



MINUTES

Ordinary Council Meeting

(Subject to confirmation)

13 March 2024

**MINUTES OF YORKE PENINSULA
COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, MINLATON TOWN HALL, 57 MAIN STREET, MINLATON
ON WEDNESDAY, 13 MARCH 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 Roger Johns, Cr Adam Meyer, Cr Kristin Murdock, Cr Michael O'Connell, Cr Tania Stock.

In Attendance

Andrew Cameron (CEO), Andre Kompler (Director Assets & Infrastructure Services), Ben Thompson (Director Corporate & Community Services), Dustin Guthberg (Director Development Services), Lauren McSkimming (Minute Secretary).

4 LEAVE OF ABSENCE

Nil

5 APOLOGIES

Cr Scott Hoyle

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 Richard Carruthers

Seconded: Cr Tania Stock

That the minutes of the Ordinary Council Meeting held on 14 February 2024 be confirmed.

CARRIED 043/2024 (13/03/2024)

RESOLUTION

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

That the minutes of the Confidential Council Meeting held on 14 February 2024 be confirmed.

- 27.1 Tender 242-2023 – Rubble Raising Services.

CARRIED 044/2024 (13/03/2024)

RESOLUTION

Moved: Cr Alan Headon
Seconded: Cr Trevor Clerke

That the minutes of the Confidential Council Meeting held on 14 February 2024 be confirmed.

- 27.2 Tender 243-2023 – Vegetation Management (Rural Road Intersections).

CARRIED 045/2024 (13/03/2024)

RESOLUTION

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

That the minutes of the Confidential Council Meeting held on 14 February 2024 be confirmed.

- 27.3 CEO Performance Indicators 2023/2024 – Status Update.

CARRIED 046/2024 (13/03/2024)

8 MOTIONS ON NOTICE

Nil

9 QUESTIONS ON NOTICE**9.1 QUESTIONS ON NOTICE RECEIVED FROM CR TANIA STOCK**

The following question without notice in relation to Item 9.2 Questions on Notice received from Cr Tania Stock, was taken on notice at the 14 February 2024 Council Meeting.

Question

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

Item 9.2 Questions on Notice received from Cr Tania Stock, Question 2 refers:

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

Please refer Council report (13 March 2024) – Investigation into additional resourcing required to provide answer to Question on Notice.

RESOLUTION

Moved: Cr Kristin Murdock
Seconded: Cr Kylie Gray

That the response to the question regarding the Questions on Notice from the 14 February 2024 Council Meeting received from Cr Tania Stock be received and noted.

CARRIED 047/2024 (13/03/2024)

9.2 QUESTIONS ON NOTICE RECEIVED FROM CR KYLIE GRAY

The following question without notice in relation to Item 9.3 – Questions on Notice received from Cr Adam Meyer, Question 5 b) was taken on notice at the 14 February 2024 Council Meeting.

Question

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.

Response

Question 5 b) was “*Has the Council issued any infringements to Mr Judd for his alleged commercial activities on the Port Vincent Wharf and if not, why not?*”. The Mayor ruled that this question not be answered on the basis that it was irrelevant within the meaning of regulation 9(6) *Local Government (Procedures at Meetings) Regulations 2013* (Regulations). The question was considered to be irrelevant because it relates to an historical matter from more than one year ago which is not a matter of current consideration by Council.

By way of clarification, it is because the ‘*alleged commercial activities*’ which were the subject of question 5 b) occurred over one year ago that the Mayor has used the language ‘*an historical matter from more than one year ago which is not a matter of current consideration by Council*’.

Question 5 a) cites comments made by the CEO in January 2023, which is over one year ago. As indicated in the CEO’s comments, bollards had been installed at that time to prevent certain commercial activities. The reference to alleged commercial activities in question 5 b) is interpreted to mean the same activities referred to in question 5 a), being the activities which were prevented by bollards.

The Mayor does note that, at the meeting on 10 May 2023, the Council did receive a petition, and a number of public submissions in connection with proposed community land management plan amendments, which were supportive of Mr Judd. However, that was unrelated to the comments that were the subject of the question.

RESOLUTION

Moved: Cr Kylie Gray
Seconded: Cr Alan Headon

That the response to the question regarding the Questions on Notice from the 14 February 2024 Council Meeting received from Cr Kylie Gray be received and noted.

CARRIED 048/2024 (13/03/2024)

9.3 QUESTIONS ON NOTICE RECEIVED FROM CR ADAM MEYER

The following question without notice in relation to Item 9.3 Questions on Notice received from Cr Adam Meyer, was taken on notice at the 14 February 2024 Council Meeting:

Question

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.

