



# **MINUTES**

## **Ordinary Council Meeting**

(Subject to confirmation)

**12 September 2018**

**MINUTES OF YORKE PENINSULA  
COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS , MINLATON TOWN HALL, 57 MAIN STREET,  
MINLATON  
ON WEDNESDAY, 12 SEPTEMBER 2018 AT 5.30PM**

**1 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY BY MAYOR**

Mayor Ray Agnew OAM welcomed everyone to the meeting, gave an Acknowledgement of Country and declared the meeting open. Advised that David Harding was ill and Anne Hammond would be Acting Director Corporate and Community Services for the meeting.

**2 OPENING PRAYER**

**3 PRESENT**

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

**In Attendance**

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

**4 LEAVE OF ABSENCE**

Nil

**5 APOLOGIES**

David Harding

**6 CONFLICT OF INTEREST**

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

<b>AGENDA ITEM 6 CONFLICT OF INTEREST DECLARATION</b>	
<b>Disclosure of [type] of Conflict of Interest being declared</b>	Perceived
<b>Elected Member Name</b>	Deputy Mayor Scott Hoyle
<b>Matter to be discussed (Agenda Item #)</b>	21.1 LATE Ombudsman SA – Full Investigation – Final Report 2018/04529 Cr Stock and Ombudsman SA – Complaint Assessment 2018/03972 Cr Stock, 21.2 Ombudsman SA – Full Investigation – Final

	Report 2018/04529 – Cr Stock, 21.3 Ombudsman SA – Complaint Assessment 2018/03972 – Cr Stock,
<b>Nature of the Interest</b> <i>(as described by the Member)</i>	As I reported Cr Stock's initial code breach I think it reasonable that I am be judged as have a perceived interest
<b>Manner in which the Member addressed with the Actual or Perceived Conflict of Interest</b>	Leave the Chamber while debate ensues
<b>If the Member voted on the matter, the manner in which he or she voted</b>	Not in meeting
<b>The manner in which majority of persons who were entitled to vote at the meeting voted on the matter</b>	21.1 LATE CARRIED 223/2018 (12/09/2018)
	21.2 CARRIED 224/2018 (12/09/2018)
	21.3 CARRIED 225/2018 (12/09/2018)

<b>AGENDA ITEM 6 CONFLICT OF INTEREST DECLARATION</b>	
<b>Disclosure of [type] of Conflict of Interest being declared</b>	Perceived
<b>Elected Member Name</b>	Mayor Ray Agnew
<b>Matter to be discussed</b> <i>(Agenda Item #)</i>	21.1 LATE Ombudsman SA – Full Investigation – Final Report 2018/04529 Cr Stock and Ombudsman SA – Complaint Assessment 2018/03972 Cr Stock, 21.2 Ombudsman SA – Full Investigation – Final Report 2018/04529 – Cr Stock, 21.3 Ombudsman SA – Complaint Assessment 2018/03972 – Cr Stock,
<b>Nature of the Interest</b> <i>(as described by the Member)</i>	I was involved in the complaint process
<b>Manner in which the Member addressed with the Actual or Perceived Conflict of Interest</b>	I intend leaving the meeting for consideration of these items
<b>If the Member voted on the matter, the manner in which he or she voted</b>	Not in meeting
<b>The manner in which majority of persons who were entitled to vote at the meeting voted on the matter</b>	21.1 LATE CARRIED 223/2018 (12/09/2018)
	21.2 CARRIED 224/2018 (12/09/2018)
	21.3 CARRIED 225/2018 (12/09/2018)

<b>AGENDA ITEM 6 CONFLICT OF INTEREST DECLARATION</b>	
<b>Disclosure of [type] of Conflict of Interest being declared</b>	Actual
<b>Elected Member Name</b>	Cr Tania Stock
<b>Matter to be discussed (Agenda Item #)</b>	21.1 LATE Ombudsman SA – Full Investigation – Final Report 2018/04529 Cr Stock and Ombudsman SA – Complaint Assessment 2018/03972 Cr Stock, 21.2 Ombudsman SA – Full Investigation – Final Report 2018/04529 – Cr Stock, 21.3 Ombudsman SA – Complaint Assessment 2018/03972 – Cr Stock,
<b>Nature of the Interest (as described by the Member)</b>	In accordance with Regulation 15.3 I confirm that I wish to exercise my rights to address the meeting in my capacity as the accused. I will otherwise absent myself from the meeting as per previous meetings when this matter has arisen.
<b>Manner in which the Member addressed with the Actual or Perceived Conflict of Interest</b>	As per instructions above
<b>If the Member voted on the matter, the manner in which he or she voted</b>	Not in meeting
<b>The manner in which majority of persons who were entitled to vote at the meeting voted on the matter</b>	21.1 LATE <b>CARRIED 223/2018 (12/09/2018)</b>
	21.2 <b>CARRIED 224/2018 (12/09/2018)</b>
	21.3 <b>CARRIED 225/2018 (12/09/2018)</b>

<b>AGENDA ITEM 6 CONFLICT OF INTEREST DECLARATION</b>	
<b>Disclosure of [type] of Conflict of Interest being declared</b>	Perceived
<b>Elected Member Name</b>	Cr Adam Meyer
<b>Matter to be discussed (Agenda Item #)</b>	25.2 Implementation of Dry Area New Year's Eve - Stansbury
<b>Nature of the Interest (as described by the Member)</b>	The item relates to a Dry Zone setting where due to my employment, I am authorised to prosecute breaches of the relevant act. There could be a perception in the community that I should have no decision making ability over an issue I could potentially prosecute.
<b>Manner in which the Member addressed with the Actual or Perceived Conflict of Interest</b>	Remaining in the Chamber, remaining silent on the matter
<b>If the Member voted on the matter, the manner in which he or she voted</b>	Abstained from voting

