

MINUTES OF A MEETING OF THE COUNCIL, held at the Council Chambers, Town Hall, Kadina, on Wednesday, 13th February 2019, commencing at 7.00 p.m.

PRESENT: Her Worship the Mayor, Roslyn Talbot (Chair), Councillors TH Love, PJ Oswald, MA Pope, DW Rodda, NL Sawley, HB Schmidt, CE Vluggen, BK Walker, DL Woodforde.

IN ATTENDANCE: Mr J. Coombe OAM, Acting Chief Executive Officer
Mrs K. Borlace, Director Corporate & Community Services
Mr M. Mentz, Director Development Services
Mr M. Dineen, Co-ordinator Strategic Planning & Development
Mr W DellaTorre, Director Infrastructure Services
Mrs R. Schild, Coordinator Executive Services
Mrs W. Gregory, Executive Assistant/Minute Secretary

1. Opening of Meeting:

Her Worship the Mayor, R.J. Talbot opened the meeting.

There were 21 members of the public and 1 member from the media in the gallery at the commencement of the meeting.

- 1.1 Welcome by the Presiding Member:
- 1.2 Members Declaration of Interest -
- 1.3 Emergency Evacuation Procedure

Mayor Talbot advised attendees of the emergency evacuation procedure.

2. Public Questions/Deputations

- 2.1 Public Questions -
- 2.2 Deputations -
 - 2.2.1 Rebecca Koch – Victoria Square, Kadina



3. Apologies:

- 3.1 Apologies – Nil.
- 3.2 Leave of Absence – Nil.
- 3.3 Non-attendance – Nil.

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

- 4.1 Council Meeting

C18:0219**Moved Cr. Walker**

That the Minutes of the Meeting of Council held on the 16th January 2019 be taken as read and confirmed.

Seconded Cr. Schmidt
Carried Unanimously.

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

- 6.1 Mayor's Monthly Report -
- 6.2 Deputy Mayor's Report -
- 6.3 Members Delegates/Working Parties - Nil

C19:0219**Moved Cr. Rodda**

That the Mayor's and Deputy Mayor's reports be received and noted.

Seconded Cr. Vluggen
Carried Unanimously.

- 6.4 Committee Chairperson's Report – Nil.

7. Questions With and Without Notice:

- 7.1. Questions (without debate) on notice –

7.1.1 Cr. Love

- Q1. a) As of the end of January 2019 what is the total cost of all works carried out on the Kadina CBD upgrade?
- b) How much work in monetary terms is still to be carried out to complete the whole Kadina CBD project?

Staff ResponseCosts

The Kadina CBD Project excludes the highway realignment project (funded through the sale of land created by the re-alignment), the separable portion (road and footpath works from Taylor Street through to Doswell Terrace with funding support through the State Local Government Infrastructure Partnership (SLGIP) funding), the Victoria Square upgrade (SLGIP funding) and the Graves Street verandah's (separate rate through businesses).

Total Cost of works as at 31st January 2019. \$11,147,208

Budgets

Initial road allocations over three years of \$4.5m

As the project is purely focused around the upgrading of roads, footpaths and storm water assets, of which were at the end of their useful life, and then furthermore improving the streetscape throughout the CBD with funding support through the Places For People Grant, further budget allocations have been utilised from the Storm Water, Roads and Footpath Annual budget allocations as required.

Income received from Places for People \$2m, PLEC (underground power for Frances Terrace) funding of \$1m and income from new developments (e.g. On the Run car parking contribution of \$127,000)

Costs Remaining in the Kadina CBD project

Currently estimated at \$226,000

- Q2. a) In relation to the empty rooms to be rented / leased at the CCSLC what steps have been undertaken to attract business's to them?
- b) If all individual rooms were leased, would this enable the CCSLC to become break even or perhaps become profitable?

A/CEO Response

Belgravia Leisure have leased one of the rooms with another party to occupy shortly. They are continuing to promote the space however, interest is not as strong as hoped for. They will be undertaking a further promotion through the business community. 2018/19 will be the first full year of the facility and will give a more comprehensive look at the financials. The Management Agreement was extended by 12 months by the CEO and concludes on 30th June 2019. This will be brought to the attention of the new CEO as part of the handover process. Council will need to determine whether it re-negotiates with Belgravia or goes out to the open market. Either way, there is a need for the operator to submit a detailed market plan to demonstrate how patronage can be improved to reduce costs and increase income. The financials will be included in the budget review documents.



