



MINUTES

Ordinary Council Meeting

(Subject to confirmation)

8 April 2020

**MINUTES OF YORKE PENINSULA
COUNCIL MEETING
HELD VIA ZOOM VIDEO CONFERENCING FROM 8 ELIZABETH STREET MAITLAND ON
WEDNESDAY, 8 APRIL 2020 AT 5.30PM**

1 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY BY MAYOR

Mayor Darren Braund welcomed everyone to the meeting and declared the meeting open.

2 OPENING PRAYER

3 PRESENT

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

In Attendance

Andrew Cameron (CEO), David Harding (Director Corporate and Community Services), Grant Smith (Acting Director Assets and Infrastructure Services), Roger Brooks (Director Development Services), Natalie McDonald (Minute Secretary), Ben Cowley (Leader Systems and Technology)

4 LEAVE OF ABSENCE

Nil

5 APOLOGIES

Cr Jeffrey Cook

With the leave of the meeting Mayor Braund brought forward debate Item 22.1 Electronic Participation in Council Meetings Notice (No 1) 2020 as the first item of business in order for Council to conduct its meeting by electronic means.

22.1 ELECTRONIC PARTICIPATION IN COUNCIL MEETINGS NOTICE (NO 1) 2020**PURPOSE**

For Council as the “first item of business” to endorse the updated PO015 Access to Council and Committee Meetings and Documents Code of Practice, to facilitate participation by Council members in Council meetings by electronic means.

RESOLUTION

Moved: Cr John Rich
Seconded: Cr David Langford

That:

1. Council alters its code of practice for access to meetings to facilitate participation by Council members in Council meetings by electronic means by updating and adopting PO015 Access to Council and Committee Meetings and Documents Code of Practice (Attachment 1);
2. as from Wednesday, 8 April 2020, meetings of the Council will take place by electronic means at the following electronic location: Zoom Video Conferencing at 8 Elizabeth Street, Maitland;
3. Council endorse and adopt the updated PO015 Access to Council and Committee Meetings and Documents Code of Practice for inclusion in Council’s Policy Manual and on Council’s website.

CARRIED 046/2020 (8/04/2020)

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**RESOLUTION**

Moved: Cr Leanne O'Brien
Seconded: Cr Kristin Murdock

That the minutes of the Ordinary Council Meeting held on 11 March 2020 be confirmed.

CARRIED 047/2020 (8/04/2020)

RESOLUTION

Moved: Cr Adam Meyer
Seconded: Cr Tania Stock

That the minutes of the Confidential Council Meeting held on 11 March 2020 be confirmed.

CARRIED 048/2020 (8/04/2020)

8 MOTIONS ON NOTICE

Nil

9 QUESTIONS ON NOTICE

Nil

10 QUESTIONS WITHOUT NOTICE

Nil

11 PETITIONS

Nil

12 MAYOR

Mayor Darren Braund gave a verbal update to his Mayor's Monthly Report including:

- The Mayor commended the CEO and Council staff for the way they have managed the COVID-19 crisis at local level in a professional and strategic way while doing their best to look after one another's well being.

12.1 MAYOR'S MONTHLY REPORT MARCH 2020**PURPOSE**

To keep Elected Members updated on Mayoral activities during the month of March 2020.

RESOLUTION

Moved: Cr John Rich
Seconded: Cr Anthony Bennett

That the report be received.

CARRIED 049/2020 (8/04/2020)

The Mayor sought leave of the meeting to introduce an urgent matter in relation to a letter to the Premier Steven Marshall requesting a temporary closure of all jetties and boat ramps across regional South Australia.

12.2 LETTER TO THE PREMIER - COVID-19

Prior to last night's meeting Elected Members had conveyed community concerns that while a high percentage of our part time residents and regular visitors have embraced the 'Stay at Home' message, there is still a percentage of people who do not seem to understand its importance.

Council has had requests to close the boat ramps and jetties for the Easter and holiday period to more strongly enforce the message.

The Elected Members were sympathetic of these requests, while understanding this call would not be popular with all the community.

Council on its own, does not have the resources to close and effectively police a closure of the 33 boat ramps and 13 jetties over our vast region.

The Mayor believed any closure needs to be a 'state wide' directive so a confused message is not sent to potential regional visitors and unfair pressure is not put on the resources of our regional neighbours.

The Mayor asked the elected body to move a motion.

RESOLUTION

Moved: Cr Richard Carruthers

Seconded: Cr David Langford

That Council request the Mayor to urgently write to Premier Steven Marshall requesting a temporary closure of all jetties and boat ramps across regional South Australia (with the exception of emergency services and commercial registered boats) for Easter and the current school holidays to support the 'Stay at Home' message.

