



MINUTES

Special Council Meeting

14 November 2017

(Subject to confirmation)

**MINUTES OF YORKE PENINSULA COUNCIL
SPECIAL COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS MINLATON TOWN HALL, 57 MAIN STREET,
MINLATON
ON TUESDAY, 14 NOVEMBER 2017 AT 6.00PM**

1 WELCOME BY MAYOR

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

2 OPENING PRAYER

3 PRESENT

Mayor Ray Agnew OAM, Deputy Mayor Scott Hoyle, Cr Naomi Bittner, Cr Darren Braund, Cr Jeffrey Cook, Cr Alan Headon, Cr David Langford, Cr Adam Meyer and Cr John Rich.

In Attendance

Andrew Cameron (CEO), David Harding (Director Corporate and Community Services), Trevor Graham (Director Assets and Infrastructure Services), Roger Brooks (Director Development Services), Jackie Reddaway (Minute Secretary), Ms Felice D'Agostino – Norman Waterhouse Lawyers.

4 LEAVE OF ABSENCE

Nil

5 APOLOGIES

Cr Veronica Brundell, Cr Trevor Davey, Cr Tania Stock

6 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.

7 VISITORS TO THE MEETING

7.1 Greta Lake

7.2 Dr John Gray

7.3 Bill Gill – Black Point Progress Association

PRESENTATIONS

7.1 Greta Lake

6.02pm Mayor Agnew invited Greta Lake to make her presentation to Council.

6.07pm The presentation concluded.

7.2 Dr John Gray

6.08pm Mayor Agnew invited Dr John Gray to make his presentation to Council.

6.17pm The presentation concluded, with Dr Gray requesting that the copy of his presentation be tabled.

7.3 Bill Gill – Black Point Progress Association

6.18pm Mayor Agnew invited Bill Gill to make his presentation to Council.

6.25pm The presentation concluded.

8 CHIEF EXECUTIVE OFFICER**8.1 CONFIDENTIAL ITEM****PROVISION OF LEGAL ADVICE – NORMAN WATERHOUSE LAWYERS****RESOLUTION**

Moved: Cr Jeffrey Cook
Seconded: Cr Naomi Bittner

Section 90 (2) and (3) (h) and (i)

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 CEO and Mayor, Director Corporate and Community Services, Director Assets and Infrastructure Services, Director Development Services and Felice D'Agostino – Norman Waterhouse Lawyers.

The Council is satisfied that, pursuant to Section 90 (3) (h) and (i) of the Act, the information to be received, discussed or considered in relation to report 8.1 Provision of Legal Advice is confidential information relating to:

(h) legal advice;

(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;

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.

CARRIED 301/2017 (14/11/2017)

6.28pm The public were asked to leave and the Chambers secured.

6.34pm The public meeting resumed.

RESOLUTION

Moved: Cr John Rich
Seconded: Cr Jeffrey Cook

Section 91 (7)

2. That having considered report 8.1 Provision of Legal Advice, in confidence under Section 90 (2) and (3) (h) and (i) of the Local Government Act 1999, the Council, pursuant to Section 91 (7) of that Act orders that the agenda report, minutes and supporting documentation relevant to report 8.1 Provision of Legal Advice be retained in confidence for a period of 12 months.

CARRIED 304/2017 (14/11/2017)

9 DEBATE AGENDA**9.1 SECTION 270 – BLACK POINT LAND REVOCATION****PURPOSE**

For Council to reconsider the decision made at its meeting of 10 May 2017 regarding the proposed revocation of the community land classification of land located at Black Point, following receipt of a request pursuant to Section 270 of the Local Government Act 1999 for a review of the decision.

RESOLUTION

Moved: Cr David Langford

Seconded: Cr Naomi Bittner

To Note and Consider Application and Submissions

That Council:

1. notes and considers the application received from Greta Lake under Section 270 of the Local Government Act 1999 seeking a review of the Council's decisions made at its meeting of 10 May 2017 (resolution numbers 117/2017, 118/2017, 119/2017 and 120/2017) in relation to the proposed revocation of the community land classification of land located at Black Point and identified as:
 - 1.1 Allotment 201 Plan 41613 Certificate of Title Volume 5294 Folio 896;
 - 1.2 Allotment 202 Plan 41613 Certificate of Title Volume 5294 Folio 897;
 - 1.3 Allotment 203 Plan 41613 Certificate of Title Volume 5294 Folio 898; and
 - 1.4 Allotment 204 Plan 41613 Certificate of Title Volume 5294 Folio 899,

(the Original Decisions);
2. notes and considers the submissions made by Dr John Gray for consideration as part of the Council's review of the Original Decisions;
3. notes and considers the submissions made by the Black Point Progress association for consideration as part of the Council's review of the original decisions.

