



Yorke Peninsula Council

Minutes of the Meeting of the Yorke Peninsula Council

held on Wednesday 13th April 2016,
in the Council Chambers
57 Main Street Minlaton commencing at 5.30pm
(Subject to confirmation)

ITEM 1 WELCOME

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

PRESENT

Mayor Ray Agnew OAM, Deputy Mayor Trevor Davey, Councillors Naomi Bittner, Veronica Brundell, Alan Headon, Darren Braund, Adam Meyer, David Langford, Jeff Cook, Scott Hoyle and Tania Stock.

IN ATTENDANCE

| | |
|---------------------|--|
| Andrew Cameron | Chief Executive Officer |
| David Harding | Director Corporate and Community Services |
| Roger Brooks | Director Development Services |
| Stephen Goldsworthy | Acting Director Assets and Infrastructure Services |
| Jackie Reddaway | Minute Secretary |

LEAVE OF ABSENCE

Cr John Rich from 8th April 2016 – 22nd June 2016

APOLOGIES

Nil

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.

Mayor Agnew advised that he had a perceived conflict of interest with Debate Item 6.1.3 Nomination for Local Roads Advisory Committee and would leave the meeting and the Chamber for consideration of that Agenda Item.

MINUTES OF THE PREVIOUS MEETING

Cr Bittner moved Cr Headon seconded

That the minutes of the Council meeting held on Wednesday 9th March 2016 at 5.30pm be confirmed as a true record.

CARRIED 060/2016 (13/04/2016)

Cr Langford moved Cr Stock seconded

That the Confidential minutes of the Council meeting held on Wednesday 9th March 2016 at 6.40pm be confirmed as a true record.

CARRIED 061/2016 (13/04/2016)

Cr Hoyle moved Cr Cook seconded

That the Confidential minutes of the Council meeting held on Wednesday 9th March 2016 at 6.43pm be confirmed as a true record.

CARRIED 062/2016 (13/04/2016)

Cr Langford moved Cr Headon seconded

That the Confidential minutes of the Council meeting held on Wednesday 9th March 2016 at 6.45pm be confirmed as a true record.

CARRIED 063/2016 (13/04/2016)

ITEM 1.11 PETITION

Cr Brundell moved Cr Headon seconded

That the petition with 72 signatures be received.

CARRIED 064/2016 (13/04/2016)

ITEM 2 MAYORS REPORT

Mayor Agnew spoke to his report and advised Elected Members that they had returned yesterday from what he believed to be a successful Trade Mission to China.

Cr Meyer moved Cr Hoyle seconded

That the report from Mayor Agnew be received.

CARRIED 065/2016 (13/04/2016)

ADOPTION OF INFORMATION AGENDA

Cr Davey moved Cr Stock seconded

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

CARRIED 066/2016 (13/04/2016)

ITEM 6 DEBATE AGENDA

CHIEF EXECUTIVE OFFICER

DA/CEO/R1

MAITLAND CHILDREN'S CENTRE REVOKE DECISION

Cr Meyer moved Cr Cook seconded

That Council revoke the following decision of Council:

Cr Brundell moved Cr Hoyle seconded

That Council endorse the recommendation of the Director Corporate and Community Services to negotiate a future lease for the current Maitland Children's Centre premises to Happy Kidz Child Care.

CARRIED 303/2015 (08/12/2015)

CARRIED 067/2016 (13/04/2016)

DA/CEO/R2

MINLATON OLD SCHOOL

Cr Davey moved Cr Meyer seconded

That Council advise the owners that following due consideration of their offer to purchase 9 – 11 Second Street Minlaton, that Council is not in a position to purchase additional land assets and is committed to consolidating and reducing Council's property asset base in a financially sustainable manner.

CARRIED 068/2016 (13/04/2016)

5.37pm Mayor Agnew declared a perceived conflict of interest with the next Agenda Item and left the meeting and the Chamber and Deputy Mayor Davey assumed the Chair.

DA/CEO/R3

NOMINATION LOCAL ROADS ADVISORY COMMITTEE

Cr Cook moved Cr Langford seconded

That Mayor Agnew be nominated for the Local Roads Advisory Committee prior to the closing date.

CARRIED 069/2016 (13/04/2016)

5.38pm Mayor Agnew returned to the Chamber and re-joined the meeting and resumed the Chair.

DA/CEO/R4

DELEGATIONS REGISTER

Cr Cook moved Cr Langford seconded

That having conducted its annual review of the Council's Delegations Register in accordance with Section 44(6) of the Local Government Act 1999, the Council:

1. Revocations

1.1 Hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following:

1.1.1 Community Titles Act 1996

1.1.2 Development Act 1993, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008

1.1.3 Dog & Cat Management Act July 2013

- 1.1.4 Environment Protection Act 1993 and Environment Protection (Waste Management) Policy 1994
- 1.1.5 Expiation of Offences Act 1996
- 1.1.6 Fences Act 1975
- 1.1.7 Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005
- 1.1.8 Food Act 2001
- 1.1.9 Freedom of Information Act 1991
- 1.1.10 Housing Improvement Act 1940
- 1.1.11 Land & Business (Sale and Conveyancing) Act 1994
- 1.1.12 Liquor Licensing Act 1997
- 1.1.13 Local Government Act 1934
- 1.1.14 Local Government Act 1999
- 1.1.15 Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2005
- 1.1.16 SA Public Health Act 2011 and Public and Environmental Health (Wastewater) Regulations 2013 and Public and Environmental Health (Legionella) Regulations 2013, Public Health (General) Regulations 2013
- 1.1.17 Roads (Opening & Closing) Act 1991
- 1.1.18 Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014
- 1.1.19 Safe Drinking Water Act 2012
- 1.1.20 Supported Residential Facilities Act 1992 & Regulations 2009
- 1.1.21 Unclaimed Goods Act 1987
- 1.1.22 Water Industry Act 2012 and Water Industry Regulations 2012
- 1.1.23 Work Health and Safety Act 2012
- 1.1.24 Real Property Act 1886
- 1.1.26 Strata Titles Act 1988
- 1.1.27 Heavy Vehicle National Law (South Australia) Act 2013
- 1.1.28 Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014
- 1.1.29 Permits and Penalties By-Law
- 1.1.30 Local Government Land By-Law
- 1.1.31 Roads By-Law
- 1.1.32 Moveable Signs By-Law
- 1.1.33 Nuisances Caused by Building Sites By-Law
- 1.1.34 Port Vincent Marina By-Law
- 1.1.35 Dogs and Cats By-Law 2013

2. Delegations made under Local Government Act 1999

- 2.1 In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in the Annexures to this report are hereby delegated this 13th day of April 2016 to the person occupying the office of Chief Executive Officer, or any person acting in the position of Chief Executive Officer, subject to the conditions and or limitations specified herein or in the Schedule of Conditions in the proposed Instruments of Delegation;
- 2.1.1 Community Titles Act 1996
 - 2.1.2 Development Act 1993, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008
 - 2.1.3 Dog & Cat Management Act July 2013
 - 2.1.4 Environment Protection Act 1993 and Environment Protection (Waste Management) Policy 1994
 - 2.1.5 Expiation of Offences Act 1996
 - 2.1.6 Fences Act 1975
 - 2.1.7 Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005
 - 2.1.8 Food Act 2001
 - 2.1.9 Freedom of Information Act 1991
 - 2.1.10 Housing Improvement Act 1940
 - 2.1.11 Land & Business (Sale and Conveyancing) Act 1994
 - 2.1.12 Liquor Licensing Act 1997
 - 2.1.13 Local Government Act 1999
 - 2.1.14 Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2005
 - 2.1.15 SA Public Health Act 2011 and Public and Environmental Health (Wastewater) Regulations 2013 and Public and Environmental Health (Legionella) Regulations 2013, Public Health (General) Regulations 2013
 - 2.1.16 Roads (Opening & Closing) Act 1991
 - 2.1.17 Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014
 - 2.1.18 Safe Drinking Water Act 2012
 - 2.1.19 Supported Residential Facilities Act 1992 & Regulations 2009
 - 2.1.20 Unclaimed Goods Act 1987
 - 2.1.21 Water Industry Act 2012 and Water Industry Regulations 2012
 - 2.1.22 Work Health and Safety Act 2012
 - 2.1.23 Real Property Act 1886
 - 2.1.24 Strata Titles Act 1988

- 2.1.25 Heavy Vehicle National Law (South Australia) Act 2013
- 2.1.26 Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014
- 2.1.27 Permits and Penalties By-Law 2013
- 2.1.28 Local Government Land By-Law 2013
- 2.1.29 Roads By-Law 2013
- 2.1.30 Moveable Signs By-Law 2013
- 2.1.31 Nuisances Caused by Building Sites By-Law 2013
- 2.1.32 Port Vincent Marina By-Law 2013
- 2.1.33 Dogs and Cats By-Law 2013
- 2.2 Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instruments of Delegation.

