



# **MINUTES**

## **Ordinary Council Meeting**

(Subject to confirmation)

**14 February 2024**

**MINUTES OF YORKE PENINSULA  
COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBER, MINLATON TOWN HALL, 57 MAIN STREET, MINLATON  
ON WEDNESDAY, 14 FEBRUARY 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 Naomi Bittner, Cr Richard Carruthers, 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), Michael McCauley (Acting Director Assets & Infrastructure Services), Ben Thompson (Director Corporate & Community Services), Dustin Guthberg (Director Development 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 Naomi Bittner
Matter to be discussed ( <i>Agenda Item #</i> ):	25.1 – Road Process Order – Portion Osmond Street, Maitland
Nature of the Interest being declared:	A family member has been offered employment at the school.
I intend to participate in the meeting in relation to this <b>Material</b> Conflict of Interest:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
The manner in which the majority of persons who were entitled to vote at the meeting voted on the matter	<p><b>RESOLUTION</b></p> <p>Moved: Cr Scott Hoyle Seconded: Cr Richard Carruthers</p> <p>That Council:</p> <p>1. Receive the written submission in response to the community engagement process on the proposed closure of a portion of public</p>

	<p>road known as Osmond Street, Maitland, for the purpose of selling the land to the Maitland Lutheran School.</p> <p>2. Make a Road Process Order in accordance with the Roads (Opening and Closing) Act 1991, to close a portion of public road, known as Osmond Street, Maitland.</p> <p>3. Authorise the Mayor and Chief Executive Officer to sign and affix Council's common seal to the Road Process Order to give effect to this resolution.</p> <p style="text-align: right;"><b>CARRIED 031/2024 (14/02/2024)</b></p>
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Type of Conflict of Interest being declared:	General Conflict of Interest
Elected Member Name:	Cr Kylie Gray
Matter to be discussed ( <i>Agenda Item #</i> ):	27.1 – Tender 242-2023 – Rubble Raising Services
Nature of the Interest being declared:	I am a close friend of one of the applicants.
I intend to participate in the meeting in relation to this <b>General</b> Conflict of Interest:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
The manner in which the majority of persons who were entitled to vote at the meeting voted on the matter	<p><b>RESOLUTION</b></p> <p>Moved: Cr Roger Johns Seconded: Cr Alan Headon</p> <p>That Council accept the tender submission of \$387,000 (GST exclusive) from Pocock Quarries Pty Ltd to undertake the Rubble Raising Program 2023/2024.</p> <p style="text-align: right;"><b>CARRIED 037/2024 (14/02/2024)</b></p>

**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 17 January 2024 be confirmed.

**CARRIED 021/2024 (14/02/2024)**

**RESOLUTION**

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

That the minutes of the Confidential Council Meeting held on 17 January 2024 be confirmed.

- Tender 240-2033 – Sealed Shoulder Rework Program 2023-2024

**CARRIED 022/2024 (14/02/2024)**

**8 MOTIONS ON NOTICE**

Nil

**9 QUESTIONS ON NOTICE****9.1 QUESTIONS ON NOTICE RECEIVED FROM CR KYLIE GRAY**

The following questions on notice were received from Councillor Kylie Gray in relation to the proposed design of a coastal defence structure for Coobowie and calling for a report on the same.

**Question**

1. The total costs incurred for these 'Sea Level Rise or Climate' investigations.
2. Total investment for Council in Hatch Pty Ltd.
3. List of potential contractors.
4. Reasons Hatch Pty Ltd was selected.
5. Any relevant research into Hatch Pty Ltd's experience with our region.
6. Any other relevant data.

**Response**

Please see attached report in response to the above questions (Attachment 1).

**RESOLUTION**

Moved: Cr Roger Johns  
Seconded: Cr Alan Headon

That the response to the questions and response report regarding the proposed design of a coastal defence structure for Coobowie be received and noted.

**CARRIED 023/2024 (14/02/2024)**

**9.2 QUESTIONS ON NOTICE RECEIVED FROM CR TANIA STOCK**

The following questions on notice were received from Councillor Tania Stock.

