

## OPENING

Mayor Dolling opened the meeting at 7.00pm.

13 members of the public were in the gallery at the commencement of the meeting.

A presentation was received from Kelly-Anne Saffin of Regional Development Australia to provide feedback on the grant funding Expression of Interest application for redevelopment of the Port Broughton Foreshore.

## ATTENDANCE RECORD

Present: Mayor D Dolling, Cr B Rooney, Cr L Kerley, Cr M McDonald, Cr G Rowlands, Cr M Weedon, Cr G Simmons, Cr R Smith, Cr C Axford

Apologies: Nil

Absent: Nil

Staff Present: P Ward - Acting Chief Executive Officer  
F Linke - Manager, Infrastructure Services  
D Brokenshire - Planning Officer  
K Thomas - Personal Assistant

## CONFLICT OF INTEREST PROVISIONS - Nil

## CONFIRMATION OF MINUTES

95 **MOVED:** Cr Kerley

**SECONDED:** Cr McDonald

*"That the Minutes of the Ordinary Meeting of Council held on 9<sup>th</sup> April 2013 be confirmed as printed and supplied, with a change to Motion 83 to read Moved: Cr Rowlands, Seconded Cr McDonald."*

**CARRIED**

## BUSINESS ARISING FROM THE MINUTES - Nil

## DEPUTATIONS - Nil

## MEMBERS REPORTS

### Mayor Dolling

18&19/4/2013	LGA Annual General Meeting and Showcase
17/04/2013	Meeting at RAA re: Risky Roads, Kulpara to Bute Road
25/04/2013	ANZAC Day Dawn Service and March, Port Broughton
30/04/2013	Port Broughton Area School & Community Library Opening "One Card Library Management System"
07/05/2013	Budget Workshop

96 **MOVED:** Cr Kerley

**SECONDED:** Cr McDonald

*"That Council send the letter of support to the RAA regarding the Kulpara to Bute Road as provided."*

**CARRIED**

**Deputy Mayor Rooney**

25/04/2013 ANZAC Day Service and March, Bute  
07/05/2013 Budget Workshop

**Cr Axford**

25/04/2013 Bute 2000 Meeting (now known as Bute Progress Association)  
25/04/2013 ANZAC Day Service and Breakfast, Bute  
07/05/2013 Budget Workshop

**Cr Kerley**

11/04/2013 FOBBS Busy Bee  
16/04/2013 Fishermans Bay Licensee Group meeting with Ministers Darley and Dawkins, and Geoff Brock MP  
17/04/2013 Town Entrance Meeting  
23/04/2013 Barunga Village Board meeting  
25/04/2013 ANZAC Day Dawn Service, Port Broughton  
25/04/2013 ANZAC Day Service (8am), Tickera  
25/04/2013 ANZAC Day March, Port Broughton  
30/04/2013 Port Broughton Area School & Community Library Opening "One Card Library Management System"  
06/04/2013 Port Broughton Progress Association Meeting  
07/05/2013 Budget Workshop

**Cr McDonald**

30/04/2013 Port Broughton Area School & Community Library Opening "One Card Library Management System"  
01/05/2013 Port Broughton District Hospital and Health Services Health Advisory Council meeting  
07/05/2013 Budget Workshop

**Cr Rowlands**

23/04/2013 Barunga Village Meeting  
07/05/2013 Budget Workshop

**Cr Smith**

25/04/2013 ANZAC Day Dawn Service and March, Port Broughton  
07/05/2013 Budget Workshop

**Cr Simmons**

23/04/13 Barunga Village Meeting  
25/04/13 ANZAC Day Dawn Service, Bute  
29/04/13 Bute Sporting Club Meeting  
30/04/2013 Port Broughton Area School & Community Library Opening "One Card Library Management System"  
07/05/13 Yorke Peninsula Community Transport meeting, Maitland  
07/05/13 Budget Workshop

**Cr Weedon**

07/05/2013 Budget Workshop

PETITIONS - Nil

QUESTIONS WITH NOTICE - Nil.

QUESTIONS WITHOUT NOTICE

At the April 2013 Meeting Cr Kerley asked:

How much does it cost each year to mow the three football ovals in the District Council of Barunga West, including cost of mower, mower maintenance, staff wages and fuel for the mower and travelling and what is the estimated amount of time taken out of the staff working year to undertake the mowing.

