



MINUTES

Ordinary Council Meeting

(Subject to confirmation)

13 March 2019

**MINUTES OF YORKE PENINSULA
COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS , MINLATON TOWN HALL, 57 MAIN STREET,
MINLATON
ON WEDNESDAY, 13 MARCH 2019 AT 5.30PM**

1 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY BY MAYOR

Mayor Darren Braund gave an Acknowledgement of Country, he recited the opening prayer, welcomed everyone to the meeting and declared the meeting open.

2 OPENING PRAYER

3 PRESENT

Mayor Darren Braund, Deputy Mayor 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 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

Cr David Langford

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	Perceived
Elected/Independent Member Name	Cr Tania Stock
Matter to be discussed (<i>Agenda Item #</i>)	25.1 Proposal to Rezone Land at Black Point – Black Point Development Plan
Nature of the Interest (<i>as described by the Member</i>)	The review to rezone land at Black Point will not impact the property owned by my husband and me which is located outside of the land

	areas to be reviewed. Therefore my input to the discussion regarding these matters will be no different to any other elected member, but in an abundance of caution I acknowledge there may be a perceived conflict of interest due to the property ownership. If the parameters of the review change at any stage I will reserve the right to also review my status in relation to any conflict of interest provisions.
Manner in which the Member addressed the Actual or Perceived Conflict of Interest	I will remain in the chamber and vote on the discussion having acknowledged the property ownership that is not impacted by this review.
If the Member voted on the matter, the manner in which he or she voted	Voted in favour of the recommendation
The manner in which majority of persons who were entitled to vote at the meeting voted on the matter	CARRIED 062/2019 (13/03/2019)

CONFLICT OF INTEREST DECLARATION	
Disclosure of [type] of Conflict of Interest being declared	Perceived
Elected/Independent Member Name	Cr Anthony Bennett
Matter to be discussed (<i>Agenda Item #</i>)	8.1 Motion on Notice – Review of the Operations of the Development Department – Cr Adam Meyer
Nature of the Interest (<i>as described by the Member</i>)	I work in the building industry and it may be perceived I have a conflict of interest. I do not take that view as the motion is broad and effects all ratepayers.
Manner in which the Member addressed the Actual or Perceived Conflict of Interest	Staying in chambers, taking part in debate and voting.
If the Member voted on the matter, the manner in which he or she voted	Voted in favour of the recommendation
The manner in which majority of persons who were entitled to vote at the meeting voted on the matter	CARRIED 046/2019 (13/03/2019)

7 MINUTES OF PREVIOUS MEETING – FOR CONFIRMATION

RESOLUTION

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

That the minutes of the Ordinary Council Meeting held on 13 February 2019 be confirmed.

CARRIED 043/2019 (13/03/2019)

RESOLUTION

Moved: Cr Naomi Bittner
Seconded: Cr Kristin Murdock

That the minutes of the Confidential Council Meeting for Purchase of One (1) Backhoe Loader Tender 194/2018 held on 13 February 2019 be confirmed.

CARRIED 044/2019 (13/03/2019)

RESOLUTION

Moved: Cr Richard Carruthers
Seconded: Cr Adam Meyer

That the minutes of the Confidential Council Meeting for Bitumen Seal Program 2018/19 Tender 195/2018 held on 13 February 2019 be confirmed.

CARRIED 045/2019 (13/03/2019)

8 MOTIONS ON NOTICE**8.1 NOTICE OF MOTION - REVIEW OF THE OPERATIONS OF THE DEVELOPMENT DEPARTMENT - CR ADAM MEYER****MOTION**

Moved: Cr Adam Meyer

Seconded: Cr Kristin Murdock

That the Mayor with the assistance of the CEO, conducts a review of the operations of the Yorke Peninsula Council Development Department by:

- The Mayor contacting Adelaide Architecture, Development, Building and Construction Supply firms via survey or questionnaire, to determine their experience and perceptions of Yorke Peninsula Council's Development performance.
- The Mayor Surveying Yorke Peninsula Council and Copper Coast Building and Construction/Supply firms via Survey or questionnaire?
- Confidentially surveying Elected Members, Staff and Ratepayers online or via proforma available from Council offices. Advertising survey via Yorke Peninsula Council Facebook/website and Yorke Peninsula Country Times article.
- The Mayor contacting SA Business and Tourism industry organisations to seek feedback on how Yorke Peninsula Council can attract new Business and Tourism operators to the Yorke Peninsula Council area.
- Researching the appropriateness of employing a suitably qualified Engineer/Planner to streamline the development experience and utilisation of these skills in all departments.
- The CEO conducting a review of the Yorke Peninsula Council, Development Application Process.

