



Yorke Peninsula Council

Minutes of the Meeting of the Yorke Peninsula Council

held on Wednesday 13th August 2014,
in the Council Chambers
57 Main Street Minlaton commencing at 5.30pm
(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, Councillors Brenda Bowman (Deputy Mayor), Jeff Cook, Bob Nicholls, John Sendy, Dean Butler, Barry Schell, John Rich, David Langford, Tania Stock and Veronica Brundell.

IN ATTENDANCE

Andrew Cameron	Chief Executive Officer
Michael Cartwright	Acting 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 Trevor Davey

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.

Cr Stock declared a conflict of interest with confidential agenda Item 8.2 Report 2 Acquisition of Property as she has been involved in the negotiations on behalf of her Church.

MINUTES OF THE PREVIOUS MEETINGS

Cr Bowman moved Cr Sendy seconded

That the minutes of the Council meeting held on Wednesday 9th July 2014, as circulated, be confirmed as a true record.

CARRIED 136/2014 (13/08/2014)

Cr Nicholls moved Cr Cook seconded

That the minutes of the Council meeting held on Wednesday 23rd July 2014, as circulated, be confirmed as a true record.

CARRIED 137/2014 (13/08/2014)

Cr Rich moved Cr Langford seconded

That the minutes of the Confidential Council meeting held on Wednesday 23rd July 2014, as circulated, be confirmed as a true record.

CARRIED 138/2014 (13/08/2014)

ITEM 2 MAYOR'S REPORT

Mayor Agnew advised that there were two items he had omitted from his report, he and Cr Sendy met with Roy Dick on site at Maitland in relation to the Park Terrace (Sandilands Road) Minlaton Road intersection.

There were good reports included in the YP Country Times in relation to the Citizenship Ceremonies that were held at the Council Chamber and Warooka Pharmacy last week.

Cr Sendy moved Cr Nicholls seconded

That the report from Mayor Agnew be received.

CARRIED 139/2014 (13/08/2014)

ADOPTION OF INFORMATION AGENDA

Mayor Agnew advised that there were two minor alterations to Information Reports 4.6 R4 Page 33 544/2047/2014 address should be 9 St Ledger Street Maitland and Report 4.6 R5 application number 050/098/2014 has not been approved and is awaiting additional information.

Cr Langford moved Cr Brundell seconded

That the information items contained within the Information Agenda, incorporating the two minor alterations outlined above, be received.

CARRIED 140/2014 (13/08/2014)

ITEM 5 VISITORS TO THE MEETING

5.36pm Mayor Agnew invited Mrs Julie Doyle to join the meeting and address Council in relation to her submission about the Edithburgh Progress Association proposed lease.

Mrs Doyle advised Elected Members about her concerns with the proposed lease being granted.

5.39pm Mrs Doyle concluded her presentation and returned to the gallery.

Mr Harding advised all present that Mr Dixon was unable to attend the meeting and had forwarded his apology.

ITEM 6 DEBATE AGENDA

CORPORATE AND COMMUNITY SERVICES – DEBATE

DA/CCS/R1

FINANCIAL REPORT

Cr Cook moved Cr Schell seconded

That Council receive the financial report as at 31st July 2014.

CARRIED 141/2014 (13/08/2014)

DA/CCS/R2

2014-2015 LOAN BORROWINGS

Cr Rich moved Cr Bowman seconded

That Council:

1. borrow the sum of \$6,000,000 from the Local Government finance Authority of SA by means of the issue of a Debenture Loan on the security of general revenue in accordance with Part 2 of the Local Government Act 1999. Funds borrowed will be applied to Council's office upgrade and expansion project and acceleration of Council's road renewal project as included in the Annual Business Plan adopted by Council at its meeting held on 9th July 2014. The loan will be for a fifteen year term at a fixed interest rate to be determined by the Local Government Finance Authority of SA at the time of drawdown;
2. agree the loan is to be repaid by thirty half yearly instalments of both principle and interest;
3. authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal on the Debenture Loan documents to be prepared by the Local Government Finance Authority of SA.

