



MINUTES

Ordinary Council Meeting

(Subject to confirmation)

13 November 2024

**MINUTES OF YORKE PENINSULA
COUNCIL MEETING****HELD AT THE COUNCIL CHAMBER, MINLATON TOWN HALL, 57 MAIN STREET, MINLATON
ON WEDNESDAY, 13 NOVEMBER 2024 AT 5.30PM****1 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY BY MAYOR**

Deputy Mayor Richard Carruthers welcomed everyone to the meeting and declared the meeting open.

2 OPENING PRAYER**3 PRESENT**

Deputy Mayor Richard Carruthers, Cr Naomi Bittner, Cr Trevor Clerke, 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), Andre Kompler (Director Assets & Infrastructure Services), Ben Thompson (Director Corporate & Community Services), Dustin Guthberg (Director Development Services), Natalie McDonald (Executive Assistant to the CEO and Mayor), Allie Meates (Minute Secretary)

4 LEAVE OF ABSENCE**RESOLUTION**

Moved: Cr Adam Meyer
Seconded: Cr Kristin Murdock

That Council grant Cr Tania Stock a leave of absence for the date of 26 November 2024.

CARRIED 331/2024 (13/11/2024)

RESOLUTION

Moved: Cr Trevor Clerke
Seconded: Cr Michael O'Connell

That Council grant Cr Alan Headon a leave of absence for the date of 13 November 2024.

CARRIED 332/2024 (13/11/2024)

5 APOLOGIES

Mayor Darren Braund

6 CONFLICT OF INTEREST

Deputy Mayor Richard Carruthers 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 <input type="checkbox"/> Declare and leave the meeting. General Conflict of Interest <input checked="" type="checkbox"/>
Elected/Independent Member Name:	Cr Adam Meyer
Matter to be discussed (<i>Agenda Item #</i>):	25.1 Implementation of Dry Area – New Years Eve - Stansbury
Nature of the Interest being declared:	The item relates to implementing a dry zone, where due to my employment, I am authorised to prosecute breaches of the relevant act. There could be a perception in the community that I should have no decision making ability over an issue I could potentially prosecute.
I intend to participate in the meeting in relation to this General Conflict of Interest:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
The manner in which the majority of persons who were entitled to vote at the meeting voted on the matter:	RESOLUTION Moved: Cr Roger Johns Seconded: Cr Trevor Clerke That Council: <ol style="list-style-type: none">1. Endorse the implementation of a short-term Dry Area at the Stansbury foreshore and oval precinct as outlined in the draft gazette notice in Attachment 1 from 10:00pm on Tuesday 31 December 2024 to 8:00am on Wednesday 1 January 2025.2. Endorse the terms of the prohibition as outlined in the draft gazette notice.3. Endorse the Chief Executive Officer (who may then further delegate) to implement the required Notice of Declaration and notify the Commissioner of Police and authorise the Chief Executive Officer to make any minor amendment to the notice as required to give effect to the short-term dry area. <p style="text-align: right;">Carried 350/2024 (13/11/2024)</p>

7 MINUTES OF PREVIOUS MEETING – FOR CONFIRMATION

RESOLUTION

Moved: Cr Naomi Bittner
Seconded: Cr Kristin Murdock

That the minutes of the Ordinary Council Meeting held on 9 October 2024 be confirmed.

CARRIED 333/2024 (13/11/2024)

RESOLUTION

Moved: Cr Naomi Bittner
Seconded: Cr Tania Stock

That the minutes of the Confidential Council Meeting held on 9 October 2024 be confirmed.

27.1 – Bitumen Sealing Rehabilitation Program 2024-2025 Tender 253-2024

CARRIED 334/2024 (13/11/2024)

RESOLUTION

Moved: Cr Michael O'Connell
Seconded: Cr Trevor Clerke

That the minutes of the Confidential Council Meeting held on 9 October 2024 be confirmed.

