



# **MINUTES**

## **Ordinary Council Meeting**

**10 August 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, 10 AUGUST 2022 AT 5.31PM**

**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 David Langford, Cr Roger Johns, Cr Michael Murdock

**In Attendance**

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

**4 LEAVE OF ABSENCE**

Nil

**5 APOLOGIES**

Cr Kristin Murdock

*Mayor Darren Braund announced Agenda Item 23.4 – Request for sponsorship – Congress for older south australians (COTA SA) had been withdrawn from the agenda as the event is no longer proceeding.*

**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.

<b>CONFLICT OF INTEREST DECLARATION</b>	
Disclosure of [type] of Conflict of Interest being declared	Perceived
Elected Member Name	Councillor Adam Meyer
Matter to be discussed ( <i>Agenda Item #</i> )	25.1 – Implementation of Dry Area – New Years Eve - Stansbury
Nature of the Interest ( <i>as described by the Member</i> )	The item relates to implementing a dry zone, where due to my employment, I am authorised to prosecute breaches of the relevant act.

	There could be a perception in the community that I should have no decision making ability over an issue I could potentially prosecute.
Manner in which the Member addressed the Actual or Perceived Conflict of Interest	Leave the Chamber
If the Member voted on the matter, the manner in which he or she voted	N/A
The manner in which majority of persons who were entitled to vote at the meeting voted on the matter	<p><b>RESOLUTION</b></p> <p>Moved: Cr John Rich Seconded: Cr David Langford</p> <p>That Council:</p> <ol style="list-style-type: none"> <li>1. Endorse the implementation of a short term Dry Area at the Stansbury foreshore and oval precinct as outlined in the draft gazette notice in Attachment 1 from 10:00pm on Friday 31 December 2022 to 8:00am on Saturday 1 January 2023.</li> <li>2. Endorse the terms of the prohibition as outlined in the draft gazette notice.</li> <li>3. Endorse the Chief Executive Officer (who may then further delegate) to implement the required Notice of Declaration and notify the Commissioner of Police and authorise the Chief Executive Officer to make any minor amendment to the notice as required to give effect to the short term dry area.</li> </ol> <p style="text-align: right;"><b>CARRIED 159/2022 (10/08/2022)</b></p>

## 7 MINUTES OF PREVIOUS MEETING – FOR CONFIRMATION

### RESOLUTION

Moved: Cr Richard Carruthers  
Seconded: Cr David Langford

That the minutes of the Ordinary Council Meeting held on 13 July 2022 be confirmed.

**CARRIED 146/2022 (10/08/2022)**

### RESOLUTION

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

That the minutes of the Confidential Council Meeting held on 13 July 2022 be confirmed.

- Draft Local Government Association Training Standard for Elected Members – Consultation

**CARRIED 147/2022 (10/08/2022)**

**8 MOTIONS ON NOTICE**

Nil

**9 QUESTIONS ON NOTICE**

Nil

**10 QUESTIONS WITHOUT NOTICE**

Nil

**11 PETITIONS****11.1 PETITION - YP EXPRESS PTY LTD****PURPOSE**

To provide Elected Members with a copy of a petition received in relation to the business operations of YP Express Pty Ltd.

**RESOLUTION**

Moved: Cr Leanne O'Brien

Seconded: Cr Tania Stock

That Council do not receive the petition received from Heather Eldridge in relation to the business operations of YP Express Pty Ltd until Council staff verify the validity of the signatures contained therein.

**CARRIED 148/2022 (10/08/2022)**

**12 MAYOR****12.1 MAYOR'S MONTHLY REPORT JULY 2022****PURPOSE**

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

**RESOLUTION**

Moved: Cr Anthony Bennett

Seconded: Cr Richard Carruthers

That the report be received.

**CARRIED 149/2022 (10/08/2022)**

*Mayor Darren Braund extended his congratulations to local netball talent, Sarah Klau on winning gold at the Commonwealth Games held in Birmingham.*



**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 150/2022 (10/08/2022)****20 VISITORS TO THE MEETING**

Nil

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

Nil

**22 CHIEF EXECUTIVE OFFICER****22.1 CHRISTMAS OFFICE CLOSURE 2022****PURPOSE**

To seek approval from Council for a closure period of all Council office locations for the 2022 Christmas and New Year holiday period in line with the requirements of the Staff Enterprise Bargaining Agreements.