The manner in which majority of persons who were entitled to vote at the meeting voted on the matter	25.2 CARRIED 243/2018 (12/09/2018)
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AGENDA ITEM 6 CONFLICT OF INTEREST DECLARATION	
Disclosure of [type] of Conflict of Interest being declared	Perceived
Elected Member Name	Cr Adam Meyer
Matter to be discussed ( <i>Agenda Item #</i> )	25.9 Request to place structure on Council Land – Port Rickaby Caravan Park
Nature of the Interest ( <i>as described by the Member</i> )	The item relates to a decision in relation to the Lease at Port Rickaby Caravan Park which is owned by Council. Due to my employment, I have deemed it would not be in the public interest to be involved in the discussion of this matter or make a decision at this time.
Manner in which the Member addressed with the Actual or Perceived Conflict of Interest	Remaining in the Chamber, remaining silent on the matter
If the Member voted on the matter, the manner in which he or she voted	Not applicable
The manner in which majority of persons who were entitled to vote at the meeting voted on the matter	The matter lapsed for want of a mover

AGENDA ITEM 6 CONFLICT OF INTEREST DECLARATION	
Disclosure of [type] of Conflict of Interest being declared	Perceived
Elected Member Name	Cr Adam Meyer
Matter to be discussed ( <i>Agenda Item #</i> )	27.1 - Port Rickaby Caravan Park Lease Dispute
Nature of the Interest ( <i>as described by the Member</i> )	The item relates to a decision in relation to the Lease at Port Rickaby caravan park which is owned by Council, due to my employment, I have deemed it would not be in the public interest to be involved in the discussion of this matter or make a decision at this time.
Manner in which the Member addressed with the Actual or Perceived Conflict of Interest	Remaining in the Chamber, remaining silent on the matter
If the Member voted on the matter, the manner in which he or she voted	Abstained from voting

<b>The manner in which majority of persons who were entitled to vote at the meeting voted on the matter</b>	FORMAL MOTION: That this matter lay on the table <b>CARRIED 253/2018 (12/09/2018)</b>
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## RESOLUTION

Moved: Cr John Rich  
Seconded: Cr Veronica Brundell

That Debate Item 21.1 Late Report – Ombudsman SA – Full Investigation – Final Report 2018/04529 – Cr Stock and Ombudsman SA – Complaint Assessment 2018/03972 – Cr Stock be received for consideration prior to Debate Item 21.2.

**CARRIED 214/2018 (12/09/2018)**

## 7 MINUTES OF PREVIOUS MEETING – FOR CONFIRMATION

### RESOLUTION

Moved: Cr David Langford  
Seconded: Cr Jeffrey Cook

That the minutes of the Ordinary Council Meeting held on 8 August 2018 be confirmed.

**CARRIED 215/2018 (12/09/2018)**

### RESOLUTION

Moved: Cr Trevor Davey  
Seconded: Cr Scott Hoyle

That the minutes of the Confidential Council Meeting held on 8 August 2018 at 6.25pm be confirmed.

**CARRIED 216/2018 (12/09/2018)**

## 8 MOTIONS ON NOTICE

### 8.1 NOTICE OF MOTION - CR ADAM MEYER

#### MOTION

Moved: Cr Adam Meyer  
Seconded: Cr Alan Headon

1. That all Conflict of Interest Declarations for the current Elected Member term (2014-2018) be recorded in the 10 October 2018 Meeting Minutes to include:
  - Date of Meeting:
  - Matter discussed:
  - Elected member name:
  - Type of interest being declared:
  - Nature of Interest:
  - Manner in which Councillor addressed the conflict:
  - If the Member voted on the matter, the manner in which he or she voted:

- The manner in which the majority of persons who were entitled to vote at the meeting voted on the matter:
2. That all future Conflict of Interest Declarations are recorded in Council minutes using the following headings:
- Elected Member name:
  - Type of interest being declared:
  - Nature of Interest:
  - Manner in which Councillor addressed the conflict:
  - If the Member voted on the matter, the manner in which he or she voted:
  - The manner in which the majority of persons who were entitled to vote at the meeting voted on the matter:

MOTION LOST

## RESOLUTION

Moved: Cr Naomi Bittner  
Seconded: Cr John Rich

That all future Conflict of Interest Declarations are recorded in Council minutes using the following headings:

- Elected Member name:
- Type of interest being declared:
- Nature of Interest:
- Manner in which Councillor addressed the conflict:
- If the Member voted on the matter, the manner in which he or she voted:
- The manner in which the majority of persons who were entitled to vote at the meeting voted on the matter:

**CARRIED 217/2018 (12/09/2018)**

## 9 QUESTIONS ON NOTICE

### 9.1 QUESTIONS ON NOTICE RECEIVED FROM CR ADAM MEYER

The following questions on notice were received from Councillor Adam Meyer, Mayor Agnew prepared the responses to those questions and are outlined below.

1. Where does Yorke Peninsula Council source material for road re sheeting projects, for example South Coast, Sturt Bay and Cutline Roads?  
[Hanson's Quarry 2017/18 – Successful tenderer's pursuant to Material Tender in any given financial year](#)
2. Is this the same material mentioned by Director Graham (in the North Coast Road Email to Councillors 22/2/2018) when considering solutions for the issues identified with the North Coast Road material?

Yes

3. What expenditures [amounts and details of expenditure] caused Fringe Benefit Tax during the 2017/2018 financial year?

FBT Expenses by category

Vehicles	\$ 122,665
Expense Payments	\$ 15,785
less reimbursed by Salary Package Provider	<u>\$ (13,039)</u>
	\$ 2,746
Council Functions	\$ 3,098

4. Have any staff lodged Conflict of Interest Documents in relation to (Agenda 13/09/2017) Debate Agenda Item 6.2.3 Request for Sponsorship – Ardrossan Community Hospital Inc. – Mary Potter Foundation?

No

## RESOLUTION

Moved: Cr Alan Headon

Seconded: Cr Adam Meyer

That the questions on notice and responses be received.

**CARRIED 218/2018 (12/09/2018)**

## 10 QUESTIONS WITHOUT NOTICE

Nil

## 11 PETITIONS

Nil

## 12 MAYOR

### 12.1 MAYOR'S MONTHLY REPORT AUGUST 2018

#### PURPOSE

To keep Elected Members updated on Mayoral activities during the month of August 2018.

## RESOLUTION

Moved: Cr David Langford

Seconded: Cr Scott Hoyle

That the report be received.

