



MINUTES

Ordinary Council Meeting

(Subject to confirmation)

14 February 2018

**MINUTES OF YORKE PENINSULA
COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS , MINLATON TOWN HALL, 57 MAIN STREET,
MINLATON
ON WEDNESDAY, 14 FEBRUARY 2018 AT 5.30PM**

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 Trevor Davey, Cr Naomi Bittner, Cr John Rich, Cr Veronica Brundell, Cr Alan Headon, Cr Adam Meyer, Cr Jeffrey Cook, Cr David Langford, Cr Tania Stock.

In Attendance

Andrew Cameron (CEO), David Harding (Director Corporate and Community Services), Trevor Graham (Director Assets and Infrastructure Services), Michael Cartwright (Acting Director Development Services), Jackie Reddaway (Minute Secretary).

4 LEAVE OF ABSENCE

Cr Darren Braund

5 APOLOGIES

Nil

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.

Conflict of Interest – Actual was declared by Deputy Mayor Scott Hoyle in relation to item 21.1 and 26.4.

Conflict of Interest – Actual was declared by Cr Tania Stock in relation to item 21.1 and 26.4

7 MINUTES OF PREVIOUS MEETING – FOR CONFIRMATION

RESOLUTION

Moved: Cr John Rich

Seconded: Cr Alan Headon

That the minutes of the Ordinary Council Meeting held on 17 January 2018 be confirmed.

CARRIED 021/2018 (14/02/2018)

RESOLUTION

Moved: Cr Trevor Davey
Seconded: Cr Jeffrey Cook

That the minutes of the Confidential Council Meeting held on 17 January 2018 at 5.50pm be confirmed.

CARRIED 022/2018 (14/02/2018)

RESOLUTION

Moved: Cr David Langford
Seconded: Cr Adam Meyer

That the minutes of the Confidential Council Meeting held on 17 January 2018 at 5.54pm be confirmed.

CARRIED 023/2018 (14/02/2018)

8 MOTIONS ON NOTICE

Nil

9 QUESTIONS ON NOTICE

Nil

10 QUESTIONS WITHOUT NOTICE

Nil

11 PETITIONS

Nil

12 MAYOR**12.1 MAYOR'S MONTHLY REPORT JANUARY 2018****PURPOSE**

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

RESOLUTION

Moved: Cr Naomi Bittner
Seconded: Cr Trevor Davey

That the report be received.

CARRIED 024/2018 (14/02/2018)

13 COUNCILLORS' REPORT

Nil

INFORMATION AGENDA**14 ITEMS FOR EXCLUSION**

Nil

15 RECEIPT OF INFORMATION REPORTS**15.1 Adoption of Information Agenda****RESOLUTION**

Moved: Cr John Rich

Seconded: Cr Scott Hoyle

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

CARRIED 025/2018 (14/02/2018)

20 VISITORS TO THE MEETING**20.1 Wendy Brusnahan – Port Victoria Progress Association**

5.39pm Mayor Agnew invited Wendy Brusnahan to address the Council in relation to the Port Victoria Caravan Park lease.

Made four (4) key points in relation to the lease proposal.

5.58pm The presentation concluded.

Conflict of Interest declaration

At 5.58pm, Cr Scott Hoyle left the meeting.

At 5:58pm, Cr Tania Stock left the meeting.

DEBATE AGENDA**21 MAYOR****21.1 CODE OF CONDUCT FOR COUNCIL MEMBERS COMPLAINT - PUBLIC****PURPOSE**

To inform the Council of the findings from an investigation undertaken by the Local Government Governance Panel (the Panel) in relation to an alleged breach of the Code of Conduct for Council Members made by Deputy Mayor Cr Scott Hoyle against Cr Tania Stock.

