



MINUTES

Ordinary Council Meeting

8 March 2023

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MINUTES OF YORKE PENINSULA
COUNCIL MEETING

HELD AT THE COUNCIL CHAMBER, MINLATON TOWN HALL, 57 MAIN STREET, MINLATON
ON WEDNESDAY, 8 MARCH 2023 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 Naomi Bittner, Cr Trevor Clerke, Cr Alan Headon, Cr Scott Hoyle, Cr Roger Johns, Cr Adam Meyer, Cr Michael O'Connell, Cr Tania Stock

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)

4 LEAVE OF ABSENCE

Nil

5 APOLOGIES

Cr Kylie Gray

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.

Type of Conflict of Interest being declared:	General Conflict of Interest
Elected Member Name:	Cr Adam Meyer
Matter to be discussed (<i>Agenda Item #</i>):	22.3 Speed Limit On Beaches
Nature of the Interest being declared:	<p>I have been active in dealing with Beach Safety in my Employment.</p> <p>Through my employment, I have the authority to prosecute breaches of the Speed Limit that is enacted, from the Recommendation put forward by Council.</p> <p>A fair minded person might believe that I should have no say in relation to decisions, that could cause me to Prosecute breaches of the final decision in my employment role.</p>

I intend to participate in the meeting in relation to this General Conflict of Interest:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
The manner in which the majority of persons who were entitled to vote at the meeting voted on the matter	RESOLUTION Moved: Cr Scott Hoyle Seconded: Cr Alan Headon That Council endorse a default beach speed limit of 25 km/h. CARRIED 052/2023 (8/03/2023)

7 MINUTES OF PREVIOUS MEETING – FOR CONFIRMATION

RESOLUTION

Moved: Cr Scott Hoyle
Seconded: Cr Alan Headon

That the minutes of the Ordinary Council Meeting held on 8 February 2023 be confirmed.

CARRIED 038/2023 (8/03/2023)

RESOLUTION

Moved: Cr Naomi Bittner
Seconded: Cr Scott Hoyle

That the minutes of the Confidential Council Meeting held on 8 February 2023 be confirmed.

- Point Turton Caravan Park Upper Level Ablution Block Tender Decision

CARRIED 039/2023 (8/03/2023)

RESOLUTION

Moved: Cr Alan Headon
Seconded: Cr Adam Meyer

That the minutes of the Confidential Council Meeting held on 8 February 2023 be confirmed.

- Rubble Raising Services

CARRIED 040/2023 (8/03/2023)

RESOLUTION

Moved: Cr Tania Stock
Seconded: Cr Trevor Clerke

That the minutes of the Confidential Council Meeting held on 8 February 2023 be confirmed.

- Request for Exemption – Arthurton Main Street Beautification Project

CARRIED 041/2023 (8/03/2023)

RESOLUTION

Moved: Cr Michael O'Connell
Seconded: Cr Tania Stock

That the minutes of the Confidential Council Meeting held on 8 February 2023 be confirmed.

- Request for Exemption – Edithburgh Stormwater Management Project

CARRIED 042/2023 (8/03/2023)

RESOLUTION

Moved: Cr Adam Meyer
Seconded: Cr Scott Hoyle

That the minutes of the Confidential Council Meeting held on 22 February 2023 be confirmed.

- Request for Exemption – Purchase of One Semi Water Tanker

CARRIED 043/2023 (8/03/2023)

RESOLUTION

Moved: Cr Roger Johns
Seconded: Cr Trevor Clerke

That the minutes of the Special Council Meeting held on 22 February 2023 be confirmed.

CARRIED 044/2023 (8/03/2023)

RESOLUTION

Moved: Cr Alan Headon
Seconded: Cr Tania Stock

That the minutes of the Confidential Council Meeting held on 22 February 2023 be confirmed.

