



MINUTES

Ordinary Council Meeting

(Subject to confirmation)

11 October 2023

**MINUTES OF YORKE PENINSULA
COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, MINLATON TOWN HALL, 57 MAIN STREET, MINLATON
ON WEDNESDAY, 11 OCTOBER 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 Scott Hoyle, Cr Kristin Murdock, Cr Michael O'Connell, Cr Tania Stock

In Attendance

Andrew Cameron (CEO), Ben Thompson (Director Corporate & Community Services), Dustin Guthberg (Director Development Services), Natalie McDonald (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:	Cr Alan Headon
Matter to be discussed (<i>Agenda Item #</i>):	22.2 – Consultation – Proposed ANZAC Memorial Port Clinton
Nature of the Interest being declared:	I was involved in the initial stages decision making between progress and initial consultation and there was conflict and I do not wish to be involved in decision making.
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	<p>RESOLUTION</p> <p>Moved: Cr Richard Carruthers Seconded: Cr Naomi Bittner</p> <p>That Council:</p> <p>1. Having considered the community engagement undertaken by members of the Port Clinton community relating to the proposed ANZAC Memorial at the corner of Yoolamardy Terrace and Yelta Street, Port</p>

	<p>Clinton (ANZAC Memorial Consultation), are satisfied that the ANZAC Memorial Consultation does not meet the requirements of Council's Community Engagement Policy (PO057), Level 2 Consult community engagement requirements;</p> <p>2. Determines to undertake its own community engagement process to meet the requirements of Council's Community Engagement Policy (PO057), Level 2 Consult, in relation to the proposed ANZAC Memorial at the corner of Yoolamardy Terrace and Yelta Street, Port Clinton.</p> <p style="text-align: right;">CARRIED 221/2023 (11/10/2023)</p>
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7 MINUTES OF PREVIOUS MEETING – FOR CONFIRMATION

RESOLUTION

Moved: Cr Richard Carruthers

Seconded: Cr Alan Headon

That the minutes of the Ordinary Council Meeting held on 13 September 2023 be confirmed subject to Item 23.2 – Community Grant Scheme 2023-2024 being amended to remove No. 9 – Minlaton District Community & Sports Centre and being replaced with Yorketown Progress Association.

CARRIED 216/2023 (11/10/2023)

RESOLUTION

Moved: Cr Tania Stock

Seconded: Cr Kylie Gray

That the minutes of the Confidential Council Meeting held on 13 September 2023 be confirmed.

- Independent Member Appointment to Audit and Risk Committee

CARRIED 217/2023 (11/10/2023)

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 SEPTEMBER 2023**

Mayor Darren Braund added to his report that he had attended both the Stansbury 150th celebrations and the Edithburgh Jetty 150th Anniversary Celebrations and congratulated both committees on a great job of celebrations over two weekends.

PURPOSE

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

RESOLUTION

Moved: Cr Kristin Murdock
Seconded: Cr Michael O'Connell
That the report be received.

CARRIED 218/2023 (11/10/2023)

13 COUNCILLORS' REPORT

Nil

INFORMATION AGENDA**14 ITEMS FOR EXCLUSION**

Nil

15-19 RECEIPT OF INFORMATION REPORTS**RESOLUTION**

Moved: Cr Alan Headon
Seconded: Cr Naomi Bittner

ADOPTION OF INFORMATION AGENDA

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

CARRIED 219/2023 (11/10/2023)

20 VISITORS TO THE MEETING

5.35pm – 5.44pm – Michael ‘Dusty’ Millar addressed the meeting in relation to Item 22.2 – Consultation – Proposed ANZAC Memorial Port Clinton.

5.45pm – 5.50pm – Charmaine Kimber addressed the meeting in relation to Item 25.1 – Proposed Community Land Management Plan Amendments.

DEBATE AGENDA**21 MAYOR**

Nil

22 CHIEF EXECUTIVE OFFICER**22.1 NEW POLICY - DRAFT PO203 COUNCIL MEMBER BEHAVIOURAL MANAGEMENT POLICY****PURPOSE**

To seek Council endorsement for the proposed Draft PO203 Council Member Behavioural Management Policy (Policy).

