



MINUTES

Of the ordinary meeting of the
District Council of Lower Eyre Peninsula
held in the Council Chambers, 32 Railway Terrace, Cummins,
on Friday, August 16, 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, AUGUST 16, 2019 COMMENCING AT 9.01AM.

PRESENT:

Councillors PL Mitchell, RB Howell, WJ Holman and A Tingay.

S Hopewell (Acting Chief Executive Officer), L Blacker (Manager Development and Environmental Services), G Jutzen (Works Manager), B Breed (Senior Corporate Services Officer) and B Puckridge (Executive Assistant).

179 WELCOME

Deputy Mayor Mitchell welcomed staff and Councillors to the meeting.

180 ACKNOWLEDGEMENT OF COUNTRY

Deputy Mayor Mitchell 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.

181 APOLOGIES

Mayor JT Quigley, Cr SJ Woolley, R Pearson (Chief Executive Officer), T Blacker (Director Works and Infrastructure) and P O'Rielly (Airport Operations Manager).

182 DECLARATION OF CONFLICT OF INTEREST

Cr Holman declared a perceived conflict of interest (pursuant to section 74 of the Local Government Act 1999) as a volunteer member of the Cummins District Enterprise Committee and the sub committee for the Cummins Caravan Park. but advised she would remain in the meeting for consideration of item W&I/48/19 since it is a matter of interest for a significant group.

Cr Holman declared a perceived conflict of interest (pursuant to section 74 of the Local Government Act 1999) as a volunteer member of the Friends of the Cummins Cemetery but advised she would remain in the meeting for consideration of item W&I/48/19 as the matter has significance for a larger group of the community.

Cr Mitchell declared a material conflict of interest (pursuant to section 74 of the Local Government Act 1999) as a member of the Council Assessment Panel but advised he would remain in the meeting for consideration of item W78 (4) as no decision was required on the matter.

I83 OVERVIEW OF ADDITIONAL DOCUMENTS

The Acting Chief Executive provided an overview of additional documents:

D64 DEVELOPMENT AND ENVIRONMENTAL SERVICES
REPORT

DES/13/19 REQUEST FOR ASSISTANCE WITH CWMS
CONNECTION

A confidential report has been provided in relation to this item.

I84 CONFIRMATION OF MINUTES

HOLMAN/ TINGAY

That the Minutes of the following meetings:-

- *Ordinary Council meeting held 19 July 2019*
 - *Special Council meeting held 4 March 2019*
 - *Confidential Council meeting held 4 March 2019*
- be confirmed.*

Carried.

I85 BUSINESS ARISING FROM THE MINUTES

Nil.

I86 INVITED GUESTS

Nil.

I87 DEPUTATIONS

Nil.

FINANCE

F63 FINANCE REPORT

HOLMAN/ HOWELL

That the Finance Reports be received.

Carried.

SENIOR CORPORATE SERVICES OFFICER

FN/31/19 - SALE OF LAND FOR NON-PAYMENT OF RATES – A2082

The Senior Corporate Services Officer confirmed that all efforts made by staff and an independent debt collection agency had failed.

HOWELL/ HOLMAN

That Council provides approval to the Chief Executive Officer to issue a formal Chapter 10 Sale of Property for Non-Payment of Rates to the registered owner of assessment 2082 for rates owing being in excess of 3 years in arrears.

Carried.

FN/32/19 - LOCAL GOVERNMENT ASSET MUTUAL FUND – 2019-20 INSURANCE PREMIUMS

Deputy Mayor Mitchell queried what had caused the significant 13.75 per cent increase from the 2018/19 insurance premiums.

The Acting Chief Executive Officer advised the figure had eventuated as a result of state-wide calculations and that it was not a direct correlation to Council's own claims.

HOLMAN/ TINGAY

That Council write to Local Government Risk Services advising of its disappointment at not being advised of the reduction in performance distributions for the 2019/20 financial year ahead of Council's budget for 2019/20 being consulted upon and set; and,

Further requests that an update be provided by the scheme in May 2020 of any expected reduction for the 2020/21 year to allow for accurate budgeting to be undertaken by the Council.

Carried.

TINGAY/ HOLMAN

That the Finance Reports be adopted.

Carried.

F64 FINANCE UPDATES

- (1) Bank Reconciliation Statement as at 06/08/2019**
- (2) Reserve Status Report as at 06/08/2019**

The Senior Corporate Services Officer noted two new Reserves had been added to the report – the Asset Sustainability Reserve and the Bratten Way Rehabilitation Reserve.

- (3) Funds Status Report as at 06/08/2019**
- (4) Council Budget Report as at 26/07/2019**

Noted.

F65 FINANCE MEETINGS ATTENDED

Noted.

F66 FINANCE CORRESPONDENCE – FOR COUNCIL DECISION

- (1) Rating complaint – M Roberts**

General discussion ensued with Councillors agreeing that Council's rates notices could be improved to better display the separate rates and fees, particularly the Natural Resources Management Levy, and the Community Wastewater Management Scheme Levy.