**Question 1**

Would you please provide the rate income that will be generated from each of our three wards for the 2023/24 financial year – Kalkabury, Gum Flat and Innes-Pentonvale. Please provide the rate income for each category within the wards – Residential (if possible split Primary Residences and Non-primary Residences), Commercial - Shop, Commercial – Office, Commercial – Other, Industry Light, Industry Other, Primary Production, Vacant Land, Other, Silos.

**Response**

The following table has the fixed charge included for all general rates raised per land use category.

Land Use Category	Kalkabury	Gum Flat	Innes-Pentonvale	Total
Residential	\$ 2,713,372	\$ 3,899,113	\$ 5,044,433	\$ 11,656,918
Commercial	\$ 214,975	\$ 139,312	\$ 222,957	\$ 577,244
Industrial	\$ 32,607	\$ 26,731	\$ 19,979	\$ 79,317
Primary Production	\$ 4,448,281	\$ 2,944,409	\$ 1,505,968	\$ 8,898,658
Vacant Land	\$ 151,537	\$ 390,117	\$ 502,829	\$ 1,044,483
Other	\$ 52,482	\$ 52,693	\$ 144,166	\$ 249,341
<b>Total</b>	<b>\$ 7,613,254</b>	<b>\$ 7,452,376</b>	<b>\$ 7,440,331</b>	<b>\$ 22,505,962</b>

## Question 2

Please provide a summary of expenditure in each ward for the past 5 years (i.e. previous council term and budgeted expenditure for 2023/24) across all major categories (i.e. Roads, Environment, Waste, CWMS, Council Caravan Parks, Footpaths & Stormwater, Community Projects etc.)

## Response

Council's finance systems, which include its rating, accounting, budgetary and reporting functions have not been established around electoral ward structures and as such meaningful and accurate information on expenditure by ward is unable to be provided without extraordinary time and effort on behalf of the Financial Services Department. As expenditure by ward is not tracked, transactional data may need to be analysed to be able to provide the response requested, this would prove a significant body of work given the quantum of Council's expenditure and the numerous services which are delivered to our community. Such a task would require time and effort beyond the present resources of Council's Financial Services department and not achievable in the timeframe for the agenda preparation.

## Question 3

How does council limit expenditure away from the wards?

## Response

There is no consideration of expenditure by ward area in the setting of Council's budget, nor is there any consideration of rate income generated by ward area or the ring fencing thereof. Whilst the ward construct effectively serves an electoral purpose, it does not serve the wider roles and responsibilities of Local Government as evidenced in the few examples set forth below.

Section 3 of the Local Government Act 1999 provides the objects of the Act which include the encouragement of *"...local government to provide appropriate services and facilities to meet the present and future needs of local communities and to provide for appropriate financial contributions by ratepayers to those services and facilities."*

The present and future needs of local communities are not determined with reference to a Council ward construct, but by factors such as: demographics, economic conditions, social and cultural factors, education and literacy levels, health and healthcare, geographic location, environmental factors, government policies and services, community engagement and participation, social trends and the aspirations of the people living in communities.

Section 8 of the Local Government Act 1999 sets forth the principles to be observed by a Council. These principles require Council, amongst other endeavours, to *"seek to provide services, facilities and programs that are adequate and appropriate and seek to ensure equitable access to its services, facilities and programs"* and to *"seek to balance the provision of services, facilities and programs with the financial impact of the provision of those services, facilities and programs on ratepayers."* These principles require Council to think beyond the ward construct to matters of adequacy, appropriateness, equity and financial impact. These concepts consider the actual needs of the multiple communities that exist within the Council area, needs which do not fall neatly into ward boundaries.