*The Acting Chief Executive Officer provided the following answer:*

*Council does not split the mowing cost between ovals. The total labour cost for mowing in 2011-12 for Sport & Recreation was \$17,475, which equates to approximately 335 hours. Council has several mowers. The principal mower is the Kubota 2W Ride-on Mower, purchased on June 15 2010 for \$24,042.73 depreciated annually over an 8 year period at a rate of 12.50% per annum with a 20% residual value of \$4,808.55, giving an annual depreciation expense of \$2,404. This mower is also used for parks and gardens and the foreshore. The fuel and maintenance for the mower is costed to minor plant, so I cannot identify those specific costs.*

Cr Kerley asked the following Question in response to answers provided to Questions Without Notice at the May 2013 Council Meeting:

Could the mowing issue be taken to a budget meeting and decision as to whether we continue with mowing the three ovals?

*The Acting Chief Executive Officer advised that the issue would be discussed at the next Budget Workshop.*

At the April 2013 Meeting Cr Kerley asked the following questions. Answers from the Manager, Infrastructure Services are provided in *italics*:

Why did no staff member attend the recent Native Vegetation workshop in Clare on 13th March?

*Council's Works Supervisor attended a Native veg workshop during 2012. The Works Supervisor gives direction to staff when allocating works. This includes guidance in relation to vegetation matters.*

Was this a day when the staff were undertaking their current course?

*No.*

Does the course now being undertaken by outside staff include a Native Vegetation component and is the course relevant to and useful for District Council of Barunga West?

*Yes, there is a subject on Plants, Parks & Gardens and Soils & Media. If other subjects are required there will be an additional cost.*

*The course being undertaken by works staff is called Certificate III in Landscape Construction.*

Is it time we ensured that at least one member of staff attends the Native Vegetation and Coastal Management workshops?

*If training is needed in a specific area of works it will be provided. At this point in time there does not seem to be a specific need for training in Native Vegetation and Coastal Management issues. There is also plenty of outlets to source specific information when required.*

Cr Kerley asked the following Question in response to answers provided to Questions Without Notice at the May 2013 Council Meeting:

Will there be plans for staff to engage in native vegetation training in line with the Roadside Vegetation Management Plan?

*The Manager Infrastructure Services advised that staff will be trained in native vegetation as and when necessary, in line with other training required by outside workers.*

At the April 2013 Meeting Cr Kerley asked:

Legally, who should police our bylaws and can it be explained at the next meeting how our bylaws work and how fines are set and managed for these bylaws?

*The Planning Officer provided the following answer:*

*By-Laws are local laws established by South Australia Councils to deal with issues specific to the relevant council area. The Council has the ability to make By-laws under the Local Government Act 1999 which are within the contemplation of the Act (or another act), or that relate to a matter in relation to which the making of By-laws is authorised by the Regulations (or another Act).*

*The Local Government Act 1999, sets out the purposes for which a council may make a By-law, which includes the prevention of nuisances and controlling of animals.*

*At its meeting held on 8th June 2010, the District Council of Barunga West adopted six (6) new By-laws to apply. They relate to Permits and Penalties, Local Government Land, Roads, Moveable Signs, Dogs and Cats.*

*Council can appoint authorised persons to enforce by-laws. Penalties are advised within the Local Government Act 1999.*

Cr Kerley asked the following Question in response to answers provided to Questions Without Notice at the May 2013 Council Meeting:

*Have any of our bylaws been policed in the past and when will we start to police them?*

*The question was taken on notice for answer at the next Council meeting.*

At the April 2013 Meeting Cr Kerley asked when an 'in camera' discussion and decision is finally released, how is the public made aware of the release?

*The Acting Chief Executive Officer's Executive Assistant provided the following answer:*

*Pursuant to Section 132 of the Local Government Act 1999, relevant documents are released via the Council website.*

*A specific section is set up at the Council Minutes webpage advising of the release date, and all documents are listed below.*

*Copies of documents are also available from the Council office. Details of the relevant Minutes can be ascertained from the Council Minutes that confirm their release.*

At the April 2013 Meeting Cr Kerley asked when will the windows in the hall be replaced?

