

DISTRICT COUNCIL OF CEDUNA

MINUTES OF THE ORDINARY MEETING OF COUNCIL held at the Council Chamber, 44 O'Loughlin Terrace, Ceduna, on Wednesday 21 June 2017 at 3:00pm.

1. PRESENT

His Worship the Mayor AJ Suter, Councillors LA Brown, IP Bergmann, PG Brown, PC Codrington ESM, KR Maynard, GA Ryan and PA Will.

GM Moffatt (Chief Executive Officer), MS Hewitson (Manager Governance), GK Drummond (General Manager Operations), SP Redden (Manager Planning and Building), BW Taylor (Manager Administration and Finance) and KE Blums (Executive Assistant).

2. APOLOGIES

3. MAYOR'S REPORT

3.1 Mayors Verbal Report

05/06/2017 EPLGA Electra Net meeting in Wudinna

14/06/2017 Attended reception and dinner at Government House

1c/62017 Moved – IP Bergmann
That the report be received and noted.

Seconded – GA Ryan

CARRIED

4. CONFIRMATION OF MINUTES

4.1 Council Meeting – 17/05/2017

2c/62017 Moved – KR Maynard
That the minutes be confirmed as a correct record.

Seconded – PC Codrington

CARRIED

5. DEPUTATIONS AND PETITIONS

5.1 Eyre Peninsula Community Foundation

3:13pm Cr Maynard declared an Actual Interest in this matter, as he is a director of the Eyre Peninsula Community Foundation, and left the meeting.

3:22pm Councillor KR Maynard entered the meeting

5.2 Red Cross Ceduna

3:39pm Councillor LA Brown left the meeting

5.3 Department for Communities & Social Inclusion

3:41pm Councillor LA Brown entered the meeting

6. PUBLIC QUESTIONS WITHOUT NOTICE
7. REPORTS FROM COUNCIL COMMITTEES
8. OFFICERS REPORTS

8.1 Chief Executive Officer's Report

8.1.1 Tenders Awarded Under Delegated Authority

3c/62017 Moved – GA Ryan
That this Report be received and noted. Seconded – PC Codrington

CARRIED

8.2 Manager Governance Report

8.2.1 Policy Review

8.2.1.1 Policy 1.16 Council Member Allowance & Benefit

4c/62017 Moved – PC Codrington
That Council adopt the Policy 1.16 Council Member Allowance and as presented. Seconded – LA Brown

CARRIED

8.2.1.2 Policy 3.1 Records Management

5c/62017 Moved – GA Ryan
That Council adopt the Policy 3.1 Records Management as presented. Seconded – PG Brown

CARRIED

8.2.1.3 Policy 10.21 Flag Policy

6c/62017 Moved – PC Codrington
That Council adopt Policy 10.21 Flag Policy as discussed and amended. Seconded – PA Will

CARRIED

8.2.1.4 Procedure 1.47.1 Complaint Handling Procedure under Council Member Code of Conduct

7c/62017 Moved – GA Ryan
That Council adopt Procedure 1.47.1 Complaint Handling Procedure under Council Member Code of Conduct as presented. Seconded – PG Brown

CARRIED

8.3 General Manager Operations Report

8.3.1 Operations Project Update

8c/62017 Moved – GA Ryan
That this Report be received and noted. Seconded – IP Bergmann

CARRIED

8.3.2 Thevenard Marine Offloading Facility

9c/62017 Moved – KR Maynard
That this Report be received and noted. Seconded – PC Codrington

CARRIED

8.3.3 Fosters Boat Ramp

10c/62017 Moved – PC Codrington
That this Report be received and noted.

Seconded – GA Ryan

CARRIED

8.4 Manager Planning and Building Report

8.4.1 Regional Planning Agreement – Expression of Interest

11c/62017 Moved – KR Maynard
That Council resolves to participate in the proposed Joint Planning Arrangement Pilot project with other interested EPLGA member Councils, and further directs Mayor Suter to support the Expression of Interest for the EPLGA Joint Planning Arrangement Pilot when it is considered by the EPLGA Board, subject to the District Council's participation in the Pilot being at no cost to Council.

