

MINUTES OF A MEETING OF THE COUNCIL, held at the Council Chambers, Town Hall, Kadina, on Wednesday, 3rd April 2019, commencing at 7.00 p.m.

PRESENT: Mayor, Roslyn Talbot (Chair), Councillors TH Love, PJ Oswald, DW Rodda, NL Sawley, HB Schmidt, BK Walker.

IN ATTENDANCE: Mr R. Peate, Chief Executive Officer
Mrs K. Borlace, Director Corporate & Community Services
Mr. M. Mentz, Director Development Services
Mr W DellaTorre, Director Infrastructure Services
Mrs W. Gregory, Executive Assistant/Minute Secretary

1. Opening of Meeting:

Mayor, R.J. Talbot opened the meeting.

There were 18 members of the public and 1 member from the media in the gallery at the commencement of the meeting.

1.1 Acknowledgement to Country and Welcome by the Presiding Member

1.2 Memorial – Christchurch Mosque’s Terror Attack

A minute’s silence was held as a mark of respect for the people that have lost their lives, the survivors, their families and friends and indeed all of New Zealand during the Christchurch Mosque’s terror attack on Friday, 15th March 2019.

1.3 Members Declaration of Interest -

Cr. Love – Item 10.3.2 ‘Cornwall Hotel Road Closure’ – Perceived Interest – leave the meeting.

1.4 Emergency Evacuation Procedure

Mayor Talbot advised attendees of the emergency evacuation procedure.

2. Public Questions/Deputations

2.1 Public Questions – Nil.

2.2 Deputations -

- 2.2.1 T-Ports presentation - Kieran Carvill Chief Executive Officer of T-Ports, Michael Richardson Director of Masterplan, Freddy Bartlett Managing Director of ICAM and Ryan Wilson Portfolio Manager Infrastructure of ICAM
- 2.2.2 Star Club Field Officer presentation – Giles Ellis
- 2.2.3 Jenny Kelly & Family – Kadina Cemetery headstone height in lawn section

3. **Apologies:**

- 3.1 Apologies – Crs. M.A. Pope, C.E. Vluggen and D.L. Woodforde.
- 3.2 Leave of Absence – Nil.
- 3.3 Non-attendance – Nil.

4. **Confirmation of Minutes of previous meeting(s):**

4.1 Council Meeting

C55:0419

Moved Cr. Walker

That the Minutes of the Meeting of Council held on the 6th March 2019 be taken as read and confirmed, noting an amendment to Page 3839 changing Cr. Woodforde to Cr. Love under 1.2 Members Declaration of Interest.

Seconded Cr. Rodda
Carried.

4.2 Audit Committee

C56:0419

Moved Cr. Schmidt

That the minutes of the Audit Committee meeting held on 11th February 2019 be received and noted.

Seconded Cr. Sawley
Carried.

5. **Business Arising from Previous Meetings:** Nil.6. **Reports by Members:**

6.1.1 Mayor's Monthly Report –

6.1.2 ANZAC Day Commemoration Services

Kadina - Mayor Talbot
 Wallaroo - Cr. Margaret Pope
 Moonta – Cr. Bruce Schmidt
 Paskeville – Cr. Dean Rodda

6.2 Deputy Mayor's Report - Nil.

6.3 Members Delegates/Working Parties

Cr. Walker –

27th March – Disability Discrimination Action Group meeting, Kadina.

C57:0419

Moved Cr. Walker

That the Mayor's and Members Delegates reports be received and noted.

Seconded Cr. Love

Carried.

6.4 Committee Chairperson's Report –

7. Questions With and Without Notice:

7.1. Questions (without debate) on notice –

7.1.1 Cr. Love

1. In relation to the Wallaroo Shores infrastructure development, is there any agreement of land being gifted to Council or other parties as part of the process?

If so could you please explain whether this would be considered to be a part of the repayment to Council for the financing of the said construction works.

