



MINUTES

Ordinary Council Meeting

(Subject to confirmation)

13 December 2023

**MINUTES OF YORKE PENINSULA
COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, MINLATON TOWN HALL, 57 MAIN STREET, MINLATON
ON WEDNESDAY, 13 DECEMBER 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 Roger Johns, Cr Adam Meyer, 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), Michael McCauley (Acting Director Assets & Infrastructure Services), Natalie McDonald (Minute Secretary)

4 LEAVE OF ABSENCE

Nil

5 APOLOGIES

Nil

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>):	23.4 – Council Consultation – Proposed ANZAC Memorial Port Clinton
Nature of the Interest being declared:	I have been involved with this matter prior to joining Council and since its inception and am not a supporter of the memorial. I should step aside and leave the room.
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 Tania Stock That Council receive the written submissions in response to the community engagement process

	<p>for the proposed ANZAC Memorial at the corner of Yoolmardy Terrace and Yelta Street, Port Clinton.</p> <p style="text-align: center;">CARRIED 295/2023 (13/12/2023)</p> <p>RESOLUTION</p> <p>Moved: Cr Tania Stock Seconded: Cr Scott Hoyle</p> <p>That Council does not support an ANZAC Memorial at the corner of Yoolamardy Terrace and Yelta Street, Port Clinton.</p> <p style="text-align: center;">CARRIED 296/2023 (13/12/2023)</p>
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Type of Conflict of Interest being declared:	General Conflict of Interest
Elected Member Name:	Cr Roger Johns
Matter to be discussed (<i>Agenda Item #</i>):	25.7 – Proposed Purchase of Road Reserve and Closure – Portion of Johns Road, Hundred of Tiparra in the area named Nalyappa
Nature of the Interest being declared:	The Landowner associated with the pending purchase of a council road reserve within his property is my first cousin.
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 Scott Hoyle Seconded: Cr Michael O'Connell</p> <p>That Council:</p> <ol style="list-style-type: none"> 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 Johns Road, Hundred of Tiparra in the area named Nalyappa. 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 purchaser Mr Trevor Johns of 93 Johns Road, Nalyappa and Council is satisfied with the accuracy of that valuation. 5. Resolve to accept the purchase price of \$54,500 excluding GST which is the reported market value. 6. Authorise the Mayor and Chief Executive Officer to sign and affix Council's Common

	<p>Seal to the relevant documents necessary to execute the road closure and proposed sale.</p> <p>7. Quarantine all proceeds after costs for unbudgeted works to the Balgowan Kiosk effluent disposal system.</p> <p style="text-align: right;">CARRIED 305/2023 (13/12/2023)</p>
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7 MINUTES OF PREVIOUS MEETING – FOR CONFIRMATION

RESOLUTION

Moved: Cr Alan Headon
 Seconded: Cr Kristin Murdock

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

CARRIED 279/2023 (13/12/2023)

RESOLUTION

Moved: Cr Richard Carruthers
 Seconded: Cr Scott Hoyle

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

- 4 Leave of Absence

CARRIED

Cr Adam Meyer called for a division.

In Favour: Crs Richard Carruthers, Naomi Bittner, Trevor Clerke, Alan Headon, Kylie Gray, Scott Hoyle, Kristin Murdock and Michael O'Connell

Against: Crs Roger Johns, Adam Meyer and Tania Stock

CARRIED 280/2023 (13/12/2023)

RESOLUTION

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

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

- 27.1 Request for Exemption – Purchase of One Semi Water Tanker

CARRIED 281/2023 (13/12/2023)

RESOLUTION

Moved: Cr Naomi Bittner
 Seconded: Cr Trevor Clerke

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

- 27.2 Purchase of One Self Propelled Vibratory Single Smooth Drum Roller Tender 235/2023

CARRIED 282/2023 (13/12/2023)

RESOLUTION

Moved: Cr Scott Hoyle
Seconded: Cr Alan Headon

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

- 27.3 Purchase of One Patrol Grader Tender 236/2023

CARRIED 283/2023 (13/12/2023)

