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Yorke Peninsula Council

Minutes of the Meeting of the Yorke Peninsula Council

held on Wednesday 9th August 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 Naomi Bittner, Trevor Davey, Darren Braund, Alan Headon, David Langford, Adam Meyer.

IN ATTENDANCE

Roger Brooks	Acting Chief Executive Officer & Director Development Services
David Harding	Director Corporate and Community Services
Trevor Graham	Director Assets and Infrastructure Services
Maddy Pulling	Minute Secretary
Rachel Rich	Minute Secretary

LEAVE OF ABSENCE

Nil

APOLOGIES

Cr Rich, Cr Stock, Cr Brundell, Cr Cook

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 Adam Meyer declared a Perceived Conflict of Interest with the following Debate Reports; Item 6.2 R4 Speed Limit Review, 6.4 R1 Extension to the Port Victoria Dry Area and 6.4 R2 Stansbury Dry Area. The declaration form was completed.

Cr Scott Hoyle declared a Material Conflict of Interest with Confidential Item 8 R4 Civil Works Minlaton Stage 2 Powerline Undergrounding Project (PLEC) Tender 168/2017. The declaration form was completed.

Cr Naomi Bittner declared a Material Conflict of Interest with Confidential Item 8 R5 Section 100 Hundred of Ramsay – Land Tenure. The declaration form was completed.

MINUTES OF THE PREVIOUS MEETING

Cr Headon moved Cr Langford seconded

That the minutes of the Council meeting held on Wednesday 12th July 2017 at 5.30pm be confirmed as a true record.

CARRIED 182/2017 (09/08/2017)

Cr Headon moved Cr Bittner seconded

That the minutes of the Special Confidential Council meeting held on Wednesday 5th July 2017 at 5.30pm be confirmed as a true record.

CARRIED 183/2017 (09/08/2017)

ITEM 2 MAYOR'S REPORT

Cr Davey moved Cr Hoyle seconded

That the report from Mayor Agnew be received.

CARRIED 184/2017 (09/08/2017)

The Mayor advised that the Elected Members Forum will be held on the 27th and 28th October 2017. The Mayor also acknowledged the recent passing of Lionel Harmer and Jim Roberts who were both former Council employees.

ADOPTION OF INFORMATION AGENDA

Cr Headon moved Cr Langford seconded

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

CARRIED 185/2017 (09/08/2017)

ITEM 6 DEBATE AGENDA

CHIEF EXECUTIVE OFFICER - DEBATE

Nil

CORPORATE AND COMMUNITY SERVICES – DEBATE

DA/CCS/R1

FINANCIAL REPORT 31ST JULY

Cr Langford moved Cr Headon seconded

That Council receive the financial report and capital projects update report as at 31st July 2017.

CARRIED 186/2017 (09/08/2017)

DA/CCS/R2

CARRY FORWARD OF BUDGETS FROM 2016/2017

Cr Bittner moved Cr Meyer seconded

That Council approve and endorse the list of uncompleted 2016/2017 projects and associated budgets, as presented, for inclusion in the 2017/2018 Budget.

CARRIED 187/2017 (09/08/2017)

DA/CCS/R3

PO060 RATES RELIEF POLICY REVIEW

Cr Hoyle moved Cr Langford seconded

That Council endorse and adopt the updated PO060 Rates Relief Policy as presented for inclusion in Council's Policy Manual and on Council's website.

CARRIED 188/2017 (09/08/2017)

Cr Meyer declared a Perceived Conflict of Interest with the next item, 6.2 R4 Speed Limits Review Results as outlined earlier, he remained in the Chamber and abstained from voting.

DA/CCS/R4

SPEED LIMITS REVIEW RESULTS

Cr Davey moved Cr Hoyle seconded

That Council:

1. endorse the recommendation to DPTI for the application of a 30 km area speed limit for the Sultana Point Township;
2. endorse the recommendation to DPTI for the application of a 30 km area speed limit for The Pines Township;
3. endorse the recommendation to DPTI for the application of a 30 km area speed limit for the Couch Beach Township;
4. endorse the recommendation to DPTI for the application of a 30 km area speed limit for the Foul Bay Township;
5. approve consultation to continue with individual towns as outlined in Attachment 2 of this report.