7.1.2 Cr. Pope

Q. Has a response been received from DPTI to motion C108:01618?

That a letter to DPTI via Mr Namal Weerasoonya and Mr Andrew Rowlands be completed before 15th June 2018, thanking them for the excellent work completed so far and ask for a response to the following:

- Why the highway road works did not continue through the town of Paskeville?
- What is the time frame for the upgrade of the Wallaroo Highway Road from Beare Road through to the town centre, ending at the corner of Owen Terrace and Irwine Street?
- When will Mines Road (Kadina to Moonta Highway) be upgraded?
- Add Verran Terrace and any other DPTI roads.'

A/CEO Response

Yes.

7.2. Questions Without Notice –

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

9. **Notices of Motion:** Nil.

10. **Reports of Officers:**

10.1 Executive Services

10.1.1 CEO Meetings – January 2019

C20:0219

Moved Cr. Pope

That the information in items 1 – 2 be received.

Seconded Cr. Vluggen

Carried Unanimously.

* Item 3 – Waste Collection – Christmas / New Year Period

C21:0219

Moved Cr. Rodda

That the report be received and noted.

Seconded Cr. Walker

Carried Unanimously.

- * Item 4 – Lot 639 Genoa Place Revocation of Land

C22:0219

Moved Cr. Oswald

That Council

- (a) Confirm that reference to 'adjoining owners' within Council resolution C263:0218 is limited to the owners of Allotments 729 and 730 Genoa Place, Wallaroo.
- (b) Authorise the CEO to have the necessary works undertaken to prepare Allotment 639 Genoa Place for sale including but not limited to boundary adjustments, the creation of easements, the installation of services and the placement of the Wallaroo Marina Land Management Agreement on the title.

Seconded Cr. Pope

Carried.

- * Item 5 – Dean Smith – Esplanade, North Beach

C23:0219

Moved Cr. Pope

That the barriers remain in place and that "no through road" signage be installed along the Esplanade, North Beach, so as to limit unnecessary vehicle movement's at all five existing traffic barriers.

Seconded Cr. Vluggen

Carried.

- * Item 6 – Kadina Cemetery Wall

C24:0219

Moved Cr. Walker

That Council engages Pat Rankine and Chris Schulz to undertake restoration works to the Kadina cemetery walls to the value of \$124,150 excluding GST.

Seconded Cr. Vluggen

Carried Unanimously.

- * Item 7 – Council Member Allowance and Benefits Policy

C25:0219

Moved Cr. Pope

That the Council Members Allowance and Benefits Policy be amended to allow for the spouse or partner of the Principal Member, Deputy Principal Member and Elected Members to drive a Council vehicle to enable them to perform and discharge their official functions and duties. The CEO is also delegated with authority to vary this policy as circumstances arise with details being provided to Council when the policy is reviewed.

Seconded Cr. Rodda

Carried Unanimously.



10.2 Director Corporate and Community Services

10.2.1 Application for Rate Rebate

C26:0219

Moved Cr. Rodda

That Council agree to a 100% rebate of general rates for the property located at 48 Taylor Street, Kadina being assessment A3826.

Seconded Cr. Sawley**Carried Unanimously.**

10.2.2 December Budget Review

C27:0219

Moved Cr. Schmidt

2.1 That Council, having reviewed the December 2018 Budget Review, resolve that the requirements of the Local Government (Financial Management) Regulations 2011, Section 9(1)(b) have been met.

2.2 That Council establish borrowings up to the value of \$1,750,000 in various forms of fixed and variable rate borrowings as and when required to progress and implement the Annual Business Plan and Budget 2018/19.