Response

The Mayor makes an assessment on a case-by-case basis as to whether any question is vague, irrelevant, insulting or improper within the meaning of regulation 9(6) of the *Local Government (Procedures at Meetings) Regulations 2013* (Regulations). It is a discretionary matter and the Mayor cannot limit his discretion by setting general rules which apply in all cases.

However, the Mayor does observe that a number of questions of Cr Meyer have been deemed improper on the basis that they are addressed directly to the CEO. Although for editorial purposes, the pronoun 'you' has been changed to 'the CEO' in the published versions of questions, often the substance of the question is still unavoidably directed at the CEO. The Mayor considers this to be a basis to rule a question improper, though again such rulings are made on a case-by-case basis.

While it is a function of the CEO to receive questions under regulation 9(1) of the Regulations, this is an administrative function so that the CEO can place the question on the agenda. Questions should not be framed as though they are directed at the CEO but rather must be framed generally. The Mayor determines whether and how each question will be answered, as part of the role of the presiding member.

RESOLUTION

Moved: Cr Trevor Clerke

Seconded: Cr Adam Meyer

That the response to the question regarding the Questions on Notice from the 14 February 2024 Council Meeting received from Cr Adam Meyer be received and noted.

CARRIED 049/2024 (13/03/2024)

9.4 QUESTIONS ON NOTICE RECEIVED FROM CR TANIA STOCK

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

Question 1

How many Primary Production entities are there? This can be calculated by totalling the number of PP fixed charges. Please provide the average amount of rate revenue contributed per Primary Production entity in 2023/24 (Total PP Rate Revenue divided by number of PP entities).

Response

	Valuation per Category	Number of Properties	Ave Valuation	Total General Rates Raised on PP LUC	Average General Rates Raised on Average Primary Production Property

Primary Production	\$7,024,128,525	2878*	\$2,440,628	\$8,898,151	\$3,091
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*number of properties not number of entities (multiple properties may be owned by a single entity).

	Valuation per Category	Number of Properties with fixed charge	Ave Valuation Per Entity	Total General Rates Raised on PP LUC	Average General Rates Raised on Average Primary Production Entity
Primary Production	\$7,024,128,525	1,138	\$6,172,344	\$ 8,898,151	\$7,819

Question 2

How many Residential properties are there? Please provide the average amount of rate revenue contributed per Residential property in 2023/24 (Total Residential Rate Revenue divided by number of Residential properties).

Response

	Valuation per Category	Number of Properties	Ave	Total General Rates Raised on Residential LUC	Average General Rates Raised on Average Residential Property
Residential	\$3,033,207,701	9,056	\$334,939	\$11,632,893	\$1,284

Question 3

Please provide the number and total value of residential properties that are owned by people who are non-residents of Yorke Peninsula Council.

Response

We can only tell that a ratepayer's postal address is not in the Council area. That doesn't necessarily mean they don't live on their property as their mail may go to an accountant (as an example). If a resident ratepayer has more than one property in the Council area, and one is a holiday house, we cannot tell that as the post code is within the district.

There are 9,056 residential properties. Of these 4,327 have local postcodes and we might assume are living on their properties

The remaining 4,729 may not be residents of the district.

	Valuation per Category	Number of Properties	Ave
Potential Residential properties owned by non-residents to Yorke Peninsula Council	\$1,416,010,279	4,327	\$327,249
Potential Non-Residential properties owned by	\$1,617,197,422	4,729	\$341,974

non-residents of Yorke Peninsula Council			
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Question 4

Last financial year YP Council received approx. \$2.1M in Financial Assistance Grants, comprised of \$1.13M General Purpose and \$1.07 Local Roads. What projects were funded by the General Purpose funding?

Response

Financial Assistance Grants are untied and as such form part of general Council revenue. No specific projects are attached to this funding.

Question 5

Please provide the FAG funding each year to date since 2016/17, detailing the split between General Purpose and Local Roads, and the estimated loss in General Purpose funding for each financial year due to the assessment of capacity to raise rate revenue.

