



MINUTES

Ordinary Council Meeting

(Subject to confirmation)

9 April 2025

**MINUTES OF YORKE PENINSULA
COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, MINLATON TOWN HALL, 57 MAIN STREET, MINLATON
ON WEDNESDAY, 9 APRIL 2025 AT 5:30 PM**

CEO Andrew Cameron advised he had received a message of late apology from Mayor Darren Braund due to family matters and Deputy Mayor Richard Carruthers would take the Chair for tonight's meeting.

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 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 (Minute Secretary)

4 LEAVE OF ABSENCE

RESOLUTION

Moved: Cr Scott Hoyle

Seconded: Cr Naomi Bittner

That Mayor Darren Braund be granted a leave of absence from 9 to 28 April 2025.

CARRIED 099/2025 (9/04/2025)

5 APOLOGIES

Cr Roger Johns, Cr Kristin Murdock, Cr Michael O'Connell and Cr Adam Meyer.

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.

Nil

7 MINUTES OF PREVIOUS MEETING – FOR CONFIRMATION**RESOLUTION**

Moved: Cr Scott Hoyle
Seconded: Cr Naomi Bittner

That the minutes of the Ordinary Council Meeting held on 12 March 2025 be confirmed.

MOTION CARRIED

Cr Tania Stock called for a division.

In Favour: Crs Naomi Bittner, Trevor Clerke and Scott Hoyle

Against: Crs Kylie Gray and Tania Stock

CARRIED 100/2025 (9/04/2025)

RESOLUTION

Moved: Cr Naomi Bittner
Seconded: Cr Trevor Clerke

That the minutes of the Confidential Council Meeting held on 12 March 2025 be confirmed.

27.1 – Ardrossan and Edithburgh Jetty Pile Replacement – Tender 258-2024

CARRIED 101/2025 (9/04/2025)

RESOLUTION

Moved: Cr Trevor Clerke
Seconded: Cr Naomi Bittner

That the minutes of the Confidential Council Meeting held on 12 March 2025 be confirmed.

27.2 – Chief Executive Officer Performance Review Contractual Arrangements

MOTION CARRIED

Cr Tania Stock called for a division.

In Favour: Crs Naomi Bittner, Trevor Clerke, Kylie Gray and Scott Hoyle

Against: Cr Tania Stock

CARRIED 102/2025 (9/04/2025)

RESOLUTION

Moved: Cr Scott Hoyle
Seconded: Cr Naomi Bittner

That the minutes of the Confidential Council Meeting held on 12 March 2025 be confirmed.

27.3 – Review of Chief Executive Officer Total Employment Cost Package

MOTION CARRIED

Cr Tania Stock called for a division.

In Favour: Crs Naomi Bittner, Trevor Clerke, Kylie Gray and Scott Hoyle

Against: Cr Tania Stock

CARRIED 103/2025 (9/04/2025)

RESOLUTION

Moved: Cr Trevor Clerke

Seconded: Cr Scott Hoyle

That the minutes of the Confidential Council Meeting held on 12 March 2025 be confirmed.

27.4 – Chief Executive Officer Employment Agreement

MOTION CARRIED

Cr Tania Stock called for a division.

In Favour: Crs Naomi Bittner, Trevor Clerke, Kylie Gray and Scott Hoyle

Against: Cr Tania Stock

CARRIED 104/2025 (9/04/2025)

Deputy Mayor Carruthers read the following statement.

Council has had enquiries relating to the minutes of the 12 March 2025 Council meeting and that information relating to the remuneration and conditions of service of the Council's Chief Executive Officer were not disclosed.

The confidentiality orders made by the Council at its meeting on 12 March 2025 do not have the effect of preventing the disclosure of this information.

Council's Register of Salaries, available publicly via Council's website, has been updated to reflect the new terms and conditions of the Chief Executive Officer's employment contract.

The minutes of Council's 12 March 2025 Council meeting do not need to be altered prior to being confirmed. However, in the interest of transparency, it is proposed that after Council confirm the minutes of the 12 March 2025 Council meeting, Council pass a resolution to note the information which will be recorded in the minutes of Council's 9 April 2025 Council meeting.

RESOLUTION

Moved: Cr Tania Stock

Seconded: Cr Trevor Clerke

That Council:

1. notes the confidentiality orders made by the Council at its meeting on 12 March 2025 do not have the effect of preventing the disclosure of the following remuneration and conditions of service of the Chief Executive Officer:
 - a. Term of Contract - commencing 10 March 2025 and concluding on 9 March 2029.
 - b. Total Employment Cost Package effective 10 March 2025 – \$358,031.89.
 - c. Total Employment Cost Package Inclusion – base salary, compulsory superannuation, private use of a motor vehicle, fringe benefit tax, 2 weeks additional annual leave and income protection cover.
 - d. All other employment conditions as per draft contract.
2. notes the Register of Salaries has been updated to reflect the new terms and conditions of the Chief Executive Officer's employment contract;
3. notes the confidentiality orders made by the Council at its meeting on 12 March 2025 do not have the effect of preventing the disclosure of the amount payable by the Council under the

contract with Hender Consulting to undertake the Chief Executive Officer's annual performance appraisal review process from 2025-2027 noting the amount payable by the Council is \$12,000 (plus GST) per annum.