Seconded – LA Brown

CARRIED

8.4.2 Upper Eyre Peninsula Regional Building Fire Safety Committee

12c/62017 Moved – PC Codrington
That this Report be received and noted.

Seconded – LA Brown

CARRIED

8.5 Manager Administration and Finance Report

8.5.1 Monthly Financial Reporting

13c/62017 Moved – PA Will
That Council:
1. Adopts budget amendments for the year ended 30 June 2017 as presented in this report
2. Re-budgets the construction costs and estimated capital revenue associated with the construction of the Ceduna Safe Swimming Enclosure in Council's 2017-18 Annual Business Plan.

Seconded – KR Maynard

CARRIED

8.5.2 Review of Investments

4:55pm Councillor LA Brown left the meeting

14c/62017 Moved – PA Will
That this Report be received and noted.

Seconded – GA Ryan

CARRIED

8.5.3 Council Bad Debt

15c/62017 Moved – KR Maynard
That this Report be received and noted.

Seconded – GA Ryan

CARRIED

8.5.4 Council 2017-2018 Annual Business Plan

4:57pm Councillor LA Brown entered the meeting

8.5.4.1 2017-2018 Annual Business Plan

16c/62017 Moved – PC Codrington Seconded – KR Maynard

That, pursuant to and in accordance with Section 123 of the Local Government Act 1999 and Regulation 6 of the Local Government (Financial Management) Regulations 2011, and having considered all submissions in accordance with Section 123(6) of the Local Government Act 1999, the Council adopt the 2017-18 Annual Business Plan as presented.

CARRIED

8.5.4.2 Adoption of Annual Budget

17c/62017 Moved – GA Ryan Seconded – LA Brown

That, pursuant to, and in accordance with Section 123 of the Local Government Act 1999 and Regulation 7 of the Local Government (Financial Management) Regulations 2011, the Council adopt a budget comprising the following Financial Budget Statements for 2017-18 as presented having considered the budget in conjunction with, and determined it to be consistent with, the Council's Annual Business Plan:

- Budgeted Statement of Comprehensive Income
- Budgeted Cash Flow Statement
- Budgeted Balance Sheet
- Budgeted Statement of Changes in Equity
- Budgeted Uniform Presentation of Finances
- Budgeted Financial Indicators
- Operating Budget
- Capital Budget

CARRIED

8.5.4.3 Adoption of Valuations

18c/62017 Moved – PA Will Seconded – IP Bergmann

That, in accordance with Section 167(2)(a) of the Local Government Act 1999, the Council adopt, for the financial year ending 30 June 2018, the most recent valuations of the Valuer-General available to the Council of Site Values that are to apply to land in the area of the Council for rating purposes, with the total of the valuations being \$ 222,710,960.

CARRIED

8.5.4.4 Differential General Rates

19c/62017 Moved – KR Maynard Seconded – LA Brown

That, having taken into account the general principles of rating contained in Section 150 of the Local Government Act 1999 and the requirements of Section 153(2) of the Local Government Act 1999, pursuant to Sections 153(1)(b) and 156(1)(b) of the Local Government Act, 1999, the Council declare the following differential general rates on the assessed Site Values of all rateable land for the financial year ending 30 June 2018 varying on the basis of the locality of the land.

a. Ceduna

In respect of land within the township of Ceduna,

- i. For land within the Industry Zone and within, Decres Bay Policy Area 11 as described in that part of the Development Plan consolidated 18 October 2012 (refer map CED/30) under the Development Act 1993 applicable to Council,:-

28.35967 cents in the \$

- ii. for all other land within the township of Ceduna:-

1.46579 cents in the \$

b. Thevenard

- i. In respect of land within the township of Thevenard:-

1.35700 cents in the \$

c. Smoky Bay

- i. In respect of land within the township of Smoky Bay:-

1.20063 cents in the \$

d. Denial Bay

- i. In respect of land within the township of Denial Bay:-

1.06611 cents in the \$

e. Ceduna Waters

- i. In respect of land within the locality of Ceduna Waters:-

1.31921 cents in the \$

f. Rural

- i. In respect of all other land not hereinbefore referred to in the Council area:-

