



# **MINUTES**

## **Ordinary Council Meeting**

(Subject to confirmation)

**10 April 2019**

**MINUTES OF YORKE PENINSULA  
COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS , MINLATON TOWN HALL, 57 MAIN STREET,  
MINLATON  
ON WEDNESDAY, 10 APRIL 2019 AT 5.30PM**

**1 WELCOME BY MAYOR**

Mayor Darren Braund 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 David Langford, Cr Roger Johns, Cr Jeffrey Cook

**In Attendance**

David Harding (Acting CEO), (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**

Andrew Cameron (CEO)

**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.

**7 MINUTES OF PREVIOUS MEETING – FOR CONFIRMATION**

Just prior to confirmation of the minutes, I have been notified that we need to make a minor alteration to the Procedure from Agenda Item 22.4 Draft Code of Conduct for Council Members Complaints Procedure PR148 that was endorsed at the March meeting and advise you all that we can't change the minutes.

So therefore during debate on this matter Elected Members discussed and determined that the time frames included in the draft procedure in Part 4.3 (page 3 of 13 of the procedure) in relation to Initial Investigation and Advising Complainant and the Elected Member who is the subject of the complaint should be changed from what was presented, to 2 weeks to allow sufficient time for the matter to be appropriately considered by all parties.

This affects the following Portion of the Procedure at 4.3 and should now read:

Where the Mayor determines to undertake an internal investigation, an initial investigation will be completed within 2 weeks of the Mayor's decision to undertake the investigation. Upon completion of an initial investigation, the Mayor will provide a draft Initial Investigation Report (Draft Report) to both the Complainant and the Elected Member who is the subject of the complaint, within 2 business days of the initial investigation having been completed.

The Complainant and the Elected Member who is the subject of the complaint will be given 2 weeks to make a further submission in response to the draft report. The Mayor will consider any further submissions received and provide the complainant and the Elected Member who is the subject of the complaint with a finalised, Initial Investigation Report within seven days of the due date for further submissions, unless otherwise agreed between all of the parties.

Can I have a motion that this Procedure be updated to reflect the 2 week time limit change included as read.

### **RESOLUTION**

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

That the procedure PR148 endorsed at the 13 March meeting for Item 22.4 Draft Code of Conduct for Council Members Complaints be amended to reflect the change to two weeks outlined in the statement above.

**CARRIED UNANIMOUSLY 064/2019 (10/04/2019)**

### **RESOLUTION**

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

That the minutes of the Ordinary Council Meeting be confirmed as presented, with the resolution above being noted as an agreed alteration to the minutes, from the meeting held on 13 March 2019.

**CARRIED UNANIMOUSLY 065/2019 (10/04/2019)**

## **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 MARCH 2019****PURPOSE**

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

Mayor Braund updated Elected Members on the recent National Tidy Towns Awards held in Smithton Tasmania and offered his congratulations to Ardrossan for collecting 2 out of 9 Awards, Environmental Sustainability Energy Award and Natural Environment Management Award.

**RESOLUTION**

Moved: Cr Naomi Bittner

Seconded: Cr Roger Johns

That the report be received.

**CARRIED 066/2019 (10/04/2019)**

**13 COUNCILLORS' REPORT**

Nil

**INFORMATION AGENDA****14 ITEMS FOR EXCLUSION**

Mayor Darren Braund updated Elected Members on the Gayle Woodford Memorial Reserve item in the Action List and advised Elected Members that negotiations had been undertaken with Gayle's family in relation to their preferred location for a Memorial and what the Memorial would consist of, namely a bench and shelter on the foreshore at Stansbury.

**RESOLUTION**

Moved: Cr Jeffrey Cook

Seconded: Cr Naomi Bittner

That Council authorise the CEO to continue negotiations to provide the shelter and memorial in the preferred location up to the value of \$5,000 excluding GST.

**CARRIED UNANIMOUSLY 067/2019 (10/04/2019)**

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

Moved: Cr David Langford

Seconded: Cr Roger Johns

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

**CARRIED 068/2019 (10/04/2019)**

**20 VISITORS TO THE MEETING**

Nil

**DEBATE AGENDA****21 MAYOR****21.1 CORRESPONDENCE RECEIVED FROM DEVELOPMENT SERVICES STAFF****PURPOSE**

To advise Council about correspondence I have received from the Development Services Staff in response to the Motion on Notice from Cr Adam Meyer at the 13 March 2019 Council Meeting.

