



2c/62019

Moved – Cr Randall

Seconded – Cr Kroemer

1. That the Council reconsiders all the information before it at the time it made the Decision, together with the additional information submitted by the Applicants, Brougham and IRD, and this report.
  
2. That the Council determine to affirm the Decision on the basis that it is the correct and/or preferable decision, subject to the minor amendments indicated below.  
*‘That in respect of Land Management Agreement 9447555 (“LMA”) as it applies to Certificates of Title Volume 5884 Folio 452 and Volume 5884 Folio 457 (together “the Cape Hardy Port Site”), the Council resolves to:*
  - 1) waive compliance with the whole of the obligations of the Owner under the LMA to the extent necessary for the purposes of implementing the development authorisation granted by the Governor on 3 May 2017 for the development of a port facility and associated infrastructure at the Cape Hardy Port Site (as varied from time to time), pursuant to clause 4.2 of the LMA, with such waiver:
    - a) to be evidenced in writing and signed by the Council within 21 days of this resolution; and
    - b) to expire 5 years after the date of signature by the Council (“the expiry date”), unless the Owner has provided satisfied the Council with written notice that, prior to the expiry date, construction of a port has substantially commenced at the Cape Hardy Port Site, demonstrated by the receipt of construction materials and the commencement of substantial work (such as the pouring of footings) at the site that are associated with of the port development; and
  
  - 2) execute the Rescission Deed in the attached form together with all other documents reasonably necessary for the registration of the Rescission Deed by the Owner with the Land Titles Office, and issue those executed documents to the Owner, within 21 days of the Council being satisfied receipt of written notice from the Owner that construction of a port has substantially commenced at the Cape Hardy Port Site, demonstrated by the receipt of construction materials and the commencement of substantial work (such as the pouring of footings) at the site that are associated with of the port development.

**Cr Lawrie called for a Division**

For: Cr Kroemer, Cr Hibbit, Cr Randall and Cr Allen-Jordan

Against: Cr Lawrie and Cr Trenberth

**CARRIED****7.0****COMMUNITY DELEGATES’/REPRESENTATIVES’ REPORTS****7.1 Elected Members Reports****Mayor Telfer**

- DCTB Informal Gathering RDAWEP
- DCTB Informal Gathering Strategic Plan
- Tumby Bay Croquet Club Tournament Opening
- SAROC Meeting
- LGA Board Meeting

- MP Peter Treloar Meeting
- Energy on Eyre Solar Project Launch
- Telstra Meeting
- Regional Development Strategic Planning Meeting
- DPTI and Minister Knoll Meeting

**Cr Randall**

- Ungarra Progress Association Meeting
- Lipson Progress Association Meeting

**Cr Hibbit**

- DCTB Informal Gathering
- DCTB Informal Gathering Strategic Plan

**Cr Trenberth**

- DCTB Informal Gathering RDAWEP
- DCTB Informal Gathering Strategic Plan
- Audit Committee Meeting

**Cr Kroemer**

- Port Neill Progress Association Meeting
- DCTB Informal Gathering RDAWEP
- DCTB Informal Gathering Strategic Plan
- Audit Committee Meeting

**Cr Allen-Jordan**

- YAC Committee Meeting
- DCTB Informal Gathering Strategic Plan

**8.0**      **QUESTION ON NOTICE** – Nil.

**9.0**      **QUESTION WITHOUT NOTICE** – Nil.

- Temporary Road Closure - McCallum Road
- Energy on Eyre Solar Project

**10.0**     **PETITIONS** – Nil.

**11.0**     **MOTION ON NOTICE** – Nil.

3c/62019

Moved – Cr Randall

Seconded – Cr Lawrie

That the Chief Executive Officer provides a report to Council in July 2019 that advises of the action required by Council to improve safety on the Lincoln Highway within its boundaries, as a result of Viterra choosing to transport all grain to Port Lincoln by road in lieu of the current rail network.

The report to address the following:

- What proposed road works and other safety treatments will need to be provided?
- What is the estimated cost of such proposals (costed individually)?
- What funds have been committed by Federal and State governments to assist Council?
- What amount of funds would Tumby Bay Council be required to use to cover any shortfall?

**Officers Comments**

The Lincoln Highway is a Department of Planning, Transport and Infrastructure (DPTI) road and all proposed treatments including design work and costings are the sole responsibility of DPTI and will form part of the announced Federal and State expenditure.

Council would not be expected to provide any funds for this work and it is not anticipated that such a request would be made.

The Mayor, Chief Executive Officer and Manager Works and Infrastructure have been meeting with neighbouring Councils, Federal and State Members of parliament, Minister for Transport and DPTI.

Officers will keep the Elected Members and community updated on progress by DPTI and Council has been and will continue to advocate for the timely construction of the identified safety measures.

**CARRIED****12.0 COUNCIL/COMMUNITY COMMITTEE REPORTS****12.1 MINUTES OF THE AUDIT COMMITTEE MEETING held on 3<sup>rd</sup> April 2019.**

4c/62019

Moved – Cr Kroemer  
Received and noted.

Seconded – Cr Allen Jordan

**CARRIED****12.2 MINUTES OF THE AUDIT COMMITTEE MEETING held on 22<sup>nd</sup> May 2019.**

5c/62019

Moved - Cr Trenberth  
Received and noted.

Seconded - Cr Kroemer

**CARRIED****13.0 OFFICERS' REPORTS****13.1 Chief Executive Officer's Reports**

**CEO 1/619                      Capital Works 2018/2019**

Received and noted.

**CEO 2/619                      Draft Policy – Burning Within Townships**

6c/62019

Moved – Cr Trenberth

Seconded – Cr Kroemer

That the District Council of Tumby Bay seeks public comment on the attached draft policy "Burning within Townships" as amended by amending the definition of Outdoor Heating to include the use of dry matured wood.

**CARRIED****13.2 Manager Works and Infrastructure Reports**

**MWI 1/619                      Special Event Permit Request – Eyre Peninsula  
AutoSport Club**

7c/62019

Moved – Cr Kroemer

Seconded – Cr Allen-Jordan

That Council authorises the CEO, subject to satisfactory documentation being supplied, to issue a Special Event Permit to the Eyre Peninsula Autosport Club for the conduct of time trial car racing activities at the Tumby

Bay Aerodrome, on the basis that all Council costs attributed to the event are met by the club and that an additional facility hire fee of \$500 is payable.

**CARRIED**

14.0 **OTHER REPORTS** – Nil.

15.0 **CORRESPONDENCE** – Nil.

16.0 **LATE CORRESPONDENCE**

8c/62019

Moved – Cr Randall

Seconded – Cr Trenberth

That Council endorse the following correspondence to Minister Knoll from Mayor Sam Telfer

- Letter to Minister Knoll 24<sup>th</sup> May 2019 – Seeking a state government contribution towards the removal of the restriction to Higher Mass limit Vehicles access to the Lipson – Ungarra Road in the District Council of Tumby Bay.
- Letter to Minister Knoll 1<sup>st</sup> June 2019 – Seeking consideration by DPTI for upgrade of the two entrance roads in to Tumby Bay.

**CARRIED**

17.0 **INFORMATION TABLED** – Nil.

18.0 **ITEMS LAID ON THE TABLE** – Nil.

19.0 **MATTERS IN CONFIDENCE** – Nil.

20.0 **MEETING CLOSED AT** – 7.04pm

DATE: \_\_\_\_\_ CONFIRMED: \_\_\_\_\_  
Mayor