1.31921 cents in the \$

CARRIED

8.5.4.5 Fixed Charge

20c/62017 Moved – GA Ryan

Seconded – PG Brown

That, pursuant to Sections 151(1)(c) and 152(1)(c) of the Local Government Act 1999, for the financial year ending 30 June 2018, the Council declares a fixed charge of \$700.00 in respect of each separate piece of rateable land in the area of the Council

CARRIED

8.5.4.6 Maximum Increase

21c/62017 Moved – KR Maynard

Seconded – PC Codrington

That, pursuant to Section 153(3) of the Local Government Act 1999 the Council determine that it will not fix a maximum increase in the general rate to be charged on rateable land within its area that constitutes the principal place of residence of a principal ratepayer

CARRIED

8.5.4.9 Water Supply Charge

25c/62017 Moved – PC Codrington

Seconded – PG Brown

That, pursuant to and in accordance with Section 155 of the Local Government Act the Council impose the following annual service charge based on the level of usage of the service and land use in accordance with Regulation 12(4)(a) of the Local Government (General) Regulations 2013, on all land to which the Council provides or makes available the prescribed service of the supply of potable water on the Ceduna Water West Scheme for the financial year ending 30 June 2018 as follows –

- i. All unconnected properties where the service is made available, a Water Service Charge of \$248.00 per assessment.
- ii. All connected properties with a Local Government Land Use Code of Residential, Vacant Land or Commercial – Other, and
 1. Supply of one (1) water meter to one assessment, a Water Service Charge of \$413.38 per assessment, or
 2. Supply of two (2) water meters to one assessment, a Water Service Charge of \$826.76 per assessment.
- iii. All connected properties not hereinbefore referred to in the Service Area, and
 1. Supply of one (1) water meter to one assessment, a Water Service Charge of \$706.58 per assessment, or
 2. Supply of two (2) water meters to one assessment, a Water Service Charge of \$1,413.16 per assessment.

CARRIED

8.5.4.10 Eyre Peninsula Natural Resource Management Board Levy

26c/62017 Moved – KR Maynard

Seconded – PC Codrington

That, pursuant to Section 95 of the Natural Resource Management Act 2004 and Section 154 of the Local Government Act 1999 in order to reimburse the Council for amounts contributed to the Eyre Peninsula Natural Resources Management Board, the Council declares the following differential separate rates varying on the basis of land use in accordance with Regulation 4B of the Natural Resources Management (Financial Provisions) Regulations 2005, on all rateable land in the area of the Council for the financial year ending 30 June 2018 as follows -

- i. All rateable properties with a Local Government Land Use Code of Primary Production, a Separate Rate of \$ 147.51 per assessment
- ii. All rateable properties with a Local Government Land Use of:
 - a. Commercial – Shop
 - b. Commercial – Office
 - c. Commercial – Other
 - d. Industry – Light
 - e. Industry – OtherA Separate Rate of \$ 110.63 per assessment

- iii. All rateable properties with a Local Government Land Use of:
 - a. Residential
 - b. Vacant Land
 - c. Other

A Separate Rate of \$ 73.75 per assessment.

CARRIED

8.5.4.11 Payment of Rates

27c/62017 Moved – PA Will Seconded – GA Ryan

That, pursuant to Section 181 of the Local Government Act 1999, all rates declared or payable in respect of or during the financial year ending 30 June 2018 will fall due in four equal or approximately equal instalments, and that these instalments will fall due on:

1st Instalment	1st September 2017
2nd Instalment	1st December 2017
3rd Instalment	2nd March 2018
4th Instalment	1st June 2018

CARRIED

8.5.4.12 Rate Rebates

28c/62017 Moved – GA Ryan Seconded – PC Codrington

That, pursuant to Chapter 10, Part 1, Division 5 of the Local Government Act 1999 the Council grant Discretionary Rebate of General Rates in respect of those pieces of land listed in Appendix D attached to this report.

