



MINUTES

Ordinary Council Meeting

(Subject to confirmation)

17 January 2024

**MINUTES OF YORKE PENINSULA
COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, MINLATON TOWN HALL, 57 MAIN STREET, MINLATON
ON WEDNESDAY, 17 JANUARY 2024 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

In Attendance

Andrew Cameron (CEO), Andre Kompler (Director Assets & Infrastructure Services), Ben Thompson (Director Corporate & Community Services), Jodie Terp (Acting Director Development Services), Natalie McDonald (Minute Secretary)

4 LEAVE OF ABSENCE

Cr Tania Stock

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.

Nil

7 MINUTES OF PREVIOUS MEETING – FOR CONFIRMATION

RESOLUTION

Moved: Cr Kristin Murdock

Seconded: Cr Alan Headon

That the minutes of the Ordinary Council Meeting held on 13 December 2023 be confirmed.

CARRIED 001/2024 (17/01/2024)

RESOLUTION

Moved: Cr Richard Carruthers
Seconded: Cr Trevor Clerke

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

- Town Rehabilitation Program 2023-2024 – Tender 239-2023

CARRIED 002/2024 (17/01/2024)

RESOLUTION

Moved: Cr Adam Meyer
Seconded: Cr Alan Headon

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

- Tender 231-2023 – Cleaning and Cabin Supplies – Council Caravan Parks

CARRIED 003/2024 (17/01/2024)

RESOLUTION

Moved: Cr Adam Meyer
Seconded: Cr Naomi Bittner

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

- Illegal Dumping on Lighthouse Road Berry Bay

CARRIED 004/2024 (17/01/2024)

Mayor Darren Braund sought the leave of the meeting to bring forward Charmaine Kimber as a presenter to the meeting prior to Item 8.1. Leave was granted.

5.33pm-5.37pm - Charmaine Kimber presented to the meeting in relation to the Item 8.1 – Notice of Motion – Councillor Naomi Bittner – Rescission of Item 25.1 – Meeting 11 October 2023.

8 MOTIONS ON NOTICE**8.1 NOTICE OF MOTION - COUNCILLOR NAOMI BITTNER - RESCISSION OF ITEM 25.1 - MEETING 11 OCTOBER 2023****RESOLUTION**

Moved: Cr Naomi Bittner
Seconded: Cr Scott Hoyle

That Council rescind resolution 226/2023 that was passed at the 11 October 2023 Council meeting – Development Services Item 25.1 – Proposed Community Land Management Plan Amendments.

MOTION LOST

Cr Naomi Bittner called for a division.

In Favour: Crs Richard Carruthers, Naomi Bittner, Scott Hoyle and Michael O'Connell

Against: Crs Trevor Clerke, Alan Headon, Kylie Gray, Roger Johns, Adam Meyer and Kristin Murdock

MOTION LOST 005/2024 (17/01/2024)

9 QUESTIONS ON NOTICE

9.1 QUESTIONS ON NOTICE RECEIVED FROM COUNCILLOR ADAM MEYER

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

Information provided by the Mayor regarding Questions on Notice

Cr Meyer has submitted Questions on Notice for the January 2024 ordinary meeting. The Mayor has determined it is appropriate to make the following comments before dealing with those questions. These comments will be referred to several times below when dealing with questions.

The Questions on Notice provided by Cr Meyer with respect to the December 2023 ordinary meeting, and now the January 2024 ordinary meeting, have been drafted in language which is directly addressed to the Chief Executive Officer (CEO).

However, a question asked by a Council member either with, or without, notice for the purposes of regulation 9 of the *Local Government (Procedures at Meetings) Regulations 2013* (Meeting Regulations) is to be directed to the Mayor as the person presiding at the meeting.

Although **notice** of the question is to be provided to the CEO in accordance with regulation 9(1) of the Meeting Regulations, a question to be asked at a meeting of Council is directed to the Mayor as the person conducting the meeting. It is for the Mayor to determine how the question is to be answered, including by answering the question themselves or by referring the matter to the CEO to provide an answer. Even if an answer is provided by the CEO, the answer is provided through the Mayor.