CARRIED 050/2020 (8/04/2020)

13 COUNCILLORS' REPORT

Nil

INFORMATION AGENDA**14 ITEMS FOR EXCLUSION**

Nil

15 RECEIPT OF INFORMATION REPORTS

Item 17.1 – Cr Leanne O'Brien enquired how the announcement of the postponement of the Art Exhibition to Easter 2021 would affect the YP Art Exhibition Project Officer's contract of employment.

CEO took the question on notice and undertook to provide a response on this matter.

ADOPTION OF INFORMATION AGENDA

Moved: Cr David Langford

Seconded: Cr Kristin Murdock

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

CARRIED 051/2020 (8/04/2020)

20 VISITORS TO THE MEETING

Nil

DEBATE AGENDA**21 MAYOR**

Nil

22 CHIEF EXECUTIVE OFFICER

22.2 POLICY REVIEW - PO017 - INFORMAL GATHERINGS POLICY**PURPOSE**

To seek endorsement for the updated PO017 Informal Gatherings Policy.

RESOLUTION

Moved: Cr Tania Stock

Seconded: Cr Roger Johns

That Council:

1. alters the PO017 Informal Gatherings Policy to facilitate participation by Council members in informal gatherings by electronic means by adopting the updated PO017 Informal Gatherings Policy (Attachment 1);
2. as from the ordinary Council meeting held on Wednesday, 8 April 2020, informal gatherings of the Council will take place by electronic means;
3. endorse and adopt the updated PO017 Informal Gatherings Policy (Attachment 1) for inclusion in Council's Policy Manual and on Council's website.

CARRIED 052/2020 (8/04/2020)

22.3 ENDORSEMENT OF SERVICE CHANGES ENACTED DUE TO COVID-19 AND AUTHORISATION FOR FUTURE CHANGES AS COVID-19 REQUIRES**PURPOSE**

Elected Members to endorse service changes enacted by the Chief Executive Officer and continue to authorise the Chief Executive Officer to enact further changes in consultation with the Mayor.

RESOLUTION

Moved: Cr Anthony Bennett

Seconded: Cr David Langford

That Council endorse:

1. the service changes undertaken as detailed in this report and in accordance with Council's Budget Reporting and Amendment Policy clause 4.4; and
2. the Chief Executive Officer continue to review, monitor and assess the risks and implement further service delivery solutions or changes as the Public Health Emergency proceeds and the State and Federal Government implement new changes to manage COVID-19 in conjunction with the Mayor and report changes back to Council in due course.

CARRIED 053/2020 (8/04/2020)

22.4 RATES RELIEF - 2019/2020 FOURTH QUARTER INSTALMENT**PURPOSE**

The current world COVID-19 pandemic is impacting the Yorke Peninsula Council area community in varied and significant ways. The purpose of this report is for Council to consider some relief for ratepayers experiencing hardship, via deferment of 2019/2020 fourth quarter rates instalment payments and any outstanding rates without fines and interest.

RESOLUTION

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

That Council:

1. offer deferral of all unpaid 2019/2020 rates and charges (including amounts already in arrears) for all rateable properties for the period 1 April 2020 to 31 July 2020 to those experiencing hardship due to COVID-19 in accordance with Council's PO060 Rates Relief Policy; and
2. approve that no fines and interest be raised on outstanding rates and charges for the period 1 April 2020 to 31 July 2020; and
3. conduct a review of these arrangements during July 2020 or immediately following the cessation of the pandemic if sooner.

CARRIED 054/2020 (8/04/2020)

22.5 LEASE, LICENCE AND REIMBURSEMENT RELIEF FOR SPORTING/COMMUNITY CLUBS, GROUPS AND ORGANISATIONS**PURPOSE**

The current world COVID-19 pandemic is impacting the Yorke Peninsula Council area community in varied and significant ways. The purpose of this report is for Council to consider some relief for sporting and community groups leasing Council property along with relief for reimbursement of related costs to Council via deferment of all payments for a period of six (6) months from 1 April 2020. These arrangements are to be reviewed at the expiration of that six (6) month period.

RESOLUTION

Moved: Cr Roger Johns
Seconded: Cr John Rich

That Council:

1. defer all payments due under licences and leases to community groups, where required, as they become due and payable for a period of six (6) months commencing on 1 April 2020; and
2. direct Council staff to maintain a register of all such payments so deferred during the six (6) month period; and
3. conduct a review of all such arrangements during September 2020 or immediately following the cessation of the pandemic if sooner.