CARRIED 189/2017 (09/08/2017)

DA/CCS/R5

POINT TURTON SEAWALL FUNDING BY SEPARATE RATE REQUEST

Cr Bittner moved Cr Hoyle seconded

That Council declare, pursuant to Section 154 of the Local Government Act 1999, and in accordance with Section 154(2)(b) of the Act, an annual separate rate on each of the land parcels listed below, being an annual charge based on a proportional measure, or basis related to the relevant land, or the area or to the estimated benefit to the occupiers of the land in the part of the area subject to the rate, for ten (10) financial years as detailed below, commencing 1 July 2017 for the purpose of reimbursing Council the costs of the Development and construction of a seawall at Point Turton being works of particular benefit to the landholders and to the occupiers of the land adjacent the seawall construction.

ASSESSMENT NUMBER	PROPERTY DESCRIPTION	CERT OF TITLE	TOTAL LIABILITY (\$)	ANNUAL SEPARATE RATE (\$ P.A.)
115394	94 North Coast Road, Point Turton	5431/782	24,877.77	2,487.78
115402	98 North Coast Road, Point Turton	5434/707	43,536.09	4,353.61
115428	102 North Coast Road, Point Turton	5431/166	37,316.65	3,731.66
115436	104 North Coast Road, Point Turton	5431/167	37,316.65	3,731.66
115451	108 North Coast Road, Point Turton	5260/22	42,805.93	4,280.59
115469	110 North Coast Road, Point Turton	5249/103	40,090.52	4,009.05

That the annual separate rate commence in the financial year commencing 1 July 2017 and conclude in the financial year ending 30 June 2027.

CARRIED 190/2017 (09/08/2017)

DA/CCS/R6

FUNDING DEED – STATE LOCAL GOVERNMENT INFRASTRUCTURE PARTNERSHIP

Cr Davey moved Cr Braund seconded

That Council authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal on the Deed with the Local Government Authority to secure funding under the State Local Government Infrastructure Partnership.

CARRIED 191/2017 (09/08/2017)

ASSETS AND INFRASTRUCTURE SERVICES - DEBATE

DA/AIS/R1

BALGOWAN NORTHERN BEACH ACCESS UPGRADE

Cr Hoyle moved Cr Braund seconded

That Council engage the Balgowan Progress Association Inc to provide their prioritisation for upgrades to either the existing boat ramp facility or the Northern Beach access for further consideration by Council.

Following deliberations Cr Hoyle and Cr Braund both withdrew their motion.

Cr Langford moved Cr Hoyle seconded

That Council endorse the required expenditure for the upgrade to the Northern beach access at Balgowan.

CARRIED 192/2017 (09/08/2017)

DA/AIS/R2

FEDERATION CORNER ROADSIDE MEMORIAL SITES

Cr Davey moved Cr Langford seconded

That Council not support a consolidated memorial site within the Federation Park facility as proposed by the Department of Planning, Transport and Infrastructure.

CARRIED 193/2017 (09/08/2017)

DA/AIS/R3

COASTAL MANAGEMENT STRATEGY – WORKING PARTY FORMATION

Cr Langford moved Cr Davey seconded

That Council:

1. endorse the formation of the Coastal Management Strategy Working Party; and
2. endorse the membership of the Coastal Management Strategy Working Party as follows:
 - Councillor Naomi Bittner
 - Councillor Alan Headon
 - Councillor Scott Hoyle
 - Councillor Adam Meyer
 - Councillor Tania Stock
 - Director Development Services
 - Operations Manager
 - Manager Development Services
 - Senior Compliance Officer
 - Natural Environment and Sustainability Officer
 - Ranger
 - Minute Secretary (Trainee Asset Management); and
3. endorse the inclusion of Councillor Alan Headon on the Bush Camping Working Party.

CARRIED 194/2017 (09/08/2017)

DA/AIS/R4

DRAFT WATER INFRASTRUCTURE ASSET MANAGEMENT PLAN

Cr Davey moved Cr Hoyle seconded

That Council endorse the draft Water Infrastructure Asset Management Plan for public consultation.

CARRIED 195/2017 (09/08/2017)

DA/AIS/R5

AUTHORISATION TO SIGN CERTIFICATE OF CONSENT FOR THE DEPOSIT OF A PLAN OF DIVISION

Cr Langford moved Cr Headon seconded

That Council authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal on three (3) Certificates of Consent for the Deposit of a Land Division for identified

sections of various allotments within the Hundred of Cunningham complementing the land acquisition requirements for the upgrading of the Clinton Road.

CARRIED 196/2017 (09/08/2017)

Cr Meyer declared a Perceived Conflict of Interest with the next item, 6.4 R1 Extension of the Port Victoria Dry Area as outlined earlier, he remained in the Chamber and abstained from voting.

