



MINUTES

Ordinary Council Meeting

(Subject to confirmation)

11 July 2018

**MINUTES OF YORKE PENINSULA
COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS , MINLATON TOWN HALL, 57 MAIN STREET,
MINLATON
ON WEDNESDAY, 11 JULY 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. He further acknowledged Jenny Oldland was attending her last meeting as the YP Country Times Representative and welcomed Sonny Coombs to that future role.

2 OPENING PRAYER

3 PRESENT

Mayor Ray Agnew OAM, Cr Trevor Davey, Cr John Rich, Cr Veronica Brundell, Cr Darren Braund, Cr Alan Headon, Cr Adam Meyer, 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

Cr Scott Hoyle

5 APOLOGIES

Cr Naomi Bittner, Cr Jeff Cook and 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.

Nil

7 MINUTES OF PREVIOUS MEETING – FOR CONFIRMATION

RESOLUTION

Moved: Cr Alan Headon
Seconded: Cr David Langford

That the minutes of the Special Council Meeting held on 27 June 2018 be confirmed.

CARRIED 173/2018 (11/07/2018)

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 JUNE 2018

PURPOSE

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

RESOLUTION

Moved: Cr John Rich
Seconded: Cr Veronica Brundell
That the report be received.

CARRIED 174/2018 (11/07/2018)

12.2 2018 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT

PURPOSE

To provide Elected Members with an overview from the Mayor of the topics discussed at the National General Assembly held in Canberra in June 2018.

RESOLUTION

Moved: Cr Trevor Davey
Seconded: Cr David Langford
That the report be received.

CARRIED 175/2018 (11/07/2018)

13 COUNCILLORS' REPORT

13.1 CR NAOMI BITTNER - 2018 YORKE PENINSULA TOURISM AWARDS

PURPOSE

To provide Elected Members with a summary of my recent attendance at the 2018 Yorke Peninsula Tourism awards and to share with Council and the community the outstanding results achieved by this Council.

RESOLUTION

Moved: Cr Veronica Brundell

Seconded: Cr John Rich

That the report be received.

CARRIED 176/2018 (11/07/2018)

INFORMATION AGENDA

14 ITEMS FOR EXCLUSION

Nil

15 RECEIPT OF INFORMATION REPORTS

ADOPTION OF INFORMATION AGENDA

RESOLUTION

Moved: Cr Alan Headon

Seconded: Cr David Langford

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

CARRIED 177/2018 (11/07/2018)

16 VISITORS TO THE MEETING

Nil

DEBATE AGENDA

21 MAYOR

Nil

22 CHIEF EXECUTIVE OFFICER**22.1 LOCAL GOVERNMENT ROAD SAFETY STRATEGY AND ACTION PLAN WORKING PARTY****PURPOSE**

To seek an Expression of Interest from Council for membership to a Local Government Association working party for the development of a Local Government Road Safety Strategy and Action Plan.

RESOLUTION

Moved: Cr Trevor Davey

Seconded: Cr John Rich

That Council:

1. endorse submitting an Expression of Interest for Council membership of the Local Government Association's proposed Local Government Road Safety Strategy and Action Plan working party.
2. endorse Councillor Bittner as Council's representative on the LGA Working Party.

CARRIED 178/2018 (11/07/2018)

22.2 CR MEYER - REQUEST FOR REPORT 14/03/2018 - CONTRACTUAL WORKS - NORTH COAST ROAD**PURPOSE**

To provide Council with the outcome of a request for a report on North Coast Road Contractual Works.

RESOLUTION

Moved: Cr Trevor Davey

Seconded: Cr Adam Meyer

That Council:

1. receive the report as presented to this meeting;
2. endorse the findings of the independent external review undertaken by Felice from Norman Waterhouse Lawyers.

CARRIED 179/2018 (11/07/2018)

22.3 SUPPLEMENTARY REPORT TO COUNCIL REPORT "FORMAL ADOPTION OF 2018/2019 BUDGET, PROPERTY VALUATIONS AND DECLARATION OF RATES AND SERVICE CHARGES", ITEM NUMBER 13.2 IN THE AGENDA FOR THE SPECIAL COUNCIL MEETING DATED 27 JUNE 2018

PURPOSE

To rectify an administrative error that was inadvertently included in the Council's rates declaration relating to the Water Supply Scheme Service Charge ("the Service Charge") that was adopted on 27 June 2018.