3. Delegations made under the Development Act 1993

- 3.1 In exercise of the powers contained in Section 20 and 34(23) of the Development Act 1993, the powers and functions under the Development Act 1993, Development (Development Plans) Amendment Act 2006 and the Development Regulations 2008 contained in the proposed Instrument of Delegation annexed to the Report dated 13th April 2016 and entitled Delegations Register are hereby delegated this 13th day of April 2016 to the person occupying the office of Chief Executive Officer, or any person acting in the position of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.
- 3.2 Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.

The powers and functions that have been delegated to the Council's Development Assessment Panel are contained within the CDAP Delegations Policy PO127 which was endorsed by Council at the 21st January 2015 Council meeting.

4. Delegations made under Food Act 2001

- 4.1 In exercise of the powers contained in Section 91 of the Food Act 2001, the powers and functions under the Food Act 2001 contained in the proposed Instrument of Delegation annexed to the Report dated 13th April 2016 and entitled Delegations Register are hereby delegated this 13th day of April 2016 to the person occupying the office of Chief Executive Officer, or any person acting in the position of Chief Executive Officer, ('the head of the enforcement agency' for the purposes of the Food Act 2001), subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Food Act 2001.
- 4.2 Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Food Act 2001.

5. Delegations made under Public and Environmental Health Act 1987

Deliberately left blank

6. Delegations made under Supported Residential Facilities Act 1992

- 6.1 In exercise of the power contained in Section 9 of the Supported Residential Facilities Act 1992, the powers and functions under the Supported Residential Facilities Act 1992 contained in the proposed Instrument of Delegation annexed to the Report dated 13th April 2016 and entitled Delegations Register are hereby delegated this 13th day of April 2016 to the person occupying the office of Chief Executive Officer or any person acting in the position of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.
- 6.2 Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.

7. Authorisations and Subdelegation under the Road Traffic Act 1961

- 7.1 In accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister for Transport and Infrastructure (the 'Instrument') the Council authorises the following person(s) pursuant to Clause A.7 of the Instrument to endorse Traffic Impact Statements for the purposes of Clause A of the Instrument provided that such person(s) shall take into account the matters specified in Clause A.7 of the Instrument in respect of Traffic Impact Statements:

Trevor Graham - Director Assets & Infrastructure Services

Roy Dick - Works Manager

Stephen Goldsworthy - Operations Manager

Nicholas Hoskin - Operations Coordinator

- 7.2 In accordance with Clause A.7 of the Instrument, the Council is of the opinion that the following person(s) is/are experienced traffic engineering practitioner(s) for the purposes of preparing a Traffic Impact Statement as required by Clause A.7 of the Instrument:

Trevor Graham (Director Assets & Infrastructure Services)

Roy Dick (Works Manager)

Stephen Goldsworthy (Operations Manager)

Nicholas Hoskin (Operations Coordinator)

- 7.3 In exercise of the power contained in, and in accordance with, Clause G.1 of the Instrument, the power contained in Section 33(1) of the Road Traffic Act 1961 and delegated to the Council pursuant to Clause G of the Instrument and contained in the proposed Instrument of Subdelegation annexed to the Report dated 13th April 2016

and entitled Delegations Register is hereby sub-delegated this 13th day of April 2016 to the person occupying the office of Chief Executive Officer or any person acting in the position of Chief Executive Officer, of the Council subject to:

- (i) the conditions contained in the Instrument; and
- (ii) any conditions contained in this Resolution or in the Instrument of Subdelegation.; and
- (iii) the creation of a separate instrument in writing reflecting such subdelegation under the Instrument and this Resolution.

7.4 In accordance with Clause E.2 of the Instrument, the Council is of the opinion that the following person(s) has (have) an appropriate level of knowledge and expertise in the preparation of traffic management Plans:

Trevor Graham (Director Assets & Infrastructure Services)

Roy Dick (Works Manager)

Stephen Goldsworthy (Operations Manager)

Nicholas Hoskin (Operations Coordinator)

Dwayne Werfel (Works Supervisor North)

Guido Varricchio (Works Supervisor South)

Jason Coe (Leading Worker Central)

Michael Wuttke (Leading Worker North)

Stuart Heinrich-Smith (Leading Worker South)

Phil Herrmann (Senior Compliance Officer)

8. Delegations under Safe Drinking Water Act 2011 (of enforcement agency)

8.1 In exercise of the power contained in Section 43 of the Safe Drinking Water Act 2011 the powers and functions of the Council as a relevant authority under the Safe Drinking Water Act 2011 contained in the proposed Instrument of Delegation annexed to the Report dated 13th April 2016 and entitled Delegations Register are hereby delegated this 13th day of April 2016 to the person occupying the office of Chief Executive Officer or any person acting in the position of Chief Executive Officer, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Safe Drinking Water Act 2011.

8.2 Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Safe Drinking Water Act 2011.

9. Delegation under Council By-Laws

9.1 In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following By-Laws and specified in the proposed Instruments of Delegation for By-Laws contained in the Annexures to this report are hereby delegated this 13th day of April 2016 to the person occupying the office of Chief Executive Officer, or any person acting in the position of Chief Executive Officer, subject to the conditions and or limitations specified herein or in the Schedule of Conditions in the proposed Instruments of Delegation for the By-Laws:

9.1.1 Permits and Penalties By-Law 2013

9.1.2 Local Government Land By-Law 2013

9.1.3 Roads By-Law 2013

9.1.4 Moveable Signs By-Law 2013

9.1.5 Dogs & Cats By-Law 2013

9.1.6 Nuisances Caused By Building Sites By-Law 2013

9.1.7 Port Vincent Marina By-Law 2013

9.2 The Chief Executive Officer is authorised to sub-delegate these powers to other employees of the Council as the Chief Executive Officer considers fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instruments of Delegation for the By-Laws.

CARRIED 070/2016 (13/04/2016)

CORPORATE AND COMMUNITY SERVICES – DEBATE

DA/CCS/R1

FINANCIAL REPORT 31ST MARCH 2016

Cr Langford moved Cr Braund seconded

That Council receive the financial reports as at 31st March 2016.

CARRIED 071/2016 (13/04/2016)

DA/CCS/R2

LONG TERM FINANCIAL PLAN (LTFP) PUBLIC CONSULTATION FEEDBACK

Cr Davey moved Cr Bittner seconded

That Council receive the public consultation feedback in relation to the Draft Long Term Financial Plan 2016/2017 to 2025/2026 and take this feedback into consideration when endorsing the Long Term Financial Plan at its May 2016 meeting.