**CARRIED 219/2018 (12/09/2018)**



**13 COUNCILLORS' REPORT**

Nil

**INFORMATION AGENDA****14 ITEMS FOR EXCLUSION**

Nil

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

Moved: Cr Darren Braund

Seconded: Cr John Rich

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

**CARRIED 220/2018 (12/09/2018)**

**20 VISITORS TO THE MEETING**

*5.53pm* Mayor Agnew invited Randy Badman to make his presentation to Elected Members in relation to his proposal to rezone land at Edithburgh. Developer funded Development plan Edithburgh Rural Zone living.

*5.56pm* The presentation concluded.

**DEBATE AGENDA****21 MAYOR****21.1 REQUEST FOR RESEARCH INTO NAMING A RESERVE****PURPOSE**

To seek approval from Council for staff to research the feasibility of naming a foreshore reserve located at Section 403 North Terrace Stansbury in honour of Gayle Woodford.

**RESOLUTION**

Moved: Cr Trevor Davey

Seconded: Cr Naomi Bittner

That Council:

1. endorse staff undertaking the initial steps to research the feasibility of naming a foreshore reserve located at Section 403 North Terrace Stansbury in honour of Gayle Woodford.
2. call for a report from Council Staff about what would be required to achieve the goal of naming the foreshore reserve located at Stansbury.

**CARRIED 221/2018 (12/09/2018)**

*5.57pm Mayor Ray Agnew – declaration perceived Conflict of Interest and left the meeting*

*5.57pm Deputy Mayor Scott Hoyle – declaration perceived Conflict of Interest and left the meeting*

**RESOLUTION**

Moved: Cr John Rich

Seconded: Cr Adam Meyer

That with the Mayor and Deputy Mayor both declaring perceived Conflicts of Interest Cr Jeff Cook take over as the Chairperson for consideration of the next 3 Debate Items.

**CARRIED 222/2018 (12/09/2018)**

*5.58pm Cr Tania Stock sought leave of the meeting to make a personal explanation.*

Chairperson Cr Jeff Cook advised that leave of the meeting was granted, by the majority of members.

Cr Tania Stock made a personal explanation in relation to the Mayor's Debate Reports 21.2, 21.3 and 21.1 Late Report regarding the Ombudsman SA, in particular her concerns that the redacted version of the reports were misleading and concealing selective information. Cr Stock did not agree with the decisions handed down in relation to these matters and advised that legal advice she obtained indicated there was no mandatory obligation to provide an apology or to be reprimanded. Cr Stock considered that Deputy Mayor Scott Hoyle misconstrued the comments she made at the Black Point Progress Association AGM in April 2017. This has been very unfortunate and directed resources away from growing our Council. It is now time to move forward and focus on positive outcomes for our community.

*6.03pm Cr Tania Stock left the meeting.*

**21.1 LATE REPORT - OMBUDSMAN SA - FULL INVESTIGATION - FINAL REPORT 2018  
04529 - CR STOCK AND OMBUDSMAN SA - COMPLAINT ASSESSMENT 2018 03972  
- CR STOCK**

**PURPOSE**

To provide the Council with further information following updated advice from the Ombudsman SA regarding Debate Agenda items 21.2 and 21.3.

**RESOLUTION**

Moved: Cr Trevor Davey

Seconded: Cr Naomi Bittner

That the:

1. Ombudsman SA Final Report – Full Investigation, dated 3 August 2018, be received and considered together with and in context of Debate Agenda item 21.2 Ombudsman SA – Full Investigation – Final Report 2018 04529 – Cr Stock.
2. Ombudsman SA's letter to Cr Stock dated 21 June 2018, be received and considered together with and in context of Debate Agenda item and 21.3 Ombudsman SA – Complaint Assessment 2018 03972 – Cr Stock.

**CARRIED 223/2018 (12/09/2018)**

**21.2 OMBUDSMAN SA - FULL INVESTIGATION - FINAL REPORT 2018 04529 - CR STOCK****PURPOSE**

To inform the Council of the Ombudsman SA's findings following a full investigation into a complaint made by Mayor Ray Agnew about Cr Tania Stock under the Code of Conduct for Council Members.

**MOTION**

Moved: Cr Adam Meyer

Seconded: Cr Naomi Bittner

1. That the report be received.
2. That the Ombudsman SA be advised that Council takes no further action with respect to the Full Investigation Final Report 2018 04529 – Cr Stock.

**CARRIED**

Cr Adam Meyer called for a division

As a consequence the result of the above motion was set aside.

In Favour: Crs Naomi Bittner, Veronica Brundell, Darren Braund, Alan Headon and Adam Meyer

Against: Crs Trevor Davey, John Rich and David Langford

The Chairperson declared the Motion

**CARRIED 224/2018(12/09/2018)**

**21.3 OMBUDSMAN SA - COMPLAINT ASSESSMENT 2018 03972 - CR STOCK****PURPOSE**

To inform the Council of the Ombudsman SA's assessment of a complaint made by Cr Tania Stock about the manner in which the Mayor and the Council handled a complaint made against Cr Stock by Deputy Mayor Cr Scott Hoyle.

**RESOLUTION**

Moved: Cr Adam Meyer

Seconded: Cr Alan Headon

That the report be received.

**CARRIED 225/2018 (12/09/2018)**

6.20 pm Mayor Ray Agnew, Deputy Mayor Scott Hoyle and Cr Tania Stock returned to the Chamber

**22 CHIEF EXECUTIVE OFFICER****22.1 LEGATUS GROUP ANNUAL REPORT 2017-2018****PURPOSE**

To seek Council adoption of the Legatus Group Annual Report 2017-2018 for inclusion in Council's Annual Report.

**RESOLUTION**

Moved: Cr Trevor Davey

Seconded: Cr David Langford

That Council adopt the Legatus Group Annual Report 2017-2018, including the Audited Financial Statements, for inclusion in Council's Annual Report in accordance with legislative requirements.

**CARRIED 226/2018 (12/09/2018)**

**22.2 CHRISTMAS OFFICE CLOSURE 2018****PURPOSE**

To seek approval from Council for a closure period of all Council office locations for the 2018 Christmas and New Year holiday period in line with the requirements of the Staff Enterprise Bargaining Agreements.