HOWELL/ TINGAY

That Council advises Mr Roberts that:

- *the advised 3.30% general rate revenue increase for 2019/20 is calculated by the movement in the fixed charge and general rate in the dollar that are payable by all properties within the Council area;*
- *the general rate increase for his property, assessment 966 between 2018/19 and 2019/20 is 3.35% (or when including the CWMS levy as suggested, 3.06%;*
- *the 4.14% increase calculated by Mr Roberts on assessment 966 uses the discounted amounts payable (less the NRM levy) and therefore is not an accurate reflection of the general rate revenue increase applied to existing properties;*
- *Council reduced the discount for full payment of rates from 2.00% to 1.00% due to the Reserve Bank of Australia's reduction in the official cash rate to 1.00% in July 2019;*

(continued)

F66 FINANCE CORRESPONDENCE – FOR COUNCIL DECISION CONT'D:**(1) Rating complaint – M Roberts****cont'd:**

- Council provides the following calculations for information;

	2018-19	2019-20	Difference \$	Difference %
General Rate	\$ 1,134.00	\$ 1,171.80	\$ 37.80	3.33 %
Fixed Charge	\$ 470.00	\$ 486.00	\$ 16.00	3.40 %
Occupied Effluent Levy	\$ 480.00	\$ 490.00	\$ 10.00	2.08 %
NRM Levy (State Govt. Levy)	\$ 75.31	\$ 77.92	\$ 2.61	3.47 %
Discount Provided	\$ 43.20	\$ 22.40	(\$ 20.80)	(48.15 %)
Total General Rates (General Rate plus Fixed Charge)	\$ 1,604.00	\$ 1,657.80	\$ 53.80	3.35 %
Total Council Rates / Levies (Includes Effluent Levy, Excludes NRM Levy)	\$ 2,084.00	\$ 2,147.80	\$ 63.80	3.06 %
Total Rates (Less Discount and NRM Levy)	\$ 2,040.80	\$ 2,125.40	\$ 84.60	4.14 %

- effluent levies charged to properties within the townships of Coffin Bay, Cummins, North Shields and Tulka are a service charge for the operation, maintenance, improvement and renewal of the four Community Wastewater Management Schemes (CWMS) and can not be included in the calculation of rates payable across the Council district as these service charges are only applied to the four townships that receive that service;
- all revenue raised through annual effluent levies is held and accounted for separately to Council's general rate revenue and is solely used for CWMS operations and not any other Council function or project;
- Council notes his opinion that funds are being spent on non essential services and functions, however advise that while Council endeavour to provide a balance of services and functions across the Council district, it acknowledges that there will always be varying views amongst the community on the value of one service over another.

Carried.

(2) Request for donation – Cummins Kapinnie Netball Club

TINGAY/ HOMAN

That Council advises the Cummins Kapinnie Netball Club that:

- Council will provide a donation of \$250 to assist with the commencement costs associated with running a summer mixed netball competition in Cummins; and
- Contributions provided by the District Council of Lower Eyre Peninsula are to be acknowledged in all promotional materials, speeches and media pertaining to the event.

Carried.

F66 FINANCE CORRESPONDENCE – FOR COUNCIL DECISION CONT'D:**(3) Notice of Annual General Meeting – Local Government Finance Authority**

HOLMAN/ TINGAY

That Mayor Quigley be nominated as the District Council of Lower Eyre Peninsula representative to the Local Government Finance Authority Board.

Carried.

F67 FINANCE CORRESPONDENCE – INFORMATION ONLY**(1) Cash Advance Debenture interest rate reduction – Local Government Finance Authority****(2) Applications open – Stronger Community Grants Round 5**

Elected Members discussed the grant opportunities and queried whether Council could be better prepared by having projects identified and researched in order to be 'shovel ready' when grants became available.

The Acting Chief Executive Officer advised that an allocation has been included in the 2019/20 budget for the scoping of projects for this purpose, noting that scoping will generally only occur on projects already identified in Council's Strategic Plan.

The ACEO further outlined that the Economic Community Development Officer was aware of the criteria and timing of most grant opportunities and endeavours to share this information with relevant organisations.

(3) Applications open – Regional Coast Protection Grant

Noted.

F68 TENDERS / QUOTATIONS

Nil.

F69 FINANCE GENERAL BUSINESS

Nil.

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

WORKS AND INFRASTRUCTURE

W73 WORKS AND INFRASTRUCTURE REPORT

HOLMAN/ TINGAY

That the Works and Infrastructure Report be received.

Carried.

DIRECTOR WORKS AND INFRASTRUCTURE

W&I/45/19 - SOLAR PANELS AT AIRPORT

HOLMAN/ HOWELL

That Council approves the expenditure of up to \$14,400 for design and approval documentation for the Airport Carpark Solar Panel Project, subject to staff demonstrating that these funds can be sourced from savings within the current budget.

Carried.

WORKS MANAGER

W&I/46/19 - MACDONALD DRIVE – APPLICATION TO CROP AND GRAZE ROAD RESERVE

The Works Manager spoke to the report, stating there were two primary issues, one relating to development procedures and the other an application to use a road reserve for cropping / grazing and that this report deals with application to use the road reserve for cropping / grazing, however, some consideration to the Development issue is given.