Response

Yorke Peninsula Council Commonwealth Financial Assistance Grants - General Purpose and Identified Local Roads Components 2016/17 to 2023/24 Estimate								
Grant Classification	Estimate^ 2023/2024	Actual 2022/2023	Actual 2021/2022	Actual 2020/2021	Actual 2019/2020	Actual 2018/2019	Actual 2017/2018	Actual 2016/2017
General Purpose Grant (GPG) Component	\$ 1,134,685	\$ 1,134,686	\$ 1,270,292	\$ 1,338,567	\$ 1,387,256	\$ 1,383,424	\$ 1,416,988	\$ 1,438,300
Annual Movement Percentage	-0.0%	-10.7%	-5.1%	-3.5%	0.3%	-2.4%	-1.5%	N/A
Annual Dollar Movement	-\$ 1	-\$135,606	-\$68,275	-\$48,689	\$3,832	-\$33,564	-\$21,512	N/A
Roads (Formula Funding - ILRG) Component	\$ 1,072,688	\$ 1,015,873	\$ 944,741	\$ 894,888	\$ 866,977	\$ 833,801	\$ 808,470	\$ 784,103
Annual Movement Percentage	5.6%	7.5%	5.6%	3.2%	4.0%	3.1%	3.1%	N/A
Annual Dollar Movement	\$56,815	\$71,132	\$49,853	\$27,911	\$33,176	\$25,331	\$24,367	N/A
Total - Combined (GPG + ILRG)	\$ 2,207,373	\$ 2,150,559	\$ 2,215,033	\$ 2,233,455	\$ 2,254,233	\$ 2,217,225	\$ 2,225,458	\$ 2,222,403
Annual Movement Percentage	2.6%	-2.9%	-0.8%	-0.9%	1.7%	-0.4%	0.1%	N/A
Annual Dollar Movement	\$56,814	-\$64,474	-\$18,422	-\$20,778	\$37,008	-\$8,233	\$3,055	N/A

^ Note: FA Grants for 2023/24 are provided as an estimate until advised as final by the Local Government Grants Commission.

Please note that an estimated 65 Councils out of the 68 in SA have had indexed increases in FA Grants, similar to the roads component, over the last 8 financial years compared to the negative received by Yorke Peninsula Council. Due to this feature, it is difficult to calculate/estimate the "actual loss" in FA grants year-on-year over the period.

Question 6

What is the breakdown of rates collected per land use category and expenditure invested per rate category for the 2023/24 financial year (excluding all income not contributed by community)?

Response

	Valuation per Category	Rates Raised 23/24	% Valuation s	% Rates	Number of Propertie s
Residential	\$3,033,207,701	\$11,632,893	29%	52%	9056
Commercial - Shop	\$ 32,152,939	\$139,383	0%	1%	148
Commercial Office	\$ 3,379,921	\$18,327	0%	0%	23
Commercial - Other	\$ 86,934,389	\$301,944	1%	1%	295

Industry Light	\$ 3,139,000	\$14,003	0%	0%	17
Industry Other	\$18,581,543	\$64,367	0%	0%	45
Primary Production	\$7,024,128,525	\$8,898,151	67%	40%	2878
Vacant Land	\$208,472,685	\$1,044,870	2%	5%	1439
Other	\$52,529,067	\$171,029	1%	1%	280
Silos	\$30,780,000	\$82,254	0.3%	0.4%	4
	\$10,493,305,770	\$22,367,225	100%	100%	14185

Regarding expenditure per rate category, rates are raised as a form of taxation for services for the whole community and as such we do not track where every dollar raised (per category) is spent. Refer to Council report (13 March 2024).

