



MINUTES

Ordinary Council Meeting

12 July 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, 12 JULY 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 Alan Headon, Cr Kylie Gray, Cr Kristin Murdock, Cr Michael O'Connell, Cr Tania Stock, Cr Scott Hoyle.

In Attendance

Andrew Cameron (CEO), Dustin Guthberg (Director Development Services), Andre Kompler (Director Assets & Infrastructure Services), Daniel Griffin (Acting Director Corporate & Community Services), Lauren McSkimming (Minute Secretary)

4 LEAVE OF ABSENCE

Nil

5 APOLOGIES

Cr Trevor Clerke, Cr Roger Johns and Cr Adam Meyer.

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:	Mayor Darren Braund
Matter to be discussed (Agenda Item #):	23.1 Request for Sponsorship – Price Tractor Pull
Nature of the Interest being declared:	There is a possibility I may benefit from a decision as the event is hiring services from myself.
I intend to participate in the meeting in relation to this Material 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 Naomi Bittner Seconded: Cr Alan Headon
	That Council endorse sponsoring the Price Tractor Pull event on Saturday and Sunday, 5-6 August, for an amount of \$2,000.
	CARRIED 163/2023 (12/07/2023)

7 MINUTES OF PREVIOUS MEETING – FOR CONFIRMATION

RESOLUTION

Moved: Cr Kristin Murdock
Seconded: Cr Kylie Gray

That the minutes of the Ordinary Council Meeting held on 28 June 2023 be confirmed.

CARRIED 145/2023 (12/07/2023)

RESOLUTION

Moved: Cr Tania Stock
Seconded: Cr Richard Carruthers

That the minutes of the Confidential Council Meeting held on 28 June 2023 be confirmed.

- Enterprise Resource Planning (ERP) Replacement Project.

CARRIED 146/2023 (12/07/2023)

RESOLUTION

Moved: Cr Michael O'Connell
Seconded: Cr Naomi Bittner

That the minutes of the Confidential Council Meeting held on 28 June 2023 be confirmed.

- Point Turton Ablution Block Procurement.

CARRIED 147/2023 (12/07/2023)

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 2023

PURPOSE

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

RESOLUTION

Moved: Cr Alan Headon
Seconded: Cr Kristin Murdock
That the report be received.

CARRIED 148/2023 (12/07/2023)

Mayor Darren Braund added to his report by congratulating Council staff, Elected Members and the Community on the news that Council was successful in obtaining an \$3.04M grant for the Marion Bay Boat Ramp upgrade.

13 COUNCILLORS' REPORT

Nil

INFORMATION AGENDA

14 ITEMS FOR EXCLUSION

Nil

15 RECEIPT OF INFORMATION REPORTS

RESOLUTION

Moved: Cr Tania Stock
Seconded: Cr Scott Hoyle

ADOPTION OF INFORMATION AGENDA

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

CARRIED 149/2023 (12/07/2023)

20 VISITORS TO THE MEETING

Nil

DEBATE AGENDA

21 MAYOR

Nil



22 CHIEF EXECUTIVE OFFICER**22.1 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM - PHASE 4****PURPOSE**

To seek endorsement of the North Coast Road project (Stages Two and Three) to be part-funded using the Local Roads and Community Infrastructure – Phase 4 funding.

RESOLUTION

Moved: Cr Scott Hoyle
Seconded: Cr Alan Headon

That Council

1. Endorse the CEO to apply for Stage Two and Three of the North Coast Road project under the Australian Government's Local Roads and Community Infrastructure Program;
2. Endorse the stages of the North Coast road project (as listed below) to be nominated in the Work Schedule Template – Project nomination form:
 - (a) Part A allocation of \$903,914 contributed to Stage 2 within the 2023-2024 financial year;
 - (b) Part B allocation of \$521,397 contributed to Stage 3 within the 2024-2025 financial year.