RESOLUTION

Moved: Cr Roger Johns
Seconded: Cr Michael O'Connell

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

- 27.4 Bitumen Sealing Rehabilitation Program 2023-2024 Tender 237/2023

CARRIED 284/2023 (13/12/2023)

RESOLUTION

Moved: Cr Tania Stock
Seconded: Cr Roger Johns

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

- 27.5 Robert Street Maitland Concept Design Report

CARRIED 285/2023 (13/12/2023)

RESOLUTION

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

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

- 27.6 Chief Executive Officer Performance Review

CARRIED 286/2023 (13/12/2023)

RESOLUTION

Moved: Cr Scott Hoyle
Seconded: Cr Adam Meyer

Minutes of the Special Council Meeting held on 22 November 2023 be confirmed.

CARRIED 287/2023 (13/12/2023)

RESOLUTION

Moved: Cr Alan Headon
Seconded: Cr Scott Hoyle

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

- 7.1 Marion Bay Boat Ramp and Car Park – Tender 238/2023

CARRIED 288/2023 (13/12/2023)

8 MOTIONS ON NOTICE

Nil

9 QUESTIONS ON NOTICE**9.1 QUESTIONS ON NOTICE RECEIVED FROM CR ADAM MEYER**

The following questions on notice were received from Councillor Adam Meyer. Mayor Darren Braund prepared the responses to those questions outlined below.

1. CEO Employment Conditions**Question a)**

How many (Ordinary and Special) Council Meetings and Information and Briefing Sessions have been held during the term of [the CEO's] current employment contract?

Response a)

There have been five ordinary council meetings and one special council meeting held during the term of the CEO's current contract (commencing on 1 July 2023).

There have been eight Information and Briefing Sessions held during the term of the CEO's current contract (commencing on 1 July 2023).

Question b)

How many (Ordinary and Special) Council Meetings and Information and Briefing Sessions [has the CEO] attended during the term of [the CEO's] current employment contract?

Response b)

The CEO has attended four of the six council meetings held.

The CEO has attended three of the eight Information and Briefing Sessions held.

Question c)

What are the reasons for any absences at any of these meetings/sessions?

Response c)

The CEO was on official Council business or approved leave, utilising accrued leave entitlements.

Question d)

What is the current salary package and conditions/benefits of The Yorke Peninsula Council CEO?

Response d)

Please refer to Council's Register of Remuneration, Salaries and Benefits (see [here](#)).

2. Behavioural Standard for Elected Members**Questions a)**

In a Council building, is it acceptable for an Elected Member to accuse another Elected Member of trying to ruin their business?

Questions b)

In a Council building, is it acceptable for an Elected Member to threaten another Elected Member with Lawyers?

Questions c)

In a Council building, is it acceptable for an Elected Member to threaten to involve the Employment of an Elected Member, when the Elected Member's Employment, has nothing to do with their role as an Elected Member?

Questions d)

In a Council building, is it acceptable for an Elected Member to call another Elected Member "incompetent"?

Questions e)

In a Council meeting, is it acceptable for an Elected Member to suggest that a decision made at a previous Council Meeting was "stupid"?

Response a) – e)

The above five questions (a) – e)) are considered irrelevant and improper, on the basis that if Cr Meyer has a specific allegation that an Elected Member has breached the *Behavioural Standards*, the proper mechanism to deal with this is through the *Behavioural Management Policy*.

3. Road Construction on Private Property**Question a)**

Did Council conduct a survey of the location [between Wild Dog Hill Road and Proposed Bellbird Road] prior to realigning [South Coast Road]?

Response a)

Yes.

Question b)

Did Council seek permission from the landowner prior to constructing the road on their property?

Response 3b)

Yes.

4. Document Requests

Question a)

Why did [the CEO] make the 10 June 2020 Information briefing on this matter as “Confidential”, when other matters involving the sale of Public Roads, have been fully disclosed to Elected Members and the public?

Response a)

This question is considered to be improper, on the basis that the confidentiality or otherwise of that gathering would have been determined in accordance with the Council’s Informal Gatherings Policy which applied at that time, more than three years ago. Asking about this matter now does not appear to have any connection to the proper discharge of the duties of the Elected Member at the present time.