**RESOLUTION**

Moved: Cr Adam Meyer

Seconded: Cr Scott Hoyle

That Council:

1. Close the Principal Office at Maitland and the two (2) Branch Offices from 5:00pm on Friday 21 December 2018 and reopen at 8:30am on Wednesday 2 January 2019, with staff required to utilise existing leave;
2. Advertise the closure of the 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. Prepare a suitable answering machine message to be implemented during the closure period to ensure that any emergencies are referred to the after-hours emergency number.

**CARRIED 227/2018 (12/09/2018)**

**22.3 ELECTION FOR LOCAL GOVERNMENT ASSOCIATION PRESIDENT 2018-2020****PURPOSE**

To seek Council's endorsement for nominating their preferred candidate for the Local Government Association President for the forthcoming term 2018 – 2020.

*6.22pm* With approval of 2/3 Members present the meeting moved to informal mode.

Ballot papers were distributed to all Members for selection of their preferred candidate by secret ballot. Mr Cameron counted the ballot papers, advising members that Mayor Dave Burgess had received the majority of votes.

*6.24pm*

**RESOLUTION**

Moved: Cr David Langford

Seconded: Cr John Rich

That the meeting return to formal mode.

**CARRIED 228/2018 (12/09/2018)**

**RESOLUTION**

Moved: Cr John Rich  
Seconded: Cr Naomi Bittner

That Council nominates Mayor Dave Burgess from Mid Murray Council as their preferred candidate for Local Government Association President for the forthcoming term 2018-2020.

**CARRIED 229/2018 (12/09/2018)**

**22.4 DELEGATIONS REGISTER UPDATE****PURPOSE**

Council has conducted a review of its Delegations Register in response to legislative change and there is a need to update the existing Delegations Register.

**RESOLUTION**

Moved: Cr Trevor Davey  
Seconded: Cr Jeffrey Cook

That having considered its Delegations Register in response to legislative change, in accordance with Section 44 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 Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014
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 Act and Regulations and specified in the proposed instrument of Delegation (of which is individually identified as indicated below) are hereby delegated this 12th day of September 2018 to the person occupying the office of Chief Executive Officer subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation.
    - 2.1.1 Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014 (Appendix 21)
  - 2.2 Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.
3. Authorisations and Subdelegation under the Road Traffic Act 1961
  - 3.1 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

Michael McCauley – Asset Manager

Phil Herrmann – Senior Compliance Officer

- 3.2 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

Michael McCauley – Asset Manager

- 3.3 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 is hereby sub-delegated this 12<sup>th</sup> Day of September 2018 to the person occupying the office 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.

- 3.4 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

Michael McCauley – Asset Manager

**CARRIED 230/2018 (12/09/2018)**

**22.5 PORT VINCENT AND STANSBURY - CWMS - SUBSIDY FUNDING PROGRAMME****PURPOSE**

To seek Council approval to commit to accept the seed funding offered for Port Vincent and Stansbury (Community Wastewater Management Scheme) CWMS under the subsidy programme.

**RESOLUTION**

Moved: Cr Scott Hoyle  
Seconded: Cr Jeffrey Cook

That Council commit to accept the seed funding offered for the Port Vincent and Stansbury CWMS under the subsidy programme for revision and updating of preliminary designs.

**CARRIED 231/2018 (12/09/2018)**

**23 CORPORATE AND COMMUNITY SERVICES****23.1 FINANCIAL REPORT AS AT 31 AUGUST 2018****PURPOSE**

For Council to consider the financial report and capital projects update report as at 31 August 2018.

**RESOLUTION**

Moved: Cr David Langford  
Seconded: Cr Scott Hoyle

That Council receive the financial report and capital projects update report as at 31 August 2018.

**CARRIED 232/2018 (12/09/2018)**

**23.2 COMMUNITY GRANTS 2018/2019****PURPOSE**

The Grants Working Party submits to Council their recommendation for the distribution of Community Grants for 2018/2019

**RESOLUTION**

Moved: Cr Jeffrey Cook  
Seconded: Cr Veronica Brundell

That Council endorse the allocation of the following Community Grants for 2018/2019:

1. Ardrossan Bowling Club	\$4,900.00
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2.	Ardrossan Community and Men's Shed	\$1,152.00
3.	Ardrossan Hockey Club	\$5,000.00
4.	Ardrossan National Trust Heritage Museum	\$1,136.00
5.	Ardrossan Tidy Towns Group	\$4,000.00
6.	Arthurton Basketball Club Inc.	\$5,000.00
7.	Arthurton Tennis Club Inc.	\$5,000.00
8.	Australian Volunteer Coast Guard Flotilla 10	\$ 980.00
9.	Corny Point Progress Association Inc.	\$5,000.00
10.	Curramulka Bowling Club Inc.	\$5,000.00
11.	Curramulka Community Club Inc.	\$5,000.00
12.	Edithburgh Museum Inc.	\$ 910.00
13.	Friends of Port Moorowie Inc.	\$3,171.00
14.	Hardwicke Bay and District Progress Association	\$4,000.00
15.	Maitland and District Progress Association Inc.	\$4,928.00
16.	Marion Bay Progress Association Inc.	\$5,000.00
17.	Minlaton Bowling Club Inc.	\$3,100.00
18.	Minlaton Cricket Club	\$1,000.00
19.	Minlaton Playgroup	\$ 999.03
20.	Maitland Music & Arts Youth Theatre	\$5,000.00
21.	Pine Point Progress Association Inc.	\$2,654.00
22.	Port Clinton Progress Association Inc.	\$1,466.00
23.	Port Julia Progress Association	\$5,000.00
24.	Port Vincent Senior Citizens Club Inc.	\$1,250.00
25.	Rotary Club of Maitland Inc.	\$1,000.00
26.	Royal Volunteer Coastal Patrol	\$1,301.64
27.	Southern Yorke Peninsula Gun Club Inc.	\$1,010.00
28.	Southern Yorke Peninsula Landcare Group Inc.	\$1,000.00
29.	Stansbury Bowling Club	\$3,400.00
30.	Stansbury Golf Club Inc.	\$4,295.00
31.	Stansbury Sports and Community Club Inc.	\$3,465.00
32.	Warooka Golf Club Inc.	\$1,390.00
33.	Wool Bay Golf Club Inc.	\$3,000.00

**TOTAL****\$100,507.67****CARRIED 233/2018 (12/09/2018)**

**23.3 ANNUAL ALLOCATIONS TO PROGRESS ASSOCIATIONS****PURPOSE**

To seek endorsement and approval from Council for the 2018-2019 Annual Allocation payments to eligible Progress Associations.

