The minutes of the Kingston District Council meeting held on Friday, 24 March 2017, held in the Council Chambers Kingston SE, commencing at 2.01pm.
1. **PRESENT/WELCOME:**

   Mayor RW Lyon  
   Deputy Mayor K Rasheed  
   Cr JI Pope  
   Cr DR Starling  
   Cr GD Usher  
   Cr RA Wingard  
   Cr CE England

   Mr A MacDonald, Chief Executive Officer  
   Mr D Worthley, Manager Assets and Infrastructure  
   Miss C Burns, Rates and Property Officer  
   Miss J Scott, Minute Secretary

2. **APOLOGIES:**

   Cr JM Gluyas

3. **ABSENT:**

   NIL

4. **LEAVE OF ABSENCE GRANTED:**

   NIL
5. **CONFIRMATION OF MINUTES:**

5.1 MINUTES OF ORDINARY COUNCIL MEETING HELD FRIDAY 17 FEBRUARY 2017:
(APPENDIX 1)

That the minutes of the Ordinary Council meeting held on 17 February 2017 be confirmed.

Cr CE England / Cr K Rasheed CARRIED (9741)

5.2 MINUTES OF SPECIAL COUNCIL MEETING HELD WEDNESDAY 01 MARCH 2017:
(APPENDIX 2)

That the minutes of the Special Council meeting held on 01 March 2017 be confirmed.

Cr DR Starling / Cr K Rasheed CARRIED (9742)

6. **ADJOURNED ITEMS**

There were no Adjourned Items.

7. **QUESTIONS ON NOTICE:**

There were no Questions On Notice.
8. **PETITIONS:**
   There were no Petitions.

9. **DEPUTATIONS:**
   There were no Deputations.

10. **MOTIONS ON NOTICE:**
    There were no Motions on Notice.

11. **MOTIONS WITHOUT NOTICE:**
    The Mayor invited any Motions Without Notice.

12. **MEMBERS REPORTS:**
12.1 **MAYOR’S REPORTS:**
    The Mayor presented his report.
12.2 DELEGATES REPRESENTATIVE REPORTS:

The Mayor invited delegates to make a report.
13. **ENVIRONMENTAL AND INSPECTORIAL:**

13.1 **KINGSTON AND CAPE JAFFA BOAT RAMP EVENT SIGNAGE REQUEST:**

   (APPENDIX 3) CR1435

   1. That subject to Development Approval, Council approves the installation of signs at the Kingston and Cape Jaffa boat ramps, as per proposed locations.

   2. That the Kingston Football Club and the Kingston Lions Club be advised that they are required to always maintain the signs in good condition and to the reasonable satisfaction of the Council.

   Cr JI Pope / Cr DR Starling CARRIED (9743)

14. **WORKS AND ENGINEERING:**

14.1 **GRADER TENDER PROCESS:**

   That Council rescinds part three (3) of Council’s resolution (9739) relating to the procurement of a new grader and resolves the following in its place:
   
   That a new tender process for the procurement of a grader commence in May 2018.

   Cr RA Wingard / Cr DR Starling CARRIED (9744)
15. **FINANCE AND ADMINISTRATION:**

15.1 **PROPOSED EXTENTION TO WASTE TRANSFER STATION SERVICES CONTRACT:**

That Council extend the Waste Transfer Station Services contract for a period of six (6) months, to 30 September 2017, in accordance with the terms and condition of the current contract.

Cr K Rasheed / Cr JI Pope  CARRIED (9745)

15.2 **CAPE JAFFA LICENCE AGREEMENTS:**

(APPENDIX 4)

1. That in accordance with Section 202 of the Local Government Act 1999, Council grant Licence Agreements for a five (5) year term concluding on 31 December 2021 over the following land:
   a. 2 Seafarer Parade, Cape Jaffa (Jaffa Limestone Pty Ltd);
   b. 12 Boatview Place, Cape Jaffa (Cape Jaffa Development Company Pty Ltd);
   c. Allotment 5203 Fishermans Wharf, Cape Jaffa (Cape Jaffa Commercial Operations Pty Ltd).