RESOLUTION

Moved: Cr John Rich

Seconded: Cr Jeffrey Cook

That Council:

1. receive the redacted public copy of the Local Government Association Governance Panel Final Report.
2. resolve to adopt the following recommendations made by the Panel, as set out within the Final Report:
 1. that Cr Stock be requested to make a written and verbal public apology for a breach of Clauses 2.2 and 2.9 of the mandatory Code of Conduct for Council Members, in so far as she made comments expressing embarrassment in connection with the Council, within two (2) ordinary meetings of the Council (that is prior to the ordinary Council meeting to be held at the Minlaton Council Chambers on 9 May 2018).
 2. that Council note in the minutes of the relevant ordinary Council at which the apology is given:
 - (i) the lengthy passage of time that has elapsed since this complaint was first raised;
 - (ii) the subsequent stress and strain experienced by both Deputy Mayor Cr Hoyle, and Cr Stock and their families, which both parties expressed to the investigator;
 - (iii) the expenditure of time, effort and money by all parties which could, in respect of future, similar complaints be considered at an early stage for resolution by way of external, independent mediation or conciliation by an appropriately qualified person.
 3. review its Process for Managing Complaints and Breaches under the Code of Conduct for Elected Members to make consideration of mediation or conciliation by an external, independent person a regular step before referral of complaints between Elected Members to the Panel.

CARRIED 026/2018 (14/02/2018)

At 6.00pm, Cr Scott Hoyle returned to the meeting.

At 6.00pm, Cr Tania Stock returned to the meeting.

21 CHIEF EXECUTIVE OFFICER**21.2 STRENGTHENING SOUTH AUSTRALIA'S BLUE ECONOMY****PURPOSE**

To inform Council of The Nature Conservancy Australia's proposal to restore lost oyster reefs along the South Australian coast and to seek Council's support for the proposal.

RESOLUTION

Moved: Cr Naomi Bittner

Seconded: Cr Alan Headon

That Council:

1. support The Nature Conservancy Australia's (TNC) Strengthening South Australia's Blue Economy proposal to restore local oyster reefs for better fishing, cleaner waters and resilient communities.
2. write to all the South Australian Political Parties reinforcing TNC's proposal and Council's commitment to the state's Blue Economy.

CARRIED 027/2018 (14/02/2018)

21.3 BLACK POINT SAND EROSION REPORT**PURPOSE**

To provide Elected Members with the advice and recommendations, in relation to management of the beach, adjacent to the Black Point boat ramp, from Doug Lord of Coastal Environment Pty Ltd who was engaged by the Black Point Progress Association.

RESOLUTION

Moved: Cr Jeffrey Cook

Seconded: Cr John Rich

That the report be received.

CARRIED 028/2018 (14/02/2018)

21.4 BLUE CRAB FISHERY SPATIAL CLOSURE NEGOTIATIONS

PURPOSE

To seek Council support of the RecFish SA proposal for commercial Blue Crab Fishery spatial closures.

RESOLUTION

Moved: Cr John Rich
Seconded: Cr Trevor Davey

That Council:

1. support the RecFish SA proposal for commercial Blue Crab Fishery spatial closures as identified on the Blue Crab Commercial Exclusions Map;
2. write to PIRSA advising of Council's support for RecFish SA and the protection of recreational fishing access.

CARRIED 029/2018 (14/02/2018)

21.5 ELECTED MEMBER ACCESS TO INFORMATION POLICY

PURPOSE

To seek endorsement from Council for the newly developed Elected Member Access to Information Policy.

RESOLUTION

Moved: Cr Jeffrey Cook
Seconded: Cr Naomi Bittner

That Council endorse and adopt the newly developed Elected Member Access to Information Policy for inclusion in Council's Policy Manual.

CARRIED 030/2018 (14/02/2018)

22 CORPORATE AND COMMUNITY SERVICES

22.1 FINANCIAL REPORT AS AT 31 JANUARY 2018

PURPOSE

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

RESOLUTION

Moved: Cr Scott Hoyle
Seconded: Cr David Langford

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

CARRIED 031/2018 (14/02/2018)

22.2 2017/2018 DECEMBER QUARTERLY BUDGET REVIEW**PURPOSE**

To consider and adopt the latest quarterly review of Council's 2017/2018 Budget and associated financial statements, ratios and changes.

RESOLUTION

Moved: Cr Scott Hoyle

Seconded: Cr Trevor Davey

That Council endorse the 2017/2018 December Budget review changes as presented in the attached Summary of Changes, Statement of Comprehensive Income and Uniform of Presentation of Finances and receive the updated Statement of Financial Position, Statement of Cash Flows, Statement of Changes in Equity and Financial Indicators (Ratios).

