



Yorke Peninsula Council

Minutes of the Meeting of the Yorke Peninsula Council

held on Wednesday 8th March 2017,
in the Council Chambers
57 Main Street Minlaton commencing at 5.30pm
(Subject to confirmation)

ITEM 1 WELCOME

Mayor Ray Agnew OAM welcomed everyone to the meeting, he then recited the opening prayer and declared the meeting open.

PRESENT

Mayor Ray Agnew OAM, Deputy Mayor Scott Hoyle, Councillors Trevor Davey, Naomi Bittner, John Rich, Veronica Brundell, Alan Headon, Darren Braund, Adam Meyer, Jeff Cook David Langford and Tania Stock.

IN ATTENDANCE

Andrew Cameron	Chief Executive Officer
David Harding	Director Corporate and Community Services
Roger Brooks	Director Development Services
Trevor Graham	Director Assets and Infrastructure Services
Jackie Reddaway	Minute Secretary

LEAVE OF ABSENCE

Nil

APOLOGIES

Nil

CONFLICT OF INTEREST

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

Cr Veronica Brundell declared a Perceived Conflict of Interest for Item 1.8 Motion on Notice.

Cr Tania Stock declared a Perceived Conflict of Interest for Item 1.8 Motion on Notice.

Cr Adam Meyer declared a Perceived Conflict of Interest for Item 6.4 R1.

They all completed the SF019 declaration with details of the conflicts of interest and action they planned to take.

MINUTES OF THE PREVIOUS MEETING

Cr Cook moved Cr Headon seconded

That the minutes of the Council meeting held on Wednesday 8th February 2017 at 5.30pm be confirmed as a true record.

CARRIED 47/2017 (08/03/2017)

Cr Rich moved Cr Meyer seconded

That the minutes of the Confidential Council meeting held on Wednesday 8th February 2017 at 6.37pm be confirmed as a true record.

CARRIED 48/2017 (08/03/2017)

ITEM 1.8 MOTIONS ON NOTICE

5.32pm Cr Veronica Brundell declared a perceived conflict of interest as she is a member of the SABFAC Board and left the Chamber.

5.32pm Cr Tania Stock spoke to Council explaining the history and her opinion in relation to her perceived conflict of interest, advising she will remain in the Chamber whilst the matter is discussed, however will not contribute to the discussion and will abstain from voting on the matter.

5.36pm - 5.45pm Cr Adam Meyer – Formal Motion on Notice

Cr Meyer spoke to his Formal Motion on Notice providing his reasons for presenting the motion.

Cr Meyer moved Cr Headon seconded

That Council revoke the decision made at the 8th February 2017 Meeting listed under Confidential Agenda Item 8 – Confidential 1

Minute Reference CARRIED 45/2017 (08/02/2017)

That Council:

1. receive the report and Tender submissions;
2. award the Tender and appoint Ecospec for the construction of two new platforms and walkways alongside the boat ramp at Black Point as detailed in Tender 160/2016 subject to SABFAC funding 50% of the costs;
3. commit an amount of \$177,213 subject to successful SABFAC funding.

Formal Motion

Cr Rich moved Cr Hoyle seconded

That this matter lay on the table.

MOTION LOST

Cr Meyer moved Cr Headon seconded

That Council revoke the decision made at the 8th February 2017 Meeting listed under Confidential Agenda Item 8 – Confidential R1

Minute Reference CARRIED 45/2017 (08/02/2017)

That Council:

1. receive the report and Tender submissions;
2. award the Tender and appoint Ecospec for the construction of two new platforms and walkways alongside the boat ramp at Black Point as detailed in Tender 160/2016 subject to SABFAC funding 50% of the costs;
3. commit an amount of \$177,213 subject to successful SABFAC funding.

CARRIED

Cr Cook called for a division – As a consequence the result of the above motion was set aside.

Upon dividing, seven Members voted in the Affirmative; and two Members voted in the negative.

