



# **MINUTES**

**Ordinary Council Meeting  
Wednesday, 13 March 2019**

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**MINUTES OF DISTRICT COUNCIL OF KIMBA  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, KIMBA  
ON WEDNESDAY, 13 MARCH 2019 AT 2.00PM**

**PRESENT:** Cr Dean Johnson (Mayor), Cr Megan Lienert (Deputy Mayor), Cr Graeme Baldock, Cr Peter Rayson, Cr Peta Willmott, Cr Tom Harris, Cr Brian Cant

**IN ATTENDANCE:** Debra Larwood (Chief Executive Officer), Lyndon Keane (Manager Corporate Services), Michael Inglis (Works Manager)

**OBSERVERS:** Nil

**1 WELCOME**

Mayor Johnson acknowledged the passing of former Elected Member Sue Beinke, with one-minute silence observed by meeting as mark of respect.

**2 APOLOGIES**

Nil

**3 CONFIRMATION OF MINUTES**

**3.1 MINUTES OF THE COUNCIL MEETING HELD ON 13 FEBRUARY 2019**

**RESOLUTION C019/19**

Moved: Cr Megan Lienert

Seconded: Cr Peta Willmott

That the Minutes of the Council Meeting held on 13 February 2019 be confirmed as a true and correct record of that meeting.

**CARRIED**

**4 BUSINESS ARISING**

**4.1 OUTSTANDING ACTION LIST - MARCH 2019**

Consensus that investigating options for air conditioner covers at Kimba Soldiers Memorial Institute should be removed from list and considered as part of town centre upgrade plans.

**4.2 NOTICE OF MOTION TO EPLGA BOARD MEETING**

Mayor Johnson provided brief verbal update on progress of motion, and that it had also been endorsed by SAROC ahead of LGA Ordinary General Meeting.

**5 CONFLICT OF INTEREST**

Elected Members were advised of provisions for conflict of interest in accordance with sections 73, 74, 75 and 75A of the *Local Government Act 1999*.

Cr Willmott advised the meeting she had a material conflict of interest pursuant to incoming correspondence number 7 in agenda item 14.1.

**6 ELECTED MEMBERS' REPORTS****6.1 ELECTED MEMBER ACTIVITY REPORTS - MARCH 2019****RESOLUTION C020/19**

Moved: Cr Graeme Baldock

Seconded: Cr Peter Rayson

That Council receive and note the Elected Member activity reports for March 2019.

**CARRIED**

**7 RESCISSION MOTION****8 DEFERRED ITEMS****9 QUESTIONS WITHOUT NOTICE****10 PETITIONS OR DEPUTATIONS****10.1 DEPUTATION TO COUNCIL - DEPARTMENT OF ENVIRONMENT AND WATER (2.10PM-2.32PM)**

Ranger-in-Charge Lindsay Brown provided Council with verbal report on the Department of Environment and Water's position on the proposed Eyes on Eyre project at Lake Gilles, including that while there was support for the promotion of the area, there was likely no financial assistance available, meaning Council would need to fund the required infrastructure not covered by any grants obtained by Regional Development Australia Whyalla and Eyre Peninsula, in addition to ongoing maintenance.

MCS to liaise with RDAWEP with a view to obtaining more details about what commitment would be required by Council ahead of any public consultation being undertaken.

**11 NOTICES OF MOTION****12 REPORTS AND RECOMMENDATIONS OF COMMITTEES****12.1 MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 6 MARCH 2019****RESOLUTION C021/19**

Moved: Cr Megan Lienert

Seconded: Cr Brian Cant

That the Minutes of the Audit Committee Meeting held on 6 March 2019 be received and the recommendations therein be noted.

**CARRIED**

**13 OFFICERS' REPORTS****13.1 REPORT ON ACTIVITIES - CHIEF EXECUTIVE OFFICER**

The CEO provided a verbal report on activities further to agenda item 13.1.

