



MINUTES

Ordinary Council Meeting

8 November 2017

(Subject to Confirmation)

**MINUTES OF YORKE PENINSULA
COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS , 57 MAIN STREET, MINLATON
ON WEDNESDAY, 8 NOVEMBER 2017 AT 5.30PM**

1 WELCOME BY MAYOR

Mayor Ray Agnew welcomed everyone to the meeting, recited the opening prayer and declared the meeting open.

2 OPENING PRAYER

3 PRESENT

Mayor Ray Agnew OAM, Deputy Mayor Scott Hoyle, Cr Naomi Bittner, Cr Darren Braund, Cr Veronica Brundell, Cr Jeffrey Cook, Cr Trevor Davey, Cr Alan Headon, Cr David Langford, Cr Adam Meyer and Cr John Rich.

In Attendance

Andrew Cameron (CEO), David Harding (Director Corporate Community Services), Trevor Graham (Director Assets and Infrastructure Services), Roger Brooks (Director Development Services), Jackie Reddaway (Minute Secretary)

4 LEAVE OF ABSENCE

Nil

5 APOLOGIES

Cr Tania Stock

6 CONFLICT OF INTEREST

Mayor Ray Agnew reminded all Elected Members of the requirement to disclose any conflict of interest in relation to any matters before Council.

Cr Adam Meyer declared a Perceived Conflict of Interest with Agenda Item 8.1 as the item relates to a matter where, due to his employment, he would be required to enforce breaches of the relevant acts. He completed the declaration form.

Mayor Agnew declared a Perceived Conflict of Interest with Agenda Item 21.4 as the item relates to a matter, to appoint him as an Ex-Officio member of Council Committees and Working Parties. He completed the declaration form.

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

Moved: Cr John Rich
Seconded: Cr David Langford

That the minutes of the Ordinary Council Meeting held on 11 October 2017 at 5.30pm be confirmed.

CARRIED 274/2017 (8/11/2017)

RESOLUTION

Moved: Cr Alan Headon
Seconded: Cr Veronica Brundell

That the minutes of the Confidential Council Meeting held on 11 October 2017 at 6.20pm be confirmed.

CARRIED 275/2017 (8/11/2017)

RESOLUTION

Moved: Cr David Langford
Seconded: Cr Scott Hoyle

That the minutes of the Confidential Council Meeting held on 11 October 2017 at 6.23pm be confirmed.

CARRIED 276/2017 (8/11/2017)

RESOLUTION

Moved: Cr John Rich
Seconded: Cr Naomi Bittner

That the minutes of the Confidential Council Meeting held on 11 October 2017 at 6.25pm be confirmed.

CARRIED 277/2017 (8/11/2017)

8 MOTIONS ON NOTICE**8.1 NOTICE OF MOTION - CR TREVOR DAVEY - PRESENTED TO 8 NOVEMBER 2017 COUNCIL MEETING****RESOLUTION****Moved: Cr Trevor Davey****Seconded: Cr Scott Hoyle**

That Council support an application to the National Heavy Vehicle Regulator (NHVR) for blanket approval of all Council roads and intersections, for road trains up to 30m, both General Mass Limit (GML) and Higher Mass Limit (HML) subject to the following conditions:

- Speed limit of 80km on sealed roads
- Speed limit of 60km on unsealed roads
- Speed limit of 40km in built-up areas
- Yielding to other vehicles, being in addition to requirements under the road rules

Permit holders must be members of the NHVR Maintenance Management programme.

CARRIED 278/2017 (8/11/2017)

9 QUESTIONS ON NOTICE

Nil

10 QUESTIONS WITHOUT NOTICE

Nil

11 PETITIONS

Nil

12 MAYOR**12.1 MAYOR'S MONTHLY REPORT NOVEMBER 2017****PURPOSE**

To keep Elected Members updated on Mayoral activities during the month of October 2017.

The Mayor provided the following update on relevant matters to his report.

Mayor Agnew advised Elected Members about the Award that Council had received in relation to the SA Bowls Senior Sides Competition recently hosted by Yorke Peninsula, Copper Coast and Barunga West Councils.

He reminded Elected Members about Remembrance Day Services and the one to be held at Bublacowie that all members had been invited to.