Members voting in the affirmative

Cr Davey

Cr Braund

Cr Headon

Cr Meyer

Cr Cook

Cr Langford

Cr Hoyle

Members voting in the negative

Cr Bittner

Cr Rich

The Mayor declared the motion

CARRIED 049/2017 (08/03/2017)

Cr Meyer moved Cr Davey seconded

That Council:

1. receive the report and tender submissions;
2. decline to approve \$177k contribution to the Black Point Boat Ramp Walkways.

Formal Motion

Cr Headon moved Cr Hoyle seconded

That this matter lay on the table.

CARRIED 050/2017 (08/03/2017)

ITEM 2 MAYORS REPORT

Mayor Agnew spoke to his report.

Mayor Agnew advised members that Mr Lewis Jolly and Mr Les Harper former Councillors of the District Council of Yorketown had passed away recently and asked that this be recorded in the minutes.

Mayor Agnew spoke about an urgent matter that would be brought up in General Business and provided Members with background information about the impending cessation of surgery at Country Hospitals.

Cr Braund moved Cr Langford seconded

That the report from Mayor Agnew be received.

CARRIED 051/2017 (08/03/2017)

ADOPTION OF INFORMATION AGENDA

Cr Hoyle moved Cr Headon seconded

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

CARRIED 052/2017 (08/03/2017)

ITEM 5 VISITORS TO THE MEETING

6.01pm Mayor Agnew invited Mr Doug Pritchard on behalf of the Chinaman Wells Shackowners Group.

Mr Pritchard addressed the Council about the critical importance of the seawall to all of the Shackowners at Chinaman Wells.

6.06pm The presentation concluded.

6.06pm Mayor Agnew invited Mr Trevor May who wished to address the Council about speed restrictions for water craft.

Mr May spoke to Council about installation of signage advising people about the rules in relation to all power craft. He questioned if Council could have a 4 knot/200m restriction, which currently applies to metropolitan beaches, extended to frequently used beaches in the Yorke Peninsula region where such craft are launched.

6.18pm the presentation concluded.

ITEM 6 DEBATE AGENDA

CHIEF EXECUTIVE OFFICER

DA/CEO/R1

POLICY UPDATE – INFORMAL GATHERINGS PO017

Cr Davey moved Cr Bittner seconded

That Council endorse and adopt the updated PO017 Informal Gatherings Policy, as presented, for inclusion in Council's Policy Manual and on Council's website.

CARRIED 053/2017 (08/03/2017)

DA/CEO/R2

ROAD SERVICE REVIEW

Cr Bittner moved Cr Hoyle seconded

That Council:

1. receive the report;
2. commit to a review of work methodologies to achieve the Elected Members desired outcomes from the Road Service Review and Final adopted report.

CARRIED 054/2017 (08/03/2017)

DA/CEO/R3

POLICY UPDATE – INTERNAL REVIEW OF A COUNCIL DECISION PO037

Cr Langford moved Cr Hoyle seconded

That Council endorse and approve the updated PO037 Internal Review of a Council Decision Policy for inclusion in Council's Policy Manual and website.

CARRIED 055/2017 (08/03/2017)

CORPORATE AND COMMUNITY SERVICES – DEBATE

DA/CCS/R1

FINANCIAL REPORT 28th FEBRUARY 2017

Cr Meyer moved Cr Hoyle seconded

That Council receive the financial report and capital projects update report as at 28th February 2017.

CARRIED 056/2017 (08/03/2017)

DA/CCS/R2

POST OFFICE FUNDING REQUEST – PINE POINT PROGRESS ASSOCIATION INC.

Cr Hoyle moved Cr Bittner seconded

That the report submitted to the Council meeting held on 8th February 2017, in regard to the request from the Pine Point Progress Association Inc for financial assistance is lifted from the table for consideration.

CARRIED 057/2017 (08/03/2017)

Cr Davey moved Cr Cook seconded

That Council make available a "one of" financial assistance grant of up to \$10,000 to the Pine Point Progress Association Inc. for the purpose of setting up an Australia Post approved Post Office Box facility at the Pine Point Hall grounds on the condition that 50% of funding drawn down is to be reimbursed to Council by the Pine Point Progress Association within 18 months of the completion of the project.