27.2 – North Coast Road Stage Three Tender 252-2024

CARRIED 335/2024 (13/11/2024)

RESOLUTION

Moved: Cr Trevor Clerke
Seconded: Cr Adam Meyer

That the minutes of the Confidential Council Meeting held on 9 October 2024 be confirmed.

27.3 – Questions on Notice Received from Cr Tania Stock

CARRIED 336/2024 (13/11/2024)

RESOLUTION

Moved: Cr Scott Hoyle
Seconded: Cr Adam Meyer

That the minutes of the Confidential Council Meeting held on 9 October 2024 be confirmed.

27.4 – Audit and Risk Committee – Independent Member(s) Appointment

CARRIED 337/2024 (13/11/2024)

8 MOTIONS ON NOTICE

Nil

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

The following Questions on Notice were received from Cr Adam Meyer.

Question 1

What was the total approved budget for Construction of the Minlaton Child Care Centre?

Response

\$4.45m.

Question 2

What factors caused the significant delays (from builders promised construction timeline to the actual delivered project date) in the construction of the Minlaton Child Care Centre?

Response

Unforeseen latent conditions. Building delays due to lack of trades.

RESOLUTION

Moved: Cr Tania Stock

Seconded: Cr Adam Meyer

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

CARRIED 338/2024 (13/11/2024)

10 QUESTIONS WITHOUT NOTICE

Nil

11 PETITIONS

Nil

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

To update Elected Members on Mayoral activities during the month of October 2024 and to acknowledge that I may have unintentionally misrepresented the situation which was recorded in the minutes of the Council Meeting of 12 June 2024, namely that Mr Wiechers did not wish to speak at the Council Meeting, rather than Mr Wiechers was acting under the impression that he could not speak. I have undertaken to inform the Elected Members in writing of this issue to correct any unintentional misrepresentation and I now do so by way of this report.

RESOLUTION

Moved: Cr Naomi Bittner

Seconded: Cr Michael O'Connell

That the report be received.

CARRIED 339/2024 (13/11/2024)

13 COUNCILLORS' REPORT

Nil

INFORMATION AGENDA**14 ITEMS FOR EXCLUSION**

Nil

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

Moved: Cr Adam Meyer

Seconded: Cr Scott Hoyle

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

CARRIED 340/2024 (13/11/2024)

20 VISITORS TO THE MEETING

Mr Wiechers will no longer be speaking to items 22.2 and 22.3. Therefore Council are not required to consider these agenda items and will proceed to the next item of business.

DEBATE AGENDA**21 MAYOR**

Nil

22 CHIEF EXECUTIVE OFFICER**22.1 JANUARY 2025 COUNCIL MEETING - PROPOSED DATE CHANGE****PURPOSE**

To seek approval from Council to change the date of the January 2025 Council meeting from 15 January 2025 to 22 January 2025.

RESOLUTION

Moved: Cr Michael O'Connell

Seconded: Cr Roger Johns

That Council approve:

1. a change of date for the January 2025 ordinary council meeting from 15 January 2024 to 22 January 2025.
2. staff administration arranging for notice of the change of date to appear on Council's website, Council's Facebook page and an advert to appear in the Yorke Peninsula Country Times.

CARRIED 341/2024 (13/11/2024)

22.2 OBJECTION – PROPOSED PURCHASE OF ROAD RESERVE AND CLOSURE – PORTION OF JOHNS ROAD HUNDRED OF TIPARRA IN THE AREA NAMED NALYAPPA

22.3 OBJECTION – PROPOSED PURCHASE OF ROAD RESERVE AND CLOSURE – PORTION OF WEST TERRACE, ARDROSSAN**22.4 AUDITED GENERAL PURPOSE FINANCIAL STATEMENTS 2023/2024****PURPOSE**

To present Council's 2023/2024 audited General Purpose Financial Statements and management representation letter for the Audit and Risk Committee's (Committee) information and consideration.