CARRIED 032/2018 (14/02/2018)

22.3 AUTHORITY TO APPLY COMMON SEAL - ONE LIBRARY MANAGEMENT SYSTEM**PURPOSE**

The purpose of this report is to seek Council's approval to apply the Common Seal to the Deed of Novation and Variation for the contract between Libraries Board of South Australia and Yorke Peninsula Council (Council) for the provision of the South Australian One Library Management System.

RESOLUTION

Moved: Cr Jeffrey Cook

Seconded: Cr Trevor Davey

That Council authorise the Mayor and Chief Executive Officer to sign and affix Council's Common Seal for the execution of the Deed of Novation and Variation for the contract between Libraries Board of South Australia and Yorke Peninsula Council (Council) for the provision of the South Australian One Library Management System.

CARRIED 033/2018 (14/02/2018)

22.4 PINE POINT PROGRESS ASSOCIATION INC. REQUEST FOR EXTRA FUNDING**PURPOSE**

To consider the provision of financial assistance in the amount of \$800 due to stated hardship and as provided within policy PO094 – Annual Progress Association Allocation, to the Pine Point Progress Association Inc. to assist them in meeting their insurance and other costs for 2017/2018.

RESOLUTION

Moved: Cr Scott Hoyle

Seconded: Cr Naomi Bittner

That Council approve a “hardship” contribution of \$800.00 to the Pine Point Progress Association Inc. for the 2017/2018 financial year;

CARRIED 034/2018 (14/02/2018)

22.5 REVOCATION OF COMMUNITY LAND - PINE POINT CARAVAN PARK**PURPOSE****RESOLUTION**

Moved: Cr Trevor Davey

Seconded: Cr Scott Hoyle

That Council:

1. endorse “in principle” support for the Department of Environment, Water and Natural Resources to proceed with the assessment of the proposal for revocation of the dedication over CR 5757/237 to enable the sale of the Pine Point Caravan Park.
2. authorise the Director, Corporate and Community Services to communicate with the Department of Environment, Water and Natural Resources regarding the process and advise Council of the likely outcome.

CARRIED 035/2018 (14/02/2018)

22.6 REVIEW OF COUNCIL'S WAROOKA OFFICE**PURPOSE**

As formally requested by the Elected Body, Yorke Peninsula Council is currently undertaking a series of service level reviews to identify appropriate levels of service and investigate possible organisational efficiencies.

As part of this review, the operations of Council's Warooka Office has been examined and visitation rates over the past year show that there is no longer a reasonable demand justifying the decision to keep this office open. Visitation rates are very low and it is now considered that the only justification to continue current operating hours is "community spirit". The purpose of this report is to seek endorsement to commence community consultation on the possible closure of Council business from the Warooka office.

RESOLUTION

Moved: Cr Scott Hoyle
Seconded: Cr Alan Headon

That Council endorse the commencement of community consultation on the possible closure of Council's Warooka branch office.

CARRIED 036/2018 (14/02/2018)

22.7 REVIEW OF MINLATON OFFICE OPENING HOURS**PURPOSE**

As formally requested by the Elected Body, Yorke Peninsula Council is currently undertaking a series of service level reviews to identify appropriate levels of service and investigate possible organisational efficiencies.

As part of this review the staffing of the Minlaton branch office has been reviewed along with the opening hours which are currently 8.30am to 5.00pm.

RESOLUTION

Moved: Cr David Langford
Seconded: Cr Alan Headon

That Council endorse the commencement of community consultation on the possible change to operating hours of Council's Minlaton branch office.

CARRIED 037/2018 (14/02/2018)

22.8 AUDIT COMMITTEE VACANCY**PURPOSE**

Councillor Stock has advised that she is unable to continue her participation as a Council representative on the Audit Committee.

In accordance with the Audit Committee Terms of Reference, Council is required to appoint an Elected Member as a replacement for Councillor Stock to complete the membership requirements, in accordance with the Audit Committee Terms of Reference which states a requisite of three (3) Elected Members be appointed to the Audit Committee.

RESOLUTION

Moved: Cr Jeffrey Cook

Seconded: Cr Scott Hoyle

That Council appoints Councillor Bittner as a Council Representative to the Audit Committee, in accordance with the Audit Committee Terms of Reference.

