



MINUTES

Ordinary Council Meeting

(Subject to confirmation)

12 June 2019

**MINUTES OF YORKE PENINSULA
COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS , MINLATON TOWN HALL, 57 MAIN STREET,
MINLATON
ON WEDNESDAY, 12 JUNE 2019 AT 5.30PM**

1 WELCOME BY MAYOR

Mayor Darren Braund gave an Acknowledgement of Country, recited the Opening Prayer, welcomed everyone to the meeting and declared the meeting open.

Mayor Braund advised that the Council was required to set aside an hour for Annual Business Plan presentations commencing at 5.31pm.

2 OPENING PRAYER**3 PRESENT**

Mayor Darren Braund, Cr Tania Stock, Cr John Rich, Cr Richard Carruthers, Cr Adam Meyer, Cr Leanne O'Brien, Cr Anthony Bennett, Cr Naomi Bittner, Cr Kristin Murdock, Cr David Langford, Cr Roger Johns, Cr Jeffrey Cook

In Attendance

Andrew Cameron (CEO), David Harding (Director Corporate and Community Services), Trevor Graham (Director Assets and Infrastructure Services), Roger Brooks (Director Development Services), Jackie Reddaway (Minute Secretary)

4 LEAVE OF ABSENCE

Nil

5 APOLOGIES

Nil

6 CONFLICT OF INTEREST

Mayor Darren Braund reminded all Elected Members of the requirement to disclose any conflict of interest in relation to any matters before Council.

CONFLICT OF INTEREST DECLARATION	
Disclosure of [type] of Conflict of Interest being declared	Actual
Elected/Independent Member Name	Cr Richard Carruthers
Matter to be discussed (<i>Agenda Item #</i>)	23.10 Annual Business Plan (ABP) and Budget
Nature of the Interest (<i>as described by the Member</i>)	As the Chairperson of the Ardrossan Progress Association

	(APA) I will not be present for this item as the APA have put in a submission for the ABP
Manner in which the Member addressed the Actual or Perceived Conflict of Interest	I will leave the meeting
If the Member voted on the matter, the manner in which he or she voted	I will not vote on the matter
The manner in which majority of persons who were entitled to vote at the meeting voted on the matter	Carried

CONFLICT OF INTEREST DECLARATION	
Disclosure of [type] of Conflict of Interest being declared	Perceived
Elected/Independent Member Name	Cr Adam Meyer
Matter to be discussed (<i>Agenda Item #</i>)	23.2 Wool Bay Speed Limit Review Results
Nature of the Interest (<i>as described by the Member</i>)	<p>The item relates to recommending speed limits, where due to my employment, I am authorised to prosecute breaches of the relevant act.</p> <p>There could be a perception that I should have no decision making ability over an issue I could potentially prosecute.</p>
Manner in which the Member addressed the Actual or Perceived Conflict of Interest	I will leave the Chamber for the entire agenda item
If the Member voted on the matter, the manner in which he or she voted	Not present to vote
The manner in which majority of persons who were entitled to vote at the meeting voted on the matter	Carried

7 MINUTES OF PREVIOUS MEETING – FOR CONFIRMATION

RESOLUTION

Moved: Cr David Langford
Seconded: Cr Anthony Bennett

That the minutes of the Ordinary Council Meeting held on 8 May 2019 be confirmed.

CARRIED 115/2019 (12/06/2019)

RESOLUTION

Moved: Cr Tania Stock
Seconded: Cr Jeffrey Cook

That the minutes of the Confidential Council Meeting held on 8 May 2019 at 6.28pm Electrical Equipment Testing and Tagging Tender 187/2018 be confirmed.

CARRIED 116/2019 (12/06/2019)

RESOLUTION

Moved: Cr David Langford
Seconded: Cr Richard Carruthers

That the minutes of the Confidential Council Meeting held on 8 May 2019 at 6.28pm Jetty Pile Replacement Tender 197/2019 be confirmed.

CARRIED 117/2019 (12/06/2019)

8 MOTIONS ON NOTICE

Nil

9 QUESTIONS ON NOTICE

Nil

10 QUESTIONS WITHOUT NOTICE

Nil

11 PETITIONS

Nil

12 MAYOR**12.1 MAYOR'S MONTHLY REPORT MAY 2019****PURPOSE**

To keep Elected Members updated on Mayoral activities during the month of May 2019.

Mayor Braund advised that some filming was undertaken with Channel 7 and the Bats for Will project at Warooka earlier this afternoon.

