

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY WHYALLA
HELD ON MONDAY 16 FEBRUARY 2009 AT 5.32 PM
IN THE COUNCIL CHAMBER**

PRESENT: Mayor JN Pollock, Crs C Carter, N Free, MK Hodge, EJ Hughes,
B Ledo, R McGinniss, R Santucci, JS Velthuizen, J Waters

OFFICERS IN ATTENDANCE:

Group Manager Development Services (*Mr S Payne*)
Group Manager Corporate Services (*Mrs M Hiscock*)
Group Manager Infrastructure Services (*Mr T Spirat*)
Corporate Services Admin Co-ordinator (*Mrs M Armstrong*)

Opening Prayer and Welcome

The meeting opened with the Civic Prayer.

Obituary Notices

The Chairman read the names of those residents who had passed away since the previous Council Meeting, then read the Acknowledgment.

Marko	Bajic
Andrew	Faulds
Colin	Flavel
James	Huggett
Jean	Oates
Wilma	Suzler
Terence	Healy
Ron	Neil
Alois	Kniebeiss
Michael	Matthews
Monica	Tomala
Jean	Holliday
James	Kirkpatrick

To all of those who have lost their lives in the 'Black Saturday' Victorian bushfires.

Acknowledgement

We acknowledge that this meeting is held on Barngarla Land and we give thanks for the use of this Land.

Apologies

An apology was received from Mr P Cameron, Chief Executive Officer.

Leave of Absence – Nil

Minutes of Previous Meetings

Moved Cr Carter, seconded Cr McGinniss

That the Minutes of the Council Meeting held on 27 January 2009 be confirmed as a true and accurate record of proceedings.

Carried

Mayor's Report

Moved Cr Carter, seconded Cr Hughes

That the Mayor's Report as submitted in the Information Bulletin be received.

Carried

Deputations – Nil

Presentations – Nil

Petitions – Nil

Adjourned Business – Nil

Motions Lying on the Table

Item 12.1 – Point Lowly Peninsula – Council Meeting – 21 July 2008

Item 3.4 – Green Loans Program – Special Council Meeting – 3 November 2008

Item 20.2.1 – Rate Rebate – Legends Estate Stage 2 Community Title Allotments – 27 January 2009

Notices of Motion – Nil

Questions on Notice – Nil

Questions without Notice – Nil

Public Question Time – Nil

Motions without Notice

Proposed Developments – Point Lowly

Moved Cr Hughes, seconded Cr Carter

That in view of feedback to Council as a result of engagement with the local community regarding the development of a deep sea port at Point Lowly, the Whyalla City Council call upon the State Government to:

- immediately review current site selection process to encompass a regional approach and seriously consider alternative port proposals;
- initiate a new site (or sites) selection process for the establishment of a deep-sea port (or ports) to meet the long term needs of all current and proposed future developments of the mining industry in the region;
- ensure that the new selection/decision-making process involves regional communities from the start and that the process embodies genuine triple bottom-line planning (environmental, economic and social);
- form a new Committee/Working Party which includes representation from State Government, regional Councils, Regional Economic Development Boards, the private sector, local Indigenous groups and local and State based environmental groups which has the task of implementing an IAP2 (International Association for Public Participation Australasia) engagement process to establish criteria for port infrastructure and site selection; and
- that we enlist the support of the Member for Giles and the Eyre Peninsula Local Government Association.

Carried Unanimously

Council Delegate Reports – Nil

Elected Members Activities – Nil

Management Reports

Use of Council Marina Facilities

Moved Cr Hughes, seconded Cr Ledo

That Item 20.1.1 “Use of Council Marina Facilities” be laid on the table pending further information and that the recommendation embodies the concerns expressed by Council.

Carried

Cr R Santucci vacated the meeting at 6.34 pm

Electranet Proposal

Moved Cr Ledo, seconded Cr Carter

That Council authorise the Mayor and the CEO to sign and seal a lease agreement to facilitate the construction of a radio tower and easement to contain an optical fibre on behalf of Electranet.

Carried

Cr R Santucci resumed his seat at 6.38 pm

Procurement and Disposal Policy

Moved Cr Hodge, seconded Cr Carter

That the second draft, following feedback on the first draft, of the Procurement and Disposal Policy be considered and adopted, if acceptable to Council.

