



# **MINUTES**

## **Ordinary Council Meeting**

(Subject to confirmation)

**21 September 2022 (Meeting  
adjourned from 14 September 2022)**

**COUNCIL MEETING MINUTES  
21 SEPTEMBER 2022 (ADJOURNED FROM 14 SEPTEMBER 2022)**

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**MINUTES OF YORKE PENINSULA  
COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBER, MINLATON TOWN HALL, 57 MAIN STREET, MINLATON  
ON WEDNESDAY, 21 SEPTEMBER 2022 AT 5.30PM (MEETING ADJOURNED FROM  
14 SEPTEMBER 2022)**

**1 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY BY MAYOR**

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

**2 OPENING PRAYER**

In lieu of the opening prayer, Mayor Darren Braund requested the meeting observe one minute's silence in respect and honour of the Queen's life.

**3 PRESENT**

Mayor Darren Braund, Cr John Rich, Cr Richard Carruthers, Cr Adam Meyer, Cr Leanne O'Brien, Cr Anthony Bennett, Cr David Langford.

**In Attendance**

Andre Kompler (Acting Chief Executive Officer), Roger Brooks (Director Development Services), Ben Thompson (Director Corporate & Community Services), Natalie McDonald (Minute Secretary)

**4 LEAVE OF ABSENCE**

Nil

**5 APOLOGIES**

Cr Naomi Bittner, Cr Kristin Murdock, Cr Roger Johns, Cr Michael Murdock and Cr Tania Stock.

**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.

Nil

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

**RESOLUTION**

Moved: Cr David Langford  
Seconded: Cr Anthony Bennett

That the minutes of the Ordinary Council Meeting held on 10 August 2022 be confirmed.

**CARRIED 173/2022 (21/09/2022)**

**COUNCIL MEETING MINUTES**  
**21 SEPTEMBER 2022 (ADJOURNED FROM 14 SEPTEMBER 2022)**

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**RESOLUTION**

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

That the minutes of the Confidential Council Meeting held on 10 August 2022 be confirmed.

- Fire Equipment Testing and Tagging Tender

**CARRIED 174/2022 (21/09/2022)**

**RESOLUTION**

Moved: Cr David Langford  
Seconded: Cr Adam Meyer

That the minutes of the Confidential Council Meeting held on 10 August 2022 be confirmed.

- Chief Executive Officer Performance Review

**CARRIED 175/2022 (21/09/2022)**

**RESOLUTION**

Moved: Cr Adam Meyer  
Seconded: Cr Anthony Bennett

That the minutes of the Confidential Council Meeting held on 10 August 2022 be confirmed.

- Chief Executive Officer Employment Agreement

**CARRIED 176/2022 (21/09/2022)**

**RESOLUTION**

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

That the minutes of the Special Council Meeting held on 24 August 2022 be confirmed.

**CARRIED 177/2022 (21/09/2022)**

**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 AUGUST 2022**

**PURPOSE**

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

**RESOLUTION**

Moved: Cr John Rich  
Seconded: Cr David Langford  
That the report be received.

**CARRIED 178/2022 (21/09/2022)**

**13 COUNCILLORS' REPORT**

Nil

**INFORMATION AGENDA**

**14 ITEMS FOR EXCLUSION**

Nil

**15 RECEIPT OF INFORMATION REPORTS**

**RESOLUTION**

Moved: Cr David Langford  
Seconded: Cr Adam Meyer

**ADOPTION OF INFORMATION AGENDA**

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

**CARRIED 179/2022 (21/09/2022)**

**20 VISITORS TO THE MEETING**

Nil

**DEBATE AGENDA**

**21 MAYOR**

Nil

**22 CHIEF EXECUTIVE OFFICER**

**22.1 ELECTION OF LGFA REPRESENTATIVE BOARD MEMBERS**

**PURPOSE**

To seek Council's endorsement for nominating their preferred candidates for the Local Government Finance Authority of South Australia (LGFA) Board.

**RESOLUTION**

Moved: Cr David Langford  
Seconded: Cr Anthony Bennett

That Council nominates Michael Sedgman (CEO, City of Murray Bridge) and Dr Nigel Graves (Manager Finance, Light Regional Council) as their preferred candidates to be Representative Members on the Board of the Local Government Finance Authority of South Australia.

**CARRIED 180/2022 (21/09/2022)**

**22.2 ELECTION FOR LOCAL GOVERNMENT ASSOCIATION PRESIDENT 2022-2024**

**PURPOSE**

To seek Elected Members' endorsement for nominating their preferred candidate for the Local Government Association President for the forthcoming term 2022 – 2024.