Advised Elected Members we had received a Certificate of Appreciation for sponsoring the Youth Category of the Ardrossan Fishing Competition.

Mayor Agnew read the following statement about Australia Day to the Elected Members following quite a few comments being made in Social Media about changes to our Australia Day event:

As the Mayor it has been my responsibility to facilitate the Australia Day Function since 2007 with Jackie undertaking the organising and co-ordination for the events during that time.

Each year it has been **increasingly difficult** to encourage the community to become involved in putting forward nominations and we have made several attempts at changing what we do in an attempt to increase support for the Council's Australia Day function. We have attended breakfasts, changed to have a luncheon to tie in with Port Victoria, we have worked with the Progress Associations to encourage them to put forward their local township nominees into the Council awards **without success**.

In addition in 2014 we had no Award nominations so the event had to be cancelled.

I know of several occasions that Council staff have either written or provided support for nominations to be submitted by members of the community.

Following the success of the Australian of the Year Awards that Jackie and I attended as guests of the Governor on Monday last week and also following a lot of research into what other communities do across Australia to encourage their community to become involved and with the support of the Australia Day Council, the suggestion was put forward to revamp the event and try an Australia Day Eve function to focus on a family fun event, which I wholeheartedly welcomed. Tying it in with a lot of the activities that are usually held at the Youth Events to encourage families and young people to become more involved. I note even the Prime Minister holds an Australia Day Eve celebration to announce the Australian of the Year recipients. One positive aspect of holding the event on Australia Day eve, is that this timing will allow Award Nominees the chance to be at home on Australia Day to celebrate their own success with their family and friends.

Mayor Agnew also reminded Elected Members about the upcoming visit by the LGA President Lorraine Rosenberg and CEO Matt Pinnegar to Yorke Peninsula Council on Tuesday 21st November between 12.00pm and 2.00pm at the Maitland Council Office – Gum Flat Room.

RESOLUTION

Moved: Cr David Langford

Seconded: Cr Scott Hoyle

That the report be received.

CARRIED 279/2017 (8/11/2017)

13 COUNCILLORS' REPORT

Nil

INFORMATION AGENDA**14 ITEMS FOR EXCLUSION**

Nil

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

Moved: Cr Scott Hoyle

Seconded: Cr Alan Headon

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

CARRIED 280/2017 (8/11/2017)

20 VISITORS TO THE MEETING**Giles Ellis – Starclub Field Officer**

5.43pm Mayor Agnew invited Giles Ellis to address the Council.

Giles provided an overview of the Starclub Programme to Council, highlighting statistics in the Yorke Peninsula Council region.

5.58pm The presentation concluded.

DEBATE AGENDA**21 CHIEF EXECUTIVE OFFICER****21.1 2016/2017 AUDITED GENERAL PURPOSE FINANCIAL STATEMENTS****PURPOSE**

To seek endorsement of Council's 2016/2017 audited General Purpose Financial Statements ("Statements"), management representation letter and report on financial results.

RESOLUTION

Moved: Cr Scott Hoyle

Seconded: Cr David Langford

That the audited General Purpose Financial Statements for the year ended 30th June 2017 be adopted and that:

1. the Chief Executive Officer and Mayor be authorised to certify the General Purpose Financial Statements; and
2. the Chief Executive Officer and the Presiding Member of the Audit Committee sign the Certification of Auditor Independence; and
3. the Chief Executive Officer and the Director Corporate and Community Services be authorised to sign the Management Representation Letter to be provided to the Auditor.

CARRIED 281/2017 (8/11/2017)

21.2 ADOPTION OF 2016/17 ANNUAL REPORT**PURPOSE**

For Council to consider, approve and adopt the Annual Report for 2016/2017 for distribution in accordance with legislation prior to 30th November 2017.

RESOLUTION

Moved: Cr Adam Meyer

Seconded: Cr Naomi Bittner

That Council considers, approves and adopts the Annual Report for 2016/2017 which includes the adopted financial statements of Council and incorporates the Legatus Group Annual Report and their financial statements.