CARRIED 072/2016 (13/04/2016)

DA/CCS/R3

STANSBURY BOWLING CLUB COMMUNITY LOAN APPLICATION

Cr Cook moved Cr Headon seconded

1. That Council approve the provision of a Community Loan to the Stansbury Bowling Club Inc. for the amount of \$180,000 for a period of ten (10) years repayable by six (6) monthly instalments in arrears; and
2. Pursuant to the provision of Section 134 of the Local Government Act 1999, the Yorke Peninsula Council does hereby order that the said Council shall borrow by means of a debenture loan on the security of the general revenue of the Council, the sum of \$180,000 (One Hundred and Eighty Thousand Dollars) from the Local Government Finance Authority and that the said loan shall be for a period of ten (10) years. The said loan will be for the Stansbury Bowling Club Inc. to fund the installation of a synthetic surface bowling green; and
3. The Mayor and Chief Executive Officer be authorised to sign and seal any documentation to give effect to this resolution.

CARRIED 073/2016 (13/04/2016)

DA/CCS/R4

WAROOKA BOWLING CLUB COMMUNITY LOAN APPLICATION

Cr Hoyle moved Cr Meyer seconded

1. That Council approve the provision of a Community Loan to the Warooka Bowling Club Inc. for the amount of \$100,000 for a period of ten (10) years repayable by 6 monthly instalments in arrears; and
2. Pursuant to the provision of Section 134 of the Local Government Act 1999, Yorke Peninsula Council does hereby order that the said Council shall borrow by means of a debenture loan on the security of the general revenue of the Council, the sum of \$100,000 (One Hundred Thousand Dollars) from the Local Government Finance Authority and that the said loan shall be for a period of ten (10) years. The said loan will be for the Warooka Bowling Club Inc. to fund the installation of a synthetic surface bowling green; and
3. The Mayor and Chief Executive Officer be authorised to sign and seal any documentation to give effect to this resolution.

CARRIED 074/2016 (13/04/2016)

DA/CCS/R5

PORT VINCENT PROGRESS ASSOCIATION REQUEST FOR FUNDS

Cr Meyer moved Cr Hoyle seconded

That Council does not agree to provide the Port Vincent Progress Association Inc. 25% of the annual gross takings from the Port Vincent Foreshore Caravan Park.

CARRIED 075/2016 (13/04/2016)

DA/CCS/R6

BRANDING OF COUNCIL MANAGED CARAVAN PARKS

Cr Hoyle moved Cr Bittner seconded

That Yorke Peninsula Council endorse the branding as provided in Attachment 1 to be used when promoting the Yorke Peninsula Council holiday parks.

CARRIED 076/2016 (13/04/2016)

DEVELOPMENT SERVICES – DEBATE

DA/DS/R1

MAITLAND CHILDREN'S CENTRE REDESIGNATION

Cr Cook moved Cr Langford seconded

That Council give permission to commence the public consultation process to designate a portion of Part Section (PTS) 384 PLN 130800 Crown Record: Volume 5757 Folio 189, 15 Kilkerran Terrace, Maitland SA from Category 3 Public and Community to Category 4 Business and Commercial, on Councils Community Land Register, for the purpose of leasing the property as a childcare centre.

CARRIED 077/2016 (13/04/2016)

DA/DS/R2

WAROOKA PROGRESS ASSOCIATION REVOCATION OF COMMUNITY LAND

Cr Brundell moved Cr Meyer seconded

That Council:

1. pursuant to Section 194 (3)(b) of the Local Government Act 1999, revokes the community land classification for Allotment 47, PLN 453, 22 Brentwood Road, Warooka, Certificate of Title: Volume 5748 Folio 585 (Consulting Rooms) and Allotment 1, PLN 14529, 6 Brentwood Road, Warooka, Certificate of Title: Volume 5749 Folio 718 (Museum), for the purpose of transferring ownership of the properties to Warooka Progress Association Inc., for no monetary cost.
2. authorise the Mayor and Chief Executive Officer to sign and seal any documents in relation to the transfer of the properties.

CARRIED 078/2016 (13/04/2016)

GENERAL BUSINESS

Deputy Mayor Davey

1. Advised Members that the Section of Polkinghorne Road between William Road and Honner Road, resheeting was commenced around 12 months ago, and then abandoned it has been left in quite a state, CEO took the request on notice and will update Members asap, he would like that addressed prior to the onset of winter.
2. The Tree Trimming that is in progress, he advised that there are a couple of shortcomings at the moment, the Tender states we need a 10m clearance and this is not currently occurring, again he would like some assurance that it will be addressed prior to the contractor being finalised with this work.
3. In relation to the Fire Season it has been brought to his attention, some people have lots of tree trimmings in their paddocks and these can't be ignited until the 1st May, seeding will have commenced by then and people will be looking for alternatives – Mr Herrmann responded to this query.

Cr Langford

Suggested that the Fire Burning season dates should be changed to 1st November – 15th April – Mr Herrmann also responded to this query. Cr Davey would like to support Cr Langford's comments.

The CEO advised that he would ensure a detailed report on this matter is provided to the next meeting of Council for consideration by Elected Members.

Cr Davey advised that during the district inspection next week Councillors should inspect the work that the small Council tree trimming unit has undertaken, to assess if it is something that Council should consider undertaking in future with adequate machinery resources.

Cr Scott Hoyle

Cr Hoyle queried the payment structure of the tree trimming contract, tree trimming and road vegetation clearance advised that something which should be included in future RFT's and contracts is that all widths are measured from the centre line of the road to avoid any confusion.

Cr Adam Meyer

Requested a review on Council reviewing the Tree Trimming Practices and would like the possibility explored for Council to purchase equipment and manage the process. The CEO to provide background report at a future workshop.

ITEM 8 CONFIDENTIAL AGENDA

Cr Davey moved Cr Headon seconded

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 the CEO and Mayor, the Director Development Services, Director Corporate and Community Services and Acting Director Assets and Infrastructure Services.

The Council is satisfied that, pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to agenda item 8 Tender to Lease the Maitland Children's Centre is confidential information relating to –

“commercial information of a confidential nature (not being a trade secret) the disclosure of which—

(i) 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; and

(ii) would, on balance, be contrary to the public interest;”

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. That having considered agenda item 8 Tender to Lease the Maitland Children's Centre in confidence under section 90(2) and (3)(d) of the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that the minutes, agenda report, and supporting documentation relevant to agenda item 8 titled Tender to Lease the Maitland Children's Centre be retained in confidence for a period of 12 months.

CARRIED 079/2016 (13/04/2016)

5.58pm The public were asked to leave and the Chamber secured.

6.13pm *The public meeting resumed.*

Released in camera minute.

Cr Davey moved Cr Langford seconded

That Council accept the tender from Patricia Donlevy to Lease the Maitland Children's Centre premises located at 15 Kilkerran Terrace Maitland SA 5573 for the purposes of establishing a childcare centre (tender number 149/2016), (*in camera minute*).

CARRIED 080/2016 (13/04/2016)

ITEM 9 NEXT COUNCIL MEETING

Wednesday 11th May commencing at 5.30pm.

Mayor Ray Agnew thanked all for their attendance and declared the meeting closed.

ITEM 10 CLOSURE

The Meeting Closed at 6.14pm.

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Mayor Ray Agnew OAM

11th May 2016



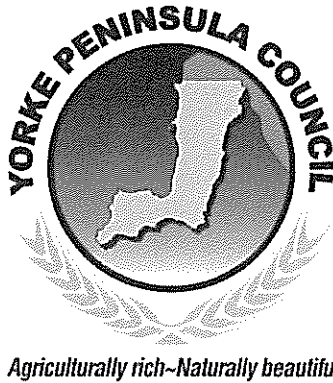
Yorke Peninsula Council

**The following Minutes of the Confidential Meetings
of the Yorke Peninsula Council are
released and Returned to the Public Record**

9th April 2014 (two years, [2 orders])

8th April 2015 @ 6.57pm

8th April 2015 @ 7.01pm



Yorke Peninsula Council

Minutes of the Confidential Meeting of the Yorke Peninsula Council

held on Wednesday 9th April 2014,
in the Council Chambers
57 Main Street Minlaton commencing at 6.08pm
(Subject to confirmation)

ITEM 1 WELCOME

Mayor Agnew welcomed everyone to the meeting and declared the meeting open.