Question b)

Why were the names of the parties withheld from the Elected Members in the 10 June 2020 presentation?

Response b)

This question is considered to be improper, on the basis that asking about this matter more than three years after the fact does not appear to have any connection to the proper discharge of the duties of the Elected Member at the present time.

Question c)

Why are the documents that are being requested by Multiple Elected Members, being withheld from the Elected Members?

Response c)

This question is considered to be improper on the basis that it imputes wrongdoing by Council staff and on the basis that if any requests for access to documents under section 61 of the *Local Government Act 1999* have indeed been refused, reasons would have been provided as part of that process. This question appears to be an attempt to circumvent the procedure for requesting documents under section 61 of the *Local Government Act 1999*.

RESOLUTION

Moved: Cr Richard Carruthers

Seconded: Cr Kristin Murdock

That the responses to the questions regarding the Chief Executive Officer’s employment conditions, behavioural standards for elected members, road construction on private property and document requests raised by Councillor Adam Meyer be received and noted.

CARRIED 289/2023 (13/12/2023)

10 QUESTIONS WITHOUT NOTICE

Nil

11 PETITIONS

Nil

12 MAYOR**12.1 MAYOR'S MONTHLY REPORT NOVEMBER 2023**

Mayor Darren Braund added to his report that he would like to acknowledge the passing of Alan Wright – a long time employee of Council.

PURPOSE

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

RESOLUTION

Moved: Cr Scott Hoyle
Seconded: Cr Michael O'Connell
That the report be received.

CARRIED 290/2023 (13/12/2023)

13 COUNCILLORS' REPORT

Nil

INFORMATION AGENDA**14 ITEMS FOR EXCLUSION**

Cr Stock - Item 17.1 – Post-event Review – Grounded YP Art Festival – Cr Stock thanked Nick Perry and suggested a report/presentation be brought to an information and briefing session for future planning.

Cr Stock – Item 19.5 – Development Application Decisions – Cr Stock wanted to clarify that the Development Application for installation of a private use pool for the Caravan Park Managers at Port Vincent was being funded by the Managers themselves, not Council. Director Development Services confirmed this to be the case.

Mayor Darren Braund – Item 16.3 – Director Corporate and Community Services gave a verbal update on the Minlaton and Maitland Childcare Centres, including updated projected enrolments and staffing updates.

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

Moved: Cr Tania Stock
Seconded: Cr Naomi Bittner

ADOPTION OF INFORMATION AGENDA

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

CARRIED 291/2023 (13/12/2023)

20 VISITORS TO THE MEETING

5.53pm – 6.16pm - *Friends of Coobowie Foreshore - Simon McIntyre and Dr John Douglas addressed the meeting in relation to the proposed Coobowie Sea Wall*

6.17pm – 6.45pm – *Dockside Port Vincent – Mr Peter Villis (Villis Group), Mr Peter Turner (Narungga Advisor), Ms Jodie Reed (Narungga Advisor) and Ricki Bruhn addressed the meeting in relation to the Dockside Port Vincent Development.*

6.46pm – 6.52pm - *Mr Alan Brown – Port Clinton resident addressed the meeting in relation to Item 23.4 Council Consultation – Proposed ANZAC Memorial Port Clinton.*

DEBATE AGENDA**21 MAYOR**

Nil

22 CHIEF EXECUTIVE OFFICER

Nil

23 CORPORATE AND COMMUNITY SERVICES**23.1 FINANCIAL REPORT AS AT 30 NOVEMBER 2023****PURPOSE**

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

RESOLUTION

Moved: Cr Kristin Murdock

Seconded: Cr Tania Stock

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

CARRIED 292/2023 (13/12/2023)

23.2 REQUEST FOR ACCEPTANCE - FREE OF CHARGE ASSET - PRICE PROGRESS ASSOCIATION**PURPOSE**

For Council to consider accepting the new Price Nature Play Area as a 'Free of Charge' asset from Price Progress Association.

