

UNCONFIRMED



MINUTES

of the

General Meeting of the Council

held in the

Council Chambers, 118 Victoria Street, St George

on

Thursday 15th November 2018

Commencing at 9:00am

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OPENING

The Mayor declared the Meeting open at 9:00am.

COUNCIL PRAYER

The Mayor led the Council in the Opening Prayer.

ATTENDANCE

Cr RW Marsh (Mayor), Crs FM Gaske (Deputy Mayor), RG Fuhrmeister, SC O'Toole, RI Paul, SS Scriven and ID Todd

Mr Matthew Magin (Chief Executive Officer), Mrs Michelle Clarke (Director Financial & Corporate Services), Dr Digby Whyte (Director Community & Environmental Services).

LEAVE OF ABSENCE

Nil

CONFIRMATION OF MINUTES

Cr Fuhrmeister moved and Cr O'Toole seconded:

That the Minutes of the General Meeting held on 18 October, 2018 be confirmed.

.CARRIED UNANIMOUSLY

Dr Digby Whyte (Director Community & Environmental Services) left the Meeting at 9:11am and returned at 9:12am.

Ms Fiona Macleod (Planning & Development Officer) entered the Meeting at 9:13am.

Mr Ross Drabble (Director Infrastructure Services) entered the Meeting at 9:14am.

BUSINESS ARISING FROM MINUTES

Nil

DECLARATIONS OF INTEREST

Cr Marsh inquired if he should declare an Interest in CES5 Community Drought Funding, as he is a member of the St George Squash Club. The matter to be considered in order of business.

Cr Gaske advised the Meeting that she had written to the Integrity Commissioner to inquire if she should declare an interest in CCFS1 Wild Dog Exclusion Fencing – Special Rate Levy report, and was advised that she has a personal interest in this matter as her husband **Andrew Gaske** is an employee of Elders which supplies funding for livestock.

In accordance with s175E(2) of the Local Government Act 2009 Cr Gaske declared a Real Conflict of Interest in respect to matters contained in CCFS1, on the grounds that:

Andrew Gaske is an employee of Elders which supplies funding for livestock, and buys and sells livestock. **Andrew Gaske** is Cr Gaske's husband.

Cr Scriven advised the Meeting that he has written to the Integrity Commissioner to inquire if he should declare an interest in CCFS1 Wild Dog Exclusion Fencing – Special Rate Levy Report, and was advised that he has a **potential** material person interest in funding Wild Dog Fencing and cannot participate in any discussions on Exclusion Fencing.

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In accordance with s175C(2) of the Local Government Act 2009 Councillor Scriven declared a Material Personal Interest in respect to matters contained in Item CCFS1, on the grounds that:

Cr Scriven sells fencing materials, and promotes Exclusion Fencing in **his business**, and depending on the outcome of the consideration of the matter at the meeting **Cr Scriven** stands to gain a benefit or suffer the loss by way of the sale of such fencing materials if they are used for Exclusion Fencing

In accordance with s175E(2) of the Local government Act 2009 Councillor O'Toole declared a Real Conflict of Interest in respect to matters contained in CES5 Community Drought Support Funding, on the grounds that:

The nature of the interest is the **St George Chamber of Commerce** that has previously received funding from the Community Drought Support Fund. **Cr O'Toole** is Vice President of the St George Chamber of Commerce.

In accordance with s175E(2) of the Local Government Act 2009 Councillor Fuhrmeister declared a Real Conflict of Interest in respect to matters contained in CES5 Community Drought support Funding, on the grounds that:

The nature of the interest is the **St George Heritage Centre** has previously received funding from the Community Drought Support Fund. **Cr Fuhrmeister** is on the Committee of the St George Heritage Centre.

PUBLIC PARTICIPATION

Nil

DEPUTATIONS

Mrs Leanne Brummell has submitted a petition and wanted to address the meeting but is unable to attend this Council Meeting and will attend the Meeting in January 2019.

Council will table the petition, and discuss at a later date.

PETITION - FRACKING

Cr Fuhrmeister moved and Cr Paul seconded:

That Council receive the Petition on Fracking received from Mrs Leanne Brummell.

CARRIED UNANIMOUSLY

DEPUTATIONS

Noted Council was to receive a Deputation from Mr Damon Meadows and Mrs Bronwyn Blagoev from the Department of Local Government regarding further information on the Legislative Amendment Training. The Deputation will now attend Council at a later date.

COUNCILLOR REPORTS

Cr O'Toole moved and Cr Paul seconded

That Council receive and note the Councillor reports on their activities during the preceding month.

