



Yorke Peninsula Council

Minutes of the Meeting of the Yorke Peninsula Council

held on Wednesday 8th April 2015,
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, Deputy Mayor Trevor Davey, Councillors Tania Stock, Scott Hoyle, David Langford, Jeff Cook (5.42pm), 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

Mayor Agnew advised that Cr Jeff Cook was responding to a CFS emergency and would join the meeting as soon as possible.

MINUTES OF THE PREVIOUS MEETING

Cr Hoyle moved Cr Davey seconded

That the minutes of the Council meeting held on Wednesday 11th March 2015 at 5.30pm, be confirmed as a true record.

CARRIED 055/2015 (08/04/2015)

Cr Davey moved Cr Rich seconded

That the minutes of the Confidential Council meeting held on Wednesday 11th March 2015 at 6.10pm, be confirmed as a true record.

CARRIED 056/2015 (08/04/2015)

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 2 MAYOR'S REPORT

Mayor Agnew offered a special welcome to the new Senior Rates Officer Mark Austin advising members that Mark was a former Minlaton raised resident.

Cr Braund moved Cr Headon seconded

That the report from Mayor Agnew be received.

CARRIED 057/2015 (08/04/2015)

ADOPTION OF INFORMATION AGENDA

Cr Rich requested the exclusion of Item 4.5 Report 1 – Construction and Maintenance Works to enable him to ask a question.

Mr Graham responded to Cr Rich's question and advised he would update Elected Members via email the following day.

Cr Rich moved Cr Langford seconded

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

CARRIED 058/2015 (08/04/2015)

ITEM 5 VISITORS TO THE MEETING

5.37pm Mayor Agnew invited Jo Daniels-Wilson, Mike Archer and Andy Dennard from the Friends of Port Moorowie to address Elected Members.

Jo outlined the Friends of Port Moorowie plans for the community centre seeking Council support to take over care and control of Lot 10 Moorowie Terrace to allow the community centre to be located there. Mike Archer highlighted to Elected Members that meetings are often held in private homes. The Friends of Port Moorowie do a lot of fundraising via sausage sizzles but the community centre would allow for dances and quiz nights and larger gatherings. Andy Dennard advised that they were all trying to work together to achieve the best outcome for all involved.

Jo, Mike and Andy responded to questions from Elected Members, with Jo advising that the Friends of Port Moorowie were not seeking financial support from Council for the establishment of the community centre, they are proposing to seek external grants for financial support.

5.55pm the presentation concluded.

ITEM 6 DEBATE AGENDA

CHIEF EXECUTIVE OFFICER

DA/CEO/R1

DELEGATIONS REGISTER

Cr Davey moved Cr Cook seconded

Delegations made under the Development Act 1993

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 in exercise of the powers contained in Section 20 and 34 (23) of the Development Act:

- 1.1 delegates the powers and functions under the Development Act 1993 and the Development Regulations 2008 contained in the proposed Instrument of Delegation annexed to the Report dated 8th April 2015 and entitled Delegations Register to the Council's Development Assessment Panel, subject to any conditions specified herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation (attached) under the Development Act 1993 and Development Regulations 2008.

CARRIED 059/2015 (08/04/2015)

DA/CEO/R2

CONFIDENTIAL MINUTES REVIEW

Cr Cook moved Cr Rich seconded

That Council:

1. having reviewed the confidential minutes dated 9th April 2014, do hereby make the following order under Section 91 of the Local Government Act to retain the Confidential Minutes for a further 12 month period.

Section 91 (7) order

2. The confidential minutes from the Council meeting held on 9th April 2014 in relation to the Sale of Land for Non-Payment of Rates considered in confidence under Section 90 (3)(a) of the Local Government Act 1999, the Council, pursuant to section 91 (7) of that Act orders that the minutes in relation to Sale of Land for Non-Payment of Rates and the report and associated documentation continue to be retained in confidence for a further period of 12 months or until all properties have been sold, whichever occurs earlier.

CARRIED 060/2015 (08/04/2015)

DA/CEO/R3

ACCESS TO COUNCIL AND COMMITTEE MEETINGS AND DOCUMENTS CODE OF PRACTICE

Cr Headon moved Cr Meyer seconded

That Council approve the updated Access to Council and Committee Meetings and Documents Code of Practice for inclusions in Council's Policy Manual and on the website.

CARRIED 061/2015 (08/04/2015)

DA/CEO/R4

STATE BUSHFIRE COORDINATION COMMITTEE

Cr Braund moved Cr Headon seconded

That Council approve the nominations of Phil Herrmann as Council's representative and Fraser McEvoy as the proxy representative to the Flinders Mid North Bushfire Management Committee.