Question 7

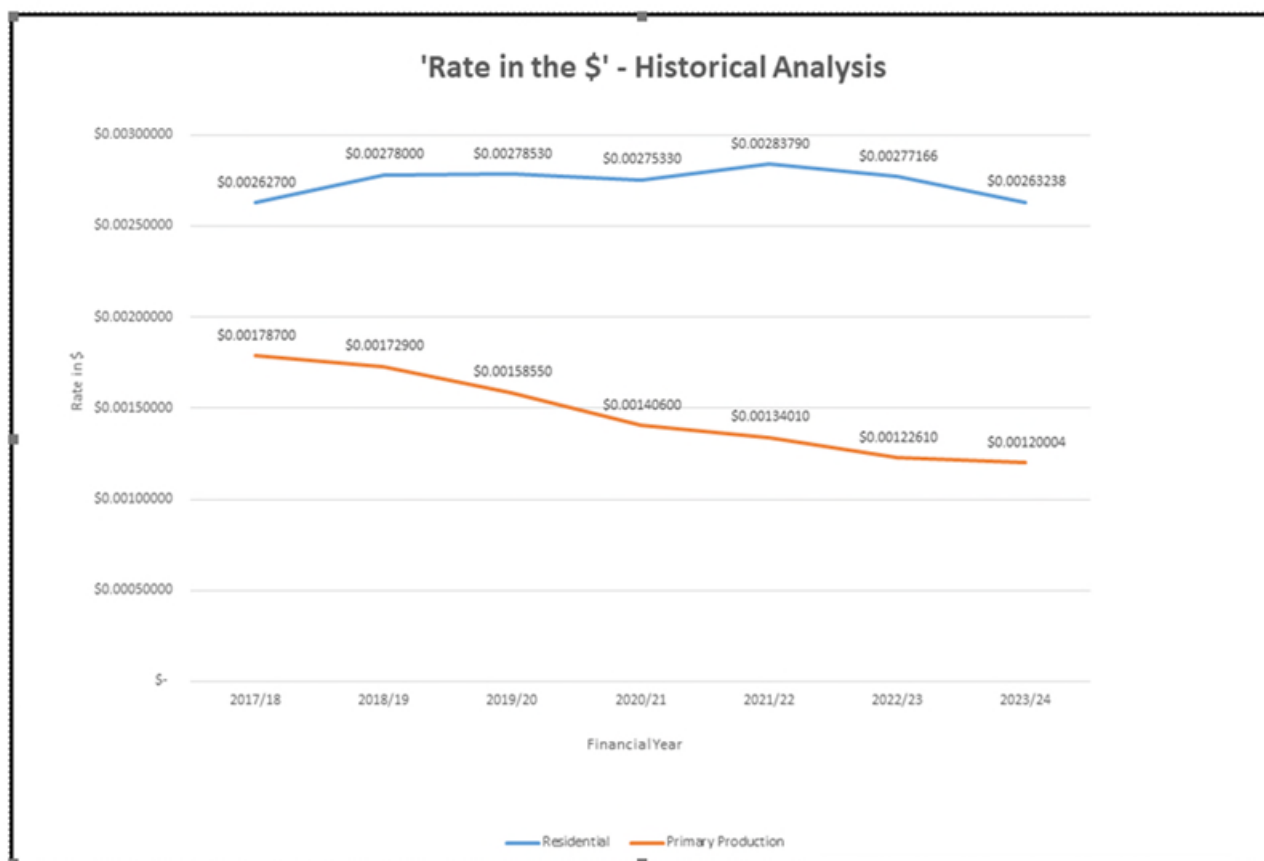
What is the principle by which Council seeks to increase revenue from one category and reduce another? Please share the formula.

Response

The questions are vague because it is unclear what actual information is being sought.

Council currently rates all land use categories at a differential rate of 0.263238 cents in the dollar with the exception of primary production which has a differential rate of 0.120004 cents in the dollar, representing a 54.4% discount. Please note the SA state average discount for primary production is 11%

Capital property value (value of land plus capital improvements) is the major determinant of how much each individual ratepayer contributes to general rates. Rates paid do not directly relate to the services used by each ratepayer. In general, the higher the value of the property, the higher the rates paid. Council uses capital values provided by the Valuer General (VG) to value all properties. These are used to adopt and set valuations and rates. While capital valuations do not influence the total amount of rates that need to be raised, they do impact the amount of rates contributed by individual ratepayers and various land use categories. In determining how rates are applied, Council currently uses the differential rating system described above with a fixed charge. Differential rates are applied depending on the use to which the land is put, whether it be residential, commercial, primary production etc. The fixed charge is a declared amount all ratepayers contribute in addition to differential rates which are applied directly against the property capital value. The rate-in-the-dollar to be applied each year is determined during the annual budget process. Put simply, the differential rate is calculated by dividing the required rates revenue by the total rateable capital value for the Council area, after accounting for the total fixed charge contribution from all properties. The set differential rates for the last 7 financial years is shown below for reference.



Question 8

Please provide the answer to Question 2 of my Questions on Notice from the Meeting of the 14th February – 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

Refer to Council report (13 March 2024).

Cr Tania Stock sought clarification in relation to Question 5 and asked to provide the FAG funding each year to date from 2016/17, and the estimated loss in general purpose funding for each financial year due to the assessment of capacity to raise rate revenue. The response indicated that “other councils have had indexed increases in FA Grants, compared to the negative received by YP Council. Due to this feature, it is difficult to calculate/estimate the “actual loss” in FA Grants year-on-year over the period”.

If the “actual loss” cannot be estimated, how has the figure of a \$300,000 loss year-on-year been arrived at? Is this figure correct or not? Why has the figure been adjusted to \$100,000 for the 23/24 financial year?

Mayor Darren Braund took this question on notice.

RESOLUTION

Moved: Cr Tania Stock

Seconded: Cr Roger Johns

That the responses to the questions received from Councillor Tania Stock be received and noted.

CARRIED 050/2024 (13/03/2024)

9.5 QUESTIONS ON NOTICE RECEIVED FROM CR ADAM MEYER

The following questions on notice were received from Councillor Adam Meyer.

Question 1**Fringe Benefits Tax Expenses**

What are the amounts and details of Council Expenses, that have incurred the Fringe Benefit Tax amounts, over the last 3 financial years, as per Questions on Notice February 2024?

