



# **MINUTES**

## **Ordinary Council Meeting**

**10 May 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, 10 MAY 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 Richard Carruthers, Cr Naomi Bittner, Cr Trevor Clerke, Cr Alan Headon, Cr Kylie Gray, Cr Scott Hoyle, Cr Adam Meyer, Cr Michael O'Connell, Cr Tania Stock

**In Attendance**

Andrew Cameron (CEO), Dustin Guthberg (Acting Director Development Services), Andre Kompler (Director Assets & Infrastructure Services), Daniel Griffin (Manager Financial Services), Natalie McDonald (Minute Secretary)

**4 LEAVE OF ABSENCE**

Nil

**5 APOLOGIES**

Cr Kristin Murdock, Cr Roger Johns

**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:	Material Conflict of Interest
Elected Member Name:	Cr Naomi Bittner
Matter to be discussed ( <i>Agenda Item #</i> ):	25.3 Permit to use Public Road for Exclusive Use (Cropping and Grazing)
Nature of the Interest being declared:	Because I am one of the applicants
I intend to participate in the meeting in relation to this <b>Material</b> 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	<p><b>RESOLUTION</b></p> <p>Moved: Cr Scott Hoyle Seconded: Cr Trevor Clerke</p> <p>That Council:</p> <p>1. Give permission to commence the community engagement process for Permits to use Public Roads for cropping and grazing purposes.</p>

	<p>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 223 (c) of the Local Government Act 1999 and Section 25 (a) of the Local Government Regulations 2018.</p> <p style="text-align: right;"><b>CARRIED 115/2023 (10/05/2023)</b></p>
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## 7 MINUTES OF PREVIOUS MEETING – FOR CONFIRMATION

### RESOLUTION

Moved: Cr Alan Headon  
Seconded: Cr Trevor Clerke

That the minutes of the Ordinary Council Meeting held on 12 April 2023 be confirmed.

**CARRIED 099/2023 (10/05/2023)**

### RESOLUTION

Moved: Cr Richard Carruthers  
Seconded: Cr Michael O'Connell

That the minutes of the Confidential Council Meeting held on 12 April 2023 be confirmed.

- Community Wastewater Management Schemes

**CARRIED 100/2023 (10/05/2023)**

### RESOLUTION

Moved: Cr Adam Meyer  
Seconded: Cr Tania Stock

That the minutes of the Confidential Council Meeting held on 12 April 2023 be confirmed.

- Port Rickaby Caravan Park Water Supply Upgrade

**CARRIED 101/2023 (10/05/2023)**

### RESOLUTION

Moved: Cr Richard Carruthers  
Seconded: Cr Michael O'Connell

That the minutes of the Confidential Council Meeting held on 12 April 2023 be confirmed.

- CEO Key Performance Indicators 2022/2023 – Status Update

**CARRIED 102/2023 (10/05/2023)**

## 8 MOTIONS ON NOTICE

Nil



**9 QUESTIONS ON NOTICE**

Nil

**10 QUESTIONS WITHOUT NOTICE**

Nil

**11 PETITIONS**

**11.1 PETITION - SUPPORT FOR COMMERCIAL USE OF PORT VINCENT WHARF**

**PURPOSE**

To provide Elected Members with a copy of a petition received in relation to support for local fisherman, Jordan Judd, docking and unloading his catch and providing locals and visitors with fresh fish from the Port Vincent Wharf.

**RESOLUTION**

Moved: Cr Scott Hoyle

Seconded: Cr Kylie Gray

That Council receive the petition in relation to support for local fisherman, Jordan Judd, docking and unloading of fish, together with the sale of the catch from the Port Vincent Wharf.

**CARRIED 103/2023 (10/05/2023)**

**12 MAYOR**

**12.1 MAYOR'S MONTHLY REPORT APRIL 2023**

**PURPOSE**

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

**RESOLUTION**

Moved: Cr Richard Carruthers

Seconded: Cr Scott Hoyle

That the report be received.

