quote. Once the contractor begins work it will take about three weeks to hang the aircraft in the terminal.

4. Industrial signage

Cr Holman requested an update on the industrial signage application for Hayman Drive, Cummins. The Director of Works and Infrastructure advised he would be addressing the issue within the next couple of weeks.

5. Hoon driving

Cr Bayly advised that hoon driving had been occurring in the Hawson area and queried if Council could intervene in some way. The Director of Works and Infrastructure advised it was a matter for SAPOL.

WOOLLEY/ HOLMAN

That Council adjourn for morning tea.

Carried.

... *Council adjourned for morning tea at 10.43am and resumed at 11.06am without the Airport Operations Manager or Works Manager.*

DEVELOPMENT AND ENVIRONMENTAL SERVICES

D15 DEVELOPMENT AND ENVIRONMENTAL SERVICES REPORT

It was noted the Manager Development and Environmental Services was at a morning training session.

BAYLY/ MITCHELL

That the Development and Environmental Services section of the Council meeting be deferred until after lunch.

Carried.

Council moved to the Council section of the agenda, reverting back to the development section after dealing with the Council section of the agenda.

HOLMAN/ MITCHELL

That the Development and Environmental Services Report be received.

Carried.

MANAGER DEVELOPMENT & ENVIRONMENTAL SERVICES

DES/01/19 - MASTERPLAN FOR PASSIVE RECREATIONAL USE OF THE TOD RESERVOIR

General discussion of the plan ensued with Mayor Quigley suggesting it would be worthwhile to do an inspection of the reservoir.

Noted.

... *The Manager Corporate Services left the meeting at 2.12pm and did not return.*

WOOLLEY/ HOLMAN

That the Development and Environmental Services Report be adopted.

Carried.

D16 DEVELOPMENT AND ENVIRONMENTAL SERVICES UPDATES

- (1) Animal Management**
- (2) Fire Prevention**
- (3) Nuisance / Litter / Vandalism**
- (4) Camping**
- (5) Health**
- (6) Building Inspection Policy**

Noted.

D17 MANAGER DEVELOPMENT AND ENVIRONMENTAL SERVICES MEETINGS ATTENDED

Noted.

D18 DEVELOPMENT AND ENVIRONMENTAL SERVICES CORRESPONDENCE – FOR COUNCIL DECISION

Nil.

D19 DEVELOPMENT AND ENVIRONMENTAL SERVICES CORRESPONDENCE – INFORMATION ONLY**(1) Release of the State Public Health Plan 2019-2024**

Noted.

D20 DEVELOPMENT AND ENVIRONMENTAL SERVICES – LATE CORRESPONDENCE

Nil.

D21 DEVELOPMENT AND ENVIRONMENTAL SERVICES GENERAL BUSINESS**1. Development Application 932/94/2018**

... *Cr Mitchell left the meeting at 2.16pm advising that his participation in this agenda item could cause him to have a conflict of interest in that it could lead to him having an actual or perceived bias in decision making in his role as a member of the Council Assessment Panel.*

The Manager Development and Environmental Services (MDES) gave an overview of the issue to date, explaining that an application for an unmanned 24-hour fuel station in the Town Centre Zone of Cummins had caused some concern in the community.

The MDES advised that a petrol station was deemed as an 'envisaged land use' in the Town Centre Zone, therefore was not, not-complying - and as such would not trigger a Category 3 non-complying status.

The MDES advised the Development Application was classed as a Category 2 because it was adjacent to another zone – in this case a Bulk Handling Zone with the silos being across Bruce Terrace.

It was clarified that in the event of a Category 2 application, only immediate neighbours are contacted. Immediate neighbours can then view the application and provide comment.