CARRIED 142/2014 (13/08/2014)

DA/CCS/R3

MINLATON COMMUNITY GARDEN – MINLATON AND DISTRICT PROGRESS ASSOCIATION REQUEST

Cr Cook moved Cr Langford seconded

That Council does not agree to alter the proposed Licence Agreement for the Minlaton Community Garden at this time.

CARRIED 143/2014 (13/08/2014)

5.47pm With the approval of 2/3 members the Mayor advised that the meeting would move to informal mode to discuss Item 6.2 R4 Edithburgh Progress Association Inc - Proposed Lease.

5.55pm

Cr Brundell moved Cr Bowman seconded

That Council return to formal mode to consider Item 6.2 R4.

CARRIED 144/2014 (13/08/2014)

DA/CCS/R4

EDITHBURGH PROGRESS ASSOCIATION INC – PROPOSED LEASE

Cr Brundell moved Cr Rich seconded

That Council:

1. receive and consider the written submissions in response to the Public Consultation on the proposed lease for Edithburgh Progress Association Inc.
2. grant a five year lease with a five year right of renewal to Edithburgh Progress Association Inc. for the purpose of installing a RV dump point on a portion of Section 649 Old Honiton Road Edithburgh, Plan 130900 Crown Record Volume 5757 Folio 197.
3. authorise the public consultation process for reclassifying a portion of Section 649 Old Honiton Road Edithburgh, Plan 130900 Crown Record Volume 5757 Folio 197 from Category 1 Reserves to Category 3 Public and Community Facilities on Council's Community Land register.
4. authorise the Mayor and Chief Executive Officer to sign and affix Councils seal to the relevant documents necessary to execute the lease.

CARRIED 145/2014 (13/08/2014)

DA/CCS/R5

PUBLIC LIBRARY SERVICE PILOT PROGRAM

Cr Rich moved Cr Bowman seconded

That Council endorse Council's participation in the Public Libraries Service pilot program.

CARRIED 146/2014 (13/08/2014)

DA/CCS/R6

PORT VICTORIA CFS

Cr Cook moved Cr Butler seconded

That Council, in relation to a portion of Section 282, Hundred of Wauraltee Port Victoria Crown Record Volume 5757 Folio 278:

1. authorise to seek Ministerial approval for the revocation of the Community Land classification to accommodate the necessary requirements for the Minister for Emergency Services to build a new Country Fire Service station at Port Victoria.
2. authorise the Mayor and Chief Executive Officer to sign and affix Councils seal to the relevant documents necessary to execute the lease.

CARRIED 147/2014 (13/08/2014)

DA/CCS/R7

REQUEST FOR EXEMPTION FROM WASTE AND RECYCLING SERVICE CHARGES – GARY HART

6.00pm With the approval of 2/3 members the Mayor advised that the meeting would move to informal mode to discuss Item 6.2 R7 Request for exemption from Waste and Recycling Service Charges – Gary Hart.

6.17pm

Cr Langford moved Cr Rich seconded

That Council return to formal mode to consider Item 6.2 R4.

CARRIED 148/2014 (13/08/2014)

Cr Nicholls moved Cr Stock seconded

That Council agrees to provide a discretionary rebate for the Waste and Recycling Service Charge from 1 July 2014 for Assessment Numbers 101550 and 101568 on the basis that the business conducted from these assessments is a fully insured and EPA accredited waste service provider.

CARRIED 149/2014 (13/08/2014)

ASSETS AND INFRASTRUCTURE SERVICES – DEBATE

DA/AIS/R1

FEES AND CHARGES REGISTER – MEMORIAL BENCH FEE INCLUSION

Cr Bowman moved Cr Butler seconded

That Council endorse the inclusion and adoption of a standard Memorial Bench Fee of \$320 + GST (to be reviewed annually) onto the Fees and Charges Register.

CARRIED 150/2014 (13/08/2014)

DA/AIS/R2

CWMS OWNERSHIP

Cr Schell moved Cr Sindy seconded

That Council:

1. accept the transfer of the ownership of the land where the Balgowan and Port Julia CWMS are located.
2. authorise the CEO and Mayor to sign and seal all necessary documentation to give effect to this resolution.