**13.2 REVIEW OF DELEGATIONS****RESOLUTION C022/19**

Moved: Cr Peter Rayson

Seconded: Cr Graeme Baldock

That Council

- (a) hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following:

|         |  |
|---------|--|
| 2.13.18 | <i>Local Government Act 1999</i>                                   |
| 2.18.18 | <i>Supported Residential Facilities Act 1992</i>                   |
| 2.22.18 | <i>Water Industry Act 2012 and Water Industry Regulations 2012</i> |
| 2.25.18 | <i>Heavy Vehicle National Law (SA) Act 2013</i>                    |

and

- (b) 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 Instrument of Delegation March 2019 (attached separately to this report and each of which is individually identified as indicated below) are hereby delegated this 13<sup>th</sup> day of March 2019 to the person occupying the office of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.

|         |                                  |
|---------|----------------------------------|
| 2.13.19 | <i>Local Government Act 1999</i> |
|---------|----------------------------------|

- 2.18.18 *Supported Residential Facilities Act 1992*
- 2.22.19 *Water Industry Act 2012 and Water Industry Regulations 2012*
- 2.25.18 *Heavy Vehicle National Law (SA) Act 2013*

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.

**CARRIED**

### **13.3 COMMUNITY AND ECONOMIC DEVELOPMENT STRATEGY**

The CEO provided a verbal report further to agenda item 13.3.

### **13.4 MAJOR PROJECTS OF COUNCIL**

#### **RESOLUTION C023/19**

Moved: Cr Megan Lienert

Seconded: Cr Peta Willmott

That Council receive and note the Major Projects of Council Report as presented.

**CARRIED**

### **13.5 APPOINTMENT OF ACTING CEO**

#### **RESOLUTION C024/19**

Moved: Cr Peta Willmott

Seconded: Cr Graeme Baldock

That:

1. Works Manager Michael Inglis is suitable to act in the office of Chief Executive Officer in her absence.; and
2. Works Manager Michael Inglis shall act in the office of Chief Executive Officer for the period from Monday 18<sup>th</sup> March 2019 until Friday 29<sup>th</sup> March, 2019 inclusive.

**CARRIED**

### **13.6 SELECTION CRITERIA FOR THE KIMBA PIONEER MEMORIAL VILLAGE**

Pursuant to regulation 20 of the *Local Government (Procedures at Meetings) Regulations 2013*, and with the approval of at least two-thirds of the meeting, Mayor Johnson declared a short-term suspension of meeting procedures for a period of 10 minutes at 2.44pm to allow discussion about agenda item 13.6, in order for Council to provide feedback on the proposed policy. Meeting procedures were reinstated at 2.54pm.

Elected Members were requested to advise the CEO of any changes they believed were required ahead of the policy being tabled for adoption at the April 2019 Ordinary Meeting of Council.

### **13.7 DROUGHT COMMUNITIES PROGRAMME EXTENSION**

The CEO provided a verbal report further to agenda item 13.7.

### **13.8 DISTRICT COUNCIL OF KIMBA STRATEGIC PLAN 2016-2020 IMPLEMENTATION PLAN**

#### **RESOLUTION C025/19**

Moved: Cr Peter Rayson

Seconded: Cr Brian Cant

That Council receive and note the Strategic Plan 2016-2020 Implementation Plan.

**CARRIED**

### **13.9 SA POWER NETWORKS LED STREET LIGHTING**

#### **RESOLUTION C026/19**

Moved: Cr Peta Willmott

Seconded: Cr Tom Harris

That

1. Council advise SA Power Networks ("**SAPN**") to cease bulk installation of the new LED street lights under the SAPN maintenance program utilising the SAPN LED Regional Tariff until such time as Council has had the opportunity to assess the various options available to it and make an informed decision regarding future street lighting technology and tariffs; and
2. Council advise SAPN that it will cease payment of SAPN tariff invoices where the SAPN LED Regional Tariff has been used to transition street lights under the proposed maintenance program.