(continued)

**D21 DEVELOPMENT AND ENVIRONMENTAL SERVICES GENERAL
BUSINESS CONT'D:****1. Development Application 932/94/2018**

The MDES advised that in this instance feedback has been received from beyond immediate neighbours, however acting in accordance with legislation this wider community concern did not trigger an application to be a Category 3. It was also noted that although submissions have been made by non-immediate neighbours, they cannot be formally put forward to the Council Assessment Panel for consideration.

... Cr Mitchell returned to the meeting at 2.36pm.

COUNCIL

C44 MAYOR'S REPORT

Mayor Quigley

23 December 2018	Attended and addressed Cummins Christmas Carols
6 January 2019	Informal drinks with Peter and Annette Treloar and The Honourable Steven Marshall
8 January 2019	Met with Dylan Pedler regarding the Cummins Garage proposed development
14 January 2019	Interview with Isobel Cootes, Port Lincoln Times regarding the Friends of Cummins Cemetery Master Plan
14 January 2019	Informed and congratulated Ingrid Kennerley on being awarded SA Citizen of the Year
15 January 2019	Interview with Lauren, Port Lincoln Times regarding jetty maintenance
18 January 2019	Ordinary Council meeting

C45 MEMBERS REPORTS

Cr Mitchell

Council

20 December 2018 Ordinary General meeting

18 January 2019 Ordinary Council meeting

Community

21 December 2018 Address to Carols on the Foreshore

17 January 2019 Eyre Peninsula Trails Committee inaugural meeting

Cr Holman

Council

20 December 2018 Ordinary General meeting

18 January 2019 Ordinary Council meeting

Cr Tingay

20 December 2018 Ordinary General meeting

18 January 2019 Ordinary Council meeting

17 January 2019 Eyre Peninsula Trails Committee inaugural meeting

Cr Bayly

20 December 2018 Ordinary General meeting

18 January 2019 Ordinary Council meeting

Cr Howell

20 December 2018 Ordinary General meeting

18 January 2019 Ordinary Council meeting

(continued)

C45 MEMBERS REPORTS**CONT'D:****Cr Woolley**

20 December 2018

18 January 2019

10-11 January 2018

Ordinary General meeting

Ordinary Council meeting

Received verbal complaints re: proposed fuel outlet Bruce Terrace, Cummins.

.. The Works Manager returned to the meeting at 11.11am.

C46 QUESTIONS WITHOUT NOTICE

Nil.

C47 QUESTIONS WITH NOTICE

Nil.

C48 MOTIONS WITHOUT NOTICE

Nil.

C49 MOTIONS WITH NOTICE

Nil.

C50 MOTIONS ON THE TABLE

Nil.

C51 PETITIONS

Nil.

C52 COMMITTEE MINUTES

Nil.

C53 MINUTES FROM OTHER BODIES

Nil.

C54 PUBLIC MEETINGS

Nil.

C55 POLICY DEVELOPMENT**(1) Policies for Review**

HOLMAN/ BAYLY

That Council endorse the proposed schedule for the review of Council policies from February to September 2019

Carried..

(2) Policies for Adoption**1) Public Light Modifications**

HOLMAN/ TINGAY

That Council adopt Policy INF-POL-07 – Public Light Modifications as presented and that this policy be disseminated to staff and placed on Council's website.

Carried..

C56 REGIONAL DEVELOPMENT

Nil.

C57 EYRE PENINSULA LOCAL GOVERNMENT ASSOCIATION

Nil.

C58 LOCAL GOVERNMENT ASSOCIATION**(1) Local Government Association Circulars**

MITCHELL/ HOWELL

That Local Government Association Circulars numbered 51.1 – 2.7 be noted by Council.

Carried..

... The Works Manager left the meeting at 11.13am and did not return.

C59 COUNCIL OFFICER REPORTS

HOLMAN/ HOWELL

That the Council Officer Reports be received.

Carried.

CHIEF EXECUTIVE OFFICER**CL/01/19 - EPLGA EYRE PENINSULA STRATEGIC PLAN
(DECEMBER 2018)**

General discussion ensued with a consensus the draft plan does not Council activity.