Staff Response

I am not aware of any agreement to gift land and nothing that would reduce the repayment obligations for the separate rate.

2. With regard to the 6 year deferment of rates agreed by the previous elected members, if the Monopoly Property Group are unable to sell any blocks in the development area, will they be required to pay an extra interest penalty to offset the finance charges which will be borne by the wider community.

Staff Response

The process of the Sale of Land for the Non Payment of Rates is governed by the Local Government Act 1999, Section 184. There was no mention of additional interest penalties other than that already being incurred to cover additional costs as a result of this process. The additional cost of this process is normally recovered through the Section 184 process.

3. If in the event that the developer fails to complete the Estate development through financial hardship or other influences, what guarantees are in place to protect the communities investment?

Staff Response

As outlined in the separate rate report and the Local Government Act, Section 184 enables the Council to sell the land for non-payment of rates.

4. Is the MANTRA group making any initial financial contribution to the current infrastructure work?

Staff Response

Not that I am aware of as the separate rate is a charge over the land and therefore the responsibility of the developer until sold.

7.2. Questions Without Notice –

8. **Petitions and Memorials:** **Nil.**

9. **Notices of Motion:**

9.1 Cr. Peter Oswald - Cemetery Management Policy – C31:0219

C58:0419

Moved Cr. Oswald

That Council resolution C31:0219, as follows, be revoked:

‘That Council adopts the changes to the Cemetery Management Policy with a maximum height up to 500mm.’

Seconded Cr. Love

Carried.

Moved Cr. Oswald

That Council adopts the amendment to the Cemetery Management Policy with a maximum height of 300 - 700 mm.

Seconded Cr. Love

Tied Vote

Pursuant to Section 86(7) of the Local Government Act 1999, as the votes were tied the Mayor had a casting vote and voted against the Motion.

Motion Lost.

Cr. Love called for a division.

Voting For: Crs. Love, Schmidt and Oswald.

Voting Against: Crs. Sawley, Rodda and Walker.

Tied Vote.

Pursuant to Section 86(7) of the Local Government Act 1999, as the votes were tied the Mayor had a casting vote and voted against the Motion.

Motion Lost.

10. Reports of Officers – Executive Services:

10.1 Director Corporate & Community Services

10.1.1 Audit Committee Exemption

C59:0419

Moved Cr. Walker

That the Copper Coast Council, confirm its support for an application to be lodged by the Legatus Local Government Group to the Minister for Local Government for an exemption from the provisions of Clause 30, Schedule 2, of the Local Government Act, 1999, on the requirement for a regional subsidiary to establish an Audit Committee.

Seconded Cr. Schmidt

Carried.

10.1.2 Strategic Plan Review

C60:0419

Moved Cr. Walker

That the Draft Strategic Plan 2019-2029 be received and that it be distributed for public consultation.

Seconded Cr. Sawley

Carried.

10.1.3 Draft Annual Business Plan

C61:0419

Moved Cr. Walker

That pursuant to and in accordance with Section 123 of the Local Government Act 1999 and Part 2 of the Local Government (Financial Management) Regulations 2011, that Council receive the Draft Annual Business Plan 2019-2020 and distribute for public consultation.

Seconded Cr. Schmidt

Carried.