CARRIED 062/2015 (08/04/2015)

CORPORATE AND COMMUNITY SERVICES – DEBATE

DA/CCS/R1

FINANCIAL REPORT 31st MARCH 2015

Cr Stock moved Cr Cook seconded

That Council receive the financial report as at 31st March 2015.

CARRIED 063/2015 (08/04/2015)

DA/CCS/R2

CURRAMULKA COMMUNITY CLUB REQUEST FOR ANNUAL ALLOCATION

Cr Cook moved Cr Headon seconded

That Council endorse the eligibility of the Curramulka Community Club for annual Progress Association allocations from 2015/16 financial year.

CARRIED 064/2015 (08/04/2015)

DA/CCS/R3

PROGRESS ASSOCIATION ANNUAL ALLOCATION POLICY REVIEW

Cr Langford moved Cr Headon seconded

That Council endorse the updated PO094 Annual Allocations to Progress Associations policy with suggested changes as presented for inclusion in Council's policy manual and on Council's website.

CARRIED 065/2015 (08/04/2015)

DA/CCS/R4

ART COMMITTEE DISSOLUTION, CREATION OF WORKING PARTY, TERMS OF REFERENCE AND POLICY

Cr Davey moved Cr Langford seconded

That Council:

1. dissolve the Section 41 Committee of Council, known as the Art Committee.
2. endorse the creation of a Working Party known as the Art Exhibition Working Party consisting of the following members:
 - Community Representative, Mrs Anne Eyles,
 - Community Representative, Mrs Irene Hughes-Jones,
 - Community Representative, Mrs Brenda Bowman,
 - Community Representative, Mr Bruce Davey,
 - Community Representative, Mr Geoff Lock,

- Community Representative, Mr Bob Nicholls,
- Community Representative, Ms Sally Glazbrook,
- Council Representative, Cr John Rich,
- Council Representative, Cr Alan Headon,
- Council Representative, Ms Wendy Story.

3. endorse the Yorke Peninsula Art Exhibition Policy as presented.

CARRIED 066/2015 (08/04/2015)

DA/CCS/R5

AMBER JOY POULTON FUNDING REQUEST

Cr Stock moved Cr Hoyle seconded

That Council decline to support the Amber Joy Poulton funding request.

CARRIED 067/2015 (08/04/2015)

ASSETS AND INFRASTRUCTURE SERVICES – DEBATE

DA/AIS/R1

GULFVIEW ROAD STANSBURY – CAPITAL WORKS

Cr Davey moved Cr Langford seconded

That:

1. the budget allocation for construction of kerbing within a section of Gulfview Road, Stansbury be deferred; and
2. a stormwater design be commissioned for that area as defined within Gulfview Road, Stansbury.

CARRIED 068/2015 (08/04/2015)

DA/AIS/R2

PARK TERRACE/SPENCER HIGHWAY INTERSECTION

Cr Cook moved Cr Headon seconded

That Council not consider further traffic control device installation within the Park Terrace/Spencer Highway intersection in Maitland, as responsibility for this road is vested with the Department for Planning Transport & Infrastructure (DPTI).

CARRIED 069/2015 (08/04/2015)

DA/AIS/R3

FUNDING APPLICATIONS – HARDWICKE BAY PROGRESS

Cr Rich moved Cr Stock seconded

That Council:

1. advise the Hardwicke Bay Progress Association Inc that Council are not in a position to apply for funding of upgrades/improvements to roads owned by DPTI; and
2. support the Hardwicke Bay Progress Association in lobbying the State Government and DPTI for an upgrade of the intersections detailed in this report in an effort to improve safety.

CARRIED 070/2015 (08/04/2015)

DA/AIS/R4

JETTY MAINTENANCE BUDGET

Cr Davey moved Cr Cook seconded

That Council:

1. endorse the budget adjustment of \$120,000 from the 'Jetty Maintenance – Contractual' budget line to the 'Reseal Allocation – Contractual' budget line; and
2. grant an exemption for the use of a tender process for bitumen and blue metal material supply pursuant to the Purchasing and Procurement Policy in this instance only.

CARRIED 071/2015 (08/04/2015)

DEVELOPMENT SERVICES – DEBATE

DA/DS/R1

REVOCAION AND RE-DEDICATION OF FORESHORE RESERVE

Cr Davey moved Cr Cook seconded

That Council:

1. grant approval for the Crown to proceed with the revocation of the Crown dedication for Foreshore Reserve Allotment 9 in Deposit Plan 44261, Crown Record Volume 5339 Folio 218 (Gazetted 7 March 1969) and the dedication of the new Allotment 103 in Deposit Plan 95664 as Foreshore Reserve under the care, control and management of Council.
2. grant approval for the Crown to proceed with Crown dedication for the new Allotment 104 in Deposit Plan 95664 as Water Reserve under the care, control and management of Council.
3. authorise the Mayor and Chief Executive Officer to sign and affix Council's seal to any documents associated with the revocation and dedication process.
4. grant approval for the newly created Allotments 103 and 104 to be added to the Community Land Register and identified as a Category 1 Reserve.