RESOLUTION

Moved: Cr Trevor Davey

Seconded: Cr John Rich

1. That resolution 167/2018 is revoked.
2. Water Supply Schemes Annual Service Charges

That pursuant to Section 155 of the Local Government Act 1999, the Council imposes service charges for the financial year ending 30 June 2019 as follows on each assessment of rateable and non-rateable land in the following area to which land the Council provides or make available a water supply service:

2.1 Balgowan area	\$199.00
2.2 Black Point area	\$199.00
2.3 Hardwicke Bay area	\$199.00

CARRIED 180/2018 (11/07/2018)

23 CORPORATE AND COMMUNITY SERVICES

Nil

24 ASSETS AND INFRASTRUCTURE SERVICES

24.1 AUTHORISATION TO SIGN ANNEXURE TO GRANT OF EASEMENT

PURPOSE

To seek authorisation from Council for the Mayor and Chief Executive Officer to execute the Annexure to Grant of Easement for the upgrade of electricity supply at Section 289 Hundred of Minlacowie.

RESOLUTION

Moved: Cr Trevor Davey

Seconded: Cr David Langford

That Council authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal on the Annexure to Grant of Easement for the upgrade of electricity supply at Section 289 Hundred of Minlacowie.

CARRIED 181/2018 (11/07/2018)

25 DEVELOPMENT SERVICES

25.1 REVOCATION OF COMMUNITY LAND CLASSIFICATION - ARDROSSAN MUSEUM

PURPOSE

To seek Council approval to revoke the community land classification for Allotment 888, Filed Plan 197449, in the area named Ardrossan, Hundred of Cunningham, commonly known as Ardrossan Museum for the purpose of transferring ownership to Ardrossan Progress Association Inc.

RESOLUTION

Moved: Cr Alan Headon
Seconded: Cr David Langford

That Council:

1. pursuant to Section 194(3)(b) of the Local Government Act 1999, revokes the community land classification over Allotment 888, Filed Plan 197449, in the area named Ardrossan, Hundred of Cunningham, Certificate of Title Volume 5794, Folio 735, commonly known as Ardrossan Museum for the purpose of transferring ownership to Ardrossan Progress Association Inc.
2. authorise the Mayor and Chief Executive Officer to sign and seal any documents in relation to the transfer of the property.

CARRIED 182/2018 (11/07/2018)

25.2 POLICY UPDATE - GUIDELINES FOR CONTROL OF ELECTION SIGNS - FOR FEDERAL, STATE AND LOCAL GOVERNMENT ELECTIONS REFERENDA AND POLLS PO044

PURPOSE

To seek endorsement and approval from Council for the updated PO044 Guidelines for Control of Election Signs – for Federal, State and Local Government Elections Referenda and Polls.

RESOLUTION

Moved: Cr Trevor Davey
Seconded: Cr Alan Headon

That Council endorse and adopt the updated PO044 Guidelines for Control of Election Signs – for Federal, State and Local Government Elections Referenda and Polls Policy for inclusion in Council's Policy Manual and on Council's website.

CARRIED 183/2018 (11/07/2018)

25.3 NEW LEASE AGREEMENTS - MINLATON SPORTING GROUNDS**PURPOSE**

For Council to consider endorsing new lease agreements with the Minlaton Basketball & Netball Club Inc., Minlaton Golf Club Inc., Southern Yorke Peninsula Basketball Club Inc., Minlaton Bowling Club Inc. and Minlaton Tennis Club Inc.

RESOLUTION

Moved: Cr Veronica Brundell

Seconded: Cr Adam Meyer

That Council:

1. endorse new lease agreements with Minlaton Basketball & Netball Club Inc., Minlaton Golf Club, Southern Yorke Peninsula Basketball Club Inc., Minlaton Bowling Club Inc. and Minlaton Tennis Club Inc. located on Sections 291 and 298 in the Hundred of Minlacowie.
2. authorise the Mayor and Chief Executive Officer to sign and seal any documents required to give effect to this lease.

CARRIED 184/2018 (11/07/2018)

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

To endorse the community engagement process for the proposed draft Animal Management Plan.

RESOLUTION

Moved: Cr Trevor Davey

Seconded: Cr Alan Headon

That Council endorse a community engagement process for the proposed amendments to the draft Animal Management Plan.

CARRIED 185/2018 (11/07/2018)

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

Cr Adam Meyer – read out the following personal explanation

"Mr Mayor

I wish to seek leave of the meeting to make a personal explanation in relation to the manner in which the Mayor conducts Council Meetings, including the Council Meeting held on 13 June 2018."

Leave of the meeting was granted by Elected Members unanimously.

“During item 23.4, the Mayor interrupted me. I subsequently continued and the Mayor refused to let me finish.

I raised a Point of order with the Mayor and read out Section 15 (1) of the Local Government (Procedures at Meetings) Regulations 2013. I hadn’t been allowed my 5 minutes.

I did not hear the Mayor respond or make a determination on my Point of Order.