RESOLUTION

Moved: Cr Michael O'Connell

Seconded: Cr Tania Stock

That Council endorse and adopt the proposed Draft PO203 Council Member Behavioural Management Policy as presented, for inclusion in Council's policy manual and on Council's website.

CARRIED 220/2023 (11/10/2023)

5.51pm – Cr Alan Headon declared a material conflict of interest in relation to Item 22.2 and left the meeting.

22.2 CONSULTATION - PROPOSED ANZAC MEMORIAL PORT CLINTON**PURPOSE**

For Council to consider the community engagement process undertaken by members of the Port Clinton community relating to a proposed ANZAC Memorial at the corner of Yoolamardy Terrace and Yelta Street, Port Clinton.

RESOLUTION

Moved: Cr Richard Carruthers

Seconded: Cr Naomi Bittner

That Council:

1. Having considered the community engagement undertaken by members of the Port Clinton community relating to the proposed ANZAC Memorial at the corner of Yoolamardy Terrace and Yelta Street, Port Clinton (ANZAC Memorial Consultation), are satisfied that the ANZAC Memorial Consultation does not meet the requirements of Council's Community Engagement Policy (PO057), Level 2 Consult community engagement requirements;

2. Determines to undertake its own community engagement process to meet the requirements of Council's Community Engagement Policy (PO057), Level 2 Consult, in relation to the proposed ANZAC Memorial at the corner of Yoolamardy Terrace and Yelta Street, Port Clinton.

CARRIED 221/2023 (11/10/2023)

5.55pm – Cr Alan Headon returned to the meeting.

23 CORPORATE AND COMMUNITY SERVICES

23.1 FINANCIAL REPORT AS AT 30 SEPTEMBER 2023

PURPOSE

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

RESOLUTION

Moved: Cr Alan Headon
Seconded: Cr Kristin Murdock

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

CARRIED 222/2023 (11/10/2023)

24 ASSETS AND INFRASTRUCTURE SERVICES

24.1 CORNY POINT - DAIRY ROAD BEACH ACCESS

PURPOSE

To seek permission for Council staff to consult with the property owners of Section 1, Dairy Road Corny Point to negotiate a lease agreement for the purpose of providing community access to the beach.

RESOLUTION

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

That Council:

1. Endorse staff to consult with the property owners of Section 1, Dairy Road Corny Point to negotiate a lease agreement for the purpose of providing community access to the beach.
2. Authorise the Mayor and Chief Executive Officer to sign and affix Council's Common Seal in order to execute the lease documents.

"The vote was tied at four all. Due to equality of votes the Mayor was required to use his casting vote and voted in favour of the motion."

CARRIED

Cr Kylie Gray called for a division.

In Favour: Crs Richard Carruthers, Naomi Bittner, Alan Headon, Michael O'Connell, Mayor Darren Braund

Against: Crs Kylie Gray, Scott Hoyle, Kristin Murdock, Tania Stock

CARRIED 223/2023 (11/10/2023)

Mayor Braund sought the leave of the meeting to introduce a further visitor to the meeting.

6.05pm – 6.14pm – Ian Markos addressed the meeting in relation to Item 25.1 – Proposed Community Land Management Plan Amendments.

24.2 ALLOCATION OF RATES TO ROAD RELATED EFFICIENCY IMPROVEMENT

PURPOSE

To seek Council support for the intended use of 2% rate funding endorsed by Council on 28 June 2023.

RESOLUTION

Moved: Cr Alan Headon

Seconded: Cr Naomi Bittner

That Council endorse allocation of \$405,114 of unallocated 2023/24 budget to road related efficiency improvements noted as follows:

1. Purchase two 'freeroll' grader roller attachments.
2. Purchase one rear blade grader attachment for road shoulder maintenance.
3. Increase Equivalent Full Time positions by two to facilitate better patrol grader utilisation.