CARRIED 072/2015 (08/04/2015)

DA/DS/R2

BUSH CAMPING RECOMMENDATIONS

Cr Langford moved Cr Headon seconded

That Council endorse the proposed bush camping recommendations as presented.

CARRIED 073/2015 (08/04/2015)

DA/DS/R3

LAND FOR THE PORT MOOROWIE COMMUNITY CLUB

Formal Motion

Cr Stock moved Cr Hoyle seconded

That **the question lie on the table** to enable consideration of the information that has been presented by the Friends of Port Moorowie during their presentation earlier in the meeting.

CARRIED 074/2015 (08/04/2015)

DA/DS/R4

MINING LEASE PROPOSAL KLEIN POINT LIMESTONE DEPOSIT

Cr Cook moved Cr Davey seconded

That Council does not wish to make a formal submission in relation to Adelaide Brighton Cement Pty Ltd mining lease application regarding Klein Point Lime Deposit, Retention Lease 28.

CARRIED 075/2015 (08/04/2015)

DA/DS/R5

AUTHORISATION LAND MANAGEMENT AGREEMENT

Cr Davey moved Cr Headon seconded

That Council authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal on the relevant documents relating to the Land Management Agreement over land described as Section 383 Hundred of Para Wurlie in the area named Point Turton, as contained in Certificate of Title Volume 5431 Folio 782.

CARRIED 076/2015 (08/04/2015)

DA/DS/R6

PROPOSED SEAWALL FOR ROGUES POINT

Cr Davey moved Cr Cook seconded

That Council commit to fund the construction of a sea wall at the end of Davey Road, Rogues Point as per the plans prepared by Magryn Engineering Consultants (Drawing No. 14847-1 Revision B) and the quotation provided by MA Skinner (\$94,029.37).

AMENDMENT

Cr Meyer moved Cr Headon seconded

That Council commit to fund the construction of a seawall only excluding the walkway at the end of Davey Road, Rogues Point as per the plans prepared by Margryn Engineering Consultants and the quotation provided by MA Skinner at a revised cost of \$85,507.94.

AMENDMENT LOST

Cr Davey moved Cr Cook seconded

That Council commit to fund the construction of a sea wall at the end of Davey Road, Rogues Point as per the plans prepared by Magryn Engineering Consultants (Drawing No. 14847-1 Revision B) and the quotation provided by MA Skinner (\$94,029.37).

CARRIED 077/2015 (08/04/2015)

DA/DS/R7

COMMERCIAL USE OF FOOTPATHS POLICY

Cr Langford moved Cr Braund seconded

That Council endorse the updated PO040 Commercial Use of Footpath Policy for inclusion in Council's Policy Manual and on the website.

CARRIED 078/2015 (08/04/2015)

ITEM 7 GENERAL BUSINESS

Mayor Agnew

Spoke about the 100th Anniversary of ANZAC Day coming up on 25th April 2015 and read out a letter that had been written by his mother's cousin Horace Hedger, to his parents including entries from his daily diary, Horace landed at Gallipoli on 25th April 1915 at 6.00am, the letter was written from his hospital bed on 1st June 1915 whilst recovering in Malta.

ITEM 8 CONFIDENTIAL AGENDA

CA/AIS/R1

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

Cr Langford 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 Walk the Yorke Cartage and construction of compacted gravel trail at Point Pearce 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 Walk the Yorke Cartage and construction of compacted gravel trail at Point Pearce 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 Walk the Yorke Cartage and construction of compacted gravel trail at Point Pearce Tender be retained in confidence for a period of 12 months.

CARRIED 079/2015 (08/04/2015)

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

Released in camera minute

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)

7.00pm The public meeting resumed.

CA/AIS/R2

MATERIAL SUPPLY TENDER 117-2015

Cr Rich moved Cr Meyer 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 Material Supply 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 Material Supply 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 Material Supply Tender be retained in confidence for a period of 12 months.

CARRIED 082/2015 (08/04/2015)

7.01pm 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:

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)

7.08pm the public meeting resumed.

ITEM 9 NEXT COUNCIL MEETING

Wednesday 13th May 2015 commencing at 5.30pm.

7.09pm The Mayor declared the meeting closed.

ITEM 10 CLOSURE

The Meeting Closed at 7.09pm.

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Mayor Ray Agnew

13th May 2015