CARRIED 282/2017 (8/11/2017)

21.3 POLICY UPDATE - GIFTS AND BENEFITS PO150**PURPOSE**

To seek endorsement and approval from Council for the updated PO150 Gifts and Benefits Policy.

RESOLUTION

Moved: Cr Veronica Brundell

Seconded: Cr Trevor Davey

That Council endorse and approve the updated PO150 Gifts and Benefits Policy for inclusion in Council's Policy Manual and on the website.

CARRIED 283/2017 (8/11/2017)

At 6.03pm, Mayor Ray Agnew declared a conflict of interest and left the meeting.

21.4 MAYOR'S EX-OFFICIO MEMBERSHIP OF ALL COUNCIL COMMITTEES AND WORKING PARTIES**PURPOSE**

To seek Council endorsement for Mayor Agnew OAM to be an ex-officio member of all Council committees and working parties, with the exception of the Audit Committee and the newly formed Council Assessment Panel.

MOTION

Moved: Cr Jeffrey Cook

Seconded: Cr David Langford

That Council endorse Mayor Agnew OAM as an ex-officio member of all Council committees and working parties, with the exception of the Audit Committee and Council Assessment Panel.

MOTION LOST

MOTION

Moved: Cr Naomi Bittner

Seconded: Cr Darren Braund

That Council endorse the Mayor as an ex-officio member of all Council committees and working parties, with the exception of the Audit Committee and Council Assessment Panel.

CARRIED 284/2017 (8/11/2017)

At 6.06pm, Mayor Ray Agnew returned to the meeting.

22 CORPORATE AND COMMUNITY SERVICES**22.1 FINANCIAL REPORT AS AT 31 OCTOBER 2017****PURPOSE**

For Council to consider the financial report and capital projects update report as at 31 October 2017.

RESOLUTION

Moved: Cr Adam Meyer

Seconded: Cr Darren Braund

That Council receive the financial report and capital projects update report as at 31 October 2017.

CARRIED 285/2017 (8/11/2017)

22.2 2017/2018 SEPTEMBER QUARTERLY BUDGET REVIEW**PURPOSE**

To consider and adopt a review of Council's 2017/2018 Budget and associated financial statements, ratios and changes.

RESOLUTION

Moved: Cr Alan Headon

Seconded: Cr Scott Hoyle

That Council endorse the 2017/2018 September Budget review changes as presented in the attached Summary of Changes, Statement of Comprehensive Income and Uniform of 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 286/2017 (8/11/2017)

22.3 FRIENDS OF PORT MOOROWIE BUSINESS PLAN**PURPOSE**

To present Council with a Business Plan prepared by the Friends of Port Moorowie (FOPM) in regard to the establishment and continued maintenance of the proposed Port Moorowie Community Centre.

RESOLUTION

Moved: Cr Jeffrey Cook
Seconded: Cr Veronica Brundell

That Council receive the Friends of Port Moorowie Business Plan as presented and authorise the Director Corporate and Community Services to advise the Department of Environment, Water and Natural Resources of Council's confidence in that Business Plan.

CARRIED 287/2017 (8/11/2017)

22.4 MAITLAND AERODROME APRON FENCING**PURPOSE**

For Council to consider the provision of financial assistance to Maitland Aero Club to replace the existing boundary apron fencing at the Maitland Aerodrome.

RESOLUTION

Moved: Cr Naomi Bittner
Seconded: Cr Trevor Davey

That Council makes a financial contribution to Maitland Aero Club in the amount of \$5,000 for the repair of the apron fence.

CARRIED 288/2017 (8/11/2017)

23 ASSETS AND INFRASTRUCTURE SERVICES**23.1 STREET PAVING TENDER - MAIN TOWNSHIP FOOTPATH IMPROVEMENT PROGRAMME****PURPOSE**

To seek an exception from Council to endorse appropriate recommendations associated with the Street Paving Tender.

RESOLUTION

Moved: Cr Trevor Davey

Seconded: Cr Scott Hoyle

That Council:

1. grant an exception for Council to endorse the recommendation from the Tender Evaluation Panel complimenting the Tender 176/2017 – Street Paving Project process.
2. give delegation to the Chief Executive Officer to endorse the recommendation from the Tender Evaluation Panel complimenting the Tender 176/2017 – Street Paving Project process.
3. waive the requirement of a 'Confidential Report' by the Director Assets and Infrastructure Services complimenting the Tender 176/2017 – Street Paving Project process.