CARRIED

29c/62017 Moved – GA Ryan Seconded – PC Codrington

That, pursuant to Section 166(1)(m)(ii) of the Local Government Act 1999 the Council grant Discretionary Rebate of Rates for the purposes of providing relief against what would otherwise constitute a liability that is unreasonable for eligible pensioners where:

- i. the ratepayer is in receipt of a Pension Concession Card, and
- ii. The general rates would have increased by more than 7% from the previous year, and
- iii. The property is the ratepayer(s) principal place of residence, and
- iv. Ownership of the property has not changed since 1 July 2016.

CARRIED

30c/62017 Moved – GA Ryan Seconded – PC Codrington

That, pursuant to Section 166(1)(l)(ii) of the Local Government Act 1999 the Council grant Discretionary Rebate of Rates for the purposes of providing relief against what would otherwise amount to a substantial change in rates payable by a ratepayer due to rapid changes in valuations where:

- i. The general rates would have increased by more than 12% from the previous year, and
- ii. This is not a new assessment created by the division of land or the realignment of land boundaries that result in the creation of additional allotments, and
- iii. The property has not been subject to the imposition of additional charges from the previous year, and
- iv. Ownership of the property has not changed since 1 July 2016, and
- v. The property is not in receipt of any other rebate of general rates in accordance with the Local Government Act 1999

CARRIED

31c/62017 Moved – GA Ryan Seconded – PC Codrington

That, pursuant to Section 166(1)(m)(ii) of the Local Government Act 1999 the Council grant Discretionary Rebate of Annual Water Supply Charge in respect of those pieces of land listed in Appendix E attached to this report.

CARRIED

8.5.4.13 Fees and Charges Schedule

32c/62017 Moved – PG Brown Seconded – LA Brown

That, pursuant to Section 188 of the Local Government Act 1999, adopt the schedule of fees and charges listed in Appendix G for the financial year ending 30 June 2018 as presented, to be effective from 1 July 2017.

CARRIED

8.5.5 Damaged Ceduna Foreshore Public Toilet Facility

33c/62017 Moved – PC Codrington Seconded – PA Will
That this Report be received and noted.

CARRIED

9. CORRESPONDENCE

9.1 Information Correspondence

9.1.1 Local Government Association of South Australia

File Reference: 51988 (20.3.2.1)
Officer: Chief Executive Officer

Circular 19.4 – The LGA Ordinary General Meeting resolved to consult with Councils on whether there is support in the sector to advocate for a change to the Australia Road Rules to enable parking, wholly or in part on Council verges.

9.1.2 Australia Day Council of South Australia

File Reference: 51996 (2.38.1.2)
Officer: Chief Executive Officer

Notice of re-scheduled Annual General Meeting

9.1.3 Local Government Risk Services

File Reference: 51999 (7.85.1.5)
Officer: Chief Executive Officer

Local Government Association Workers Compensation Scheme and Local Government Association Mutual Liability Scheme Annual Reports 2015/2016.

9.1.4 Australia Electoral Commission

File Reference: 52007 (2.38.1.2)
Officer: Chief Executive Officer

Australia Day Council of South Australia Board Member (3) Elections 2017, Election Notice.

9.1.5 Local Government Association of South Australia

File Reference: 52030 (7.3.3.1)
Officer: Manager Administration & Finance

Circular 19.11 – Federal Budget 2017-2018, what it means for SA Councils.

9.1.6 Whyalla City Council

File Reference: 52043 (10.85.1.2)
Officer: Chief Executive Officer

Decentralisation – Government Agencies – SA Health

9.1.7 Eyre Peninsula Local Government Association

File Reference: 52085 (10.85.1.3)
Officer: Chief Executive Officer

Regional Australia – Driving Our Economy 2017-18. Document provided under separate cover.

9.1.8 Eyre Peninsula Local Government Association

File Reference: 52086 (10.85.1.3)
Officer: Chief Executive Officer

Media Release - EPLGA Relieved Federal Budget Reinstates Funding to Councils.

9.1.9 Regional Development Australia Whyalla & Eyre Peninsula

File Reference: 52135 (4.85.1.4)
Officer: Chief Executive Officer

Submission to Senate Finance & Public Administration Committees, in relation to the operation, effectiveness and consequences of the Public Governance, Performance and Accountability (Location of Corporate Commonwealth Entities) Order 2016. Documents provided under separate cover.