10.2 Director Development Services

- 10.2.1 Dog and Cat Management Board Request to Waive Fees for month of June
- C62:0419** **Moved Cr. Schmidt**
That Council waive dog registration fees for the month of June of each year.
Seconded Cr. Walker
Carried.
- 10.3 Director Infrastructure Services
- 10.3.1 Update on Current Status of Projects and Programs
- C63:0419** **Moved Cr. Schmidt**
That the information in the update on current status of Projects and Programs report be received.
Seconded Cr. Oswald
Carried.
- 10.3.2 Temporary Road Closure
- That pursuant to Section 75a of the Local Government Act 1999 Cr. Love declared a perceived conflict of interest in item 10.3.2 'Temporary Road Closure – Cornwall Hotel', as he operates a Taxi Service in Moonta and from time to time the Cornwall Hotel pays his company, Moonta Passenger and Taxi Service, to take their patrons home from the hotel.
- Cr. Love left the meeting at 8.27 p.m.
- C64:0419** **Moved Cr. Rodda**
That Council exercises its power pursuant to Section 33(1) of the Road Traffic Act 1961 and Clause F of the Instrument of General Approval of the Minister dated 12th March 2001 to close the requested sections of road, at no cost to Council.
Seconded Cr. Oswald
Carried.
- Cr. Love returned to the meeting at 8.31 p.m.
- 10.4 Chief Executive Officer
- 10.4.1 Monthly Report – March/April 2019
- C65:0419** **Moved Cr. Rodda**
That the Chief Executive Officer's Monthly Report be received.
Seconded Cr. Sawley

Carried.

10.4.2 Fair Share of Road Funding for SA

C66:0419

Moved Cr. Rodda

That the report on the Local Government Association of SA advocacy for the continuity of supplementary road funding be received.

Seconded Cr. Walker

Carried.

10.4.3 Meeting with Minister Stephan Knoll MP

C67:0419

Moved Cr. Sawley

1. That the report on the meeting with the State Minister for Planning; Transport, Infrastructure and Local Government on Tuesday 5th March 2019 at Wallaroo be received.
2. That Council request the State Minister for Transport for a License over Crown Land at Wallaroo to cater for bus parking associated with the impending Cruise Ships.
3. That Council endorse a formal application being submitted to the Department of Planning, Transport and Infrastructure for Council to have the care and control of land described as a portion of Allotment 508, 109 Chatfield Terrace, Wallaroo, presently Crown Land under the responsibility of the Department of Planning, Transport and Infrastructure.
4. Subject to such land being gazetted under the care and control of Council, it be referred to the 2019-20 Budget for consideration of an allocation of funding to upgrade and beautify this area.
5. Council note that Wallaroo Breakwater is the Department of Planning, Transport and Infrastructure's asset. An application be submitted to the South Australian Boating Facilities Advisory Committee for funding of up to 80% for the repair works required for the Breakwater.
6. Once the Stage 2 Study regarding the North Beach sand drift has been completed, works identified to alleviate the sand drift, consultation undertaken with the Wallaroo Beach Homeowners Association and the Interim Otago Road Sand Drift Policy considered by Council and amended, an invitation be extended to the State Minister for Environment and Water to visit the site.

7. Council develop a proposal for 100% funding for works required to alleviate the sand drift at North Beach and this be presented and discussed during the visitation by the State Minister for Environment and Water.
8. Council note the request to the Minister for reimbursement of costs (\$450,000) for the higher standard works required by the Department of Planning, Transport and Infrastructure for the Copper Coast Highway realignment
9. Council approach the relevant State Department for a long term peppercorn lease for the Wallaroo to Moonta railway corridor.

**Seconded Cr. Schmidt
Carried.**

10.4.4 Port Pirie Solar Incentive Scheme

C68:0419

Moved Cr. Walker

That it be referred to the Chief Executive Officer to invite Mr Holyman, Director Corporate & Community Service, Port Pirie Regional Council, to attend the 1st May 2019 Council meeting to outline the Community Solar Project at the Port Pirie Regional Council.

**Seconded Cr. Oswald
Carried.**

10.4.5 Sarah Pridham – Pregnancy and Infant Loss Remembrance Day

C69:0419

Moved Cr. Rodda

That:

1. Approval be given to Sarah Pridham to have pink and blue laser lights lighting the Kadina Town Hall on October 15th from 7pm - 8pm for Pregnancy and Infant Loss Remembrance Day.
2. The cost for the purchase of the laser lights and covers be the responsibility of Sarah Pridham.
3. Council give publicity through Facebook regarding the event.

**Seconded Cr. Love
Carried.**

10.4.6 Public Interest Disclosure Act 2018

C70:0419

Moved Cr. Walker

That the update relating to the Public Interest Disclosure Act 2019 be received.