RESOLUTION

Moved: Cr Adam Meyer

Seconded: Cr Scott Hoyle

That Council:

1. Endorse the General Purpose Financial Statements for the year ended 30 June 2024;
2. Receive and note the Management Representation Letter provided to Council's External Auditor; and
3. Receive and note the Audit Management Letter provided to Council's External Auditor.

CARRIED 342/2024 (13/11/2024)

22.5 ADOPTION OF THE 2023-2024 ANNUAL REPORT**PURPOSE**

For Council to consider, approve and adopt the Annual Report for 2023-2024.

RESOLUTION

Moved: Cr Naomi Bittner

Seconded: Cr Scott Hoyle

That Council adopts the Annual Report for 2023-2024, which includes the adopted financial statements of Council and incorporates the Northern and Yorke Local Government Association Annual Report and their financial statements, and the Council Audit and Risk Committee Annual Report.

CARRIED 343/2024 (13/11/2024)

23 CORPORATE AND COMMUNITY SERVICES**23.1 FINANCIAL REPORT AS AT 31 OCTOBER 2024****PURPOSE**

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

RESOLUTION

Moved: Cr Scott Hoyle

Seconded: Cr Michael O'Connell

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

CARRIED 344/2024 (13/11/2024)

23.2 TREASURY MANAGEMENT PERFORMANCE 2023-2024**PURPOSE**

To review of Council's treasury management (investments and borrowings) activity and performance for 2023/2024 in accordance with legislation and PO139 Treasury Management Policy.

RESOLUTION

Moved: Cr Scott Hoyle
Seconded: Cr Trevor Clerke

That Council endorse the Treasury Management Performance Report for 2023/2024.

CARRIED 345/2024 (13/11/2024)

23.3 SEPTEMBER QUARTERLY BUDGET REVIEW 2024-2025**PURPOSE**

For Council consideration and endorsement of the September quarterly budget review (as at 30 September 2024) of Council's 2024/2025 Budget and associated financial statements, ratios and changes.

RESOLUTION

Moved: Cr Scott Hoyle
Seconded: Cr Naomi Bittner

That Council endorse the 2024/2025 September 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).

Cr Roger Johns called for a Division

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

Against: Crs Roger Johns, Adam Meyer and Tania Stock

CARRIED 346/2024 (13/11/2024)

23.4 POLICY REVIEW - PO149 COMMUNITY GRANTS SCHEME POLICY**PURPOSE**

To seek endorsement for the proposed update of PO149 Community Grants Scheme Policy.

RESOLUTION

Moved: Cr Adam Meyer
Seconded: Cr Trevor Clerke

That Council endorse the proposed updated PO149 Community Grants Scheme Policy as presented for inclusion in Council's Policy Manual and on Council's website.

CARRIED 347/2024 (13/11/2024)

23.5 POLICY REVIEW - PO051 COUNCIL CARAVAN PARKS POLICY**PURPOSE**

To seek endorsement of the proposed updated PO051 Council Caravan Parks Policy.

RESOLUTION

Moved: Cr Scott Hoyle

Seconded: Cr Michael O'Connell

That Council endorse the proposed updated PO051 Council Caravan Parks Policy as presented for inclusion in Council's Policy Manual and on Council's website.

CARRIED 348/2024 (13/11/2024)

24 ASSETS AND INFRASTRUCTURE SERVICES**24.1 HEAVY VEHICLE ACCESS STRATEGY****PURPOSE**

To endorse a strategy for heavy vehicle access to Council's local road network.

RESOLUTION

Moved: Cr Scott Hoyle

Seconded: Cr Naomi Bittner

That Council endorse document version 2.4 titled "Strategy for managing risk of B Double+ access to YPC's road network post HDS road network reviews" as presented.

CARRIED 349/2024 (13/11/2024)

At 5.54 pm, Cr Adam Meyer declared a conflict of interest and left the meeting.