CARRIED 150/2023 (12/07/2023)

22.2 ANNUAL BUSINESS PLAN 2023/2024**PURPOSE**

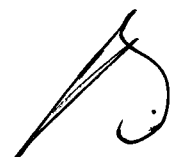
Consideration and endorsement of Council's 2023/2024 Annual Business Plan following public consultation as required by the Local Government Act 1999 and the Local Government (Financial Management) Regulations 2011.

RESOLUTION

Moved: Cr Naomi Bittner
Seconded: Cr Michael O'Connell

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 2023/2024 be adopted as amended.

CARRIED 151/2023 (12/07/2023)



22.3 ADOPTION OF THE 2023/2024 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 2023/2024.

RESOLUTION

Moved: Cr Michael O'Connell

Seconded: Cr Scott Hoyle

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 2023/2024 Budget as presented and considered by Council to be consistent with the adopted 2023/2024 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 2024

CARRIED 152/2023 (12/07/2023)

RESOLUTION

Moved: Cr Tania Stock

Seconded: Cr Naomi Bittner

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 area, be adopted for rating purposes for the financial year ending 30 June 2024, totalling \$10,661,958,760 comprising \$167,820,755 in respect of non-rateable land and \$10,494,138,005 in respect of rateable land.

CARRIED 153/2023 (12/07/2023)

RESOLUTION

Moved: Cr Alan Headon

Seconded: Cr Scott Hoyle

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 154/2023 (12/07/2023)

RESOLUTION

Moved: Cr Naomi Bittner
Seconded: Cr Richard Carruthers

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 \$22,494,510 by way of general rates, a fixed charge is imposed, and differential general rates are declared for the financial year ending 30 June 2024, on rateable land in the Council area as follows:

4.1.1 on rateable land of category (g) use (primary production), a rate of 0.120004 cents in the dollar; and

4.1.2 on all other rateable land, a rate of 0.263238 cents in the dollar; and

4.1.3 a 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 155/2023 (12/07/2023)

RESOLUTION

Moved: Cr Alan Headon
Seconded: Cr Tania Stock

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 2024 (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 provides or 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: \$635.00 per unit
- Vacant Land: \$471.00 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 156/2023 (12/07/2023)



RESOLUTION

Moved: Cr Richard Carruthers
Seconded: Cr Alan Headon

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 2024 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 \$230.00

CARRIED 157/2023 (12/07/2023)

RESOLUTION

Moved: Cr Alan Headon
Seconded: Cr Tania Stock

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 2024 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 \$226.00 for a two (2) bin service and

5.3.2 \$265.00 for a three (3) bin service.

CARRIED 158/2023 (12/07/2023)

RESOLUTION

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

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 2024, a separate rate of 0.010994 cents in the dollar is declared on all rateable land in the area of the Council to raise the amount of approximately \$1,154,428 (inclusive of rebates of approximately \$3,800) with \$1,150,628 payable to the Northern and Yorke Landscape Board.

CARRIED 159/2023 (12/07/2023)

RESOLUTION

Moved: Cr Naomi Bittner
Seconded: Cr Scott Hoyle

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 2024 be payable in four equal or approximately equal instalments due for payment on 4 September 2023, 4 December 2023, 4 March 2024 and 3 June 2024 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 160/2023 (12/07/2023)

RESOLUTION

Moved: Cr Naomi Bittner
Seconded: Cr Scott Hoyle

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 161/2023 (12/07/2023)

22.4 FEES AND CHARGES 2023/2024

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 2023/2024.

RESOLUTION

Moved: Cr Alan Headon
Seconded: Cr Richard Carruthers

That Council adopt the 2023/2024 Fees and Charges as attached and presented to this meeting, to come into effect from Monday, 17 July 2023.

CARRIED 162/2023 (12/07/2023)

5.41pm – Mayor Darren Braund declared a material conflict of interest for Agenda Item 23.1 and left the meeting. Deputy Mayor Richard Carruthers chaired the meeting in the Mayor's absence.