**MOTION**

Moved: Cr John Rich

Seconded: Cr David Langford

That the correspondence be received, noted and considered as part of the review process undertaken by the CEO.

**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, John Rich, Richard Carruthers, Anthony Bennett, Naomi Bittner, Kristin Murdock, David Langford, Roger Johns and Jeffrey Cook

Against: Crs Adam Meyer and Leanne O'Brien

The Mayor declared the motion

**CARRIED 069/2019 (10/04/2019)**

**22 CHIEF EXECUTIVE OFFICER****22.1 DELEGATIONS REGISTER ANNUAL REVIEW****PURPOSE**

Council has conducted an annual review of its Delegation Register, in accordance with Section 44(6) of the Local Government Act 1999. In addition there is a need to change and/or update existing delegations, as a result of legislative change.

**RESOLUTION**

Moved: Cr David Langford

Seconded: Cr Anthony Bennett

That having conducted its annual review of the Council's Delegations Register in accordance with Section 44(6) of the Local Government Act 1999, the Council:

**1. Revocations**

- 1.1 Hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following:
  - 1.1.1 Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014
  - 1.1.2 Community Titles Act 1996
  - 1.1.3 Development Act 1993, Development (Development Plan) Amendment Act 2006, Development Regulations 2008
  - 1.1.4 Dog and Cat Management Act July 2013
  - 1.1.5 Environment Protection Act 1993
  - 1.1.6 Expiation of Offences Act 1996
  - 1.1.7 Fences Act 1975
  - 1.1.8 CEO - Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005, Fire Prevention Officers – Fire and Emergency Services Act 2005
  - 1.1.9 Food Act 2001
  - 1.1.10 Freedom of Information Act 1991, Freedom of Information (Fees and Charges) Regulations 2003
  - 1.1.11 Heavy Vehicle National Law (South Australia) Act 2013
  - 1.1.12 Intentionally left blank
  - 1.1.13 Land and Business (Sale and Conveyancing) Act 1994
  - 1.1.14 Liquor Licensing Act 1997
  - 1.1.15 Local Government Act 1999
  - 1.1.16 Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017
  - 1.1.17 Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2004
  - 1.1.18 Real Property Act 1886
  - 1.1.19 Electronic Conveyancing National Law (South Australia) Act 2013

- 1.1.20 Roads (Opening & Closing) Act 1991
- 1.1.21 Road Traffic Act 1961, Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014
- 1.1.22 Safe Drinking Water Act 2011
- 1.1.23 SA Public Health Act 2011, SA Public Health (Legionella) Regulations 2013, SA Public Health (Wastewater) Regulations 2013, SA Public Health (General) Regulations 2013
- 1.1.24 Strata Titles Act 1988
- 1.1.25 Supported Residential Facilities Act 1992
- 1.1.26 Unclaimed Goods Act
- 1.1.27 Water Industry Act 2012 and Water Industry Regulations 2012
- 1.1.28 Work Health and Safety Act 2012
- 1.1.29 Permits and Penalties By-Law 2013
- 1.1.30 Local Government Land By-Law 2013
- 1.1.31 Roads By-Law 2013
- 1.1.32 Moveable Signs By-Law 2013
- 1.1.33 Nuisances Caused by Building Sites By-Law 2013
- 1.1.34 Port Vincent Marina By-Law 2013
- 1.1.35 Dogs and Cats By-Law 2013
- 1.1.36 Planning, Development and Infrastructure Act 2016