**CARRIED**

### **13.10 REPORT ON ACTIVITIES - MARCH 2019**

The MCS provided a verbal report on activities further to agenda item 13.10.

### **13.11 2018-19 BUDGET REVIEW #2**

#### **RESOLUTION C027/19**

Moved: Cr Graeme Baldock

Seconded: Cr Brian Cant

That Council adopt the 2018-19 Budget Review #2 as presented.



CARRIED

**13.12 REVIEW OF COUNCIL POLICIES****RESOLUTION C028/19**

Moved: Cr Peter Rayson

Seconded: Cr Tom Harris

That Council adopt the following reviewed policies as presented:

- (a) Freedom of Information Statement 2019, with clarification of wording of Council make-up in clause 1.1; and
- (b) Election Signs Guidelines - General Approval for Placing Election Signs.

CARRIED

**13.13 REVOCATION OF RESOLUTION CONFIDENTIALITY ORDERS****RESOLUTION C029/19**

Moved: Cr Megan Lienert

Seconded: Cr Graeme Baldock

That Council note the revocation of confidentiality orders on the following resolutions, pursuant to section 91(9)(a) of the *Local Government Act 1999*:

- (a) 204.2017;
- (b) 74.2018;
- (c) 98.2018, 99.2018 and 100.2018; and
- (d) 2013.2018.

CARRIED

**13.14 2019 INTERIM AUDIT UPDATE**

The MCS provided a verbal report further to agenda item 13.14.

**13.15 2019 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT****RESOLUTION C030/19**

Moved: Cr Brian Cant

Seconded: Cr Peta Willmott

That Council endorse the attendance of Mayor Dean Johnson, Deputy Mayor Megan Lienert and Chief Executive Officer Deb Larwood at the 2019 National General Assembly of Local Government in Canberra on 16-19 June 2019.

CARRIED

**13.16 DISTRICT COUNCIL OF KIMBA CORPORATE COMMUNICATION STRATEGY 2019-2022****RESOLUTION C031/19**

Moved: Cr Megan Lienert

Seconded: Cr Peta Willmott

That Council adopt the District Council of Kimba Corporate Communication Strategy 2019-2022 as presented.

CARRIED

**13.17 LOCAL GOVERNMENT ASSOCIATION OF SOUTH AUSTRALIA SOCIAL MEDIA GUIDE FOR ELECTED MEMBERS**

The MCS provided a verbal report further to agenda item 13.17.

Works Manager left the chambers at 3.39pm.

Works Manager returned to the chambers at 3.42pm.

**13.18 LOSS OF RED CROSS VEHICLE**

Pursuant to regulation 20 of the *Local Government (Procedures at Meetings) Regulations 2013*, and with the approval of at least two-thirds of the meeting, Mayor Johnson declared a short-term suspension of meeting procedures for a period of 10 minutes at 3.40pm to allow discussion about agenda item 13.18, in order for Council to determine a preferred course of action to support the reinstatement of the transport service. Meeting procedures were reinstated at 3.50pm.

Council to write to Red Cross (Cc: relevant State and Federal politicians) requesting immediate reinstatement of transport service given existing issues with Kimba residents accessing local healthcare solutions in absence of permanent general practitioner.

The meeting was adjourned for afternoon tea at 3.50pm.

The meeting was reconvened at 4.12pm.

**13.19 REPORT ON ACTIVITIES - WORKS MANAGER**

The Works Manager provided a verbal report on activities further to agenda item 13.19.

**13.20 COMMUNITY WASTEWATER MANAGEMENT SCHEME****RESOLUTION C032/19**

Moved: Cr Peter Rayson

Seconded: Cr Tom Harris

That Council ratify the decision of the Works Manager to undertake an additional upgrade to one manhole of the Community Wastewater Management Scheme with a resultant increase in the 2018-19 budget of \$12,855 to be funded from the Community Wastewater Management Scheme Reserve.