**RESOLUTION**

Moved: Cr Darren Braund

Seconded: Cr Scott Hoyle

That Council endorse the Annual Allocation payment to the following eligible Progress Associations:

- 1.1. Ardrossan Progress Association Inc.
- 1.2. Black Point Progress Association Inc.
- 1.3. Bluff Beach Community Group
- 1.4. Chinaman Wells Shack Owners Association
- 1.5. Corny Point Progress Association
- 1.6. Curramulka Community Club
- 1.7. Foul Bay Area Progress Association
- 1.8. Friends of Port Moorowie Inc.
- 1.9. Hardwicke Bay & District Progress Association Inc.
- 1.10. James Well & Rogues Point Progress Association Inc.
- 1.11. Maitland & District Progress Association Inc.
- 1.12. Marion Bay Progress Association Inc.
- 1.13. Minlaton & District Progress Association Inc.
- 1.14. Pine Point Progress Association Inc.
- 1.15. Point Turton Progress Association Inc.
- 1.16. Port Julia Progress Association
- 1.17. Port Rickaby Progress Association
- 1.18. Port Victoria Progress Association Inc.
- 1.19. Port Vincent Progress Association Inc.
- 1.20. The Pines Community Association Inc.
- 1.21. Tiddy Widdy Progress Association
- 1.22. Wool Bay Progress Association Inc.
- 1.23. Yorketown Progress Association Inc.

**CARRIED 234/2018 (12/09/2018)**

**RESOLUTION**

Moved: Cr Adam Meyer  
Seconded: Cr Alan Headon

That Council endorse the five late applications for Annual Allocation payments to the following eligible Progress Associations:

- 2.1. Coobowie Progress Association Inc.
- 2.2. Edithburgh Progress Association
- 2.3. Friends of Wauraltee and District Inc.
- 2.4. Price Progress Association Inc.
- 2.5. Warooka Progress Association Inc.

**CARRIED 235/2018 (12/09/2018)**

**23.4 BALGOWAN PROGRESS ASSOCIATION - REQUEST FOR ACCEPTANCE OF FREE OF CHARGE ASSET****PURPOSE**

Council has been approached by the Balgowan Progress Association seeking to donate the Balgowan playground shade-sail to Council as a "Free of Charge" asset.

**RESOLUTION**

Moved: Cr Trevor Davey  
Seconded: Cr Naomi Bittner

That Council accept the donation of the Balgowan playground shade-sail as a "Free of Charge" asset and authorise the structure to be added to Council's asset register.

**CARRIED 236/2018 (12/09/2018)**

**23.5 REQUEST FOR FINANCIAL ASSISTANCE - HARVEST CORNER****PURPOSE**

To seek financial assistance from Council to ensure the sustainability of Harvest Corner as a Visitor Information Outlet while the interested groups develop a self-sustaining model for the continued operation of the centre.

**RESOLUTION**

Moved: Cr Naomi Bittner  
Seconded: Cr Scott Hoyle

That Council approve an increase in financial support afforded to the Harvest Corner group of \$3,875 (GST exclusive) to a total 2018/2019 budget cost of \$13,211 (GST exclusive) to cover rent, power, internet/phone and insurance costs for the year ended 30 June 2019 with all arrangements to be reviewed during the 2019/2020 Budget formulation process.

**CARRIED 237/2018 (12/09/2018)**

**23.6 REQUEST FOR SPONSORSHIP - YORKETOWN DISCOVERY WEEKEND****PURPOSE**

To seek additional funding to sponsor a newly created event in Yorketown that has been designed to promote Yorketown as a tourist centre, support local businesses and 'uplift' the town's spirit.

**RESOLUTION**

Moved: Cr Jeffrey Cook

Seconded: Cr Adam Meyer

That Council endorses a contribution of \$1,000 (GST exclusive) to be a 'platinum' sponsor of the Yorketown Discovery Weekend, Something for Every Body event.

**CARRIED 238/2018 (12/09/2018)**

**23.7 REQUEST FOR SPONSORSHIP - SHAYLA MCKAY****PURPOSE**

To seek additional funding of \$750 (GST exclusive) to support Shayla McKay of Maitland in competing at the Fiji Cup as a member of the under 15 Regional SA State Soccer Squad.

**RESOLUTION**

Moved: Cr Naomi Bittner

Seconded: Cr Alan Headon

That Council endorses a contribution of \$750 (GST exclusive) to financially support Miss Shayla McKay to compete at the Fiji Cup in December 2018.

**CARRIED 239/2018 (12/09/2018)**

**24 ASSETS AND INFRASTRUCTURE SERVICES****24.1 POLICY UPDATE - PO125 WASTE AND RECYCLING POLICY****PURPOSE**

To seek endorsement and approval from Council for the updated PO125 Waste and Recycling Policy.

**RESOLUTION**

Moved: Cr Trevor Davey

Seconded: Cr Alan Headon

That Council endorse and adopt the updated PO125 Waste and Recycling Policy for inclusion in Council's Policy Manual and on Council's website.

**CARRIED 240/2018 (12/09/2018)**

**24.2 NEW POLICY - PO162 TREE MANAGEMENT POLICY****PURPOSE**

To seek endorsement from Council for the adoption of the new PO162 Tree Management Policy.

**RESOLUTION**

Moved: Cr Alan Headon

Seconded: Cr Jeffrey Cook

That Council endorse and adopt the new PO162 Tree Management Policy, as presented, for inclusion in Council's Policy Manual and on Council's website.

**CARRIED 241/2018 (12/09/2018)**

**24.3 NORTH COAST ROAD****PURPOSE**

For Council to endorse matters complementing the required review of the road design for the North Coast Road.

