



MINUTES

Ordinary Council Meeting

(Subject to confirmation)

13 July 2022

**MINUTES OF YORKE PENINSULA
COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, MINLATON TOWN HALL, 57 MAIN STREET, MINLATON
ON WEDNESDAY, 13 JULY 2022 AT 5.30PM**

The Acting CEO welcomed everyone and declared the meeting open, advising that due to the apologies of the Mayor and Deputy Mayor under Section 86 of the Local Government Act 1999 a presiding member would be chosen from amongst the Council Members to preside at the meeting.

RESOLUTION

Moved: Cr Roger Johns
Seconded: Cr Kristin Murdock

That Cr David Langford be appointed the Presiding Member for this Council Meeting.

CARRIED 118/2022 (13/07/2022)

1 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY BY PRESIDING MEMBER

Cr David Langford welcomed everyone to the meeting and declared the meeting open.

2 OPENING PRAYER**3 PRESENT**

Cr Richard Carruthers, Cr Leanne O'Brien, Cr Anthony Bennett, Cr Naomi Bittner, Cr Kristin Murdock, Cr David Langford, Cr Roger Johns, Cr Michael Murdock

In Attendance

Andre Kompler (Acting CEO), Roger Brooks (Director Development Services), Ben Thompson (Director Corporate & Community Services), Natalie McDonald (Minute Secretary), Lauren McSkimming (Executive Assistant Support Officer)

4 LEAVE OF ABSENCE

Cr John Rich

5 APOLOGIES

Mayor Darren Braund, Cr Tania Stock and Cr Adam Meyer.

6 CONFLICT OF INTEREST

Cr David Langford reminded all Elected Members of the requirement to disclose any conflict of interest in relation to any matters before Council.

Nil

7 MINUTES OF PREVIOUS MEETING – FOR CONFIRMATION

RESOLUTION

Moved: Cr Naomi Bittner
Seconded: Cr Richard Carruthers

That the minutes of the Ordinary Council Meeting held on 8 June 2022 be confirmed.

CARRIED 119/2022 (13/07/2022)

RESOLUTION

Moved: Cr Michael Murdock
Seconded: Cr Roger Johns

That the minutes of the Confidential Council Meeting held on 8 June 2022 be confirmed.

- Commercial Laundry Equipment – Caravan Parks

CARRIED 120/2022 (13/07/2022)

RESOLUTION

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

That the minutes of the Confidential Council Meeting held on 8 June 2022 be confirmed.

- CEO Key Performance Indicators 2022/2023 – Status Update

CARRIED 121/2022 (13/07/2022)

RESOLUTION

Moved: Cr Naomi Bittner
Seconded: Cr Michael Murdock

That the minutes of the Special Council Meeting held on 29 June 2022 be confirmed.

- Draft 2022/2023 Annual Business Plan, Budget and Fees and Charges – Public Consultation.

CARRIED 122/2022 (13/07/2022)

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 JUNE 2022****PURPOSE**

To keep Elected Members updated on Mayoral activities during the month of June 2022.

RESOLUTION

Moved: Cr Anthony Bennett

Seconded: Cr Leanne O'Brien

That the report be received.

CARRIED 123/2022 (13/07/2022)

13 COUNCILLORS' REPORT

Nil

INFORMATION AGENDA**14 ITEMS FOR EXCLUSION**

Nil

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

Moved: Cr Anthony Bennett

Seconded: Cr Leanne O'Brien

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

CARRIED 124/2022 (13/07/2022)

20 VISITORS TO THE MEETING

Nil

DEBATE AGENDA**21 MAYOR**

Nil

22 CHIEF EXECUTIVE OFFICER**22.1 LEGATUS GROUP CHARTER VARIATION****PURPOSE**

To seek Elected Member endorsement of variations to the Legatus Group Charter.

RESOLUTION

Moved: Cr Naomi Bittner
Seconded: Cr Richard Carruthers

That Council endorse the variations to the Legatus Group Charter as attached to this report.

CARRIED 125/2022 (13/07/2022)

22.2 LEGATUS GROUP - DRAFT STRATEGIC PLAN 2022-2032 AND LONG TERM FINANCIAL PLAN 2022-2032**PURPOSE**

For Elected Members to consider and endorse the draft Legatus Group Strategic Plan 2022-2032 and Long Term Financial Plan 2022-2032 prior to it being adopted by the Legatus Group.

RESOLUTION

Moved: Cr Michael Murdock
Seconded: Cr Kristin Murdock

That Council consider and endorse the draft Legatus Group Strategic Plan 2022-2032 and Long Term Financial Plan 2022-2032.

