



# **MINUTES**

## **Ordinary Council Meeting**

(Subject to confirmation)

**10 October 2018**

**MINUTES OF YORKE PENINSULA  
COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS , MINLATON TOWN HALL, 57 MAIN STREET,  
MINLATON  
ON WEDNESDAY, 10 OCTOBER 2018 AT 5.30PM**

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

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

**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

**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)

**4 LEAVE OF ABSENCE**

Nil

**5 APOLOGIES**

Cr Tania Stock

**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>	8.1 Motion on Notice – Cr Adam Meyer – Ombudsman SA Ref – 2018/04529
<b>Nature of the Interest (as described by the Member)</b>	Party to complaint re: Cr Stock

<b>Manner in which the Member addressed with the Actual or Perceived Conflict of Interest</b>	I intend to leave the meeting room
<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>	Motion Lapsed for want of a seconder

<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 (Agenda Item #)</b>	8.1 Motion on Notice – Cr Adam Meyer – Ombudsman SA Ref – 2018/04529
<b>Nature of the Interest (as described by the Member)</b>	That I was a party to the complaint to the Ombudsman
<b>Manner in which the Member addressed with the Actual or Perceived Conflict of Interest</b>	I intend to leave the meeting
<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>	Motion lapsed for want of a seconder

5.31pm Mayor Ray Agnew sought leave of the meeting to make a personal explanation.

Leave was granted by the majority of members.

Mayor Ray Agnew requested that his personal explanation be recorded in the minutes.

## RESOLUTION

Moved: Cr Jeffrey Cook

Seconded: Cr David Langford

That the personal explanation from Mayor Ray Agnew be recorded in the minutes.

**CARRIED 268/2018 (10/10/2018)**

## Mayor Ray Agnew – Personal Statement

### **Code of Conduct for Elected Members**

Published by the Minister in the Gazette on 29 August 2013. It applies to all Council Members across Local Government. Refer to Section 63 of the Act.

This Code of conduct is to be observed by all Council Members.

Council Members will make every endeavour to ensure that they have current knowledge of both statutory requirements and best practice relevant to their position.

Council members must:

- Show respect for others if making comments publicly
- Ensure that personal comments to the media or other public comments, on Council decisions and other matters, clearly indicate that it is a private view and not that of the Council.
- Comply with all Council policies, codes and resolutions.
- Endeavour to establish and maintain a respectful relationship with all Council members, regardless of differences of views and opinions
- Not bully or harass other Council members

A Council Member who is of the opinion that a breach of Part 3 of this code (Misconduct) – has occurred must report the breach to the Principal Member of the Council or Chief Executive Officer, the Ombudsman or the Office of Public Integrity.

A failure to report an alleged or suspected breach of Part 3 of this code is in itself a breach under this Part (Behavioural Code).

Any person may make a complaint about a Council Member under the Behavioural Code.

A complaint may be investigated and resolved in any matter which Council deemed appropriate in its process for handling alleged breaches of this part. This can include, but is not limited to: a mediator or conciliator, the Local Government Governance Panel, or an independent investigator.

A failure of a Council Member to comply with the findings of an investigation under part 3 by the Council, may be referred for investigation under part 3.

A breach of the Behavioural Code must be the subject of a report to a public meeting of the Council.

If following investigation under the Council's complaints handling process, a breach of the Behavioural Code by a Council Member is found, the Council may, by resolution:

- Take No action
- Pass a censure motion in respect of the Council Member
- Request a public apology, whether written or verbal

Failure by a Council Member to comply with this part constitutes misconduct. The provision within this Part may refer to statutory matters under the Local Government Act 1999. Any breach of these provisions will be investigated under that legislation.

A report from the Ombudsman that finds a Council Member has breached this Part (Misconduct) of the Code of Conduct must be provided to a public meeting of the Council. The Council must pass resolutions, that give effect to any recommendations received from the Ombudsman, within two ordinary meetings of the Council following the receipt of these recommendations.

## **7 MINUTES OF PREVIOUS MEETING – FOR CONFIRMATION**

### **RESOLUTION**

Moved: Cr John Rich  
Seconded: Cr Darren Braund

That the minutes of the Ordinary Council Meeting held on 12 September 2018 be confirmed.

**CARRIED 269/2018 (10/10/2018)**

**RESOLUTION**

Moved: Cr Alan Headon  
Seconded: Cr Naomi Bittner

That the minutes of the Confidential Council Meeting held on 12 September 2018 at 7.06pm be confirmed.