RESOLUTION

Moved: Cr Scott Hoyle

Seconded: Cr Naomi Bittner

That Council accept the donation of the Price Nature Play Area as an asset 'Free of Charge' and authorise the Price Nature Play Area to be added to Council's asset register.

CARRIED 293/2023 (13/12/2023)

23.3 GROWING REGIONS PROGRAM ROUND 1 - STAGE 2 FULL APPLICATION - EDITHBURGH JETTY DIVING PLATFORM**PURPOSE**

To seek Council approval to submit a grant application to the Growing Regions Program Round 1 – Stage 2 for the Edithburgh jetty diving platform project.

RESOLUTION

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

That Council:

1. Endorse a grant funding application to the Growing Regions Program Round 1 – Stage 2 (Full Application) for the Edithburgh jetty diving platform project; and
2. Commit to provide a co-contribution of \$236,423 (30% of the project cost) should the grant application be successful.

CARRIED 294/2023 (13/12/2023)

7.02pm – Cr Alan Headon declared a material conflict of interest in relation to Item 23.4 and left the meeting.

23.4 COUNCIL CONSULTATION - PROPOSED ANZAC MEMORIAL PORT CLINTON**PURPOSE**

For Council to consider the results of Council-led Level 2, Consult, community engagement process regarding the proposed ANZAC Memorial installation at the corner of Yelta Street and Yoolamardy Terrace, Port Clinton.

RESOLUTION

Moved: Cr Naomi Bittner
Seconded: Cr Tania Stock

That Council receive the written submissions in response to the community engagement process for the proposed ANZAC Memorial at the corner of Yoolamardy Terrace and Yelta Street, Port Clinton.

CARRIED 295/2023 (13/12/2023)

RESOLUTION

Moved: Cr Tania Stock
Seconded: Cr Scott Hoyle

That Council does not support an ANZAC Memorial at the corner of Yoolamardy Terrace and Yelta Street, Port Clinton.

CARRIED 296/2023 (13/12/2023)

7.16pm – Cr Alan Headon returned to the meeting.

24 ASSETS AND INFRASTRUCTURE SERVICES

24.1 CAPE ELIZABETH - CARE, CONTROL AND MANAGEMENT

PURPOSE

To seek Council endorsement to proceed with community engagement for the proposed cancellation of licence and revocation of dedication to land at Cape Elizabeth, which would result in the land parcels no longer placed under the care, control and management of Council.

RESOLUTION

Moved: Cr Roger Johns

Seconded: Cr Scott Hoyle

That Council:

1. Endorse proceeding with community engagement for the proposed request to the Minister for Climate, Environment and Water to seek:
 - a) cancellation of Licence OL021780 purpose conservation (in the area known as Cape Elizabeth), covering wholly:
 - Piece 3 in Deposited Plan 33745, Hundred Tiparra CR 5751/48;
 - Piece 4 in Deposited Plan 33745, Hundred Tiparra CR 5751/48; and
 - Section 547 in Deposited Plan 211000, Hundred Tiparra CR 5766/11; and
 - b) revocation of dedication purpose conservation to Section 553 in Deposited Plan 211000, Hundred Tiparra CR 5772/151 (in the area known as Cape Elizabeth).
2. Endorse the attached draft Community Consultation Report outlining the proposed licence cancellation and dedication revocation, and associated Community Engagement Plan.

CARRIED 297/2023 (13/12/2023)

24.2 SA JETTIES RENEWAL PROGRAM APPLICATION FOR FUNDING (STAGE 1)

PURPOSE

To seek Council endorsement to submit two expressions of interest for the State Government's SA Jetties Renewal Program for funding to assist local councils for projects to address critical works across the State's divested jetties.

RESOLUTION

Moved: Cr Scott Hoyle

Seconded: Cr Trevor Clerke

That Council endorse two expressions of interest to the SA Jetties Renewal Project for funding assistance to repair/upgrade its divested jetties.