It is the role of the Mayor to consider a question from a Council member and to ensure that the question is answered, except where the Mayor is of the view that the question is vague, irrelevant, insulting or improper and makes a ruling in accordance with regulation 9(6) of the Meeting Regulations.

The following questions of Cr Meyer have been edited so that they are not addressed directly to the CEO, and to remove repetition. Square brackets have been used to indicate where editing has occurred. The substance of the questions is unchanged from what was provided to the CEO in advance of the meeting.

1. CEO Employment Conditions

Question a)

[P]lease advise the specific reasons (Council Duties and/or Annual Leave Applications) [why the CEO was absent from] 2 council meetings and 5 information sessions [during the term of the CEO's current employment contract].

Response

The CEO was absent from the following Council meetings and information sessions due to the CEO being on leave:

9 August 2023 (Council Meeting & Information and Briefing Session)

23 August 2023 (Information and Briefing Session)

12 September 2023 (Information and Briefing Session)

13 September 2023 (Council Meeting & Information and Briefing Session)

The CEO was absent from the following Council meetings and information sessions due to the CEO attending to other Council duties:

25 October 2023 – CEO attended Coastal Council CEO Forum in Adelaide (Information and Briefing Session)

Question b)

[At] which meetings of Council, were these absences approved by Council Motion, for each occasion.

Response

It is not a requirement of the CEO's contract of employment that leave and other absences be approved by Council resolution. The Mayor has approved all absences.

Question c)

[What is/are the CEO's] annual salary, annual leave entitlements, superannuation, motor vehicle (price/make/model/value) annual cost and any other financial benefits as detailed in your employment contract.

Response

Remuneration:

- Annual Salary: \$275,000
- Superannuation: \$25,575
- Notional value of vehicle use: \$10,000

Annual leave entitlements:

- 6 weeks per year.

The contract of employment also provides for the following entitlements:

Motor vehicle:

- Full private and business use of a vehicle, with vehicle value of up to \$85,000 (including Government discounts and excluding GST) at the time of purchase, or under a novated lease arrangement.
- Current vehicle is 2022 Toyota Prado – Purchase Price \$74,626.50 (excl. GST).
- Council pays all maintenance and operating expenses including oil, repairs, servicing, comprehensive insurance, RAA service club membership, registration and petrol incurred in respect of the vehicle.

Other benefits:

- Costs of Qantas air travel incurred in the course of Council business, in accordance with Council's PR126 Travel and Accommodation Procedure, and Qantas Club Membership.
- Cost of reasonable accommodation and out of pocket expenses whilst on Council business, in accordance with Council's PR126 Travel and Accommodation Procedure.
- Cost of Council approved training and study, including attendance at appropriate conferences in accordance with Council's Training and Development Policy PO011 and Professional Development Procedure PR089.
- Cost of professional memberships, including of the Local Government Chief Officers Group.
- Use of work-related electronic equipment such as a mobile telephone and tablet device(s).
- Cost of NBN connection (including installation and set-up) at the Employee's place of residence.
- Income protection and journey insurance.

2. Behavioural Standards for Elected Members

Question a)

[P]lease advise what specific training has been supplied to the Mayor and Deputy Mayor, that supports them with the skills to conduct appropriate investigations under the Behavioural Standards Guidelines.

Response

The Mayor has attended the following training that supports him with the skills to conduct appropriate investigations under the Behavioural Standards Guidelines:

- LGA Conference and Annual General Meeting
- New Council Training - Behaviour / Civic / Legal / Financial Management
- Principal Mayor Forum
- ALGA - National General Assembly
- Mayor and CEO Forum

The Deputy Mayor has attended the following training that supports him with the skills to conduct appropriate investigations under the Behavioural Standards Guidelines:

- New Council Training - Behaviour / Civic / Legal / Financial Mgmt
- Assessment Panel Training for Elected Members
- Deputy Mayor Forum
- ALGA - National General Assembly
- LGA - Conference & Ordinary General Meeting

Question b)

Does the CEO understand how the Behavioural Standards for Elected Members functions under the Local Government Act, and does the CEO have a clear understanding of what are expected behaviours of Elected Members?

Response

This question is vague and improper. The Mayor has ruled that it not be answered.

The question is vague because it is unclear how the question could be answered in any meaningful way.