## **2. Delegations made under Local Government Act 1999**

- 2.1 In exercise of the power contained in Section 44 and 101 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed Instruments of Delegation are hereby delegated this 10<sup>th</sup> day of April 2019 to the person occupying the office of Chief Executive Officer, or any person acting in the position of Chief Executive Officer, subject to the conditions and or limitations specified herein or in the Schedule of Conditions in the proposed Instruments of Delegation;
  - 2.1.1 Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014
  - 2.1.2 Community Titles Act 1996
  - 2.1.3 Development Act 1993, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008
  - 2.1.4 Dog and Cat Management Act 2013
  - 2.1.5 Environment Protection Act 1993
  - 2.1.6 Expiation of Offences Act 1996
  - 2.1.7 Fences Act 1975
  - 2.1.8 CEO - Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005  
Fire Prevention Officers - Fire and Emergency Services Act 2005
  - 2.1.9 Food Act 2001
  - 2.1.10 Freedom of Information Act 1991, Freedom of Information (Fees and Charges) Regulations 2003
  - 2.1.11 Heavy Vehicle National Law (South Australia) Act 2013

- 2.1.12 Intentionally left blank
- 2.1.13 Land and Business (Sale and Conveyancing) Act 1994
- 2.1.14 Liquor Licensing Act 1997
- 2.1.15 Local Government Act 1999
- 2.1.16 Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017
- 2.1.17 Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2004
- 2.1.18 Real Property Act 1886
- 2.1.19 Electronic Conveyancing National Law (South Australia) Act 2013
- 2.1.20 Roads (Opening & Closing) Act 1991
- 2.1.21 Road Traffic Act 1961, Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014
- 2.1.22 Safe Drinking Water Act 2011
- 2.1.23 SA Public Health Act 2011, SA Public Health (Legionella) Regulations 2013, SA Public Health (Wastewater) Regulations 2013, SA Public Health (General) Regulations 2013
- 2.1.24 Strata Titles Act 1988
- 2.1.25 Supported Residential Facilities Act 1992
- 2.1.26 Unclaimed Goods Act
- 2.1.27 Water Industry Act 2012 and Water Industry Regulations 2012
- 2.1.28 Work Health and Safety Act 2012
- 2.1.29 Permits and Penalties By-Law 2013
- 2.1.30 Local Government Land By-Law 2013
- 2.1.31 Roads By-Law 2013
- 2.1.32 Moveable Signs By-Law 2013
- 2.1.33 Nuisances Caused by Building Sites By-Law 2013
- 2.1.34 Port Vincent Marina By-Law 2013
- 2.1.35 Dogs and Cats By-Law 2013
- 2.1.36 Planning, Development and Infrastructure Act 2016
- 2.1.37 Fines Enforcement and Debt Recovery Act 2017 (effective date 30/04/2019)
- 2.1.38 Electricity Act 1996 and Electricity (Principles of Vegetation Clearance) Regulations 2010
- 2.1.39 Gas Act 1997
- 2.2 Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instruments of Delegation.

### **3. Delegations made under Food Act 2001**

- 3.1 In exercise of the powers contained in Section 91 of the Food Act 2001, the powers and functions under the Food Act 2001 contained in the proposed Instrument of Delegation for this Report dated 10 April 2019 and entitled Delegations Register are hereby delegated this 10<sup>th</sup> day of April 2019 to the person occupying the office of Chief Executive Officer, or any



person acting in the position of Chief Executive Officer, ('the head of the enforcement agency' for the purposes of the Food Act 2001), subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Food Act 2001.

- 3.2 Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Food Act 2001.

#### **4. Delegations made under Public and Environmental Health Act 1987**

*Deliberately left blank*

#### **5. Delegations made under Supported Residential Facilities Act 1992**

- 5.1 In exercise of the power contained in Section 9 of the Supported Residential Facilities Act 1992, the powers and functions under the Supported Residential Facilities Act 1992 contained in the proposed Instrument of Delegation for this Report dated 10 April 2019 and entitled Delegations Register are hereby delegated this 10<sup>th</sup> day of April 2019 to the person occupying the office of Chief Executive Officer or any person acting in the position of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.

- 5.2 Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.

#### **6. Delegations under Safe Drinking Water Act 2011 (of enforcement agency)**

- 6.1 In exercise of the power contained in Section 43 of the Safe Drinking Water Act 2011 the powers and functions of the Council as a relevant authority under the Safe Drinking Water Act 2011 contained in the proposed Instrument of Delegation for this Report dated 10 April 2019 and entitled Delegations Register are hereby delegated this 10<sup>th</sup> day of April 2019 to the person occupying the office of Chief Executive Officer or any person acting in the position of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Safe Drinking Water Act 2011.