Response

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

The total Fringe Benefits Tax amounts paid by the Council in each relevant year was provided in reply to question 6(e) of 14 February 2024. To now provide a detailed breakdown of all transactions or arrangements which have given rise to Fringe Benefits Tax will involve disclosure of matters pertaining to the personal affairs of various Council employees. Given that the Council elected body is not responsible for the management of any employee other than the CEO, and given that the benefits provided to the CEO have already been set out in response to previous questions, it is irrelevant to now request a more detailed breakdown relating to all employees.

Question 2**Par Lake Walking Path, YORKETOWN**

- a) Who authorised the construction of a walking path around Par Lake in Yorketown, on Private Property?
- b) What was the cost of removing the walking path from the affected private property and the subsequent diversion that has been put in place?

Response

- a) Council administration
- b) The cost is not presently known as the works are ongoing.

Question 3**South Coast Road, Section 13 FOUL BAY**

Does Council own all the land, or have approval from the owner, to construct the section of South Coast Road on Private Property (Section 13) at Foul Bay in May 2017?

If Council doesn't own or have approval for construction of a road on private property at this location, what is Council doing to correct the situation?

Can the Property Owner at this location, install a fence along their property boundary or have the Council remove their infrastructure from their property?

Response

Please refer to confidential Item 27.1 of this agenda.

Question 4**Questions on Notice**

My Questions on Notice for February 2024, were edited by the Mayor to show that they weren't addressed to the CEO, then the Mayor subsequently ruled many questions as "Improper", because they were addressed directly to the CEO; how does the Mayor wish for me to ask my Questions on Notice, so that they can be answered?

Response

The Mayor makes an assessment on a case-by-case basis as to whether any question is vague, irrelevant, insulting or improper within the meaning of regulation 9(6) of the *Local Government (Procedures at Meetings) Regulations 2013* (Regulations). It is a discretionary matter and the Mayor cannot limit his discretion by setting general rules which apply in all cases.

However, the Mayor does observe that a number of questions of Cr Meyer have been deemed improper on the basis that they are addressed directly to the CEO. Although for editorial purposes, the pronoun 'you' has been changed to 'the CEO' in the published versions of questions (or else the questions would not make sense to any person reading the agenda), often the substance of the question is still unavoidably directed at the CEO. The Mayor considers this to be a basis to rule a question improper, though again such rulings are made on a case-by-case basis.

While it is a function of the CEO to receive questions under regulation 9(1) of the Regulations, this is an administrative function so that the CEO can place the question on the agenda. Questions should not be framed as though they are directed at the CEO but rather must be framed generally. The Mayor determines whether and how each question will be answered, as part of the role of the presiding member.

Cr Adam Meyer sought clarification in relation to Question 1 and advised that the Mayor has ruled the question as irrelevant and that it not be answered. Councillors are here to review expenditure of Council. How is it irrelevant that Elected Members are wishing to understand how the CEO is spending the money that rate payers make to council?

Mayor Darren Braund took this question on notice.

RESOLUTION

Moved: Cr Alan Headon

Seconded: Cr Trevor Clerke

That the responses to the questions received from Cr Adam Meyer be received and noted.

CARRIED 051/2024 (13/03/2024)

10 QUESTIONS WITHOUT NOTICE

Nil

11 PETITIONS

Nil

12 MAYOR**12.1 MAYOR'S MONTHLY REPORT FEBRUARY 2024****PURPOSE**

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

Mayor Darren Braund added to his monthly report and congratulated:

- *Staff and Artists on the Wool Bay Water Tank Mural being recognised as Australia's best rural art experience in the 2023 Australian Street Art Awards;*
- *Staff on obtaining a \$31,000 grant for the Walk the Yorke trail in the Community Recreation and Sport Facility Program; and*
- *The organisers of the Edithburgh Rhythm and Blues Festival on the weekend, despite the heat it was a great event for the community.*

RESOLUTION

Moved: Cr Richard Carruthers

Seconded: Cr Kristin Murdock

That the report be received.

CARRIED 052/2024 (13/03/2024)

13 COUNCILLORS' REPORT

Nil

INFORMATION AGENDA**14 ITEMS FOR EXCLUSION**

Item 16.3 - Cr Adam Meyer requested an update on the status of the Southern Yorke Peninsula Childcare Centre. Director Corporate and Community Services provided a verbal update.

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

Moved: Cr Adam Meyer

Seconded: Cr Alan Headon

ADOPTION OF INFORMATION AGENDA

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

CARRIED 053/2024 (13/03/2024)

20 VISITORS TO THE MEETING

5.50pm- 5.56pm - Lara Bickford (Via Microsoft Teams) addressed the meeting in relation to Agenda Item 24.1 Cape Elizabeth – Care, Control and Management.