**CARRIED**

### **13.21 ROORA DAM STORMWATER CATCHMENT PROJECT**

The Works Manager provided a verbal report further to agenda item 13.21.

### **13.22 DEVELOPMENT REPORT - MARCH 2019**

The CEO provided a verbal report further to agenda item 13.22.

## **14 CORRESPONDENCE**

### **14.1 INCOMING AND OUTGOING CORRESPONDENCE - MARCH 2019**

#### **RESOLUTION C033/19**

Moved: Cr Megan Lienert

Seconded: Cr Graeme Baldock

That Council receive and note the Incoming and Outgoing Correspondence Report for April 2019.

**CARRIED**

Cr Willmott declared a material conflict of interest pursuant to incoming correspondence number 7 in agenda item 14.1 and left the chambers at 4.20pm.

#### **RESOLUTION C034/19**

Moved: Cr Peter Rayson

Seconded: Cr Megan Lienert

That Council make a submission in response to incoming correspondence number 7 based on the unknown potential impact the proposed project could have on roads under its control.

**CARRIED**

Cr Willmott returned to the chambers at 4.25pm.

## **15 LATE/OTHER BUSINESS**

### **15.1 FREETH ROAD VISIBILITY ISSUE**

Cr Harris raised concern with visibility issue on intersection of Freeth Road and Eyre Highway due to roadside vegetation. Works Manager to investigate and, if applicable, take remedial action.

**15.2 BALUMBAH-KINNAIRD ROAD SIGNAGE**

Mayor Johnson requested Works Manager investigate the feasibility of improving the directional signage from the Eyre Highway onto Balumbah-Kinnard Road following community feedback that it was difficult to see.

**16 CONFIDENTIAL****16.1 REPLACEMENT OF COUNCIL FINANCIAL AND PROPERTY MANAGEMENT SYSTEM****Reason for Confidentiality**

The Council is satisfied that, pursuant to Section 90(2) & (3) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this agenda item is:

- (d)(i) commercial information of a confidential nature (not being a trade secret) the disclosure of which 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.

**RESOLUTION C035/19**

Moved: Cr Megan Lienert

Seconded: Cr Graeme Baldock

It is recommended to Council that:

1. Pursuant to Section 90(2) & (3) of the *Local Government Act 1999*, Council orders, that the public, with the exception of the Chief Executive Officer, Manager Corporate Services and Works Manager be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential report Item 16.1 Replacement of Council financial and property management system, attachments and any associated documentation submitted by the Chief Executive Officer, specifically on the basis of the provisions of Financial and property management system procurement undertaken via confidential tender process.
2. At the completion of the confidential session the meeting be re-opened to the public.

**CARRIED**

**RESOLUTION C036/19**

Moved: Cr Peter Rayson

Seconded: Cr Brian Cant

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 16.1 Replacement of Council financial and property management system, the minutes arising from the report, attachments and any associated

documentation, having been considered by the Council in confidence under Section 90(2) & (3) (d)(i) be kept confidential and not available for public inspection until 30 June 2019, on the basis that the information received, discussed and considered in relation to this agenda item is:

commercial information of a confidential nature (not being a trade secret) the disclosure of which 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. Further that Council delegates the power of review, but not the extension, of the confidential order to the Chief Executive Officer on a monthly basis in accordance with the provisions of Section 91(9)(c) of the Local Government Act 1999.

**CARRIED**

Members of the public were excluded from the meeting at 4.34pm.

The meeting was reopened to members of the public at 4.50pm.

**17      UPCOMING MEETINGS/EVENTS**

**18      NEXT MEETING**

Wednesday, 10 April 2019 at 9.00am in the Council Chambers, Kimba.

**19      CLOSURE**

**The Meeting closed at 4.54pm.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 10 April 2019.**

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**CHAIRPERSON**