CARRIED 224/2023 (11/10/2023)

25 DEVELOPMENT SERVICES

25.1 PROPOSED COMMUNITY LAND MANAGEMENT PLAN AMENDMENTS

PURPOSE

For Elected Members to receive the submissions in relation to the community engagement process for the proposed Community Land Management Plan Amendment to reclassify Lot 72 in Deposited Plan 61751, Marina Drive Port Vincent from Category 1 – Reserve, to Category 3 – Public and Community Facilities, and give consideration to proceeding with the reclassification.

RESOLUTION

Moved: Cr Kylie Gray

Seconded: Cr Scott Hoyle

That Council receive the written submissions in response to the community engagement process for the proposed Community Land Management Plan Amendment to reclassify Lot 72 in Deposited Plan 61751, Marina Drive Port Vincent from Category 1 – Reserve, to Category 3 – Public and Community Facilities.

CARRIED 225/2023 (11/10/2023)

RESOLUTION

Moved: Cr Kylie Gray
Seconded: Cr Scott Hoyle

That Council does not endorse proceeding to reclassify Lot 72 in Deposited Plan 61751, Marina Drive Port Vincent from Category 1 – Reserve, to Category 3 – Public and Community Facilities.

CARRIED 226/2023 (11/10/2023)

25.2 PROPOSED NEW LEASE - PORT CLINTON PROGRESS ASSOCIATION INC.**PURPOSE**

Endorse a lease to the Port Clinton Progress Association Inc. for a period of five (5) years with a further five (5) year right of renewal, being a total of ten (10) years, for the Port Clinton Swimming Pool and Community Hall.

RESOLUTION

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

That Council:

1. Endorse a lease to the Port Clinton Progress Association Inc. for a period of five (5) years with a further five (5) year right of renewal, being a total of ten (10) years, for the Port Clinton Swimming Pool and Community Hall.
2. Authorise the Mayor and Chief Executive Officer to sign and affix Council's Common Seal in order to execute the lease documents.

CARRIED 227/2023 (11/10/2023)

25.3 PROPOSED NEW LEASE - ARDROSSAN FOOTBALL CLUB INC.**PURPOSE**

Endorse a lease for a period of five (5) years with further rights of renewal for three (3) by five (5) years with an overall lease term of twenty (20) years to Ardrossan Football Club Inc.

RESOLUTION

Moved: Cr Scott Hoyle
Seconded: Cr Alan Headon

That Council:

1. Endorse a lease for a period of five (5) years with further rights of renewal for three (3) by five (5) years with an overall lease term of twenty (20) years to Ardrossan Football Club Inc.
2. Authorise the Mayor and Chief Executive Officer to sign and affix Council's Common Seal in order to execute the lease documents.

CARRIED 228/2023 (11/10/2023)

25.4 PROPOSED NEW LEASE CENTRAL YORKE FOOTBALL CLUB INC.**PURPOSE**

To seek approval to proceed with the community engagement process for a proposed new lease to the Central Yorke Football Club Inc.

RESOLUTION

Moved: Cr Scott Hoyle

Seconded: Cr Alan Headon

That Council:

1. Give permission to commence the community engagement process for a proposed new lease to the Central Yorke Football Club Inc., for a term of five (5) years, with further rights of renewal for three (3) by five (5) years with an overall lease term 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 229/2023 (11/10/2023)

25.5 PROPOSED NEW LAND MANAGEMENT AGREEMENT - LOT 104 MARION STREET SULTANA POINT**PURPOSE**

To seek authorisation from Council for the Mayor and Chief Executive Officer to execute a new Land Management Agreement relating to development at Allotment 104 Deposited Plan 128805 in the area named Sultana Point Hundred of Melville, commonly known as Lot 104 Marion Street, Sultana Point.