CARRIED 055/2020 (8/04/2020)

22.6 COMMERCIAL LEASE RELIEF**PURPOSE**

The current world COVID-19 pandemic is impacting the Yorke Peninsula Council area community in varied and significant ways. The purpose of this report is for Council to consider some relief, on request, for organisations operating businesses under commercial leases of Council property. That relief to be via deferment of all lease payments for a period of six (6) months from 1 April 2020. These arrangements are to be reviewed at the expiration of that six (6) month period.

RESOLUTION

Moved: Cr Naomi Bittner

Seconded: Cr Richard Carruthers

That Council:

1. defer all payments due under commercial licences and leases to organisations, where requested, as they become due and payable for a period of six (6) months commencing on 1 April 2020; and
2. direct Council staff to maintain a register of all such payments so deferred during the six (6) month period; and
3. conduct a review of all such arrangements during September 2020 or immediately following the cessation of the pandemic if sooner.

CARRIED 056/2020 (8/04/2020)

22.7 RELIEF FOR ORGANISATIONS WITH COMMUNITY LOANS**PURPOSE**

The current world COVID-19 pandemic is impacting the Yorke Peninsula Council area community in varied and significant ways. The purpose of this report is for Council to consider some relief for organisations currently servicing community loans sourced from Council via deferment of all payments for a period of six (6) months from 1 April 2020. These arrangements are to be reviewed at the expiration of that six (6) month period.

RESOLUTION

Moved: Cr Adam Meyer

Seconded: Cr Anthony Bennett

That Council:

1. Defer all payments of interest and principal for organisations servicing community loans sourced via Council as they become due and payable for a period of six (6) months commencing on 1 April 2020; and
2. Conduct a review of all community loan payment arrangements during September 2020.

CARRIED 057/2020 (8/04/2020)

22.8 BUSHFIRE RECOVERY FUNDING - PROGRAM OF WORKS**PURPOSE**

To seek Elected Members endorsement of a Bushfire Recovery Grant Funding Program of Works.

RESOLUTION

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

That Council endorse the Program of Works for the \$200,000 expenditure under the Bushfire Recovery Grant as follows:

- Yorketown Airstrip Hardstand Area
- Yorketown Airstrip installation and connection of an additional firefighting tank
- Rebuilding and restoration of Public Open Space Campgrounds
- Roadside tree pruning and cleaning in the fire affected areas

CARRIED 058/2020 (8/04/2020)

22.9 NARUNGA NATION NATIVE TITLE CLAIM**PURPOSE**

That Elected Members authorise the Mayor and Chief Executive Officer to sign and affix Council's Common Seal to the required documentation to terminate the existing Narungga Area ILUA.

RESOLUTION

Moved: Cr Tania Stock
Seconded: Cr David Langford

That Council authorise the Mayor and Chief Executive Officer to sign and affix Council's Common Seal to the required documentation to terminate the existing Narungga Area ILUA.

CARRIED 059/2020 (8/04/2020)

23 CORPORATE AND COMMUNITY SERVICES**23.1 LONG TERM FINANCIAL PLAN 2021-2030****PURPOSE**

Council consideration of public submissions and feedback received regarding the Draft Long Term Financial Plan 2021 – 2030 (LTFP) which was advertised for public consultation from Thursday, 12 March 2020 to Wednesday, 1 April 2020.

RESOLUTION

Moved: Cr Adam Meyer

Seconded: Cr Kristin Murdock

That Council receive and consider all public consultation feedback and adopt the Long Term Financial Plan 2021 – 2030 as presented.

CARRIED 060/2020 (8/04/2020)

23.2 FINANCIAL REPORT AS AT 31 MARCH 2020**PURPOSE**

For Council to consider the financial report and capital projects update report as at 31 March 2020.

RESOLUTION

Moved: Cr John Rich

Seconded: Cr Anthony Bennett

That Council receive the financial report and capital projects update report as at 31 March 2020.

CARRIED 061/2020 (8/04/2020)

24 ASSETS AND INFRASTRUCTURE SERVICES

Nil

25 DEVELOPMENT SERVICES**25.1 BUSINESS CASE REPORT - JOINT PLANNING AGREEMENT****PURPOSE**

The purpose of this report is to present a Business Case for a Planning Agreement between Barunga West Council, Copper Coast Council and Yorke Peninsula Council and the Minister for Planning with a view of using the Business Case to develop a draft Planning Agreement for future consideration by the Council.