2. That Council endorse the Licence Agreements as presented at Appendix 4, with the exception of the licence fee of $110 which is to be increased to $1000 and authorise the Chief Executive Officer to execute the Licence Agreements.

Cr RA Wingard / Cr JI Pope  TIED

*Three votes in favor, three votes against
Mayor Lyon exercised his casting vote and the motion was LOST*
1. That in accordance with Section 202 of the Local Government Act 1999, Council grant Licence Agreements for a five (5) year term concluding on 31 December 2021 over the following land:
   a. 2 Seafarer Parade, Cape Jaffa (Jaffa Limestone Pty Ltd);
   b. 12 Boatview Place, Cape Jaffa (Cape Jaffa Development Company Pty Ltd);
   c. Allotment 5203 Fishermans Wharf, Cape Jaffa (Cape Jaffa Commercial Operations Pty Ltd).

2. That Council endorse the Licence Agreements as presented at Appendix 4 and authorise the Chief Executive Officer to execute the Licence Agreements.

   Cr CE England / Cr DR Starling TIED

Three votes in favor, three votes against
Mayor Lyon exercised his casting vote and the motion was
CARRIED(9746)

15.3 2017/18 DOG REGISTRATION FEES:

That Council approves the proposed fee increase for the 2017/18 financial year, and that the fees be submitted to the Dog and Cat Management Board for its information.

   Cr K Rasheed / Cr RA Wingard CARRIED (9747)

15.4 CAPITAL ROAD WORKS BUDGET REALLOCATION:
   (APPENDIX 5)

   1. That Council approves a budget reallocation of $148K from Bowaka Road’s re-sheeting budget to Tapfields Road and Baxters Hill Road, to allow roads to be re-sheeted during 2016/17.

   2. That the 2016/17 Third Quarter Budget Review reflects the reallocation of $148K from Bowaka Road’s re-sheeting budget to Tapfields Road and Baxter Roads.

   Cr JI Pope / Cr CE England CARRIED (9748)
16. **GOVERNANCE:**

16.1 **RATING POLICY (FA018)**

(APPENDIX 6) 7/63/1.1

That Council adopt the ‘Rating Policy (FA018)’ as presented at Appendix 6.

Cr DR Starling / Cr JI Pope CARRIED (9749)

16.2 **LOCAL GOVERNMENT OF SOUTH AUSTRALIA – PUBLIC AWARENESS CAMPAIGN:**

(APPENDIX 7) 9/3/2.1

That the Council:

1. Notes the unanimous decision from South Australian Council’s at the 2016 LGA Ordinary General Meeting to reject rate capping;

2. Opposes rate capping in any form;

3. Agrees to support and participate in the LGA’s public awareness campaign including placing material in quarterly rate notices; and

4. Notes the LGA will continue to work with all Members of Parliament and political parties to ensure rate capping is not imposed on South Australian communities.

Cr K Rasheed / Cr GD Usher CARRIED (9750)

16.3 **RECOMMENDATION TO ACCEPT A LATE REPORT:**

That Council accept late report, 16.4, titled “Changes to Council’s April and May Meeting Dates”

Cr GD Usher / Cr K Rasheed CARRIED (9751)
16.4 **CHANGES TO COUNCIL’S APRIL AND MAY MEETING DATES:**

1. That Council changes the date of the April Council Meeting from 21 to 28 April 2017, to accommodate the LGA’s Ordinary General Meeting scheduled for 21 April 2017.

2. That Council changes the date of the May Council meeting from 19 to 26 May 2017, to accommodate Council’s revised Business Plan & Budget Timetable.

3. That changes to Council’s April and May 2017 ordinary meetings be advertised in the Coastal Leader during the month of April and May 2017.

    Cr CE England / Cr GD Usher CARRIED (9752)

17. **COMMUNITY:**

17.1 **COMMUNITY REPRESENTATIVES ON GALL PARK MANAGEMENT COMMITTEE:**

That Mr William (Bill) Armfield be appointed as a community representative on the Gall Park Management Committee for a two (2) year term, concluding on 28 February 2019.

