



# **MINUTES**

## **Ordinary Council Meeting**

(Subject to confirmation)

**12 August 2020**

**MINUTES OF YORKE PENINSULA  
COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, MINLATON TOWN HALL, 57 MAIN STREET,  
MINLATON  
ON WEDNESDAY, 12 AUGUST 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 Richard Carruthers, Cr Leanne O'Brien, Cr Naomi Bittner, Cr Kristin Murdock, Cr David Langford, Cr Roger Johns

**In Attendance**

Andrew Cameron (CEO), David Harding (Director Corporate and Community Services), Trevor Graham (Director Assets and Infrastructure Services), Roger Brooks (Director Development Services), Natalie McDonald (Minute Secretary)

**4 LEAVE OF ABSENCE**

Nil

**5 APOLOGIES**

Cr Adam Meyer, Cr John Rich, Cr Anthony Bennett

**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 Richard Carruthers

That the minutes of the Ordinary Council Meeting held on 8 July 2020 be confirmed.

**CARRIED 175/2020 (12/08/2020)**

**RESOLUTION**

Moved: Cr David Langford

Seconded: Cr Leanne O'Brien

That the minutes of the Confidential Council Meeting held on 8 July 2020 be confirmed.

- Lease Purchase Consideration – Port Rickaby Caravan Park

**CARRIED 176/2020 (12/08/2020)**

**RESOLUTION**

Moved: Cr Leanne O'Brien

Seconded: Cr Kristin Murdock

That the minutes of the Confidential Council Meeting held on 8 July 2020 be confirmed.

- CEO Appraisal – Key Result Areas and Key Performance Indicators

**CARRIED 177/2020 (12/08/2020)**

**RESOLUTION**

Moved: Cr Naomi Bittner

Seconded: Cr Tania Stock

That the minutes of the Special Council Meeting held on 29 July 2020 be confirmed.

- Planning Development and Infrastructure Instruments of Delegation Update
- Proposed By-Laws 2020

**CARRIED 178/2020 (12/08/2020)**

**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 JULY 2020****PURPOSE**

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

**RESOLUTION**

Moved: Cr Richard Carruthers

Seconded: Cr Kristin Murdock

That the report be received.

**CARRIED 179/2020 (12/08/2020)**

**13 COUNCILLORS' REPORT**

Nil

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

Nil

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

Moved: Cr David Langford

Seconded: Cr Roger Johns

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

**CARRIED 180/2020 (12/08/2020)**

**20 VISITORS TO THE MEETING**

*5.35pm – Mayor Braund invited Graham Cowell, Stuart Plush and Mark Lawson-Kent from the Currumulka Road Home Owners to make their deputation to Council in relation to the expansion of the Port Vincent Caravan Park and Seaside Cabins into the old Port Vincent Primary School.*

*5.59pm – The deputation concluded.*

**DEBATE AGENDA****21 MAYOR**

Nil

**22 CHIEF EXECUTIVE OFFICER****22.1 PROPOSED CHANGES TO LEGATUS GROUP CHARTER****PURPOSE**

For Elected Members to consider the proposed changes to the Legatus Board Charter.

**RESOLUTION**

Moved: Cr David Langford

Seconded: Cr Kristin Murdock

That Council endorse the proposed changes to the Legatus Board charter regarding the Annual Business Plan and Budget as set out in its correspondence dated 12 June 2020.

**CARRIED 181/2020 (12/08/2020)**

**22.2 2021-2025 DRAFT STRATEGIC MANAGEMENT PLAN****PURPOSE**

To seek Council endorsement to undertake public consultation on the 2021-2025 Draft Strategic Management Plan.

**RESOLUTION**

Moved: Cr Naomi Bittner  
Seconded: Cr Richard Carruthers

That Council endorse the 2021-2025 Draft Strategic Management Plan for the purpose of community consultation.

**CARRIED 182/2020 (12/08/2020)**

**22.3 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM - PROJECTS****PURPOSE**

To seek endorsement of a package of projects to be undertaken with the Local Roads and Community Infrastructure Program funding.