PRESENT

Mayor Ray Agnew OAM, Councillors Brenda Bowman (Deputy Mayor), Jeff Cook, Trevor Davey, Bob Nicholls, John Sendy, Dean Butler, Tania Stock and Veronica Brundell.

IN ATTENDANCE

| | |
|-----------------|---|
| Andrew Cameron | Chief Executive Officer |
| Roger Brooks | Director Development Services |
| David Harding | Director Corporate and Community Services |
| Trevor Graham | Director Assets and Infrastructure Services |
| Jackie Reddaway | Minute Secretary |

LEAVE OF ABSENCE

Cr John Rich

APOLOGIES

Cr Barry Schell, Cr David Langford

CONFLICT OF INTEREST

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

ITEM 8 CONFIDENTIAL AGENDA

DIRECTOR CORPORATE AND COMMUNITY SERVICES

CA/CCS/R1

PROPOSED SALE OF LAND FOR NON-PAYMENT OF RATES

Cr Nicholls moved Cr Davey seconded

That Council endorse the commencement of proceedings to recover overdue rates applicable to Assessment Numbers 221283, 223362, 223636, 227595, 305474, 305862, 324210, 108712, 116343, 204784, and 210757 in accordance with Section 184 of the Local Government Act 1999 as amended, if required.

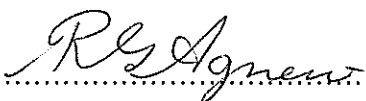
CARRIED 070/2014 (09/04/2014)

Cr Butler moved Cr Cook seconded

That Council move out of the in camera confidential meeting and return to the public meeting.

CARRIED 071/2014 (09/04/2014)

6.11pm the confidential meeting closed.



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Mayor Ray Agnew

14th May 2014

CONFIDENTIAL REPORT

DIRECTOR CORPORATE AND COMMUNITY SERVICES

CA/ITEM 8

1. PROPOSED SALE OF LAND FOR NON-PAYMENT OF RATES

(File Ref: 9.24.1.1)

INTRODUCTION

This report has been prepared to advise Elected Members of the proposed action to recover long overdue rates.

RECOMMENDATION

That Council endorse the commencement of proceedings to recover overdue rates applicable to Assessment Numbers 221283, 223362, 223636, 227595, 305474, 305862, 324210, 108712, 116343, 204784 and 210757 in accordance with Section 184 of the Local Government Act, 1999, as amended, if required.

COMMENT

Section 184 of the Local Government Act 1999 provides Council with the power to sell land for the non-payment of rates that are outstanding for 3 years or more. These powers can be used in circumstances where:-

- the land is owner occupied or occupied by a tenant,
- the land is vacant,
- the principal ratepayer cannot be located or is deceased,
- the current valuation is less than the amount of outstanding rates to enable the land to be transferred to the Crown or to Council.

Council currently has eleven assessments where rates have been in arrears for at least three years and where all attempts to recover those rates have been ineffective for various reasons.

These assessments have been separated into two categories and are summarised in Appendices 1 and 2 attached to this report.

The seven assessments referred to in Appendix 1 are properties that are owned by persons who have not been able to be located or are likely to have passed away many years ago.

Four of these assessments are in areas zoned "primary production" and are relatively small allotments between 1,000m² and 4,200m².

Two of the assessments are in the township of Curramulka and the other is in Port Moorowie.

All of these assessments are vacant land.



CONFIDENTIAL REPORT

There have not been any payments received for these assessments Council amalgamation in February, 1997, and it is unknown when the last payments were made prior to this date. Accordingly it is necessary to use the process as prescribed by Section 184 of the Local Government Act 1999, to enable the land to be transferred either to new ownership or to the Crown.

Maps showing the location and size of these seven assessments are included to illustrate, particularly those in areas zoned primary production, the uniqueness of these allotments.

With regard to the four assessments referred to in Appendix 2, all attempts to obtain payment by taking legal proceedings against the noncompliant ratepayers have, so far, been unsuccessful.

As a consequence the only option now available to Council to recover overdue rates from those defaulting ratepayers is to commence the process to sell the properties under Section 184 of the Local Government Act 1999.

It is genuinely hoped that these ratepayers, when notified of Council's intentions, will quickly realise the seriousness of this matter and will, as a matter of urgency, arrange for their accounts to be brought up to date so as to avoid the formal process of the properties being sold.

These four assessments are rated as residential and are located in township or holiday settlement areas. Only one of these assessments appears to be used as a permanent residence.

The total of the outstanding rates applicable to these eleven assessments is approximately \$91,606, which is approximately 20% of the total rates in arrears for all assessments for Council at the time of writing this report.

The commencement of this process is considered necessary to reduce Council's outstanding rate liability and also "tidy up" the assessment record.

It will also provide an opportunity for Council to demonstrate to the remainder of the ratepayer base, who are funding and meeting their rate liability, that it is prepared to take action against recalcitrant ratepayers.

The procedure is quite complex and therefore legal advice will be required to assist with the process.

LEGISLATION/POLICY/COUNCIL STRATEGIC PLAN

Section 184 of the Local Government Act 1999

PO048 Management & Recovery of Outstanding Debts Policy

Strategic Plan

Key Theme: 2. Organisational Efficiency and Resource Management

Objective 2.1 Financially Sustainable Organisation



CONFIDENTIAL REPORT

FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS

Section 184 of the Local Government Act 1999 provides Council with the power to sell such properties thereby reducing Council's exposure to outstanding rate debts.

The sale of these properties will reduce Council's outstanding rate liability.

The assessment record will be made more relevant by the sale of land where the principal ratepayer has been deceased for a considerable period of time or where the valuation of the land exceeds the amount of outstanding rates.

A handwritten signature in black ink, appearing to be 'Rgd', located at the bottom right of the page.

**Proposed Sale of Land for Non-Payment of Rates
(Ratepayers deceased or whereabouts not known)**

Appendix 1

| | |
|---|-------------------------------------|
| Assess. No. | 221283 |
| Property Address | Lot 13 (DP 455) HD MELVILLE SA 5583 |
| Owner | Joseph GRIFFITHS (Dec'd) |
| Last payment received | pre Feb 1997 |
| Total rates outstanding as at 25/03/14 | \$7,092.20 |
| Land Use | Vacant Land |
| Current Valuation | \$2,100 |
| Size | 1136m ² |

| | |
|---|---|
| Assess. No. | 223362 |
| Property Address | Lot 536 (FP 195958) HD MELVILLE SA 5584 |
| Owner | Edward HALL (Dec'd) |
| Last payment received | pre Feb 1997 |
| Total rates outstanding as at 25/03/14 | \$9,227.55 |
| Land Use | Vacant Land |
| Current Valuation | \$45,000 |
| Size | 1136m ² |

| | |
|---|--------------------------------------|
| Assess. No. | 223636 |
| Property Address | Lot 3 (DP 13727) HD MELVILLE SA 5585 |
| Owner | Eliza LEDO (Dec'd) |
| Last payment received | pre Feb 1997 |
| Total rates outstanding as at 25/03/14 | \$8,693.40 |
| Land Use | Primary Production |
| Current Valuation | \$35,000 |
| Size | 4076m ² |

| | |
|---|---|
| Assess. No. | 227595 |
| Property Address | 84 Moorowie Terrace PORT MOOROWIE SA 5576 |
| Owner | Estate Michael John SKIPPER |
| Last payment received | pre Feb 1997 |
| Total rates outstanding as at 25/03/14 | \$15,155.45 |
| Land Use | Vacant Land |
| Current Valuation | \$94,000 |
| Size | 1079m ² |

| | |
|---|-----------------------------|
| Assess. No. | 305474 |
| Property Address | 18 Third Street, CURRAMULKA |
| Owner | Kenneth James LEITCH |
| Last payment received | pre Feb 1997 |
| Total rates outstanding as at 25/03/14 | \$9,769.90 |
| Land Use | Vacant Land |
| Current Valuation | \$42,500 |
| Size | 1309m ² |

| | |
|---|-------------------------------------|
| Assess. No. | 305862 |
| Property Address | 38 South Terrace CURRAMULKA SA 5580 |
| Owner | Estate Charles Townsend HARGRAVE |
| Last payment received | pre Feb 1997 |
| Total rates outstanding as at 25/03/14 | \$9,749.20 |
| Land Use | Vacant Land |
| Current Valuation | \$42,500 |
| Size | 1018m ² |

