DISTRICT COUNCIL OF TUMBY BAY

MINUTES OF THE ORDINARY MEETING OF COUNCIL held at the Council Chamber, Mortlock Street, Tumby Bay on Tuesday 9\textsuperscript{th} October 2012 at 9.00 am.

1.0 ROLL CALL

1.1 Present
Mayor Laurie Collins, Councillors Pam Brougham, Peter Swaffer, Murray Mason, Max Wilksch, Don Baillie, Sam Telfer and Bob Lawrie.

1.2 In Attendance
Tony Irvine (Chief Executive Officer), Darren Zechner (Works Manager), Emma McDonald (Manager Environmental Services), Jain Mentieth (Manager Governance) and Glenda Pickford (Administration Officer).

1.3 Apologies
Councillor Robert Lawrie and Dion Watson (Deputy Chief Executive Officer)

\textit{1c/102012 Moved – Telfer Seconded – Brougham}

\textbf{That the apologies be accepted.} \textbf{CARRIED}

2.0 MINUTES OF THE ORDINARY MEETING held on 11\textsuperscript{th} September 2012

\textit{2c/102012 Moved – Bob Lawrie Seconded – Swaffer}

\textbf{That the minutes of the Ordinary Meeting held on the 11\textsuperscript{th} September 2012 be confirmed as a correct record.} \textbf{CARRIED}

3.0 DECLARATION OF INTEREST

Councillor Telfer advised that he has an interest in item CEO2/1012 as he is the Vice President of the EP Show Jumping Club.

4.0 DEFERRED MOTIONS – Nil.

5.0 MAYOR’S REPORT – Nil.

6.0 DEPUTATIONS - Nil.

7.0 COMMUNITY DELEGATES’/REPRESENTATIVES’ REPORTS

7.1 Elected Members Reports

Mayor Collins
- Along with CEO attended a workshop on Groundwater Essentials at the Marine Science Centre
- Attended pre EPLGA Meeting Dinner
- EPLGA Board meeting and general business
- Attended the Zone Emergency Management workshop – Port Lincoln
- Meeting of the three Councils and consultants for signing the MOU to move to the next step of Shared Services Project
- Attended the official opening of the Kimba sealed airstrip
- DC of Tumby Bay Rates Workshop
• Attended meeting of the Medical Centre Stage 2 rebuild committee
• Assisted with the presenting prizes to winners in the Tumby Fishing Competition
• Attended meeting of the Medical Centre Stage 2 rebuild committee

Councillor Mason
• Audit Committee Meeting
• Port Neill Progress meeting
• DC of Tumby Bay Rates Workshop
• Lower Eyre Road Safety meeting – Port Lincoln

Councillor Telfer
• Attended Lipson Show
• Attended Yallunda Flat Show
• Eyre United Football Club AGM
• DC of Tumby Bay Rates Workshop

8.0 QUESTION ON NOTICE – Nil.

9.0 QUESTION WITHOUT NOTICE – Nil.

10.0 PETITIONS – Nil.

11.0 MOTION ON NOTICE

Moved - Swaffer  Seconded – Brougham
That Council rescinds motion 12c/72012 that reads:

That Council modifies the servicing of public toilets in Tumby Bay and close environs as below:
  • Travellers Rest – cleaned twice per week.
  • Marina Boat Ramp – cleaned twice per week.
  • Foreshore adjacent to Yacht Club – closed but opened for events in the vicinity but review need for Summer time opening.
  • Toilets adjacent to Administration Building – closed after Administration Building renovations completed.
  • Town Oval Public Toilets – cleaned once a week.
  • Island BBQ/Look Out toilets – cleaned once per week – monitor summer time use for additional cleaning.
  • Ski Beach Toilets – cleaned once a week.
  • Mortlock Park – cleaned once a week.

That Council leaves the Port Neill and Ungarra servicing of public toilets as currently exists; and

That the proposed changes be carried out on a trial basis for 12 months after which it is to be reviewed.  LOST

12.0 COUNCIL/COMMUNITY COMMITTEE REPORTS – Nil.

12.1 COUNCIL COMMITTEE REPORTS

3c/102012  Moved - Mason  Seconded – Telfer
That the following reports from the Audit Committee be received.