Seconded Cr. Rodda**Carried.**

10.3 Director Development Services

10.3.1 Draft Port Hughes and Moonta Bay Coastal Development Plan Amendment

Moved Cr. Walker

That Council:

- a) Endorses the Draft Port Hughes and Moonta Bay Coastal Development Plan Amendment;
- b) Authorises the Chief Executive Officer to undertake all necessary actions as required by the Department for Planning, Transport & Infrastructure, the Minister for Planning and the Development Act 1993 to undertake public and agency consultation, consider representations made and report back to Council following these processes.
- c) Authorises the Chief Executive Officer to make any minor amendments to the DPA which may be necessary prior to undertaking consultation following review by the Department of Planning, Transport and Infrastructure, the Department for Environment and Water and the Minister for Planning.



- d) Authorises the Chief Executive Officer to utilise the Better Development Plan Section 25 Committee for the purposes of the Port Hughes and Moonta Bay Coastal Development Plan Amendment.

Seconded Cr. Schmidt

Amendment

Moved Cr. Love

That Council:

- a) Endorses the Draft Port Hughes and Moonta Bay Coastal Development Plan Amendment;
- b) Authorises the Chief Executive Officer to undertake all necessary actions as required by the Department for Planning, Transport & Infrastructure, the Minister for Planning and the Development Act 1993 to undertake public and agency consultation, consider representations made and report back to Council following these processes.
- c) Prior to any amendments being made to the Development Plan the CEO will present those amendments to Council for their endorsement.
- d) Authorises the Chief Executive Officer to make any minor amendments to the DPA which may be necessary prior to undertaking consultation following review by the Department of Planning, Transport and Infrastructure, the Department for Environment and Water and the Minister for Planning.
- e) Authorises the Chief Executive Officer to utilise the Better Development Plan Section 25 Committee for the purposes of the Port Hughes and Moonta Bay Coastal Development Plan Amendment.

Motion lapsed for want of a seconder.

C28:0219

Moved Cr. Walker

That Council:

- a) Endorses the Draft Port Hughes and Moonta Bay Coastal Development Plan Amendment;
- b) Authorises the Chief Executive Officer to undertake all necessary actions as required by the Department for Planning, Transport & Infrastructure, the Minister for Planning and the Development Act 1993 to undertake public and agency consultation, consider representations made and report back to Council following these processes.
- c) Authorises the Chief Executive Officer to make any minor amendments to the DPA which may be necessary prior to undertaking consultation following review by the Department of Planning, Transport and Infrastructure, the Department for Environment and Water and the Minister for Planning.



- d) Authorises the Chief Executive Officer to utilise the Better Development Plan Section 25 Committee for the purposes of the Port Hughes and Moonta Bay Coastal Development Plan Amendment.

Seconded Cr. Schmidt
Carried.

- 10.3.2 Request to vary the Wallaroo Marina Land Management Agreement – Lot 100, 107 Gilmore Crescent, Wallaroo (Development Application 340/473/18)

C29:0219

Moved Cr. Woodforde

That Council's discretion be exercised to waive the requirements set out in Clauses 3.6, 3.13 and 3.24 of the Wallaroo Marina LMA (9362886). This discretion seeks to allow for a three storey dwelling to be constructed at Lot 100, 107 Gilmore Crescent, Wallaroo inclusive of a storeroom located at a nil metre side boundary setback and retaining walls located within 8 metres of the edge of the marina waterway.

Seconded Cr. Schmidt
Carried Unanimously.

- 10.3.3 Development Services Statistics – (October to December 2018)

C30:0219

Moved Cr. Walker

That the Development Services Statistics report for the period October to December 2018, be received.

Seconded Cr. Rodda
Carried Unanimously.

10.4 Director Infrastructure Services

10.4.1 Cemetery Management Policy

Moved Cr. Oswald

That Council adopts the changes to the Cemetery Management Policy in full.

Seconded Cr. Love

Amendment

Moved Cr. Woodforde

That Council adopts the changes to the Cemetery Management Policy changing the monument height to a maximum of 700mm.

Seconded Cr. Rodda

The amendment was put and **Lost.**

C31:0219 Further Amendment
Moved Cr. Sawley
 That Council adopts the changes to the Cemetery Management Policy with a maximum height up to 500mm.
Seconded Cr. Vluggen
 The amendment was put and **Carried**.
 The amended motion was **Carried**.