**Proposed Sale of Land for Non-Payment of Rates
(Ratepayers deceased or whereabouts not known)**

Appendix 1

| | |
|---|--|
| Assess. No. | 324210 |
| Property Address | Lot 777 (FP 196199) HD RAMSAY SA 5582 |
| Owner | Reginald George & Kenneth James COOK (Dec'd) |
| Last payment received | pre Feb 1997 |
| Total rates outstanding as at 25/03/14 | \$6,728.00 |
| Land Use | Primary Production |
| Current Valuation | \$4,500 |
| Size | 2950m ² |



| | |
|---|--|
| Assess. No. | 108712 |
| Property Address | Sec 208 Mud Alley FOUL BAY SA 5577 |
| Owner | L A MUNRO |
| Last payment received | \$20.00 on 14/1/13 |
| Total rates outstanding as at 25/03/14 | \$5,538.95 |
| Land Use | Residential - property appears to be derelict |
| Current Valuation | \$155,000 |
| Size | 417.65m ² |
| Brief account history | Account first became overdue on 16/3/10 and has not been brought up to date since that time. Legal proceedings to recover overdue rates applicable to this assessment were commenced on 17/8/10 and have to date been unsuccessful. Court Orders issued for regular payments have not been adhered to. |

| | |
|---|---|
| Assess. No. | 116343 |
| Property Address | 1096 North Coast Road POINT SOUTTAR SA 5577 |
| Owner | T L ROTHHAUPT |
| Last payment received | \$200.00 on 24/03/14 |
| Total rates outstanding as at 25/03/14 | \$6,887.95 |
| Land Use | Residential - Holiday home |
| Current Valuation | \$435,000 |
| Size | 517.77m ² |
| Brief account history | Account first became over on 9/12/03 and has not been brought up to date since this time. This account has been referred to debt collection on at least 6 previous occasions. Current legal proceedings to recover overdue rates applicable to this assessment were commenced on 31/01/12. Although Ms Rothhaupt has been making fortnightly payments of \$100.00 as per Court Order issued 22/4/13, instalments are not being paid as they fall due and therefore the amount of arrears continues to increase. |

| | |
|---|---|
| Assess. No. | 204784 |
| Property Address | 5 Melville Street YORKETOWN SA 5576 |
| Owner | S S WARD |
| Last payment received | \$100.00 on 13/03/14 |
| Total rates outstanding as at 25/03/14 | \$5,206.90 |
| Land Use | Residential - owner occupied |
| Current Valuation | \$131,000 |
| Size | 1231.23m ² |
| Brief account history | Account became overdue on 17/6/09. This account has been referred to debt collection on at least 4 previous occasions. Current legal proceedings to recover overdue rates applicable to this assessment were commenced on 18/2/13. Although Mr Ward has been making some payments as per Court Order issued 1/7/13 no attempt is being made to pay instalments as they fall due and therefore that amount of arrears continues to increase. |



| | |
|---|--|
| Assess. No. | 210757 |
| Property Address | 46 Blanche Street, EDITHBURGH |
| Owner | K C JURGENS |
| Last payment received | \$20.00 on 2/8/10 |
| Total rates outstanding as at 25/03/14 | \$7,557.40 |
| Land Use | Residential (However does not appear to be permanent place of residence) |
| Current Valuation | \$220,000 |
| Size | 1463.23m ² |
| Brief account history | Account became overdue on 12/9/08. This account has been referred to debt collection on 2 occasions previously. The current legal proceedings to recover overdue rates applicable to this assessment were commenced on 20/05/09. On 25/02/14 the Court issued an Order for Mr Jurgens to \$10.00 per fortnight commencing 18/3/14 but to date no payments have been received. It is understood that Mr Jurgens owns other property in Coober Pedy and Parafield Gardens. |





Yorke Peninsula Council

Minutes of the Confidential Meeting of the Yorke Peninsula Council

held on Wednesday 8th April 2015,
in the Council Chambers
57 Main Street Minlaton commencing at 6.57pm
(Subject to confirmation)

ITEM 1 WELCOME

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

PRESENT

Mayor Ray Agnew OAM, Deputy Mayor Trevor Davey, Councillors Tania Stock, Scott Hoyle, David Langford, Jeff Cook, Adam Meyer, Darren Braund, Alan Headon and John Rich.

IN ATTENDANCE

| | |
|-----------------|---|
| Andrew Cameron | Chief Executive Officer |
| Roger Brooks | Director Development Services |
| David Harding | Director Corporate and Community Services |
| Trevor Graham | Director Assets and Infrastructure Services |
| Jackie Reddaway | Minute Secretary |

LEAVE OF ABSENCE

Nil

APOLOGIES

Cr Naomi Bittner

CONFLICT OF INTEREST

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

ITEM 8 CONFIDENTIAL AGENDA

CA/AIS/R1

WALK THE YORKE: CARTAGE AND CONSTRUCTION OF COMPACTED GRAVEL TRAIL AT POINT PEARCE TENDER 118-2015

Cr Rich moved Cr Cook seconded

That Council accept the tender of \$62,476.40 (exc GST) from B & T Oster Pty Ltd trading as Ardrossan Earthmoving, for the cartage and construction of compacted gravel trail at Point Pearce, Section 64 of the Walk the Yorke Leisure Trail (tender 118-2015)

CARRIED 080/2015 (08/04/2015)

Cr Langford moved Cr Braund seconded

That Council move out of the in camera confidential meeting and return to the public meeting.

CARRIED 081/2015 (08/04/2015)

7.00pm the confidential meeting closed.

ITEM 10 CLOSURE

The Meeting Closed at 7.00pm.

.....
Mayor Ray Agnew

13th May 2015

CONFIDENTIAL REPORT

DIRECTOR ASSETS & INFRASTRUCTURE SERVICES

ITEM 8 CONFIDENTIAL

1. WALK THE YORKE: CARTAGE AND CONSTRUCTION OF COMPACTED GRAVEL TRAIL AT POINT PEARCE TENDER 118-2015 (File Ref: 9.24.1.1)

INTRODUCTION

The purpose of this report is to provide relevant information in support of the recent selective tender process for the cartage and construction of compacted gravel trail at Point Pearce, Section 64 of the Walk the Yorke Leisure Trail (tender number 118-2015), pursuant to the relevant sections of the Purchasing and Procurement Policy.

RECOMMENDATION

That Council accept the tender of \$62,476.40 (exc GST) from B & T Oster Pty Ltd trading as Ardrossan Earthmoving, for the cartage and construction of compacted gravel trail at Point Pearce, Section 64 of the Walk the Yorke Leisure Trail (tender 118-2015).