Council's budget as presented in its Annual Business Plan, set the priorities for its annual expenditure. Budgets are set with reference to the existing services and infrastructure provided by Council to its community which vary from locality to locality. The annual budget process seeks to deliver adequate financial allocations to enable the continued provision of services to the community and to ensure appropriate maintenance and renewal of existing infrastructure in a financially sustainable manner. To assist in achieving these outcomes Long Term Financial Plans and Asset Management Plans are developed as required under the Local Government Act. These plans guide staff and the elected body with regard to financial priorities in formation of its annual budget. Expenditure on new initiatives and/or the construction infrastructure is most often funded through the securing of additional grant income so as not to place additional burden on the ratepayers. Grant funded projects also do not fit neatly into the ward construct, as the location of spend by Council on grant projects, is determined through higher level of Government objectives.

From time-to-time Council has ring fenced the proceeds raised through the sale of land surplus to Council needs for use in the community the land sale relates to. Whilst this practice does not represent a formal policy of Council it has been the practice of late when surplus land is sold.

*Cr Tania Stock sought clarification in relation to Question 2 and asked when this question will be answered.*

*Mayor Darren Braund took this question on notice.*

## RESOLUTION

Moved: Cr Trevor Clerke

Seconded: Cr Kristin Murdock

That the response to the questions regarding rate income and expenditure be received and noted.

**CARRIED 024/2024 (14/02/2024)**

## 9.3 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.

### Information provided by the Mayor regarding Questions on Notice

Cr Meyer has submitted Questions on Notice for the February 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.

Many of the Questions on Notice provided by Cr Meyer with respect to the December 2023 ordinary meeting, and the January 2024 ordinary meeting and now the February 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)

With reference to the response of 17 January 2024, the Mayor advised the Superannuation component of the CEO salary package is \$25,575, when the Contract amount is \$28,875; Can the CEO please advise the correct Superannuation Amount?.

### Response

The CEO is not required to answer this question.

The Mayor's answer is:

\$25,575. The CEO is a member of a 'defined benefit scheme' (Salarylink). Hostplus has completed the Actuary Review for the period to 30 June 2023 and in accordance with the rules of the fund retained the 6.3% contribution to the Salarylink sub-fund plus the 3% employee contribution = 9.3% payable.

### Question b)

What is the Cost of the Qantas Club Membership, that is allocated to the CEO and is this membership allowed for full personal and Council use?

### Response

Qantas Club Membership = \$392 p/year (incl. GST) and is available for council and personal use.

### Question c)

What are the Professional Memberships that Council pays for on behalf of the CEO?

### Response

LG Professionals SA

### Question d)

What is the cost of the Professional Memberships that Council pays for on behalf of the CEO.

### Response

LG Professionals SA – There is no cost associated with individual membership to the LGPSA. Council holds a corporate membership which provides access to all staff.

### Question e)

What is the annual cost for the NBN connection at the CEO's place of residence and is this connection allowed for personal use of the CEO and other occupants?

### Response

\$763.56 per year (excl GST). Available for business and personal use. The level of usage does not affect cost.

**Question f)**

What is the cost of the Income Protection and Journey Insurance for the CEO that is paid by Council?

**Response**

Income protection insurance = \$4,152.50. All employees receive this entitlement.

**Question g)**

What is the total annual dollar cost to Yorke Peninsula Council, for all the benefits that the CEO receives as part of his remuneration package?

**Response**

Salary	\$275,000
Superannuation	\$25,575
Vehicle	Operating Outlay: \$7,585.42 GST Excl. (12 months Jan-23 to Dec-23)
FBT	Vehicle estimate \$15,913.84 per annum. Other \$542.58 per 22/23 FBT year.
RAA Club membership	\$219 per annum.
Qantas Club Membership	\$392 per annum.
NBN connection	\$763.56 (excl GST)
Income Protection Insurance	\$4,152.50

**2. Behavioural Standards for Elected Members****Question a)**

Further to the questions/responses of 13/12/23 meeting (Question 2 a)-e)) and 17/01/24 (Question 2 a)), can [the CEO] please advise what actual training (not meetings or forums) have been supplied to the Mayor and Deputy Mayor, that supports them with the skills to conduct appropriate "investigations" under the Behavioural Standards Guidelines.