9.1.10 Eyre Peninsula Natural Resources Management Board

File Reference: 52224 (10.85.1.13)
Officer: Chief Executive Officer

Response to submission on the draft Regional Natural Resources Management Plan for Eyre Peninsula. Document provided under separate cover.

9.1.11 Brenton Niemz

File Reference: 52227 (9.85.1.3)
Officer: Chief Executive Officer

Thank you for help with NBN Co.

9.1.12 Local Government Risk Services

File Reference: 52234 (7.85.1.5)
Officer: Chief Executive Officer

LGRS Scheme Highlight Documents and Benefits table.

9.1.13 Local Government Association of South Australia

File Reference: 52284 (9.3.2.2)
Officer: Manager Governance

Circular 21.6 – The LGA recently consulted on a proposal to change the voting processes in local government elections from partial preferential voting to optional preferential voting. The outcome of the consultation is explained in the circular.

9.1.14 Senator the Hon Fiona Nash

File Reference: 52300 (10.85.1.1)
Officer: Chief Executive Officer

Update of Financial Assistance Grant Program.

9.1.15 South Australia Regional Organisation of Councils

File Reference: 52325 (10.85.1.3)
Officer: Chief Executive Officer

Draft Minutes from the SAROC Meeting held on 17/05/2017.

9.1.16 Municipal Association of Victoria

File Reference: 52327 (10.85.1.1)
Officer: Chief Executive Officer

The declaration made at the 2017 Future of Local Government National Summit.

9.1.17 The Hon John Rau

File Reference: 52332 (3.3.2.1)
Officer: Chief Executive Officer

Planning, Development and Infrastructure Act 2016, implementation of new Development Assessment Panels to commence 1 August 2017.

9.1.18 The Hon Jack Snelling

File Reference: 52387 (11.67.3.1)
Officer: Chief Executive Officer

Thank you for efforts in the successful implementation of the Ceduna regional meningococcal W vaccination program.

9.1.19 State Library

File Reference: 52477 (17.64.8.1)
Officer: Manager Governance

Thank you letter and offer of an additional one off grant of up to \$5,000 to enable council to implement some of the exciting initiatives identified through the recent planning exercise.

9.1.20 Feast Festival

File Reference: 52482 (9.33.5.1)
Officer: Chief Executive Officer

Invitation to support the Feast Festival by flying the Rainbow Flag.

9.1.21 Local Government Association of South Australia

File Reference: 52514 (17.3.3.1)
Officer: Manager Governance

Circular 23.4 - The State Government has released a draft Disability Inclusion Bill for consultation until 30 June 2017. The intent of the bill is to improve access and inclusion for South Australians with a disability.

9.1.22 Statoil Australia

File Reference: 52523 (17.85.1.9)
Officer: Chief Executive Officer

Letter and Media Release in relation to Statoil drilling for oil in the Great Australian Bight.

9.1.23 Department for Communities and Social Inclusion

File Reference: 52539 (17.65.1.7)
Officer: Chief Executive Officer

Street Beat data for May 2017 and case study information.

9.1.24 Local Government Association of South Australia

File Reference: 52556 (20.3.2.1)
Officer: Manager Governance

Circular 23.11 - The Parliament of South Australia's Legislative Review Committee is undertaking an Inquiry into the Regulation of Parking and Traffic Movement in South Australia. Contributions to a submission from the LGA are to be made to the LGA Secretariat by COB Friday 7 July 2017.

9.1.25 South Australia Country Fire Service

File Reference: 52572 (5.85.1.6)
Officer: Manager Governance

The Upper Eyre Peninsula Bushfire Management Committee inviting Council's input on the draft Bushfire Management Area Plan (BMAP) for the region, closing date for public comment: 31st July 2017.

34c/62017 Moved – PA Will
That Council receive and note all Correspondence.

Seconded – PC Codrington

CARRIED

9.2 Action Correspondence

9.2.1 Ceduna Area School

File Reference: 52449 (7.31.3.1)
Budget 2016/17: \$5,000 – Donations 1333
Actual 2016/17: \$4,000
Officer: Chief Executive Officer

Request for sponsorship to buy the required equipment for the Kokoda Trek.