CARRIED 105/2025 (9/04/2025)

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

February 2025 Council Meeting

- a) Why was I not issued the February 2025 agenda's as per the legislated process?
- b) Upon advising the meeting that I would leave my seat and observe from the gallery, the Mayor advised that Council has received advice that I would have to leave the chamber if I wasn't in my seat; can the Mayor please advise where the Mayor and/or Staff received that advice from, and reference the Local Government Act and/or Regulations that confirms the advice?

Response

- a) In relation to the 12 February 2025 Council meeting, the agenda was provided to the public and each member of the Council entitled to receive the agenda on 7 February 2025 as required by legislation.

The Behavioural Standards Panel suspended Cr Meyer from office as a member of the Council for the period 10 January to 10 February 2025 inclusive. Pursuant to Schedule 9 of the Local Government Act 1999, as Cr Meyer was suspended from office he could not, during the period of the suspension, be given access by the Council to information, documents or materials related to the performance or discharge of the functions or duties of members of the Council (not being information, documents or materials generally provided to members of the public by the Council). Consistent with the legislation, Cr Meyer was able to access the public agenda during his suspension and, upon his return from suspension on 11 February 2025, the confidential agenda for the Council meeting of 12 February 2025.

- b) A similar situation had been discussed verbally with a legal representative following an enquiry on a similar matter. Official legal comment could be obtained at cost to Council.

Question 2

In relation to the 12 March 2025 Question on Notice; When did the Responsible Officer provide me with the required summary of the complaint(s), with sufficient detail so I could understand the nature of the allegations and enable me to provide a preliminary response, as per Council Policy – PO203 Council Member Behavioural Management Policy?

Response

This matter concerned alleged contraventions of Section 75G of the Local Government Act 1999. Council's PO203 Council Member Behavioural Management Policy does not apply in such cases.

Full details are available in the Panel's complete final public report which can be accessed online at the Behavioural Standards Panel's website: <https://www.bsp.sa.gov.au/publications>

RESOLUTION

Moved: Cr Scott Hoyle
Seconded: Cr Trevor Clerke

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

CARRIED 106/2025 (9/04/2025)

10 QUESTIONS WITHOUT NOTICE

Nil

11 PETITIONS

Nil

12 MAYOR**12.1 MAYOR'S MONTHLY REPORT MARCH 2025****PURPOSE**

To update Elected Members on Mayoral activities during the month of March 2025.

RESOLUTION

Moved: Cr Naomi Bittner
Seconded: Cr Scott Hoyle

That the report be received.

CARRIED 107/2025 (9/04/2025)

13 COUNCILLORS' REPORT

Nil

INFORMATION AGENDA**14 ITEMS FOR EXCLUSION**

Cr Tania Stock withdrew Item 16.3 – Information and Briefing Session – 26 March 2025 and requested that Agenda Item 5 – CAPEX 2025-2026, the presentation provided on the night be distributed on Sharepoint to Elected Members.

Cr Tania Stock withdrew Item 16.5 – Correspondence received from Australia Post – Closure of Curramulka Community Postal Agency. Director Ben Thompson undertook to contact Australia Post to provide any assistance in maintaining the postal service.

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

Moved: Cr Scott Hoyle
Seconded: Cr Trevor Clerke

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

CARRIED 108/2025 (9/04/2025)

20 VISITORS TO THE MEETING

Nil

DEBATE AGENDA**21 MAYOR**

Nil

22 CHIEF EXECUTIVE OFFICER

Nil

23 CORPORATE AND COMMUNITY SERVICES**23.1 POLICY REVIEW - PO183 YP LEISURE OPTIONS DIGNITY OF RISK AND DUTY OF CARE POLICY****PURPOSE**

To seek Council's endorsement of the proposed update of PO183 YP Leisure Options Dignity of Risk and Duty of Care Policy.

RESOLUTION

Moved: Cr Naomi Bittner
Seconded: Cr Scott Hoyle

That Council endorse the proposed updated PO183 YP Leisure Options Dignity of Risk and Duty of Care Policy, as presented.

CARRIED 109/2025 (9/04/2025)

23.2 FINANCIAL REPORT AS AT 31 MARCH 2025**PURPOSE**

For Council to consider the financial report and capital projects update report as at 31 March 2025.