**Response**

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

The question is improper because it is addressed directly to the CEO.

**Question b)**

As a Legislated Responsible Person under the Behavioural Standards for Elected Members, does the CEO have a clear understanding of what are the expected behaviours of Elected Members and Staff?

**Response**

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

The question is effectively a reformulation of question 2(b) of 17 January 2024 and is vague and improper for the same reasons. The question is also improper because it appears to be based on a misunderstanding of the law. The CEO's status as 'responsible person' derives from section 75G of the *Local Government Act 1999*, not the *Behavioural Standards*.



**Question c)**

What is the CEO's understanding of the term "Irrelevant" or "improper" in conjunction with the Questions on Notice section of the Council Meeting regulations?

**Response**

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

The question is improper because it is addressed directly to the CEO. Council members have also already been advised in response to questions 2(c), 2(d) and 4(a) of 17 January 2024 that the Mayor rules the questions to be irrelevant and improper, not the CEO.

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

Further to the questions/responses of 17/1/24 meeting (Question 3), Can the CEO please confirm the Council's works manager qualifications, that caused the Manager to be suitably qualified as per the Survey Act.

**Response**

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

The question is improper because it is addressed directly to the CEO.

**Question b)**

Further to the questions/responses of 17/1/24 meeting (Question 3), can the CEO please advise if the road realignment now places South Coast Road wholly on private property?

**Question c)**

Further to the questions/responses of 17/1/24 meeting (Question 3), can the CEO please advise the date (if any) that the owner of the Property, signed a Land Transfer Agreement for the amount of land that was actually used by Council in 2017, to construct the road?

**Question d)**

Does the CEO intend to seek a Land Transfer Agreement or remove the road from the Private Property and what timeframe does the CEO intend to ensure, one of these two options occurs?

**Response**

These questions are vague and improper. The Mayor has ruled that they not be answered.

The questions are vague because it is unclear what information is sought beyond the information which has already been provided in the Mayor's response to question 3(c) of 17/1/24.

The questions are improper because they are addressed directly to the CEO.

**4. Document Requests****Question a)**

Further to the questions/responses of 13/12/23 meeting (Question 4), can the CEO confirm that the CEO and his delegate has declined Council Document Requests (S61 Local Government Act – Access to Information by members of Council) from Cr Adam Meyer, Cr Tania Stock, Cr Roger Johns and Cr Kristin Murdock in relation to the events that have occurred at Bellbird Road?

**Response**

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

The question is improper because it is addressed directly to the CEO. The question is also improper on the basis that it imputes wrongdoing on the part of the CEO and an unnamed delegate.

**5. Port Vincent Wharf****Question a)**

With reference to the CEO media release to Chanel 7 (17/1/23), in relation to a story with Jordan Judd, stating

“Commercial use of the Port Vincent wharf, including having a fuel tanker reverse onto the wharf to fuel a boat, creates concerns for public safety.”

and with reference to the Yorke Peninsula Country Times article (Port Vincent Wharf-are 31/1/23) the CEO was quoted as stating

“..... and yet Mr Judd has continued to use cars, trailers, a forklift, and even had a fuel tanker back onto the wharf to fill his boat until we installed bollards to stop that activity,”;

what evidence does the CEO have, to verify these public claims, that Mr Judd had a fuel tanker back onto the wharf?

**Question b)**

Has the Council issued any infringements to Mr Judd for his alleged commercial activities on the Port Vincent Wharf and if not, why not?

**Response**

These questions are irrelevant. The Mayor has ruled that they not be answered.

The questions are irrelevant as they relate to an historical matter from more than one year ago which is not a matter of current consideration by Council.

**6. Further Questions****Question a)**

Further to the questions/responses of 17/1/2 meeting, The Mayor has advised that he has edited my Questions on Notice: is there a reference in the legislation, that confirms a Councillors Questions on Notice (Regulation 9), can be altered or edited by the Mayor or Staff?