Significant discussion ensued with Councillors discussing the types of gates installed periodically and the responses received from consultation. It was noted that the option to pursue more significant structures like cattle grids should only be considered once a long term solution is determined noting the proposed current approval will only be a short term 12 month approval.

Staff outlined where the road is believed to traverse private land and Councillors noted that a one year permit will allow for the survey to be completed and clarify the alignment of the road prior to reconsideration of the matter in 2020.

(continued)

W73 WORKS AND INFRASTRUCTURE REPORT**CONT'D:****W&I/46/19 - MACDONALD DRIVE – APPLICATION TO CROP AND GRAZE ROAD RESERVE****CONT'D:**

TINGAY/ HOLMAN

That Council, pursuant to Section 222 of the Local Government Act (1999) issue Mr K MacDonald a permit to crop and graze the section of MacDonald Drive road reserve from Pope Drive eastwards to the southwest corner of Section 150 in the Hundred of Louth subject to the following conditions:

- 1. The permit is issued until 30 September 2020;*
- 2. The applicant may apply for renewal by lodging the request by 30 June of the expiry year with payment of an application fee as per Council's Fees and Charges Schedule at which time the permit and the conditions will be reviewed by Council;*
- 3. An annual fee is payable based on Council's Fees and Charges Schedule for the use of 0.88 hectares for cropping and 10.86 hectares for grazing land payable in advance by the 30 September of each year that the permit is held.*
- 4. All stock fences must be replaced with gates (without locks) within 60 days of the approval of the application and the gates must be visibly marked to draw the attention of road users from a distance;*
- 5. Public must be permitted continued access along the rented section of the road reserve and the gates are to be kept in a serviceable easy to use condition at all times for reasons of safety during the bushfire season;*
- 6. No further gates must be placed during the course of this approval;*
- 7. Should a section of the rental road be upgraded to a general access standard, then the gates within this section must be replaced with cattle grids installed subject to the approval by Council of an Authorisation to Alter a Public Road Reserve pursuant to Section 221 of the Local Government Act (1999).*

Carried.

TINGAY/ HOLMAN

That Council erect signage at suitable locations at the Pope Drive and White Flat ends of MacDonald Drive denoting that the road is a fire escape route and not suitable for general access.

Carried.

(continued)

W73 WORKS AND INFRASTRUCTURE REPORT**CONT'D:****W&I/46/19 - MACDONALD DRIVE – APPLICATION TO CROP AND GRAZE ROAD RESERVE****CONT'D:**

TINGAY/ HOLMAN

That in regard to K MacDonald's application pursuant to Section 222 of the Local Government Act (1999) that Council write to all respondents to the public consultation process as well as the adjoining landowners advising them that:

- 1. whilst Council acknowledges the responses received outlined a preference to have access to MacDonald Drive free of the restrictions of gates, Council has resolved to allow the continued use of the road reserve for cropping and grazing expiring on 30 September 2020 at which time Council will be in a position to determine a long-term solution for MacDonald Drive.*
- 2. in making this decision, Council considered the possibility that refusal of the application may result in the farmer fencing his property and removing the gates, thereby resulting in a loss of access as it is quite likely that the current roadway along MacDonald Drive does not stay within the surveyed road reserve;*
- 3. Council has an allocation within the current budget to survey the existing roadway along MacDonald Drive in relation to the road reserve boundary in order to identify sections of the MacDonald Drive that are not within the road reserve.*
- 4. Council further took into consideration that this section of MacDonald Drive is considerably below the standard required of a road for general access and has always maintained MacDonald Drive over the years to a standard consistent with a minor fire track or alternate fire escape route. It is not uncommon to have gates along fire tracks to deter the public from general access; however, Council will require, as a condition of approval, that the current stock gates are replaced with general access gates that are easy to open and close and are easily visible;*
- 5. Council will also erect signage outlining the road as a fire access track to deter the public from using this road for general access;*
- 6. Council will review this permit should the applicant apply to renew the permit;*
- 7. Council currently has no plans to upgrade this road to a standard allowable for general access. Upgrading MacDonald will be at considerable cost and this will need to be considered by Council against other priorities in future strategic plans.*

Carried.

W73 WORKS AND INFRASTRUCTURE REPORT**CONT'D:****W&I/47/19 - WASTE MANAGEMENT FEES – ANNUAL REVIEW**

HOLMAN/ HOWELL

That the fees and charges (GST inclusive) at the Waste Transfer Stations are adopted effective from 1 October 2019 as follows:

Residual Waste

LOAD VOLUME	FEE
<i>m³ Charge</i>	<i>\$ 40.00</i>
<i>Wheelie Bin / Car Boot</i>	<i>\$ 10.00</i>
<i>Trailer (6ft x 4ft x 0.5m)</i>	<i>\$ 45.00</i>
<i>Trailer (6ft x 4ft x 1.0m)</i>	<i>\$ 90.00</i>
<i>Tandem Trailer (8ft x 5ft x 0.5m)</i>	<i>\$ 74.00</i>
<i>Tandem Trailer (8ft x 5ft x 1.0m)</i>	<i>\$148.00</i>