35c/62017 Moved – LA Brown
That Council donate \$1000 to the Ceduna Area School Kokoda Trek Team to assist the participants of the Kokoda Reconciliation Trek with the purchase of equipment.

Seconded – GA Ryan

CARRIED

9.2.2 Eyre Peninsula Local Government Association

File Reference: 52488 (10.85.1.3)
Budget 2016/17: N/A
Actual 2016/17: N/A
Officer: Chief Executive Officer

Mayor Suter attended a workshop in Wudinna on Monday 5th June 2017, in relation to ElectraNet's supply operations, revenue proposal to Australia Energy Regulator and options for the future. A report has been provided by the EPLGA which includes recommendations that will be presented at the next EPLGA meeting on 30th June 2017.

36c/62017 Moved – KR Maynard
That Council directs Mayor Suter to support the EPLGA recommendations in relation to an ElectraNet submission by voting in favour of the recommendations at the EPLGA meeting.

Seconded – LA Brown

CARRIED

10. QUESTIONS ON NOTICE

10.1 Councillor Ken Maynard

File Reference: 52469 (9.24.1.2)

Councillor Maynard has submitted the following 'Questions on Notice'

Q1. What is the current situation in regards to the under road pipe laying to allow for the extension of the Waste Water to various parts of Thevenard? When is this undertaking likely to be completed?

A1. The contractor has been engaged and the under road boring is expected to be completed by the end of July 2017 when the contractor returns to Ceduna to undertake this and other works.

Q2. Whose responsibility is it, in cleaning up the railway corridor alongside Bergmann Drive and Thevenard Road? And when is the required work likely to be undertaken and completed?

A2. The rail corridor proper is owned by DPTI and leased (in some manner) to Genesee & Wyoming, the rail operators. The road reserves (Bergmann Drive & Thevenard Road) on either side of the rail corridor are Council's responsibility.

A rail corridor/road reserve bounding survey of suitable accuracy has been completed and has identified that the subject trees and vegetation requiring clean up are entirely within the rail corridor, and hence the responsibility of Genesee & Wyoming.

Following discussions with Genesee & Wyoming regarding this matter Genesee & Wyoming have advised that they will be undertaking vegetation clean up along the rail corridor with the next couple of months.

Q3. If not already done when, will the required signage be in place for the Taxi Zone adjacent to the front entrance of the hotel be completed?

A3. Signage has been ordered with delivery expected by the end of June 2017. Installation should be completed within a few weeks following receipt of the signs.

Q4. What is the expected time frame for the installation of the third flag pole as agreed to at the May Meeting of Council?

A4. The flag pole was ordered on 9 June 2017, with delivery expected by 23 June 2017. Installation should be completed within a couple of weeks of receipt.

Q5. Is the Park and Gardens gang, staffing levels at 100% of what is budgeted for? How many FTE are in this gang?

A5. The Parks & Gardens crew is currently understaffed by one member (of an established 6 FTE's, including the supervisor) following the resignation of a team member. Recruitment for a replacement team member is underway.

Q6. To date what repair works have been undertaken on the Fosters Boat Ramp? Is there any more repairs that need to be undertaken? And what is the cost of repairs to date and what is the estimated cost of further repairs if needed? Has the hotel been approached re their offer to assist in the cost of repairs?

A6. Ramp edge line working has been completed at minimal cost.

The remaining repair work required is the subject of a report to Council from General Manager Operations in this meeting agenda.

11. MOTION ON NOTICE

11.1 Councillor Perry Will

File Reference: 52494 (9.24.1.1)

37c/62017 Moved – PA Will

Seconded – KR Maynard

That the CEO organises for the following footpaths in Thevenard be brought up to an acceptable standard in the order of priority below and that the works be done in the wetter winter months and aim to be completed by the 31st August 2017.

The first priority is Railway Terrace on North side from Hunt Street to Davison Street.

The second priority is Thevenard Road between Old Theatre and Davidson Street.

The third priority is Thevenard Road from Penna Street, in front of Old Shops and up to the Old Customs House.

Thevenard Road/West Terrace intersection needs fixing.

Kent Street, from Hunt Street to Martin Street and in front of the Greek Church.