CARRIED 151/2014 (13/08/2014)

DEVELOPMENT SERVICES – DEBATE

DA/DS/R1

PROPOSED STANSBURY DRY AREA ON NEW YEAR'S EVE

Cr Rich moved Cr Brundell seconded

That Council makes an application to the Liquor and Gambling Commissioner requesting a Dry Area be implemented at the Stansbury foreshore area and oval precinct as shown on Attachment C1, from 10.00pm on Wednesday 31st December 2014 to 8.00am on Thursday 1st January 2015.

CARRIED 152/2014 (13/08/2014)

DA/DS/R2

ACCESS ADVISORY COMMITTEE MEETING MINUTES

Cr Bowman moved Cr Butler seconded

That Council:

1. receive the Minutes of the Access Advisory Committee held on 25 July 2014.
2. endorse the recommendations by the Access Advisory Committee.

CARRIED 153/2014 (13/08/2014)

ITEM 7 GENERAL BUSINESS

Cr Schell

Enquired about the Walk the Yorke leisure trail location at Hickey's Drive Coobowie.

Mayor Agnew

Congratulated Cr Brundell's family on their involvement in the recent boating rescue at Stansbury, as reported in the media.

ITEM 8 CONFIDENTIAL AGENDA

R1 Waste and Recycling Charge Legal Action

Cr Langford moved Cr Rich seconded

Section 90(3)(i) 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, Director Corporate and Community Services, Acting Director Development Services and Director Assets and Infrastructure Services.

The Council is satisfied that, pursuant to section 90(3)(i) of the Act, the information to be received, discussed or considered in relation to agenda item 8 Waste and Recycling Service Charge is confidential information relating to –

“(1) information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of council.

Accordingly, the Council is satisfied that the principle that 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 Waste and Recycling Charge Legal Action in confidence under section 90(2) and (3)(i) of the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that the agenda report relevant to agenda item 8 titled Waste and Recycling Charge Legal Action be retained in confidence for a period of 12 months.

CARRIED 154/2014 (13/08/2014)

6.26pm The public were asked to leave and the Chamber secured.

6.53pm *The public meeting resumed.*

ITEM 8 CONFIDENTIAL AGENDA

R2 Acquisition of Land

Cr Bowman moved Cr Nicholls 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, Director Corporate and Community Services, Acting Director Development Services and 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 As the report is for the acquisition of private property, disclosure –

(1) “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

(2) would, on balance, be contrary to the public interest.”

Accordingly, the Council is satisfied that the principle that 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 Acquisition of Land 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 agenda report and minutes relevant to agenda item 8 titled Acquisition of Land be retained in confidence until the contracts have been executed or for a period of 6 months.

CARRIED 158/2014 (13/08/2014)

6.54pm Cr Stock declared a conflict of interest in relation to Item 8 Report 2 Acquisition of Land as she is also a representative of her Church in this matter, she left the meeting and the Chamber.

The public were asked to leave and the Chamber secured.

6.55pm *The public meeting resumed.*

ITEM 8 CONFIDENTIAL AGENDA

R3 Chief Executive Officer's Performance Appraisal

Cr Bowman moved Cr Sendy seconded

Section 90(3)(a) 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 and with the CEO excluded from the meeting the Mayor is responsible to ensure that the minutes are recorded.

The Council is satisfied that, pursuant to section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to agenda item 8 Chief Executive Officer's Performance Appraisal is information concerning matters that must be considered in confidence as it relates to information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

This agenda item requires Council to receive the final report from the Chief Executive Officer's Performance Appraisal and accordingly, the Council is satisfied that the principle that 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 Chief Executive Officer's Performance Appraisal in confidence under section 90(2) and (3)(a) of the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that the minutes relevant to agenda item 8 titled Chief Executive Officer's Performance Appraisal and the report be retained in confidence for a period of 12 months.

CARRIED 161/2014 (13/08/2014)

7.13pm The public meeting resumed.

ITEM 9 NEXT COUNCIL MEETING

Wednesday 10th September 2014 commencing at 5.30pm.

7.14pm The Mayor declared the meeting closed.

ITEM 10 CLOSURE

The Meeting Closed at 7.14pm.

.....

**Mayor Ray Agnew
10th September 2014**