23 CORPORATE AND COMMUNITY SERVICES

23.1 REQUEST FOR SPONSORSHIP - PRICE TRACTOR PULL

PURPOSE

To seek endorsement from Council to sponsor the Price Tractor Pull event on Saturday and Sunday, 5-6 August 2023

RESOLUTION

Moved: Cr Naomi Bittner
Seconded: Cr Alan Headon

That Council endorse sponsoring the Price Tractor Pull event on Saturday and Sunday, 5-6 August, for an amount of \$2,000.

CARRIED 163/2023 (12/07/2023)

5.44pm – Mayor Darren Braund returned to the meeting and resumed chair of the meeting.

23.2 POLICY UPDATE - PO066 YORKE PENINSULA ART POLICY

PURPOSE

To seek endorsement of the updated PO066 Yorke Peninsula Art Policy.

RESOLUTION

Moved: Cr Kylie Gray
Seconded: Cr Tania Stock

That Council endorse the updated PO066 Yorke Peninsula Art Policy (formerly YP Art Exhibition Policy).

CARRIED 164/2023 (12/07/2023)

24 ASSETS AND INFRASTRUCTURE SERVICES

24.1 REVIEW OF HAZARDS AND ADAPTATION OPTIONS AT FOUL BAY

PURPOSE

To seek approval to proceed with the community engagement process for the review of hazards and adaptation options at Foul Bay.

RESOLUTION

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

That Council:

1. Give approval to commence the community engagement process for the review of hazards and adaptation options at Foul Bay.
2. Endorse the Community Engagement Plan, as per PO057 Community Engagement Policy.

CARRIED 165/2023 (12/07/2023)

24.2 DESIGN OF COASTAL DEFENCE STRUCTURES

PURPOSE

To seek approval to proceed with the community engagement process for the design of coastal defence structures at Port Clinton, James Well, Pine Point and Coobowie.

RESOLUTION

Moved: Cr Richard Carruthers
Seconded: Cr Alan Headon



That Council:

1. Give approval to commence the community engagement process for the design of coastal defence structures at Port Clinton, James Well, Pine Point and Coobowie.
2. Endorse the Community Engagement Plan, as per PO057 Community Engagement Policy.

CARRIED 166/2023 (12/07/2023)

24.3 POLICY REVIEW - PO128 ASSET MANAGEMENT POLICY

PURPOSE

To seek Council endorsement of the updated PO128 Asset Management Policy.

RESOLUTION

Moved: Cr Tania Stock

Seconded: Cr Michael O'Connell

That Council endorse the updated PO128 Asset Management Policy.

CARRIED 167/2023 (12/07/2023)

25 DEVELOPMENT SERVICES

25.1 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 Lot 72 in Deposited Plan 61751, Marina Drive, Port Vincent.

RESOLUTION

Moved: Cr Naomi Bittner

Seconded: Cr Kristin Murdock

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 Lot 72 in Deposited Plan 61751, Marina Drive, Port Vincent from Category 1 – Reserve to Category 3 - Public and Community Facilities.
2. Endorse the attached draft Community Engagement 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 168/2023 (12/07/2023)



25.2 DRAFT YORKE PENINSULA CORMORANT MANAGEMENT STRATEGY

PURPOSE

For Elected Members to give consideration to endorsing the draft Yorke Peninsula Cormorant Management Strategy.

RESOLUTION

Moved: Cr Alan Headon
Seconded: Cr Scott Hoyle

That Council adopt the draft Yorke Peninsula Cormorant Management Strategy.

CARRIED 169/2023 (12/07/2023)

25.3 MAITLAND LUTHERAN SCHOOL - PROPOSED PURCHASE OF ROAD RESERVE

PURPOSE

To seek permission to proceed with the road closure process for the proposed sale of a portion of public road reserve, namely Osmond Street, Maitland.