CARRIED 289/2017 (8/11/2017)

23.2 DRAFT STORMWATER INFRASTRUCTURE ASSET MANAGEMENT PLAN**PURPOSE**

This report requests Council endorsement and adoption of the Draft Stormwater Infrastructure Asset Management Plan.

RESOLUTION

Moved: Cr Jeffrey Cook

Seconded: Cr Naomi Bittner

That Council endorse and adopt the Draft Stormwater Infrastructure Asset Management Plan after consideration of public consultation feedback.

CARRIED 290/2017 (8/11/2017)

23.3 COASTAL MANAGEMENT STRATEGY WORKING PARTY**PURPOSE**

This report is to receive the Minutes of Council's Coastal Management Strategy Working Party held 11 October 2017 and seek endorsement of the Membership and Terms of Reference.

RESOLUTION

Moved: Cr Alan Headon

Seconded: Cr John Rich

That Council:

1. receive the Minutes of the Coastal Management Strategy Working Party held on 11 October 2017.
2. endorse the Terms of Reference

CARRIED 291/2017 (8/11/2017)

24 DEVELOPMENT SERVICES**24.1 PROPOSED SA GOVERNMENT RADIO NETWORK TELECOMMUNICATIONS TOWER - BALGOWAN****PURPOSE**

To provide feedback on the Community Engagement process and seek endorsement from Council for the SA Government Radio Network (SAGRN) to proceed.

RESOLUTION

Moved: Cr David Langford

Seconded: Cr Darren Braund

That Council:

1. endorse SAGRN to commence preparation of a 5 year licence agreement with four by five year rights of renewal in conjunction with a permit to use public road and;
2. permit SAGRN to commence construction and;
3. authorise the Mayor and Chief Executive Officer to sign and affix the Council seal to the relevant documents necessary to execute the licence.

CARRIED 292/2017 (8/11/2017)

24.2 APPLICATION TO LIFT AND RE-APPLY LAND MANAGEMENT AGREEMENT, BUSH TRACK - PARSONS BEACH**PURPOSE**

The purpose of this report is to seek approval from Council to have a Land Management Agreement lifted from the Title of a property so that new Titles can be issued. The Land Management Agreement is then to be endorsed onto the new Titles.

RESOLUTION

Moved: Cr Jeffrey Cook

Seconded: Cr Alan Headon

That Council:

1. consent to the Land Management Agreement being lifted from the Certificate of Title for land contained in Certificate of Title Volume 5077 Folio 623, and
2. authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal on the relevant documents relating to;
 - a) extinguishment of the Land Management Agreement over land identified as allotments 601 – 609 inclusive, created by land division Development Application number 544/D014/2015, and
 - b) the endorsement of the Land Management Agreement over land identified as allotment 600, created by land division Development Application number 544/D014/2015.

CARRIED 293/2017 (8/11/2017)

24.3 BUSH CAMPING WORKING PARTY MINUTES**PURPOSE**

For Council to receive the Minutes of Council's Bush Camping Working Party meeting, held 11th October 2017.

RESOLUTION

Moved: Cr Naomi Bittner

Seconded: Cr Scott Hoyle

That Council:

1. receive the minutes of the Bush Camping Working Party held 11th October 2017.
2. endorse the amount of \$10,000 for the installation of the dump point to be sited at the Minlaton Town Oval.

CARRIED 294/2017 (8/11/2017)

24.4 ACCESS ADVISORY WORKING PARTY MINUTES - OCTOBER 2017**PURPOSE**

For Council to receive the Minutes of Council's Access Advisory Working Party meeting, held 27th October 2017.

RESOLUTION

Moved: Cr Darren Braund

Seconded: Cr Scott Hoyle

That Council:

1. receive the minutes of the Access Advisory Working Party held on 27th October 2017.
2. commits \$1,650 for materials towards the disabled access ramp to be constructed by the Price Tennis Club, Price.
3. commits \$1,500 towards the installation of a concrete pathway at the Edithburgh Museum, Edithburgh.
4. commits \$3,000 for the installation of four (4) access ramps in the township of Maitland.