CARRIED 038/2018 (14/02/2018)

23 ASSETS AND INFRASTRUCTURE SERVICES**23.1 KERB AND WATER TABLE UPGRADE - ELIZABETH STREET, MAITLAND****PURPOSE**

For Council to consider expenditure to upgrade the kerb and water table infrastructure in Elizabeth Street, Maitland as part of the Upper Yorke Peninsula Regional Road Network Upgrade.

RESOLUTION

Moved: Cr Jeffrey Cook

Seconded: Cr Scott Hoyle

That Council:

1. endorse the required expenditure for kerb and water table upgrades in Elizabeth Street, Maitland (between Kilkerran Terrace and Robert Street);
2. waive the requirement to undertake an open tender process for the works as detailed in this report only; and
3. make a financial contribution of \$10,000 to the pavement rehabilitation project as secured by the Chief Executive Officer.

CARRIED 039/2018 (14/02/2018)

23.2 DRAFT MAJOR PLANT ASSET MANAGEMENT PLAN**PURPOSE**

This report requests Council endorsement and adoption of the draft Major Plant Asset Management Plan.

RESOLUTION

Moved: Cr Trevor Davey

Seconded: Cr Scott Hoyle

That Council endorse and adopt the draft Major Plant Asset Management Plan.

CARRIED 040/2018 (14/02/2018)

23.3 COASTAL MANAGEMENT STRATEGY WORKING PARTY**PURPOSE**

For Council to receive the Minutes of Council's Coastal Management Strategy Working Party meeting held on 17 January 2018.

RESOLUTION

Moved: Cr Alan Headon

Seconded: Cr David Langford

That Council:

1. receive the Minutes of the Coastal Management Strategy Working Party held on 17 January 2018; and
2. considers, during the budget deliberation process, a proposed three (3) year budget of \$60,000 per financial year, to be put in place for the project, commencing in the 2018/2019 financial year.

CARRIED 041/2018 (14/02/2018)

24 DEVELOPMENT SERVICES**24.1 PORT VICTORIA (GULFHAVEN) CARAVAN PARK - COMMUNITY ENGAGEMENT****PURPOSE**

To consider submissions received from the Community Engagement process and advise Elected Members that a valuation of the Port Victoria (Gulfhaven) Caravan Park lease will be undertaken to determine current market value.

RESOLUTION

Moved: Cr David Langford

Seconded: Cr Trevor Davey

That Council receive and consider the written submissions in response to the Community Engagement process for the proposed amendment and renewal term of the lease for the Port Victoria (Gulfhaven) Caravan Park.

CARRIED 042/2018 (14/02/2018)

24.2 PROPOSED DEED OF ASSIGNMENT OF LEASE - PORT VINCENT KIOSK**PURPOSE**

To give consideration to the proposed lease reassignment for the Port Vincent Kiosk (the Kiosk) property.

RESOLUTION

Moved: Cr Scott Hoyle

Seconded: Cr David Langford

That Council:

1. approve the lease reassignment from DNA Enterprises Pty Ltd, to DG Rankine Nominees Pty Ltd, on the same terms and conditions as the current lease over a Part Section of Lot 7, 20 Marine Parade, Port Vincent, Crown Record Volume 5753 Folio 177.
2. authorise the Mayor and Chief Executive Officer to sign and affix Council's seal to the relevant documents necessary to execute the lease assignment documents.

CARRIED 043/2018 (14/02/2018)

24.3 AUTHORISATION TO SIGN LAND MANAGEMENT AGREEMENT**PURPOSE**

The purpose of this report is to seek approval from Council for the Mayor and Chief Executive Officer to execute a Land Management Agreement relating to development at (Section 312) 1084 North Coast Road, Point Souttar.

RESOLUTION

Moved: Cr Trevor Davey

Seconded: Cr Scott Hoyle

That Council authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal on the relevant documents relating to the endorsement of a Land Management Agreement over land described in Certificate of Title Volume 5583 Folio 766 commonly known as 1084 North Coast Road, Point Souttar.

CARRIED 044/2018 (14/02/2018)

24.4 PROPOSED NEW LEASE - JAMES WELL & ROGUES POINT PROGRESS ASSOCIATION INC.**PURPOSE**

The Community Engagement process has now closed for the proposed new lease for the James Well & Rogues Point Progress Association Inc, for the purpose of a community centre and emergency services facilities located at 42 James Well Road, James Well.