**Response**

The questions have not been edited in any way which changes their substance. They have been edited simply to assist the orderly conduct of the meeting. The legislation is silent with respect to this.

**Question b)**

Does the CEO think it improper (Cambridge Dictionary definition = dishonest or against rule or law) for the Mayor to edit my Questions on Notice submitted to the CEO under S9 of the Local Government Act?

**Response**

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

The question is improper because it is addressed directly to the CEO.

**Question c)**

Further to the questions/responses of 13/12/23 meeting, the Mayor advised he wasn't aware that my Questions on Notice had been altered; can the CEO please advise if the Mayor had received unadulterated Questions on Notice document, before he answered them or was the document edited prior to supplying to the Mayor?

**Response**

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

The question is improper because it is addressed directly to the CEO.

**Question d)**

Further to the questions/responses of 13/12/23 meeting, I asked at the 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 a repetition of question 5(c) of 17 January 2024 and is improper for the same reason.

**Question e)**

What is the annual Yorke Peninsula Council, Fringe Benefits Tax amount for the last 3 financial years?

**Response**

- 22/23 - \$134,625.64.
- 21/22 - \$103,479.62.
- 20/21 - \$108,931.13.

*Cr Kylie Gray sought clarification in relation to Question 5 b). Cr Kylie Gray put to Council that this matter was considered in May (2023) and therefore the response to this question requires clarification.*

*Mayor Darren Braund took this question on notice.*

*Cr Adam Meyer sought clarification in relation to Item 9.3 Questions on Notice Received from Cr Adam Meyer and asked how he should put the questions in order to receive an answer.*

*Mayor Darren Braund took this question on notice.*

**RESOLUTION**

Moved: Cr Richard Carruthers

Seconded: Cr Tania Stock

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, Port Vincent wharf and further questions raised by Councillor Adam Meyer be received and noted.

**CARRIED 025/2024 (14/02/2024)**

**10 QUESTIONS WITHOUT NOTICE**

Nil

**11 PETITIONS**

Nil

**12 MAYOR**

**12.1 MAYOR'S MONTHLY REPORT JANUARY 2024**

**PURPOSE**

To keep Elected Members updated on Mayoral activities during the month of January 2024.

**RESOLUTION**

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

That the report be received.

**CARRIED 026/2024 (14/02/2024)**

**13 COUNCILLORS' REPORT**

Nil

**INFORMATION AGENDA**

**14 ITEMS FOR EXCLUSION**

Nil

**15-19 RECEIPT OF INFORMATION REPORTS**

**RESOLUTION**

Moved: Cr Naomi Bittner  
Seconded: Cr Trevor Clerke

**ADOPTION OF INFORMATION AGENDA**

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

**CARRIED 027/2024 (14/02/2024)**

**20 VISITORS TO THE MEETING**

5.37pm – 6.06pm Will Lynch (Superintendent Ardrossan) and Peter Woods (Environmental Assurance Manager) of SIMEC Mining addressed the meeting and provided an update in relation to the Ardrossan SIMEC Mining Project.

**DEBATE AGENDA****21 MAYOR**

Nil

**22 CHIEF EXECUTIVE OFFICER**

Nil

**23 CORPORATE AND COMMUNITY SERVICES****23.1 DECEMBER QUARTERLY BUDGET REVIEW 2023-2024****PURPOSE**

For Council consideration and endorsement of the December quarterly budget review (as at 31 December 2023) of Council's 2023/2024 Budget and associated financial statements, ratios and changes.

**RESOLUTION**

Moved: Cr Scott Hoyle

Seconded: Cr Naomi Bittner

That Council endorse the 2023/2024 December Budget Review changes as presented in the attached Summary of Changes, Statement of Comprehensive Income and Uniform Presentation of Finances and receive the updated Statement of Financial Position, Statement of Cash Flows, Statement of Changes in Equity and Financial Indicators (Ratios).

**CARRIED 028/2024 (14/02/2024)**

**23.2 FINANCIAL REPORT AS AT 31 JANUARY 2024****PURPOSE**

For Council to consider the financial report and capital projects update report as at 31 January 2024.