**RESOLUTION**

Moved: Cr Jeffrey Cook

Seconded: Cr Scott Hoyle

That Council:

1. endorse the expenditure of \$85,000 for the survey and review of the North Coast Road construction design.
2. endorse Tonkin Consulting as the preferred consultant to undertake the survey and review of the North Coast Road construction design.
3. waive the need to undertake the selective tender process, pursuant to the relevant sections of the Purchasing and Procurement Policy (PO058), in this instance.

**CARRIED 242/2018 (12/09/2018)**

## 24.4 ROADS WORKING PARTY FORMATION

### PURPOSE

To seek endorsement of the proposed formation and membership of the Roads Working Party.

### RESOLUTION

Moved: Cr David Langford

Seconded: Cr Scott Hoyle

That Council:

1. endorse the formation of the Roads Working Party; and
2. endorse the membership of the Roads Working Party as follows:
  - Councillor Trevor Davey;
  - Councillor Alan Headon;
  - Deputy Mayor Scott Hoyle;
  - Councillor Naomi Bittner;
  - Director Assets and Infrastructure Services;
  - Asset Manager;
  - Works Manager;
  - Minute Taker (Executive Assistant to the Director Assets and Infrastructure Services);
  - three (3) community representatives from the agricultural industry; and
  - three (3) community representatives from the transport industry.

**CARRIED 243/2018 (12/09/2018)**

## 25 DEVELOPMENT SERVICES

### 25.1 ACCESS ADVISORY WORKING PARTY MINUTES

#### PURPOSE

For Council to receive the Minutes of Council's Access Advisory Working Party meeting held on 27 July 2018.

#### RESOLUTION

Moved: Cr Trevor Davey

Seconded: Cr Darren Braund

That Council:

1. receive the Minutes of the Access Advisory Working Party held on 27 July 2018.
2. commit \$1,800 towards the installation of an access ramp on the on the corner of Waterloo Bay Road and the main intersection, Yorketown.

**CARRIED 244/2018 (12/09/2018)**

*6.55pm Cr Adam Meyer - declaration perceived Conflict of Interest.*

**25.2 IMPLEMENTATION OF DRY AREA NEW YEAR'S EVE - STANSBURY****PURPOSE**

For Council to make an application to the Liquor and Gambling Commissioner requesting a Dry Area be implemented at the Stansbury foreshore and oval precinct for New Year's Eve.

**RESOLUTION**

Moved: Cr Scott Hoyle

Seconded: Cr Veronica Brundell

That Council makes an application to the Liquor and Gambling Commissioner requesting a Dry Area be implemented at the Stansbury foreshore and oval precinct as shown in Attachment 1, from 10pm on Monday 31<sup>st</sup> December 2018 to 8am on Tuesday 1<sup>st</sup> January 2019.

**CARRIED 245/2018 (12/09/2018)**

**25.3 SOUTH AUSTRALIAN OYSTER GROWERS ASSOCIATION REQUEST TO WAIVE BOAT LAUNCH FEES****PURPOSE**

The South Australian Oyster Growers Association has written to Council requesting that Council waive boat ramp fees to all local oyster growers until 1 July 2020, due to a shortage of spats suitable for local growers.

**RESOLUTION**

Moved: Cr Veronica Brundell

Seconded: Cr Scott Hoyle

That Council waive boat ramp launching fees for local oyster growers that use our launch facilities to attend their oyster farm leases up to and including 30 June 2020.

**CARRIED 246/2018 (12/09/2018)**

**25.4 DRAFT ANIMAL MANAGEMENT PLAN AND COMMUNITY ENGAGEMENT****PURPOSE**

To consider feedback received in relation to the community engagement process for the draft Animal Management Plan and to adopt the Animal Management Plan as presented.

**RESOLUTION**

Moved: Cr Trevor Davey  
Seconded: Cr David Langford

That Council:

1. considers feedback in relation to the draft Animal Management Plan.
2. endorse the Animal Management Plan as presented for a period of five years, commencing on the date it is approved by the Dog and Cat Management Board.

**CARRIED 247/2018 (12/09/2018)**

**25.5 PROPOSED NEW LEASE AND SURRENDER OF LEASE FOR THE PORT VINCENT CFS****PURPOSE**

For Council to consider the Surrender of Lease and the endorsing of a new lease agreement with the Minister for Police, Emergency Services and Correctional Services in relation to the Port Vincent CFS located at 53 Main Street, Port Vincent.

**RESOLUTION**

Moved: Cr Alan Headon  
Seconded: Cr Trevor Davey

That Council:

1. endorse a Surrender of Lease with the Minister for Police, Emergency Services and Correctional Services for those portions of the land comprised and described in Certificate of Title Volume 5836 Folio 574 which are more particularly delineated as "CFS Shed", "Access A", Storage Building", "Yard C" and "Siren Pole" in GRO Plan NO. 498/2002; and
2. endorse a new lease agreement with the Minister for Police, Emergency Services and Correctional Services for that portion of the land comprised and described in Certificate of Title Volume 6178 Folio 192 which is more particularly delineated as "Area B" and "Area S" in Filed Plan 253871, for a period of (21) twenty one years commencing 1 October 2018, with an option to renew for a further (21) twenty one year term.
3. authorise the Mayor and Chief Executive Officer to sign and seal any documents required to give effect to this lease.

**CARRIED 248/2018 (12/09/2018)**



**25.6 URBAN DESIGN FRAMEWORK - LINKING PRECINCTS MINLATON****PURPOSE**

To seek Council endorsement of the urban design framework Linking Precincts Minlaton – A Framework for Urban Design Improvements.

**RESOLUTION**

Moved: Cr Alan Headon  
Seconded: Cr Darren Braund

That Council endorse the urban design framework Linking Precincts Minlaton – A Framework for Urban Design Improvements, as presented.

**CARRIED 249/2018 (12/09/2018)**

Mr Brooks advised that he would like to acknowledge the work of Planning Officers Heidi Smith and Georgina Halman. Georgina in particular commenced this process prior to taking maternity leave and has returned and resumed management of this matter and has done a magnificent job.

**25.7 NEW LEASE - ARTHURTON WAR MEMORIAL SPORTS CLUB INC.****PURPOSE**

To seek endorsement to undertake a community engagement process for a proposed Lease to the Arthurton War Memorial Sports Club Inc.