5.57pm – 6.14pm - Peter Stockings addressed the meeting in relation to Agenda Item 24.1 Cape Elizabeth – Care, Control and Management.

6.14pm – Mayor Darren Braund sought leave of the meeting to bring forward Agenda Item 24.1 Cape Elizabeth – Care, Control and Management. The Chamber were in agreement.

24.1 CAPE ELIZABETH - CARE, CONTROL AND MANAGEMENT

PURPOSE

To seek Council endorsement to proceed with a request to the Minister for Climate, Environment and Water, to seek 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 Adam Meyer

Seconded: Cr Roger Johns

That Council:

1. Receive the written submissions in response to the community engagement process for the proposal to request the Minister for Climate, Environment and Water cancel the licence and revoke the dedication to land at Cape Elizabeth.
2. Endorse Council staff continuing discussions with key stakeholders and partners, to advocate for Narungga management/co-management of Cape Elizabeth, with controlled public access.

CARRIED 054/2024 (13/03/2024)

RESOLUTION

Moved: Cr Alan Headon

Seconded: Cr Kylie Gray

That Council endorse proceeding with a 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).

CARRIED 055/2024 (13/03/2024)

6.32pm – The meeting returned to normal proceedings.

DEBATE AGENDA

21 MAYOR

Nil

22 CHIEF EXECUTIVE OFFICER**22.1 POLICY UPDATE - PO001 PEAK WORK HEALTH SAFETY AND RETURN TO WORK POLICY****PURPOSE**

To seek endorsement on the proposed updated PO001 Peak Work Health Safety and Return to Work Policy.

RESOLUTION

Moved: Cr Trevor Clerke
Seconded: Cr Kristin Murdock

That Council endorse the proposed updated PO001 Peak Work Health Safety and Return to Work Policy as presented.

CARRIED 056/2024 (13/03/2024)

22.2 POLICY REVIEW - PO014 EMPLOYEE BEHAVIOURAL STANDARDS POLICY**PURPOSE**

To seek endorsement on the proposed updated PO014 Employee Behavioural Standards Policy.

RESOLUTION

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

That Council endorse the proposed updated PO014 Employee Behavioural Standards Policy presented for inclusion in Council's Policy Manual and on Council's website.

CARRIED 057/2024 (13/03/2024)

22.3 LONG TERM FINANCIAL PLAN - ANNUAL REVIEW**PURPOSE**

To seek Council endorsement to undertake the public consultation process for the draft Long Term Financial Plan (LTFP) 2025-2034.

RESOLUTION

Moved: Cr Naomi Bittner

Seconded: Cr Richard Carruthers

That Council endorse the draft Long Term Financial Plan 2025-2034 for public consultation.

CARRIED 058/2024 (13/03/2024)

23 CORPORATE AND COMMUNITY SERVICES**23.1 COMMUNITY ENERGY UPGRADES FUND PROGRAM - SOLAR GRANT OPPORTUNITY****PURPOSE**

To seek Council approval for a grant application to fund solar and battery systems on the Maitland Council Office and Southern Yorke Peninsula Community Childcare Centre, Minlaton.

RESOLUTION

Moved: Cr Adam Meyer

Seconded: Cr Alan Heaton

That the matter be laid on the table and a report with further information be presented to the April 2024 Council Meeting.

CARRIED 059/2024 (13/03/2024)

23.2 POLICY REVIEW - PO124 ASSET ACCOUNTING POLICY**PURPOSE**

To seek endorsement of the proposed updated PO124 Asset Accounting Policy.

RESOLUTION

Moved: Cr Michael O'Connell

Seconded: Cr Naomi Bittner

That Council endorse the proposed updated PO124 Asset Accounting Policy as presented for inclusion in Council's Policy Manual and on Council's website.

CARRIED 060/2024 (13/03/2024)

23.3 POLICY REVIEW - PO088 ELECTED MEMBER USE OF COUNCIL SUPPLIED ELECTRONIC EQUIPMENT POLICY**PURPOSE**

To seek endorsement of the proposed updated PO088 Elected Member Use of Council Supplied Electronic Equipment Policy.

RESOLUTION

Moved: Cr Adam Meyer

Seconded: Cr Tania Stock

That Council endorse the proposed updated PO088 Elected Member Use of Council Supplied Electronic Equipment Policy as presented for inclusion in Council's Policy Manual and on Council's website.

CARRIED 061/2024 (13/03/2024)

23.4 POLICY REVIEW - PO177 YP LEISURE OPTIONS WORKER SCREENING REQUIREMENTS**PURPOSE**

To seek endorsement on the proposed updated PO177 YP Leisure Options Worker Screening Requirements Policy.