East Terrace/Hellas Street corner the kerb is rotting. The South East corner of Hellas Street needs filling with crusher fines.

Corner of Seaview and East Terrace needs a proper cross over.

Corner of Seaview Terrace and Drew Street needs filling with crusher fines.

Footpaths mainly need filling in with crusher fines between surviving cement or paved paths and kerbing.

Crusher fines may not be the best material, the material used in Hellas Street and in the West Terrace, Hambidge and Martin Street footpaths is doing a good job.

The 'Thevenard Masterplan' did not get the footpath priorities right on page 34.

CARRIED

12. QUESTION WITHOUT NOTICE

13. MOTION WITHOUT NOTICE

13.1 Eyre Peninsula Community Foundation – Education Fund

5:44pm Cr Maynard declared an Actual Interest in this matter, as he is a director of the Eyre Peninsula Community Foundation, and left the meeting.

38c/62017 Moved – LA Brown Seconded – PG Brown

That Council contribute \$2000 to the Eyre Peninsula Community Foundation Education Fund in 2017/2018 and request a copy of the selection criteria for the awarding of scholarships from the fund.

CARRIED

5:48pm Cr Maynard entered the meeting.

8. OFFICERS REPORTS

13.2 Chief Executive Officer’s Report

8.1.2 Memorandum of Lease – BP Development Australia

39c/62017 Moved – PA Will Seconded – LA Brown

That Council :

1. Pursuant to Sections 90(2), 90(3)(b) of the Local Government Act 1999, Council orders that the public be excluded from attendance at the meeting, with the exception of Mr GM Moffatt (Chief Executive Officer), Mr MS Hewitson (Manager Governance), Mr GK Drummond (General Manager Operations), Mr BW Taylor (Manager Administration and Finance), Mr S Redden (Manager Planning & Building) and Mrs KE Blums (Executive Assistant), in order to consider in confidence Item 8.1.2 – Memorandum of Lease – BP Developments Australia.
2. Council is satisfied that the principle that meetings of Council should be conducted in a place open to the public is outweighed in relation to this matter because it involves the consideration and discussion of information, the disclosure of which 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 would, on balance, be contrary to the public interest.

CARRIED

5:50pm Mayor Suter vacated the chair and left the meeting

5:50pm Deputy Mayor LA Brown assumed the chair

5:51pm Mayor Suter entered the Council meeting.

5:51pm Deputy Mayor LA Brown vacated the chair.

40c/62017 Moved – PC Codrington

Seconded – LA Brown

That Council accepts BP Developments Australia's offer of payment of \$203,971.08 by 30 June 2017 in lieu of notice of termination of their Memorandum of Lease with the District Council of Ceduna on the terms contained in their Termination of Lease Letter Agreement of 31 May 2017 and executes the Termination of Lease Letter Agreement of 31 May 2017, subject to and following receipt of confirmation from BP Developments Australia of compliance with clause 2.12 (a)(ii) and (b) of the Lease and the provision to Council of all plans and certificates prescribed in clause 5.1 (g) of the Agreement for Lease, from BP Developments Australia.

CARRIED

41c/62017 Moved – LA Brown

Seconded – IP Bergmann

That Council :

1. Pursuant to Sections 91(7) and 91(9) of the Local Government Act 1999 Council orders that the minutes be public but all associated documents received, considered and discussed by Council relating to Item 8.1.2 – Memorandum of Lease – BP Developments Australia, having been dealt with on a confidential basis under Sections 90(2) and 90(3)(b) of the Local Government Act 1999, be kept confidential and not available for public inspection on the grounds that they relate to information, the disclosure of which 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 would, on balance, be contrary to the public interest, until 21 June 2018.
2. Pursuant to Section 44 of the Local Government Act 1999, Council delegates to the Chief Executive Officer of the Council the power pursuant to Section 91(9)(c) of the Local Government Act 1999 to revoke the order made by Council under Section 91(7) and (9) of the Act at paragraph 1 of this resolution at any time prior to the expiration of the period of the order specified therein.

CARRIED

14. MEETING CLOSED – 6:06PM

DATE: _____ **CONFIRMED:** _____
Mayor