25 DEVELOPMENT SERVICES**25.1 IMPLEMENTATION OF DRY AREA - NEW YEARS EVE - STANSBURY****PURPOSE**

To seek Council's support for the implementation of a short-term Dry Area in the Stansbury township as part of the management arrangements for the upcoming Stansbury New Year's Eve Market on 31 December 2024.

RESOLUTION

Moved: Cr Roger Johns

Seconded: Cr Trevor Clerke

That Council:

1. Endorse the implementation of a short-term Dry Area at the Stansbury foreshore and oval precinct as outlined in the draft gazette notice in Attachment 1 from 10:00pm on Tuesday 31 December 2024 to 8:00am on Wednesday 1 January 2025.

2. Endorse the terms of the prohibition as outlined in the draft gazette notice.
3. Endorse the Chief Executive Officer (who may then further delegate) to implement the required Notice of Declaration and notify the Commissioner of Police and authorise the Chief Executive Officer to make any minor amendment to the notice as required to give effect to the short-term dry area.

CARRIED 350/2024 (13/11/2024)

At 5.55pm, Cr Adam Meyer returned to the meeting.

25.2 REQUEST - ROAD NAMING - PORT VICTORIA - LAND DIVISION - DEVELOPMENT APPLICATION - 22019984

PURPOSE

For Elected Members to give consideration to a request from Developer PFschulz Pty Ltd, to assign a name to a public road created by land division 22019984, 120 Pebble Beach Road, Port Victoria.

RESOLUTION

Moved: Cr Scott Hoyle
Seconded: Cr Adam Meyer

That Council endorse Developer PFschulz Pty Ltd's request to name Road A in Attachment 2, created by Land Division 22019984, 120 Pebble Beach Road, Port Victoria as 'Periwinkle Drive' in accordance with Section 219 of the Local Government Act 1999.

CARRIED 351/2024 (13/11/2024)

25.3 LAND MANAGEMENT AGREEMENT - REQUEST WAIVER - 8 MILLS GULLY ROAD STANSBURY

PURPOSE

To seek authorisation for the request of a waiver of the landowners' obligations under Land Management Agreement (LMA) No. 11483674 at the request of the property owners T Wendelbourn and A Ralph to allow for an outbuilding.

RESOLUTION

Moved: Cr Scott Hoyle
Seconded: Cr Kylie Gray

That Council:

1. Endorse a partial waiver of section 8.6 of the Land Management Agreement No. 11483674 on land at 8 (Lot 1) Mills Gully Road, Stansbury, Certificate of Title Volume 6069 Folio 324, to allow for an outbuilding as approved in Development Application 24024966.
2. Authorise the Chief Executive Officer to sign the required documentation under Section 17 of the Land Management Agreement No.11483674.

CARRIED 352/2024 (13/11/2024)

25.4 POLICY REVIEW - PO180 NOTIFICATION - ACCREDITED PROFESSIONALS POLICY**PURPOSE**

To seek endorsement for the proposed update of PO180 Notification – Accredited Professionals Policy.

RESOLUTION

Moved: Cr Michael O'Connell

Seconded: Cr Adam Meyer

That Council endorse the proposed update of PO180 Notification – Accredited Professionals Policy for inclusion in Council's Policy Manual and on Council's website.

CARRIED 353/2024 (13/11/2024)

25.5 ACCESS ADVISORY WORKING PARTY MINUTES**PURPOSE**

For Council to receive the Minutes of Council's Access Advisory Working Party meeting held on 21 October 2024.

RESOLUTION

Moved: Cr Trevor Clerke

Seconded: Cr Adam Meyer

That Council receive the Minutes of the Access Advisory Working Party meeting held on 21 October 2024.