RESOLUTION

Moved: Cr Scott Hoyle
Seconded: Cr Michael O'Connell

That Council:

1. Resolve that the land is surplus to Council's needs for the purpose of selling.
2. Give permission to commence with the road closure process under the Roads (Opening and Closing) Act 1991 for a portion of public road reserve, namely Osmond Street, Maitland for the purpose of selling.
3. Exclude the said portion of public road reserve from community land classification under Section 193 of the Local Government Act 1999, once the road closure process is complete.
4. Resolve to accept one valuation on the basis that the Maitland Lutheran School and Council is satisfied with the accuracy of that valuation.
5. Authorise the Mayor and Chief Executive Officer to sign and affix Council's Common Seal to the relevant documents necessary to execute the road closure and proposed sale.
6. Quarantine all proceeds after costs for the Robert Street, Maitland upgrade.

CARRIED 170/2023 (12/07/2023)



25.4 PROPOSED NEW LEASE - PORT VICTORIA KIOSK LEASE

PURPOSE

To consider any submissions received in relation to the community engagement process for the proposed new lease to Terry & Rosemary Bormann for the Port Victoria Kiosk located at Section 1, Victoria Terrace, Port Victoria.

RESOLUTION

Moved: Cr Tania Stock
Seconded: Cr Kristin Murdock

That Council:

1. Receive the written submissions in response to the community engagement process for the proposed new lease to Terry & Rosemary Bormann for the Port Victoria Kiosk located at Section 1, Victoria Terrace, Port Victoria.
2. Endorse a lease for a period of five (5) years with three (3) by five (5) year rights of renewal, being a total of ten (20) years.
3. Authorise the Mayor and Chief Executive Officer to sign and affix Council's Common Seal in order to execute the lease documents.

CARRIED 171/2023 (12/07/2023)

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 REQUEST FOR EXEMPTION - MOBILE SERVICES CARRIAGE PROVIDER

RESOLUTION

Moved: Cr Alan Headon
Seconded: Cr Tania Stock

Section 90 Order

That pursuant to Section 90(2) and (3)(b)(i),(b)(ii),(k) of the Local Government Act 1999, the Council orders, that the public be excluded from the meeting relating to Item 27.1 Request For Exemption - Mobile Services Carriage Provider, with the exception of the following persons:

- Chief Executive Officer
- Executive Assistant to Director Corporate and Community Services
- Director Corporate and Community Services
- Director Assets and Infrastructure Services
- Director Development Services



The Council is satisfied that, pursuant to Section 90(2) and (3)(b)(i),(b)(ii),(k) of the Act, the information to be received, discussed or considered in relation to report Item 27.1 Request For Exemption - Mobile Services Carriage Provider, 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
- (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 172/2023 (12/07/2023)

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

RESUMPTION OF PUBLIC MEETING – 6.07PM

Released in camera minute – 6.07pm

27.1 REQUEST FOR EXEMPTION - MOBILE SERVICES CARRIAGE PROVIDER

PURPOSE

To seek an exemption from the need to undertake a Request for Tender process for the provision of a new mobile services carriage provider.

RESOLUTION

Moved: Cr Naomi Bittner

Seconded: Cr Michael O'Connell

That, as per Council's PO058 Purchasing and Procurement Policy, Council:

1. Grants an exemption from the need to undertake a Request for Tender process for the provision of a new mobile services carriage provider.
2. Authorises the Chief Executive Officer to provide final approval for the appointment of the recommended contractor, namely Vonex, for a period of 24 months.

CARRIED 173/2023 (12/07/2023)

RESOLUTION

Moved: Cr Scott Hoyle

Seconded: Cr Richard Carruthers

Section 91 Order

That having considered report 27.1 Request For Exemption - Mobile Services Carriage Provider in confidence under Section 90(2) and (3)(b)(i),(b)(ii),(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 Request For Exemption - Mobile Services Carriage Provider be retained in confidence and not available for public inspection for a period of 12 months.

CARRIED 174/2023 (12/07/2023)

28 NEXT MEETING

Wednesday 9 August 2023

29 CLOSURE

The Meeting closed at 6.08pm.

The minutes of this meeting were confirmed at the Council Meeting held on 9 August 2023.

.....
MAYOR DARREN BRAUND