The question is improper because it imputes ignorance on the part of the CEO and because it is not the role of the CEO to manage the behaviour of Council members.

Question c)

Does the CEO think it “irrelevant” or “improper” for an Elected Member to seek guidance from the CEO, to gain a full understanding of what are acceptable behaviours of Elected Members?

Response

This question is improper. The Mayor has ruled that it not be answered.

The question is improper because it appears to be based on a misunderstanding of roles and function. The Mayor previously ruled questions to be irrelevant and improper, not the CEO. The CEO cannot make such a ruling – see information above.

The question is improper on the basis that the question mechanism in regulation 9 of the Meeting Regulations is not an appropriate mechanism to seek opinions of this nature from the CEO.

Question d)

[Does] the CEO think it relevant or proper to seek answers to the relevant questions from the CEO, when the Mayor and Deputy Mayor have declined to answer the same questions on multiple occasions?

Response

This question is improper. The Mayor has ruled that it not be answered.

The question is improper because it appears to be based on a misunderstanding of roles and function. The Mayor previously ruled questions to be irrelevant and improper, not the CEO. The CEO cannot make such a ruling – see information above.

The question is also improper on the basis that the question mechanism in regulation 9 of the Meeting Regulations is not an appropriate mechanism to seek opinions of this nature from the CEO.

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

Please confirm the details of the appropriately qualified surveyor used by Council and the date the survey was conducted [with respect to the location between Wild Dog Hill Road and Proposed Bellbird Road for the realignment of South Coast Road]?

Response

Council's Works Manager attended on site on Thursday, 27 April 2017 to undertake a survey and calculate the amount of private property that was required to facilitate the South Coast Road upgrade. He was suitably qualified/experienced to do so.

A qualified surveyor was appointed in early June 2017, for the purposes of preparing the official documents required by the Lands Titles Office, once Council had secured signed Land Transfer Agreements with all applicable property owners. The qualified surveyor attended on site and commenced the formal surveying process on Wednesday, 12 July 2017.

Question b)

[P]lease advise the dates of construction of that section of South Coast road.

Response

Construction commenced sometime shortly after Thursday, 18th May 2017 and was reported as having been completed at the general meeting of the Council held on Wednesday, 12 July 2017.

Question c)

[P]lease advise the date (if any) that permission was received by Council from the relevant property owner for the construction of the road, fully on their property.

Response

Verbal permission was provided during an on-site meeting with Council's Works Manager on Saturday, 29 April 2017, which was confirmed in a later email from the property owner to Council's Works Manager on Tuesday, 16 May 2017. A Formal Land Transfer Agreement, for the donation of the private property to the Council was also signed by the property owner on Tuesday, 16 May 2017. This signed, Formal Land Transfer Agreement was received by Council, via Australia Post on the morning of Monday, 22 May 2017.

4. Document Requests

Question a)

[D]oes the CEO think it improper for Councillors to ask questions, and request documents, that have repeatedly been requested over the last 3 years; be considered improper, on the basis that 3 years has passed (“more than three years ago” – Mayor), without the CEO answering the questions or supplying documents on multiple occasions, to myself and multiple other Councillors?

Response

This question is improper. The Mayor has ruled that it not be answered.

The question is improper because it appears to be based on a misunderstanding of roles and function. The Mayor previously ruled questions to be irrelevant and improper, not the CEO. The CEO cannot make such a ruling – see information above.

The question is also improper on the bases that it imputes wrongdoing by the CEO, and that the question mechanism in regulation 9 of the Meeting Regulations is not an appropriate mechanism to seek opinions of this nature from the CEO.

5. Further Questions

Question a)

[W]ho altered and who authorised the altering of my Questions on Notice document, that I submitted to [the CEO [with respect to 13 December 2023 meeting]]?

Response

The Mayor caused the alterations to be made, for reasons explained in the information provided above. The questions were incorrectly addressed directly to the CEO. The Mayor caused the questions to be edited so that they were not addressed directly to the CEO.

Insofar as the question asks for who specifically typed the alterations, the Mayor has determined this to be irrelevant as he is responsible for the alterations.

Question b)

What involvement did staff have in authoring the answers that the Mayor supplied to my questions?