- 6.2 Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Safe Drinking Water Act 2011.

#### **7. Delegation under Council By-Laws**

- 7.1 In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following By-Laws and specified in the proposed Instruments of Delegation for By-Laws for this report are hereby delegated this 10<sup>th</sup> day of April 2019 to the person occupying the office of Chief Executive Officer, or any person acting in the position of Chief Executive Officer, subject to the conditions and or limitations specified herein or in the Schedule of Conditions in the proposed Instruments of Delegation for the By-Laws:

- 7.1.1 Permits and Penalties By-Law 2013

- 7.1.2 Local Government Land By-Law 2013
- 7.1.3 Roads By-Law 2013
- 7.1.4 Moveable Signs By-Law 2013
- 7.1.5 Nuisances Caused By Building Sites By-Law 2013
- 7.1.6 Port Vincent Marina By-Law 2013
- 7.1.7 Dogs and Cats By-Law 2013
- 7.2 The Chief Executive Officer is authorised to sub-delegate these powers to other employees of the Council as the Chief Executive Officer considers fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instruments of Delegation for the By-Laws.

**CARRIED UNANIMOUSLY 070/2019 (10/04/2019)**

## **22.2 LEGATUS (FORMERLY CENTRAL LOCAL GOVERNMENT REGION) AUDIT COMMITTEE EXEMPTION**

### **PURPOSE**

To seek Council endorsement to apply for an exemption for Legatus to remove the requirement for an audit committee.

### **RESOLUTION**

Moved: Cr John Rich  
Seconded: Cr Anthony Bennett

That Council being satisfied that Legatus has adequate controls and oversight in its structure support the request of Legatus that it seek an exemption from the Minister for Local Government to establish an Audit Committee, pursuant to Regulation 18 of the Local Government (Financial Management) Regulations 2011 on condition that the:

1. financial accounting tasks of Legatus remain removed from the organisation directly;
2. external Auditor undertakes the necessary annual audit and reports to each Council their findings including an opinion on the adequacy of internal controls; and
3. Legatus Chief Executive Officer provides an annual report on internal controls that are maintained and in place during the year to the Legatus Board.

**CARRIED UNANIMOUSLY 071/2019 (10/04/2019)**

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

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

**RESOLUTION**

Moved: Cr Jeffrey Cook  
Seconded: Cr David Langford

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

**CARRIED UNANIMOUSLY 072/2019 (10/04/2019)**

**23.2 LONG TERM FINANCIAL PLAN 2020-2029****PURPOSE**

Council consideration of public submissions and feedback received regarding the Draft Long Term Financial Plan 2020 – 2029 (LTFP) which was advertised for public consultation from Thursday, 14 March 2019 to Wednesday, 3 April 2019.

**RESOLUTION**

Moved: Cr David Langford  
Seconded: Cr Jeffrey Cook

That Council receive and consider all public consultation feedback and adopt the Long Term Financial Plan 2020 – 2029 as presented.

**CARRIED UNANIMOUSLY 073/2019 (10/04/2019)**

Mr Harding responded to questions from Councillors in relation to the public consultation feedback.

**23.3 PO091 RISK MANAGEMENT POLICY****PURPOSE**

To consider and endorse the updated PO091 Risk Management Policy.

**RESOLUTION**

Moved: Cr John Rich  
Seconded: Cr Adam Meyer

That Council endorse the updated PO091 Risk Management Policy.

**CARRIED UNANIMOUSLY 074/2019 (10/04/2019)**

**23.4 PO027 BUSINESS CONTINUITY POLICY AND BUSINESS CONTINUITY PLAN****PURPOSE**

To consider and endorse the updated PO027 Business Continuity Policy and Business Continuity Plan 2019.

**RESOLUTION**

Moved: Cr David Langford  
Seconded: Cr Richard Carruthers

That Council:

1. endorse the updated PO027 Business Continuity Policy.
2. endorse the updated Business Continuity Plan 2019.