    Cr K Rasheed / Cr GD Usher CARRIED (9753)

17.2 **KINGSTON NEIGHBOURHOOD WATCH MINUTES:**

That Council receives and notes the report “Kingston Neighbourhood Watch Minutes”

    Cr DR Starling / Cr RA Wingard CARRIED (9754)
19. ITEMS RECOMMENDED FOR CONSIDERATION IN CONFIDENCE:

19.1 CAPE JAFFA SAND MANAGEMENT COUNTER OFFER: (APPENDIX 9) 14/65/1.1.2

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public, except the Chief Executive Officer, Manager Community and Corporate Services, Manager Assets and Infrastructure, Manager Planning and Regulatory Services, Manager of Assets and Infrastructure and the Minute Secretary, be excluded from attendance at the meeting for Agenda Item 19.1 – Cape Jaffa Sand Management Counter Offer.

The Council is satisfied that, pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would involve the unreasonable disclosure of information concerning the commercial nature of the report, which is commercial information of a confidential nature 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.

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 details of the Cape Jaffa Sand Management Counter Offer is commercial information of a confidential nature.

Cr CE England / Cr K Rasheed CARRIED (9755)
ITEMS RECOMMENDED FOR CONSIDERATION IN CONFIDENCE:

19.1 CAPE JAFFA SAND MANAGEMENT COUNTER OFFER:
(APPENDIX 9) 14/65/1.1.2

Minutes are ordered to remain confidential as per below resolution.

That pursuant to Section 91(7) (9) and having considered Agenda Item 19.1 “Cape Jaffa Sand Management Counter Offer” in confidence under section 90(2) and (3)(a)(d) of the Local Government Act 1999, the Council, pursuant to section 91(7)(b) of that Act orders that the report, documents and minutes, be retained in confidence and not available for public inspection for a period of 12 months from 24 March 2017 to 23 March 2018 and that the Chief Executive Officer be authorised to review this order prior to 23 March 2018.

Cr JI Pope / Cr CE England CARRIED (9758)
19. ITEMS RECOMMENDED FOR CONSIDERATION IN CONFIDENCE:

19.2 ECONOMIC DEVELOPMENT OPPORTUNITY: LD45

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public, except the Chief Executive Officer, Manager Community and Corporate Services, Manager Assets and Infrastructure, Manager Planning and Regulatory Services, Manager of Assets and Infrastructure and the Minute Secretary, be excluded from attendance at the meeting for Agenda Item 19.2 – Economic Development Opportunity.

The Council is satisfied that, pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would involve the unreasonable disclosure of information concerning the commercial nature of the report, which is commercial information of a confidential nature 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.

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 details of the Economic Development Opportunity is commercial information of a confidential nature.

Cr CE England / Cr JI Pope CARRIED (9759)
19. ITEMS RECOMMENDED FOR CONSIDERATION IN CONFIDENCE:

19.2 ECONOMIC DEVELOPMENT OPPORTUNITY: LD45

With the leave of the meeting, at 3.12pm Mayor Lyon suspended Meeting Procedures to allow open discussion regarding the Economic Development Opportunity.

At 3.21pm, Mayor Lyon resumed Meeting Procedures.

Minutes are ordered to remain confidential as per below resolution.

That pursuant to Section 91(7) (9) and having considered Agenda Item 19.2 “Economic Development Opportunity” in confidence under section 90(2) and (3)(d) of the Local Government Act 1999, the Council, pursuant to section 91(7)(b) of that Act orders that the report, documents and minutes, be retained in confidence and not available for public inspection for a period of 12 months from 24 March 2017 to 23 March 2018 and that the Chief Executive Officer be authorised to review this order prior to 23 March 2018.

Cr JI Pope / Cr K Rasheed CARRIED (9761)
19. **ITEMS RECOMMENDED FOR CONSIDERATION IN CONFIDENCE:**

19.3 **KINGSTON JETTY CONDITIONS REPORT:**
(APPENDIX 10) 14/55/3.3 LD109

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public, except the Chief Executive Officer, Manager Community and Corporate Services, Manager Assets and Infrastructure, Manager Planning and Regulatory Services, Manager of Assets and Infrastructure and the Minute Secretary, be excluded from attendance at the meeting for Agenda Item 19.3 – Kingston Jetty Conditions Report.