Response

In accordance with PO089 Elected Member Allowances and Benefits Policy, the Mayor is entitled to executive clerical support in performing and discharging his official functions and duties. The Mayor utilised that support.

Question c)

[I] asked at the [13 December 2023] meeting (citing 3 other councils) why [the CEO] didn't answer the questions on notice put to [the CEO], [the CEO] explained because [the CEO was] the subject of the questions; can [the CEO] please explain how [the CEO is] involved in all 4 questions, in a manner that requires [the CEO] to not being involved in answering the questions?

Response

This question is improper. The Mayor has ruled that it not be answered.

The question is improper because it appears to be based on a misunderstanding of roles and function. It is for the Presiding Member to determine how any question is to be answered – see information at the outset.

Question d)

[W]hat is the definition of irrelevant and improper, used by the Mayor, to determine that [the CEO] didn't need to answer my questions 2 and 4?

Response

There is no specific definition for these terms. It is matter for the Presiding Member to form a view, on a case-by-case basis, as to whether any question is irrelevant and/or improper (and/or vague and/or insulting). A question may be 'improper' even if the Council member concerned had no intention of acting improperly in asking the question.

The Mayor formed the view that Questions 2(a)-(e) of December 2023 were 'irrelevant' because those questions were non-specific, hypothetical queries which were not relevant to any business of the Council.

The Mayor formed the view that Questions 2(a)-(e) of December 2023 were 'improper' on the basis that, if a Council member wants to make a specific allegation, the proper avenue would be to deal with this through the *Behavioural Management Policy*. It would be improper to utilise the question mechanism instead.

The Mayor formed the view that Questions 4(a)-(b) of December 2023 were 'improper' on the basis that the purpose of the question mechanism in regulation 9 of the Meeting Regulations is to enable Council members to obtain information that is relevant to their functions as a member of the Council (as outlined in Section 59 of the *Local Government Act 1999 (LG Act)*), and these questions did not appear to have any connection to the proper discharge of the duties of the Council member at the relevant time.

The Mayor formed the view that Question 4(c) of December 2023 was 'improper' on two bases. Firstly, it was worded in a way which unfairly imputed wrongdoing to Council staff, no matter how the question might be answered. Secondly, given there is a specific avenue provided by section 61 of the LG Act for dealing with requests for documents, it is improper to utilise the question mechanism to air grievances with how that request for document mechanism has been applied in specific cases.

Question e)

[P]lease explain why my Leave of absence notification for the November 2023 Council Meeting, was treated in such a different manner (Confidential/reasons supplied to Elected Members/alterations to my submission etc) to all other Leave of Absence notifications in the last 5 years, including the notification received in General Business from Cr Tania Stock, at the December 2023 meeting?

Response

The leave of absence 'notification' which was provided to the Mayor was treated as an application, as the granting of leave is not automatic but is a matter for determination by Council at the relevant Council meeting.

The notification correspondence was not supplied directly to Council members, as it contained information which is confidential and cannot be disclosed to those other Council members. A summary of reasons was instead provided.

Question f)

As part of the CEO review process into [the CEO's] new Employment Contract, Councillors were advised of [the CEO's] full commitment to [the CEO's] role with Yorke Peninsula Council; can [the CEO] please confirm if [the CEO was] one of the 40 applicants for the position of CEO with the Copper Coast Council in 2023.

Response

This question is irrelevant. The Mayor has ruled that it not be answered.

The question is irrelevant because it seeks personal information which is not related to any business of the Council.

RESOLUTION

Moved: Cr Alan Headon

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, document requests and further questions raised by Councillor Adam Meyer be received and noted.

CARRIED 006/2024 (17/01/2024)

10 QUESTIONS WITHOUT NOTICE

Nil

11 PETITIONS**11.1 PETITION - FRIENDS OF COOBOWIE FORESHORE****PURPOSE**

To provide Elected Members with a copy of a petition received in relation to the opposition to further investigations and development of the coastal defence structure at Coobowie.

RESOLUTION

Moved: Cr Alan Headon

Seconded: Cr Scott Hoyle

That the report be received.