RESOLUTION

Moved: Cr Anthony Bennett

Seconded: Cr Adam Meyer

That the report be received.

CARRIED 118/2019 (12/06/2019)

13 COUNCILLORS' REPORT

Nil

INFORMATION AGENDA**14 ITEMS FOR EXCLUSION**

Cr Meyer enquired if Stansbury Sea Wall and Port Vincent CWMS could be added to the Action List for future meetings. CEO agreed to include.

15 RECEIPT OF INFORMATION REPORTS**ADOPTION OF INFORMATION AGENDA****RESOLUTION**

Moved: Cr Kristin Murdock

Seconded: Cr Naomi Bittner

That the information items contained within the Information Agenda, be received.

CARRIED 119/2019 (12/06/2019)

20 VISITORS TO THE MEETING

Kate Bartlett requested the opportunity to address the Council on a confidential matter.

RESOLUTION

Moved: Cr Jeffrey Cook
Seconded: Cr David Langford

Section 90 Order

That pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, the Council orders, that the public be excluded from the meeting relating to Item 20.1 Visitor to the Meeting – Kate Bartlett, with the exception of the following persons:

- Chief Executive Officer
- Executive Assistant to CEO and Mayor
- Director Corporate and Community Services
- Director Assets and Infrastructure
- Director Development Services
- Kate Bartlett
- Adrienne Wright

The Council is satisfied that, pursuant to Section 90(2) and (3)(a) of the Act, the information to be received, discussed or considered in relation to report Item 20.1 Visitor to the Meeting – Kate Bartlett, is confidential information relating to:

(a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED 120/2019 (12/06/2019)

5.37pm

The Public were asked to leave and the Chamber was secured.

The confidential presentation by Kate Bartlett commenced.

5.56pm

The presentation concluded.

RESOLUTION

Moved: Cr Adam Meyer
Seconded: Cr David Langford

That the confidential presentation finish and the meeting return to the public meeting agenda.

CARRIED 121/2019 (12/06/2019)

DEBATE AGENDA**21 MAYOR**

Nil

22 CHIEF EXECUTIVE OFFICER**22.1 SA COASTAL COUNCILS ALLIANCE****PURPOSE**

To provide Elected Members with an update on the South Australian Coastal Councils Alliance and to seek endorsement to nominate Mayor Darren Braund for the Executive Committee.

RESOLUTION

Moved: Cr Jeffrey Cook

Seconded: Cr Naomi Bittner

That Council nominate Mayor Darren Braund to sit on the Executive Committee of the South Australian Coastal Councils Alliance.

CARRIED 122/2019 (12/06/2019)

22.2 POLICY UPDATE - ACCESS TO COUNCIL AND COMMITTEE MEETINGS AND DOCUMENTS CODE OF PRACTICE POLICY PO015**PURPOSE**

To seek endorsement and approval from Council for the updated PO015 Access to Council and Committee Meetings and Documents Code of Practice Policy.

RESOLUTION

Moved: Cr David Langford

Seconded: Cr Leanne O'Brien

That Council endorse and approve the updated PO015 Access to Council and Committee Meetings and Documents Code of Practice Policy for inclusion in Council's Policy Manual and on the website.

CARRIED 123/2019 (12/06/2019)

22.3 LEGATUS GROUP - ANNUAL BUSINESS PLAN AND BUDGET - 2019/2020**PURPOSE**

For Elected Members to consider and endorse draft documentation prior to it being adopted by the Legatus Group.

RESOLUTION

Moved: Cr Naomi Bittner
Seconded: Cr Anthony Bennett

That Council consider and endorse the Legatus Group Annual Business Plan and Budget for 2019/2020.

CARRIED 124/2019 (12/06/2019)

23 CORPORATE AND COMMUNITY SERVICES**23.1 FINANCIAL REPORT AS AT 31 MAY 2019****PURPOSE**

For Council to consider the financial report and capital projects update report as at 31 May 2019.

RESOLUTION

Moved: Cr John Rich
Seconded: Cr David Langford

That Council receive the financial report and capital projects update report as at 31 May 2019.

CARRIED 125/2019 (12/06/2019)

6.01pm Cr Adam Meyer declared a perceived Conflict of Interest with Item 23.2 Wool Bay Speed Limit Review Results and left the Chambers.

23.2 WOOL BAY SPEED LIMIT REVIEW RESULTS**PURPOSE**

To inform Elected Members of the outcomes of the second speed review consultation in relation to Wool Bay and to seek endorsement of these outcomes prior to making Council's recommendations to the Department of Planning, Transport and Infrastructure (DPTI).