COMMENT

In accordance with the Walk the Yorke budget allocations for 2014/15 (as per the Funding Agreement between Council and the Commonwealth of Australia), selective tenders were sought from eight (8) industry based companies to provide submissions for the cartage and construction of a compacted gravel trail at Point Pearce, to form Section 64 of the Walk the Yorke Leisure Trail, subject to the Purchasing and Procurement Policy (Section 4.2 – Purchasing Methods and Limits), which reads as follows;

| Purchase Method Purchase | Specific Requirements | Value | Authority to Approve Exceptions |
|--------------------------|--|-----------------------|---------------------------------|
| Selective Tendering | A minimum of three independent suppliers are invited to tender. Approved suppliers should be given equal opportunity to submit a tender. | \$50,001 to \$100,000 | Chief Executive Officer (CEO) |

Uniform specifications consistent with Council's operational requirements were provided to the following companies, packaged with other tender documentation and information:

- Ardrossan Earthmoving;
- LJ Baker and Son Earthmovers;
- Geoff Wilde Earthmoving;
- Hart Bros;

CONFIDENTIAL REPORT

- MA Skinner Contracting;
- McMahon Services;
- Polgreen Earthmoving; and
- Ryan Earthmoving and Fencing.

Four (4) tenders were received prior to the closing timeframes applied and subsequently processed pursuant to the Purchasing and Procurement Policy. An evaluation of tenders received was undertaken by the Tender Evaluation Panel comprising of the Director Assets and Infrastructure, Operations Manager, Leading Worker North, Governance Officer, Manager Financial Services and Natural Environment and Sustainability Officer (note taker), in accordance with the Purchasing and Procurement Policy.

The evaluation process considered:

- Business capacity;
- Specification analysis and verification;
- Work health and safety commitment, programmes and procedures;
- Contribution to the local economy;
- Environmental management principles;
- Experience; and
- Price.

A copy of the Tender Evaluation Matrix is attached.

It is recommended the most appropriate tender for acceptance is B & T Oster trading as Ardrossan Earthmoving based on price, experience and a tender submission that was consistent with all requirements.

LEGISLATION/POLICY/COUNCIL STRATEGIC PLAN

PO058 – Procurement and Purchasing Policy

PO091 – Risk Management Policy

AS 4120 – Code of Tendering

FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS

Council must expend the funding (in cash and in kind) only for the Walk the Yorke Leisure Trail in accordance with the Budget and the Funding Agreement between Council and the Commonwealth of Australia.

Yorke Peninsula Council Quotation Matrix

Evaluation Panel: Trevor Graham, Stephen Goldsworthy, Mary Herrmann, Karen Schulz, Mal Wuttke, completed Tuesday 24 March 2015 at 8.30am. Budget \$70,000.00.

| Tender Selection Criteria | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|-----------|----------------|---|-----------|----------------|--------------------------------------|-----------|----------------|--|-----------|----------------|-------------------------------------|-----------|----------------|---|-----------|----------------|--|-------------|-----------|----------------|------------------------|--|--|-----|
| WALK THE YORKE (PT PEARCE) TRAIL CONSTRUCTION | Business Capacity | | | Specifications | | | WHS | | | Economy | | | Environment | | | Experience | | | Price | | | | Total | | | |
| | Ability to supply required services and deliver on time, adequate resources (including physical, financial and human), management skills, technical experience and financial stability/credit rating. | | | Provision of required quotation data, value for money and evidence of ability to deliver goods/services to specification provided, ability to value-add | | | Commitment, Programmes & Procedures. | | | Contribution to the local economy (Council's commitment to support local businesses) | | | Environmental Management Principles | | | Past experience, quality of work, customer satisfaction and references. | | | Enter the overall quotation price in the green section | | | | | | | |
| | Criteria Weighting (%) | | | 20 | | | 15 | | | 15 | | | 5 | | | 10 | | | 15 | | | 20 | | | | 100 |
| | Point Score | Weighting | Weighted Score | Point Score | Weighting | Weighted Score | Point Score | Weighting | Weighted Score | Point Score | Weighting | Weighted Score | Point Score | Weighting | Weighted Score | Point Score | Weighting | Weighted Score | Price | Point Score | Weighting | Weighted Score | Higher score is better | | | |
| Tenderer | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Company 1: MA Skinner | 3 | 20 | 60 | 3 | 15 | 45 | 3 | 15 | 45 | 2 | 5 | 10 | 3 | 10 | 30 | 3 | 15 | 45 | \$79,662.64 | 1 | 20 | 20 | 51 | | | |
| Company 2: Ardrossan Earthmoving | 4 | 20 | 80 | 4 | 15 | 60 | 4 | 15 | 60 | 4 | 5 | 20 | 4 | 10 | 40 | 4 | 15 | 60 | \$62,476.40 | 4 | 20 | 80 | 80 | | | |
| Company 3: Geoff Wilde Earthmoving | 2 | 20 | 40 | 3 | 15 | 45 | 3 | 15 | 45 | 4 | 5 | 20 | 2 | 10 | 20 | 3 | 15 | 45 | \$65,320.00 | 3 | 20 | 60 | 55 | | | |
| Company 4: Ryan Earthmoving & Fencing | 2 | 20 | 40 | 1 | 15 | 15 | 1 | 15 | 15 | 3 | 5 | 15 | 0 | 10 | 0 | 2 | 15 | 30 | \$68,962.00 | 2 | 20 | 40 | 31 | | | |

| |
|---|
| Comments: |
| Requests for Tender were extended to eight (8) companies, with four (4) submitting tenders to assess. Closing date was 5.00pm CST Wednesday 18 March 2015. |
| Clarification was provided for the information of all prospective tenderers on two (2) occasions, the 10th and 12th March, 2015, as a result of telephone queries, as per clause 3.3.1.3. |
| An invite to attend a voluntary site inspection was extended after a request from one company. Two site inspections were conducted on the 12th and 16th March, 2015, to allow attendance, and all four (4) companies that submitted a tender attended a site inspection. |
| As a result of the site inspections, clarification was provided for the information of all prospective tenderers as per clause 3.3.1.3, on the 16th March 2015. |
| Council sought clarification from Company three (3) and four (4) in relation to their pricing. |
| The decision was taken by the Panel to rate each Tender on a Group basis, with each Panel member contributing to the discussion and final score decision. |
| Price - Company one (1) and two (2) quoted for a Trail width of 2.00 metres. Company three (3) quoted for a Trail width of 1.8 metres. Company four (4) quoted for a Trail width of 1.75 metres. |
| Company 1 - Business Capacity: Council has a previous working relationship with the company and has knowledge of their business capacity. Supporting documentation provided. |
| Company 1 - Specifications: Completed all Schedule forms. Offered terms and conditions outside of Council's Specification and contract conditions. It is unclear if insurance meets requirements. |
| Company 1 - WHS: Workplace Practices Manual as a Quality Control process is better than average. Have previously been prosecuted under the WHS Act. Provided a Job Safety and Environmental Analysis (risk assessment). Listed qualifications however no supporting documentation provided. |
| Company 1 - Economy: Principal office outside of Council area. Panel has limited knowledge of contribution to local community (if any). |
| Company 1 - Environment: Better than average detail regarding environmental management. Provision of Job Safety and Environmental Analysis. No reference to Aboriginal Heritage Act or Aboriginal Lands. |
| Company 1 - Experience: Council has a previous working relationship with the company for goods supply, and limited experience with onground works. Quality of work is good and to Council's satisfaction. |
| Company 1 - Price: Over budget. |
| Company 2 - Business Capacity: Previously engaged by Council to construct other sections of the Trail; known business capacity that is very good. Possess a purpose-built vehicle for Trail construction as well as other required machinery. Supporting documentation provided. |
| Company 2 - Specifications: Acknowledged amendments. Good company profile. Aboriginal Heritage noted. Completed all Schedule forms. Value-add with purpose-built vehicle. Public Liability insurance expires 24 March 2015. |
| Company 2 - WHS: Very good information provided, particularly regarding Job Safety Analysis, tool box meetings and workzone traffic management. First Aid expired. |
| Company 2 - Economy: Principal office within Council area. Panel is aware of the valuable contributions the company makes to the local community. |
| Company 2 - Environment: Provision of Environmental Policy and risk assessment. Reference made to Aboriginal Heritage. |
| Company 2 - Experience: Previously engaged by Council to construct other sections of the Trail. Quality of work very good and completed on time or ahead of schedule. Panel has seen works on other sections of the Trail. |
| Company 2 - Price: Under budget and rated highly due to being significantly less than budget. |
| Company 3 - Business Capacity: Lacking detail in documentation. Council has previous working relationship with the company and has knowledge of their business capacity. |
| Company 3 - Specifications: Lacking detail in documentation, including no response for Conflict of Interest. Listed qualifications however no supporting documentation provided. Wish to engage sub-contractor, therefore unknown systems in place. Implementation schedule is good. |
| Company 3 - WHS: Some detail lacking in documentation. |
| Company 3 - Economy: Principal office within Council area. Some Panel members are aware of the valuable contributions the company makes to the local community. |
| Company 3 - Environment: Combined WHS and Environmental policies. Lacking in detail. |
| Company 3 - Experience: Council has a previous working relationship with the company for other projects. Quality of work is good and to Council's satisfaction. |
| Company 3 - Price: Did not indicate the tonnage required, as requested. Meets budget. |
| Company 4 - Business Capacity: Council has a previous working relationship with the company and has been disappointed with their timeliness and lack of follow-through. Documentation suggests limited business capacity to service Council's requirements. Limited supporting documentation. |
| Company 4 - Specifications: Barely addressed the Specification. Incomplete Schedule forms. Lack of detail in information that was provided. |
| Company 4 - WHS: Limited support documentation and detail. |
| Company 4 - Economy: Principal office within Council area. Did not supply information regarding workforce. Panel members are aware of commitments made to local community groups with some not followed-through. |
| Company 4 - Environment: Stated an Environmental Management System was 'not applicable'. |
| Company 4 - Experience: Minimal information provided. |
| Company 4 - Price: Acceptable. |
| Recommendation: Ardrossan Earthmoving, based on price and experience and the tender submission was consistent with all requirements. |