Seconded Cr. Rodda**Carried.**

10.4.7 Sir Richard Williams – RAAF Centenary Celebrations

C71:0419**Moved Cr. Schmidt**

That Council approves the proposal for a bronze statue of Sir Richard Williams to be placed in Queen Square at Moonta for the 2021 Centenary of the RAAF, at no cost to Council.

Seconded Cr. Rodda**Carried.**

10.4.8 Delegations – Partial Review

C72:0419**Moved Cr. Walker**

That having conducted a partial review of Council's Delegations Register in accordance with Section 44(6) of the Local Government Act 1999, the Council:

1. Delegations made under Local Government Act 1999

1.1 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 are hereby delegated this 3rd day of April 2019 to the person occupying the office of Chief Executive Officer and anyone who may, from time to time, be appointed to act in that position subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation.

- Supported Residential Facilities Act 1992
- Heavy Vehicle National Law (South Australia) Act 2013
- Local Government Act 1999
- Water Industry Act 2012 and Water Industry Regulations 2012
- Electricity Act 1996
- Gas Act 1997

1.2 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.

Seconded Cr. Rodda**Carried.**

10.4.9 New Sea Rescue Operations and Training Facility for the Copper Coast

C73:0419

Moved Cr. Rodda

1. The report on funding of \$305,590 from the Federal Government Building Better Regions Fund for a new Sea Rescue Operations and Training Facility be received.
2. Council note that its contribution is \$135,000 and support was provided on the following basis:
 - That once Sea Rescue vacates the Beare Road site, Council is gifted ownership of the Sea Rescue's current shed located on Beare Road, Wallaroo
 - Sea Rescue vacates the current radio room on Jetty Road, Wallaroo. Note: The estimates we obtained indicate that Sea Rescue would also be able to provide suitable floor space for these operations, of a basic design, within this budget allocation.
 - Sea Rescue undertakes the project management of the works and covers any risk for project overruns, limiting Councils commitment to this entire project to this one off financial allocation.
 - Sea Rescue is free to construct whatever shape or size building, within the parameters of the appropriate legislation, to suit its current and future needs.
3. That a letter of appreciation be sent to the Federal Member for Grey, Mr Rowan Ramsey MP regarding the funding and the Regional Development Australia Yorke & Mid North be thanked for their assistance in the preparation of the application.

**Seconded Cr. Schmidt
Carried.**

10.4.10 Wallaroo Shores Development

C74:0419

Moved Cr. Walker

1. The report on Wallaroo Shores Development and the status of the sale of allotments be received.
2. Council continue to advocate for the issue of 132 Business Talent Visas for the Wallaroo Shores Development.

**Seconded Cr. Schmidt
Carried.**

10.4.11 Proposal for Public Sculpture

C75:0419**Moved Cr. Rodda**

That Mr Smerd be advised that the Copper Coast Council is not in a position to participate in the proposed project for a public sculpture in 2019/20 and that Mr Smerd be advised of the other recommendation C71:0419 for a bronze sculpture at Moonta and that he contact the Sir Richard Williams Centenary Committee.

Seconded Cr. Love**Carried.**

10.4.12 Local Government Reform Ideas – Local Government Association Discussion Paper

C76:0419**Moved Cr. Walker**

1. The report on the Local Government Association's Discussion Paper on Local Government Reform Ideas be received.
2. Councillors provide any comments on the Discussion Paper to the Chief Executive Officer.
3. It be delegated to the Mayor and Chief Executive Officer to submit comments on the Discussion Paper by the 26th April 2019.
4. A copy of the comments submitted to the Local Government Association on the Discussion Paper be provided to all Councillors.

Seconded Cr. Rodda**Carried.**

10.4.13 Introduction of Landscape South Australia Bill

C77:0419**Moved Cr. Love**

That the report on the Introduction of Landscape South Australia Bill to Parliament be received.