**RESOLUTION**

Moved: Cr Michael O'Connell

Seconded: Cr Adam Meyer

That Council receive the financial report and capital projects update report as at 31 January 2024.

**CARRIED 029/2024 (14/02/2024)**

**23.3 MINLATON AND DISTRICT PROGRESS ASSOCIATION - COMMUNITY GRANT EXTENSION****PURPOSE**

For Council to consider an extension for the acquittal of the Community Grant as requested by the Minlaton and District Progress Association.

**RESOLUTION**

Moved: Cr Roger Johns

Seconded: Cr Alan Headon

That Council endorse an extension until 20 December 2024 for the acquittal of the \$5,000 Community Grant that was awarded to the Minlaton and District Progress Association in September 2023, to install banners on the light poles within the Main Street median strip.

**CARRIED 030/2024 (14/02/2024)**

**24 ASSETS AND INFRASTRUCTURE SERVICES**

Nil

**25 DEVELOPMENT SERVICES**

*6.09pm – Cr Naomi Bittner declared a material conflict of interest in relation to Item 25.1 and left the meeting.*

**25.1 ROAD PROCESS ORDER - PORTION OSMOND STREET, MAITLAND****PURPOSE**

To inform Elected Members of the outcome from the community engagement process for the proposed closure of a portion of public road known as Osmond Street, Maitland and seek authorisation to complete the road closure process.

**RESOLUTION**

Moved: Cr Scott Hoyle

Seconded: Cr Richard Carruthers

That Council:

1. Receive the written submission in response to the community engagement process on the proposed closure of a portion of public road known as Osmond Street, Maitland, for the purpose of selling the land to the Maitland Lutheran School.
2. Make a Road Process Order in accordance with the Roads (Opening and Closing) Act 1991, to close a portion of public road, known as Osmond Street, Maitland.
3. Authorise the Mayor and Chief Executive Officer to sign and affix Council's common seal to the Road Process Order to give effect to this resolution.

**CARRIED 031/2024 (14/02/2024)**

*6.10pm – Cr Naomi Bittner returned to the meeting.*

## 25.2 ACCESS ADVISORY WORKING PARTY MINUTES

### PURPOSE

For Council to receive the Minutes of Council's Access Advisory Working Party meeting held on 2 February 2024.

### RESOLUTION

Moved: Cr Trevor Clerke  
Seconded: Cr Kristin Murdock

That Council;

1. Receive the Minutes of the Access Advisory Working Party meeting held on 2 February 2024.
2. Commit \$1,550 (including GST) to the Ardrossan Progress Association for the purchase of a disability accessible table and chair setting to be installed at the Ardrossan pump track located on Second Street, Ardrossan and accept the in kind contribution for the installation of the setting.
3. Commit \$3,800 (including GST) for two ramps to be installed on the north west and north east footpath corners of North Terrace and Main Street, Minlaton.

**CARRIED 032/2024 (14/02/2024)**

## 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.

Cr Kristin Murdock requested a leave of absence from 11-17 March 2024.

### RESOLUTION

Moved: Cr Adam Meyer  
Seconded: Cr Alan Headon

That Cr Kristin Murdock be granted a leave of absence from 11-17 March 2024.

**CARRIED 033/2024 (14/02/2024)**

## CONFIDENTIAL AGENDA

### 27 CONFIDENTIAL ITEMS

#### 27.1 TENDER 242-2023 - RUBBLE RAISING SERVICES

### 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 242-2023 - Rubble Raising Services, 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
- Works 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 Tender 242-2023 - Rubble Raising Services, 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 034/2024 (14/02/2024)**

## **27.2 TENDER 243-2023 - VEGETATION MANAGEMENT (RURAL ROAD INTERSECTIONS)**

### **RESOLUTION**

Moved: Cr Scott Hoyle

Seconded: Cr Michael O'Connell

#### **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 243-2023 - Vegetation Management (Rural Road Intersections), 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
- Works 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 243-2023 - Vegetation Management (Rural Road Intersections), 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 035/2024 (14/02/2024)**