AUDIT 1/1012  Minutes 11th September 2012
AUDIT 2/1012 2011/12 Audit Committee Annual Report  

AUDIT 1/1012 Minutes 11th September 2012  

4c/102012 Moved - Mason Seconded - Telfer  
That the Minutes of the Audit Committee meeting held 11th September 2012 be received and noted by Council.  

5c/102012 Moved - Mason Seconded – Bob Lawrie  
That the 2011/12 Audit Committee Annual Report be received and noted by Council.  

6c/102012 Moved – Bob Lawrie Seconded - Swaffer  
That the following reports from the Technical Services and Works Committee be received.  

TS&W 1/1012 Minutes 24th September 2012  
TS&W 2/1012 Community Grants Program  

7c/102012 Moved – Bob Lawrie Seconded - Swaffer  
That the Minutes of the Technical Services & Works Committee held on 24th September 2012 be received and noted by Council.  

8c/102012 Moved - Bob Lawrie Seconded - Wilksch  
That the following amendments be made to Council’s Priority Road Grading Program:  

Roads changed from tertiary roads to secondary roads:  
- Ungarra Stokes Road;  
- Uranno Road;  
- Foothills Road.  

Roads changed from secondary roads to main roads:  
- White River Road;  
- Barnes Hill Road.  

9c/102012 Moved – Bob Lawrie Seconded - Brougham  
That Council adopt the following criteria for its Community Grants Program:  

Eligibility Criteria  
- Applicants will only be considered for projects within the Tumby Bay Council district.  
- Applications must be lodged using the District Council of Tumby Bay Community Grants Application form.  
- Applications must be signed by two executive members of the organisation and be accompanied by copies of the organisations most recent financial statement and bank statement.
Applications to include project cost details including written quotes/estimates for projects exceeding $5,000.

Projects for amounts less than $2,500 may be fully funded from the Community Grant Program.

Projects exceeding $2,500 will only be eligible for a maximum 50% grant conditional on matching funding sourced by the organisation. Own source funding may be in-kind of monetary.

Applicant must be an incorporated organisation.

Project must be able to be completed within 12 months of funding approval.

Grant acquittal to be submitted to Council within 4 weeks of project completion.

Project Assessment Criteria

- Compliance with Council’s Strategic Plan
- Benefit to Community
- Organisation’s contribution to the project
- Technical Services & Works Committee to assess applications and make recommendations to Council.

And

Applications are called in the Port Lincoln Times and Council Newsletter for the 2012/2013 Community Grants Program; with applications to close at 12 noon on Friday 16th November.

CARRIED

12.2 COMMUNITY COMMITTEE REPORTS – Nil.

13.0 OFFICERS’ REPORTS

13.1 Chief Executive Officer’s Reports

10c/102012 Moved – Telfer Seconded – Bob Lawrie
That the following reports from the Chief Executive Officer be received.

CEO 1/1012 Use of Common Seal & Signing Grant of Easement
CEO 2/1012 Use of Common Seal & Signing Lease Agreement
CEO 3/1012 General Business Update
CEO 4/1012 Exclusion of the Public from a Council or Committee Meeting
CONFCEO 5/1012 Pumpa Street Land Offer for Purchase CARRIED

11c/102012 Moved - Telfer Seconded – Mason
That pursuant to Section 38 of the Local Government Act 1999 Council approves the Mayor and Chief Executive Officer to sign and seal the following document:

- Grant of Easement for CT Volume 5098 Folio 200 (Berryman Street next to Motel) CARRIED

12c/102012 Moved - Swaffer Seconded - Brougham

CEO 2/1012 Use of Common Seal & Signing Lease Agreement
That pursuant to Section 38 of the Local Government Act 1999 Council approves the Mayor and Chief Executive Officer to sign and seal the following lease document:

- Deed of Extension and Variation of Lease agreement – Lease of Portion of Section 320 Hundred Hutchinson (Showjumping Grounds) by Eyre Peninsula Show Jumping Society Inc.  

13.2 Corporate Services Reports

13c/102012 Moved – Telfer Seconded – Bob Lawrie
That the following reports from the Deputy Chief Executive Officer be received.