**RESOLUTION**

Moved: Cr Scott Hoyle  
Seconded: Cr Alan Headon

That Council endorse a community engagement process for a proposed Lease to the Arthurton War Memorial Sports Club Inc., for a (5) five year lease with a (5) five year right of renewal, over a Portion of Lot 41 PLN: 211001, 14 Main Street, Arthurton, Certificate of Title, Volume 5855 Folio 784.

**CARRIED 250/2018 (12/09/2018)**

**25.8 PROPOSAL TO REZONE LAND AT EDITHBURGH TO RURAL LIVING****PURPOSE**

To seek direction from Council in relation to a Development Plan Amendment (DPA) to review the zoning of land at Edithburgh.

**RESOLUTION**

Moved: Cr Trevor Davey

Seconded: Cr Scott Hoyle

That Council supports the preparation of a Development Plan Amendment (DPA) to review zoning and policies applicable to land at Edithburgh, as contained in Certificates of Title Volume 5708 Folio 687, Volume 5783 Folio 441, Volume 5703 Folio 207 and Volume 5703 Folio 201, subject to the proponent entering into a contract with Council for the preparation of the document to be completed by Council's Planning Consultant at no cost to Council.

**CARRIED 251/2018 (12/09/2018)**

*6.59pm Cr Adam Meyer – declaration perceived Conflict of Interest*

**25.9 REQUEST TO PLACE STRUCTURE ON COUNCIL LAND - PORT RICKABY CARAVAN PARK - LAPSED****PURPOSE**

The purpose of this report is to seek a direction from Council in regard to a request to place a structure (Tiny House) at the Port Rickaby Caravan Park.

**RECOMMENDATION**

That Council refuse granting consent for the placement of a structure (Tiny House) within the Port Rickaby Caravan Park in accordance with clause 2.9.8, and 2.20 of the Lease Agreement.

ITEM LAPSED FOR WANT OF A MOVER

**26 GENERAL BUSINESS**

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

**Cr Veronica Brundell**

Raised concerns on behalf of Stansbury Progress Association in relation to the seawall at Stansbury.

Mr Brooks responded and advised that the Progress Association have been previously advised that they need to organise to make a presentation to Council. He will follow the matter up.

**CONFIDENTIAL AGENDA****27 CONFIDENTIAL ITEMS****27.1 PORT RICKABY CARAVAN PARK LEASE DISPUTE****RESOLUTION**

Moved: Cr Trevor Davey

Seconded: Cr Naomi Bittner

**Section 90 Order**

That pursuant to Section 90(2) and (3)(d)(i),(d)(ii),(i) of the Local Government Act 1999, the Council orders, that the public be excluded from the meeting relating to Item 27.1 Port Rickaby Caravan Park Lease Dispute, with the exception of the following persons:

- Chief Executive Officer
- Executive Assistant to CEO and Mayor
- Acting Director Corporate and Community Services
- Director Assets and Infrastructure
- Director Development Services

The Council is satisfied that, pursuant to Section 90(2) and (3)(d)(i),(d)(ii),(i) of the Act, the information to be received, discussed or considered in relation to report Item 27.1 Port Rickaby Caravan Park Lease Dispute, is confidential information relating to:

- (d)(i) commercial information of a confidential nature (not being a trade secret) the disclosure of which 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
- (d)(ii) commercial information of a confidential nature (not being a trade secret) the disclosure of which would, on balance, be contrary to the public interest
- (i) 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 the Council
- (i) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

**CARRIED 252/2018 (12/09/2018)**

*7:05 pm, Cr Alan Headon left the meeting.*

*7.06pm Cr Adam Meyer – declaration Perceived Conflict of Interest*

*7.06pm The public were asked to leave and the Chambers secured.*

*7.07pm Cr Alan Headon returned to the meeting.*

7.08pm Released in Camera minute

**FORMAL MOTION****RESOLUTION**

Moved: Cr Trevor Davey

Seconded: Cr Jeffrey Cook

That this matter lay on the table.

**CARRIED 253/2018 (12/09/2018)**

**RESUMPTION OF PUBLIC MEETING****RESOLUTION**

Moved: Cr Scott Hoyle

Seconded: Cr David Langford

**Section 91 Order**

That having considered report 27.1 Port Rickaby Caravan Park Lease Dispute in confidence under Section 90(2) and (3)(d)(i),(d)(ii),(i) of the Local Government Act 1999 (the Act) the Council, pursuant to Section 91 (7) and 91 (9) of the Act orders that the agenda report, attachments, minutes and supporting documentation relevant to report 27.1 Port Rickaby Caravan Park Lease Dispute be retained in confidence and not available for public inspection for a period of 12 months.

**CARRIED 255/2018 (12/09/2018)**

**27.2 MATERIAL SUPPLY 2018/19 TENDER 188/2018****RESOLUTION**

Moved: Cr John Rich

Seconded: Cr Alan Headon

**Section 90 Order**

That pursuant to Section 90(2) and (3)(k) of the Local Government Act 1999, the Council orders, that the public be excluded from the meeting relating to Item 27.2 Material Supply 2018/19 Tender 188/2018, with the exception of the following persons:

- Chief Executive Officer
- Executive Assistant to CEO and Mayor
- Acting Director Corporate and Community Services
- Director Assets and Infrastructure
- Director Development Services

The Council is satisfied that, pursuant to Section 90(2) and (3)(k) of the Act, the information to be received, discussed or considered in relation to report Item 27.2 Material Supply 2018/19 Tender 188/2018, is confidential information relating to:

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

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

**CARRIED 256/2018 (12/09/2018)**

7.11pm Released in Camera Minute

## RESOLUTION

Moved: Cr Trevor Davey

Seconded: Cr Adam Meyer

That Council:

1. endorse the provisions of Clause 3.6.3 and 3.7.8 of the Request for Tender document for the supply (ex bin) and supply and delivery of road construction materials from three (3) suppliers (tender number 188/2018).
2. accept the tender submission from Triad Transport Pty Ltd for supply and delivery to project numbers 1-6 and 11-12, and supply (ex bin) for project numbers 7-10 of an estimated total of 84,700 tonnes of PM 2/20 QG at a cost of \$1,505,971 (GST exclusive).
3. accept the tender submission from Kara Resources Pty Ltd for supply and delivery to project number 13 of an estimated 7,750 tonnes of PM 2/20 QG at a cost of \$165,075 (GST exclusive), and the supply and delivery of an estimated 15,450 tonnes of Type A Fill at a cost of \$254,925 (GST exclusive).
4. accept the tender submission from Hanson Construction Materials Pty Ltd for the supply and delivery to project numbers 11 and 12 of an estimated total of 37,620 tonnes of Type A Fill at a cost of \$643,401 (GST exclusive).
5. accept the tender submissions from Hanson Construction Materials Pty Ltd (southern projects) and Kara Resources Pty Ltd (northern projects) for the supply and delivery of an estimated 54,000 tonnes of PM 2/20 QG with an estimated total value of \$1,200,000 (GST exclusive) (being approximately 50% north and 50% south) complementing Council's patch sheeting requirements.