**RESOLUTION**

Moved: Cr Naomi Bittner  
Seconded: Cr David Langford

That Council

1. endorse the CEO to apply for projects under the Australian Government's Local Roads and Community Infrastructure Program;
2. endorse the projects (as listed below) to be nominated in the Work Schedule Template – Project nomination form:
  - (a) Patch Sheeting North – Sections of James Well Road (\$130,000);
  - (b) Patch Sheeting South – Sections of Didlyamulka Road (\$130,000);
  - (c) Spoon Drain Replacement Program (\$100,000);
  - (d) Coastal Management Strategy Projects - (*Fencing, signage and vehicle and pedestrian access management.*) (\$100,000);
  - (e) Walk the Yorke Upgrades – Rogues Point, Parara and Port Moorowie (\$37,000);
  - (f) Shelters and Other Structures Refresh (\$175,000);
  - (g) Tourism Signage Upgrades Federation Park (\$35,000);
  - (h) Pine Point Standpipe Upgrade Pine Point (\$45,000);
  - (i) RSL Car Park Upgrade - Ardrossan (\$50,000);
  - (j) Clifftop Walking Trail Relocation - Ardrossan (\$32,000);
  - (k) Gum Flat Picnic Shelter Installation - Minlaton (\$30,000);

- (l) Stormwater Infrastructure Upgrade – Elizabeth Street and Robert Street - Maitland (\$20,000); and
  - (i) Beach Shelter Installation - Balgowan (\$20,000).
3. approve an exemption for open tendering under PO058 Purchasing and Procurement Policy for the abovementioned projects, delegating authority to the CEO.

**CARRIED 183/2020 (12/08/2020)**

## **22.4 YORKE PENINSULA ALLIANCE REGIONAL PUBLIC HEALTH PLAN REVIEW**

### **PURPOSE**

To seek Council approval to proceed to public consultation on the draft 2020 – 2025 Yorke Peninsula Alliance Regional Public Health Plan.

### **RESOLUTION**

Moved: Cr Leanne O'Brien  
Seconded: Cr Tania Stock

That Council endorse the draft 2020 – 2025 Yorke Peninsula Alliance Regional Public Health Plan for public consultation.

**CARRIED 184/2020 (12/08/2020)**

6.07pm

### **SHORT TERM SUSPENSION OF PROCEEDINGS – r20**

Mayor Braund requested that Council allow informal discussions in relation to the report. All in agreement.

6.12pm

The Mayor advised that a Motion was required to return to Formal Mode.

### **RESOLUTION**

Moved: Cr David Langford  
Seconded: Cr Richard Carruthers

That the meeting return to Formal Mode

**CARRIED 185/2020 (12/08/2020)**

**22.5 BUSINESS SA - LOCAL BUSINESS SUPPORT AND RECOVERY PROGRAM****PURPOSE**

To seek approval from Council to lift this matter from the table and resume proceedings at the point preceding the resolution from the 8 July 2020 Council meeting.

**RESOLUTION**

Moved: Cr David Langford

Seconded: Cr Richard Carruthers

That Council:

1. agree to lift the matter "Business SA – Local Business Support and Recovery Program" from the table for further consideration by elected members; and
2. resume proceedings at the point preceding the resolution below:

***Cr Meyer moved and Cr Langford seconded***

*That the matter lay on the table*

**CARRIED 159/2020 (8/0/2020)**

**CARRIED 186/2020 (12/08/2020)**

**22.5 BUSINESS SA - LOCAL BUSINESS SUPPORT AND RECOVERY PROGRAM****RESOLUTION**

Moved: Cr Naomi Bittner

Seconded: Cr Roger Johns

**RECOMMENDATION**

That Council not proceed with the proposed Business SA – Local Business Support and Recovery Program.

**CARRIED 187/2020 (12/08/2020)**

**23 CORPORATE AND COMMUNITY SERVICES****23.1 FINANCIAL REPORT AS AT 31 JULY 2020****PURPOSE**

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

**RESOLUTION**

Moved: Cr Leanne O'Brien

Seconded: Cr Kristin Murdock

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

**CARRIED 188/2020 (12/08/2020)**

**23.2 BUDGET ROLL OVERS - 2019/2020****PURPOSE**

To seek approval to roll over to the 2020/2021 Budget, projects not commenced or completed at 30 June 2020 and associated budget amounts not expended in the 2019/2020 financial year to enable completion in 2020/2021.