RESOLUTION

Moved: Cr Alan Headon

Seconded: Cr Scott Hoyle

That Council:

1. receive and consider the written submissions in response to the Community Engagement process on the proposed new lease for James Well & Rogues Point Progress Association.
2. grant James Well & Rogues Point Progress Association a five year lease with a five year right of renewal, over 42 James Well Road, James Well, Crown Record, Volume 6195 Folio 310; and
3. authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal to the necessary documentation to give effect to this resolution.

CARRIED 045/2018 (14/02/2018)

24.5 POLICY REVIEW AND COMMUNITY ENGAGEMENT - PO049 MOBILE FOOD VENDOR**PURPOSE**

To seek endorsement to undertake a Community Engagement process for the proposed amendments to PO049 Mobile Food Vendor Policy, including of the proposed locations (Location Rules) and fee structure.

RESOLUTION

Moved: Cr David Langford

Seconded: Cr Scott Hoyle

That Council endorse the undertaking of a Community Engagement process for proposed amendments to the PO049 Mobile Food Vendor Policy.

CARRIED 046/2018 (14/02/2018)

24.6 BUSH CAMPING WORKING PARTY MEMBERSHIP**PURPOSE**

Councillor Stock has advised that she is unable to continue her membership on the Bush Camping Working Party. In accordance with the Bush Camping Working Party Terms of Reference, Council is now required to appoint one Elected Member to complete the membership, which states a requirement of (4) Elected Members.

Mr Cartwright thanked Cr Stock for her contribution to the Bush Camping Working Party.

RESOLUTION

Moved: Cr Naomi Bittner

Seconded: Cr Scott Hoyle

That Council appoints Cr Headon to the membership of the Bush Camping Working Party, in accordance with the Bush Camping Working Party Terms of Reference.

CARRIED 047/2018 (14/02/2018)

25 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.

Nil

CONFIDENTIAL AGENDA**26 CONFIDENTIAL ITEMS****26.1 SERVER INFRASTRUCTURE REFRESH TENDER****RESOLUTION**

Moved: Cr David Langford

Seconded: Cr Scott Hoyle

Section 90 Order

That pursuant to Section 90(2) and 90(3)(k) of the Local Government Act 1999, (the Act) the Council orders, that the public be excluded from attendance at the meeting relating to Item 26.1 Server Infrastructure Refresh Tender, with the exception of the following persons:

- Chief Executive Officer
- Executive Assistant to the CEO and Mayor
- Director Corporate and Community Services
- Director Assets and Infrastructure Services
- Acting Director Development Services
- Manager Business and Public Relations

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 Item 26.1 Server Infrastructure Refresh Tender 182/2018 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 048/2018 (14/02/2018)

6.30pm The public were asked to leave and the Chamber secured.

6.31pm RESUMPTION OF PUBLIC MEETING**RESOLUTION**

Moved: Cr Scott Hoyle

Seconded: Cr Naomi Bittner

Section 91 Order

That having considered report Item 26.1 Server Infrastructure Refresh Tender 182/2018 in confidence under Section 90(2) and 90(3)(k) of the Local Government Act 1999 (the Act) the Council, pursuant to Sections 91(7) and 91(9) of the Act orders that the agenda report, attachments, minutes and supporting documentation relevant to report Item 26.1 Server Infrastructure Refresh Tender be retained in confidence and not available for public inspection for a period of 12 months.

CARRIED 051/2018 (14/02/2018)

Released in camera minute

RESOLUTION

Moved: Cr Trevor Davey
Seconded: Cr John Rich

That Council accept the tender from Telstra for supply of server infrastructure hardware (tender number 182/2018) at a price of \$144,364.00 (GST exclusive).