RESOLUTION

Moved: Cr Richard Carruthers

Seconded: Cr Naomi Bittner

That Council endorse the proposed updated PO177 YP Leisure Options Worker Screening Requirements Policy as presented for inclusion in Council's Policy Manual and on Council's website.

CARRIED 062/2024 (13/03/2024)

23.5 POLICY REVIEW - PO173 LEAVE MANAGEMENT POLICY**PURPOSE**

To seek endorsement on the proposed updated PO173 Leave Management Policy.

RESOLUTION

Moved: Cr Trevor Clerke

Seconded: Cr Adam Meyer

That Council endorse the proposed updated PO173 Leave Management Policy as presented for inclusion in Council's Policy Manual and on Council's website.

CARRIED 063/2024 (13/03/2024)

23.6 TERMS OF REFERENCE REVIEW - AUDIT AND RISK COMMITTEE**PURPOSE**

To review and endorse the Audit and Risk Committee's Terms of Reference in response to recent legislative changes to the Local Government Act 1999.

RESOLUTION

Moved: Cr Alan Headon

Seconded: Cr Adam Meyer

That Council endorse the proposed updated Terms of Reference for the Audit and Risk Committee as presented.

CARRIED 064/2024 (13/03/2024)

23.7 FINANCIAL REPORT AS AT 29 FEBRUARY 2024**PURPOSE**

For Council to consider the financial report and capital projects update report as at 29 February 2024.

RESOLUTION

Moved: Cr Adam Meyer

Seconded: Cr Trevor Clerke

That Council receive the financial report and capital projects update report as at 29 February 2024.

CARRIED 065/2024 (13/03/2024)

23.8 INVESTIGATION INTO ADDITIONAL RESOURCING REQUIRED TO PROVIDE ANSWER TO QUESTION ON NOTICE**PURPOSE**

For Council to endorse a course of action in response to a Question on Notice (Question 2) posed by Cr Tania Stock at the Ordinary Council meeting on 14 February 2024.

RESOLUTION

Moved: Cr Tania Stock

Seconded: Cr Roger Johns

That the meeting proceed to the next item of business.

CARRIED 066/2024 (13/03/2024)

24 ASSETS AND INFRASTRUCTURE SERVICES**24.2 SPECIAL LOCAL ROADS PROGRAM 2024/2025 FUNDING APPLICATION****PURPOSE**

To seek endorsement from Council for an application for funding to be submitted through the Special Local Roads Program 2024/2025 to undertake Stage Three of the North Coast Road upgrade. The Stage Three upgrade will include earthworks, strengthening and binding of the pavement with a cement stabilant to create a better wearing surface, installation of traffic control devices and stormwater management on the remaining unsealed section of road, which is approximately 7.4 km.

RESOLUTION

Moved: Cr Roger Johns

Seconded: Cr Alan Headon

That Council endorse submitting an application for funding through the Special Local Roads Program 2024/2025 for Stage Three of the North Coast Road Upgrade.

CARRIED 067/2024 (13/03/2024)

25 DEVELOPMENT SERVICES**25.1 PROPOSED NEW LEASE - SYP HISTORIC VEHICLE CLUB INC.****PURPOSE**

To seek Council endorsement to proceed with the community engagement process for a proposed new lease to the SYP Historic Vehicle Club Inc.

RESOLUTION

Moved: Cr Naomi Bittner

Seconded: Cr Kylie Gray

That Council:

1. Give permission to commence the community engagement process for a proposed new lease to the SYP Historic Vehicle Club Inc. for a term of twenty one (21) years with a further right of renewal for twenty one (21) years with an overall lease term of forty two (42) years.
2. Endorse the Community Engagement Report attached, which constitutes the information that is required to be made available to the public as part of the community engagement phase in accordance with Section 202 of the Local Government Act 1999.

CARRIED 068/2024 (13/03/2024)

25.2 LEASE PROPOSAL - AMPLITEL PTY LIMITED

PURPOSE

To seek Council endorsement to lift the matter – Lease Proposal – Amplitel Pty Limited from the table and resume proceedings at the point preceding the resolution from the 9 August 2023 Ordinary Council meeting. Further, for Council to consider a new lease to Amplitel Pty Limited (part of the Telstra Group) for the telecommunication tower located at Lot 95 Oval Avenue, Warooka for a period of twenty (20) years.

RESOLUTION

Moved: Cr Adam Meyer

Seconded: Cr Trevor Clerke

That Council endorse to lift the matter Lease Proposal – Amplitel Pty Limited from the table for further consideration and resume the proceedings at the point preceding the following resolution:

Moved: Cr Adam Meyer

Seconded: Cr Kristin Murdock

That the matter lie on the table.