CARRIED UNANIMOUSLY

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Cr Gaske left the Meeting at 9:58am.

Mrs Tracey Lee (Manager of Finance) entered the Meeting at 9:58am.

Cr Gaske returned to the Meeting at 9:59am.

MEETING BUSINESS BY CORPORATE FUNCTION (CEO) CHIEF EXECUTIVE OFFICER

Nil

(FCS) FINANCE AND CORPORATE SERVICES

FCS1

ANNUAL REPORT 2017/18

Annual Report 2017/18

Cr O'Toole moved and Cr Gaske seconded:

That council adopt the Annual Report 2017/18 in accordance with Section 182 of the Local Government Regulations 2012.

CARRIED UNANIMOUSLY

ANNUAL REPORT 2017/18

Cr Todd moved and Cr Fuhrmeister seconded:

That the Annual Report 2017/18 has been presented in a very professional manner and those involved in its preparation are to be congratulated.

CARRIED UNANIMOUSLY

FCS2

MONTHLY FINANCE REPORT OCTOBER 2018

Monthly Finance Report October 2018

Cr Fuhrmeister moved and Cr Scriven seconded:

That the monthly Financial Management Report for the period ending 31 October 2018, as tabled, be received and noted.

CARRIED UNANIMOUSLY

(CES) COMMUNITY & ENVIRONMENTAL SERVICES

CES1

RL 95 - APPLICATION FOR RECONFIGURATION OF A LOT - BOUNDARY REALIGNMENT (2 INTO 2 LOTS) - 'KIA-ORA' AND 'BOWEET' WHYENBAH ROAD, ST GEORGE AFFECTING LAND DESCRIBED AS LOT 10 ON BLM364 AND LOT 11 ON SP136684

Council has received a development application from the applicant, Ross Keeley for Reconfiguration of a Lot, specifically a boundary realignment (2 into 2 lots) located at 'Kia-Ora' and 'Boweet' Whyenbah Road, St George affecting land described as Lot 10 on BLM364 and Lot 11 on SP136684.

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Cr Scriven moved and Cr Paul seconded:

1. Council receives this report.
2. Council approves the development application for a RL 95 - Application for Reconfiguration of a Lot - Boundary Realignment (2 into 2 Lots) - 'Kia-Ora' and 'Boweet' Whyenbah Road, St George affecting land described as Lot 10 on BLM364 and Lot 11 on SP136684 subject to the permit conditions listed below;

DEVELOPMENT PERMIT CONDITIONS

3. Compliance with the facts and circumstances set out in the application and all Council By-laws being adhered to and generally in accordance with the approved plan (except where varied by conditions of approval).
4. All outstanding rates and charges shall be paid prior to the submission to Council of the Plan of Survey.
5. Comply with all conditions of this approval prior to submitting the Plan of Subdivision to Council for endorsement unless otherwise agreed in writing by Council.
6. Maintain the approved development being Reconfiguring a Lot – Boundary Realignment (2 into 2) in accordance with the approved plan:

Plan/Document Number	Plan/Document Name	Date
214013-2 Prepared by SMK Consultants Pty Ltd.	PLAN OF PROPOSED BOUNDARY ADJUSTMENT ON LOT 10 ON BLM364 & LOT 11 ON SP136684	15/3

Engineering

7. Submit to Council a certificate signed by a licensed surveyor, stating that after the completion of all works associated with the subdivision, survey marks, including permanent survey marks, were reinstated where necessary and all survey marks are in their correct position, in accordance with the Plan of Survey.
8. Where deemed necessary by Council, the relocation of services within the subject land shall be undertaken by the developer at no cost to Council.

NOTES:

- *Nothing in this permit hereby issued approves the clearing of native vegetation.*
- *This permit does not constitute any authority to carry out any building work, operational work or a different use to what is currently established unless all relevant permits are obtained.*
- *Both Lot 10 and Lot 11 are affected by the Flood Hazard Overlay. Any future development on these lots will be subject to the requirements of the Flood Hazard Overlay Code and depending on the use will have mandatory minimum finished floor level requirements that new structures must be constructed to.*
- *This development approval does not authorise any activity that may harm Aboriginal cultural heritage. Under the Aboriginal Cultural Heritage Act 2003 you have a duty of*

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care in relation to such heritage. Section 23(1) provides that 'A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage. It may therefore be prudent for you to carry out searches, consultation, or a cultural heritage assessment to ascertain in the presence or otherwise of Aboriginal cultural heritage. Further information on cultural heritage responsibilities of developers can be obtained from the Department of Aboriginal and Torres Strait Islander Partnerships.