- Enterprise Resource Planning (ERP) Replacement Project

CARRIED 045/2023 (8/03/2023)

8 MOTIONS ON NOTICE

Nil

9 QUESTIONS ON NOTICE

Nil

10 QUESTIONS WITHOUT NOTICE

Nil



11 PETITIONS

11.1 PETITION - PORT VINCENT FORESHORE PLAYGROUND - SUN SHADE SAIL

PURPOSE

To provide Elected Members with a copy of a petition received in relation to support for erecting a shade sail over the Port Vincent foreshore playground at Port Vincent.

RESOLUTION

Moved: Cr Adam Meyer
Seconded: Cr Naomi Bittner

That Council receive the petition in relation to erecting a shade sail over the Port Vincent foreshore playground at Port Vincent.

CARRIED 046/2023 (8/03/2023)

12 MAYOR

12.1 MAYOR'S MONTHLY REPORT FEBRUARY 2023

PURPOSE

To keep Elected Members updated on Mayoral activities during the month of February 2023.

RESOLUTION

Moved: Cr Michael O'Connell
Seconded: Cr Alan Headon

That the report be received.

CARRIED 047/2023 (8/03/2023)

13 COUNCILLORS' REPORT

Nil

INFORMATION AGENDA

14 ITEMS FOR EXCLUSION

Nil



15-19 RECEIPT OF INFORMATION REPORTS

RESOLUTION

Moved: Cr Scott Hoyle
Seconded: Cr Alan Headon

ADOPTION OF INFORMATION AGENDA

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

CARRIED 048/2023 (8/03/2023)

20 VISITORS TO THE MEETING

Nil

DEBATE AGENDA

21 MAYOR

Nil

22 CHIEF EXECUTIVE OFFICER

22.1 RE-APPOINTMENT OF COUNCIL LIAISON REPRESENTATIVE TO COOBOWIE PROGRESS ASSOCIATION INC AND FOUL BAY PROGRESS ASSOCIATION

PURPOSE

For Council to endorse the changeover of the Council liaison representative for the Coobowie Progress Association Inc from Cr Michael O'Connell to Cr Kylie Gray and the Foul Bay Progress Association from Cr Adam Meyer to Cr Michael O'Connell.

RESOLUTION

Moved: Cr Adam Meyer
Seconded: Cr Alan Headon

That Council appoint:

1. Cr Kylie Gray as the Council liaison officer for the Coobowie Progress Association.
2. Cr Michael O'Connell as the Council liaison officer for the Foul Bay Progress Association.

CARRIED 049/2023 (8/03/2023)



22.2 POLICY UPDATE - PO015 ACCESS TO COUNCIL AND COMMITTEE MEETINGS AND DOCUMENTS CODE OF PRACTICE

PURPOSE

To seek endorsement for the proposed update of PO015 Access to Council and Committee Meetings and Documents Code of Practice for public consultation.

RESOLUTION

Moved: Cr Scott Hoyle
Seconded: Cr Roger Johns

That Council endorse the proposed updated PO015 Access to Council and Committee Meetings and Documents Code of Practice for public consultation.

CARRIED 050/2023 (8/03/2023)

22.3 SPEED LIMITS ON SOUTH AUSTRALIAN BEACHES

PURPOSE

To seek Council endorsement of a preferred speed limit for South Australian beaches, to be included in a submission to the Department for Infrastructure and Transport.

Cr Adam Meyer declared a general conflict of interest.

5.41pm – Cr Adam Meyer left the meeting.

5.42pm – With approval from 2/3 Members the Mayor advised the meeting would move to informal mode to discuss this matter.

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

RESOLUTION

Moved: Cr Naomi Bittner
Seconded: Cr Scott Hoyle

That the Meeting return to Formal Mode.

CARRIED 051/2023 (8/03/2023)

5.46pm – The Meeting returned to Formal Mode

RESOLUTION

Moved: Cr Scott Hoyle
Seconded: Cr Alan Headon

That Council endorse a default beach speed limit of 25 km/h.

CARRIED 052/2023 (8/03/2023)

5.47pm – Cr Adam Meyer returned to the meeting.



22.4 DRAFT LONG TERM FINANCIAL PLAN 2024-2033

PURPOSE

To seek Council endorsement to engage in the public consultation process for the Draft Long Term Financial Plan 2024-2033 (LTFP).