CARRIED 007/2024 (17/01/2024)

12 MAYOR**12.1 MAYOR'S MONTHLY REPORT DECEMBER 2023****PURPOSE**

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

RESOLUTION

Moved: Cr Scott Hoyle

Seconded: Cr Michael O'Connell

That the report be received.

CARRIED 008/2024 (17/01/2024)

13 COUNCILLORS' REPORT

Nil

INFORMATION AGENDA**14 ITEMS FOR EXCLUSION**

Nil

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

Moved: Cr Adam Meyer

Seconded: Cr Trevor Clerke

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

CARRIED 009/2024 (17/01/2024)

20 VISITORS TO THE MEETING

5.59pm-6.20pm - Roger Hogben addressed the meeting in relation to Item 23.2 Consultation – Vietnam Memorial Walk.

6.21pm-6.25pm - Malcolm Stanton addressed the meeting in relation to Item 23.2 Consultation – Vietnam Memorial Walk.

DEBATE AGENDA**21 MAYOR**

Nil

22 CHIEF EXECUTIVE OFFICER**22.1 LEGATUS CHARTER REVIEW AND DRAFT STRATEGIC FRAMEWORK****PURPOSE**

To seek Council endorsement of the proposed alterations to the Legatus Group Charter and draft Legatus Group Strategic Plan Framework.

RESOLUTION

Moved: Cr Richard Carruthers

Seconded: Cr Adam Meyer

That Council:

1. Receive and note the Legatus Group Charter Review Report.
2. Endorse the draft new Legatus Group Charter.
3. Endorse the draft Legatus Group Strategic Plan Framework.

CARRIED 010/2024 (17/01/2024)

23 CORPORATE AND COMMUNITY SERVICES**23.1 FINANCIAL REPORT AS AT 31 DECEMBER 2023****PURPOSE**

For Council to consider the financial report and capital projects update report as at 31 December 2023.

RESOLUTION

Moved: Cr Alan Headon
Seconded: Cr Naomi Bittner

That Council receive the financial report and capital projects update report as at 31 December 2023.

CARRIED 011/2024 (17/01/2024)

23.2 CONSULTATION - VIETNAM WAR MEMORIAL WALK**PURPOSE**

For Council to receive and consider the results of the community engagement process regarding the proposed Vietnam War Memorial Walk signage.

RESOLUTION

Moved: Cr Roger Johns
Seconded: Cr Naomi Bittner

That Council receive the written submissions in response to the community engagement process for the proposed Vietnam War Memorial Walk signage.

CARRIED 012/2024 (17/01/2024)

RESOLUTION

Moved: Cr Adam Meyer
Seconded: Cr Naomi Bittner

That Council proceed with the Vietnam War Memorial Walk project, including a Saluting Their Service Commemorative Grant Program funding application, with the start/finish point of the Memorial Walk and associated signage at the Edithburgh end to be located further north away from residential views. The start/finish point of the Memorial Walk and associated signage at the Coobowie end to be located on the coastal side of St Vincent Highway south of the causeway, with associated works including a dedicated carpark.

CARRIED 013/2024 (17/01/2024)

24 ASSETS AND INFRASTRUCTURE SERVICES**24.1 DESIGN OF COASTAL DEFENCE STRUCTURE - COOBOWIE****PURPOSE**

To seek approval to cease further investigations and development of the coastal defence structure at Coobowie.

RESOLUTION

Moved: Cr Naomi Bittner

Seconded: Cr Michael O'Connell

That Council not proceed with further investigation and development of the proposed coastal defence structure at Coobowie.

CARRIED UNANIMOUSLY 014/2024 (17/01/2024)

24.2 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 Kylie Gray

Seconded: Cr Scott Hoyle

That Council reject the proposed fortnightly food organics/green organics (FOGO) waste management collection service as detailed below and at this time make no changes to waste collection.

CARRIED 015/2024 (17/01/2024)

25 DEVELOPMENT SERVICES**25.1 REQUEST FOR AMENDMENTS TO HEADLEASE & UNDERLEASE - ALLOTMENT 300, DEPOSIT PLAN 71293, BREAKWATER DRIVE, PORT VINCENT****PURPOSE**

To endorse staff seeking Ministerial approval for amendments to the Headlease with Department for Infrastructure and Transport to facilitate proposed development for Port Vincent Landing Pty Ltd at Allotment 300, Deposit Plan 71293, Breakwater Drive, Port Vincent known as Float.