CARRIED UNANIMOUSLY

Ms Fiona Macleod (Planning & Development Officer) left the Meeting at 10:28am.
Mrs Mareea Lochel (Community Collective and Wellbeing Services Coordinator), Ms Liah Hayden and Ms Dani Kinnear (Community Development Officers) entered the Meeting at 10:32am

CES2

WAIVER REQUEST FOR ST GEORGE SWIMMING POOL HIRE FEES

Waiver request for St George Swimming Pool hire fees

Cr Gaske moved and Cr O'Toole seconded:

That Council waive the St George Swimming Pool fees payable by the St George Amateur Swimming Club for the 2018-19 season.

CARRIED

CES3

MOVIE EQUIPMENT

Movie equipment for hire.

Cr O'Toole moved and Cr Fuhrmeister seconded:

That Council cease the hiring of the movie equipment, and that this equipment be placed in the next Council Auction.

CARRIED UNANIMOUSLY

Mrs Mareea Lochel then introduced the new Community Development Officers Ms Liah Hayden and Ms Dani Kinnear to the Councillors, and the Meeting adjourned for Morning Tea at 10:41am and resumed at 11:00am, with Mrs Mareea Lochel, Donna Kinnear and Liah Hayden, in attendance.

(FCS) FINANCE AND CORPORATE SERVICES CON'T

FCS3

COUNCILLOR COMPLAINTS INVESTIGATION POLICY

Councillor Complaints Investigation Policy

Cr Fuhrmeister moved and Cr Gaske seconded:

1. That Council adopt the Councillor Complaints Investigation Policy in accordance with the Local Government (Councillor Complaints) and Other Legislation Amendment Act 2018;
2. That Councillors note the contents of the Policy and requirements for individual Councillors, the Mayor, Chief Executive Officer and Independent Assessor.

CARRIED UNANIMOUSLY

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FCS4

CODE OF MEETING PRACTICE

Code of Meeting Practice – Amended

Cr O'Toole moved and Cr Fuhrmeister seconded:

1. That the amended Code of Meeting Practice, as attached, be adopted by Council;
2. That the contents of the amended Code of Meeting Practice, Parts 1 and 2 be noted by Councillors, particularly in relation to the disclosure of interests.

CARRIED UNANIMOUSLY

(CES) COMMUNITY & ENVIRONMENTAL SERVICES CON'T

CES4

LOW COST RECREATIONAL VEHICLE CAMPING FEE

This report provides a brief update on planning for the trial of low-cost RV camping at Whyenbah Reserve in St George and proposes a moderate increase in low-cost camping fees to ensure hosting and management by community groups or commercial operators is a viable option.

Cr Fuhrmeister moved and Cr Todd seconded:

1. That Council adopt a commercial fee for low cost camping of \$10 per vehicle per night;
2. That Council progressively call for expressions of interest for community or commercial camp operators wishing to enter into an agreement to host and manage Council's low cost camping sites;
3. That the fees collected be retained by the community or commercial camp operators as a fee for service.

CARRIED UNANIMOUSLY

CES5

COMMUNITY DROUGHT SUPPORT FUNDING

Distribution of remaining 2018 drought support funding.

Due to the number of Councillors with a potential conflict of interest, it was agreed that this matter be delegated to the Chief Executive Officer to administer.

Cr O'Toole moved and Cr Gaske seconded:

That Council delegate to the Chief Executive Officer to approve Community groups to receive the remaining Community Drought Support Program funding of \$11,594.31.

CARRIED UNANIMOUSLY

(IFS) INFRASTRUCTURE SERVICES

Nil

WILD DOG EXCLUSION FENCING - SPECIAL RATE LEVY REPORT

In accordance with s175E(2) of the Local Government Act 2009 Councillor Gaske declared a Conflict of Interest in respect to matters contained in CCFSS1 Wild Dog Exclusion Fencing – Special Rate

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Levy Report, on the grounds that:

Andrew Gaske is an employee of Elders which supplies funding for livestock, and buys and sells livestock. **Andrew Gaske** is Cr Gaske's husband.

Cr Scriven advised the Meeting that he has written to the Integrity Commissioner to inquire if he should declare an interest in CCFS1 Wild Dog Exclusion Fencing – Special Rate Levy Report, and was advised that he has a potential material personal interest in funding Wild Dog Fencing and cannot participate in any discussions on Exclusion Fencing.