DCEO 1/1012 Statement of Financial Position
DCEO 2/1012 Budget v Actual Report
DCEO 4/1012 Loan Request – Tumby Bay Tennis Club

CARRIED

DCEO 1/1012 Statement of Financial Position

14c/102012 Moved - Telfer Seconded – Bob Lawrie
That the payment of cheque numbers 21787 to 21793 (Bank SA) and 22001 to 22016 (Bendigo Bank) for a total of $62,925.22 and electronic fund transfer batch numbers 162 to 168 for a total of $634,749.84 be endorsed.

CARRIED

DCEO 2/1012 Budget v Actual Report

15c/102012 Moved – Telfer Seconded - Swaffer
That the report be received and noted.

CARRIED


16c/102012 Moved – Bob Lawrie Seconded - Mason
That the report on financial management policies be received and noted.

CARRIED

DCEO 4/1012 Loan Request – Tumby Bay Tennis Club

17c/102012 Moved - Brougham Seconded – Bob Lawrie
That upon execution of Loan Schedule for Tumby Bay Tennis Club loan the Deputy CEO be authorised to draw down the sum of $33,000 from LGFA Cash Advance Deb No.54 for the purpose of a 10 year loan to the Tumby Bay Tennis Club. And;
Tumby Bay Tennis Club is thereby liable for the following repayments for the term of the loan:

Principal Repayments: $3300 annually of 1st May each year commencing May 2013.
Interest Repayments: Quarterly at LGFA Cash Advance Rate for the term of the loan.

CARRIED

13.3 Environmental Services Reports

18c/102012 Moved - Telfer Seconded – Swaffer
That the following reports from the Manager Environmental Services be received.
MES 1/1012 Revocation of Community Land Classification
MES 2/1012 Tumby Bay Coastal and General Plan Amendment

MES 1/1012 Revocation of Community Land Classification

19c/102012
Moved - Telfer Seconded - Swaffer
That Council endorse the Manager Environmental Services to proceed in seeking Ministerial Approval to revoke the community land classification of the whole of allotment 11 Lipson Road (CT 5540/116).

CARRIED

... Meeting was adjourned for informal discussion at 9.47 am
...
Meeting resumed at 10.21 am

MES 2/1012 Tumby Bay Coastal and General Plan Amendment

20c/102012
Moved – Bob Lawrie Seconded - Baillie
That as a matter of urgency, Council invite Minister Rau (Minister for Planning) to address Council on the Tumby Bay Coastal and General Plan Amendment with the intent of discussing elected members concerns.

CARRIED

13.5 Manager Governance Report

21c/102012
Moved – Bob Lawrie Seconded - Swaffer
That the following reports from the Manager Governance be received.

MG 1/1012 Business Update
MG 2/1012 DCTB Animal Management Plan 2012 - 2017
MG 3/1012 Representation Review

CARRIED

MG 1/1012 Business Update

22c/102012
Moved – Swaffer Seconded – Telfer
That the report be noted.

CARRIED

MG 2/1012 DCTB Animal Management Plan 2012 - 2017

23c/102012
Moved – Bob Lawrie Seconded - Brougham

CARRIED

... Cr Telfer left the meeting at 10.40 am
... Cr Telfer returned to the meeting at 10.41 am

MG 3/1012 Representation Review

24c/102012
Moved - Telfer Seconded - Wilksch
That Council commences the representation review as per Step 1 of the review process.

CARRIED

14.0 OTHER REPORTS – Nil.
15.0 CORRESPONDENCE

25c/102012 Moved – Telfer Seconded – Bob Lawrie
That correspondence items C1/1012 to C3/1012 and LATE 1/1012 be received. **CARRIED**

C1/1012 Cr Peter Swaffer Notice of Motion
Noted.

C2/1012 LGA Circular 38.14 regarding proposed changes to South Australia’s Public Holidays for the Adelaide Cup and Queen’s Birthday

26c/102012 Moved - Baillie Seconded – Bob Lawrie
That Council rejects outright any changes to the Queen’s Birthday holiday times. **CARRIED**

C3/1012 EPLGA Minutes of Meeting held 14th September 2012.
Noted.