Building and Demolition Waste

LOAD VOLUME	FEE
<i>m³ Charge</i>	<i>\$155.00</i>
<i>Wheelie Bin / Car Boot</i>	<i>\$ 39.00</i>
<i>Trailer (6ft x 4ft x 0.5m)</i>	<i>\$173.00</i>
<i>Trailer (6ft x 4ft x 1.0m)</i>	<i>\$346.00</i>
<i>Tandem Trailer (8ft x 5ft x 0.5m)</i>	<i>\$288.00</i>
<i>Tandem Trailer (8ft x 5ft x 1.0m)</i>	<i>\$576.00</i>

Cardboard Waste

LOAD VOLUME	FEE
<i>m³ Charge</i>	<i>\$ 13.00</i>
<i>Wheelie Bin / Car Boot</i>	<i>\$ 4.00</i>
<i>Trailer (6ft x 4ft x 0.5m)</i>	<i>\$ 15.00</i>
<i>Trailer (6ft x 4ft x 1.0m)</i>	<i>\$ 30.00</i>
<i>Tandem Trailer (8ft x 5ft x 0.5m)</i>	<i>\$ 25.00</i>
<i>Tandem Trailer (8ft x 5ft x 1.0m)</i>	<i>\$ 49.00</i>

Recyclables (Excl Cardboard, Paper & Green Waste)

LOAD VOLUME	FEE
<i>m³ Charge</i>	<i>-</i>
<i>Wheelie Bin / Car Boot</i>	<i>-</i>
<i>Trailer (6ft x 4ft x 0.5m)</i>	<i>-</i>
<i>Trailer (6ft x 4ft x 1.0m)</i>	<i>-</i>
<i>Tandem Trailer (8ft x 5ft x 0.5m)</i>	<i>-</i>
<i>Tandem Trailer (8ft x 5ft x 1.0m)</i>	<i>-</i>

(continued)

W73 WORKS AND INFRASTRUCTURE REPORT**CONT'D:****W&I/47/19 - WASTE MANAGEMENT FEES – ANNUAL REVIEW****CONT'D:***Green Waste*

<i>LOAD VOLUME</i>	<i>FEE</i>
<i>m³ Charge</i>	<i>\$ 12.00</i>
<i>Wheelie Bin / Car Boot</i>	<i>\$ 5.00</i>
<i>Trailer (6ft x 4ft x 0.5m)</i>	<i>\$ 14.00</i>
<i>Trailer (6ft x 4ft x 1.0m)</i>	<i>\$ 27.00</i>
<i>Tandem Trailer (8ft x 5ft x 0.5m)</i>	<i>\$ 23.00</i>
<i>Tandem Trailer (8ft x 5ft x 1.0m)</i>	<i>\$ 46.00</i>

Other Waste

<i>Waste</i>	<i>FEE</i>
<i>Permapine Posts</i>	<i>\$ 1.00</i>
<i>Fridges & Freezers (not degassed)</i>	<i>\$ 20.00</i>
<i>Air-conditioners (not degassed)</i>	<i>\$ 20.00</i>
<i>Car Bodies</i>	<i>\$ 85.00</i>

Carried.

W&I/48/19 - CUMMINS CEMETERY IMPROVEMENTS

TINGAY/ HOWELL

That Council approve the dimensions, style and locations of shelters, rainwater tanks, benches and gazebo as illustrated in the Works Agenda Report Item W&I/48/19, with the final design of the gazebo being presented to Council for approval when finalised and that the Friends of the Cummins Cemetery Committee be advised accordingly.

Carried.

HOLMAN/ TINGAY

That the Works and Infrastructure Report be adopted.

Carried.

W74 WORKS AND INFRASTRUCTURE OPERATIONS UPDATES

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

Noted.

W75 AIRPORT OPERATIONS UPDATES

- (1) Port Lincoln Airport Passenger Statistics – June 2019**
(2) Airport Operations

Noted.

W76 WORKS AND INFRASTRUCTURE MEETINGS ATTENDED

Noted.

W77 WORKS AND INFRASTRUCTURE CORRESPONDENCE – FOR COUNCIL DECISION

- (1) Nature Playground request – Poonindie Reserve**

TINGAY/ HOLMAN

That the Poonindie Community Learning Centre be thanked for their correspondence and advised that Council intend to consult with local residents in mail out format regarding the future development of the reserve later in the 2019/20 budget year, and following that consultation, Council will decide what future improvement will be pursued in the reserve and that their letter will be kept on record.

Carried.

