



Yorke Peninsula Council

Minutes of the Meeting of the Yorke Peninsula Council

held on Wednesday 14th October 2015,
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, recited the opening prayer and declared the meeting open at 5.31pm

PRESENT

Mayor Ray Agnew OAM, Deputy Mayor Trevor Davey (5.34pm), Councillors Naomi Bittner, John Rich, Veronica Brundell (5.34pm), Alan Headon, Darren Braund, Adam Meyer, David Langford (5.34pm), Jeff Cook, Scott Hoyle and Tania Stock.

IN ATTENDANCE

Andrew Cameron	Chief Executive Officer
David Harding	Director Corporate and Community Services
Michael Cartwright	Acting Director Development Services
Trevor Graham	Director Assets and Infrastructure Services
Felicity Kemp	Minute Secretary

LEAVE OF ABSENCE

Nil

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.

Cr Cook advised Members he had a conflict of interest with Item 6.2 Report 4 Expressions of Interest – Maitland Children’s Centre Premises as he is an employee of one party who submitted an expression of interest in this matter.

MINUTES OF THE PREVIOUS MEETING

Cr Rich moved Cr Bittner seconded

That the minutes of the Council meeting held on Wednesday 9th September 2015 at 5.30pm, be confirmed as a true record.

CARRIED 234/2015 (14/10/2015)

Cr Headon moved Cr Bittner seconded

That the minutes of the Confidential Council meeting held on Wednesday 9th September 2015 at 5.58pm, be confirmed as a true record.

CARRIED 235/2015 (14/10/2015)

Cr Rich moved Cr Stock seconded

That the minutes of the Confidential Council meeting held on Wednesday 9th September 2015 at 6.04pm, be confirmed as a true record.

CARRIED 236/2015 (14/10/2015)

MOTIONS ON NOTICE

Nil

ITEMS FOR EXCLUSION

Nil

ITEM 2 MAYOR MONTHLY REPORT

Cr Braund moved Cr Headon seconded

That the report from Mayor Agnew be received.

CARRIED 237/2015 (14/10/2015)

ADOPTION OF INFORMATION AGENDA

Cr Brundell moved Cr Cook seconded

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

CARRIED 238/2015 (14/10/2015)

VISITORS TO THE MEETING

Mr. Terry Kallis, Mr. John McFarlane and Mr. Greg Butler - Yorke Biomass Energy

ITEM 6 DEBATE AGENDA

CORPORATE AND COMMUNITY SERVICES – DEBATE

DA/CCS/R1

FINANCIAL REPORT 30 SEPTEMBER 2015

Cr Cook moved Cr Langford seconded

That Council receive the financial reports as at 30 September 2015.

CARRIED 239/2015 (14/10/2015)

DA/CCS/R2

CHRISTMAS CLOSURE

Cr Rich moved Cr Braund seconded

That Council endorse:

1. Closure of the Principal Office at Maitland and the three (3) Branch Offices from 12:30pm on Thursday 24th December 2015 and reopens on Monday 4th January 2016, with staff required to utilise existing leave;
2. Advertise the closure of Council offices in the Yorke Peninsula Country Times and on Council's website;
3. Organise for notices to be placed on the front window of the Principal Office and Branch Offices; and
4. An answering machine message be implemented during the closure period to ensure that any emergencies are referred to the after-hours emergency number.

CARRIED 240/2015 (14/10/2015)

DA/CCS/R3

MAITLAND AND DISTRICT PROGRESS ASSOCIATION COMMUNITY GRANT 2015/2016

Cr Cook moved Cr Meyer seconded

That Council grant the Maitland and District Progress Association the total amount applied for of \$4,500.

CARRIED 241/2015 (14/10/2015)

6.15pm Cr Cook declared a conflict of interest with the following matter to be considered by Council as he is an employee of one party who submitted an expression of interest in this matter and left the chamber.

DA/CCS/R4

EXPRESSIONS OF INTEREST – MAITLAND CHILDREN'S CENTRE PREMISES

Cr Davey moved Cr Langford seconded

That Council authorise the Director Corporate and Community Services to review and further evaluate the received Expressions of Interest and present a recommendation to the November meeting.

CARRIED 242/2015 (14/10/2015)

6.18pm Cr Cook returned to the chamber and re-joined the meeting.

DA/CCS/R5

RATES RELIEF POLICY

Cr Braund moved Cr Bittner seconded

That Council endorse and adopt the updated Rates Relief Policy as presented in the Agenda for inclusion in Council's policy manual and on the website.

CARRIED 243/2015 (14/10/2015)

DA/CCS/R6

LOCAL GOVERNMENT ASSOCIATION WORKERS COMPENSATION SCHEME WORK HEALTH SAFETY AND RETURN TO WORK POLICY

Cr Rich moved Cr Cook seconded

1. That Council endorse and adopt the LGAWCS Peak Policy for WHS & RTW as recommended by the Local Government Association; and
2. The Peak Policy be included into the Council Policy Manual and made available on Council's website.