The Council is satisfied that, pursuant to section 90(3)(a)(k) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is tenders for the supply of goods, the provision of services and the carrying out of works in relation to the potential maintenance of the Kingston Jetty.

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 information to be disclosed and discussed has the potential to impact adversely on each of the tenderers, as competitive commercial information will be disclosed.

Cr K Rasheed / Cr RA Wingard CARRIED (9762)
ITEMS RECOMMENDED FOR CONSIDERATION IN CONFIDENCE:

19.3 KINGSTON JETTY CONDITIONS REPORT: (APPENDIX 10)

14/55/3.3     LD109

1. That Council approves a budget variation of $9,950 (ex GST) to allow a condition audit to be conducted on the Kingston Jetty.

2. That Council approves the engagement of Aztec Analysis to conduct a condition audit of the Kingston Jetty and to provide a report that informs urgent and ongoing maintenance requirements.

Cr JI Pope / Cr RA Wingard  CARRIED  (9763)

That pursuant to Section 91(7) (9) and having considered Agenda Item 19.3 “Kingston Jetty Conditions Report” in confidence under section 90(2) and (3)(k) of the Local Government Act 1999, the Council, pursuant to section 91(7)(b) of that Act orders that the report and documents be retained in confidence and not available for public inspection for a period of 12 months from 24 March 2017 to 23 March 2018 and that the Chief Executive Officer be authorised to review this order prior to 23 March 2018.

Cr JI Pope / Cr RA Wingard  CARRIED  (9764)
19.4 RECOMMENDATION TO ACCEPT A LATE REPORT:

That Council accept late report, 19.5, titled “Cape Jaffa Western & Eastern Groyne Repairs”

Cr K Rasheed / Cr RA Wingard CARRIED (9765)

19. ITEMS RECOMMENDED FOR CONSIDERATION IN CONFIDENCE:

19.5 CAPE JAFFA WESTERN & EASTERN GROYNE REPAIRS:
(APPENDIX 1 of Late Report)

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public, except the Chief Executive Officer, Manager Community and Corporate Services, Manager Assets and Infrastructure, Manager Planning and Regulatory Services, Manager of Assets and Infrastructure and the Minute Secretary, be excluded from attendance at the meeting for Agenda Item 19.5 - Cape Jaffa Western & Eastern Groyne Repairs.

The Council is satisfied that, pursuant to section 90(3)(k) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is tenders for the supply of goods, the provision of services and the carrying out of works in relation to the Western and Eastern Groyne repairs at Cape Jaffa.

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 information to be disclosed and discussed has the potential to impact adversely on the tenderers, as competitive commercial information will be disclosed.

Cr JI Pope / Cr RA Wingard CARRIED (9766)
19. ITEMS RECOMMENDED FOR CONSIDERATION IN CONFIDENCE:

19.5 CAPE JAFFA WESTERN & EASTERN GROYNE REPAIRS:
(APPENDIX 1 of Late Report)

1. That Council approves a budget variation of $73,670 to support repairs to western and eastern breakwater at the Cape Jaffa Anchorage.

2. That Council directly engages Clarke Brothers to complete repairs to the western and eastern breakwater at the Cape Jaffa Anchorage, utilising an open book approach, which has been estimated at $73,670.

Cr RA Wingard / Cr K Rasheed CARRIED (9767)

That pursuant to Section 91(7) (9) and having considered Agenda Item 19.5 “Cape Jaffa Western & Eastern Groyne Repairs” in confidence under section 90(2) and (3)(k) of the Local Government Act 1999, the Council, pursuant to section 91(7)(b) of that Act orders that the report and documents be retained in confidence and not available for public inspection for a period of 12 months from 24 March 2017 to 23 March 2018 and that the Chief Executive Officer be authorised to review this order prior to 23 March 2018.

Cr JI Pope / Cr CE England CARRIED (9768)
20. **CLOSURE:**

The meeting closed at 3.47pm

Confirmed

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Mayor Lyon

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Date