RESOLUTION

Moved: Cr Scott Hoyle
Seconded: Cr Naomi Bittner

Cr Tania Stock asked a question in relation to the Port Victoria Beach Shelter and Port Rickaby Shade Shelter projects requesting an update on the projects. Council's Operations Manager took on notice to table a report on both projects at the next Council meeting.

That Council receive the financial report and capital projects update report as at 31 March 2025.

CARRIED 110/2025 (9/04/2025)

24 ASSETS AND INFRASTRUCTURE SERVICES

Nil

25 DEVELOPMENT SERVICES

25.1 POLICY REVIEW - PO098 WAIVING DEVELOPMENT APPLICATION FEES

PURPOSE

To seek endorsement for the proposed update of PO098 Waiving Development Application Fees Policy.

RESOLUTION

Moved: Cr Trevor Clerke

Seconded: Cr Scott Hoyle

That Council endorse the proposed update of PO098 Waiving Development Application Fees Policy for inclusion in Council's Policy Manual and on Council's website.

CARRIED 111/2025 (9/04/2025)

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 Kylie Gray requested leave of the meeting to make a personal statement in relation to the accepting of the Council minutes. Leave was granted.

My apologies as I have incorrectly voted in favour of accepting the minutes for the confidential item 27.3 of the 12 March 2025 meeting.

I found an error in the minutes for this item however cannot disclose the error while in the public part of the meeting as this error is only present in the confidential minutes.

CONFIDENTIAL AGENDA**27 CONFIDENTIAL ITEMS****27.1 BALGOWAN PLAYGROUND PROJECT - VENDORPANEL****RESOLUTION**

Moved: Cr Naomi Bittner

Seconded: Cr Scott Hoyle

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 27.1 Balgowan Playground Project - VendorPanel, 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
- Manager Financial Services
- Operations Manager
- Works Manager

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 27.1 Balgowan Playground Project - VendorPanel, 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 112/2025 (9/04/2025)

27.2 NORTH COAST ROAD - STAGE 3B**RESOLUTION**

Moved: Cr Scott Hoyle

Seconded: Cr Naomi Bittner

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 North Coast Road - Stage 3b, 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
- Manager Financial Services
- Operations Manager
- Works Manager

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 North Coast Road - Stage 3b, 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 113/2025 (9/04/2025)

27.3 QUESTION ON NOTICE RECEIVED FROM CR ADAM MEYER

RESOLUTION

Moved: Cr Scott Hoyle

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 27.3 Question on Notice Received from Cr Adam Meyer, with the exception of the following persons:

- Executive Assistant to CEO and Mayor

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 Question 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 114/2025 (9/04/2025)

6.07pm – the public were removed from the meeting and the Chamber secured.

RESUMPTION OF PUBLIC MEETING

Released in camera minute 6.14pm

27.1 BALGOWAN PLAYGROUND PROJECT - VENDORPANEL

RESOLUTION

Moved: Cr Scott Hoyle
Seconded: Cr Tania Stock

That Council accept the Thriving Communities Program grant funding of \$27,058 (GST exclusive) and endorse the quotation of \$118,490 (GST exclusive) for the supply and installation of playground equipment for the Balgowan Playground Project from ForPark Australia (SA).

CARRIED 115/2025 (9/04/2025)

RESOLUTION

Moved: Cr Trevor Clerke
Seconded: Cr Scott Hoyle

Section 91 Order

That having considered report 27.1 Balgowan Playground Project - VendorPanel 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 27.1 Balgowan Playground Project - VendorPanel be retained in confidence and not available for public inspection for a period of 12 months.

CARRIED 116/2025 (9/04/2025)

Released in camera minute 6.24pm

27.2 NORTH COAST ROAD - STAGE 3B

RESOLUTION

Moved: Cr Scott Hoyle
Seconded: Cr Trevor Clerke

Section 91 Order

That having considered report 27.2 North Coast Road - Stage 3b 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 North Coast Road - Stage 3b be retained in confidence and not available for public inspection for a period of 12 months.

CARRIED 118/2025 (9/04/2025)

Released in camera minute 6.35pm

27.3 QUESTION ON NOTICE RECEIVED FROM CR ADAM MEYER

RESOLUTION

Moved: Cr Naomi Bittner
Seconded: Cr Scott Hoyle

Section 91 Order

That having considered report 27.3 Question 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 27.3 Question on Notice Received from Cr Adam Meyer be retained in confidence and not available for public inspection for a period of 12 months.

CARRIED 120/2025 (9/04/2025)

28 NEXT MEETING

Wednesday 14 May 2025

29 CLOSURE

The Meeting closed at 6.36pm.

The minutes of this meeting were confirmed at the Council Meeting held on 14 May 2025.

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MAYOR DARREN BRAUND