The Quotation Selection System is a weighted point score system which allows both price and non-price attributes to be taken into account in the selction of the preferred tender. During the evaluation process, each quotation will be evaluated on the criteria nominated in the Quotation. Point scores will be allocated in the range 0 to 5 on the following basis:

| Points | Description |
|--------|--|
| 5 | Excellent |
| 4 | Very Good |
| 3 | Good or better than average |
| 2 | Acceptable |
| 1 | Marginally adequate; or success likely but not assured |
| 0 | Will fail to satisfy required standards |



Yorke Peninsula Council

Minutes of the Confidential Meeting of the Yorke Peninsula Council

held on Wednesday 8th April 2015,
in the Council Chambers
57 Main Street Minlaton commencing at 7.01pm
(Subject to confirmation)

ITEM 1 WELCOME

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

PRESENT

Mayor Ray Agnew OAM, Deputy Mayor Trevor Davey, Councillors Tania Stock, Scott Hoyle, David Langford, Jeff Cook, Adam Meyer, Darren Braund, Alan Headon and John Rich.

IN ATTENDANCE

| | |
|-----------------|---|
| Andrew Cameron | Chief Executive Officer |
| Roger Brooks | Director Development Services |
| David Harding | Director Corporate and Community Services |
| Trevor Graham | Director Assets and Infrastructure Services |
| Jackie Reddaway | Minute Secretary |

LEAVE OF ABSENCE

Nil

APOLOGIES

Cr Naomi Bittner

CONFLICT OF INTEREST

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

ITEM 8 CONFIDENTIAL AGENDA

CA/AIS/R2

MATERIAL SUPPLY TENDER 117-2015

Cr Davey moved Cr Hoyle seconded

That Council:

1. endorse the provisions of Clause 3.6.3 and 3.7.8 of the Request for Tender (RFT) document for the supply and delivery of road construction material (tender 117/2015) from three (3) suppliers.

and

2. accept the tender of \$56,118 for 3673 tonnes of material from Kara Resources, \$168,181 for 10,361 tonnes of material from Hanson Construction Materials and \$88,500 for 5,734 tonnes of material from MA Skinner Contracting (all including some delivery componentry) to fulfil capital works requirements for the 2014/15 financial year (tender 117/2015).

CARRIED 083/2015 (08/04/2015)

Cr Stock moved Cr Langford seconded

That Council move out of the in camera confidential meeting and return to the public meeting.

CARRIED 084/2015 (08/04/2015)

7.08pm the confidential meeting closed.

ITEM 10 CLOSURE

The Meeting Closed at 7.08pm.

.....

Mayor Ray Agnew

13th May 2015

CONFIDENTIAL REPORT

DIRECTOR ASSETS & INFRASTRUCTURE SERVICES

ITEM 8 CONFIDENTIAL

2. MATERIAL SUPPLY TENDER (TENDER 117/2015) (File Ref: 9.24.1.1)

INTRODUCTION

The purpose of this report is to provide relevant information in support of the recent open tender process for the supply and delivery of road construction material (tender number 117-2015), pursuant to the relevant sections of the Purchasing & Procurement Policy.

RECOMMENDATION

That Council:

1. endorse the provisions of Clause 3.6.3 and 3.7.8 of the Request for Tender (RFT) document for the supply and delivery of road construction material (tender 117/2015) from three (3) suppliers.

and

2. accept the tender of \$56,118 for 3673 tonnes of material from Kara Resources, \$161,181 for 13,360 tonnes of material from Hanson Construction Materials and \$88,500 for 5,734 tonnes of material from MA Skinner Contracting (all including some delivery componentry) to fulfil capital works requirements for the 2014/15 financial year (tender 117/2015).

COMMENT

The open tender process was applied for the supply and delivery of road construction materials as specified within the Request for Tender (RFT) document, pursuant to Council's PO058 Purchasing & Procurement Policy, which reads as follows:

| Purchase Method Purchase | Specific Requirements | Value | Authority to Approve Exceptions |
|-------------------------------------|---|-------------------------|--|
| Open Tendering | An open invitation is issued inviting suppliers to submit a tender. | Greater than \$100,001* | Council resolution required |

**Purchasing must be within the approved budget, where funds have already been allocated. Any request to purchase outside of the approved budget must be made in accordance with Council's Budget Reporting & Amendment Policy.*

The open tender was called on 20th February 2015 and closed on 10th March 2015 with the evaluation undertaken by the tender evaluation panel on Tuesday 24th March 2015. The tender was available for download from the Tenders SA website from 20th February 2015

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and was included within the Tenders SA advertisement in the 24th February 2015 edition of The Advertiser.

Tenders were received from five (5) interested companies:

- Kara Resources
- Hanson Construction Materials
- MA Skinner Contracting
- Triad Transport
- ANH Transport

The following specifications for the goods were outlined within Section D of the RFT document:

- Specified procurement type (eg supply and delivery or supply only)
- Map reference of stockpile site (supply and delivery)
- Volumes (tonnage) per location
- Delivery date requirements
- Requirement for material test reports
- Reference to clause 3.6.3 of the RFT which enables Council to accept all or part of any tender
- Relevant schedules of RFT documents

In the interest of cost efficiencies the tender panel exercised the ability to accept all or part of any tender pursuant to Clause 3.6.3 and 3.7.8 which read as follows:

3.6 Acknowledgement by Tenderers

Tenderers acknowledge that the Council:

3.6.3 may accept all or part of any Tender;

3.7 Council's Rights

The Council reserves the right to:

3.7.8 accept all or part of any Tender;

The tender specifications were structured to ensure material cost by component were provided to tenderers for (1) supply only and (2) supply and delivery. This approach enabled officers to align the procurement to best suit internal cartage models thus ensuring project efficiencies were achieved. Calculations were provided to tender panel members for consideration.