**RESOLUTION**

Moved: Cr Adam Meyer  
Seconded: Cr Richard Carruthers

That Council nominates Mayor Caroline Phillips from District Council of Karoonda East Murray as their preferred candidate for Local Government Association President for the forthcoming term 2022-2024.

**CARRIED 181/2022 (21/09/2022)**

**23 CORPORATE AND COMMUNITY SERVICES**

**23.1 CORNY POINT PROGRESS ASSOCIATION - COMMUNITY GRANT EXTENSION**

**PURPOSE**

For Council to consider an extension for the acquittal of the Community Grant received by the Corny Point Progress Association in 2021/2022.

**RESOLUTION**

Moved: Cr Anthony Bennett  
Seconded: Cr Adam Meyer

That Council endorse a further extension until 31 December 2022 for the acquittal of the \$2,500 Community Grant awarded to the Corny Point Progress Association in September 2021 to install two town entrance signs.

**CARRIED 182/2022 (21/09/2022)**

**23.2 CERTIFICATION OF ANNUAL FINANCIAL STATEMENTS 2021-2022**

**PURPOSE**

To request Council authorisation for the certification of the Annual Financial Statements (AFS) in their final form when completed.

**RESOLUTION**

Moved: Cr David Langford  
Seconded: Cr Anthony Bennett

That Council authorise the Mayor and Chief Executive Officer to certify the 2021/2022 audited Annual Financial Statements in their final form when completed.

**CARRIED 183/2022 (21/09/2022)**

**23.3 TREASURY MANAGEMENT PERFORMANCE 2021-2022**

**PURPOSE**

Review of Council's treasury management (investments and borrowings) activity and performance for 2021/2022 in accordance with legislation and PO139 Treasury Management Policy.

**RESOLUTION**

Moved: Cr John Rich  
Seconded: Cr Anthony Bennett

That Council endorse the Treasury Management Performance 2021/2022 report.

**CARRIED 184/2022 (21/09/2022)**

**23.4 FINANCIAL REPORT AS AT 31 AUGUST 2022**

**PURPOSE**

For Council to consider the financial report and capital projects update report as at 31 August 2022.

**RESOLUTION**

Moved: Cr Anthony Bennett  
Seconded: Cr David Langford

That Council receive the financial report and capital projects update report as at 31 August 2022.

**CARRIED 185/2022 (21/09/2022)**

**23.5 POLICY REVIEW - PO088 ELECTED MEMBERS USE OF COUNCIL SUPPLIED ELECTRONIC EQUIPMENT POLICY**

**PURPOSE**

To seek Council endorsement of the updated PO088 Elected Members Use of Council Supplied Electronic Equipment Policy.

**RESOLUTION**

Moved: Cr David Langford  
Seconded: Cr Richard Carruthers

That Council endorse the updated PO088 Elected Members Use of Council Supplied Electronic Equipment Policy for inclusion in Council's policy manual and on Council's website.

**CARRIED 186/2022 (21/09/2022)**

**24 ASSETS AND INFRASTRUCTURE SERVICES**

**24.1 POLICY UPDATE - PO162 TREE MANAGEMENT POLICY**

**PURPOSE**

To seek Council endorsement for the proposed update of PO162 Tree Management Policy.

**RESOLUTION**

Moved: Cr Adam Meyer  
Seconded: Cr David Langford

That Council endorse and adopt the updated PO162 Tree Management Policy as presented, for inclusion in Council's Policy Manual and on Council's website.

**CARRIED 187/2022 (21/09/2022)**

**24.2 AUTHORITY TO APPLY COMMON SEAL - VARIATION CONTRACT - REGIONAL AIRPORTS PROGRAM ROUND 1 - MINLATON AIRSTRIP UPGRADE**

**PURPOSE**

To seek Council approval to apply the Common Seal to the Variation Contract between the Commonwealth of Australia as represented by the Department of Industry, Science, Energy and Resources and the Yorke Peninsula Council, for the purpose of varying the Grant Agreement for the funding that Council has received under the Regional Airports Program Round 1 for the Minlaton Airstrip Upgrade.

**RESOLUTION**

Moved: Cr Adam Meyer  
Seconded: Cr Richard Carruthers

That Council authorise the Mayor and Chief Executive Officer to sign and affix Council's Common Seal for the execution of the Variation Contract between the Commonwealth of Australia as represented by the Department of Industry, Science, Energy and Resources and the Yorke Peninsula Council, to enable the Grant Agreement for the funding that Council has received under the Regional Airports Program Round 1 for the Minlaton Airstrip Upgrade to be varied.