RESOLUTION

Moved: Cr Michael O'Connell
Seconded: Cr Adam Meyer

That Council endorse the Draft Long Term Financial Plan 2024 – 2033 for public consultation.

CARRIED 053/2023 (8/03/2023)

INSERTION OF LATE ITEM 22.5 – NOMINATION TO SA COUNTRY ARTS TRUST

RESOLUTION

Moved: Cr Alan Headon
Seconded: Cr Tania Stock

That Council approve the insertion of late Item 22.5 – Nomination to SA Country Arts Trust into the Agenda.

CARRIED 054/2023 (8/03/2023)

22.5 NOMINATION TO SA COUNTRY ARTS TRUST

PURPOSE

To seek elected member endorsement to sign the *LGA Appointments and Nominations to Outside Bodies – Nomination Form* recommending Mayor Darren Braund for the role as local government representative to the SA Country Arts Trust.

RESOLUTION

Moved: Cr Scott Hoyle
Seconded: Cr Tania Stock

That Council authorise for the Chief Executive Officer to sign the LGA Appointments and Nominations to Outside Bodies – Nomination Form recommending Mayor Darren Braund for the role as local government representative to the SA Country Arts Trust.

CARRIED 055/2023 (8/03/2023)



23 CORPORATE AND COMMUNITY SERVICES

23.1 UPDATED BUSINESS CONTINUITY POLICY AND BUSINESS CONTINUITY PLAN

PURPOSE

To consider and endorse the updated PO027 Business Continuity Policy and Business Continuity Plan 2023.

RESOLUTION

Moved: Cr Trevor Clerke

Seconded: Cr Tania Stock

That Council endorse:

1. The updated PO027 Business Continuity Policy.
2. The updated Business Continuity Plan 2023.

CARRIED 056/2023 (8/03/2023)

23.2 FINANCIAL REPORT AS AT 28 FEBRUARY 2023

PURPOSE

For Council to consider the financial report and capital projects update report as at 28 February 2023.

RESOLUTION

Moved: Cr Scott Hoyle

Seconded: Cr Michael O'Connell

That Council receive the financial report and capital projects update report as at 28 February 2023.

CARRIED 057/2023 (8/03/2023)



24 ASSETS AND INFRASTRUCTURE SERVICES**24.1 PORT VINCENT WHARF AND EDITHBURGH JETTY STRUCTURAL ASSESSMENT****PURPOSE**

To seek a Council decision on allocating funds pertaining to jetties/wharfs, including obtaining load ratings, in view of structural inspections over the last 18 months, and the desire for some of the community to potentially extend the approved use of some jetties/wharfs from recreation to ongoing commercial use.

RESOLUTION

Moved: Cr Naomi Bittner

Seconded: Cr Scott Hoyle

That Council endorse:

1. Halting any further Council expenditure on leased state government owned jetties within the Council area until state government funded WSCAM inspection reports are made available this financial year, and until after the state government commits to funding WSCAM load rating of all the jetties/wharfs it has leased to Council.
2. Requesting the state government fund additional strengthening works consistent with commercial use.
3. Handing back the Port Vincent Wharf and Port Vincent Jetty in November 2023, as per Clause 43 of the Memorandum of Lease between the state government and Council, and other state leased jetties in 2025, unless the state government commits to a sustainable maintenance funding arrangement that translates into Council's annual contribution not exceeding its current jetty maintenance expenditure of \$200,000 per year.

CARRIED 058/2023 (8/03/2023)

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 3 February 2023.

RESOLUTION

Moved: Cr Tania Stock

Seconded: Cr Alan Headon

That Council receive the Minutes of the Access Advisory Working Party meeting held on 3 February 2023.

CARRIED 059/2023 (8/03/2023)

25.2 PROPOSED COMMUNITY LAND MANAGEMENT PLAN AMENDMENTS

PURPOSE

To seek a Council decision on granting permission to proceed with a community engagement process for proposed amendments to the Community Land Management Plans to reclassify land more commonly known as the Port Vincent Wharf and Jetty area.