I have raised this issue previously and Council had a Workshop session on 25th October 2017. We reviewed a Power Point presentation on Meeting Procedures and the Mayor apologised to the Elected Body for his previous interruptions.

I have since received feedback from public attendees of the 13 June meeting. The feedback suggested it looked like the Mayor had done this in consultation with the Acting CEO.

I understand that whilst I was speaking, the Mayor spoke with Mr Brooks. I believe Mr Brooks advised against the Mayor interrupting me. I commend Mr Brooks if this is the case.

The Mayor, as our Principal Member is responsible for the correct running of Council meetings. The Mayor has previously; closed a meeting before Members have been invited to return to the chamber, instructed a Member to not address the gallery, instructed a Member to resume their seat, failed to rule on a Point of Order and repeatedly interrupted Elected Members when they are speaking.

I do believe the longitudinal history of continuous interruptions by the Mayor against myself and others breaches the Code of Conduct for Elected Members. I currently haven’t lodged and don’t intend to lodge a Code of Conduct complaint in this matter.

I look forward to the Mayor dealing with this matter appropriately.

I understand a motion is required to have this entered in the minutes. I now seek approval from the Elected Body for the following motion.

That Council receive my personal explanation and that it be recorded as presented in the General Business section of this meeting’s minutes.

Thankyou”

RESOLUTION

Moved: Cr Adam Meyer
Seconded: Cr Trevor Davey

That Council receive my personal explanation and that it be recorded as presented in the General Business section of this meeting’s minutes.

CARRIED 186/2018 (11/07/2018)

5.48pm

CONFIDENTIAL AGENDA

27 CONFIDENTIAL ITEMS

27.1 CONSTRUCTION OF THE POINT TURTON NATURAL PLAYSPACE AND BIKE TRAIL - LEAD CONTRACTOR TENDER 183/2018

RESOLUTION

Moved: Cr Trevor Davey
Seconded: Cr David Langford

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 27.1 Construction of the Point Turton Natural Playspace and Bike Trail - Lead Contractor Tender 183/2018, with the exception of the following persons:

- Chief Executive Officer
- Executive Assistant to CEO and Mayor
- 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 27.1 Construction of the Point Turton Natural Playspace and Bike Trail - Lead Contractor Tender 183/2018, 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 187/2018 (11/07/2018)

5.49pm

RESUMPTION OF PUBLIC MEETING

RESOLUTION

Moved: Cr Alan Headon

Seconded: Cr Darren Braund

Section 91 Order

That having considered report 27.1 Construction of the Point Turton Natural Playspace and Bike Trail - Lead Contractor Tender 183/2018 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 27.1 Construction of the Point Turton Natural Playspace and Bike Trail - Lead Contractor Tender 183/2018 be retained in confidence and not available for public inspection for a period of 12 months.

CARRIED 189/2018 (11/07/2018)

5.49pm

27.2 BITUMEN EMULSION SUPPLY 2018-21 TENDER 185/2018

RESOLUTION

Moved: Cr Adam Meyer

Seconded: Cr David Langford

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 Bitumen Emulsion Supply 2018-21 Tender 185/2018, with the exception of the following persons:

- Chief Executive Officer
- Executive Assistant to CEO and Mayor
- 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 Bitumen Emulsion Supply 2018-21 Tender 185/2018, 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 190/2018 (11/07/2018)

5.52pm

RESUMPTION OF PUBLIC MEETING

Released in Camera Minute

RESOLUTION

Moved: Cr Trevor Davey
Seconded: Cr David Langford

That Council accept the tender of \$155,850 (GST exclusive) from Downer EDI Works Pty Ltd T/A Downer Infrastructure for the supply and delivery of Council's bitumen emulsion for the period 2018-19 to 2020-21.

CARRIED 191/2018 (11/07/2018)

RESOLUTION

Moved: Cr David Langford
Seconded: Cr Alan Headon

Section 91 Order

That having considered report 27.2 Bitumen Emulsion Supply 2018-21 Tender 185/2018 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 Bitumen Emulsion Supply 2018-21 Tender 185/2018 be retained in confidence and not available for public inspection for a period of 12 months.

CARRIED 192/2018 (11/07/2018)

Mr Cameron updated Elected Members on the Rate Capping Legislation due to be considered by all Local Government Agencies at a Special General Meeting of the Local Government Association to be held Friday 13 July 2018 in Adelaide.

Cr Veronica Brundell requested a leave of absence from 6 – 16 August 2018.

28 NEXT MEETING

Wednesday 8 August 2018

29 CLOSURE

The Meeting closed at 6.00pm.

The minutes of this meeting were confirmed at the Council Meeting held on 8 August 2018.

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MAYOR RAY AGNEW OAM