**CARRIED UNANIMOUSLY 075/2019 (10/04/2019)**

**24 ASSETS AND INFRASTRUCTURE SERVICES****24.1 OBSOLETE POLICY - PO033 GRADING OF PRIVATE ROADS****PURPOSE**

To seek endorsement from Council for the removal of PO033 Grading of Private Roads.

**RESOLUTION**

Moved: Cr Anthony Bennett  
Seconded: Cr Adam Meyer

That Council endorse the removal of PO033 Grading of Private Roads from Council's Policy Manual and on Council's website.

**CARRIED UNANIMOUSLY 076/2019 (10/04/2019)**

**24.2 ROADS WORKING PARTY****PURPOSE**

To seek endorsement from Council for the appointment of Mr Michael Cadd as a community representative from the transport industry to Council's Roads Working Party.

**RESOLUTION**

Moved: Cr Jeffrey Cook  
Seconded: Cr Anthony Bennett

That Council endorse the appointment of Mr Michael Cadd as a community representative from the transport industry to Council's Roads Working Party.

**CARRIED UNANIMOUSLY 077/2019 (10/04/2019)**

**24.3 COASTAL MANAGEMENT STRATEGY WORKING PARTY****PURPOSE**

For Council to receive the Minutes of Council's Coastal Management Strategy Working Party meeting held 13 March 2019.

**RESOLUTION**

Moved: Cr Roger Johns  
Seconded: Cr Tania Stock

That Council:

1. receive the Minutes of the Coastal Management Strategy Working Party meeting held on 13 March 2019;
2. endorse the amended Terms of Reference; and
3. endorse the Community Engagement Plan for the Draft Coastal Management Strategy Section One: Hickeys Point to Corny Point.

**CARRIED UNANIMOUSLY 078/2019 (10/04/2019)**

**25 DEVELOPMENT SERVICES****25.1 SETTING OF DOG REGISTRATION FEES AND CHARGES****PURPOSE**

For Council to consider the setting of fees and charges pursuant to the Dog & Cat Management Act commencing 1 July 2019.

**RESOLUTION**

Moved: Cr David Langford

Seconded: Cr Naomi Bittner

That Council adopt the following fee schedule in relation to dog registrations commencing 1 July 2019:

Standard dog - \$42 (Desexed and microchipped)

Non-standard dog - \$84

Working Livestock Dog - \$42

Business Registration - \$84 per dog

Fee for late registration - \$20

Pensioner/Concession rebate:

To be 50% of the applicable fee for Standard and Non-Standard dogs only and is applicable upon the verification of a current DVA "Gold" Card, DVA "White" Card, Pension Card, Senior Health Care Card or a Health Care Card.

Assistance Dog or Assistance Dog in training- Free

Dogs under 3 months of age as of 1 January receive a 50% rebate

Dogs under 3 months of age as of 1 April – Free

Dogs registered in June – Free

Replacement registration disc \$10

Fee for impounded dog - \$70 during normal working hours, \$110 after hours

Daily pound fee \$20

**CARRIED UNANIMOUSLY 079/2019 (10/04/2019)**

**25.2 HARDWICKE BAY PROPOSED BEACH SHELTERS****PURPOSE**

For Council to consider the receipt of assets Free of Charge (FOC) from the Hardwicke Bay Progress Association Inc. (HBPA) in the form of two shelters to be installed at Hardwicke Bay on Allotment 37, Crown Record Volume 5861 Folio 390 and Section 338, Crown Record Volume 5757 Folio 219.

**RESOLUTION**

Moved: Cr Anthony Bennett

Seconded: Cr Leanne O'Brien

That Council accept the offer of two shelters to be installed at Hardwicke Bay as assets free of charge at a value of \$17,500.

**CARRIED UNANIMOUSLY 080/2019 (10/04/2019)**

**25.3 REVOCATION OF COMMUNITY LAND - 14 OVAL STREET, WAROOKA****PURPOSE**

To seek permission to proceed with the community engagement process for the revocation of community land classification and proposed sale of Council property.