RESOLUTION

Moved: Cr Adam Meyer

Seconded: Cr Alan Headon

That Council:

1. Give permission to proceed with the community engagement process for the proposed amendment to the Community Land Management Plans (CLMPs) to reclassify land more commonly known as the Port Vincent Wharf and Jetty area, Section 207 PLN: 131400, Crown Record Volume 5848 Folio 650 from Category 3 – Public and Community Facilities to Category 4 - Business and Commercial.
2. Endorse the attached draft Community Consultation report outlining the proposed Community Land Management Plan amendment, which constitutes the information that is required to be made available to the public as part of the public consultation phase (in accordance with Section 198 (2) of the Local Government Act 1999 (the Act).

CARRIED 060/2023 (8/03/2023)

25.3 POINT TURTON AND PORT VICTORIA URBAN GROWTH CODE AMENDMENT

PURPOSE

To seek endorsement from Council for the Point Turton and Port Victoria Urban Growth Code Amendment (Code Amendment) to be sent to the Department of Trade and Investment (DTI) for community engagement to be undertaken.

RESOLUTION

Moved: Cr Michael O'Connell

Seconded: Cr Alan Headon

That Council endorse the Point Turton and Port Victoria Urban Growth Code Amendment to be sent to the Department of Trade and Investment for community engagement to be undertaken.

CARRIED 061/2023 (8/03/2023)

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 SOUTHERN YORKE PENINSULA COMMUNITY CHILDCARE CENTRE - PROPOSED LEASE AGREEMENT****RESOLUTION**

Moved: Cr Adam Meyer

Seconded: Cr Scott Hoyle

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 Southern Yorke Peninsula Community Childcare Centre - Proposed Lease Agreement, 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 Southern Yorke Peninsula Community Childcare Centre - Proposed Lease Agreement, 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 062/2023 (8/03/2023)

27.2 COMMUNITY WASTEWATER MANAGEMENT SCHEMES, SECTION 91 ORDER - MINUTE REFERENCE 062/2022 (13/04/2022)**RESOLUTION**

Moved: Cr Scott Hoyle

Seconded: Cr Tania Stock

Section 90 Order

That pursuant to Section 90(2) and (3)(b)(ii),(j)(i) of the Local Government Act 1999, the Council orders, that the public be excluded from the meeting relating to Item 27.2 Community Wastewater Management Schemes, Section 91 Order - Minute Reference 062/2022 (13/04/2022), 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)(b)(ii),(j)(i) of the Act, the information to be received, discussed or considered in relation to report Item 27.2 Community Wastewater

Management Schemes, Section 91 Order - Minute Reference 062/2022 (13/04/2022), is confidential information relating to:

- (b)(ii) information the disclosure of which would, on balance, be contrary to the public interest
- (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).

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 063/2023 (8/03/2023)

6.25pm – The public were removed from the meeting and the Chamber secured.

RESUMPTION OF PUBLIC MEETING – 6.47PM

Released in camera minute – 6.44pm

27.1 SOUTHERN YORKE PENINSULA COMMUNITY CHILDCARE CENTRE - PROPOSED LEASE AGREEMENT

PURPOSE

To seek Elected Member permission to proceed with the community engagement process for a proposed lease agreement between Council and Jawbem Group for the Southern Yorke Peninsula (SYP) Community Childcare Centre and Maitland Childcare Facility.

RESOLUTION

Moved: Cr Naomi Bittner

Seconded: Cr Tania Stock

That Council:

1. Endorse the terms and conditions of the proposed lease agreement between Council and Jawbem Group for the SYP Community Childcare Centre (11 North Terrace, Minlaton SA 5575) and Maitland Childcare Facility (15 Kilkerran Terrace, Maitland SA 5573).
2. Endorse the discretionary rate rebate proposed for both facilities.
3. Endorse the Public Consultation Plan 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.
4. Give permission to commence the public consultation process for the proposed lease agreement.