CARRIED 049/2018 (14/02/2018)

26.2 STORMWATER INFRASTRUCTURE INSTALLATION - ARDROSSAN STORMWATER REUSE SCHEME - STAGE FOUR TENDER 179/2017

RESOLUTION

Moved: Cr David Langford
Seconded: Cr Scott Hoyle

Section 90 Order

That pursuant to Section 90(2) and 90(3)(k) of the Local Government Act 1999, (the Act) the Council orders, that the public be excluded from attendance at the meeting relating to Item 26.2 Stormwater Infrastructure Installation – Ardrossan Stormwater Reuse Scheme – Stage Four Tender 179/2017, with the exception of the following persons:

- Chief Executive Officer
- Executive Assistant to the CEO and Mayor
- Director Corporate and Community Services
- Director Assets and Infrastructure Services
- Acting Director Development 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 Item 26.2 Stormwater Infrastructure Installation – Ardrossan Stormwater Reuse Scheme – Stage Four Tender 179/2017 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 052/2018 (14/02/2018)

6.31pm The public were asked to leave and the Chamber secured.

6.37pm RESUMPTION OF PUBLIC MEETING**RESOLUTION**

Moved: Cr Trevor Davey

Seconded: Cr John Rich

Section 91 Order

That having considered report Item 26.2 Stormwater Infrastructure Installation – Ardrossan Stormwater Reuse Scheme – Stage Four Tender 179/2017 in confidence under Section 90(2) and 90(3)(k) of the Local Government Act 1999 (the Act) the Council, pursuant to Sections 91(7) and 91(9) of the Act orders that the agenda report, attachments, minutes and supporting documentation relevant to report Item 26.2 Stormwater Infrastructure Installation – Ardrossan Stormwater Reuse Scheme – Stage Four Tender 179/2017 be retained in confidence and not available for public inspection for a period of 12 months.

CARRIED 055/2018 (14/02/2018)

Released in camera minute

RESOLUTION

Moved: Cr Trevor Davey

Seconded: Cr Scott Hoyle

That Council endorse Geoff Wilde Earthmoving Pty Ltd as the preferred contractor to undertake a varied scope of works for stormwater infrastructure installation for stage four of the Ardrossan Stormwater Reuse Scheme, up to the budget amount of \$160,000 (GST exclusive).

CARRIED 053/2018 (14/02/2018)

26.3 ROADSIDE SPRAYING TENDER 180/2017**RESOLUTION**

Moved: Cr Scott Hoyle

Seconded: Cr Alan Headon

Section 90 Order

That pursuant to Section 90(2) and 90(3)(k) of the Local Government Act 1999, (the Act) the Council orders, that the public be excluded from attendance at the meeting relating to Item 26.3 Roadside Spraying Tender 180/2017, with the exception of the following persons:

- Chief Executive Officer
- Executive Assistant to the CEO and Mayor
- Director Corporate and Community Services
- Director Assets and Infrastructure Services
- Acting Director Development 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 Item 26.3 Roadside Spraying Tender 180/2017 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 056/2018 (14/02/2018)

6.37pm The public were asked to leave and the Chamber secured.

6.39pm RESUMPTION OF PUBLIC MEETING

RESOLUTION

Moved: Cr Veronica Brundell

Seconded: Cr Trevor Davey

Section 91 Order

That having considered report Item 26.3 Roadside Spraying Tender 180/2017 in confidence under Section 90(2) and 90(3)(k) of the Local Government Act 1999 (the Act) the Council, pursuant to Sections 91(7) and 91(9) of the Act orders that the agenda report, attachments, minutes and supporting documentation relevant to report Item 26.3 Roadside Spraying Tender 180/2017 be retained in confidence and not available for public inspection for a period of 12 months.

CARRIED 059/2018 (14/02/2018)

Released in camera minute

RESOLUTION

Moved: Cr Trevor Davey

Seconded: Cr Jeffrey Cook

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

CARRIED 057/2018 (14/02/2018)

Conflict of Interest declaration

At 6.40pm, Cr Tania Stock left the meeting.

At 6.40pm, Cr Scott Hoyle left the meeting.

26.4 CODE OF CONDUCT FOR COUNCIL MEMBERS COMPLAINT**RESOLUTION**

Moved: Cr John Rich
Seconded: Cr Adam Meyer

Section 90 Order

That pursuant to Section 90(2) and 90(3)(a) of the Local Government Act 1999, (the Act) the Council orders, that the public be excluded from attendance at the meeting relating to Item 26.4 Code of Conduct for Council Members Complaint, with the exception of the following persons:

- Chief Executive Officer
- Governance Officer

The Council is satisfied that, pursuant to Section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to Item 26.4 Code of Conduct for Council Members Complaint is confidential information relating to:

(a) 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 060/2018 (14/02/2018)

6.40pm The public were asked to leave and the Chambers secured.