RESOLUTION

Moved: Cr Leanne O'Brien
Seconded: Cr John Rich

That Council endorse to DPTI for the reduction of speed limits within the Wool Bay township to 40 kph, with the following exceptions;

1. the Esplanade remaining as current at 50 kph;
2. a reduced speed limit along Coringle Road, Wool Bay to 60 kph;
3. extension of the 50 kph speed limit along the Esplanade as shown within Attachment 1.

CARRIED 126/2019 (12/06/2019)

6.03pm Cr Adam Meyer returned to the Chambers and joined the meeting.

23.3 PO121 EXTERNAL GRANT FUNDING POLICY**PURPOSE**

To seek endorsement and approval from Council for the updated PO121 External Grant Funding Policy.

RESOLUTION

Moved: Cr Jeffrey Cook
Seconded: Cr Naomi Bittner

That Council endorse and adopt the updated PO121 External Grant Funding Policy, as presented for inclusion in Council's policy manual and on the website.

CARRIED 127/2019 (12/06/2019)

23.4 HARDWICKE BAY AND DISTRICTS PROGRESS ASSOCIATION - REQUEST FOR ACCEPTANCE OF FREE OF CHARGE ASSET**PURPOSE**

Council has been approached by the Hardwicke Bay and Districts Progress Association seeking to donate the Hardwicke Bay playground equipment and fence to Council as a "Free of Charge" asset.

RESOLUTION

Moved: Cr Roger Johns
Seconded: Cr Richard Carruthers

That Council accept the donation of the Hardwicke Bay playground equipment and fence as an asset "Free of Charge" and authorise the structure to be added to Council's asset register.

CARRIED 128/2019 (12/06/2019)

23.5 MARION BAY PROGRESS ASSOCIATION - COMMUNITY GRANT EXTENSION**PURPOSE**

A request has been received from the Marion Bay Progress Association for Council to formally consider an extension in time for the application for funds approved as a Community Grant in 2018/2019.

RESOLUTION

Moved: Cr Jeffrey Cook
Seconded: Cr Kristin Murdock

That Council endorse an extension of the Marion Bay Progress Association 2018/2019 Community Grant of \$5,000 to 31 December 2019.

CARRIED 129/2019 (12/06/2019)

23.6 PORT CLINTON PROGRESS ASSOCIATION - REQUEST FOR ACCEPTANCE OF FREE OF CHARGE ASSET**PURPOSE**

Council has been approached by the Port Clinton Progress Association seeking to donate the new Port Clinton exercise equipment installed by them to Council as a "Free of Charge" asset.

RESOLUTION

Moved: Cr Adam Meyer
Seconded: Cr Leanne O'Brien

That Council accept the donation of the Port Clinton exercise equipment as an asset "Free of Charge" and authorise the structure to be added to Council's asset register.

CARRIED 130/2019 (12/06/2019)

23.7 HOSTING AN AUSTRALIAN CRICKETERS' ASSOCIATION MASTER'S PROGRAM**PURPOSE**

Yorke Peninsula Council has been approached by Sports Marketing Australia Pty Ltd to be part of the Australian Cricketers' Association Master's Program. This report is to seek Council support for this event and associated costs and resource requirements.

6.10pm The Mayor sought leave of the meeting to move to informal mode to discuss the next agenda item with 2/3 Members Present in agreement - leave was granted. .

Mr Harding spoke to the report.

6.21pm

MEETING RETURN TO FORMAL MODE**RESOLUTION**

Moved: Cr Adam Meyer
Seconded: Cr Anthony Bennett

That the meeting to return to Formal Mode

CARRIED 131/2019 (12/06/2019)

RESOLUTION

Moved: Cr Anthony Bennett
Seconded: Cr David Langford

That Council approve \$10,500 (excl. GST) expenditure to host the Australian Cricketers' Association Master's Program within the Yorke Peninsula Council district in October 2019.

CARRIED 132/2019 (12/06/2019)

23.8 ART EXHIBITION WORKING PARTY - REVISED TERMS OF REFERENCE**PURPOSE**

The Yorke Peninsula Art Exhibition Working Party is a Working Party of Council. A copy of the revised Terms of Reference are attached.

RESOLUTION

Moved: Cr David Langford
Seconded: Cr Richard Carruthers

That Council endorsed the Yorke Peninsula Art Exhibition Working Party revised Terms of Reference.