Seconded Cr. Oswald**Carried.**

10.4.14 Meeting with Senator Rex Patrick

C78:0419**Moved Cr. Sawley**

That the report on the meeting with Senator Rex Patrick, be received.

Seconded Cr. Rodda**Carried.**

10.4.15 Meeting with Federal Member for Grey, Rowan Ramsey MP

C79:0419

Moved Cr. Rodda

That the report on the meeting with the Federal Member for Grey, Rowan Ramsey MP, be received.

Seconded Cr. Sawley

Carried.

11. Correspondence:

11.1 Correspondence for information –

- 11.1.1 Ken Grundy – request to support a campaign to amend the Local Government Act regarding the entitlement of voters to be Australian Citizens
- 11.1.2 Hon. Stephan Knoll MP, Minister for Transport, Infrastructure and Local Government – advice for potential Local Government Reform
- 11.1.3 Treenet – Institutional Membership – thank you for being a member over the past 14 years and acknowledgement of Council’s decision not to renew
- 11.1.4 SA Health – Yorke Peninsula Alliance’s Regional Public Health Plan Report
- 11.1.5 University Third Age Yorke Peninsula (U3AYP) – Letter of appreciation for the renovated Moonta Town Hall toilet facilities
- 11.1.6 Australian Local Government Association (ALGA) – Government’s Housing Infrastructure body seeks Local Government interest
- 11.1.7 South Australian Government - New Migration agreements to benefit South Australia
- 11.1.8 Government News – Queensland Councils prepare for Reform

C80:0419

Moved Cr. Walker

That the information in items 11.1.1 – 11.1.8 be received and noted.

Seconded Cr. Schmidt

Carried.

11.2 Correspondence with recommendations –

- 11.2.1 Safer Australian Roads and Highways – 2019 Yellow Ribbon National Road Safety Week

C81:0419

Moved Cr. Sawley

That Council support the 2019 Yellow Ribbon National Road Safety Week from 6th – 12th May 2019 and activities that Council will undertake in support of National Road Safety Week be submitted.

**Seconded Cr. Rodda
Carried.**

11.3 Correspondence for Council consideration - Nil.

12. Other Business:

12.1 Execution of Documents/Application of Seal – Nil.

12.2 Items which must be dealt with as a matter of urgency – Nil.

12.3 Matters of Special Interest - Nil.

12.4 Application for Leave of Absence - Nil.

13. Confidential Items:

13.1 Purchase of Council Land

C82:0419

Moved Cr. Love

1. That Council, having formed the view that the principle that meetings of the Council should be conducted in a place open to the public is outweighed by the need to keep the information and/or discussion of the next item of business confidential, and hereby order pursuant to Section 90(2) of the Local Government Act, 1999 that:

- the public be excluded from the meeting in order to consider, in confidence, the next item;
- the Chief Executive Officer Russell Peate, Director Corporate and Community Services Katrina Borlace, Director Development Services Muller Mentz, Director Infrastructure Services Wade DellaTorre and Executive Assistant/Minute Secretary Wanita Gregory remain in attendance; and
- the grounds for exclusion be recorded pursuant to Section 90(3)(b)(d)(i):
 - (b) information the disclosure of which –
 - (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which -
 - (i) 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;

2. That an order be made under the provision of Section 91(7) of the Local Government Act, 1999, as amended, that this Report, accompanying documents and related minutes having been dealt with on a confidential basis under Part 3 of Chapter 6 of the Act, should be kept confidential on the grounds previously identified up to 30th June 2019, or such lesser period as may be determined by the Chief Executive Officer.

**Seconded Cr. Oswald
Carried.**

The public vacated the meeting and the Council Chamber was secured at 9.14 pm.

Ordinary meeting resumed at 9.26 p.m.

14. Closure

The meeting closed at 9.26 p.m.

The foregoing Minutes of the Meeting of Council were read and confirmed at the Meeting of Council held on 1st May 2019.

MAYOR.....