- (2) MacDonald Drive – B Moseby**

TINGAY/ HOLMAN

That Council advise Mr Moseby that:

- *A map will be provided to him showing the need to identify any encroachments of MacDonald Drive on private property noting that the section he wants upgraded looks to have the most likely encroachments;*
- *The survey of MacDonald Drive has been included in this budget;*
- *Council has no plans at this stage to upgrade MacDonald Drive however, he may write to Council to consider any upgrade when Council invites public comments for the review of Council's strategic plan which is being reviewed in the 2019/20 year;*
- *As previously advised, Council are not able to guarantee that Council will upgrade MacDonald Drive as such decisions are made in competition with other priorities;*
- *Council sets rates to maintain the current road network of which he would use to access his property. Adding or upgrading the road network also requires Council to find additional revenue to fund the higher level of service which can only be done by shifting costs or raising rates;*
- *There is no positive legal obligation for a Council to upgrade an existing road or provide an all-weather access to a property simply as a result of a property being purchased and the land use changing;*

(continued)

W77 WORKS AND INFRASTRUCTURE CORRESPONDENCE – FOR COUNCIL DECISION CONT'D:**(2) MacDonald Drive – B Moseby cont'd:**

- *Whilst Council is sympathetic to his circumstances; the obligation is on any land purchaser to undertake due diligence of what would be required in terms of access should they plan to build a residence;*
- *Council must ensure the road meets the required standard of the Development Plan and the Minister's Code for Undertaking Development in Bushfire Protection Areas before development approval can be issued. In practice, this cost is borne by the developer in order to gain their development approval.*

Carried.

(3) Request for road maintenance – Green Road & Mount Drummond Road – M & K Green

The Works Manager spoke to the item and reiterated that Council was in need of a rubble source in the area.

TINGAY/ HOWELL

That M & K Green be thanked for their letter and be advised as:

1. Mount Drummond Road

- It is acknowledged the low lying sections of the road need to be raised. Council has been unable to secure a rubble source in the area, noting that a trial undertaken a few years ago of ripping, crushing and relaying the existing road surface has not shown the intended results;*
- Council has an unallocated amount in the budget where a further trial might be able to be conducted raising rubble using the reef digger from the road crests, however, this would be dependent on other priorities;*
- As farmers local to the subject area, it would be appreciated if you could pass onto Council any knowledge you might have of any rubble sources in the area, so that Resheeting may be carried out on Mount Drummond Road in the future.*

2. Green Road

- Council staff are aware of the Tod pipe on Green Road that needs replacing and advise that it is included on Council's list of Tod pipes in need of replacement. Council recognise that the Tod Pipe network throughout the district are beginning to fail and have increased the replacement budget over the past two years;*
- A recent inspection highlighted issues of grading reels causing water to puddle in the road. This issue is being addressed.*

Carried.

W77 WORKS AND INFRASTRUCTURE CORRESPONDENCE – FOR COUNCIL DECISION CONT'D:**(4) Concern over road safety – Stanton Road, North Shields – D Habner**

HOLMAN/ HOWELL

That D Habner be thanked for his letter and advised that:

- 1. The road meets the width requirements of a Category 4 road of 4 to 7 metres;*
- 2. The road was assessed on the day of the incident and found to be in reasonable condition with the exception of one small boggy section that has since been patched with rubble. This section was just before incident site, but did not appear to have been the cause of the incident;*
- 3. This road generally receives a grade once a year which meets the service level for this Category of road of a grade once every 2 years. The last grade was undertaken in September last year;*
- 4. It is the driver's responsibility to drive attentively and according to the conditions of the road;*
- 5. The issue of sightlines near "Murray's" shed will be evaluated against the criteria of the standard for a crest warning sign.*

Carried.

W78 WORKS AND INFRASTRUCTURE CORRESPONDENCE – INFORMATION ONLY

- (1) Various requests, Coffin Bay – Coffin Bay Tourist Association**
- (2) Flight Training Adelaide**
- (3) Oyster HQ – Request for Permit to Alter Road Reserve**

It was noted that a resolution in regards to Oyster HQ would be put forward at the September Council meeting when Council had a quorum and that the owners have asked to have a deputation to the September Council meeting.

Noted.

W79 WORKS AND INFRASTRUCTURE – LATE CORRESPONDENCE

Nil.

W80 WORKS AND INFRASTRUCTURE GENERAL BUSINESS

1. Airport Lane

Cr Mitchell queried if staff had received any more feedback regarding the works carried out on Airport Lane with the Works Manager advising no further complaints had been received.

HOWELL/ HOLMAN

That Council adjourn for morning tea.

Carried.

... Council adjourned for morning tea at 10.44am and resumed at 11am.

DEVELOPMENT AND ENVIRONMENTAL SERVICES

D64 DEVELOPMENT AND ENVIRONMENTAL SERVICES REPORT

HOWELL/ TINGAY

That the Development and Environmental Services Report be received.
Carried.

DES/12/19 - FOOD ACT 2001 AND SAFE DRINKING WATER ACT 2011 ANNUAL REPORTS 2018/19

HOLMAN/ HOWELL

That Council endorse the Food Act 2001 and Safe Drinking Water Act 2011 Annual Reports for 2018/19 as prepared and submitted to SA Health by the Manager Development & Environmental Services.
Carried.

DES/13/19 - REQUEST FOR ASSISTANCE WITH CWMS CONNECTION

The following report was provided as a late item.