Cr. Woodforde called for a division.

Voting for: Crs. Vluggen, Sawley, Woodforde, Schmidt, Rodda, Pope, and Walker

Voting Against: Crs. Love and Oswald.

Motion Carried.

11. Correspondence:

11.1 Correspondence for information –

11.1.1 Kadina Croquet Club – thank you

11.1.2 Ms. Deb Henderson – Kadina Cemetery Wall

11.1.3 Rotary Club of Northern Yorke Peninsula

C32:0219 **Moved Cr. Vluggen**
 That the information in items 11.1.1 to 11.1.3 be received.
Seconded Cr. Woodforde
Carried.

11.2 Correspondence with recommendations – Nil.

11.3 Correspondence for Council consideration - Nil.

12. Other Business:

12.1 Execution of Documents/Application of Seal –

C33:0219 **Moved Cr. Pope**
 That the Mayor and Acting Chief Executive Officer be authorised to sign and execute with the Copper Coast Council Common Seal all documents associated with the sale and transfer of the unmade road adjoining Sections 1272, 1273, 1277, 1278 1279, 1280, 1281, 1283, 1284, 1285 and 1286, Hundred of Wallaroo, to Brian J Goldsworthy.
Seconded Cr. Vluggen
Carried Unanimously.

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 Extension of Confidentiality

* Sale of Land at Wallaroo

C34:0219

Moved Cr. Walker

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, 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 Acting Chief Executive Officer John Coombe OAM, Director Corporate and Community Services Katrina Borlace, Director Development Services Muller Mentz, Director Infrastructure Services Wade DellaTorre, Co-ordinator Strategic Planning & Development Matt Dineen, Co-ordinator Executive Services Roylene Schild and EA to CEO/Mayor Wanita Gregory remain in attendance;
- The grounds for exclusion be recorded pursuant to Section 90(3) as:
 - (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; and
 - (ii) would, on balance, be contrary to the public interest.

Seconded Cr. Love

Carried.

The public vacated the meeting and the Council Chamber was secured at 9.07 p.m.

C35:0219

Moved Cr. Pope

That under the provision of Section 91(7) of the Local Government Act 1999, as amended, the report and accompanying documents presented to Council on 12th February 2014 and Council's resolution C42:14, 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 pursuant to Section 90(3)(d), to expire on 30th June 2019, or such lesser period as may be determined by the Chief Executive Officer.

Seconded Cr. Schmidt

Carried Unanimously.

Ordinary meeting resumed.

* Plymouth Place, Moonta Bay

C36:0219

Moved Cr. Walker

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, 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 Acting Chief Executive Officer John Coombe OAM, Director Corporate and Community Services Katrina Borlace, Director Development Services Muller Mentz, Director Infrastructure Services Wade DellaTorre, Co-ordinator Strategic Planning & Development Matt Dineen, Co-ordinator Executive Services Roylene Schild and EA to CEO/Mayor Wanita Gregory remain in attendance;
- The grounds for exclusion be recorded pursuant to Section 90(3) as:
 - (b) information the disclosure of which—
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and

Seconded Cr. Woodforde.

Carried.

Council Chamber was secured.

C37:0219

Moved Cr. Walker

That under the provision of Section 91(7) of the Local Government Act 1999, as amended, that the report and accompanying documents presented to

Council on 7th September 2016 having been dealt with on a confidential basis under Part 3 of Chapter 6 of the Act, and Council resolution C217:0916, should be kept confidential pursuant to Section 90(3)(b)(i) of the Local Government Act 1999 for a further period of three (3) months expiring on 7th June 2019, or such lesser period as may be determined by the Chief Executive Officer.

Seconded Cr. Schmidt
Carried Unanimously.

Ordinary meeting resumed at 9.25 p.m.

- * LGA Act 1999, Chapter 10 Rates & Charges Sale of Land for non-payment of rates

C38:0219

Moved Cr. Pope

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, 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 Acting Chief Executive Officer John Coombe OAM, Director Corporate and Community Services Katrina Borlace, Director Development Services Muller Mentz, Director Infrastructure Services Wade DellaTorre, Co-ordinator Strategic Planning & Development Matt Dineen, Co-ordinator Executive Services Roylene Schild and EA to CEO/Mayor Wanita Gregory remain in attendance;
- the grounds for exclusion be recorded pursuant to Section 90(3)(a):
 - (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);

Seconded Cr. Woodforde
Carried.