*The Manager, Infrastructure Services provided the following answer:*

*It is difficult to get a price to fix these windows as I am advised there are many variables; Scaffolding is required to gain access to the windows inside so an assessment can be made of the windows (cost), a hydraulic lifting platform able to reach over the verandah is required to assess the outside (cost), they are guessing that the frames are ceased and not repairable and that's why the windows are cracked which means complete new window frames are required, they are guessing that the window frames have been rendered over which could mean a renderer may be required. To get accurate pricing council will need to spend money on equipment to gain access to the windows and coordinate glass companies to be on site at the time of hiring equipment.*

At the April 2013 Meeting Cr Kerley asked:

Are there any old Port Broughton photos in storage that the Progress Association could hang in the foyer of the Port Broughton Town Hall?

*The Acting Chief Executive Officer's Executive Assistant provided the following answer:*

*Council does not have any old Port Broughton photos in storage.*

At the April 2013 Meeting Cr Kerley asked the following questions. *Answers from the Acting Chief Executive Officer and Manager Infrastructure Services are provided in italics:*

Is it correct that a 'boardwalk' must be installed to enable handicapped access to the new public toilets at the skate park?

*No.*

Why was the toilet placed in such an obscure, inaccessible position?

*We do not consider it obscure or inaccessible. The oval and court area, the skate park and tourist information bay are public places able to be used by the general public. Unless there is a function at the oval there were no toilet facilities available.*

Was there not enough fall to the CWMS on the western side of the park?

*There was sufficient fall on the western side.*

What will be the added cost of an access boardwalk?

*Council will install a stepped path.*

Was the toilet placed specifically in the current position so it could be accessed by the sporting facility users and if so will they be responsible for cleaning the toilets after a busy day or training night at the oval and courts.

*No it was not, it was placed there, as requested by Elected Members, to provide a public toilet at the skate park. Council cannot stop anyone from using a public toilet. Council will be responsible for the cleaning of the toilet.*

Cr Kerley asked the following Question in response to answers provided to Questions Without Notice at the May 2013 Council Meeting:

1. When did Council agree that the skate park toilet would go on a hill?  
*The Manager, Infrastructure Services advised that placement of a toilet is not an issue for Elected Members.*
2. If it wasn't a decision made by councillors, then who made the decision?  
*The Manager, Infrastructure Services advised that the location was chosen after consideration of a number of factors, including the location of the old toilets, and the fact that they were heavily vandalised and had to be bulldozed, and that the current location is central to users of the skate park, oval and information bay, and would provide maximum use.*
3. Could the current timber hand rail be replaced with a rail which is safe and useable?  
*The Manager, Infrastructure Services advised that the replacement of the hand rail had been considered, and will be replaced.*
4. Will the toilet block surroundings and steps require paving when the area becomes muddy in winter or a dustbowl in summer?  
*The Acting Chief Executive Officer advised that he does not know at this stage, and would provide an answer at the next Council meeting.*  
*Cr Rowlands and the Acting Chief Executive Officer advised Cr Kerley that the intent of the toilets was to provide a facility for young users of the skate park, it was not intended as a disabled toilet for the infirm or elderly.*

At the April 2013 Meeting Cr Kerley asked:

Was the groundwork undertaken by council as a prelude to the installation of the playground at the oval, paid for by council or the playground committee?

*The Acting Chief Executive Officer provided the following answer:*

*The groundwork was paid for by the playground committee. Council did deliver sleepers from the Works Depot. Cr McDonald advised that all ground work prior to the installation of the playground was completed by Aitchison Earthmoving, and was a donation to the Broughton Mundoora Netball Club.*

At the April 2013 Meeting Cr Kerley asked:

As Council is receiving many requests for in-kind support from sporting clubs and other groups in the district, should council have a policy of supporting in-kind at a percentage of the cost of the club's project or a blanket, no in-kind support at all?

*The Acting Chief Executive Officer and Manager Infrastructure Services provided the following answer:*

*Council reviews the community group policy each year. It is difficult to define a blanket in-kind policy for community groups, given the difference in scope of proposed projects. Perhaps council needs to consider what is a public space which can be used/accessed by the general public at no cost and what is a commercial venture, restricted to paid up members.*

Cr Kerley:

At the completion of the work being undertaken by our council employees on the Wallaroo/Spencer Highway passing lane could councillors be provided with the profit or loss of the project and if equipment was hired, the cost of hiring that equipment to undertake the job?