**CARRIED 104/2023 (10/05/2023)**

**13 COUNCILLORS' REPORT**

Nil

**INFORMATION AGENDA**



**14 ITEMS FOR EXCLUSION**

Nil

**15-19 RECEIPT OF INFORMATION REPORTS**

**ADOPTION OF INFORMATION AGENDA**

**RESOLUTION**

Moved: Cr Alan Headon

Seconded: Cr Kylie Gray

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

**CARRIED 105/2023 (10/05/2023)**

**20 VISITORS TO THE MEETING**

Nil

**DEBATE AGENDA**

**21 MAYOR**

Nil

**22 CHIEF EXECUTIVE OFFICER**

**22.1 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.

**RESOLUTION**

Moved: Cr Trevor Clerke

Seconded: Cr Adam Meyer

That Council adjourn this matter to the 24 May 2023 Special Council Meeting.

**CARRIED 106/2023 (10/05/2023)**



**22.2 POLICY UPDATE - PO156 INTERNAL FINANCIAL CONTROL POLICY****PURPOSE**

To seek endorsement for the proposed update of PO156 Internal Financial Control Policy.

**RESOLUTION**

Moved: Cr Adam Meyer

Seconded: Cr Alan Headon

That Council endorse the proposed PO156 Internal Financial Control Policy, as presented for inclusion in Council's Policy Manual and on Council's website.

**CARRIED 107/2023 (10/05/2023)**

**22.3 CONSIDERATION OF ADOPTION OF BEHAVIOURAL SUPPORT POLICY****PURPOSE**

For Council to consider adoption of a Behavioural Support Policy in accordance with section 75F of the Local Government Act 1999.

**RESOLUTION**

Moved: Cr Scott Hoyle

Seconded: Cr Adam Meyer

That having considered the requirements of section 75F of the Local Government Act 1999, a Behavioural Support Policy not be adopted at this time.

**CARRIED 108/2023 (10/05/2023)**

**23 CORPORATE AND COMMUNITY SERVICES****23.1 THE PINES COMMUNITY ASSOCIATION - COMMUNITY GRANT EXTENSION****PURPOSE**

For Council to consider an extension for the acquittal of the Community Grant received by The Pines Community Association in 2022/2023.

**RESOLUTION**

Moved: Cr Naomi Bittner

Seconded: Cr Scott Hoyle

That Council endorse an extension until 31 October 2023 for the acquittal of the \$4,500 Community Grant awarded to The Pines Community Association in August 2022; to upgrade the boat ramp with seating and raised deck area.

**CARRIED 109/2023 (10/05/2023)**



**23.2 FINANCIAL REPORT AS AT 30 APRIL 2023****PURPOSE**

For Council to consider the financial report and capital projects update report as at 30 April 2023.

**RESOLUTION**

Moved: Cr Trevor Clerke

Seconded: Cr Michael O'Connell

That Council receive the financial report and capital projects update report as at 30 April 2023.

**CARRIED 110/2023 (10/05/2023)**

**23.3 MARCH QUARTERLY BUDGET REVIEW 2022/2023****PURPOSE**

For Council consideration and endorsement of the March quarterly budget review (as at 31 March 2023) of Council's 2022/2023 Budget and associated financial statements, ratios and amendments.

**RESOLUTION**

Moved: Cr Alan Headon

Seconded: Cr Michael O'Connell

That Council endorse the 2022/2023 March Budget Review changes as presented in the attached Summary of Changes, Statement of Comprehensive Income and Uniform Presentation of Finances and receive the updated Statement of Financial Position, Statement of Cash Flows, Statement of Changes in Equity and Financial Indicators (Ratios).

**CARRIED 111/2023 (10/05/2023)**

**24 ASSETS AND INFRASTRUCTURE SERVICES****24.1 FOOD ORGANICS GREEN ORGANICS SERVICE****PURPOSE**

For Council to close out the Assets and Infrastructure Services review of waste management and endorse the introduction of a food organics/green organics (FOGO) waste management collection service.

**RESOLUTION**

Moved: Cr Tania Stock

Seconded: Cr Richard Carruthers

That Council not endorse any option at this point in time and review further options from staff and consider further community consultation.

**CARRIED 112/2023 (10/05/2023)**



**25 DEVELOPMENT SERVICES****25.1 PROPOSED COMMUNITY LAND MANAGEMENT PLAN AMENDMENTS - COMMUNITY ENGAGEMENT****PURPOSE**

For Elected members to receive the submissions in relation to the 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, and give consideration to proceeding with the reclassification.