CARRIED 354/2024 (13/11/2024)

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 QUESTION ON NOTICE RECEIVED FROM CR ADAM MEYER****RESOLUTION**

Moved: Cr Naomi Bittner

Seconded: Cr Trevor Clerke

Section 90 Order

That pursuant to Section 90(2) and (3)(d)(i),(d)(ii) of the Local Government Act 1999, the Council orders, that the public be excluded from the meeting relating to Item 27.1 Question on Notice received from Cr Adam Meyer, 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
- Director Development Services
- Executive Services Support Officer

The Council is satisfied that, pursuant to Section 90(2) and (3)(d)(i),(d)(ii) of the Act, the information to be received, discussed or considered in relation to report Item 27.1 Question on Notice received from Cr Adam Meyer, is confidential information relating to:

- (d)(i) commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party
- (d)(ii) commercial information of a confidential nature (not being a trade secret) the disclosure of which would, on balance, be contrary to the public interest.

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED 355/2024 (13/11/2024)

27.2 TENDER 250-2024 CLEANING AND MINOR MAINTENANCE OF COUNCIL PREMISES AND BUSH CAMPING TOILETS**RESOLUTION**

Moved: Cr Michael O'Connell

Seconded: Cr Adam Meyer

Section 90 Order

That pursuant to Section 90(2) and (3)(b)(i),(b)(ii),(k) of the Local Government Act 1999, the Council orders, that the public be excluded from the meeting relating to Item 27.2 Tender 250-2024 Cleaning and Minor Maintenance of Council Premises and Bush Camping Toilets, 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
- Director Development Services
- Executive Services Support Officer

The Council is satisfied that, pursuant to Section 90(2) and (3)(b)(i),(b)(ii),(k) of the Act, the information to be received, discussed or considered in relation to report Item 27.2 Tender 250-2024 Cleaning and Minor Maintenance of Council Premises and Bush Camping Toilets, is confidential information relating to:

- (b)(i) information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council

(b)(ii) information the disclosure of which would, on balance, be contrary to the public interest

(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 356/2024 (13/11/2024)

6.04pm – The public were removed from the meeting and the Chamber secured.

RESUMPTION OF PUBLIC MEETING AT 6.14PM

Released in camera minute – 6.11pm.

27.1 QUESTION ON NOTICE RECEIVED FROM CR ADAM MEYER

The following Question on Notice was received from Cr Adam Meyer.

Question 3

What is the total cost (with breakdown of any unexpected/unbudgeted costs) to Council (Including construction cost increases and loss of future Income) for the Construction of the Minlaton Child Care Centre?

Response

Estimated total project cost of \$4.85m as indicated in the Childcare Centre's Superintendent's SYPCCC Summary document distributed to all Elected Members on 25 October 2025 via Sharepoint. Councillors resolved to recognise wages paid by the Childcare Centre Operators during protracted delays in project completion as rent paid in advance at the Confidential Council Meeting on 11 September 2024 (284/2024).

RESOLUTION

Moved: Cr Trevor Clerke

Seconded: Cr Tania Stock

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

CARRIED 357/2024 (13/11/2024)

Released in camera minute – 6.14pm.

27.2 TENDER 250-2024 CLEANING AND MINOR MAINTENANCE OF COUNCIL PREMISES AND BUSH CAMPING TOILETS

RESOLUTION

Moved: Cr Adam Meyer

Seconded: Cr Trevor Clerke

Section 91 Order

That having considered report 27.2 Tender 250-2024 Cleaning and Minor Maintenance of Council Premises and Bush Camping Toilets in confidence under Section 90(2) and (3)(b)(i),(b)(ii),(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 250-2024 Cleaning and Minor Maintenance of Council Premises and Bush Camping Toilets be retained in confidence and not available for public inspection for a period of 12 months.

CARRIED 359/2024 (13/11/2024)

28 NEXT MEETING

Wednesday 11 December 2024

29 CLOSURE

The Meeting closed at 6.15pm.

The minutes of this meeting were confirmed at the Council Meeting held on 11 December 2024.

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MAYOR DARREN BRAUND