**RESOLUTION**

Moved: Cr Naomi Bittner

Seconded: Cr David Langford

That Council:

1. close the Principal Office at Maitland and the two (2) branch offices from 12:30pm on Friday, 23 December 2022 and reopen at 8:30am on Tuesday, 3 January 2023, with staff required to utilise existing leave.

2. advertise the closure of the Council offices in the Yorke Peninsula Country Times and on Council's website.
3. organise for notices to be placed on the front window of the Principal Office and branch offices.
4. prepare a suitable answering machine message to be implemented during the closure period to ensure that any emergencies are referred to the after-hours emergency number.

**CARRIED 151/2022 (10/08/2022)**

## **22.2 MARION BAY BOAT LAUNCHING FACILITY**

### **PURPOSE**

To provide Elected Members with a copy of the most recent concept drawings for the Marion Bay Boat Ramp (Attachment 1) and endorse a community engagement strategy seeking comments and feedback from the community, boat users and government departments.

### **RESOLUTION**

Moved: Cr John Rich  
Seconded: Cr Adam Meyer

That Council:

1. receive the Marion Bay Boat Ramp concept designs as attached to this report.
2. endorse a community engagement strategy seeking comments and feedback from the community, boat users and relevant government departments.

**CARRIED 152/2022 (10/08/2022)**

## **23 CORPORATE AND COMMUNITY SERVICES**

### **23.1 BUDGET ROLL OVER - 2021-2022**

### **PURPOSE**

To seek approval to roll over to the 2022/2023 Budget, projects not commenced or completed at 30 June 2022 and associated budget amounts not expended.

### **RESOLUTION**

Moved: Cr David Langford  
Seconded: Cr Anthony Bennett

That Council endorse the list of 2021/2022 projects not commenced or completed and the respective budget funding required, as presented, for inclusion in the 2022/2023 Budget.

**CARRIED 153/2022 (10/08/2022)**

**23.2 FINANCIAL REPORT AS AT 31 JULY 2022****PURPOSE**

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

**RESOLUTION**

Moved: Cr Michael Murdock

Seconded: Cr Adam Meyer

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

**CARRIED 154/2022 (10/08/2022)**

**23.3 REQUEST FOR SPONSORSHIP - SENIOR SUPA SERIES BOWLS EVENT****PURPOSE**

For Council to consider a request to sponsor the Bowls SA Senior Super Series event and thus secure Ardrossan's inclusion as the event host in the program for 2022 and 2023.

**RESOLUTION**

Moved: Cr Richard Carruthers

Seconded: Cr Tania Stock

That Council endorse a sponsorship contribution of \$1,000 (ex GST) in 2022-23, and a further \$1,000 in 2023-24, for the Bowls SA Senior Supa Series event.

**CARRIED 155/2022 (10/08/2022)**

**23.4 REQUEST FOR SPONSORSHIP - CONGRESS FOR OLDER SOUTH AUSTRALIANS (COTA SA)**

Item 23.4 was withdrawn from the meeting at the request of the applicant as the event is not proceeding.



**23.5 REQUEST FOR CLEANING OF ARDROSSAN SOLDIERS MEMORIAL HALL****PURPOSE**

For Council to consider engaging an external contractor to undertake cleaning of the Ardrossan Soldiers Memorial Hall prior to the Ardrossan 150<sup>th</sup> Celebrations in October 2023.

**RESOLUTION**

Moved: Cr Richard Carruthers

Seconded: Cr David Langford

That Council engage Rapid Detail to clean the Ardrossan Soldiers Memorial Hall, at a cost of \$1750, prior to the Ardrossan 150<sup>th</sup> Celebrations in October 2023.

**CARRIED 156/2022 (10/08/2022)**

**23.6 BALGOWAN CLIFFTOP KIOSK LEASE****PURPOSE**

To seek endorsement of a successful applicant to lease the Balgowan Clifftop Kiosk.

**RESOLUTION**

Moved: Cr Tania Stock

Seconded: Cr Naomi Bittner

That Council:

1. endorse as the preferred applicant for the lease of a portion of section 362, Hundred of Kilkerran, in the area named Balgowan, commonly known as the Clifftop Kiosk, the proposed Balgowan Clifftop Kiosk Community Cooperative Ltd., for the purpose of returning the building to an operating kiosk, and that Council staff negotiate a lease of five years or fewer with the endorsed applicant.
2. authorise the Chief Executive Officer to sign the relevant documents necessary to execute the lease agreement.