CARRIED 244/2015 (14/10/2015)

DA/CCS/R7

JAMES WELL AND ROGUES POINT PROGRESS ASSOCAITION – REQUEST FOR DEFIBRILLATOR

Cr Cook moved Cr Bittner seconded

That Council make a contribution of \$750 to the James Well and Rogues Point Progress Association to subsidise the cost of purchasing a defibrillator

MOTION LOST

ASSETS AND INFRASTRUCTURE SERVICES – DEBATE

DA/AIS/R1

DRAFT TRANSPORT ASSET MANAGEMENT PLAN

Cr Meyer moved Cr Davey seconded

That Council:

1. acknowledges the submission made on behalf of North Coast Road residents;
2. acknowledged the officers response in relation to the submission; and
3. endorse and adopt the Draft Transport Asset Management Plan.

CARRIED 245/2015 (14/10/2015)

DA/AIS/R2

“90 DAY PROJECT – A MODERN TRANSPORT SYSTEM FOR AGRICULTURE”

Cr Davey moved Cr Hoyle seconded

That Council supports the existing Commodity and General Freight Route Gazettal system for 26 metre B Double (Restricted Access Vehicle) operations upon the Yorke Peninsula with applications for operations outside of the existing process considered on merit and subject to a route assessment undertaken by a suitably qualified assessor at the applicant's expense, with any route upgrades required at cost to the applicant.

DEVELOPMENT SERVICES – DEBATE

DA/DS/R1

REVOCAION OF COMMUNITY LAND - WAROOKA

Cr Cook moved Cr Headon seconded

That Council

1. give permission to proceed with the revocation of Community Land classification over the properties 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 the properties to Warooka Progress Association Inc. for no monetary cost.
2. give permission to commence the public consultation process being the initial step to the revocation of Community Land classification for Allotment 47 PLN 453. 22 Brentwood Road, Warooka, Certificate of Title: Volume 5748 Folio 585 and Allotment 1 PLN 14529, 6 Brentwood Road, Warooka, Certificate of Title: Volume 5749 Folio 718.
3. authorise the Mayor and Chief Executive Officer to sign and affix Council's seal to the relevant documents necessary to execute the Revocation and License.

CARRIED 247/2015(14/10/2015)

DA/DS/R2

REASSIGNMENT OF PORT VINCENT KIOSK LEASE

Cr Headon moved Cr Bittner seconded

That Council

1. approve the reassignment of the lease from KPV Enterprises to Douglas and Alexandria Barrett of DNA Enterprises (YP), on the same terms and conditions as the current lease over the Port Vincent Kiosk property 20 Marina Drive, Port Vincent, Part Allotment 7 PLN 24058 Crown Record: Volume 5753 Folio 177.
2. authorise the Mayor and Chief Executive Officer to sign and affix Council's seal to the relevant documents necessary to execute the Lease Assignment documents.

CARRIED 248/2015 (14/10/2015)

DA/DS/R3

PLANNING, DEVELOPMENT & INFRASTRUCTURE BILL

Cr Langford moved Cr Davey seconded

That Council endorse the submission to the Local Government Association regarding the Planning, Development and Infrastructure Bill 2015.

CARRIED 249/2015 (14/10/2015)

ITEM 7 GENERAL BUSINESS

Cr Braund would like to pass on his congratulations to the staff who worked on the Walk the Yorke path sealing through Edithburgh. The community are very pleased with the outcome especially around the Tidal Pool and foreshore area.

Cr Brundell notified Members she will be an apology for the next Council Workshop.

Members discussed and decided to change next Council Workshop to Tuesday 27th October, 2015 at 5.30pm.

ITEM 8 CONFIDENTIAL AGENDA

CA/AIS/R1

4WD WHEEL LOADER – NORTH TENDER 137/2015

Cr Davey moved Cr Rich 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, Director Development Services and Director Assets and Infrastructure 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 agenda item 8 4WD Wheel Loader – North Tender is confidential information relating to –

“(1) 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. That having considered agenda item 8 4WD Wheel Loader – North Tender 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, and supporting documentation relevant to agenda item 8 titled 4WD Wheel Loader North - Tender be retained in confidence for a period of 12 months.

CARRIED 250/2015(14/10/2015)

6.49pm The meeting moved into confidential mode, the public were asked to leave and the Chamber secured.

Released in Camera Minute

Cr Davey moved Cr Hoyle seconded

That Council accept the tender of \$227,000 (GST exclusive) from Cavill Power Products Pty Ltd (Cavpower) for the supply of one (1) 4WD Wheel Loader – North (Model Caterpillar 938K Pin On Loader) (tender number 137/2015).

CARRIED 251/2015 (14/10/2015)

6.51pm The public meeting resumed.