A confidential report has been provided to Elected Members.

HOLMAN/ HOWELL

That Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public, except S Hopewell (Acting Chief Executive Officer), L Blacker (Manager Development Environmental Services), G Jutzen (Works Manager) and B Puckridge (Executive Assistant) be excluded from attendance at the meeting for Agenda Item Agenda Item D64 DES/13/19 - Request for Assistance with CWMS connection.

The Council is satisfied that, pursuant to section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of residents requesting assistance with connection.

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 discussion of such information in a public forum would be unreasonable.

Carried.
(continued)

D64 DEVELOPMENT AND ENVIRONMENTAL SERVICES REPORT
CONT'D:

Council moved into a confidential meeting at 11.06am and resumed its ordinary meeting at 11.25am.

Following the conclusion of the confidential meeting of Council, Deputy Mayor Mitchell advised that the minutes and associated documents have been kept confidential in line with Section 91 (7) and Section 90 (3) (a) of the Local Government Act 1999 and will remain confidential until such time as negotiations to assist with the connection have been finalised, as the issues relating to the subject of the order have not yet been resolved.

HOLMAN/ TINGAY

That the Development and Environmental Services Report be adopted.

Carried.

D65 DEVELOPMENT AND ENVIRONMENTAL SERVICES UPDATES

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

D66 MANAGER DEVELOPMENT AND ENVIRONMENTAL SERVICES MEETINGS ATTENDED

Noted.

D67 DEVELOPMENT AND ENVIRONMENTAL SERVICES CORRESPONDENCE – FOR COUNCIL DECISION

Nil.

D68 DEVELOPMENT AND ENVIRONMENTAL SERVICES CORRESPONDENCE – INFORMATION ONLY**(1) Complaint regarding Light Road property**

The Manager Development and Environmental Services advised an assessment of the property will be presented at the September Council meeting.

Noted.

**D69 DEVELOPMENT AND ENVIRONMENTAL SERVICES – LATE
CORRESPONDENCE**

Nil.

**D70 DEVELOPMENT AND ENVIRONMENTAL SERVICES GENERAL
BUSINESS**

Nil.

COUNCIL

C212 MAYOR'S REPORT

Mayor Quigley

To be advised at September meeting.

C213 MEMBER'S REPORTS

Cr Mitchell

24 July 2019

Joint Planning Board meeting, Wudinna

9 August 2019

Met with P & D Bartley re: Monarch Crest with Acting Chief Executive Officer and Manager Development Environmental Services

16 August 2019

Ordinary Council meeting

Cr Tingay

16 August 2019

Ordinary Council meeting

Cr Tingay advised his nomination to the SA Coastal Council's Alliance had been successful.

Cr Holman

16 August 2019

Ordinary Council meeting

Community

31 July 2019

Cummins Caravan Park meeting

7 August 2019

Friends of Cummins Cemetery meeting

14 August 2019

Cummins and District Enterprise Committee meeting

15 August 2019

Creating Connections - bus driver to Coomunga

Cr Howell

24 July 2019

Joint Planning Board meeting, Wudinna

16 August 2019

Ordinary Council meeting

Cr Woolley

1 August 2019

Cummins Homes Committee meeting

C214 QUESTIONS WITHOUT NOTICE

Nil.

C215 QUESTIONS WITH NOTICE

Nil.

C216 MOTIONS WITHOUT NOTICE**1. Road improvements**

Following an article in The Advertiser on Saturday 10/8/19 in which the State Government announced 'congestion busting' road work projects that could 'begin with 12 to 24 months', Cr Woolley requested (via email) that Council seek clarification to confirm that funding for the congestion projects was unrelated to the Eyre Peninsula upgrades proposed following the closure of the railway line.

As Cr Woolley was not able to attend the August meeting, Cr Holman put forward a motion to clarify this matter, further noting that she had written to Member for Flinders Peter Treloar and other politicians concerned that Council had received no communication regarding what road improvements would be happening pre-harvest.

Cr Holman stated she had been advised since May that the Department of Planning, Transport and Infrastructure had been conducting a corridor analysis as Stage One and that further discussions with key stakeholders would commence following that analysis.

Cr Holman reiterated she believed Council needed to continue to apply lobbying pressure so the urgency of the matter is not ignored.

HOLMAN/ TINGAY

That Council write to the Member for Flinders congratulating the Government for undertaking congestion busting roadworks on the Flinders Highway at Wangary and Liverpool Street, Port Lincoln while seeking clarification that these projects are ancillary to the proposed upgrades to the Todd Highway from Karkoo to Flinders Highway required as a result of the closure of the G&W rail network on Eyre Peninsula.

Carried.

C217 MOTIONS WITH NOTICE

Nil.

C218 MOTIONS ON THE TABLE

Nil.

C219 PETITIONS

Nil.

C220 COMMITTEE MINUTES

Nil.

C221 MINUTES FROM OTHER BODIES

Nil.

C222 PUBLIC MEETINGS

Nil.