CARRIED 058/2017 (08/03/2017)

DA/CCS/R3

CHINAMAN WELLS PROPOSED SEAWALL FUNDING BY SEPARATE RATE REQUEST

Cr Hoyle moved Cr Braund seconded

That Council:

1. receive and consider all responses received during the public consultation period; and
2. resolve to provide requested funding to cover costs relating to those properties listed in Attachment 3 as requiring funding via a fixed low-interest, fixed term loan from the LGA Finance Authority over a 10 year period; and
3. authorise the Director Corporate and Community Services to bring a report to the Council meeting to be held on 10th May 2017 in compliance with Section 154 (6) of the Local Government Act 1999 recommending a separate rate be declared for a ten (10) year period commencing on 1st July 2017 on properties benefitting from the construction and also accessing funding from Council.

CARRIED 059/2017 (08/03/2017)

DA/CCS/R4

ART EXHIBITION WORKING PARTY

Cr Hoyle moved Cr Brundell seconded

That Council endorse and approve:

1. the new membership of the Art Exhibition Working Party consisting of the following members;
 - Elected Member Representative and Chairperson, Mr Alan Headon;
 - Elected Member Representative, Mr Darren Braund;
 - Elected Member Representative, Mrs Tania Stock;
 - Community Representative and Deputy Chairperson, Mrs Anne Eyles;
 - Community Representative, Mrs Pam Headon;
 - Community Representative, Mr Richard Cane;
 - Community Representative, Mrs Leanne Cane;
 - Council Representative, Mrs Bobbi Pertini;
 - Council Representative, Ms Lesley-Anne Swaans; and
 - Council Representative, Mrs Carina Congdon.
2. the Yorke Peninsula Art Exhibition Terms of Reference as presented;
3. the updated Yorke Peninsula Art Exhibition Policy (PO066) as presented; and
4. amendment to the 2018 Art Exhibition Open Category Entry Fees to \$15.00 per item.

CARRIED 060/2017 (08/03/2017)

ASSETS AND INFRASTRUCTURE SERVICES – DEBATE

DA/AIS/R1

MEMORIAL WALL – BLUFF BEACH

Cr Davey moved Cr Braund seconded

That Council grant consent for a memorial wall to be constructed at Bluff Beach, subject to all relevant legislative approvals being granted.

CARRIED 061/2017 (08/03/2017)

6.30pm Cr Meyer declared a perceived conflict of interest with the next matter, and advised that he would remain in the chamber, he would not participate in the discussion and would abstain from voting on the matter.

DEVELOPMENT SERVICES – DEBATE

DA/DS/R1

REQUEST FOR SPEED RESTRICTIONS AND LIMITS FOR PERSONAL WATER CRAFT

Cr Hoyle moved Cr Davey seconded

That no further action be taken regarding the use of personal water craft throughout the Yorke Peninsula Council foreshore area.

CARRIED 062/2017 (08/03/2017)

DA/DS/R2

ROAD PROCESS ORDER

Cr Davey moved Cr Headon seconded

That Council:

1. give permission to commence with the road closure process under the Roads (Opening and Closing) Act 1991 for a portion of unmade road reserve adjacent to 1 Esplanade Road, Wool Bay, Lot 1 PLN: 130502 Certificate of Title: Volume 5826 Folio 66 for the purpose of selling the portion of land to BJ & SM Steer for \$3,000.
2. exclude the said road reserve from community land classification under the Local Government Act 1999 Section 193, once the road closure process is complete.
3. authorise the Mayor and Chief Executive Officer to sign and affix Council's seal to the relevant documents necessary to execute the road closure and proposed sale.

CARRIED 063/2017 (08/03/2017)

DA/DS/R3

PROPOSED EXPANSION OF BUSH CAMPING LOCATIONS

Cr Headon moved Cr Bittner seconded

That Council endorse the commencement of public consultation in relation to the inclusion of bush camping sites on the foreshore at Parsons Beach and Wauraltee Beach.

Formal Motion

Cr Meyer moved Cr Hoyle seconded

That this matter lay on the table.

CARRIED 064/2017 (08/03/2017)

DA/DS/R4

BUSH CAMPING WORKING PARTY

Cr Bittner moved Cr Stock seconded

That Council receive the Minutes of the Bush Camping Working Party meeting held on Wednesday 8th February 2017.