RESOLUTION

Moved: Cr Richard Carruthers

Seconded: Cr Scott Hoyle

That Council authorises the Mayor and Chief Executive Officer to sign and affix the Common Seal on the relevant documents relating to the new Land Management Agreement over land described as Allotment 104, Deposited Plan 128805, in the area named Sultana Point Hundred of Melville, as contained within Certificate of Title Volume 6265 Folio 643.

CARRIED 230/2023 (11/10/2023)

25.6 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 2023.

RESOLUTION

Moved: Cr Scott Hoyle

Seconded: Cr Kylie Gray

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 Sunday 31 December 2023 to 8:00am on Monday 1 January 2024.
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 231/2023 (11/10/2023)

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 ENTERPRISE RESOURCE PLANNING (ERP) REPLACEMENT PROJECT****RESOLUTION**

Moved: Cr Richard Carruthers

Seconded: Cr Alan Headon

Section 90 Order

That pursuant to Section 90(2) and (3)(d)(i),(d)(ii) of the Local Government Act 1999, the Council orders, that the public be excluded from the meeting relating to Item 27.1 Enterprise Resource Planning (ERP) Replacement Project, with the exception of the following persons:

- 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)(d)(i),(d)(ii) of the Act, the information to be received, discussed or considered in relation to report Item 27.1 Enterprise Resource Planning (ERP) Replacement Project, is confidential information relating to:

- (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
- (d)(ii) commercial information of a confidential nature (not being a trade secret) the disclosure of which would, on balance, be contrary to the public interest.

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 232/2023 (11/10/2023)

27.2 NORTH COAST ROAD STAGE TWO TENDER**RESOLUTION**

Moved: Cr Scott Hoyle

Seconded: Cr Michael O'Connell

Section 90 Order

That pursuant to Section 90(2) and (3)(d)(i),(k) of the Local Government Act 1999, the Council orders, that the public be excluded from the meeting relating to Item 27.2 North Coast Road Stage Two Tender, with the exception of the following persons:

- 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)(d)(i),(k) of the Act, the information to be received, discussed or considered in relation to report Item 27.2 North Coast Road Stage Two Tender, is confidential information relating to:

- (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

- (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 233/2023 (11/10/2023)

6.32pm – The public were removed from the meeting and the Chamber secured.

RESUMPTION OF PUBLIC MEETING – 6.39PM

Released in camera minute – 6.35pm

27.1 ENTERPRISE RESOURCE PLANNING (ERP) REPLACEMENT PROJECT

PURPOSE

For Council to endorse the Enterprise Resource Planning (ERP) solution design, proposed suppliers, costings including contingency funds, and the commencement date for implementation.

RESOLUTION

Moved: Cr Alan Headon

Seconded: Cr Scott Hoyle

Section 91 Order

That having considered report 27.1 Enterprise Resource Planning (ERP) Replacement Project in confidence under Section 90(2) and (3)(d)(i),(d)(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 Enterprise Resource Planning (ERP) Replacement Project be retained in confidence and not available for public inspection for a period of 12 months.

CARRIED 235/2023 (11/10/2023)

Released in camera minute – 6.39pm

27.2 NORTH COAST ROAD STAGE TWO TENDER

PURPOSE

To report on the outcome of the tender review panel consideration of North Coast Road Stage 2 tenders

RESOLUTION

Moved: Cr Scott Hoyle

Seconded: Cr Michael O'Connell

That Council:

1. approve acceptance of the lump sum Bild Infrastructure Pty Ltd tender in the amount of \$1,234,026.59 (ex GST).

CARRIED 236/2023 (11/10/2023)

RESOLUTION

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

Section 91 Order

That having considered report 27.2 North Coast Road Stage Two Tender in confidence under Section 90(2) and (3)(d)(i),(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 North Coast Road Stage Two Tender be retained in confidence and not available for public inspection for a period of 2 years.

CARRIED 237/2023 (11/10/2023)

28 NEXT MEETING

Wednesday 8 November 2023

29 CLOSURE

The Meeting closed at 6.40pm.

The minutes of this meeting were confirmed at the Council Meeting held on 8 November 2023.

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MAYOR DARREN BRAUND