CARRIED 133/2019 (12/06/2019)

23.9 PO035 PROPERTY NUMBERING POLICY**PURPOSE**

To seek endorsement for the updated PO035 Property Numbering Policy.

RESOLUTION

Moved: Cr Adam Meyer
Seconded: Cr Tania Stock

That Council endorse and adopt the updated PO035 Property Numbering Policy as presented for inclusion in Council's policy manual and on the website.

CARRIED 134/2019 (12/06/2019)

6.25pm The Mayor advised that the next Agenda Item 23.10 Annual Business Plan and Budget would be deferred for a short time and the Agenda would move to Item 24.1 Coastal Management Strategy - Public Consultation - Submissions

24 ASSETS AND INFRASTRUCTURE SERVICES

24.1 COASTAL MANAGEMENT STRATEGY - PUBLIC CONSULTATION - SUBMISSIONS

PURPOSE

For Council to consider submissions received regarding the Draft Coastal Management Strategy Section One: Hickeys Point to Corny Point.

RESOLUTION

Moved: Cr Naomi Bittner

Seconded: Cr Adam Meyer

That Council receive and consider the submissions and endorse the amendments to the Draft Coastal Management Strategy Section One: Hickeys Point to Corny Point as per the Summary of Submissions.

CARRIED 135/2019 (12/06/2019)

24.2 HEAVY VEHICLE ACCESS

PURPOSE

To provide Elected Members with relevant information regarding heavy vehicle access, particularly Road Train access, to Council's road network.

RESOLUTION

Moved: Cr Adam Meyer

Seconded: Cr Tania Stock

That the report be received.

CARRIED 136/2019 (12/06/2019)

25 DEVELOPMENT SERVICES**25.1 ACCESS ADVISORY WORKING PARTY MINUTES****PURPOSE**

For Council to receive the Minutes of Council's Access Advisory Working Party meeting held on 3 May 2019.

RESOLUTION

Moved: Cr Naomi Bittner

Seconded: Cr Roger Johns

That Council:

1. receive the Minutes of the Access Advisory Working Party meeting held on 3 May 2019.
2. commit \$1,000 for the installation of an access ramp adjacent the Yorketown Doctors Surgery.
3. refer the Tiddy Widdy footpath improvement request to the Assets and Infrastructure Department for further consideration.
4. commit \$2,000 for the installation of two access ramps adjacent the flag pole within the median strip on either side of Edith Street, Edithburgh.
5. commit \$2,500 to the Western United Sports and Community Club as a contribution towards the installation of a disabled access ramp and fire safety doors.

CARRIED 137/2019 (12/06/2019)

25.2 BUILDING FIRE SAFETY COMMITTEE REPRESENTATION**PURPOSE**

Due to the recent resignation of Building Officer Mr Totem Douangmala, it is necessary to update representation on the Yorke Peninsula Building Fire Safety Committee.

RESOLUTION

Moved: Cr Jeffrey Cook

Seconded: Cr David Langford

That Council:

1. remove Mr Totem Douangmala from the Yorke Peninsula Building Fire Safety Committee.
2. appoint Mr Dustin Guthberg as a deputy member who may act as Proxy for Council representatives for the remainder of the current three year term to the Yorke Peninsula Building Fire Safety Committee.
3. endorse the updated Terms of Reference.

CARRIED 138/2019 (12/06/2019)

25.3 EXTENSION OF TIME - COUNCIL ASSESSMENT PANEL**PURPOSE**

The purpose of this report is for Council to grant an extension to the current term of the Council Assessment Panel.

RESOLUTION

Moved: Cr John Rich
Seconded: Cr David Langford

That Council grant an extension of time to the current term of the Council Assessment Panel until the end of December 2019, in accordance with Section 83 of the Planning, Development and Infrastructure Act 2016, as the relevant authority.

CARRIED 139/2019 (12/06/2019)

25.4 COUNCIL POLICY - PO167 OPEN SPACES CONTRIBUTION POLICY**PURPOSE**

To seek endorsement and approval from Council for new policy PO167 Open Space Contributions Policy.

RESOLUTION

Moved: Cr Jeffrey Cook
Seconded: Cr Naomi Bittner

That Council endorse PO167 Open Space Contributions Policy for inclusion in Council's Policy Manual and on Council's website.

CARRIED 140/2019 (12/06/2019)

6.31pm The meeting returned to Agenda Item 23.10

6.31pm Cr Richard Carruthers declared an Actual conflict of interest in relation to Item 23.10 Annual Business Plan and Budget and left the Chambers.