C223 POLICY DEVELOPMENT**(1) Policies & Codes for Review – Without amendment**

HOLMAN/ HOWELL

That Council adopt the following policies without amendment:

<u>Policy Number:</u>	<u>Title</u>
CS-POL-01	Involvement in emergency response operations;
PRM-POL-06	Rubble Pits & Compensation;
PRM-POL-05	Community Bus Transport Scheme;
PRM-POL-04	Council property maintenance;
PRM-POL-03	Cummins Homes Tenancy;
PRM-POL-02	Camping; and,
PRM-POL-01	Council Chambers hire.

Carried.

(2) Policies & Codes for Review – With Amendment

HOLMAN/ HOWELL

That Council adopt the following policies & codes with amendment:

<u>Policy Number:</u>	<u>Title</u>
EPS-POL-01	Private Works Hire;
FIN-SCH-01	Schedule of fees & charges;
CR-POL-03	Community Engagement Strategy; and,
CR-POL-02	Public Consultation.

Carried.

C224 REGIONAL DEVELOPMENT

Nil.

C225 EYRE PENINSULA LOCAL GOVERNMENT ASSOCIATION**(1) Eyre Peninsula road works**

Noted.

C226 LOCAL GOVERNMENT ASSOCIATION**(1) Local Government Association Circulars**

HOLMAN/ TINGAY

That Local Government Association Circulars numbered 28.6-32.1 be noted by Council.

Carried.

C227 COUNCIL OFFICER REPORTS

HOWELL/ HOLMAN

That the Council Officer Reports be received.

Carried.

ACTING CHIEF EXECUTIVE OFFICER**CL/57/19 - NEW YEAR'S EVE DRY ZONES – CUMMINS AND COFFIN BAY**

HOLMAN/ HOWELL

That Council endorse the actions of staff in arranging a blanket dry zone for public areas in the townships of Cummins and Coffin Bay from 9pm on 31 December 2019 to 8am on 1 January 2020.

Carried.

CL/58/19 - JOINT PLANNING BOARD

HOWELL/ HOLMAN

That the District Council of Lower Eyre Peninsula advise the EPLGA Board that:

- *it will be a party to the establishment of a regional Joint Planning Board; and,*
- *it will be a party to the establishment of a Regional Assessment Panel with costs to be shared across the participating councils using an equitable cost sharing arrangement that reflects levels and complexity of development assessment demands. (Each Regional Assessment Panel group of councils to determine and agree on cost sharing arrangements).*

Carried.

CL/59/19 - LEGAL MATTERS

TINGAY/ HOLMAN

*That Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public, except S Hopewell (Acting Chief Executive Officer), L Blacker (Manager Development and Environmental Services), G Jutzen (Works Manager) and B Puckridge (Executive Assistant), be excluded from attendance at the meeting for Agenda Item C227 CL/59/19 – Legal Matters.**The Council is satisfied that, pursuant to section 90(3)(i) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information relating to litigation involving the Council. The Council is satisfied that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information ought not be made available to the public as it could detrimentally affect the Council's position in relation to this matter.*

Carried.

(continued)

C227 COUNCIL OFFICER REPORTS**CONT'D:****CL/59/19 LEGAL MATTERS****CONT'D:**

Council moved in to a confidential meeting at 11.46am and resumed its ordinary meeting at 11.54am.

Following the conclusion of the confidential meeting of Council, Deputy Mayor Mitchell advised that the minutes and associated documents have been kept confidential in line with Section 91 (7) and Section 90 (3) (i) of the Local Government Act 1999 and will remain confidential until such time as the matter has been concluded, as the issues relating to the subject of the order have not yet been resolved.

... *The Manager Development and Environmental Services left the meeting at 11.54am and returned 11.55am.*

CL/60/19 - MONARCH CREST DEVELOPMENT

HOWELL/ HOLMAN

That Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public, except except S Hopewell (Acting Chief Executive Officer), L Blacker (Manager Development and Environmental Services), G Jutzen (Works Manager) and B Puckridge (Executive Assistant) be excluded from attendance at the meeting for Agenda Item C227 CL/60/19 – Monarch Crest Development.

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:

- *proposing to conduct business; and,*
- *the information would prejudice the commercial position of the Council;*

in that the Council will need to consider the merits, method and basis of a financial contribution to the future public road network within a private land division.

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 circumstance because the disclosure of Council's commercial position may severely prejudice Council's ability to be able to negotiate a cost-effective proposal for the benefit of the Council and the community in this matter and may hinder ongoing negotiations.

Carried.
(continued)

C227 COUNCIL OFFICER REPORTS**CONT'D:****CL/60/19 - MONARCH CREST DEVELOPMENT****CONT'D:**

Council moved in to a confidential meeting at 11.56am and resumed its ordinary meeting at 12.01pm.

Following the conclusion of the confidential meeting of Council, Deputy Mayor Mitchell advised that the minutes and associated documents have been kept confidential in line with Section 91 (7) and Section 90 (3) (b) of the Local Government Act 1999 and will remain confidential until such time as the matter has been concluded, as the issues relating to the subject of the order have not yet been resolved.