Carried

The following reports were moved 'en bloc' – Nil

Information Reports

Information Reports received by Council:

- Mayor JN Pollock's List of Engagements
- Photograph Project
- Library Proposal
- Library Quarterly Report
- Interplan Report – Community Plan Progress Update
- Works in Progress

Committee Reports

Child Care Centre Advisory Committee Meeting Minutes – 03.02.09

Moved Cr Free, seconded Cr Waters

That the Minutes of the Child Care Centre Advisory Committee Meeting held on 3 February 2009 be adopted by Council.

Carried

Other Business

Amend Terms of Licence Concerning Whyalla Marina

Moved Cr Hughes, seconded Cr Ledo

That Council sign and seal the Variation of Licence between the Minister for Transport and the Corporation of the City of Whyalla (refer Annexure "A") to allow for limited commercial usage of the Whyalla Marina on the understanding that this does not create any obligation for Council to then enter into formal agreements with other parties, and that such will be subject of the further resolution of Council.

Carried

Foreshore Café Lease

Moved Cr Hodge, seconded Cr Carter

That:

- Council enter into a lease agreement with N&A Petropoulos Pty Ltd for a five year term, commencing 1 March 2009 with a right of renewal for a further five years;
- the commencement rental of \$7,800 (exclusive of GST) be charged, to be paid in monthly instalments increased by CPI annually; and
- that Council sign and seal the agreement.

Carried

Budget Variance – Technical Projects Manager Vehicle

Moved Cr Hughes, seconded Cr Velthuizen

That the Supervisor Corporate Services and Assets prepare a report for Council on vehicle utilisation rates and options for the more effective use of Council vehicles.

Carried

Whyalla Industrial Park Guidelines

Moved Cr Hodge, seconded Cr Carter

That Council accept the Whyalla Industrial Park draft guidelines (refer Annexure "A") and resolve to update and make the guidelines in a final version.

Carried

Cr J Velthuisen vacated the meeting at 6.57 pm

Rates – 3 Kelleher Street – Anglican Church

Moved Cr Hughes, seconded Cr Ledo

That all correspondence exchanged between the State Government and Council and the correspondence exchanged between Council and the Anglican Church be provided to Council Members.

Carried

Cr J Velthuisen resumed his seat at 6.59 pm

Victorian Bushfire Appeal

Moved Cr Carter, seconded Cr Ledo

That as a member of the Eyre Peninsula Local Government Association, Council will work in partnership with other Regional Councils and donate \$2,000 to the Victorian Bushfire Appeal.

Carried

Adjournment of Meeting at 7.18 pm

Moved Cr Hughes, seconded Cr Ledo

That the meeting adjourn for supper

Carried

Resumption of Meeting at 7.43 pm

Section 90(2) of the Local Government Act – Matters that may require exclusion of the public

Proposed Lease of Land Adjacent to Whyalla Recreation Centre

Moved Cr Carter, seconded Cr Santucci

That pursuant to Section 90(3)(d) of the Local Government Act 1999 the Council order the public excluded, with the exception of Mr Stewart Payne, Group Manager Development Services, Mrs Migelle Hiscock, Group Manager Corporate Services, Mr Jason Willcocks, Planning Manager and Mrs Michelle Armstrong, Corporate Services Admin Co-ordinator from being present on the basis that the Council considers it necessary and appropriate to act in a meeting and consider information relating to the proposed lease of land adjacent to the Whyalla Recreation Centre being **Confidential Item 27.1** and titled Proposed Lease of Land Adjacent to Whyalla Recreation Centre and that the Council is satisfied that the principle, that the meeting should be conducted in a place open to the public, has been outweighed in relation to this matter by the need for the Council to keep the discussion, report and supporting documentation confidential on the basis that it concerns:

- Information the discussion 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; and
 - would, on balance be contrary to the public interest.

Carried

Moved Cr Velthuisen, seconded Cr Hodge

That pursuant to Sections 91(7) and (9) of the Local Government Act 1999, the Council orders the minutes, report and associated documents from the Proposed Lease of Land Adjacent to Whyalla Recreation Centre in relation to **Confidential Item Number 27.1** and titled Proposed Lease of Land Adjacent to Whyalla Recreation Centre to be kept confidential until the matter is resolved.

Carried

Cr R McGinniss who is the Vice President of Whyalla Aged Care, declared an interest in the issue under reference and vacated the meeting at 7.44 pm

Cr R Santucci who is a Board Member of Whyalla Aged Care, declared an interest in the issue under reference and vacated the meeting at 7.44 pm

The Presiding Member declared the meeting closed at 8.03 pm

Confirmed:
Presiding Member 16/03/09