23.10 DRAFT 2019/2020 ANNUAL BUSINESS PLAN, BUDGET AND FEES AND CHARGES - PUBLIC CONSULTATION**PURPOSE**

For Council to consider written submissions received during the public consultation period and any verbal submissions made by the public at the Council meeting on Wednesday, 12 June 2019 in relation to Council's Draft 2019/2020 Annual Business Plan, Budget and Fees and Charges in accordance with the Local Government Act 1999 and the Local Government (Financial Management) Regulations 2011.

RESOLUTION

Moved: Cr David Langford

Seconded: Cr John Rich

That Council:

1. set aside one (1) hour during this Council meeting to allow presentations to Council by persons interested in Council's Draft 2019/2020 Annual Business Plan, Budget and Fees and Charges, and;
2. receive and consider all submissions, either written or verbal, as presented before Council at this meeting prior to adoption of the Draft 2019/2020 Annual Business Plan, Budget and Fees and Charges, at its special meeting to be held on Wednesday, 26 June 2019.

CARRIED 141/2019 (12/06/2019)

6.33pm Cr Richard Carruthers returned to the Chamber and the meeting.

26 GENERAL BUSINESS

Section 85 of the Act requires that matters on the Agenda are described with reasonable "particularity and accuracy" and reports and other documentation to be considered at a meeting are available to the public prior to the meeting. The practice of general business should be restricted to matters of urgency.

Mayor Darren Braund

Congratulated Anne Hammond and her team on bringing the Visitor Information Centre Conference to Yorke Peninsula to highlight all that YP has to offer.

Cr Leanne O'Brien

Advised that Hardwicke Bay Progress Association has completed its bike track, it is a great asset for the community.

CONFIDENTIAL AGENDA**27 CONFIDENTIAL ITEMS****27.1 STORMWATER INFRASTRUCTURE MITIGATION - 1 OYSTER POINT DRIVE, STANSBURY****RESOLUTION**

Moved: Cr Jeffrey Cook

Seconded: Cr Naomi Bittner

Section 90 Order

That pursuant to Section 90(2) and (3)(b)(i),(b)(ii),(f) of the Local Government Act 1999, the Council orders, that the public be excluded from the meeting relating to Item 27.1 Stormwater Infrastructure Mitigation - 1 Oyster Point Drive, Stansbury, with the exception of the following persons:

- Chief Executive Officer
- Executive Assistant to CEO and Mayor
- Director Corporate and Community Services
- Director Assets and Infrastructure
- Director Development Services

The Council is satisfied that, pursuant to Section 90(2) and (3)(b)(i),(b)(ii),(f) of the Act, the information to be received, discussed or considered in relation to report Item 27.1 Stormwater Infrastructure Mitigation - 1 Oyster Point Drive, Stansbury, is confidential information relating to:

- (b)(i) information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council
- (b)(ii) information the disclosure of which would, on balance, be contrary to the public interest
- (f) information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial.

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED 142/2019 (12/06/2019)

6.36pm The public were asked to leave the Chambers secured.

7.13pm

RESUMPTION OF PUBLIC MEETING

27.2 LEASE PURCHASE OFFER - PORT RICKABY CARAVAN PARK

RESOLUTION

Moved: Cr David Langford

Seconded: Cr Naomi Bittner

Section 90 Order

That pursuant to Section 90(2) and (3)(b)(i) of the Local Government Act 1999, the Council orders, that the public be excluded from the meeting relating to Item 27.2 Lease Purchase Offer - Port Rickaby Caravan Park, with the exception of the following persons:

- Chief Executive Officer
- Executive Assistant to CEO and Mayor
- Director Corporate and Community Services
- Director Assets and Infrastructure
- Director Development Services

The Council is satisfied that, pursuant to Section 90(2) and (3)(b)(i) of the Act, the information to be received, discussed or considered in relation to report Item 27.2 Lease Purchase Offer - Port Rickaby Caravan Park, is confidential information relating to:

- (b)(i) information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council.

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED 145/2019 (12/06/2019)

7.31pm

RESUMPTION OF PUBLIC MEETING

28 NEXT MEETING

Wednesday 26 June 2019 Special Council Meeting at 5.30pm

Wednesday 10 July 2019

29 CLOSURE

The Meeting closed at 7.32pm.

The minutes of this meeting were confirmed at the Special Council Meeting held on 26 June 2019.

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MAYOR