CA/AIS/R2

4WD WHEEL LOADER – SOUTH TENDER

Cr Headon moved Cr Brundell 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, Director Development Services and Director Assets and Infrastructure 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 agenda item 8 4WD Wheel Loader – South Tender is confidential information relating to –

“(1) 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. That having considered agenda item 8 4WD Wheel Loader – South Tender 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, and supporting documentation relevant to agenda item 8 titled 4WD Wheel Loader South - Tender be retained in confidence for a period of 12 months.

CARRIED 253/2015 (14/10/2015)

5.51pm The meeting moved into confidential mode, the public were asked to leave and the Chamber secured.

Released in Camera Minute

That Council:

1. exercise its rights pursuant to Clause 3.7 of the Request for Tender (RFT) document to not accept / consider submissions for the supply of one (1) 4WD Wheel Loader – South (tender number 138/2015); and
2. purchase one (1) Caterpillar 938K Pin On Loader from Cavill Power Products Pty Ltd (Cavpower) as preferred following evaluation of tender number 137/2015.

CARRIED 254/2015 (14/10/2015)

6.54pm The public meeting resumed.

CA/AIS/R3

BITUMEN SUPPLY 2015-16 TENDER 141/2015

Cr Stock moved Cr Cook 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, Director Development Services and Director Assets and Infrastructure 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 agenda item 8 Bitumen Supply 2015-16 Tender is confidential information relating to –

“(1) 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. That having considered agenda item 8 Bitumen Supply 2015-16 Tender 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, and supporting documentation relevant to agenda item 8 titled Bitumen Supply 2015-16 Tender be retained in confidence for a period of 12 months.

CARRIED 256/2015 (14/10/2015)

6.54pm The meeting moved into confidential mode, the public were asked to leave and the Chamber secured.

Released in Camera Minute

Cr Rich moved Cr Braund seconded

That Council accept the tender from Downer EDI Works Pty Ltd T/A Downer Infrastructure for bitumen supply / sealing for the period 2015-16 (tender number 141/2015). Estimated price of \$210,066 (GST exclusive).

CARRIED 257/2015 (14/10/2015)

6.56pm The public meeting resumed.

CA/AIS/R4

CONSTRUCTION GRADER TENDER 139/2015

Cr Stock moved Cr Cook 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, Director Development Services and Director Assets and Infrastructure 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 agenda item 8 Construction Grader Tender is confidential information relating to –

“(1) 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. That having considered agenda item 8 Construction Grader Tender 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, and supporting documentation relevant to agenda item 8 titled Construction Grader Tender be retained in confidence for a period of 12 months.

CARRIED 259/2015 (14/10/2015)

6.56pm The meeting moved into confidential mode, the public were asked to leave and the Chamber secured.

Released in Camera Minute

Cr Davey moved Cr Cook seconded

That Council accept the tender of \$285,000 (GST exclusive) from Cavill Power Products Pty Ltd (Cavpower) for the supply of one (1) Construction Grader (Model Caterpillar 12M Motor Grader) (tender number 139/2015).

CARRIED 260/2015 (14/10/2015)

6.57pm The public meeting resumed.

CA/AIS/R5

SELF-PROPELLED VIBRATORY SINGLE DRUM ROLLER TENDER 140/2015

Cr Brundell moved Cr Braund 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, Director Development Services and Director Assets and Infrastructure 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 agenda item 8 Self-Propelled Vibratory Single Drum Roller Tender is confidential information relating to –

“(1) 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. That having considered agenda item 8 Self-Propelled Vibratory Single Drum Roller Tender 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, and supporting documentation relevant to agenda item 8 titled Self-Propelled Vibratory Single Drum Roller Tender be retained in confidence for a period of 12 months.

CARRIED 262/2015 (14/10/2015)

6.57pm The meeting moved into confidential mode, the public were asked to leave and the Chamber secured.

Released in Camera Minute

Cr Brundell moved Cr Langford seconded

That Council accept the tender of \$140,400 (GST exclusive) from Cavill Power Products Pty Ltd (Cavpower) for the supply of one (1) Self-Propelled Vibratory Single Drum Roller (Model Caterpillar CS56B Vibratory Compactor) (tender number 140/2015).

CARRIED 263/2015 (14/10/2015)

6.59pm The public meeting resumed.

CA/CEO/R6

CHIEF EXECUTIVE OFFICER'S PERFORMANCE APPRAISAL

Cr Brundell moved Cr Langford 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 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)(k) 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)(k) 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 265/2015 (14/10/2015)

7.12pm The meeting moved into confidential mode, the public were asked to leave and the Chamber secured.

7.22pm The public meeting resumed.

ITEM 9 NEXT COUNCIL MEETING

Wednesday 11th November 2015 commencing at 5.30pm.

7.23pm Mayor Ray Agnew declared the meeting closed.

ITEM 10 CLOSURE

The Meeting Closed at 7.23pm.

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Mayor Ray Agnew OAM

11th November 2015