The Mayor or CEO is to present results to Council prior to or during the October 2019 Council meeting, for Council to consider the results.

Cr John Rich sought clarification from the Mayor in accordance with his understanding of the Local Government Act 1999 and the inability of the Elected Body to direct the Mayor, they can request but not direct, however can direct the CEO.

The Mayor confirmed that was his understanding also.

AMENDMENT

Moved: Cr Adam Meyer

Seconded: Cr Kristin Murdock

That with the Minor amendment to delete Mayor and replace with CEO.

The amendment was accepted with leave of the meeting.

That the CEO, conducts a review of the operations of the Yorke Peninsula Council Development Department by:

- The CEO contacting Adelaide Architecture, Development, Building and Construction Supply firms via survey or questionnaire, to determine their experience and perceptions of Yorke Peninsula Council's Development performance.
- The CEO Surveying Yorke Peninsula Council and Copper Coast Building and Construction/Supply firms via Survey or questionnaire?
- Confidentially surveying Elected Members, Staff and Ratepayers online or via proforma available from Council offices. Advertising survey via Yorke Peninsula Council Facebook/website and Yorke Peninsula Country Times article.
- The CEO contacting SA Business and Tourism industry organisations to seek feedback on how Yorke Peninsula Council can attract new Business and Tourism operators to the Yorke Peninsula Council area.
- Researching the appropriateness of employing a suitably qualified Engineer/Planner to streamline the development experience and utilisation of these skills in all departments.
- The CEO conducting a review of the Yorke Peninsula Council, Development Application Process.

The CEO is to present results to Council prior to, or during the October 2019 Council meeting, for Council to consider the results.

FORMAL MOTION

Moved: Cr Naomi Bittner

Seconded: Cr Jeffrey Cook

That this matter lay on the table pending a workshop, where we can all have input into the matter with estimates to be provided on the anticipated costs of a review.

MOTION LOST

Cr Naomi Bittner called for a division

As a consequence the result of the above motion was set aside

In Favour: Crs John Rich, Richard Carruthers, Naomi Bittner and Jeffrey Cook

Against: Crs Tania Stock, Adam Meyer, Leanne O'Brien, Anthony Bennett, Kristin Murdock and Roger Johns

The Mayor declared the motion

MOTION LOST

The meeting returned to the original motion as amended.

AMENDED MOTION

Moved: Cr Adam Meyer

Seconded: Cr Kristin Murdock

That the CEO, conducts a review of the operations of the Yorke Peninsula Council Development Department by:

- The CEO contacting Adelaide Architecture, Development, Building and Construction Supply firms via survey or questionnaire, to determine their experience and perceptions of Yorke Peninsula Council's Development performance.
- The CEO Surveying Yorke Peninsula Council and Copper Coast Building and Construction/Supply firms via Survey or questionnaire?
- Confidentially surveying Elected Members, Staff and Ratepayers online or via proforma available from Council offices. Advertising survey via Yorke Peninsula Council Facebook/website and Yorke Peninsula Country Times article.
- The CEO contacting SA Business and Tourism industry organisations to seek feedback on how Yorke Peninsula Council can attract new Business and Tourism operators to the Yorke Peninsula Council area.
- Researching the appropriateness of employing a suitably qualified Engineer/Planner to streamline the development experience and utilisation of these skills in all departments.
- The CEO conducting a review of the Yorke Peninsula Council, Development Application Process.

The CEO is to present results to Council prior to, or during the October 2019 Council meeting, for Council to consider the results.

CARRIED

Cr Naomi Bittner called for a division

As a consequence the result of the above motion was set aside

In Favour: Crs Tania Stock, Adam Meyer, Leanne O'Brien, Anthony Bennett, Kristin Murdock and Roger Johns

Against: Crs John Rich, Richard Carruthers, Naomi Bittner and Jeffrey Cook

The Mayor declared the motion

CARRIED 046/2019 (13/03/2019)

9 QUESTIONS ON NOTICE

Nil

10 QUESTIONS WITHOUT NOTICE

Nil

11 PETITIONS

Nil

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

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

RESOLUTION

Moved: Cr Jeffrey Cook

Seconded: Cr Tania Stock

That the report be received.

CARRIED 047/2019 (13/03/2019)

13 COUNCILLORS' REPORT**13.1 REPORT ON ATTENDANCE AT ICAC FORUM FOR ELECTED MEMBERS - CR JEFF COOK****PURPOSE**

To inform Council about a recent ICAC Forum for Elected Members that I attended in late February.

RESOLUTION

Moved: Cr Jeffrey Cook

Seconded: Cr Anthony Bennett

That the report be received.