CARRIED 305/2017 (14/11/2017)

RESOLUTION

Moved: Cr Darren Braund

Seconded: Cr Jeffrey Cook

To Reconsider all Information

That Council:

1. in accordance with the Council's Internal Review of a Council Decision Policy review the Original Decisions by:
 - 1.1 reconsidering the following information that was considered by the Council at the time it made the Original Decisions:

- 1.1.1 reports of Director Development Services for the 14 September 2016 Council meeting and attachments;
 - 1.1.2 Community Engagement Report – Revocation of Community Land Classification Black Point Reserve;
 - 1.1.3 Community Engagement Policy;
 - 1.1.4 petition received by the Council at its meeting of 14 December 2016;
 - 1.1.5 reports of Director Development Services for the 8 February 2017 Council meeting and attachments;
 - 1.1.6 presentation to Elected Member Workshop held on 22 March 2017; and
 - 1.1.7 reports of Director Development Services for the 10 May 2017 Council meeting and attachments;
- 1.2 considering the following additional information:
- 1.2.1 email from Ms Greta Lake to the Council dated 22 May 2017;
 - 1.2.2 email from Ms Greta Lake to Norman Waterhouse Lawyers dated 28 July 2017;
 - 1.2.3 submission by the Black Point Progress Association dated 1 August 2017;
 - 1.2.4 submission by Dr John Gray dated 29 August 2017 and attachments;
 - 1.2.5 legal advice received and considered by the Council at this meeting on a confidential basis in accordance with Section 90(3) (h) (i) of the Local Government Act 1999.

CARRIED 306/2017 (14/11/2017)

RESOLUTION

Moved: Cr Naomi Bittner

Seconded: Cr Adam Meyer

Option A for Determining Review Application

1. That Council having considered (including where relevant, reconsidered) the following information:
 - 1.1 deputations made at this meeting;
 - 1.2 reports of Director Development Services for the 14 September 2016 Council meeting and attachments;
 - 1.3 Community Engagement Report – Revocation of Community Land Classification Black Point Reserve;
 - 1.4 petition received by the Council at its meeting of 14 December 2016;
 - 1.5 reports of Director Development Services for the 8 February 2017 Council meeting and attachments;
 - 1.6 presentation to Elected Member Workshop held on 22 March 2017;

- 1.7 reports of Director Development Services for the 10 May 2017 Council meeting and attachments;
- 1.8 Minutes of Council meeting of 10 May 2017;
- 1.9 Internal Review of a Council Decision Policy;
- 1.10 Community Engagement Policy;
- 1.11 email from Ms Greta Lake dated 22 May 2017;
- 1.12 email from Ms Greta Lake dated 28 July 2017;
- 1.13 submissions from Black Point Progress Association dated 1 August 2017;
- 1.14 submissions from Dr John Gray dated 29 August 2017; and
- 1.15 legal advice received and considered by the Council at this meeting on a confidential basis in accordance with Section 90(3) (h) (i) of the Local Government Act 1999,

resolves to:

- 1.16 amend its resolution made at its meeting of 10 May 2017 regarding item 117/2017, namely:

'That Council:

1. *receive the 13 written submissions from authors of the original submissions and the 12 new submissions received from Black Point property owners in response to the extension of the community engagement process for the proposed revocation of community land;*
2. *give approval to proceed with seeking Ministerial approval for the revocation of community land classification over the Council owned property located on Black Point Road, Black Point, being allotment 201, Plan 41613, Certificate of Title Volume 5294 Folio 896;*
3. *authorise the Mayor and Chief Executive Officer to sign and affix Council's common seal to the relevant documents necessary to execute the revocation, transfer of properties and licence',*

by deleting paragraphs 2 and 3;

- 1.17 amend its resolution made at its meeting of 10 May 2017 regarding item 118/2017, namely:

'That Council:

1. *receive the 13 written submissions from authors of the original submissions and the 12 new submissions received from Black Point property owners in response to the extension of the community engagement process for the proposed revocation of community land;*
2. *give approval to proceed with seeking Ministerial approval for the revocation of community land classification over the Council owned property located on Black Point Road, Black Point, being allotment 202, Plan 41613, Certificate of Title Volume 5294 Folio 897;*

3. *authorise the Mayor and Chief Executive Officer to sign and affix Council's common seal to the relevant documents necessary to execute the revocation, transfer of properties and licence',*

by deleting paragraphs 2 and 3;

- 1.18 amend its resolution made at its meeting of 10 May 2017 regarding item 119/2017, namely:

'That Council:

1. *receive the 13 written submissions from authors of the original submissions and the 12 new submissions received from Black Point property owners in response to the extension of the community engagement process for the proposed revocation of community land;*
2. *give approval to proceed with seeking Ministerial approval for the revocation of community land classification over the Council owned property located on Black Point Road, Black Point, being allotment 203, Plan 41613, Certificate of Title Volume 5294 Folio 898;*
3. *authorise the Mayor and Chief Executive Officer to sign and affix Council's common seal to the relevant documents necessary to execute the revocation, transfer of properties and licence',*

by deleting paragraphs 2 and 3;

- 1.19 amend its resolution made at its meeting of 10 May 2017 regarding item 120/2017, namely:

'That Council:

1. *receive the 13 written submissions from authors of the original submissions and the 12 new submissions received from Black Point property owners in response to the extension of the community engagement process for the proposed revocation of community land;*
2. *give approval to proceed with seeking Ministerial approval for the revocation of community land classification over the Council owned property located on Black Point Road, Black Point, being allotment 204, Plan 41613, Certificate of Title Volume 5294 Folio 899;*
3. *authorise the Mayor and Chief Executive Officer to sign and affix Council's common seal to the relevant documents necessary to execute the revocation, transfer of properties and licence',*

by deleting paragraphs 2 and 3.

CARRIED UNANIMOUSLY 307/2017 (14/11/2017)

10 NEXT MEETING

Wednesday 13 December 2017

11 CLOSURE

The Meeting closed at 6.41pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Yorke Peninsula Council held on 13 December 2017.

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Raymond G Agnew OAM
MAYOR