MANAGER CORPORATE SERVICES**CL/61/19 - CUMMINS CARAVAN PARK LEASE**

TINGAY/ HOWELL

That Council authorise the Mayor and Chief Executive Officer to sign and seal the lease agreement with the Cummins & District Enterprise Committee over the Cummins Caravan Park site for a period of five years, with two rights of renewal.

Carried.

CL/62/19 - MORGAN RESERVE

Council discussed the historic management of Morgan Reserve and the need to issue a license with clarification provided that the resolution will be provided to the Progress Association prior to the preparation of any license documentation being prepared for their comment.

HOLMAN/ HOWELL

That Council:

- 1. Advise the Coffin Bay Progress Association that Council is prepared to provide a license over the Stan Morgan Reserve for a period of five years (with two rights of renewal) to the Association outlining the following division of duties:*

Council

- Inspection and maintenance of the skate park*
- Cleaning and maintenance of toilets*
- Inspection and maintenance of the playground*
- Periodic mowing of the reserve to the North of the oval*
- Insurance of all facilities on the site in addition to public liability insurance.*

(continued)

C227 COUNCIL OFFICER REPORTS**CONT'D:****CL/62/19 - MORGAN RESERVE****CONT'D:***Progress Association*

- *Maintenance of BBQ shelter and surrounds*
 - *Watering of oval and maintenance of water system*
 - *Maintenance of the BMX track and tennis courts*
 - *Mowing of the oval*
2. *Authorise the Mayor and Chief Executive Officer to sign and seal the license document on behalf of Council.*

Carried.

CL/63/19 - LAKE HAMILTON CEMETERY

TINGAY/ HOWELL

That Council thank Professor Andrew Frost from Flinders University, for the geospatial survey work undertaken at the Lake Hamilton Cemetery and advise that the report will be uploaded to the Council website for the interest of the local community.

Carried.

HOWELL/ HOLMAN

That the Council Reports be adopted.

Carried.

C228 COUNCIL OFFICER'S MEETINGS ATTENDED

Noted.

C229 COUNCIL CORRESPONDENCE – FOR COUNCIL DECISION**(1) Ocean Warriors campaign**

TINGAY/ HOWELL

That Council congratulate Adventure Bay Charters on this initiative and advise that it will assist by promoting events and information via the Council facebook page if provided with links and information.

Carried.

C230 COUNCIL CORRESPONDENCE – FOR INFORMATION ONLY

- (1) Great Australian Bight exploration - District Council of Grant**
- (2) Concern over Cummins Cemetery – Jan Nitschke**

Noted.

C231 COUNCIL CORRESPONDENCE – MEDIA RELEASES, MAGAZINES AND NEWSLETTERS

- (1) Media Releases**
- (2) Magazines and Newsletters**

Noted.

C232 COUNCIL – LATE CORRESPONDENCE

Nil.

C233 COUNCIL GENERAL BUSINESS**1. Vegetation maintenance, Coffin Bay**

Cr Howell asked for an update on the vegetation maintenance project for The Esplanade, Coffin Bay, noting the former Director Works and Infrastructure (DWI) had identified trial sections.

The Works Manager advised the former DWI had sent proposed trial sites to the Lower Eyre Coastcare Association for feedback, who have responded with alternative sites for Council consideration. This matter will be presented to the September meeting of Council.

2. Cummins Skate Park lease

Cr Howell queried the status of the Cummins Skate Park lease with the Acting Chief Executive officer indicating she believes Council is awaiting instructions from the committee regarding the position of a proposed barbecue so that the relevant area could be excluded from the leased site.

The ACTING CHIEF EXECUTIVE OFFICER further advised correspondence would be provided to the Cummins Memorial Recreation Centre outlining the status and seeking clarification on the positioning.

3. Chip Blitz

Cr Howell queried whether Council would be facilitating another microchipping day and if people would be fined for not having their dog/cat microchipped.

The Manager Development and Environmental Services advised there were no plans to hold another microchipping day at this point in time and that people could make their own arrangements as the requirement for microchipping has been a legal requirement since 1 July 2018, noting that for very old or ill animals, a vet may provide an exemption to the microchipping requirement.

(continued)

C233 COUNCIL GENERAL BUSINESS**CONT'D:****4. Cummins Hospital visit**

Cr Holman advised that the Lower Eyre Health Advisory Council would like to invite Elected Members to the Cummins & District Memorial Hospital. Present Councillors indicated they would be interested in a hospital tour, potentially incorporates into a day set aside for a Council workshop.

5. Cummins Homes

Cr Holman noted she had received feedback that some Cummins Homes residents may not be able to use the security pendants issued to them as they have to press two buttons at the same time to activate them. Cr Holman also wanted to clarify if the pendants were for use in the event of a personal health emergency.

The Acting Chief Executive Officer indicated this query would be would be forwarded to the Cummins Homes Committee for clarification.

**MEETING CLOSED AT 12.28PM
MINUTES CONFIRMED:**

.....
(CHIEF EXECUTIVE OFFICER)
DATED: 20 SEPTEMBER 2019

.....
(MAYOR)