**CARRIED 270/2018 (10/10/2018)**

**RESOLUTION**

Moved: Cr Scott Hoyle  
Seconded: Cr David Langford

That the minutes of the Confidential Council Meeting held on 12 September 2018 at 7.09pm be confirmed.

**CARRIED 271/2018 (10/10/2018)**

**RESOLUTION**

Moved: Cr David Langford  
Seconded: Cr Veronica Brundell

That the minutes of the Confidential Council Meeting held on 12 September 2018 at 7.11pm be confirmed.

**CARRIED 272/2018 (10/10/2018)**

**RESOLUTION**

Moved: Cr Alan Headon  
Seconded: Cr Jeffrey Cook

That the minutes of the Confidential Council Meeting held on 12 September 2018 at 7.12pm be confirmed.

**CARRIED 273/2018 (10/10/2018)**

Mayor Ray Agnew and Cr Scott Hoyle declared their conflict of interest.

*At 5:37 pm, Cr Scott Hoyle left the meeting.*

*At 5:37 pm, Mayor Ray Agnew left the meeting.*

**RESOLUTION**

Moved: Cr John Rich  
Seconded: Cr Veronica Brundell

That Cr Jeff Cook be appointed as the Chairperson for consideration of the Motion on Notice from Cr Adam Meyer.

**CARRIED 274/2018 (10/10/2018)**

*5.38pm Cr Adam Meyer requested that the meeting move to informal mode to informally discuss the motion on notice prior to him moving the Motion.*

With the approval of 2/3 of the members, the Chairperson declared the meeting would move to informal mode to discuss the LGFA nomination process.

Lengthy discussion ensued on this matter.

6.02pm

## RESOLUTION

Moved: Cr Trevor Davey

Seconded: Cr Naomi Bittner

That Council return to formal mode.

**CARRIED 275/2018 (10/10/2018)**

## 8 MOTIONS ON NOTICE

### 8.1 NOTICE OF MOTION - CR ADAM MEYER - OMBUDSMAN SA REF 2018/04529

#### MOTION

Moved: Cr Adam Meyer

Seconded:

That after considering the letter from the Ombudsman's Office, (reference 2018/04529/0041), dated 25 September 2018, the CEO respond to the letter with;

1. Elected Members didn't receive a copy of the provisional report and were therefore unable to respond to it.
2. The first instance that the Elected Body knew of the report was when it was presented in the Agenda of 12th September 2018.

Council voted to not accept the recommendation of the Ombudsman because:

1. The initial decision of Council that the complaint be deemed by the Elected Body as "trivial".
2. That 9 allegations of the original complaint were subsequently determined as being unfounded.
3. The time that has passed, since the events that caused this investigation and the effect that such a passage of time has had on all parties and the reputation of Council.
4. That this decision is taken in the interest of finalising the matter and restoring trust between Council and the community.
5. The wish to have this matter resolved before the end of the current Council term.
6. That Council had requested Cr Stock to apologise as per the recommendation of the Local Government Governance Panel (LGGP).
7. The Local Government Act, Code of Conduct the recommendation of the LGGP and subsequent Council Motion, doesn't allow the Elected Body to "Demand" an apology and the only reason this matter continued was because the Mayor (without the approval or knowledge of the Councillors) pursued Cr Stock by demanding an apology.

The motion lapsed for want of a seconder

**MOTION LAPSED**

At 6:02 pm, Cr Scott Hoyle returned to the meeting.

At 6:02 pm, Mayor Ray Agnew returned to the meeting.

Cr Jeff Cook vacated the Chair on the return of Mayor Ray Agnew to the meeting and the Mayor resumed the Chair.

## **9 QUESTIONS ON NOTICE**

Nil

## **10 QUESTIONS WITHOUT NOTICE**

Nil

## **11 PETITIONS**

Nil

## **12 MAYOR**

### **12.1 MAYOR'S MONTHLY REPORT SEPTEMBER 2018**

#### **PURPOSE**

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

#### **RESOLUTION**

Moved: Cr Trevor Davey

Seconded: Cr John Rich

That the report be received.