CARRIED 126/2022 (13/07/2022)

22.3 ANNUAL BUSINESS PLAN 2022/2023**PURPOSE**

Consideration and endorsement of Council's 2022/2023 Annual Business Plan following public consultation as required by the Local Government Act 1999 and the Local Government (Financial Management) Regulations 2011.

RESOLUTION

Moved: Cr Naomi Bittner
Seconded: Cr Anthony Bennett

That pursuant to section 123(6) of the Local Government Act 1999 and Regulation 6 of the Local Government (Financial Management) Regulations 2011, and having considered all public consultation submissions received, the Annual Business Plan for 2022/2023 be adopted as amended, subject to formal adoption of the 2022/2023 Budget and rating policies.

CARRIED 127/2022 (13/07/2022)

22.4 ADOPTION OF THE 2022/2023 BUDGET, PROPERTY VALUATIONS AND DECLARATION OF RATES AND SERVICE CHARGES

PURPOSE

Consideration and adoption of the Budget, Property Valuations as supplied by the Valuer-General (VG) and declaration of Rates and Service Charges for 2022/2023.

RESOLUTION

Moved: Cr Richard Carruthers

Seconded: Cr Naomi Bittner

1. Adoption of Budget

That pursuant to Section 123 of the Local Government Act 1999 and in accordance with the requirements of Regulation 7 of the Local Government (Financial Management) Regulations 2011, the 2022/2023 Budget as presented and considered by Council to be consistent with the adopted 2022/2023 Annual Business Plan and laid before Council at this meeting, details of which are contained within the:

1.1 Budgeted Statement of Comprehensive Income; and

1.2 Budgeted Statement of Financial Position; and

1.3 Budgeted Statement of Cash Flows; and

1.4 Budgeted Statement of Changes in Equity; and

1.5 Budgeted Uniform Presentation of Finances; and

1.6 Budgeted Financial Indicators (Ratios),

be adopted by Council as its Annual Budget for the Financial Year ending 30 June 2023.

CARRIED 128/2022 (13/07/2022)

RESOLUTION

Moved: Cr Leanne O'Brien

Seconded: Cr Michael Murdock

2. Adoption of Valuations

That pursuant to Section 167 of the Local Government Act 1999, the most recent valuations of the Valuer-General available to the Council of the Capital Value of land within the Council's area, be adopted for rating purposes for the financial year ending 30 June 2023, totalling \$8,911,737,940 comprising \$161,627,175 in respect of non-rateable land and \$8,750,110,765 in respect of rateable land.

CARRIED 129/2022 (13/07/2022)

RESOLUTION

Moved: Cr Naomi Bittner
Seconded: Cr Michael Murdock

3. Determination of basis for differential rates

That pursuant to Section 156(1)(a) of the Local Government Act 1999, the Council determines that the basis for differential rates on land within its area shall be according to the use of the land, in accordance with the permissible differentiating factors set out at Regulation 14 of the Local Government (General) Regulations 2013.

CARRIED 130/2022 (13/07/2022)

RESOLUTION

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

4. Declaration of General Rates

4.1 That pursuant to Sections 151, 152, 153 and 156 of the Local Government Act 1999, and in order to raise the amount of \$20,257,198 by way of general rates, a fixed charge is imposed, and differential general rates are declared for the financial year ending 30 June 2023, on rateable land as follows:

4.1.1 on rateable land of category (g) use (primary production) in the area of the Council, a rate of 0.122610 cents in the dollar of capital value of such land; and

4.1.2 on all other rateable land within the area of the Council, a rate of 0.277166 cents in the dollar of the capital value of such land; and

4.1.3 the fixed charge component of the general rate of \$410.00.

4.2 That pursuant to Section 153(3) of the Local Government Act 1999, Council has determined that it will not fix a maximum increase in the general rates charged on the principal place of residence of a principal ratepayer.

CARRIED 131/2022 (13/07/2022)

RESOLUTION

Moved: Cr Roger Johns
Seconded: Cr Leanne O'Brien

5. Service Charges**5.1 Community Wastewater Management System Annual Service Charges**

That pursuant to Section 155 of the Local Government Act 1999, service charges are imposed for the financial year ending 30 June 2023 (in accordance with the CWMS Property Units Code as provided at Regulation 12 of the Local Government [General] Regulations 2013) as follows on each assessment of rateable and non-rateable land in the following areas to which land the Council makes available a Community Wastewater Management System, as follows:

5.1.1 Maitland, Tiddy Widdy Beach, Ardrossan, Balgowan, Black Point, Edithburgh, Point Turton, Port Vincent, Port Victoria, Stansbury, Sultana Point, Yorketown, Bluff Beach, Chinaman Wells, Foul Bay, Port Julia, Hardwicke Bay and Rogues Point areas:

- Occupied Land: \$547.00 per unit

- Vacant Land: \$406.00 per allotment

and that in recognition of the additional costs incurred by the property owners of Assessment Numbers 200634, 200642, 200667, 200683, 200691, 202226, 202234 and 202242 due to the requirements to install and maintain a pumping facility and/or due to the provision of an Advanced Wastewater Treatment System, the Council provides a rebate of 50% of the Community Wastewater Management System charge payable, pursuant to Section 166(1) (m) (ii) of the Act.