## **27.3 CEO KEY PERFORMANCE INDICATORS 2023/2024 - STATUS UPDATE**

### **RESOLUTION**

Moved: Cr Naomi Bittner

Seconded: Cr Richard Carruthers



**Section 90 Order**

That pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, the Council orders, that the public be excluded from the meeting relating to Item 27.3 CEO Key Performance Indicators 2023/2024 - Status Update, with the exception of the following persons:

- Chief Executive Officer

The Council is satisfied that, pursuant to Section 90(2) and (3)(a) of the Act, the information to be received, discussed or considered in relation to report Item 27.3 CEO Key Performance Indicators 2023/2024 - Status Update, is confidential information relating to:

- (a) 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 036/2024 (14/02/2024)**

*6.12pm – The public were removed from the meeting and the Chamber secured.*

**RESUMPTION OF PUBLIC MEETING**

*Released in camera minute – 6.16pm.*

**27.1 TENDER 242-2023 - RUBBLE RAISING SERVICES****PURPOSE**

To provide relevant information in support of the recent open tender process for Rubble Raising Services (tender 242/2023), pursuant to the relevant sections of the Purchasing and Procurement Policy (PO058).

**RESOLUTION**

Moved: Cr Roger Johns  
Seconded: Cr Alan Headon

That Council accept the tender submission of \$387,000 (GST exclusive) from Pocock Quarries Pty Ltd to undertake the Rubble Raising Program 2023/2024.

**CARRIED 037/2024 (14/02/2024)**

**RESOLUTION**

Moved: Cr Michael O'Connell  
Seconded: Cr Adam Meyer

**Section 91 Order**

That having considered report 27.1 Tender 242-2023 - Rubble Raising Services 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 242-2023 - Rubble Raising Services be retained in confidence and not available for public inspection for a period of 12 months.

**CARRIED 038/2024 (14/02/2024)**

*Released in camera minute – 6.18pm.*

## **27.2 TENDER 243-2023 - VEGETATION MANAGEMENT (RURAL ROAD INTERSECTIONS)**

### **PURPOSE**

To provide relevant information in support of the recent open tender process for Vegetation Management (Rural Road Intersections) (tender 243/2023), pursuant to the relevant sections of the Purchasing and Procurement Policy (PO058).

### **RESOLUTION**

Moved: Cr Roger Johns

Seconded: Cr Tania Stock

That Council accept the tender submission of \$162,192 (GST exclusive) from Mechanical Vegetation Solutions Pty Ltd for Vegetation Management (Rural Road Intersections).

**CARRIED 039/2024 (14/02/2024)**

### **RESOLUTION**

Moved: Cr Alan Headon

Seconded: Cr Trevor Clerke

#### **Section 91 Order**

That having considered report 27.2 Tender 243-2023 - Vegetation Management (Rural Road Intersections) 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 243-2023 - Vegetation Management (Rural Road Intersections) be retained in confidence and not available for public inspection for a period of 12 months.

**CARRIED 040/2024 (14/02/2024)**

*Released in camera minute – 6.32pm.*

## **27.3 CEO KEY PERFORMANCE INDICATORS 2023/2024 - STATUS UPDATE**

### **RESOLUTION**

Moved: Cr Michael O'Connell

Seconded: Cr Tania Stock

#### **Section 91 Order**

That having considered report 27.3 CEO Key Performance Indicators 2023/2024 - Status Update in confidence under Section 90(2) and (3)(a) 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 CEO Key Performance Indicators 2023/2024 - Status Update be retained in confidence and not available for public inspection for a period of 12 months.

**CARRIED 042/2024 (14/02/2024)**

**28 NEXT MEETING**

Wednesday 13 March 2024

**29 CLOSURE**

The Meeting closed at 6.33pm.

The minutes of this meeting were confirmed at the Council Meeting held on 13 March 2024.

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**MAYOR DARREN BRAUND**