CARRIED 048/2019 (13/03/2019)

INFORMATION AGENDA**14 ITEMS FOR EXCLUSION**

Nil

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

Moved: Cr John Rich

Seconded: Cr Richard Carruthers

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

CARRIED 049/2019 (13/03/2019)

20 VISITORS TO THE MEETING

6.30pm

Matthew Weatherald – Ambulance Officer and Rae Plush – Community Engagement Liaison from SA Ambulance addressed the Council about their latest recruitment campaign.

6.45pm *The presentation concluded.*

DEBATE AGENDA**21 MAYOR**

Nil

22 CHIEF EXECUTIVE OFFICER**22.1 REQUEST FOR REPRESENTATIVE - YP HEALTH ADVISORY COUNCIL****PURPOSE**

To seek Council's opinion on nominating a local government representative to the YP Health Advisory Council.

RECOMMENDATION

That Council nominate Cr as the local government representative to the YP Health Advisory Council in accordance with their constitution.

The motion lapsed for want of a mover and seconder.

MOTION LAPSED

22.2 POLICY UPDATE - COUNCIL CEREMONIES AND CIVIC EVENTS PO105**PURPOSE**

To seek endorsement and approval from Council for the updated PO105 Council Ceremonies and Civic Events Policy.

RESOLUTION

Moved: Cr Jeffrey Cook

Seconded: Cr Anthony Bennett

That Council endorse and approve the updated PO105 Council Ceremonies and Civic Events Policy for inclusion in Council's Policy Manual and on the website.

CARRIED 050/2019 (13/03/2019)

22.3 POLICY UPDATE - ELECTED MEMBERS TRAINING AND DEVELOPMENT POLICY AND PLAN PO135 AND PO135A**PURPOSE**

To seek endorsement and approval from Council for the updated PO135 Elected Members Training and Development Policy and PO135A Elected Members Training and Development Plan.

RESOLUTION

Moved: Cr Adam Meyer

Seconded: Cr John Rich

That Council endorse and approve the updated PO135 Elected Members Training and Development Policy and PO135A Elected Members Training and Development Plan for inclusion in Council's Policy Manual and on the website.

CARRIED 051/2019 (13/03/2019)

22.4 DRAFT CODE OF CONDUCT FOR COUNCIL MEMBERS COMPLAINTS PROCEDURE**PURPOSE**

To seek endorsement of the newly developed Code of Conduct for Council Members Complaints Procedure PR148.

FORMAL MOTION

Moved: Cr Tania Stock

That this matter lay on the table.

The motion lapsed for want of a seconder.

MOTION LAPSED

6.55pm

With approval from 2/3 of the members the Mayor advised that the meeting would move to informal mode to discuss this matter.

7.10pm

RESOLUTION

Moved: Cr Naomi Bittner

Seconded: Cr Roger Johns

That the meeting return to formal mode.

CARRIED 052/2019 (13/03/2019)

RESOLUTION

Moved: Cr Jeffrey Cook
Seconded: Cr Naomi Bittner

That Council endorse and adopt the newly developed Code of Conduct for Council Members Complaints Procedure PR148.

CARRIED 053/2019 (13/03/2019)

23 CORPORATE AND COMMUNITY SERVICES**23.1 SEATING - MAITLAND TOWN HALL AUDITORIUM****PURPOSE**

For Council to consider the receipt of assets Free of Charge (FOC) from the Maitland Music and Arts Club (MMAC) in the form of two hundred and eighty five (285) theatre seats to be installed in the Maitland Town Hall Auditorium and to authorise the redirection of Budget funds of \$18,396 (excl. GST) to clean and install the new seats as well as the removal of the old, worn seating currently in place.

RESOLUTION

Moved: Cr Jeffrey Cook
Seconded: Cr John Rich

That Council:

1. accept the offer of two hundred and eighty five (285) new seats for the Maitland Town Hall Auditorium from the Maitland Music and Arts Club as assets free of charge at a value to be determined by future valuation, and;
2. approve the reallocation of funding of \$18,660 from current budgeted operational initiatives to the removal of existing seating and the cleaning and installation of the new seating with no change to Council's forecast operating result for 2018/2019.

CARRIED 054/2019 (13/03/2019)

23.2 REQUEST FOR EXEMPTION – SALE OF SURPLUS LAWNMOWER**PURPOSE**

To seek Council's endorsement of an exemption from PO072 Disposal of Land and Other Assets to facilitate a request from Maitland and District Progress Association to purchase a soon to be retired ride-on mower from Council.

RESOLUTION

Moved: Cr Roger Johns
Seconded: Cr Richard Carruthers

That Council grant an exemption from its policy PO072 Disposal of Land and Other Assets to allow the sale of a soon to be retired Maitland based ride-on mower to Maitland and District Progress Association on the grounds that this action represents the best outcome for Council and the community by assisting Maitland and District Progress Association in their maintenance efforts for the Maitland Walking Track and BMX Track.