**RESOLUTION**

Moved: Cr David Langford

Seconded: Cr Tania Stock

That Council endorse the list of 2019/2020 projects not commenced or completed and the respective budget funding required, as presented, for inclusion in the 2020/2021 Budget.

**CARRIED 189/2020 (12/08/2020)**

**23.3 PRELIMINARY DRAFT DISABILITY ACCESS AND INCLUSION PLAN 2020  
YORKE PENINSULA REGIONAL ALLIANCE****PURPOSE**

To advise Elected Members in regard to the preparation of a preliminary draft paper on the Disability Access and Inclusion Plan 2020 for the Yorke Peninsula Regional Alliance and seek approval to commence community and stakeholder consultation on the draft paper.

**RESOLUTION**

Moved: Cr Leanne O'Brien

Seconded: Cr David Langford

That Council endorse the Disability Access and Inclusion Plan 2020 Yorke Peninsula Regional Alliance preliminary draft paper for stakeholder input via community consultation.

**CARRIED 190/2020 (12/08/2020)**

**24 ASSETS AND INFRASTRUCTURE SERVICES**

Nil



**25 DEVELOPMENT SERVICES****25.1 ASSUMPTION OF CARE, CONTROL AND MANAGEMENT OF LAND - SECTION 379 CUNNINGHAM ROAD HD MAITLAND, CERTIFICATE OF TITLE VOLUME 5591 FOLIO 724.****PURPOSE**

To seek permission to assume care, control and management of Section 379 Cunningham Road, HD Maitland, Certificate of Title Volume 5591 Folio 724 (Yorke Valley Dam Site) as Community Land pursuant to Section 192 of the Local Government Act 1999.

**RESOLUTION**

Moved: Cr Naomi Bittner

Seconded: Cr Tania Stock

That Council resolve to assume care, control and management of Section 379 Cunningham Road, HD Maitland, Certificate of Title Volume 5591 Folio 724 (Yorke Valley Dam Site) as Community Land, under a Category 3 – Community Land Management Plan, Public and Community Facilities pursuant to Section 192 and 196 of the Local Government Act 1999.

**CARRIED 191/2020 (12/08/2020)**

**25.2 PROPOSED NEW LEASE - MINISTER FOR EDUCATION FOR PORTION OF SECTION 404 NORTH TERRACE, STANSBURY CROWN RECORD VOLUME 5757 FOLIO 168****PURPOSE**

To seek permission to grant a five (5) year lease with a further five (5) year right of renewal to the Minister for Education for a portion of Section 404 North Terrace, Stansbury, Crown Record Volume 5757 Folio 168.

**RESOLUTION**

Moved: Cr Leanne O'Brien

Seconded: Cr Richard Carruthers

That Council:

1. endorse a five (5) year lease with a further five (5) year right of renewal to the Minister for Education for a portion of Section 404 North Terrace, Stansbury, Crown Record Volume 5757 Folio 168.
2. authorise the Mayor and Chief Executive Officer to sign and affix Council's Common Seal in order to execute Lease documents.

**CARRIED 192/2020 (12/08/2020)**

**25.3 POLICY UPDATE - PO132 CEMETERY MANAGEMENT****PURPOSE**

To seek endorsement and approval from Council for the updated PO132 Cemetery Management Policy.

**RESOLUTION**

Moved: Cr David Langford

Seconded: Cr Roger Johns

That Council endorse and adopt the updated PO132 Cemetery Management Policy for inclusion in Council's Policy Manual and on Council's website.

**CARRIED 193/2020 (12/08/2020)**

**25.4 FEES AND CHARGES****PURPOSE**

For Council to adopt and endorse new fees for inclusion in the Yorke Peninsula Council 2020/2021 Fees and Charges Register.