In accordance with s175C(2) of the Local Government Act 2009 Councillor Scriven declared a Material Personal Interest in respect to matters contained in Item CCFS1, on the grounds that:

Cr Scriven sells fencing materials, and promotes Exclusion Fencing in **his business**, and depending on the outcome of the consideration of the matter at the meeting **Cr Scriven** stands to gain a benefit or suffer the loss by way of the sale of such fencing materials if they are used for Exclusion Fencing. Councillor Scriven voluntarily left the meeting, in accordance with s175E(4) of the Local Government Act 2009 at 11:20am

WILD DOG EXCLUSION FENCING - SPECIAL RATE LEVY REPORT

Having given due consideration to her position, Cr Gaske stated that she would vote on this matter in the public interest and requested that she be granted approval to remain in the meeting. Councillor Gaske voluntarily left the meeting, in accordance with Section 175E(4) of the Local Government Act 2009 at 11.20am for council to decide whether she could stay or not.

In accordance with s175E(4) of the Local Government Act 2009 Council considered if Cr Gaske has a real or perceived conflict of interest in the matter. When deciding whether Cr Gaske may stay in the meeting and vote the Councillors considered the size or significance of any benefit to Cr Gaske was remote; that the community benefit outweighed the personal interest and the fact that Cr Gaske's husband is an employee of Elders it was unlikely he would receive any benefit arising from the report CCFS1.

Councillor Gaske voluntarily left the meeting, in accordance with s175E(4) of the Local Government Act 2009 at 11:20am

WILD DOG EXCLUSION FENCING - SPECIAL RATE LEVY REPORT

Cr O'Toole moved and Cr Todd seconded:

That Cr Gaske has a Perceived Conflict of Interest in respect to matters contained in CCFS1 and that she may participate in the meeting in relation to the matter and vote on the matter.

CARRIED UNANIMOUSLY

Cr Gaske returned to the Meeting at 11:33am.

CLOSED MEETING

Cr O'Toole moved and Cr Paul seconded:

That Council go into its Meeting as a Closed Meeting, the time being 11:34am.

CARRIED UNANIMOUSLY

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OPEN MEETING

Cr Fuhrmeister moved and Cr O'Toole seconded:

That Council re-open its meeting and resume the order of business. The time being 12:25pm.
CARRIED UNANIMOUSLY

CONFIDENTIAL ITEMS

(CFCS) FINANCE AND CORPORATE SERVICES

CCFS1 WILD DOG EXCLUSION FENCING - SPECIAL RATE LEVY REPORT

Wild Dog Exclusion Fencing – Special Rate Levy Report.

Cr O'Toole moved and Cr Todd seconded:

That Council:

1. receive and note the legal advice on the proposed special rates funding model for exclusion fencing projects; and
2. This matter be deferred pending the holding of a Councillor Workshop on the subject.

CARRIED UNANIMOUSLY

WILD DOG EXCLUSION FENCING - SPECIAL RATE LEVY REPORT

Cr O'Toole thanked all Staff who have worked tirelessly on this item in recent months.

Cr Scriven returned to the Meeting at 12:30pm.

INFORMATION REPORTS

(ICEO) CHIEF EXECUTIVE OFFICER

ICEO1 ECONOMIC DEVELOPMENT OFFICER OCTOBER 2018 REPORT

October 2018 Update Economic Development Officer

ICEO2 MONTHLY REPORT

Grants information report 4 October – 2 November 2018

(IFCS) FINANCE AND CORPORATE SERVICES

ICFS1 MONTHLY REPORT - DIRECTOR FINANCE & CORPORATE SERVICES

Monthly Information Report – Director Finance & Corporate Services

ICFS2 MONTHLY REPORT

Monthly Safety Report

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ICFS3 **MONTHLY FINANCIAL INFORMATION REPORT OCTOBER 2018**

Monthly Financial Information Report for the period ended 31 October 2018

(IIFS) INFRASTRUCTURE SERVICES

IIFS1 **MONTHLY REPORT FOR THE NOVEMBER 2018 COUNCIL MEETING**

From the Director of Infrastructure Services - reporting for the month of October 2018.

(ICES) COMMUNITY & ENVIRONMENTAL SERVICES

ICES1 **MONTHLY REPORT**

The Community & Environmental Sustainability Report for the month of October 2018 is presented for Council's information.

ICES2 **MONTHLY REPORT**

Manager of Rural Services report for October 2018 is presented to Council for information.

There being no further business, the Meeting closed, the time being 12:30pm.

Confirmed at a General Meeting of the Council held on 20 December 2018.

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MAYOR