CARRIED 065/2017 (08/03/2017)

DA/DS/R5

ACCESS ADVISORY WORKING PARTY MEETING MINUTES

Cr Hoyle moved Cr Braund seconded

That Council:

1. receive the Minutes of the Access Advisory Working Party held on Friday 3rd February 2017.
2. commits \$4,000 for the replacement of the five (5) crossovers in Port Vincent.
3. commits \$8,000 for the replacement of the entrance ramp to the Yorketown Council Office building.

CARRIED 066/2017 (08/03/2017)

GENERAL BUSINESS

Cr Meyer – Urgent Matter

Cr Meyer moved Cr Bittner seconded

That Yorke Peninsula Council write to the health Minister, the Honourable Jack Snelling and the Minister for Regional Development, the Honourable Geoff Brock, urgently requesting the decision to cancel surgeries at Yorketown hospital from 1st April 2017 be cancelled until appropriate community consultation is held and an impact study on the health outcome of the Southern Yorke Peninsula can be conducted.

Yorke Peninsula Council, as a health partner with the State Government is concerned about the reduced health service to the Yorke Peninsula community from this decision without consulting with the Council or Community.

CARRIED 067/2017 (08/03/2017)

Cr Hoyle requested that we also send a copy to the Ombudsman.

ITEM 8 CONFIDENTIAL AGENDA

CORPORATE AND COMMUNITY SERVICES– CONFIDENTIAL AGENDA

CA/CCS/R1

CARAVAN PARK CABIN TENDER 162/2016

Cr Stock moved Cr Headon seconded

Section 90(3)(k) Order

1. That pursuant to Section 90(2) of the Local Government Act 1999, the Council orders that the public be excluded from the meeting with the exception of the Chief Executive Officer, Executive Assistant to the CEO and Mayor, Director Corporate and Community Services, Director Development Services, Director Assets and Infrastructure Services, Corporate Services Officer and Manager Business and Public Relations.

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 agenda item 8 Construction of one (1) Deluxe, Three (3) Bedroom Caravan Park Cabin at the Port Vincent Foreshore Caravan Park Tender 162/2016 is confidential information relating to –

“(1) tenders for the supply of goods, the provision of services or the carrying out of works;”

Accordingly, the Council is satisfied that the principle which states the meeting be conducted in a place open to the public has been outweighed in the circumstances.

Section 91(7) Order

2. That having considered agenda item 8 Construction of one (1) Deluxe, Three (3) Bedroom Caravan Park Cabin at the Port Vincent Foreshore Caravan Park Tender 162/2016 in confidence under section 90(2) and (3) (k) of the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that the agenda report, and supporting documentation relevant to agenda item 8 titled Construction of one (1) Deluxe, Three (3) Bedroom Caravan Park Cabin at the Port Vincent Foreshore Caravan Park Tender 162/2016 be retained in confidence for a period of 12 months.

CARRIED 068/2017 (08/03/2017)

6.49pm

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

6.51pm *The public meeting resumed.*

Released In Camera Minute 069/2017

Cr Bittner moved Cr Hoyle seconded

That Council accept the tender of \$207,046 (GST exclusive) from Country Living Homes for the construction of the specified cabin at the Port Vincent Foreshore Caravan Park.

CARRIED 069/2017 (08/03/2017)

CA/AIS/R2

SEALED ROAD SHOULDER REWORK TENDER 163/2017

Cr Headon moved Cr Rich seconded

Section 90(3)(k) Order

1. That pursuant to Section 90(2) of the Local Government Act 1999, the Council orders that the public be excluded from the meeting with the exception of the Chief Executive Officer, Executive Assistant to the CEO and Mayor, Director Corporate and Community Services, Director Development Services and Director Assets and Infrastructure.

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 agenda item 8 Sealed Road Shoulder Rework Tender is confidential information relating to –

“(1) tenders for the supply of goods, the provision of services or the carrying out of works;”

Accordingly, the Council is satisfied that the principle which states the meeting be conducted in a place open to the public has been outweighed in the circumstances.