1. \$282,000 proposal for urgent repairs and maintenance to the Port Vincent Fisherman's Jetty based on a 70% Department for Infrastructure and Transport contribution of \$197,400, and a 30% Council contribution of \$84,600.
2. \$7.0 million proposal over five (5) years based on a 70% Department for Infrastructure and Transport contribution (\$4.9M) and 30% Council contribution (i.e., \$2.1M or \$420,000 per year,

which will be doubling Council's \$200,000 current maintenance spend to undertake a pile replacement program at jetties located at Ardrossan, Port Victoria, Edithburgh and Stansbury.

CARRIED 298/2023 (13/12/2023)

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 27 October 2023.

RESOLUTION

Moved: Cr Trevor Clerke
Seconded: Cr Tania Stock

That Council receive the Minutes of the Access Advisory Working Party meeting held on 27 October 2023.

CARRIED 299/2023 (13/12/2023)

25.2 PROPOSED NEW LEASE CENTRAL YORKE FOOTBALL CLUB INC.

PURPOSE

To consider granting a new lease to the Central Yorke Football Club Inc. following the completion of the community engagement process.

RESOLUTION

Moved: Cr Scott Hoyle
Seconded: Cr Adam Meyer

That Council:

1. Endorse a lease to Central Yorke Football Club, for a portion of Section 385, Rogers Terrace Maitland, 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.
2. Authorise the Mayor and Chief Executive Officer to sign and affix Council's Common Seal in order to execute the lease documents.

CARRIED 300/2023 (13/12/2023)

25.3 LICENCE AND LEASE EXTENSIONS - MINISTER FOR POLICE, EMERGENCY SERVICES AND CORRECTIONAL SERVICES

PURPOSE

To seek approval to grant twenty one (21) year extensions to the Minister for Police, Emergency Services and Correctional Services for existing Country Fire Service sites pursuant to Council's obligations under the current lease and licence agreements.

RESOLUTION

Moved: Cr Naomi Bittner

Seconded: Cr Michael O'Connell

That Council:

1. Endorse extensions to lease and licence agreements to the Minister for Police, Emergency Services and Correctional Services for Country Fire Service sites at the expiration of the current term for twenty one (21) years, pursuant to Council's obligations under the current lease and licence agreements for the following locations:
 - Brentwood
 - Curramulka
 - Minlaton
 - Edithburgh
 - Marion Bay
2. Authorise the Mayor and Chief Executive Officer to sign and affix Council's Common Seal to the relevant documents necessary to execute extensions.

CARRIED 301/2023 (13/12/2023)

25.4 MEMBER APPOINTMENT - COUNCIL ASSESSMENT PANEL - TERM 2024 TO 2026

PURPOSE

For Council to consider the re-appointment of the existing four (4) Independent Members and one (1) Deputy Member to Council's Assessment Panel in accordance with Section 83(1) of the Planning, Development and Infrastructure Act 2016 for a two (2) year term commencing 1 January 2024 and concluding 31 December 2025.

RESOLUTION

Moved: Cr Richard Carruthers

Seconded: Cr Alan Headon

That Council:

Appoint the existing four (4) Independent Members to the Council Assessment Panel in accordance with Section 83(1) of the Planning, Development and Infrastructure Act 2016, for a two (2) year term commencing 1 January 2024 and concluding 31 December 2025;

(1) Debra Agnew

(2) Ben Green

(3) Peter Allan

(4) Stephen Horsell

2. Appoint one (1) Deputy Member who may deputise in the absence of an Independent Member.

(1) Jordan Hunt

3. Appoint Debra Agnew as the Independent Member Presiding Chair of the Council Assessment Panel.

CARRIED 302/2023 (13/12/2023)

25.5 LAND MANAGEMENT AGREEMENT - 75 DOWLINGVILLE SLANT ROAD DOWLINGVILLE

PURPOSE

To seek authorisation from Council for the Mayor and Chief Executive Officer to execute a new Land Management Agreement relating to development at Section 141 Deposited Plan 130300 in the area Hundred of Cunningham, commonly known as 75 Dowlingville Slant Road, Dowlingville ("The Land").

RESOLUTION

Moved: Cr Tania Stock

Seconded: Cr Alan Headon

That Council authorises the Mayor and Chief Executive Officer to sign and affix the Common Seal on the relevant documents relating to a Land Management Agreement over 75 Dowlingville Slant Road, Dowlingville, as contained within Certificate of Title Volume 5480 Folio 180.