DEVELOPMENT SERVICES – DEBATE

DA/DS/R1

EXTENSION OF THE PORT VICTORIA DRY AREA

Cr Headon moved Cr Hoyle seconded

That Council makes an application to the Liquor and Gambling Commissioner requesting the Dry Area in Port Victoria be continued from 10pm to 8am daily in its current format as contained in Attachment 1, for an indefinite period.

CARRIED 197/2017 (09/08/2017)

Cr Meyer declared a Perceived Conflict of Interest with the next item, 6.4 R2 Stansbury Dry Area as outlined earlier, he remained in the Chamber and abstained from voting.

DA/DS/R2

STANSBURY DRY AREA

Cr Langford moved Cr Davey seconded

That Council makes an application to the Liquor and Gambling Commissioner requesting a dry area to be implemented at the Stansbury foreshore and oval precinct as shown in Attachment 1, from 10pm on Sunday 31st December 2017 to 8am on Monday 1st January 2018.

CARRIED 198/2017 (09/08/2017)

DA/DS/R3

AUTHORISATION TO SIGN LAND MANAGEMENT AGREEMENT

Cr Bittner moved Cr Meyer seconded

That Council authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal on the relevant documents relating to the Land Management Agreement over land described in Certificate of Title Volume 5477, Folio 670 as Section 325 in the area named Hardwicke Bay in the Hundred of Minlacowie.

CARRIED 199/2017 (09/08/2017)

DA/DS/R4

ACCESS ADVISORY WORKING PARTY MEETING MINUTES

Cr Braund moved Cr Bittner seconded

That Council:

1. receive the Minutes of the Access Advisory Working Party held on Friday 28th July 2017;
2. commits \$1,000 to install an access ramp at the corner of Weavers Street and St Vincent Street, Stansbury;
3. commits \$2,000 for the upgrade of the access ramps on George and Blanche Streets, and George Street and Anstey Terrace, Edithburgh;
4. commits \$5,000 to install crossovers between the Post Office and Bank SA, Minlaton.

GENERAL BUSINESS

Mr Harding advised the Elected Members that Related Party Disclosure forms are due by 17th August 2017.

ITEM 8 CONFIDENTIAL AGENDA

CORPORATE AND COMMUNITY SERVICES – CONFIDENTIAL AGENDA

CA/CCS/R1

CONSTRUCTION OF CABINS AT POINT TURTON CARAVAN PARK TENDER 169/2017

Cr Hoyle moved Cr Langford 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 Acting Chief Executive Officer, Acting Executive Assistant to the CEO and Mayor, Director Corporate and Community Services, Director Development Services, Director Assets and Infrastructure, Manager Business and Public Relations, Corporate Services Officer and Executive Assistant to the Director Corporate and Community 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 construction of two (2) disabled compliant, two (2) bedroom cabins and one (1) three (3) bedroom cabin at the Point Turton Caravan Park (tender 169/2017) 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 two (2) disabled compliant, two bedroom cabins and one (1) three bedroom cabin at the Point Turton Caravan Park (tender 169/2017), 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 be retained in confidence for a period of 12 months.

CARRIED 201/2017 (09/08/2017)

6.05pm

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

6.07pm That the public meeting resumed.

Released in Camera Minute 202/2017

Cr Bittner moved Cr Hoyle seconded

That Council accept the tender of \$363,400 (GST exclusive) from Luxepod for the construction of two (2) disabled compliant, two bedroom cabins and one (1) three bedroom cabin installed at Point Turton Caravan Park.

CARRIED 202/2017 (09/08/2017)

ASSETS AND INFRASTRUCTURE – CONFIDENTIAL AGENDA

CA/AIS/R2

BALGOWAN NORTHERN BEACH ACCESS UPGRADE TENDER 166/2017

Cr Headon moved Cr Hoyle seconded

6.07pm Cr Cook entered the Chamber and joined the meeting.

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 Acting Chief Executive Officer, Acting Executive Assistant to the CEO and Mayor, Director Corporate and community Services, Director Development Services, Director Assets and Infrastructure Services and Executive Assistant to Director Corporate and Community 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 Balgowan Northern Beach Access Upgrade 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 Balgowan Northern Beach Access Upgrade 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 Balgowan Northern Beach Access Upgrade Tender be retained in confidence for a period of 12 months.

CARRIED 204/2017 (09/08/2017)

6.07pm

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

6.10pm The public meeting resumed.

Released in camera minute 205/2017

Cr Bittner moved Cr Headon seconded

That Council endorse Geoff Wilde Earthmoving Pty Ltd as the preferred contractor to undertake upgrades to the Northern Beach access at Balgowan subject to Council endorsing the required expenditure for these upgrades.