CARRIED 132/2022 (13/07/2022)

RESOLUTION

Moved: Cr Anthony Bennett

Seconded: Cr Richard Carruthers

5.2 Water Supply Schemes Annual Service Charges

That pursuant to Section 155 of the Local Government Act 1999, service charges are imposed for the financial year ending 30 June 2023 as follows on each assessment of rateable and non-rateable land in the following area to which land the Council provides or makes available a water supply service:

5.2.1 Balgowan, Black Point and Hardwicke Bay areas \$215.00

CARRIED 133/2022 (13/07/2022)

RESOLUTION

Moved: Cr Leanne O'Brien

Seconded: Cr Anthony Bennett

5.3 Waste Collection and Recycling Annual Service Charges

That pursuant to Section 155 of the Local Government Act 1999, the Council imposes an annual service charge for the year ending 30 June 2023 upon both rateable and non-rateable land to which it provides or makes available the prescribed service of waste collection (the Waste Collection and Recycling Service) which is imposed as follows:

5.3.1 \$187.00 for a two (2) bin service and

5.3.2 \$235.00 for a three (3) bin service.

CARRIED 134/2022 (13/07/2022)

RESOLUTION

Moved: Cr Naomi Bittner
Seconded: Cr Kristin Murdock

6. Declaration of Separate Rates

That pursuant to Section 69 of the Landscape South Australia Act 2019 and section 154 of the Local Government Act 1999 and for the financial year ending 30 June 2023, a separate rate of 0.013687 cents in the dollar is declared on all rateable land in the area of the Council to raise the amount of approximately \$1,197,628 (inclusive of rebates of approximately \$3,800) with \$1,193,852 payable to the Northern and Yorke Landscape Region Board.

CARRIED 135/2022 (13/07/2022)

RESOLUTION

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

7. Rates Payments

7.1 That in accordance with Section 181 of the Local Government Act 1999, all rates (general and separate) and service charges payable for the year ending 30 June 2023 be payable in four equal or approximately equal instalments due for payment on 5 September 2022, 5 December 2022, 6 March 2023 and 5 June 2023 or on other days as determined by the Chief Executive Officer; and

7.2 That pursuant to Section 44 of the Local Government Act 1999, the Chief Executive Officer is delegated the power in Section 181(4)(b) of the Local Government Act 1999, to enter into agreements with ratepayers relating to the payment of rates in any case of hardship or financial difficulty.

CARRIED 136/2022 (13/07/2022)

RESOLUTION

Moved: Cr Anthony Bennett
Seconded: Cr Roger Johns

8. Rates Rebates

That pursuant to Sections 160, 161, 162, 163, 165 and 166 Council confirms all mandatory rebates and approves all discretionary rebates as laid before Council at this meeting.

CARRIED 137/2022 (13/07/2022)

22.5 FEES AND CHARGES 2022/2023

PURPOSE

Council's Fees and Charges are reviewed annually to ensure appropriate charges are in place for prescribed Council services and to update those fees set by legislation to ensure compliance. This report seeks endorsement of Council's fees and charges for 2022/2023.

RESOLUTION

Moved: Cr Anthony Bennett

Seconded: Cr Naomi Bittner

That Council adopt the 2022/2023 Fees and Charges as attached and presented to this meeting, to come into effect from Monday, 18 July 2022 with the exception of Bush Camping Permit fees which will come into effect no later than Thursday, 1 September 2022.

CARRIED 138/2022 (13/07/2022)

23 CORPORATE AND COMMUNITY SERVICES

23.1 RATE REBATE - PRICE PROGRESS ASSOCIATION

PURPOSE

To seek Council endorsement to lift the matter – Rate Rebate – Price Progress Association from the table and resume proceedings at the point preceding the resolution from the 11 May 2022 Council meeting. Further, for Council to consider a rate rebate application received from Price Progress Association Inc. for land leased from Council.