Section 91(7) Order

2. That having considered agenda item 8 Sealed Road Shoulder Rework Tender in confidence under section 90(2) and (3) (k) of the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that the agenda report, and supporting documentation relevant to agenda item 8 titled Sealed Road Shoulder Rework Tender be retained in confidence for a period of 12 months.

CARRIED 071/2017 (08/03/2017)

6.52pm

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

6.53pm *The public meeting resumed.*

Released in Camera Minute 072/2017

Cr Meyer moved Cr Davey seconded

That Council endorse Geoff Wilde Earthmoving Pty Ltd as the preferred contractor to undertake shoulder rework on nominated sealed roads, up to the budget of \$250,000 (GST exclusive).

CARRIED 072/2017 (08/03/2017)

CA/DS/R3

PLANNING AND CONSULTANCY TENDER 161/2017

Cr Hoyle moved Cr Bittner seconded

Section 90(3)(k) Order

1. That pursuant to Section 90(2) of the Local Government Act 1999, the Council orders that the public be excluded from the meeting with the exception of the Chief Executive Officer, Executive Assistant to the CEO and Mayor, Director Corporate and Community Services, Director Development Services, Director Assets and Infrastructure, Manager Development Services and Manager Financial Services.

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 agenda item 8 Planning and Consultancy Tender 161/2016 is confidential information relating to –

“(1) tenders for the supply of goods, the provision of services or the carrying out of works;”

Accordingly, the Council is satisfied that the principle which states the meeting be conducted in a place open to the public has been outweighed in the circumstances.

Section 91(7) Order

2. That having considered agenda item 8 Sealed Road Shoulder Rework Tender in confidence under section 90(2) and (3) (k) of the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that the agenda report, and supporting documentation relevant to agenda item 8 titled Planning and Consultancy Tender be retained in confidence for a period of 12 months.

CARRIED 074/2017 (08/03/2017)

6.54pm

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

6.56pm *The public meeting resumed.*

Released in Camera Minute 075/2017

Cr Cook moved Cr Hoyle seconded

That Council:

1. in camera minute.
2. accept the Tender of \$160 per hour (GST exclusive) over a five (5) year term from Access Planning.

CARRIED 075/2017 (08/03/2017)

CA/DS/R4

PROGRAMMED MAINTENANCE AND PAINTING TENDER 159/2016

Cr Hoyle moved Cr Rich seconded

Section 90(3)(k) Order

1. That pursuant to Section 90(2) of the Local Government Act 1999, the Council orders that the public be excluded from the meeting with the exception of the Chief Executive Officer, Executive Assistant to the CEO and Mayor, Director Corporate and Community Services, Director Development Services, Director Assets and Infrastructure, Manager Development Services and Manager Financial Services.

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 agenda item 8 Programmed Maintenance and Painting Services Tender 159/2016 is confidential information relating to –

“(1) tenders for the supply of goods, the provision of services or the carrying out of works;”

Accordingly, the Council is satisfied that the principle which states the meeting be conducted in a place open to the public has been outweighed in the circumstances.

Section 91(7) Order

2. That having considered agenda item 8 Sealed Road Shoulder Rework Tender in confidence under section 90(2) and (3) (k) of the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that the agenda report, and supporting documentation relevant to agenda item 8 titled Programmed Maintenance and Painting Services Tender be retained in confidence for a period of 12 months.

CARRIED 077/2017 (08/03/2017)

6.56pm

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

6.57pm *The public meeting resumed.*

Released in Camera Minute 078/2017

Cr Hoyle moved Cr Headon seconded

That Council accept the approximate tender of \$357,607 over a seven (7) year term (GST exclusive) from Programmed Maintenance Services Pty Ltd.

CARRIED 078/2017 (08/03/2017)

ITEM 9 NEXT COUNCIL MEETING

Wednesday 12th April 2017 commencing at 5.30pm.

6.58pm

Mayor Ray Agnew thanked all for their attendance and declared the meeting closed.

ITEM 10 CLOSURE

The Meeting Closed at 6.58pm.

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Mayor Ray Agnew OAM
12th April 2017