**CARRIED 188/2022 (21/09/2022)**

### **24.3 STANSBURY CWMS EXPANSION PROJECT**

#### **PURPOSE**

To provide Elected Members with an update on the status of the funding available for the Stansbury Community Wastewater Management System (CWMS) expansion project through the CWMS Subsidy Program.

#### **RESOLUTION**

Moved: Cr Anthony Bennett

Seconded: Cr David Langford

That Council:

1. Note the advice received from the Local Government Association (LGA) Community Wastewater Management System (CWMS) Program stating that the \$8 million subsidy for the Stansbury CWMS expansion project is no longer available and Stansbury has not been included in the most recent priority list.
2. Effect no further work on the Stansbury CWMS expansion project, and not go out to formal public consultation, until such time as LGA CWMS Program funding becomes available.
3. Write to the LGA to confirm that Council wishes for the Stansbury CWMS expansion project be included on the priority list for future LGA CWMS Program funding.

**CARRIED 189/2022 (21/09/2022)**

### **25 DEVELOPMENT SERVICES**

#### **25.1 ACCESS ADVISORY WORKING PARTY MINUTES**

#### **PURPOSE**

For Council to receive the Minutes of Council's Access Advisory Working Party meeting held on 29 July 2022.

#### **RESOLUTION**

Moved: Cr Richard Carruthers

Seconded: Cr Adam Meyer

That Council:

1. Receive the Minutes of the Access Advisory Working Party meeting held on 29 July 2022.
2. Commit \$6,900 for the upgrade of the two access ramps located on the corner of Fourth and First Street and the three access ramps located on the corner of West Terrace and Fourth Street, Minlaton.
3. Commit \$1,350 to the Edithburgh Progress Association for the purchase of a disabled accessible table and chair setting to be installed in the Edithburgh Playground.
4. Commit \$1,600 for the installation of a new access ramp to be located out the front of Yorketown Cellarbrations, 6 Charles Street, Yorketown.

**CARRIED 190/2022 (21/09/2022)**



**25.2 LAND MANAGEMENT AGREEMENT - YORKE HIGHWAY, MARION BAY**

**PURPOSE**

To seek authorisation from Council for the Mayor and Chief Executive Officer to execute a Certificate of Consent for the Deposit of a Plan of Division relating to a Land Management Agreement at Allotment 137, Deposited Plan 85356 in the area named Marion Bay, Hundred of Warrenben.

**RESOLUTION**

Moved: Cr David Langford  
Seconded: Cr Adam Meyer

That Council authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal on the relevant documents relating to the Consent for the Deposit of a Plan of Division relevant to a Land Management Agreement over land currently identified as Allotment 137, Deposited Plan 85356, in the area named Marion Bay, Hundred of Warrenben, as contained within Certificate of Title Volume 6069, Folio 432.

**CARRIED 191/2022 (21/09/2022)**

**25.3 POLICY UPDATE - PO44 GUIDELINES FOR CONTROL OF ELECTION SIGNS - FOR FEDERAL AND STATE ELECTIONS**

**PURPOSE**

To seek endorsement and approval from Council for the updated PO44 Guidelines for Control of Election Signs – For Federal and State Elections Policy.

**RESOLUTION**

Moved: Cr David Langford  
Seconded: Cr Richard Carruthers

That Council endorse and adopt the updated PO44 Guidelines for Control of Election Signs – For Federal and State Elections Policy for inclusion in Council’s Policy Manual and on Council’s website.

**CARRIED 192/2022 (21/09/2022)**

**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.

**26.1 INSERTION OF LATE ITEM 27.2**

**RESOLUTION**

Moved: Cr John Rich  
Seconded: Cr Anthony Bennett

That Council approve the insertion of late Item 27.2 – Seeking Exemption of a Designated Decision During Caretaker Period – Tender – Construction of the Southern Yorke Peninsula Community Childcare Centre into the Confidential Agenda.