**RESOLUTION**

Moved: Cr Jeffrey Cook

Seconded: Cr Leanne O'Brien

That Council:

1. give permission to proceed to Public Consultation in relation to the revocation of community land classification over 14 Oval Street, Warooka, Allotment 39, Deposited Plan 4350 in the area named Warooka, Hundred of Para Wurlie, Certificate of Title Volume 5615 Folio 481; and
2. endorse the draft document attached, Proposal to Revocate 14 Oval Street, Warooka, which constitutes the information that is required to be made available to the public as part of the public consultation phase (in accordance with Section 194 (2) of the Local Government Act 1999).

**CARRIED UNANIMOUSLY 081/2019 (10/04/2019)**

## 25.4 LAND MANAGEMENT AGREEMENT

### PURPOSE

The purpose of this report is to seek endorsement from Council for a Land Management Agreement (LMA) and approval for the Mayor and Chief Executive Officer to seal and sign the appropriate documents.

### RESOLUTION

Moved: Cr Naomi Bittner  
Seconded: Cr David Langford

That Council:

1. consent to the proposed Land Management Agreement being annexed to the Title of Section 393, 78 James Well Road James Well.
2. authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal on the relevant documents relating to the establishment of the Land Management Agreement over Section 393, 78 James Well Road, James Well.

**CARRIED UNANIMOUSLY 082/2019 (10/04/2019)**

## 25.5 MEMBER APPOINTMENT TO THE COUNCIL ASSESMENT PANEL

### PURPOSE

Due to an Independent Member vacancy on the Council Assessment Panel and in accordance with the Council Assessment Panel (CAP) Terms of Reference, Council is required to appoint (1) one Independent Member to the panel.

### RESOLUTION

Moved: Cr Jeffrey Cook  
Seconded: Cr John Rich

That Council, having regard to Section 56A (3) of the Development Act 1993 appoint Elinor Walker as Independent Member to the Council Assessment Panel, commencing 10 April 2019 for the remainder of the current two year term, concluding 1 July 2019.

**CARRIED UNANIMOUSLY 083/2019 (10/04/2019)**

## 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. Council has resolved that an Agenda Item “General Business” be included on the Council Agenda to enable members to raise matters of a minor nature for action by the Administration, or to call for reports.



**Mayor Darren Braund**

Requested a Leave of Absence from Council duties from 29/4/2019 – 5/5/2019 – leave was granted.

**CONFIDENTIAL AGENDA****27 CONFIDENTIAL ITEMS****27.1 SEALED ROAD SHOULDER REWORK TENDER 196/2019****RESOLUTION**

Moved: Cr Adam Meyer

Seconded: Cr David Langford

**Section 90 Order**

That pursuant to Section 90(2) and (3)(k) of the Local Government Act 1999, the Council orders, that the public be excluded from the meeting relating to Item 27.1 Sealed Road Shoulder Rework Tender 196/2019, 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)(k) of the Act, the information to be received, discussed or considered in relation to report Item 27.1 Sealed Road Shoulder Rework Tender 196/2019, is confidential information relating to:

- (k) tenders for the supply of goods, the provision of services or the carrying out of works.

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 UNANIMOUSLY 084/2019 (10/04/2019)**

6.20pm

## RESUMPTION OF PUBLIC MEETING

*Released In Camera Minute*

Moved: Cr Roger Johns

Seconded: Cr Naomi Bittner

That Council accept the tender from Downer EDI Works Pty Ltd to undertake sealed road shoulder rework to the value of \$250,000.00 (GST exclusive).

**CARRIED UNANIMOUSLY 085/2019 (10/04/2019)**

## 27.2 STORMWATER INFRASTRUCTURE MITIGATION - 1 OYSTER POINT DRIVE, STANSBURY

### RESOLUTION

Moved: Cr John Rich

Seconded: Cr Richard Carruthers

#### 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 27.2 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 27.2 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 086/2019 (10/04/2019)**

6.25pm

**RESUMPTION OF PUBLIC MEETING**

Cr Naomi Bittner advised that she would be an apology for the 8 May 2019 Council Meeting.

**28 NEXT MEETING**

Wednesday 8 May 2019

**29 CLOSURE**

The Meeting closed at 6.25pm.

The minutes of this meeting were confirmed at the Council Meeting held on 8 May 2019.

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**MAYOR DARREN BRAUND**

**8 May 2019**