16.0 LATE CORRESPONDENCE

27c/102012 LATEWM 1/1012 Water Industry License
Moved - Baillie Seconded – Telfer
1) That the Council authorises the Chief Executive Officer (CEO) and anyone who may, from time to time, be appointed to act in that position to exercise the duties necessary to fulfil the Council’s obligations under the Water Industry Act 2012 including the power under section 19 of the Water Industry Act 2012 to make an application to the Essential Services Commission of South Australia (ESCOSA) for the issue of a licence as a water industry entity, and;

2) That, the Council instructs the CEO to have the Delegations Registers updated accordingly.
Reason: Pursuant to the Water Industry Act 2012 Council is required to apply for and maintain a license issued by ESCOSA for the water and/or sewerage retail services they provide. **CARRIED**

LATEWM Tumby Bay Area School Loading Zone
A request has been received from the TBAS for a loading zone parking space on Bratten Road for the Canteen manager.
Council resolved that the Works manager further investigate this matter.

LATEWM Lower Eyre Pest Management Group On Ground Works
The LEP Management Group advised of their on grounds work within the district and are available to give Council a presentation if required.
Council resolved that a deputation early in 2013 would be suitable.
LATE 1/1012  EPLGA seeking feedback on Issues Paper.

28c/102012 Moved - Telfer Seconded – Baillie
That the District Council of Tumby Bay strongly supports the contents and intent of the Issues Paper prepared by the EPLGA in relation to Natural Resources Management processes. CARRIED

17.0 INFORMATION TABLED

Information tabled for inspection by Councillors.
• Land Transfer Report.

13.3 Technical Services & Operations Reports

29c/102012 Moved - Telfer Seconded – Bob Lawrie
That the following reports from the Works Manager be received.

WM 1/1012 Exclusion of the Public from a Council of Committee Meeting
CONFWM 2/1012 Port Neill CWMS

30c/102012 WM 1/1012 Exclusion of the Public from a Council or Committee Meeting

Moved - Telfer Seconded – Bob Lawrie
Exclusion of the public from a Council meeting
That Council orders that the public be excluded, with the exception of the Chief Executive Officer, Manager Works, Works Supervisor, Manager Environmental Services, Compliance Officer and Minute Secretary from attendance at so much of this meeting as is necessary to receive, discuss or consider in confidence The Port Neill CWMS Project, CONFWM 2/1012 and the valuation by Town and Country Valuers as per the provisions of Section 90 (2) the Local Government Act 1999 Section:

• 90(3)(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

The Council is satisfied that, pursuant to Section 90(3)(d)&(k) 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 is proposing to enter negotiations with a third party the disclosure of which would prejudice the Council's commercial position during those negotiations.
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 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 in relation to other contract negotiations.

CARRIED

Confidential Documents

31c/102012
Moved - Telfer Seconded – Bob Lawrie
That as per Section 91(9)(a) of the Local Government Act 1999, any documents or discussions including the minutes of council relating to discussion on this matter having been dealt with on a confidential basis under Section 90 of the Act will remain confidential until after council has finalised negotiations.

CARRIED

32c/102012
CEO 4/1012
Exclusion of the Public from a Council or Committee Meeting
Moved – Bob Lawrie Seconded - Swaffer
Exclusion of the public from a Council meeting
That Council orders that the public be excluded, with the exception of the Chief Executive Officer, Works Manager, Manager Environmental Services, Compliance Officer and Minute Secretary from attendance at so much of this meeting as is necessary to receive, discuss or consider in confidence an offer for the purchase of Council land available for sale in Pumpa Street Tumby Bay and CEO Report No. CONFCEO 5/1012 as per the provisions of Section 90 (2) the Local Government Act 1999 Section:

- 90(3)(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;

In addition, should this agenda item not be treated confidential then it could be reasonably expected to prejudice other sale prices for land in this area which Council has on the market depending on the decision of Council in regards to the offers put forward.

CARRIED

33c/102012
Moved - Telfer Seconded – Bob Lawrie
Confidential Documents
That as per Section 91(9)(a) of the Local Government Act 1999, any documents or discussions including the minutes of council relating to discussion on this matter having been dealt with on a confidential basis under Section 90 of the Act will remain confidential until:

- the sale of the said land is settled.

CARRIED
CONFIDENTIAL INFORMATION

SEE CONFIDENTIAL BOOK
CONFIDENTIAL INFORMATION

SEE CONFIDENTIAL BOOK
19.0 **MEETING CLOSED AT 11.25 AM.**

DATE: ____________________ CONFIRMED: ____________________

MAYOR