**CARRIED 193/2022 (21/09/2022)**

**CONFIDENTIAL AGENDA**

**27 CONFIDENTIAL ITEMS**

**27.1 HEAVY VEHICLE ACCESS UPGRADE - GARDNER STREET AND FOWLER TERRACE, PRICE AND NORTH COAST ROAD UPGRADE**

**RESOLUTION**

Moved: Cr David Langford  
Seconded: Cr Adam Meyer

**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 Heavy Vehicle Access Upgrade - Gardner Street and Fowler Terrace, Price and North Coast Road Upgrade, 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

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 Heavy Vehicle Access Upgrade - Gardner Street and Fowler Terrace, Price and North Coast Road Upgrade, 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 194/2022 (21/09/2022)**

**27.2 SEEKING EXEMPTION OF A DESIGNATED DECISION DURING CARETAKER PERIOD - TENDER - CONSTRUCTION OF THE SOUTHERN YORKE PENINSULA COMMUNITY CHILDCARE CENTRE**

**RESOLUTION**

Moved: Cr Adam Meyer  
Seconded: Cr Anthony Bennett

**Section 90 Order**

That pursuant to Section 90(2) and (3)(b)(i),(b)(ii),(d)(i) of the Local Government Act 1999, the Council orders, that the public be excluded from the meeting relating to Item 27.2 Seeking exemption of a Designated Decision during Caretaker Period - Tender - Construction of the Southern Yorke Peninsula Community Childcare Centre, 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

The Council is satisfied that, pursuant to Section 90(2) and (3)(b)(i),(b)(ii),(d)(i) of the Act, the information to be received, discussed or considered in relation to report Item 27.2 Seeking exemption of a Designated Decision during Caretaker Period - Tender - Construction of the Southern Yorke Peninsula Community Childcare Centre, 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
- (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 195/2022 (21/09/2022)**

*6.16pm – The public were removed from the meeting and the Chamber secured.*

## **RESUMPTION OF PUBLIC MEETING**

*Released in camera minute – 6.25pm*

### **27.1 HEAVY VEHICLE ACCESS UPGRADE - GARDNER STREET AND FOWLER TERRACE, PRICE AND NORTH COAST ROAD UPGRADE**

#### **PURPOSE**

To provide relevant information in support of the recent open tender process for the Heavy Vehicle Access Upgrade – Gardner Street and Fowler Terrace, Price and North Coast Road Upgrade (tender 223-2022), pursuant to the relevant sections of the Purchasing and Procurement Policy (PO058).

#### **RESOLUTION**

Moved: Cr Anthony Bennett

Seconded: Cr David Langford

That Council:

1. Accept the lump sum tender submission of \$1,816,650 (GST exclusive) from Jakelco Contracting Pty Ltd to undertake the Heavy Vehicle Access Upgrade – Gardner Street and Fowler Terrace, Price.
2. Accept the tender submission of \$1,791,823 (GST exclusive) from Downer EDI Works Pty Ltd to undertake the North Coast Road Upgrade subject to:
  - clarification of their limit of liability;
  - consideration of final quantities, once the final plans are received from the consulting engineer; and
  - the final tender/contract price adjustment, based on the existing tendered rates and final plan quantities.

**CARRIED 196/2022 (21/09/2022)**

#### **RESOLUTION**

Moved: Cr Adam Meyer

Seconded: Cr Anthony Bennett

#### **Section 91 Order**

That having considered report 27.1 Heavy Vehicle Access Upgrade - Gardner Street and Fowler Terrace, Price and North Coast Road Upgrade 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 Heavy Vehicle Access Upgrade - Gardner Street and Fowler Terrace, Price and North Coast Road Upgrade be retained in confidence and not available for public inspection for a period of 12 months.

**CARRIED 197/2022 (21/09/2022)**

**COUNCIL MEETING MINUTES**  
**21 SEPTEMBER 2022 (ADJOURNED FROM 14 SEPTEMBER 2022)**

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*Released in camera minute – 6.29pm*

**RESOLUTION**

Moved: Cr Richard Carruthers

Seconded: Cr Adam Meyer

**Section 91 Order**

That having considered report 27.2 Seeking exemption of a Designated Decision during Caretaker Period - Tender - Construction of the Southern Yorke Peninsula Community Childcare Centre in confidence under Section 90(2) and (3)(b)(i),(b)(ii),(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 Seeking exemption of a Designated Decision during Caretaker Period - Tender - Construction of the Southern Yorke Peninsula Community Childcare Centre be retained in confidence and not available for public inspection for a period of 12 months.

**CARRIED 199/2022 (21/09/2022)**

**28 NEXT MEETING**

Wednesday 12 October 2022

**29 CLOSURE**

The Meeting closed at 6.31pm.

The minutes of this meeting were confirmed at the Council Meeting held on 12 October 2022.

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**MAYOR DARREN BRAUND**