RESOLUTION

Moved: Cr David Langford

Seconded: Cr Adam Meyer

That Council:

1. endorse the Business Case for a Planning Agreement between the Barunga West Council, Copper Coast Council and Yorke Peninsula Council and the Minister for Planning titled "Business Case Report - Proposed Joint Planning Agreement for Barunga West Council, Copper Coast Council and Yorke Peninsula Council" dated January 2020.
2. agree in principle to enter into a Joint Planning Agreement as proposed in the Business Case.
3. authorise the CEO to work with the other councils and the Department of Planning, Transport and Infrastructure to develop a draft Joint Planning Agreement for consideration by the Council.
4. supports the funding model as detailed in the draft Business Case for the proposed Joint Planning Agreement for Barunga West Council, Copper Coast Council and Yorke Peninsula Council; and
5. notes that the mutual liability/indemnity insurance costs for the proposed YP Joint Planning Board is still to be clarified.

CARRIED 062/2020 (8/04/2020)

25.2 DRAFT BY-LAWS 2020**PURPOSE**

To seek endorsement of the draft By-laws for 2020 and proceed with the community engagement process for the adoption of the By-laws.

RESOLUTION

Moved: Cr Adam Meyer

Seconded: Cr Tania Stock

That Council:

1. endorse draft By-law No 1 – Permits and Penalties, draft By-law No 2 – Local Government Land, draft By-law No 3 – Roads, draft By-law No 4 – Moveable Signs, draft By-law No 5 – Dogs, draft By-law No 6 – Cats and draft By-law No 7 – Port Vincent Marina attached to this report entitled Draft By-laws 2020 for the purpose of consultation in accordance with Section 249 of the Local Government Act 1999.
2. authorise the Chief Executive Officer to make copies of the draft By-laws available for public inspection without charge at Councils three Offices during ordinary office hours.
3. authorise the Chief Executive Officer to publish a notice informing the public of the availability of the draft By-laws in the Yorke Peninsula Country Times and on Council's website.

CARRIED 063/2020 (8/04/2020)

25.3 PROPOSED AMENDMENTS TO COMMUNITY LAND MANAGEMENT PLANS - CATEGORY 1 AND 2.

PURPOSE

To consider submissions and correspondence received from Ardrossan Progress Association, and endorse not to proceed any further with the public consultation process for the proposed amendments to the Community Land Management Plans (CLMPs) to move Crown Records, Section 405, Park Terrace Ardrossan, Volume 5896 Folio 823 and Allotment 12, East Terrace Ardrossan, Volume 5896 Folio 820 Ardrossan from Category 1 – Reserve to Category 2 – Recreational and Sporting.

RESOLUTION

Moved: Cr Richard Carruthers

Seconded: Cr Naomi Bittner

That Council:

1. receive the submissions submitted during the community engagement process for the proposed amendments to the Community Land Management Plans.
2. receive the correspondence dated 12 March 2020, from the Ardrossan Progress Association requesting Council to cease the community consultation for the proposed amendments to the Community Land Management Plans.
3. not to proceed any further with the proposed amendments to the Community Land Management Plans (CLMPs) to move Crown Records, Section 405, Park Terrace Ardrossan, Volume 5896 Folio 823 and Allotment 12, East Terrace Ardrossan, Volume 5896 Folio 820 Ardrossan from Category 1 – Reserve to Category 2 – Recreational and Sporting.

CARRIED 064/2020 (8/04/2020)

26 GENERAL BUSINESS

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

Mayor Darren Braund encouraged the community to support local businesses throughout the Easter holiday period.

The CEO informed the meeting of a Zoom meeting to take place with the Premier of South Australia at 7pm this evening.

Cr Adam Meyer asked the meeting if the letter to the Premier in relation to closure of the State’s jetties and boat ramps could be published to Council’s website and Facebook page. The CEO undertook to publish the letter to the Premier to the Council website and Facebook page.

CONFIDENTIAL AGENDA**27 CONFIDENTIAL ITEMS****27.1 STANSBURY SEAWALL - ROCK REVETMENT WALL CONSTRUCTION TENDER 206-2019****RESOLUTION**

Moved: Cr Naomi Bittner

Seconded: Cr John Rich

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 Stansbury Seawall - Rock Revetment Wall Construction Tender 206-2019, with the exception of the following persons:

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

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 Stansbury Seawall - Rock Revetment Wall Construction Tender 206-2019, 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 065/2020 (8/04/2020)

27.2 ACQUISITION OF LAND - CHARLES STREET, YORKETOWN**RESOLUTION**

Moved: Cr Leanne O'Brien

Seconded: Cr Naomi Bittner

Section 90 Order

That pursuant to Section 90(2) and (3)(d)(i) of the Local Government Act 1999, the Council orders, that the public be excluded from the meeting relating to Item 27.2 Acquisition of Land - Charles Street, Yorketown, with the exception of the following persons:

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

The Council is satisfied that, pursuant to Section 90(2) and (3)(d)(i) of the Act, the information to be received, discussed or considered in relation to report Item 27.2 Acquisition of Land - Charles Street, Yorketown, is confidential information relating to:

- (d)(i) commercial information of a confidential nature (not being a trade secret) the disclosure of which 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.