**CARRIED 257/2018 (12/09/2018)**

## RESUMPTION OF PUBLIC MEETING

### RESOLUTION

Moved: Cr Adam Meyer

Seconded: Cr Darren Braund

#### Section 91 Order

That having considered report 27.2 Material Supply 2018/19 Tender 188/2018 in confidence under Section 90(2) and (3)(k) of the Local Government Act 1999 (the Act) the Council, pursuant to Section 91 (7) and 91 (9) of the Act orders that the agenda report, attachments, minutes and supporting documentation relevant to report 27.2 Material Supply 2018/19 Tender 188/2018 be retained in confidence and not available for public inspection for a period of 12 months.

**CARRIED 259/2018 (12/09/2018)**

**27.3 PURCHASE OF ONE (1) PRIME MOVER WITH ONE (1) SIDE TIPPER TENDER 189/2018****RESOLUTION**

Moved: Cr Tania Stock

Seconded: Cr Veronica Brundell

**Section 90 Order**

That pursuant to Section 90(2) and (3)(k) of the Local Government Act 1999, the Council orders, that the public be excluded from the meeting relating to Item 27.3 Purchase of One (1) Prime Mover with One (1) Side Tipper Tender 189/2018, with the exception of the following persons:

- Chief Executive Officer
- Executive Assistant to CEO and Mayor
- Acting Director Corporate and Community Services
- Director Assets and Infrastructure
- Director Development Services

The Council is satisfied that, pursuant to Section 90(2) and (3)(k) of the Act, the information to be received, discussed or considered in relation to report Item 27.3 Purchase of One (1) Prime Mover with One (1) Side Tipper Tender 189/2018, is confidential information relating to:

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

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

**CARRIED 260/2018 (12/09/2018)**

7.12pm Released in Camera Minute

## RESOLUTION

Moved: Cr Trevor Davey  
Seconded: Cr Scott Hoyle

That Council accept the tender of \$299,511.00 (GST exclusive) for the purchase of one (1) Isuzu GIGA CXY 240-460 AMT Short Cab Chassis and one (1) Stoodley Triaxle Side Tipping Semi-Trailer from CAPEM Pty Ltd T/A North East Isuzu, including the trade-in of \$56,363.63 (GST exclusive), affecting a changeover price of \$243,147.37 (GST exclusive).

**CARRIED 261/2018 (12/09/2018)**

## RESUMPTION OF PUBLIC MEETING

### RESOLUTION

Moved: Cr Scott Hoyle  
Seconded: Cr Alan Headon

#### Section 91 Order

That having considered report 27.3 Purchase of One (1) Prime Mover with One (1) Side Tipper Tender 189/2018 in confidence under Section 90(2) and (3)(k) of the Local Government Act 1999 (the Act) the Council, pursuant to Section 91 (7) and 91 (9) of the Act orders that the agenda report, attachments, minutes and supporting documentation relevant to report 27.3 Purchase of One (1) Prime Mover with One (1) Side Tipper Tender 189/2018 be retained in confidence and not available for public inspection for a period of 12 months.

**CARRIED 263/2018 (12/09/2018)**

## 27.4 ROADSIDE SPRAYING 2018/19 TENDER 190/2018

### RESOLUTION

Moved: Cr Alan Headon  
Seconded: Cr John Rich

#### Section 90 Order

That pursuant to Section 90(2) and (3)(k) of the Local Government Act 1999, the Council orders, that the public be excluded from the meeting relating to Item 27.4 Roadside Spraying 2018/19 Tender 190/2018, with the exception of the following persons:

- Chief Executive Officer
- Executive Assistant to CEO and Mayor
- Acting Director Corporate and Community Services
- Director Assets and Infrastructure
- Director Development Services

The Council is satisfied that, pursuant to Section 90(2) and (3)(k) of the Act, the information to be received, discussed or considered in relation to report Item 27.4 Roadside Spraying 2018/19 Tender 190/2018, is confidential information relating to:

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

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

**CARRIED 264/2018 (12/09/2018)**

*7.13pm Released in Camera Minute*

**RESOLUTION**

Moved: Cr Jeffrey Cook  
Seconded: Cr David Langford

That Council endorse Heinrich Contracting Pty Ltd as the preferred contractor to undertake the required works.

**CARRIED 265/2018 (12/09/2018)**

**RESUMPTION OF PUBLIC MEETING**

**RESOLUTION**

Moved: Cr Adam Meyer  
Seconded: Cr Trevor Davey

**Section 91 Order**

That having considered report 27.4 Roadside Spraying 2018/19 Tender 190/2018 in confidence under Section 90(2) and (3)(k) of the Local Government Act 1999 (the Act) the Council, pursuant to Section 91 (7) and 91 (9) of the Act orders that the agenda report, attachments, minutes and supporting documentation relevant to report 27.4 Roadside Spraying 2018/19 Tender 190/2018 be retained in confidence and not available for public inspection for a period of 12 months.

**CARRIED 267/2018 (12/09/2018)**

General discussion in relation to Conflicts of Interest.

**28 NEXT MEETING**

Wednesday 10 October 2018

**29 CLOSURE**

**The Meeting closed at 7.18pm.**

**The minutes of this meeting were confirmed at the Council Meeting held on 10 October 2018.**

.....  
**MAYOR RAY AGNEW OAM**