RESOLUTION

Moved: Cr Naomi Bittner

Seconded: Cr Leanne O'Brien

That Council endorse to lift the matter Rate Rebate – Price Progress Association from the table for further consideration and resume the proceedings at the point preceding the following resolution:

Moved: Cr Anthony Bennett

Seconded: Cr Adam Meyer

That the matter lie on the table.

CARRIED 001/2022 (11/05/2022)

CARRIED 139/2022 (13/07/2022)

RESOLUTION

Moved: Cr Naomi Bittner
Seconded: Cr Anthony Bennett

That Council grant a 100% discretionary rebate of general rates to the Price Progress Association Inc. for the property at 2-16 Parnell Terrace, Price, SA (Assessment no. 41376) for 2021/2022 and future financial years, in accordance with Section 166(1)(j) of the Local Government Act 1999.

CARRIED 140/2022 (13/07/2022)

23.2 PROCEDURE REVIEW - PR121 CAPTURE OF ELECTED MEMBERS RECORDS PROCEDURE**PURPOSE**

To seek Council endorsement of the revised, draft PR121 Capture of Elected Members Records Procedure.

RESOLUTION

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

That Council endorse the revised, draft PR121 Capture of Elected Members Records Procedure for inclusion in Council's policy manual and on Council's website.

CARRIED 141/2022 (13/07/2022)

23.3 RECREATIONAL VEHICLE STRATEGY**PURPOSE**

To endorse and adopt the Recreational Vehicle Strategy.

RESOLUTION

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

That Council endorse and adopt the Yorke Peninsula Council Recreational Vehicle Strategy 2022.

CARRIED 142/2022 (13/07/2022)

24 ASSETS AND INFRASTRUCTURE SERVICES**24.1 CLYDESDALE HORSE SCULPTURE - EDITHBURGH****PURPOSE**

To seek Council endorsement to provide assistance to the Edithburgh Progress Association for the Clydesdale horse sculpture project.

RESOLUTION

Moved: Cr Richard Carruthers

Seconded: Cr Leanne O'Brien

That Council:

1. Receive and note the presentation from the Edithburgh Progress Association to the Elected Members Information and Briefing Session held on 25 May 2022 regarding the Clydesdale horse sculpture project.
2. Endorse in-principle support for the project, to the extent of the extension of the median strip by approximately 30m, including associated linemarking, subject to future Local Roads and Community Infrastructure Program Phase Three Extension funding consideration for the same, noting that all other costs for the project will be met by the Edithburgh Progress Association.

CARRIED 143/2022 (13/07/2022)

25 DEVELOPMENT SERVICES

Nil.

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 DRAFT LOCAL GOVERNMENT ASSOCIATION TRAINING STANDARD FOR ELECTED MEMBERS - CONSULTATION****RESOLUTION**

Moved: Cr Naomi Bittner

Seconded: Cr Leanne O'Brien

Section 90 Order

That pursuant to Section 90(2) and (3)(j)(i),(j)(ii) of the Local Government Act 1999, the Council orders, that the public be excluded from the meeting relating to Item 27.1 Draft Local Government

Association Training Standard for Elected Members - Consultation, with the exception of the following persons:

- Acting Chief Executive Officer
- Executive Assistant to CEO and Mayor
- Director Corporate and Community Services
- Director Development Services
- Executive Assistant Support Officer

The Council is satisfied that, pursuant to Section 90(2) and (3)(j)(i),(j)(ii) of the Act, the information to be received, discussed or considered in relation to report Item 27.1 Draft Local Government Association Training Standard for Elected Members - Consultation, is confidential information relating to:

- (j)(i) information the disclosure of which would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Council, or a person engaged by the Council)
- (j)(ii) information the disclosure of which would, on balance, be contrary to the public interest.

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 144/2022 (13/07/2022)

5.59pm – The public were removed from the meeting and the Chamber secured.

RESUMPTION OF PUBLIC MEETING

Released in camera minute – 6.01pm

RESOLUTION

Moved: Cr Anthony Bennett
Seconded: Cr Richard Carruthers

Section 91 Order

That having considered report 27.1 Draft Local Government Association Training Standard for Elected Members - Consultation in confidence under Section 90(2) and (3)(j)(i),(j)(ii) 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 Draft Local Government Association Training Standard for Elected Members - Consultation be retained in confidence and not available for public inspection until 1 September 2022.

CARRIED 145/2022 (13/07/2022)

28 NEXT MEETING

Wednesday 10 August 2022

29 CLOSURE

The Meeting closed at 6.02pm.

The minutes of this meeting were confirmed at the Council Meeting held on 10 August 2022.

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MAYOR DARREN BRAUND