TINGAY/ WOOLLEY

That Council advise the EPLGA that it notes the draft strategic plan, has no further comments to make at this time and looks forward to progression of discussion in relation to the outcomes expected of RDAWEP as part of the funding agreement negotiations.

Carried.

CL/02/19 - SECTION 270 REVIEW OF COUNCIL DECISIONS

The Chief Executive Officer advised that former Elected Member Don Millard had also shown interest in being on the panel.

MITCHELL/ HOLMAN

That Diana Laube, Julie Low, Don Millard, Cr Woolley and Cr Bayly be nominated by Council to be a member of the Eyre Peninsula Local Government Association Section 270 Review of Council decisions panel.

Carried.

CL/03/19 - COUNCIL ADDITIONAL MEETING DATES

It was noted the Council Assessment Panel had agreed to change its meetings to Thursdays instead of Fridays.

HOLMAN/ HOWELL

That Council endorses the indicative calendar of Council activities as provided to the January Council meeting.

Carried.

C59 COUNCIL OFFICER REPORTS**CONT'D:****CL/04/19 - COOMUNGA RIFLE CLUB**

MITCHELL/ WOOLLEY

That Council notes progress in relation to transfer of the Coomunga Rifle Club land from the Commonwealth; and

The decision in relation to signing of the contract be deferred pending clarification of the contract conditions, and pending Council consideration of the ground water sampling and site assessment as being conducted by the Department of Defence.

Carried.

CL/05/19 - FUTURE OF THE RAIL NETWORK ON EYRE PENINSULA

Councillors discussed the issue of Eyre Peninsula's rail network and the varying factors surrounding it with the Chief Executive Officer advising he will be holding more discussions with Member for Flinders Peter Treloar.

WOOLLEY/ TINGAY

That Council notes the action taken in relation to supporting the retention of rail as the main medium for grain transport on Eyre Peninsula.

Carried.

MANAGER CORPORATE SERVICES**CL/06/19 - CUMMINS INSTITUTE**

Councillors discussed the merit of introducing a levy for only those living in the Hundred of Cummins. Cr Holman suggested perhaps a community facilities budget line could be established instead, for whole of district use.

(continued)

C59 COUNCIL OFFICER REPORTS**CONT'D:****CL/06/19 - CUMMINS INSTITUTE****CONT'D:****WOOLLEY/ TINGAY**

1. *That Council provide a copy of the Cassurina Connections report and this report to the Cummins & District Enterprise Committee and Hall Committee and invite discussion and feedback;*
2. *Following receipt of the Structural Engineer's report:*
 - *Receive an analysis from staff outlining any priorities for structural repairs and the potential timeframes and consequences arising from inaction on any noted repairs;*
 - *Consider feedback from the CDEC and Cummins Hall Committee on the Cassurina Report, and any comments on preferred management structures of the asset;*
 - *Consider the retention of the annual depreciation into a fund for the Cummins Institute at upcoming budget workshops;*
 - *Consider the implementation of a separate levy on Council rates for ratepayers within the Hundred of Cummins for the ongoing maintenance of the Cummins Institute at upcoming budget workshops.*

... The Director of Works and Infrastructure left the meeting at 11.59am.

Amendment**MITCHELL/ HOLMAN**

1. *That Council provide a copy of the Cassurina Connections report and this report to the Cummins & District Enterprise Committee and Hall Committee and invite discussion and feedback;*
2. *Following receipt of the Structural Engineer's report Council:*
 - *Receive an analysis from staff outlining any priorities for structural repairs and the potential timeframes and consequences arising from inaction on any noted repairs;*
 - *Consider feedback from the CDEC and Cummins Hall Committee on the Cassurina Report, and any comments on preferred management structures of the asset;*
 - *Consider the retention of the annual depreciation into a fund for the Cummins Institute at upcoming budget workshops;*
Consider the implementation of a separate levy for a contribution towards maintaining all community halls as part of the formulation of the 2019/20 Council budget.