CARRIED 064/2023 (8/03/2023)



27.1 SOUTHERN YORKE PENINSULA COMMUNITY CHILDCARE CENTRE - PROPOSED LEASE AGREEMENT

RESOLUTION

Moved: Cr Adam Meyer
Seconded: Cr Alan Headon

Section 91 Order

That having considered report 27.1 Southern Yorke Peninsula Community Childcare Centre - Proposed Lease Agreement 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 Southern Yorke Peninsula Community Childcare Centre - Proposed Lease Agreement be retained in confidence and not available for public inspection until the end of the 8 March 2023 Council meeting.

CARRIED 065/2023 (8/03/2023)

Released in camera minute – 6.47pm.

27.2 COMMUNITY WASTEWATER MANAGEMENT SCHEMES, SECTION 91 ORDER - MINUTE REFERENCE 062/2022 (13/04/2022)

RESOLUTION

Moved: Cr Adam Meyer
Seconded: Cr Scott Hoyle

Section 91 Order

That having considered report 27.2 Community Wastewater Management Schemes, Section 91 Order - Minute Reference 062/2022 (13/04/2022) in confidence under Section 90(2) and (3)(b)(ii),(j)(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 Community Wastewater Management Schemes, Section 91 Order - Minute Reference 062/2022 (13/04/2022) be retained in confidence and not available for public inspection for a period of 12 months.

CARRIED 067/2023 (8/03/2023)

28 NEXT MEETING

Wednesday 12 April 2023

29 CLOSURE

The Meeting closed at 6.48pm.

The minutes of this meeting were confirmed at the Council Meeting held on 12 April 2023.

.....
MAYOR DARREN BRAUND



CONFIDENTIAL MINUTES

Council Meeting

(Subject to confirmation)

9 March 2022

B

**CONFIDENTIAL MINUTES OF COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, MINLATON TOWN HALL, 57 MAIN STREET, MINLATON
ON WEDNESDAY, 9 MARCH 2022 AT 6.08PM**

WELCOME

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

PRESENT: Mayor Darren Braund, Cr John Rich, Cr Richard Carruthers, Cr Anthony Bennett, Cr Naomi Bittner, Cr Kristin Murdock, Cr David Langford, Cr Michael Murdock

IN ATTENDANCE: Nil

LEAVE OF ABSENCE

Cr Tania Stock

APOLOGIES

Cr Roger Johns, Cr Adam Meyer, Cr Leanne O'Brien

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.

27 CONFIDENTIAL ITEMS

27.2 CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW

PURPOSE

For Elected Members to consider the Chief Executive Officer (CEO) Performance Review Final Report and endorse the CEO Key Performance Indicators.

RESOLUTION

Moved: Cr John Rich
Seconded: Cr Richard Carruthers

That Council:

1. receive the Chief Executive Officer (CEO) Performance Review Final Report (the Final Report) for 2020/2021.
2. endorse the CEO Key Performance Indicators for 2022 through to June 2023 as provided by Perks People Solutions.
3. endorse clause 4.2 of the CEO's Contract of Employment (the Contract) with an increment of 3% to be applied to the CEO's base salary effective from 1 July 2021 (i.e. backdated to the Contract anniversary date of 1 July). This will result in the CEO's base salary increasing from \$255,334.01 to \$262,994.03 with all other employment conditions as per the current contract dated 1 March 2018.

CARRIED 043/2022 (9/03/2022)



RESOLUTION

Moved: Cr David Langford
Seconded: Cr Naomi Bittner

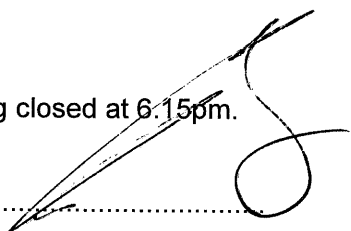
Section 91 Order

That having considered report 27.2 Chief Executive Officer's 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's Performance Review be retained in confidence and not available for public inspection for a period of 12 months.

CARRIED 044/2022 (9/03/2022)

CLOSURE

The meeting closed at 6.15pm.



.....
Mayor Darren Braund

13 April 2022