**RESOLUTION**

Moved: Cr Scott Hoyle

Seconded: Cr Michael O'Connell

That Council defer from making a decision to reclassify the land until a Wharf Structures Condition Assessment Manual (WSCAM) load rating has been carried out by the State Government.

**CARRIED 113/2023 (10/05/2023)**

**25.2 PROPOSED NEW LEASE - PORT VICTORIA KIOSK****PURPOSE**

To seek approval to proceed with the community engagement process for a proposed new lease to Terry and Rosemary Bormann for the Port Victoria Kiosk located at Section 1, Victoria Terrace, Port Victoria.

**RESOLUTION**

Moved: Cr Richard Carruthers

Seconded: Cr Tania Stock

That Council:

1. Give approval to commence the community engagement process for a proposed new lease to Terry and Rosemary Bormann for the Port Victoria Kiosk located at Section 1, Victoria Terrace, Port Victoria for five (5) years and a further three (3) by five (5) year rights of renewal, being a total of twenty (20) years.
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 114/2023 (10/05/2023)**

*6.45pm – Cr Naomi Bittner declared a material conflict of interest for Agenda Item 25.3 and left the meeting.*



**25.3 PERMIT TO USE PUBLIC ROAD FOR EXCLUSIVE USE (CROPPING & GRAZING)****PURPOSE**

To seek permission to proceed with the community engagement process for Permits to use Public Roads for exclusive use (cropping and grazing).

**RESOLUTION**

Moved: Cr Scott Hoyle

Seconded: Cr Trevor Clerke

That Council:

1. Give permission to commence the community engagement process for Permits to use Public Roads for cropping and grazing purposes.
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 223 (c) of the Local Government Act 1999 and Section 25 (a) of the Local Government Regulations 2018.

**CARRIED 115/2023 (10/05/2023)**

*6.46pm – Cr Naomi Bittner returned to the meeting.*

**25.4 POLICY UPDATE - PO126 STREET ROAD AND PUBLIC PLACE NAMING POLICY****PURPOSE**

To seek endorsement for the proposed update of PO126 Street Road and Public Place Naming Policy.

**RESOLUTION**

Moved: Cr Scott Hoyle

Seconded: Cr Michael O'Connell

That Council endorse and adopt the updated PO126 Street Road and Public Place Naming Policy for inclusion in Council's Policy Manual and on Council's website.

**CARRIED 116/2023 (10/05/2023)**

**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**

Nil

**28 NEXT MEETING**

Wednesday 14 June 2023

**29 CLOSURE**

The Meeting closed at 7.00pm.

The minutes of this meeting were confirmed at the Council Meeting held on 28 June 2023.

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**MAYOR DARREN BRAUND**



# **CONFIDENTIAL MINUTES**

## **Council Meeting**

**11 May 2022**

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**CONFIDENTIAL MINUTES OF COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBER, MINLATON TOWN HALL, 57 MAIN STREET, MINLATON  
ON WEDNESDAY, 11 MAY 2022 AT 6.48PM**

**WELCOME**

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

**PRESENT:** Mayor Darren Braund, Cr Richard Carruthers, Cr Adam Meyer, Cr Leanne O'Brien, Cr Anthony Bennett, Cr Naomi Bittner, 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)

**LEAVE OF ABSENCE**

Cr Tania Stock and Cr John Rich

**APOLOGIES**

Cr Kristin Murdock, Cr Roger Johns and Cr David Langford

**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****27.1 ESCOSA PROPOSED FRAMEWORK AND APPROACH – STRATEGIC MANAGEMENT PLAN ADVICE SCHEME****PURPOSE**

For Council to consider the strategic management plan advice scheme proposed by the Essential Services Commission of SA (ESCOSA), in accordance with the new legislative requirements under Sections 122(1c) – (1k) and 122(9) and (10) of the Local Government Act 1999 (Act), (Scheme).

**RESOLUTION**

Moved: Cr Michael Murdock

Seconded: Cr Anthony Bennett

1. That Council endorses the Local Government Association's (LGA) advocacy position in relation to the strategic management plan advice scheme proposed to be established for the purposes Section 122 of the Local Government Act 1999 (Act), (Scheme), under which the Essential Services Commission of SA (ESCOSA) will provide advice to councils in relation to strategic management plans, and supports the LGA in raising the following concerns in response to the ESCOSA proposed framework and approach:
  - (a) The scope of information requested by ESCOSA should be directly relevant to and used for the purpose of providing advice regarding council Long Term Financial and Asset Management Plans and total revenue sources, in accordance with the requirements of section 122 of the Act.