6.45pm RESUMPTION OF PUBLIC MEETING**RESOLUTION**

Moved: Cr Jeffrey Cook
Seconded: Cr David Langford

Section 91 Order

That having considered report Item 26.4 Code of Conduct for Council Members Complaint in confidence under Section 90(2) and 90(3)(a) of the Local Government Act 1999 (the Act) the Council, pursuant to Sections 91(7) and 91(9) of the Act orders that the agenda report, attachments, minutes and supporting documentation relevant to report Item 26.4 Code of Conduct for Council Members Complaint be retained in confidence and not available for public inspection for a period of 12 months.

CARRIED 063/2018 (14/02/2018)

At 6.45pm, Cr Scott Hoyle returned to the meeting.

At 6.46pm, Cr Tania Stock returned to the meeting.

26.5 CHIEF EXECUTIVE OFFICER PERFORMANCE APPRAISAL - CONFIDENTIAL**RESOLUTION**

Moved: Cr Alan Headon
Seconded: Cr Trevor Davey

Section 90 Order

That pursuant to Section 90(2) and 90(3)(a) of the Local Government Act 1999, (the Act) the Council orders, that the public be excluded from attendance at the meeting relating to Item 26.5 Chief Executive Officer Performance Appraisal, with the exception of the following persons:

- Manager People and Culture

The Council is satisfied that, pursuant to Section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to Item 26.5 Chief Executive Officer Performance Appraisal is confidential information relating to:

(a) 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 064/2018 (14/02/2018)

6.49pm The public were asked to leave and the Chambers secured.

6.52pm RESUMPTION OF PUBLIC MEETING**RESOLUTION**

Moved: Cr Alan Headon
Seconded: Cr Trevor Davey

Section 91 Order

That having considered report Item 26.5 Chief Executive Officer Performance Appraisal in confidence under Section 90(2) and 90(3)(a) of the Local Government Act 1999 (the Act) the Council, pursuant to Sections 91(7) and 91(9) of the Act orders that the agenda report, attachments, minutes and supporting documentation relevant to report Item 26.5 Chief Executive Officer Performance Appraisal be retained in confidence and not available for public inspection for a period of 12 months.

CARRIED 067/2018 (14/02/2018)

26.6 CHIEF EXECUTIVE OFFICER - CONTRACT NEGOTIATION - CONFIDENTIAL**RESOLUTION**

Moved: Cr Scott Hoyle
Seconded: Cr Alan Headon

Section 90 Order

That pursuant to Section 90(2) and 90(3)(a) of the Local Government Act 1999, (the Act) the Council orders, that the public and officers be excluded from attendance at the meeting relating to Item 26.6 Chief Executive Officer Contract Negotiation.

The Council is satisfied that, pursuant to Section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to Item 26.6 Chief Executive Officer Contract Negotiation is confidential information relating to:

(a) 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 and discussion confidential, as the disclosure of private information of an individual would be unfair given the matter pertains to employment details that would not be expected to be open, other than by way of ensuring the required legislative disclosures.

CARRIED 068/2018 (14/02/2018)

6.52pm The public were asked to leave and the Chamber secured.

7.28pm RESUMPTION OF PUBLIC MEETING**RESOLUTION**

Moved: Cr John Rich
Seconded: Cr David Langford

Section 91 Order

That having considered report Item 26.6 Chief Executive Officer Contract Negotiation in confidence under Section 90(2) and 90(3)(a) of the Local Government Act 1999 (the Act) the Council, pursuant to Sections 91(7) and 91(9) of the Act orders that the agenda report, attachments, minutes and supporting documentation relevant to report Item 26.6 Chief Executive Officer Contract Negotiation be retained in confidence and not available for public inspection for a period of 12 months except for information ensuring the required legislative disclosures.

CARRIED 072/2018 (14/02/2018)

16 NEXT MEETING

Wednesday 14 March 2018

17 CLOSURE

The Meeting closed at 7.28pm.

The minutes of this meeting were confirmed at the Council Meeting held on 14 March 2018.

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MAYOR RAY AGNEW OAM