**RESOLUTION**

Moved: Cr David Langford

Seconded: Cr Naomi Bittner

That Council adopt and endorse the following fees for inclusion in Councils 2020/2021 Fees and Charges Register;

- |   |                    |
|---|--------------------|
| 1. Public Notification Signage Fee                  | \$360.00 (inc GST) |
| 2. Development Application Hard Copy Processing Fee | \$80.00 (inc GST)  |
| 3. Individual Bio-Degradable Dog Tidy Rolls         | \$8.00 (inc GST)   |

**CARRIED 194/2020 (12/08/2020)**

**25.5 REVIEW - COUNCIL ASSESSMENT PANEL TERMS OF REFERENCE****PURPOSE**

For Council to endorse and adopt the updated Yorke Peninsula Council Assessment Panel Terms of Reference in accordance with the Planning, Development and Infrastructure (PDI) Act 2016.

**RESOLUTION**

Moved: Cr Leanne O'Brien  
Seconded: Cr Richard Carruthers

That Council endorse and adopt the updated Yorke Peninsula Council Assessment Panel Terms of Reference in accordance with the Planning, Development and Infrastructure Act 2016.

**CARRIED 195/2020 (12/08/2020)**

**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.

Nil

**CONFIDENTIAL AGENDA****27 CONFIDENTIAL ITEMS****27.1 MATERIAL SUPPLY 2020/21 TENDER 210-2020****RESOLUTION**

Moved: Cr David Langford  
Seconded: Cr Kristin Murdock

**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 Material Supply 2020/21 Tender 210-2020, 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 Material Supply 2020/21 Tender 210-2020, 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 196/2020 (12/08/2020)**

*6.26pm – The public were removed from the meeting and the Chamber secured.*

**RESUMPTION OF PUBLIC MEETING**

6.30pm

*Released in camera minutes – 6.29pm*

**27.1 MATERIAL SUPPLY 2020/21 TENDER 210-2020****PURPOSE**

To provide relevant information in support of the recent open tender process for the supply (ex bin) and supply and delivery of road construction material (tender number 210-2020), pursuant to the relevant sections of the Purchasing and Procurement Policy (PO058).

**RESOLUTION**

Moved: Cr Roger Johns

Seconded: Cr David Langford

That Council:

1. endorse the provisions of Clause 3.6.3 and 3.7.8 of the Request for Tender document for the supply (ex bin) and supply and delivery of road construction materials from two (2) suppliers (tender number 210-2020).
2. accept the tender submission from Kara Resources Pty Ltd for the supply and delivery to project numbers north 1, 3, 5, 6, 7 and 8 of an estimated 45,850 tonnes of Type A Fill at a cost of \$894,572 (GST exclusive).
3. accept the tender submission from Kara Resources Pty Ltd for the supply and delivery to project numbers north 1, 3, 4, 5, 6, 7 and 8 of an estimated 58,870 tonnes of PM 2/20 QG at a cost of \$1,340,860 (GST exclusive).
4. accept the tender submission from Hanson Construction Materials Pty Ltd for the supply and delivery to project numbers south 6 and 7 of an estimated 3,700 tonnes of Type A Fill at a cost of \$87,125 (GST exclusive).
5. accept the tender submission from Hanson Construction Materials Pty Ltd for the supply and delivery to project numbers south 1, 2, 3, 5, 6, 7, 8, 9 and 10 of an estimated 63,670 tonnes of PM 2/20 QG at a cost of \$1,690,491 (GST exclusive).
6. accept the tender submission from Kara Resources Pty Ltd for the supply and delivery of an estimated 35,000 tonnes of PM 2/20 QG at a cost of approximately \$802,380 (GST exclusive) for northern patch sheeting projects.
7. accept the tender submission from Hanson Construction Materials Pty Ltd for the supply and delivery of an estimated 35,000 tonnes of PM 2/20 QG at a cost of approximately \$917,878 (GST exclusive) for southern patch sheeting projects.

**CARRIED 197/2020 (12/08/2020)**

**RESOLUTION**

Moved: Cr Tania Stock  
Seconded: Cr David Langford

**Section 91 Order**

That having considered report 27.1 Material Supply 2020/21 Tender 210-2020 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 27.1 Material Supply 2020/21 Tender 210-2020 be retained in confidence and not available for public inspection for a period of 12 months.

**CARRIED 198/2020 (12/08/2020)**

**28 NEXT MEETING**

Wednesday 9 September 2020.

**29 CLOSURE**

The Meeting closed at 6.30pm.

The minutes of this meeting were confirmed at the Council Meeting held on 9 September 2020.

.....  
**MAYOR DARREN BRAUND**