Carried.

The amendment became the motion, was voted on and carried.

C59 COUNCIL OFFICER REPORTS**CONT'D:****CL/07/19 - CREATING CONNECTIONS PROGRAM**

HOLMAN/ WOOLLEY

That Council write a letter of thanks to:

- *the Office for Ageing Well thanking them for the funding extension of the Creating Connections program into 2019; and,*
- *the Eyre Peninsula Red Cross for their continued support and facilitation of the Creating Connections program.*

Carried.

CL/08/19 - HUMAN RESOURCES

Noted.

CL/09/19 - COUNCIL MEETING DATES

HOLMAN/ HOWELL

That the Ordinary Council meeting dates for the April and December 2019 meetings be moved forward by one week and be held:

- *Thursday, 18 April 2019*
- *Friday, 13 December 2019*

Carried.

CL/10/19 - CUMMINS MEN'S SHED UPDATE

MITCHELL/ HOLMAN

That Council note the update on progress towards the purchase and leasing of the Cummins Men's Shed, and further note that it does not object to the Cummins Men's Shed utilising the existing on-street carparking along Railway Terrace as overflow parking associated with the Men's Shed activities.

Carried.

CL/11/19 - AMENDMENT TO THE FIRE AND EMERGENCY SERVICES ACT 2005

The following was provided as an addendum:

A Parliamentary Select Committee has been established to consider amendments to the Fire and Emergency Services Act under a (Miscellaneous) Amendment Bill 2018.

(continued)

C59 COUNCIL OFFICER REPORTS**CONT'D:****CL/11/19 - AMENDMENT TO THE FIRE AND EMERGENCY SERVICES ACT 2005****CONT'D:**

Council has been invited to provide feedback on the Fire and Emergency Services (Miscellaneous) Amendment Bill 2018 and to attend a public hearing in Port Lincoln on Thursday, January 31.

The Parliamentary Select Committee has the following terms of reference:

- “a) to examine Clause 23 – Amendment to Section 82 – Power to Direct; and*
- b) to give consideration to the views of all relevant stakeholders.”*

A number of amendments are proposed to both the Fire and Emergency Services Act 2005 and Emergency Management Act 2004.

To assist Council in providing a response, the LGA has created a table summarizing the amendments.

(REFER FOLIO: CL19.01.08)

In summary the matter that will most relevant to the farming community will be the S 23 Amendment as follows: -

If an officer of the SACFS is satisfied: -

- (a) That a person proposes to carry on an activity of a kind prescribed by the regulations or any other activity that the officer is satisfied may cause a fire; and*
 - (b) That because of weather conditions the fire, if caused by the activity, might get out of control,*
- the officer may direct that person to refrain from carrying on the activity during a period specified in the direction.*

This will commonly be in relation to harvesting activities, which has previously been dealt with under a voluntary code of conduct in association with local brigades.

Other matters dealt with in the Amendment Bill directly affecting Council include: -

- S 22 – each Council that is a rural council, and has within its area a designated urban bushfire risk area must appoint at least one person as an authorised officer for the purpose of issuing burning permits.*

(continued)

C59 COUNCIL OFFICER REPORTS**CONT'D:****CL/11/19 - AMENDMENT TO THE FIRE AND EMERGENCY SERVICES ACT 2005****CONT'D:**

- *S 127A – a person who is absent from employment on official duties as a member of an emergency services organisation, in conjunction with a fire or other emergency, is not liable to be dismissed or prejudiced in employment by reason of that absence.*

These other matters do not reflect any unmanageable issue to Council, and in fact Council currently has authorised officers, and a policy in relation to employee participation with emergency services organisations.

Submissions to the Inquiry are due on Friday, February 1, 2019, noting that the LGA will prepare a response on Council's behalf if indicated by the responses it receives – in which case Council needs to provide feedback to the Katherine Russell, Senior Policy Officer at the LGA, by Friday, January 25.