CARRIED 055/2019 (13/03/2019)

23.3 AUDIT COMMITTEE ANNUAL REVIEW 2018**PURPOSE**

Council consideration of the 2018 Audit Committee Annual Report.

RESOLUTION

Moved: Cr Adam Meyer
Seconded: Cr Jeffrey Cook

That Council endorse the 2018 Audit Committee Annual Report, Self-Assessment and Terms of Reference as presented and attached.

CARRIED 056/2019 (13/03/2019)

23.4 EXTERNAL AUDITORS REPORT (AUDIT OPINION) 2017/2018**PURPOSE**

To provide Council with the external auditor's report (audit opinion) on Council's General Purpose Financial Statements and Internal Controls for 2017/2018 and associated letters, reports and declarations.

RESOLUTION

Moved: Cr Jeffrey Cook
Seconded: Cr Naomi Bittner

That Council receive and note the 2018 external auditor's reports (audit opinions) and associated letters, reports and declarations.

CARRIED 057/2019 (13/03/2019)

23.5 PO139 TREASURY MANAGEMENT POLICY REVIEW**PURPOSE**

Consideration and endorsement of the PO139 Treasury Management Policy which has been recently reviewed and updated.

RESOLUTION

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

That Council endorse and adopt the new PO139 Treasury Management Policy, as presented, for inclusion in Council's Policy Manual and on Council's website.

CARRIED 058/2019 (13/03/2019)

23.6 PO166 RELATED PARTY DISCLOSURES POLICY**PURPOSE**

Consideration and endorsement of the new Related Party Disclosures Policy.

RESOLUTION

Moved: Cr John Rich
Seconded: Cr Anthony Bennett

That Council endorse and adopt the new PO166 Related Party Disclosures Policy, as presented, for inclusion in Council's Policy Manual and on Council's website.

CARRIED 059/2019 (13/03/2019)

23.7 FINANCIAL REPORT AS AT 28 FEBRUARY 2019**PURPOSE**

For Council to consider the financial report and capital projects update report as at 28 February 2019.

RESOLUTION

Moved: Cr Naomi Bittner
Seconded: Cr Leanne O'Brien

That Council receive the financial report and capital projects update report as at 28 February 2019.

CARRIED 060/2019 (13/03/2019)

23.8 DRAFT LONG TERM FINANCIAL PLAN 2020 - 2029**PURPOSE**

To seek Council endorsement to engage in the public consultation process for the Draft Long Term Financial Plan 2020 - 2029 (LTFP).

RESOLUTION

Moved: Cr Adam Meyer
Seconded: Cr Richard Carruthers

That Council endorse the Draft Long Term Financial Plan 2020 - 2029 for public consultation.

CARRIED 061/2019 (13/03/2019)

24 ASSETS AND INFRASTRUCTURE SERVICES

Nil

25 DEVELOPMENT SERVICES**25.1 PROPOSAL TO REZONE LAND AT BLACK POINT - BLACK POINT DEVELOPMENT PLAN AMENDMENT****PURPOSE**

That Council consider initiating a process to review the appropriateness of the current zoning at Black Point.

RESOLUTION

Moved: Cr Jeffrey Cook
Seconded: Cr Naomi Bittner

That Council initiate the process to review the appropriateness of the current zoning at Black Point.

CARRIED 062/2019 (13/03/2019)

25.2 SUBMISSION ON DRAFT PLANNING, DEVELOPMENT INFRASTRUCTURE REGULATIONS

PURPOSE

To seek endorsement from Council on a submission to the draft Planning, Development and Infrastructure (General) (Development Assessment) Variation Regulations and Practice Directions.

RESOLUTION

Moved: Cr Roger Johns

Seconded: Cr Adam Meyer

That Council endorse the submission to the Department of Planning, Transport and Infrastructure in regards to the Planning, Development and Infrastructure Variation Regulations and Practice Directions.

CARRIED 063/2019 (13/03/2019)

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 the meeting are available to the public prior to the meeting. The practice of general business should be restricted to matters of urgency.

Cr Jeff Cook

Enquired about a farewell for retiring Councillors who had in excess of 70 years of Local Government experience between them, Mr Cameron advised that all had been invited to the annual breakfast function in December 2018.

CONFIDENTIAL AGENDA

27 CONFIDENTIAL ITEMS

Nil

28 NEXT MEETING

Wednesday 10 April 2019

29 CLOSURE

The Meeting closed at 7.20pm.

The minutes of this meeting were confirmed at the Council Meeting held on 10 April 2019.

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MAYOR DARREN BRAUND