The attached matrix identifies the tender evaluation criteria applied to this analysis with a complementing recommendation.

LEGISLATION/POLICY/COUNCIL STRATEGIC PLAN

PO058 – Purchasing & Procurement Policy

PO091 – Risk Management Policy

AS 4120 – Code of Tendering

FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS

The estimated budget figure for this tender was \$312,880.

CONFIDENTIAL REPORT

The model recommended from the three (3) preferred tenderers will result in a total procurement of \$312,779.

No substantial risk identified with this procurement of road construction material.

Yorke Peninsula Council Tender Matrix

Evaluation Date: 24.03.2015

Evaluation Panel: Trevor Graham, Roy Dick, Dwayne Werfel, Guido Varricchio, Karen Schulz, Cr Trevor Davey, Cr Scott Hoyle

| Tender Selection Criteria | | | | | | | | | | | | | | | | | | | | |
|---|---|-----------|----------------|--|-----------|----------------|--------------------------------------|-----------|----------------|--|-----------|----------------|---|-----------|----------------|--|-------------|-----------|----------------|------------------------|
| | Business Capacity | | | Specifications | | | WHS | | | Economy | | | Experience | | | Price | | | | Total |
| TENDER 117/2015 MATERIAL SUPPLY | Ability to supply required services and deliver on time, adequate resources (including physical, financial and human), management skills, technical experience and financial stability/credit rating. | | | Provision of required tender data, value for money and evidence of ability to deliver goods/services to specification provided, ability to value-add | | | Commitment, Programmes & Procedures. | | | Contribution to the local economy (Council's commitment to support local businesses) | | | Past experience, quality of work, customer satisfaction and references. | | | Enter the overall tender price in the green section Budget: \$312,880 | | | | |
| Criteria Weighting (%) | 20 | | | 20 | | | 15 | | | 10 | | | 15 | | | 20 | | | | |
| | Point Score | Weighting | Weighted Score | Point Score | Weighting | Weighted Score | Point Score | Weighting | Weighted Score | Point Score | Weighting | Weighted Score | Point Score | Weighting | Weighted Score | Price | Point Score | Weighting | Weighted Score | Higher score is better |
| Tenderer | | | | | | | | | | | | | | | | | | | | |
| Tenderer 1: Kara Resources | 4 | 20 | 80 | 3 | 20 | 60 | 2 | 15 | 30 | 3 | 10 | 30 | 4 | 15 | 60 | \$232,365.00 | 5 | 20 | 100 | 360 |
| Tenderer 2: Hanson Construction Materials Pty Ltd | 4 | 20 | 80 | 4 | 20 | 80 | 4 | 15 | 60 | 4 | 10 | 40 | 4 | 15 | 60 | \$320,227.50 | 2 | 20 | 40 | 360 |
| Tenderer 3: MA Skinner Contracting Pty Ltd | 3 | 20 | 60 | 4 | 20 | 80 | 3 | 15 | 45 | 3 | 10 | 30 | 3 | 15 | 45 | \$215,160.00 | 5 | 20 | 100 | 360 |
| Tenderer 4: Triad Transport Pty Ltd | 3 | 20 | 60 | 3 | 20 | 60 | 3 | 15 | 45 | 3 | 10 | 30 | 2 | 15 | 30 | \$345,155.00 | 2 | 20 | 40 | 265 |
| Tenderer 5: ANH Transport Services Pty Ltd | 2 | 20 | 40 | 2 | 20 | 40 | 3 | 15 | 45 | 1 | 10 | 10 | 2 | 15 | 30 | \$464,490.00 | 1 | 20 | 20 | 185 |
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| Comments: |
| All panel members agreed to rate by averaging individual scores. |
| The panel agreed to consider exercising Clause 3.6 and 3.7, specifically that 'Council may accept all or part of any tender' in order to achieve best value for money. This approach was also called up in the specifications provided to all tenderers. |
| Tenderer 1 - Specifications: Limited information provided. No value add. Large stockpile available. No lab test. |
| Tenderer 1 - WHS: Very little information supplied. Form not completed and no JSA's provided. |
| Tenderer 1 - Economy: Outside of Council area (but nearby). |
| Tenderer 1 - Experience: Sound past dealings and 3 references provided. |
| Tenderer 2 - Business Capacity: Large company. |
| Tenderer 2 - Specifications: Environmental Management plan simply referred to Australian Standard. Quality System comprehensive but Curramulka quarry not registerered. Little reference to Curramulka quarry within documentation. |
| Tenderer 2 - WHS: Provided JSA's and sound environmental policy. |
| Tenderer 2 - Economy: Quarry within Council area but company not local. |
| Tenderer 2 - Experience: Excellent customer service in the past with follow up phone calls following purchases. |
| Tenderer 2 - Price: Slightly over budget. |
| Tenderer 3 - Business Capacity: Well established company with documented organisational structure. Having a backup crusher available offers some security in relation to material delivery. |
| Tenderer 3 - WHS: Completed Contractor Insurance & WorkCover Assessment and provided comprehensive envrionmental management policy. It was noted that this company recorded no prosecutions/fines under WHS Act whereas a past tender suggested this had been the case. |
| Tenderer 3 - Economy: Outside of Council area (but nearby) |
| Tenderer 3 - Experience: 3 referees provided and sound history. |
| Tenderer 3 - Price: Well under budget. |
| Tenderer 4 - Business Capacity: Company has been in business for over 20 years. Suggested typographical error in past project value of \$200million. Organisational structure provided. |
| Tenderer 4 - Specifications: Lab test provided. No completion date specified. |
| Tenderer 4 - WHS: Comprehensive insurance out of date. Contractor Insurance & WorkCover Assessment completed and comprehensive documentation provided including risk assessment and safe operating procedures (but no JSA's). |
| Tenderer 4 - Economy: Opportunity for expansion of local business (quarry) within Council area. |
| Tenderer 4 - Experience: 3 references provided. Company not used in the past. |
| Tenderer 4 - Price: Outside of budget by more than 10%. |
| Tenderer 5 - Business Capacity: Material sourced from an external supplier which they do not currently have a credit account with. 14 days payment terms. |
| Tenderer 5 - Specifications: Limited information provided. Concerns over sourcing of materials. |
| Tenderer 5 - WHS: Working towards Quality Assurance and WHS systems. |
| Tenderer 5 - Economy: Company is not local. |
| Tenderer 5 - Experience: 3 references provided but no previous experience. |
| Tenderer 5 - Price: Well outside of budget allocation. |
| Tenderers 1, 2 & 3 scored equally after the initial assessment. Panel agreed to exercise Clause 3.6 and 3.7 to derive greater value for money by offering a split contract to fulfil requirements. |
| Recommendation: That Council purchase 3,673 tonnes to the value of \$56,118 from Kara Resources, 10,361 tonnes to the value of \$168,181 from Hanson Construction Materials and 5,734 tonnes to the value of \$88,500 from MA Skinner Contracting, netting a total of 19,768 tonnes at a cost of \$312,799. |

The Tender Selection System is a weighted point score system which allows both price and non-price attributes to be taken into account in the selction of the preferred tender. During the evaluation process, each tender will be evaluated on the criteria nominated in the Tender. Point scores will be allocated in the range 0 to 5 on the following basis:

| Points | Description |
|--------|--|
| 5 | Excellent |
| 4 | Very Good |
| 3 | Good or better than average |
| 2 | Acceptable |
| 1 | Marginally adequate; or success likely but not assured |
| 0 | Will fail to satisfy required standards |