CARRIED 205/2017 (09/08/2017)

ASSESTS AND INFRASTRUCTURE – CONFIDENTIAL AGENDA

CA/AIS/R3

JETTY PILE REPLACEMENT TENDER 167/2017

Cr Davey moved Cr Braund 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 Acting Chief Executive Officer, Acting Executive Assistant to the CEO and Mayor, Director Corporate and community Services, Director Development Services, Director Assets and Infrastructure Services and Executive Assistant to Director Corporate and Community 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 Jetty Pile Replacement 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 Jetty Pile Replacement 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 Jetty Pile Replacement Tender be retained in confidence for a period of 12 months.

CARRIED 207/2017 (09/08/2017)

6.11pm

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

6.12pm The public meeting resumed.

Released in Camera Minute 208/2017

Cr Hoyle moved Cr Davey seconded

That Council accept the tender of \$249,543 (GST exclusive) from MC Harbours and Marine Pty Ltd (Maritime Construction) for the required jetty pylon replacement.

CARRIED 208/2017 (09/08/2017)

6.12 pm Cr Hoyle declared a Material Conflict of Interest with the following Confidential item R4 Civil Works – Minlaton Stage 2 Powerline Undergrounding Project (PLEC) Tender 168/2017 and left the Chamber.

ASSETS AND INFRASTRUCTURE – CONFIDENTIAL AGENDA

CA/AIS/R4

CIVIL WORKS – MINLATON STAGE 2 POWERLINE UNDERGROUNDING PROJECT (PLEC) TENDER 168/2017

Cr Cook moved Cr Langford 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 Acting Chief Executive Officer, Acting Executive Assistant to the CEO and Mayor, Director Corporate and Community Services, Director Development Services, Director Assets and Infrastructure Services and Executive Assistant to Director Corporate and Community 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 Civil Works – Minlaton Stage 2 Powerline Undergrounding Project (PLEC) 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 Civil Works – Minlaton Stage 2 Powerline Undergrounding Project (PLEC) 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 Civil Works – Minlaton Stage 2 Powerline Undergrounding Project (PLEC) Tender be retained in confidence for a period of 12 months.

CARRIED 210/2017 (09/08/2017)

6.13pm

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

6.16pm The public meeting resumed.

Released in Camera Minute 211/2017

Cr Cook moved Cr Bittner seconded

That Council accept the tender of \$371,661 (GST exclusive), plus agreed variations as identified, from Civil Tech Pty Ltd for civil works associated with the Minlaton Stage 2 Powerline Undergrounding Project (PLEC).

CARRIED 211/2017 (09/08/2017)

6.16pm Cr Bittner declared a Material Conflict of Interest with Confidential item R5 Section 100 Hundred of Ramsey and left the Chamber.

6.16pm Cr Hoyle returned to the Chamber and re-joined the meeting.

DEVELOPMENT SERVICES – CONFIDENTIAL AGENDA

CA/DS/R5

SECTION 100 HUNDRED OF RAMSEY – LAND TENURE

Cr Langford moved Cr Meyer seconded

Section 90(3)(d) Order

1. That pursuant to Section 90(3) of the Local Government Act 1999, the Council orders that the public be excluded from the meeting with the exception of the Acting Chief Executive Officer, Acting Executive Assistant to the CEO and Mayor, Director Corporate and Community Services, Director Development Services, Director Assets and Infrastructure, Executive Assistant to Director Corporate Community Services.

The Council is satisfied that, pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to agenda item 8 Tenure of Section 100, Hundred of Ramsay being portion of land at the Ramsay Transfer Station;

(d) confidential information relating to commercial information of a confidential nature (not being a trade secret) the disclosure of which;

(1) 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 (2) would, on balance, be contrary to the public interest

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 Tenure of Section 100, Hundred of Ramsay being portion of land at the Ramsay Transfer Station in confidence under section 90(3) and (d) 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 Tenure of Section 100, Hundred of Ramsay being portion of land at the Ramsay Transfer Station be retained in confidence for a period of 12 months.

CARRIED 213/2017 (09/08/2017)

6.17pm

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

6.22pm Cr Bittner returned to the Chamber and re-joined the meeting.

6.22pm The Public Meeting resumed.

ITEM 9 NEXT COUNCIL MEETING

Wednesday 13th September 2017 commencing at 5.30pm.

The Mayor and Cr Langford advised they will be apologies for the 23rd August 2017 Elected Members Workshop.

6.23pm

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

ITEM 10 CLOSURE

The Meeting Closed at 6.23pm

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Mayor Ray Agnew OAM
13th September 2017