**CARRIED 157/2022 (10/08/2022)**

**23.7 BUSH CAMPING FEES 2022-23****PURPOSE**

To establish a new set of flat fees for Yorke Peninsula Council Bush Camping permits for 2022-23.

**RESOLUTION**

Moved: Cr Leanne O'Brien

Seconded: Cr Roger Johns





1. That Council set fees for Yorke Peninsula Bush Camping at a flat rate of \$20 per night, and adjust all other Bush Camping fees by the same percentage as is currently applied, for the 2022-23 financial year, starting 12 August, 2022.
2. That Council's Fees and Charges Register 2022-23 be updated to reflect the new flat fees in accordance with Recommendation 1.

**CARRIED 158/2022 (10/08/2022)**

## **24 ASSETS AND INFRASTRUCTURE SERVICES**

Nil

## **25 DEVELOPMENT SERVICES**

*At 6:13pm, Cr Adam Meyer left the meeting.*

### **25.1 IMPLEMENTATION OF DRY AREA - NEW YEARS EVE - STANSBURY**

#### **PURPOSE**

To seek Council's support for the implementation of a short term Dry Area in Stansbury as part of the management arrangements for the upcoming Stansbury New Year's Eve market on 31 December 2022.

#### **RESOLUTION**

Moved: Cr John Rich

Seconded: Cr David Langford

That Council:

1. Endorse the implementation of a short term Dry Area at the Stansbury foreshore and oval precinct as outlined in the draft gazette notice in Attachment 1 from 10:00pm on Friday 31 December 2022 to 8:00am on Saturday 1 January 2023.
2. Endorse the terms of the prohibition as outlined in the draft gazette notice.
3. Endorse the Chief Executive Officer (who may then further delegate) to implement the required Notice of Declaration and notify the Commissioner of Police and authorise the Chief Executive Officer to make any minor amendment to the notice as required to give effect to the short term dry area.

**CARRIED 159/2022 (10/08/2022)**

*At 6.14pm, Cr Adam Meyer returned to the meeting.*

**25.2 PROPOSED NEW LEASE AGREEMENT - PORT VINCENT SAILING CLUB INCORPORATED****PURPOSE**

To seek permission to proceed with the community engagement process for a proposed new lease to Port Vincent Sailing Club Inc. (the Sailing Club) for facilities located at Lot 6, Marine Parade, Port Vincent.

**RESOLUTION**

Moved: Cr Naomi Bittner

Seconded: Cr Tania Stock

That Council:

1. Give permission to commence the community engagement process for a proposed new lease to the Port Vincent Sailing Club Incorporated for facilities located at Lot 6, Marine Parade, Port Vincent for a period of five (5) years with two (2) by five (5) year rights of renewal.
2. Endorse the Community Engagement Report attached, which constitutes the information that is required to be made available to the public as part of the community engagement phase in accordance with Section 202 of the Local Government Act 1999.

**CARRIED 160/2022 (10/08/2022)**

**25.3 PROPOSED NEW LEASE AGREEMENT - WESTERN UNITED SPORTS & COMMUNITY CLUB INCORPORATED****PURPOSE**

To seek permission to proceed with the community engagement process for a proposed new lease to Western United Sports & Community Club Incorporated (the Sports Club) for facilities located at Lot 95, Oval Avenue, Warooka.

**RESOLUTION**

Moved: Cr David Langford

Seconded: Cr Anthony Bennett

That Council:

1. Give permission to commence the community engagement process for a proposed new lease to the Western United Sports and Community Club Incorporated for facilities located at Lot 95, Oval Avenue, Warooka for a period of five (5) years with one (1) by five (5) year right of renewal.
2. Endorse the Community Engagement Report attached, which constitutes the information that is required to be made available to the public as part of the community engagement phase in accordance with Section 202 of the Local Government Act 1999.

**CARRIED 161/2022 (10/08/2022)**

**25.4 LAND MANAGEMENT AGREEMENT - 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 10 Deposited Plan 78332 in the area named Marion Bay, Hundred of Warrenben.