**CARRIED 276/2018 (10/10/2018)**

## **13 COUNCILLORS' REPORT**

Nil

#### **INFORMATION AGENDA**

## **14 ITEMS FOR EXCLUSION**

Cr Rich queried in relation to Agenda Item 16.4 Local Government Elections 2018 – Enrol – Nominate – Vote – Cr Rich raised a point of concern about the low return numbers for people requesting to enrol on the supplementary roll, despite 6,256 letters being sent out to all eligible voters, at considerable cost to Council, only 73 enrolled to vote on the supplementary roll, less than a 1% return.

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

Moved: Cr Alan Headon

Seconded: Cr Veronica Brundell

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

**CARRIED 277/2018 (10/10/2018)**

**20 VISITORS TO THE MEETING**

Nil

**DEBATE AGENDA****21 MAYOR**

Nil

**22 CHIEF EXECUTIVE OFFICER****22.1 ELECTION OF LGFA REPRESENTATIVE BOARD MEMBERS****PURPOSE**

To seek Council's endorsement for nominating their preferred candidates for the Local Government Finance Authority of South Australia (LGFA) Board.

*6.06pm* With the approval of 2/3 of the members, the Mayor declared the meeting would move to informal mode to discuss the LGFA Board elections.

*6.10pm*

**RESOLUTION**

Moved: Cr Trevor Davey

Seconded: Cr David Langford

That Council move back to formal mode.

**CARRIED 278/2018 (10/10/2018)**



**RESOLUTION**

Moved: Cr Trevor Davey

Seconded: Cr Scott Hoyle

That Council nominates John Sanderson and Colin Davies as their preferred candidates to be Representative Members on the Board of the Local Government Finance Authority of South Australia.

**CARRIED 279/2018 (10/10/2018)**

**23 CORPORATE AND COMMUNITY SERVICES****23.1 FINANCIAL REPORT AS AT 30 SEPTEMBER 2018****PURPOSE**

For Council to consider the financial report and capital projects update report as at 30 September 2018.

**RESOLUTION**

Moved: Cr David Langford

Seconded: Cr Scott Hoyle

That Council receive the financial report and capital projects update report as at 30 September 2018.

**CARRIED 280/2018 (10/10/2018)**

**24 ASSETS AND INFRASTRUCTURE SERVICES**

Nil

**25 DEVELOPMENT SERVICES****25.1 DEVELOPMENT PLAN AMENDMENT FUNDING AGREEMENT - REVIEW THE ZONING OF LAND AT EDITHBURGH TO RURAL LIVING****PURPOSE**

To authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal to the developer funded Development Plan Amendment Deed to review the zoning of land at Edithburgh.

**RESOLUTION**

Moved: Cr Alan Headon

Seconded: Cr Naomi Bittner

That Council authorise the Mayor and Chief Executive Office to sign and affix the Common Seal to the Development Plan Amendment Funding Deed to review the zoning of land at Edithburgh.

**CARRIED 281/2018 (10/10/2018)**

**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

**Mr Andrew Cameron**

Advised Council he has received a request from Stansbury Progress Association to purchase decommissioned plant being a roller and a broom – Council are considering a competitive tender for sale of excess plant and equipment and we need to transport the equipment to Adelaide for a public auction, Stansbury Progress Association have indicated their willingness to purchase a roller and a road broom for a combined price of \$1,000. The machinery requires maintenance and repairs and would be made available by Progress for Council use if needed.

**RESOLUTION**

Moved: Cr Veronica Brundell  
Seconded: Cr Darren Braund

That Council accept the offer from Stansbury Progress Association to purchase a second hand roller and road broom for \$1,000 in accordance with Clause 4.7 (Exemptions from Policy) within the PO072 Land and Assets Policy and waive the need for the formal public auction process on this occasion only.

**CARRIED 282/2018 (10/10/2018)**

**Cr Veronica Brundell**

Cr Veronica Brundell sought leave of the meeting, as this is her last Council meeting, to make a personal statement about her service during the past 12 years.

Mayor Ray Agnew advised that leave of the meeting was granted, by the majority of members.

**RESOLUTION**

Moved: Cr Naomi Bittner  
Seconded: Cr John Rich

That Cr Brundell's personal statement be recorded in the minutes.

**CARRIED 283/2018 (10/10/2018)**

**Cr Veronica Brundell – Personal Statement**

As this is my last Council meeting as a Yorke Peninsula Councillor, elected from Innes/Pentonvale Ward, I would like to express my thanks to the electorate, for having the faith in me to represent them and the whole of Yorke area for the last 12 years. I thank the Council staff for their patience in the early days in guiding me through the protocol of being a member and for the guidance of the elder statesmen of Council in welcoming me into their fold. For the most part of the last 12 years it has been extremely rewarding though frustrating at times too.