CARRIED 295/2017 (8/11/2017)

25 GENERAL BUSINESS

Council has resolved that an Agenda Item "General Business" be included on the Council Agenda to enable members to raise matters of a minor nature for action by the Administration, or to call for reports.

Cr Trevor Davey

Queried the announcement by the State Government that they would be funding repairs to some metropolitan and limited regional jetties and noted Yorke Peninsula was not included. He requested that staff provide an update on this matter. Advised of his concerns in relation to SA Water works that have been undertaken, by putting a new main down under our road, leaving the SA Water manholes and inspection points, protruding above the level of the road and we are now unable to safely grade and maintain our roads. Mr Graham responded to Cr Davey's concerns. Mayor Agnew suggested that this matter be taken up with the Legatus group and that he would raise it with the LGA Executive.

Cr Adam Meyer

Cr Meyer asked if the Mayor's prepared statement in relation to Australia Day could be included on Council's Social Media and website.

6.31pm Cr Cook requested that the meeting move to informal mode to discuss Australia Day, the Mayor sought leave of the meeting to move to informal mode with 2/3 of the members present in agreement.

Discussion ensued.

Moved: Cr Trevor Davey

Seconded: Cr Veronica Brundell

That the meeting move back to formal mode.

CARRIED 296/2017 (8/11/2017)

Moved: Cr Jeff Cook
Seconded: Cr Scott Hoyle

That Australia Day be held on 26th January at 2.00pm at a location to be decided.

CARRIED 297/2017 (8/11/2017)

CONFIDENTIAL AGENDA

26 CONFIDENTIAL ITEMS

26.1 PROVISION OF EXTERNAL AUDIT SERVICES - TENDER 173-2017

RESOLUTION

Moved: Cr Alan Headon
Seconded: Cr David Langford

Section 90 (3) (k) Order

1. That pursuant to Section 90(2) of the Local Government Act 1999, the Council orders, that the public be excluded from the meeting with the exception of the Chief Executive Officer, Executive Assistant to CEO and Mayor, Director Corporate and Community Services, Director Assets and Infrastructure, Director Development Services and Manager Financial Services.

The Council is satisfied that, pursuant to Section 90 (3) (k) of the Act, the information to be received, discussed or considered in relation to report 26.1 Provision of External Audit Services Tender 173-2017 is confidential information relating to:

(k) tenders for the supply of goods, the provision of services or the carrying out of works.

Accordingly, the Council is satisfied that the principle which states the meeting be conducted in a place open to the public has been outweighed in the circumstances.

Section 91 (7) Order

2. Following consideration of report 26.1 Provision of External Audit Services - Tender 173-2017, in confidence under Section 90 (2) and (3) (k) of the Local Government Act 1999, the Council, pursuant to section 91 (7) of that Act orders that the agenda report, minutes and supporting documentation relevant to report 26.1 Provision of External Audit Services – Tender 173-2017 be retained in confidence for a period of 12 months.

CARRIED 298/2017 (8/11/2017)

6.35pm The public were asked to leave and the Chambers secured.

6.48pm *The public meeting resumed.*

Released in Camera Minute

RESOLUTION

Moved: Cr Naomi Bittner

Seconded: Cr Jeffrey Cook

That Council accept the tender from Dean Newbery and Partners Chartered Accountants for the total of \$107,400 plus travel costs to be reimbursed, for the provision of External Audit Services to Council and endorse their appointment under section 128 of the Local Government Act 1999 as Council's Auditor for a five (5) year term commencing 1 July 2017.

CARRIED 299/2017 (8/11/2017)

6.52pm *Cr Scott Hoyle requested leave of the meeting to raise two matters of interest.*

Leave was granted.

He raised two matters in relation to Patrol Grading schedules and usage and advised that the people involved in the Contract Tree Trimming are doing a really good job, he is pleased with the result.

167 NEXT MEETING

Wednesday 13 December 2017

178 CLOSURE

The Meeting closed at 6.56pm.

The minutes of this meeting were confirmed at the Council Meeting held on 13 December 2017.

.....
Raymond G Agnew OAM
13 December 2017