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 066/2020 (8/04/2020)

27.3 SEALED ROAD SHOULDER REWORK TENDER 209-2020

RESOLUTION

Moved: Cr David Langford

Seconded: Cr Richard Carruthers

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 27.3 Sealed Road Shoulder Rework Tender 209-2020, with the exception of the following persons:

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

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 27.3 Sealed Road Shoulder Rework Tender 209-2020, 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 067/2020 (8/04/2020)

6.17pm – The public were asked to leave and the Chamber secured.

RESUMPTION OF PUBLIC MEETING

6.32pm

Released in camera minutes - 6.20pm

RESOLUTION

Moved: Cr Roger Johns

Seconded: Cr Adam Meyer

That Council;

1. endorse Civil Tech Pty Ltd as the preferred contractor to undertake the construction of the Stansbury Seawall (rock revetment wall) located at Stansbury, to the budget amount of \$349,819.00 (GST exclusive), subject to future funding arrangements and points 2 and 3 below being successful.
2. accept the Stansbury Progress Associations offer of 20% of the total project cost as a contribution towards the Stansbury Seawall project.
3. prepare and submit an application to Department Environment and Water for a Regional Coast Protection grant for 50% being \$200,000 for the construction of the Stansbury Seawall.

CARRIED 068/2020 (8/04/2020)

RESOLUTION

Moved: Cr Tania Stock

Seconded: Cr Anthony Bennett

Section 91 Order

That having considered report 27.1 Stansbury Seawall - Rock Revetment Wall Construction Tender 206-2019 in confidence under Section 90(2) and (3)(k) of the Local Government Act 1999 (the Act) the Council, pursuant to Section 91 (7) and 91 (9) of the Act orders that the agenda report, attachments, minutes and supporting documentation relevant to report 27.1 Stansbury Seawall - Rock Revetment Wall Construction Tender 206-2019 be retained in confidence and not available for public inspection for a period of 12 months.

CARRIED 069/2020 (8/04/2020)

Released in camera minutes - 6.26pm

RESOLUTION

Moved: Cr Naomi Bittner

Seconded: Cr David Langford

Section 91 Order

That having considered report 27.2 Acquisition of Land - Charles Street, Yorketown in confidence under Section 90(2) and (3)(d)(i) of the Local Government Act 1999 (the Act) the Council, pursuant to Section 91 (7) and 91 (9) of the Act orders that the agenda report, attachments, minutes and supporting documentation relevant to report 27.2 Acquisition of Land - Charles Street, Yorketown be retained in confidence and not available for public inspection for a period of 12 Months.

CARRIED 071/2020 (8/04/2020)

Released in camera minutes - 6.31pm

RESOLUTION

Moved: Cr Roger Johns
Seconded: Cr David Langford

That Council accept the tender from Downer EDI Works Pty Ltd to undertake sealed road shoulder rework to the value of \$500,000 (GST exclusive).

CARRIED 072/2020 (8/04/2020)

RESOLUTION

Moved: Cr John Rich
Seconded: Cr Tania Stock

Section 91 Order

That having considered report 27.3 Sealed Road Shoulder Rework Tender 209-2020 in confidence under Section 90(2) and (3)(k) of the Local Government Act 1999 (the Act) the Council, pursuant to Section 91 (7) and 91 (9) of the Act orders that the agenda report, attachments, minutes and supporting documentation relevant to report 27.3 Sealed Road Shoulder Rework Tender 209-2020 be retained in confidence and not available for public inspection for a period of 12 months.

CARRIED 073/2020 (8/04/2020)

28 NEXT MEETING

Wednesday 13 May 2020

29 CLOSURE

The Meeting closed at 6.33pm.

The minutes of this meeting were confirmed at the Council Meeting held on 13 May 2020.

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MAYOR DARREN BRAUND



Yorke Peninsula Council

**The following Minutes of the Confidential Meetings
of the Yorke Peninsula Council are
released and Returned to the Public Record**

10 April 2019