CARRIED 190/2023 (9/08/2023)

CARRIED 069/2024 (13/03/2024)

RESOLUTION

Moved: Cr Adam Meyer

Seconded: Cr Roger Johns

That Council:

1. Endorse a lease for a period of twenty (20) years to Amplitel Pty Limited (part of the Telstra Group) for the telecommunications tower located at Lot 95 Oval Avenue Warooka at an annual rent fee of \$6,321.29 increasing at 3% at each anniversary of the commencement date during the lease term.
2. Authorise the Mayor and Chief Executive Officer to sign and affix Council's Common Seal in order to execute the lease documents.

CARRIED 070/2024 (13/03/2024)

25.3 DEDICATION OF CROWN LAND - MARION BAY BOAT RAMP

PURPOSE

To seek approval from Council to accept the dedication of Crown Land Allotment 1 in Deposited Plan 27970 identified as Crown Record Volume 5750 Folio 497, known as the "Marion Bay Boat Ramp".

RESOLUTION

Moved: Cr Michael O'Connell

Seconded: Cr Trevor Clerke

That Council:

1. Resolve to accept the dedication of Crown Land for Allotment 1 in Deposited Plan 27970 identified as Crown Record Volume 5750 Folio 497, known as the "Marion Bay Boat Ramp".

2. Authorise the Mayor and the Chief Executive Officer to sign and affix Council's Common Seal in order to execute the draft copy of the instrument of dedication.

CARRIED 071/2024 (13/03/2024)

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.

Mayor Darren Braund requested a leave of absence from 20-25 March 2024.

RESOLUTION

Moved: Cr Richard Carruthers

Seconded: Cr Naomi Bittner

That Mayor Darren Braund be granted leave of absence from 20-25 March 2024.

CARRIED 072/2024 (13/03/2024)

CONFIDENTIAL AGENDA

27 CONFIDENTIAL ITEMS

27.1 QUESTIONS ON NOTICE RECEIVED FROM CR ADAM MEYER

RESOLUTION

Moved: Cr Adam Meyer

Seconded: Cr Trevor Clerke

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 27.1 Questions on Notice Received from Cr Adam Meyer, with the exception of the following persons:

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

The Council is satisfied that, pursuant to Section 90(2) and (3)(a) of the Act, the information to be received, discussed or considered in relation to report Item 27.1 Questions on Notice Received from Cr Adam Meyer, 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 073/2024 (13/03/2024)

7.07pm - The public were removed from the meeting and the Chamber secured.

RESUMPTION OF PUBLIC MEETING

Released in camera minute - 7.09pm

27.1 QUESTIONS ON NOTICE RECEIVED FROM CR ADAM MEYER

The following questions on notice were received from Cr Adam Meyer.

Question 3

South Coast Road, Section 13 FOUL BAY

- a) Does Council own all the land, or have approval from the owner, to construct the section of South Coast Road on Private Property (Section 13) at Foul Bay in May 2017?
- b) If Council doesn't own or have approval for construction of a road on private property at this location, what is Council doing to correct the situation?
- c) Can the Property Owner at this location, install a fence along their property boundary or have the Council remove their infrastructure from their property?

Response

- a) Council does not own '*all the land*'. As per the answer that was provided to your Question on Notice '3. c)' at the general meeting of the Council held on 17 January 2024, Council obtained approval from the private property owner '*to construct the section of South Coast Road on Private Property (Section 13) at Foul Bay in May 2017*'.
- b) Council have been seeking to acquire ownership of the private property in question since '*approval for construction of a road on private property at this location*' was obtained from the private property owner. This matter between Council and the private property owner is ongoing.
- c) It is the Council's view that the Property Owner cannot take either action.

RESOLUTION

Moved: Cr Trevor Clerke

Seconded: Cr Adam Meyer

That the response to the questions raised by Cr Adam Meyer be received and noted.

CARRIED 074/2024 (13/03/2024)

RESOLUTION

Moved: Cr Adam Meyer

Seconded: Cr Alan Headon

Section 91 Order

That having considered report 27.1 Questions on Notice Received from Cr Adam Meyer 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 27.1 Questions on Notice Received from Cr Adam Meyer be retained in confidence and not available for public inspection until the conclusion of the meeting.

CARRIED 075/2024 (13/03/2024)

28 NEXT MEETING

Wednesday 10 April 2024

29 CLOSURE

The Meeting closed at 7.10pm.

The minutes of this meeting were confirmed at the Council Meeting held on 10 April 2024.

.....
MAYOR DARREN BRAUND