- (b) The first four years of operation of the Scheme should be used to set a baseline for each council and then, using a risk-based approach, the scope of the review could be scaled up for a particular council if a need is identified. This is consistent with ESCOSA’s adopted “better regulation” approach, which it describes as being risk-based, proportionate to the problem that is being addressed and subject to continuous improvement and monitoring.
- (c) The period for which historical data is provided should reflect the timeframe anticipated within the proposed Scheme, i.e. four years, and a request for historical information for a longer period is not supported.
- (d) The costs associated with the proposed Scheme are far in excess of what was anticipated and the scope of the proposed Scheme should be reduced to address the unreasonable costs.
- (e) The removal of the discretion provided in the Act for Council to determine the reasonable assumptions to be used in the development of the Long Term Financial Plan is strongly rejected.
- (f) The use of the term ‘CPI constrained’ will lead to unreasonable criticism of councils that justifiably increase rates greater than Consumer Price Index (CPI) and will have a practical effect of capping council rates to the CPI rate. ‘Rate capping’ was not supported by Parliament. The assertion that councils should be CPI constrained is rejected.

**CARRIED 089/2022 (11/05/2022)**

**RESOLUTION**

Moved: Cr Adam Meyer  
Seconded: Cr Leanne O'Brien

**Section 91 Order**

That having considered report 27.1 ESCOSA Proposed Framework and Approach – Strategic Management Plan Advice Scheme 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 ESCOSA Proposed Framework and Approach – Strategic Management Plan Advice Scheme be retained in confidence and not available for public inspection for a period of 12 months.

**CARRIED 090/2022 (11/05/2022)**

**CLOSURE**

The meeting closed at 6.52pm.

  
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**Mayor Darren Braund**

**8 June 2022**





# **CONFIDENTIAL MINUTES**

## **Council Meeting**

**11 May 2022**

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**CONFIDENTIAL MINUTES OF COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBER, MINLATON TOWN HALL, 57 MAIN STREET, MINLATON  
ON WEDNESDAY, 11 MAY 2022 AT 6.52PM**

**WELCOME**

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

**PRESENT:** Mayor Darren Braund, Cr Richard Carruthers, Cr Adam Meyer, Cr Leanne O'Brien, Cr Anthony Bennett, Cr Naomi Bittner, 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)

**LEAVE OF ABSENCE**

Cr Tania Stock and Cr John Rich

**APOLOGIES**

Cr Kristin Murdock, Cr Roger Johns and Cr David Langford

**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 JETTY PYLON REPLACEMENT****PURPOSE**

To provide relevant information in support of the recent open tender process for Jetty Pylon Replacement (tender 222-2022), pursuant to the relevant sections of the Purchasing and Procurement Policy (PO058).

**RESOLUTION**

Moved: Cr Anthony Bennett  
Seconded: Cr Richard Carruthers

That Council endorse:

1. MC Harbours and Marine Pty Ltd (Maritime Constructions) as the preferred tenderer to undertake jetty pylon replacement.
2. The rollover of all funding available for jetty pylon replacement in the 2021/2022 financial year (\$250,068 [GST exclusive]) to the 2022/2023 financial year, making the total funding available for jetty pylon replacement in the 2022/2023 financial year \$385,068 (GST exclusive). This will be made up of the rolled over funding of \$250,068 (GST exclusive) and the 2022/2023 budget allocation of \$135,000 (GST exclusive).



3. Council staff seeking a revised quotation from Maritime Constructions for an increased scope of works up to the revised 2022/2023 budget allocation of \$385,068 (GST exclusive) and for Chief Executive Officer acceptance of the same without a further report to Council

**CARRIED 091/2022 (11/05/2022)**

**RESOLUTION**

Moved: Cr Anthony Bennett

Seconded: Cr Leanne O'Brien

**Section 91 Order**

That having considered report 27.2 Jetty Pylon Replacement 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 27.2 Jetty Pylon Replacement be retained in confidence and not available for public inspection for a period of 12 months.

**CARRIED 092/2022 (11/05/2022)**

**CLOSURE**

The meeting closed at 6.53pm.

  
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**Mayor Darren Braund**

**8 June 2022**