As to my fellow Councillors who are seeking re-election, I wish you every success and if you are successful that you guide any new members who are elected as you did me in my early days. As to those seeking election as Mayor of this Council may the best man win, though it is a pity that this will see us lose two experienced Councillors in the process. It is in times like this I wish we selected the Mayor/Chairman from the elected body, that being said good luck to you all and it's a shame two of you will join me in leaving.

I hope the new Council and staff will endeavour to work together to assist all our local Progress Associations or similar bodies to the best of their ability and that instead of putting up obstacles for them to climb over that we assist to break down the barriers and make projects happen with more expediency than we do currently. The grass root workers have a fantastic rapport with these groups and try to assist them any way within their means that they can and they are greatly appreciated by them. I would like to see this extend into the higher echelons of Council and start to restore the faith back in our Council with our rate payers and residents.

Thank you to all past and present members of Council who have served with me over the past 12 years. I wish you all the best for a cohesive, successful Council over the next 4 years.

**Cr Trevor Davey**

Advised Council of his ongoing concerns about the volume of rubbish on the roadside of the Port Wakefield Road, this has been an ongoing problem for some time, advised that this is policing matter and it is past time that the appropriate Minister takes some action.

**RESOLUTION**

Moved: Cr Trevor Davey

Seconded: Cr Veronica Brundell

That Council request that the CEO write to the appropriate Minister in relation to the volume of rubbish seeking some action to resolve this ongoing matter.

**CARRIED 284/2018 (10/10/2018)**

**CONFIDENTIAL AGENDA**

**27 CONFIDENTIAL ITEMS**

Nil

**28 NEXT MEETING**

Inaugural Meeting of new Council - Wednesday 28 November 2018 at 5.30pm

**29 CLOSURE**

**The Meeting closed at 6.24pm.**

**The minutes of this meeting were confirmed at the Council Meeting held on 28 November 2018.**

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**MAYOR**



*Yorke Peninsula Council*

**The following Minutes of the Confidential Meetings  
of the Yorke Peninsula Council are  
released and Returned to the Public Record**

11 October 2017 at 5.55pm



# **CONFIDENTIAL MINUTES**

**Council Meeting**

**11 October 2017**

**(Subject to Confirmation)**

**CONFIDENTIAL MINUTES OF COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS , 57 MAIN STREET, MINLATON  
ON WEDNESDAY, 11 OCTOBER 2017 AT 5.55PM**

**WELCOME**

Mayor Ray Agnew OAM welcomed everyone to the meeting and declared the meeting open.

**PRESENT:** Mayor Ray Agnew OAM, Deputy Mayor Scott Hoyle, Cr Naomi Bittner, Cr Darren Braund, Cr Veronica Brundell, Cr Jeffrey Cook, Cr Trevor Davey, Cr Alan Headon, Cr Adam Meyer, Cr John Rich

**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), Luka Honner (Executive Support Officer).

**LEAVE OF ABSENCE**

Nil

**APOLOGIES**

Cr David Langford and Cr Tania Stock

**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.

**26 CONFIDENTIAL ITEMS****26.1 PURCHASE OF TWO (2) PRIME MOVERS WITH SIDE TIPPERS TENDER 174/2017****PURPOSE**

To provide relevant information in support of the recent open tender process for the purchase of two (2) prime movers with side tippers (tender number 174/2017), pursuant to the relevant sections of the Purchasing and Procurement Policy (PO058).

**RESOLUTION**

**Moved:** Cr Trevor Davey

**Seconded:** Cr Scott Hoyle

That Council accept the tender of \$578,984 (GST exclusive) for the purchase of two (2) Isuzu GIGA CXZ Cab Chassis, including optional extras, from CAPEM Pty Ltd T/A North East Isuzu, including the trade-in of \$100,000 (GST exclusive), resulting in a changeover price of \$478,984 (GST exclusive).

**CARRIED 273/2017 (11/10/2017)**



RESOLUTION

Moved: Cr Adam Meyer  
Seconded: Cr Darren Braund


That Council move out of the in camera confidential meeting and return to the public meeting.

**CARRIED 274/2017 (11/10/2017)**

*At 5.57pm the Confidential Meeting closed.*

CLOSURE

The meeting closed at 5.57pm.

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Mayor Ray Agnew OAM  
8 November 2017