CARRIED 303/2023 (13/12/2023)

25.6 PROPOSED PURCHASE OF ROAD RESERVE AND CLOSURE - PORTION WEST TERRACE, ARDROSSAN

PURPOSE

To seek permission to proceed with the road closure process for the proposed sale of a portion of public road reserve, namely West Terrace, Ardrossan by the Department for Education.

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 West Terrace, Ardrossan 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 Department for Education 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 from the sale to go towards the Ardrossan Median Strip Project.

CARRIED 304/2023 (13/12/2023)

7.32pm – Cr Roger Johns declared a general conflict of interest in relation to Item 25.7 and left the meeting.

25.7 PROPOSED PURCHASE OF ROAD RESERVE AND CLOSURE - PORTION OF JOHNS ROAD, HUNDRED OF TIPARRA IN THE AREA NAMED NALYAPPA

PURPOSE

To seek permission to proceed with the road closure process for the proposed sale of a portion of public road reserve, namely Johns Road, Hundred of Tiparra in the area named Nalyappa.

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 Johns Road, Hundred of Tiparra in the area named Nalyappa.
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 purchaser Mr Trevor Johns of 93 Johns Road, Nalyappa and Council is satisfied with the accuracy of that valuation.
5. Resolve to accept the purchase price of \$54,500 excluding GST which is the reported market value.
6. 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.
7. Quarantine all proceeds after costs for unbudgeted works to the Balgowan Kiosk effluent disposal system.

CARRIED 305/2023 (13/12/2023)

7.42pm – Cr Roger Johns returned to the meeting.

25.8 MINOR AMENDMENTS COMMUNITY LAND MANAGEMENT PLANS**PURPOSE**

To seek Council's endorsement for minor amendments to Council's Community Land Management Plans.

RESOLUTION

Moved: Cr Adam Meyer
Seconded: Cr Alan Headon

That Council endorse and adopt the minor amendments to Council's Community Land Management Plans as presented for inclusion on Council's website.

CARRIED 306/2023 (13/12/2023)

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.

Cr Tania Stock requested a leave of absence from 8-19 January 2024.

RESOLUTION

Moved: Cr Trevor Clerke
Seconded: Cr Kylie Gray

That Cr Tania Stock be granted a leave of absence from 8-19 January 2024.

CARRIED 307/2023 (13/12/2023)

CONFIDENTIAL AGENDA**27 CONFIDENTIAL ITEMS****27.1 TOWN REHABILITATION PROGRAM 2023-2024 - TENDER 239-2023****RESOLUTION**

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

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 Town Rehabilitation Program 2023-2024 - Tender 239-2023, with the exception of the following persons:

- Chief Executive Officer
- Executive Assistant to CEO and Mayor
- Director Corporate and Community Services

- Acting Director Assets and Infrastructure Services
- Director Development Services
- Operations Manager

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 Town Rehabilitation Program 2023-2024 - Tender 239-2023, 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 308/2023 (13/12/2023)

27.2 TENDER 231-2023 - CLEANING AND CABIN SUPPLIES - COUNCIL CARAVAN PARKS

RESOLUTION

Moved: Cr Alan Headon

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 27.2 Tender 231-2023 - Cleaning and Cabin Supplies - Council Caravan Parks, with the exception of the following persons:

- Chief Executive Officer
- Executive Assistant to CEO and Mayor
- Director Corporate and Community Services
- Acting Director Assets and Infrastructure Services
- Director Development Services
- Operations Manager

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 27.2 Tender 231-2023 - Cleaning and Cabin Supplies - Council Caravan Parks, 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 309/2023 (13/12/2023)

27.3 ILLEGAL DUMPING ON LIGHTHOUSE ROAD BERRY BAY

RESOLUTION

Moved: Cr Scott Hoyle

Seconded: Cr Trevor Clerke

Section 90 Order

That pursuant to Section 90(2) and (3)(h),(i) of the Local Government Act 1999, the Council orders, that the public be excluded from the meeting relating to Item 27.3 Illegal Dumping on Lighthouse Road Berry Bay, with the exception of the following persons:

- Chief Executive Officer

- Executive Assistant to CEO and Mayor
- Director Corporate and Community Services
- Acting Director Assets and Infrastructure Services
- Director Development Services
- Operations Manager
- Manager People Culture and Safety
- Dale Mazzachi – Norman Waterhouse

The Council is satisfied that, pursuant to Section 90(2) and (3)(h),(i) of the Act, the information to be received, discussed or considered in relation to report Item 27.3 Illegal Dumping on Lighthouse Road Berry Bay, is confidential information relating to:

- (h) legal advice
- (i) information relating to actual litigation, or litigation that the Council or Council committee believes on reasonable grounds will take place, involving the council or an employee of the Council
- (i) 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 310/2023 (13/12/2023)

7.45pm – The public were removed from the meeting and the Chamber secured.

RESUMPTION OF PUBLIC MEETING

Released in camera minute – 7.46pm

27.1 TOWN REHABILITATION PROGRAM 2023-2024 - TENDER 239-2023

PURPOSE

To provide relevant information in support of the recent open tender process for the Town Rehabilitation Program 2023/24 (tender 239/2023), pursuant to the relevant sections of the Purchasing and Procurement Policy (PO058).

RESOLUTION

Moved: Cr Scott Hoyle
Seconded: Cr Alan Headon

That Council accept the tender submission of \$340,145 (GST exclusive) from Stabilised Pavements of Australia to undertake the Town Rehabilitation Program 2023/24 in its entirety, including Council's budgeted component of the works.

CARRIED 311/2023 (13/12/2023)

RESOLUTION

Moved: Cr Naomi Bittner
Seconded: Cr Richard Carruthers

Section 91 Order

That having considered report 27.1 Town Rehabilitation Program 2023-2024 - Tender 239-2023 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 Town Rehabilitation Program 2023-2024 - Tender 239-2023 be retained in confidence and not available for public inspection for a period of 12 months.

CARRIED 312/2023 (13/12/2023)

Released in camera minute – 7.48pm

27.2 TENDER 231-2023 - CLEANING AND CABIN SUPPLIES - COUNCIL CARAVAN PARKS**PURPOSE**

To provide relevant information in support of the recent open tender process for Cleaning and Cabin Supplies – Council Caravan Parks (tender 231/2023), pursuant to the relevant sections of the Purchasing and Procurement Policy (PO058).

RESOLUTION

Moved: Cr Scott Hoyle
Seconded: Cr Adam Meyer

That Council endorse Warehouse Matrix as the preferred tenderer to supply cleaning and cabin supplies to Yorke Peninsula Council Holiday Parks in accordance with the value of items specified in Cleaning and Cabin Supplies – Council Caravan Parks (tender 231/2023).

CARRIED 313/2023 (13/12/2023)

RESOLUTION

Moved: Cr Trevor Clerke
Seconded: Cr Alan Headon

Section 91 Order

That having considered report 27.2 Tender 231-2023 - Cleaning and Cabin Supplies - Council Caravan Parks 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 Tender 231-2023 - Cleaning and Cabin Supplies - Council Caravan Parks be retained in confidence and not available for public inspection for a period of 12 Months.

CARRIED 314/2023 (13/12/2023)

Released in camera minute – 8.42pm

27.3 ILLEGAL DUMPING ON LIGHTHOUSE ROAD BERRY BAY

RESOLUTION

Moved: Cr Adam Meyer
Seconded: Cr Richard Carruthers

Section 91 Order

That having considered report 27.3 Illegal Dumping on Lighthouse Road Berry Bay in confidence under Section 90(2) and (3)(h),(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 27.3 Illegal Dumping on Lighthouse Road Berry Bay be retained in confidence and not available for public inspection for a period of 12 months.

CARRIED 316/2023 (13/12/2023)

28 NEXT MEETING

Wednesday 17 January 2024

29 CLOSURE

The Meeting closed at 8.43pm.

The minutes of this meeting were confirmed at the Council Meeting held on 17 January 2024.

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MAYOR DARREN BRAUND