Council staff have not at this time had opportunity to fully digest the changes, in particular in relation to harvesting activity. As such, to meet the time frames, the recommendation is that authority be delegated to the CEO to make a submission on behalf of Council after attending the Port Lincoln forum. Such a submission would be provided to Councillors for comment prior to being lodged.

WOOLLEY/ HOWELL

That Council delegate the authority to the Chief Executive Officer to provide a submission to the Local Government Association of SA and the Parliamentary Select Committee following the public hearing on 31st January in Port Lincoln in relation to the proposed amendments of the Fire and Emergency Services (Miscellaneous) Amendment Bill 2018, incorporating the following: -

- *Officers for the purpose of decisions in relation to the Act be persons specifically authorised for that purpose; and*
- *An officer designated to make a decision in relation to harvesting bans be a person from the local brigade area.*

Carried.

HOLMAN/ BAYLY

That Council adjourn for lunch.

Carried.

... Council adjourned for lunch at 12.42pm and resumed at 1.31pm.

HOLMAN/ WOOLLEY

That the Council Reports be adopted.

Carried.

C60 COUNCIL OFFICER'S MEETINGS ATTENDED

Noted.

C61 COUNCIL CORRESPONDENCE – FOR COUNCIL DECISION

Nil.

C62 COUNCIL CORRESPONDENCE – FOR INFORMATION ONLY**(1) 2017/18 Annual Report - Country SA Primary Health Network**

Noted.

C63 COUNCIL CORRESPONDENCE – MEDIA RELEASES, MAGAZINES AND NEWSLETTERS**(1) Media Releases**

Nil.

(2) Magazines and Newsletters

Noted.

C64 COUNCIL – LATE CORRESPONDENCE

Nil.

C65 COUNCIL GENERAL BUSINESS**1. Elected Member training**

Cr Tingay and Cr Howell advised they would like to attend the forthcoming Independent Commissioner Against Corruption (ICAC) training.

2. Australia Day awards

Council discussed the Australia Day awards ceremony in Cummins and Coffin Bay on Saturday, January 26 and who would attend which breakfast.

Cr Tingay advised he would be an apology due to family reasons.

... *The Director of Works and Infrastructure left the meeting at 1.40pm.*

(continued)

C65 COUNCIL GENERAL BUSINESS**CONT'D:****3. Council Decision Making**

Cr Bayly sought clarification on Councillor voting requirements as part of decision making.

The Manager Corporate Services advised that Councillors are required to vote when in attendance at a Council meeting.

Cr Bayly sought clarification as to the process to be followed when all relevant information is not available to Councillors to facilitate decision making.

The Chief Executive Officer advised the purpose of Council Officer reports is to inform Councilors of all relevant matters to facilitate voting, and suggested that in any case where a Councillor believes more information is required, that the additional information be sought prior to the meeting.

It was also noted that Council is entitled to defer voting on a matter to a future meeting.

... *The Director of Works and Infrastructure returned at 1.46pm.*

4. Tulka Development

The Chief Executive Officer advised Council that arrangements are being made for a community meeting at Tulka to discuss issues of concern to the community. He advised that SA Police and Council Members are likely to be invited to the meeting.

4. Airport Business Plan & Tod Reservoir Inspection

Council resolved to meet and review the content of the current Airport Business Plan at the RDAWEP office in Port Lincoln on Friday 1st February commencing at 9.00 am.

Council resolved that following that discussion, it will undertake a visit to the Tod Reservoir, noting that a Master Plan setting out options for the future use of the reservoir has recently been finalized by the group led by Eyre Futures.

**MEETING CLOSED AT 2.46PM
MINUTES CONFIRMED:**

.....
(CHIEF EXECUTIVE OFFICER)
DATED: 15 FEBRUARY 2019

.....
(MAYOR)