**RESOLUTION**

Moved: Cr Tania Stock  
Seconded: Cr David Langford

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 10 Deposited Plan 78332 in the area named Marion Bay, Hundred of Warrenben, as contained within Certificate of Title Volume 6025 Folio 49.

**CARRIED 162/2022 (10/08/2022)**

**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.

Nil



**CONFIDENTIAL AGENDA****27 CONFIDENTIAL ITEMS****27.1 FIRE EQUIPMENT TESTING AND TAGGING TENDER****RESOLUTION**

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

**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 Fire Equipment Testing and Tagging Tender, 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
- Executive Assistant Support Officer

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 Fire Equipment Testing and Tagging Tender, 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 163/2022 (10/08/2022)**

**27.2 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW****RESOLUTION**

Moved: Cr Tania Stock  
Seconded: Cr Michael Murdock

**Section 90 Order**

That pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, the Council orders, that the public be excluded from the meeting relating to Item 27.2 Chief Executive Officer Performance Review.

The Council is satisfied that, pursuant to Section 90(2) and (3)(a) of the Act, the information to be received, discussed or considered in relation to report Item 27.2 Chief Executive Officer Performance Review, is confidential information relating to:

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

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 164/2022 (10/08/2022)**

**27.3 CHIEF EXECUTIVE OFFICER EMPLOYMENT AGREEMENT****RESOLUTION**

Moved: Cr Tania Stock

Seconded: Cr David Langford

**Section 90 Order**

That pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, the Council orders, that the public be excluded from the meeting relating to Item 27.3 Chief Executive Officer Employment Agreement.

The Council is satisfied that, pursuant to Section 90(2) and (3)(a) of the Act, the information to be received, discussed or considered in relation to report Item 27.3 Chief Executive Officer Employment Agreement, is confidential information relating to:

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

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 165/2022 (10/08/2022)**

*6.23pm – The public were removed from the meeting and the Chamber secured.*



**RESUMPTION OF PUBLIC MEETING**

*Released in camera minute – 6.25pm*

**27.1 FIRE EQUIPMENT TESTING AND TAGGING TENDER****PURPOSE**

To provide relevant information in support of the recent open tender process for Fire Equipment Testing and Tagging (tender 218/2022), pursuant to the relevant sections of the Purchasing and Procurement Policy (PO058).

**RESOLUTION**

Moved: Cr Roger Johns  
Seconded: Cr David Langford

That Council endorse YP Fire and Safety as the preferred tenderer to undertake Council's Fire Equipment Testing and Tagging requirements for an agreed five (5) year period with a whole of contract total cost of \$168,443. The Contract will commence in October 2022 finishing in October 2027.

**CARRIED 166/2022 (10/08/2022)**

**RESOLUTION**

Moved: Cr Adam Meyer  
Seconded: Cr Richard Carruthers

**Section 91 Order**

That having considered report 27.1 Fire Equipment Testing and Tagging Tender 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 Fire Equipment Testing and Tagging Tender be retained in confidence and not available for public inspection for a period of 12 months.

**CARRIED 167/2022 (10/08/2022)**

*Released in camera minute – 6.40pm*

**RESOLUTION**

Moved: Cr John Rich  
Seconded: Cr David Langford

**Section 91 Order**

That having considered report 27.2 Chief Executive Officer Performance Review in confidence under Section 90(2) and (3)(a) 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 Chief Executive Officer Performance Review be retained in confidence and not available for public inspection for a period of 12 months.

**CARRIED 169/2022 (10/08/2022)**



*Released in camera minute – 7.19pm*

**RESOLUTION**

Moved: Cr David Langford  
Seconded: Cr Anthony Bennett

**Section 91 Order**

That having considered report 27.3 Chief Executive Officer Employment Agreement in confidence under Section 90(2) and (3)(a) 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 Chief Executive Officer Employment Agreement be retained in confidence and not available for public inspection for a period of 12 months.

**CARRIED 171/2022 (10/08/2022)**

**28 NEXT MEETING**

Wednesday 14 September 2022

**29 CLOSURE**

The Meeting closed at 7.20pm.

The minutes of this meeting were confirmed at the Council Meeting held on 14 September 2022.

  
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**MAYOR DARREN BRAUND**