RESOLUTION

Moved: Cr Naomi Bittner

Seconded: Cr Michael O'Connell

That Council:

1. Endorse staff seeking Ministerial approval for the development of floating homes and a proposed floating café/cellar door on Allotment 300, Deposited Plan 71293, Breakwater Drive, Port Vincent.
2. Endorse staff seeking Ministerial approval for a revised or new Headlease with Department for Infrastructure and Transport to facilitate proposed development for Port Vincent Landing Pty Ltd at Allotment 300, Deposited Plan 71293 Breakwater Road, Port Vincent.

The vote was tied at five all. Due to equality of votes the Mayor was required to use his casting vote and voted for the motion.

CARRIED

Cr Kylie Gray called a division.

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

Against: Crs Kylie Gray, Scott Hoyle, Roger Johns, Adam Meyer and Kristin Murdock

CARRIED 016/2024 (17/01/2024)

25.2 REQUEST FOR AMENDMENTS TO HEADLEASE & UNDERLEASE - ALLOTMENT 212, DEPOSIT PLAN 61702, MARINA DRIVE, PORT VINCENT

PURPOSE

To endorse staff seeking Ministerial approval from Department for Infrastructure and Transport for the construction of a non-standard pontoon and swimming pool at Allotment 212, Deposit Plan 61702, Marina Drive, Port Vincent and proposed amendments to the Headlease for the said land to facilitate proposed development for Port Vincent Landing Pty Ltd known as Dockside.

RESOLUTION

Moved: Cr Scott Hoyle

Seconded: Cr Richard Carruthers

That Council:

1. Endorse staff seeking Ministerial approval for the construction of a non-standard pontoon and a swimming pool at Allotment 212, Deposit Plan 61702, Marina Drive, Port Vincent.
2. Endorse staff seeking Ministerial approval for a revised or new Headlease with Department for Infrastructure and Transport to facilitate development on Allotment 212, Deposit Plan 61702, Marina Drive, Port Vincent.

CARRIED 017/2024 (17/01/2024)

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 TENDER 240-2023 - SEALED SHOULDER REWORK PROGRAM 2023-2024****RESOLUTION**

Moved: Cr Scott Hoyle
Seconded: Cr Alan Headon

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 Tender 240-2023 - Sealed Shoulder Rework Program 2023-2024, with the exception of the following persons:

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

The Council is satisfied that, pursuant to Section 90(2) and (3)(k) of the Act, the information to be received, discussed or considered in relation to report Item 27.1 Tender 240-2023 - Sealed Shoulder Rework Program 2023-2024, 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 018/2024 (17/01/2024)

6.59pm – The public were removed from the meeting and the Chamber secured.

RESUMPTION OF PUBLIC MEETING – 7.01PM**27.1 TENDER 240-2023 - SEALED SHOULDER REWORK PROGRAM 2023-2024****PURPOSE**

To provide relevant information in support of the recent open tender process for the Sealed Road Shoulder Rework Program 2023/2024 (tender 240/2023), pursuant to the relevant sections of the Purchasing and Procurement Policy (PO058).

RESOLUTION

Moved: Cr Scott Hoyle
Seconded: Cr Roger Johns

That Council accept the tender submission of \$199,670 (GST exclusive) from Jakelco Contracting Pty Ltd to undertake the Sealed Road Shoulder Rework Program 2023/2024.

CARRIED 019/2024 (17/01/2024)

RESOLUTION

Moved: Cr Scott Hoyle
Seconded: Cr Alan Headon

Section 91 Order

That having considered report 27.1 Tender 240-2023 - Sealed Shoulder Rework Program 2023-2024 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 Tender 240-2023 - Sealed Shoulder Rework Program 2023-2024 be retained in confidence and not available for public inspection for a period of 12 months.

CARRIED 020/2024 (17/01/2024)

28 NEXT MEETING

Wednesday 14 February 2024

29 CLOSURE

The Meeting closed at 7.02pm.

The minutes of this meeting were confirmed at the Council Meeting held on 14 February 2024.

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MAYOR DARREN BRAUND