Council Chamber was secured at 9.25 p.m.

C39:0219

Moved Cr. Walker

That under the provision of Section 91(7) of the Local Government Act 1999, as amended, that the report, accompanying documents presented to Council on 5th October 2016 and Council's resolution C243:1016, and 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 pursuant to Section 90(3)(a), for a further period of twelve (12) months, expiring on 7th March 2020, or such lesser period as may be determined by the Chief Executive Officer.

Seconded Cr. Pope
Carried Unanimously.



Ordinary meeting resumed at 9.30

* Commercial Land Sale

C40:0219

Moved Cr. Rodda/

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 Acting Chief Executive Officer John Coombe OAM, Director Corporate and Community Services Katrina Borlace, Director Development Services Muller Mentz, Director Infrastructure Services Wade DellaTorre, Co-ordinator Strategic Planning & Development Matt Dineen, Co-ordinator Executive Services Roylene Schild and EA to CEO/Mayor 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 –
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest;
 - (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;

**Seconded Cr. Sawley
Carried.**

Council Chamber was secured at 9.30 p.m.

C41:0219

Moved Cr. Woodforde

That under the provision of Section 91(7) of the Local Government Act 1999, as amended, that the report, accompanying documents presented to Council on 4th October 2017 and Council's resolution C245:1017, and 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 pursuant to Section 90(3)(b)(d)(i), for a further period of twelve (12) months, expiring on 7th March 2020, or such lesser period as may be determined by the Chief Executive Officer.

**Seconded Cr. Pope
Carried.**

Ordinary meeting resumed 9.52 p.m.

* Moonta Bay Caravan Park

C42:0219

Moved Cr. Oswald

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 Acting Chief Executive Officer John Coombe OAM, Director Corporate and Community Services Katrina Borlace, Director Development Services Muller Mentz, Director Infrastructure Services Wade DellaTorre, Co-ordinator Strategic Planning & Development Matt Dineen, Co-ordinator Executive Services Roylene Schild and EA to CEO/Mayor Wanita Gregory remain in attendance; and
- the grounds for exclusion be recorded pursuant to Section 90(3)(b)(d):
 - (b) information the disclosure of which –
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest;
 - (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;
 - (ii) would, on balance, be contrary to the public interest;

Seconded Cr. Pope

Carried.

Council Chamber secured at 9.32 p.m.

No decision made by Council therefore confidentiality on this item will expire on 7th March 2019.

Ordinary meeting resumed at 9.37 p.m.

* Questions on Notice from Councillor Walker



C43:0219

Moved Cr. Walker

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, 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 Acting Chief Executive Officer John Coombe OAM, Director Corporate and Community Services Katrina Borlace, Director Development Services Muller Mentz, Director Infrastructure Services Wade DellaTorre, Co-ordinator Strategic Planning & Development Matt Dineen, Co-ordinator Executive Services Roylene Schild and EA to CEO/Mayor Wanita Gregory remain in attendance; and
- the grounds for exclusion be recorded pursuant to Section 90(3)(b):
 - (b) information the disclosure of which-
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest;

Seconded Cr. Oswald**Carried.**

Council Chamber secured at 9.38 p.m.

C44:0219

Moved Cr. Walker

That under the provision of Section 91(7) of the Local Government Act 1999, as amended, that the documents presented to Council on 6th December 2017 in relation to the question and Council's response, and 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 pursuant to Section 90(3)(b)(i)(ii), for a further period of three (3) months, expiring on 7th June 2019, or such lesser period as may be determined by the Chief Executive Officer.

Seconded Cr. Schmidt**Carried.**

Prior to the closure of the meeting Mayor Talbot acknowledged and thanked John for the work he has done during his time as Acting CEO.



14. Closure

The meeting closed at 9.40 p.m.

The foregoing Minutes of the Meeting of Council were read and confirmed at the Meeting of Council held on 6th March 2019.

MAYOR 