*The Acting Chief Executive Officer advised a report will be prepared upon completion of the job.*

Cr Kerley:

Can Council please take action to tidy the palm trees at the town entrance, send a letter to the Port Broughton Hospital requesting removal of the dead trees on the hospital grounds, and approach the Port Broughton Hospital and Barunga Village to repair their respective fences.

*The Acting Chief Executive Officer advised that he would follow this up.*

#### MOTIONS WITH NOTICE - Nil

#### MOTIONS WITHOUT NOTICE - Nil.

#### ADOPTION OF COMMITTEE REPORTS

##### 13.1 Bushfire Prevention Committee Meeting - 23<sup>rd</sup> April 2013

**97** **MOVED:** Cr McDonald **SECONDED:** Cr Smith

*"That Council accept the Minutes from the Bushfire Prevention Committee meeting held 23<sup>rd</sup> April 2013 with the alteration to include after the sentence, "Port Broughton CFS has a new tanker for water supply. Spencer Group own the water tanker and it is housed at Crystal Brook".*

**CARRIED**

#### COUNCIL BUSINESS – OFFICER'S REPORTS

##### 14.1 ACTING CHIEF EXECUTIVE OFFICER – PETER WARD

**98** **MOVED:** Cr Kerley **SECONDED:** Cr Simmons

*"That the Report from the Acting Chief Executive Officer for the May meeting be received and noted."*

**CARRIED**

14.1.1 National General Assembly of Local Government  
Noted.

14.1.2 Emerging Leaders Program - Local Government Managers Association (LGMA)  
Noted.

14.2 FINANCE REPORT- ACTING CHIEF EXECUTIVE OFFICER – PETER WARD

99 **MOVED: Cr Rowlands** **SECONDED: Cr Weedon**  
*"That the Finance Report from the Acting Chief Executive Officer for the May meeting be received and noted."*  
**CARRIED**

14.2.1 Community Group Funding

100 **MOVED: Cr McDonald** **SECONDED: Cr Rowlands**  
*"That:*  
1. *The allocation for Community Funding be amended to provide a total of \$25,000 to the 7 Progress Associations on a percentage pro-rata basis as per the rate revenue raised in their area;*  
2. *That a further \$30,000 be allocated for community grants up to \$5,000, open to any group in the council district, to be decided by Elected Members at the October 2013 meeting; and*  
3. *That Council staff draft a community grant policy that specifically defines criteria for allocation of funds and the decision making process."*  
**CARRIED**

14.2.2 LGFA Loan

101 **MOVED: Cr Rooney** **SECONDED: Cr Smith**  
*"That Council obtains funds in the amount of \$400,000 in the form of a Debenture Loan from the Local Government Finance Authority of SA, for a term of 5 years, at the current interest rate, for the purposes of a purchase of various items of plant and machinery. The loan will settle on May 15 2013 and the Mayor and Chief Executive Officer are authorised to sign, under Council Seal, all documentation associated with the Debenture settlement.*  
**CARRIED**

14.3 REPORT TO COUNCIL - MANGER INFRASTRUCTURE SERVICES - FRED LINKE

102 **MOVED: Cr Kerley** **SECONDED: Cr McDonald**  
*"That the Report from the Manager, Infrastructure Services for the May meeting be received and noted.*  
**CARRIED**

14.3.1 Request for Tree Removal

- 103 **MOVED: Cr McDonald** **SECONDED: Cr Kerley**  
*"That Council totally remove the trees in question located adjacent Number 41 Harvey Street, Port Broughton."*  
**CARRIED**

14.3.2 Bushfire Prevention Committee  
Refer to item 13.1.

14.3.3 Land for Stormwater - Railway Terrace, Bute

- 104 **MOVED: Cr Axford** **SECONDED: Cr Kerley**  
*"That:*  
  - Council accept the proposal from Viterra to lease a section of their land at Bute adjacent Railway Terrace for stormwater purposes at a cost of \$50.00 per annum.*
  - These works be considered during budget deliberations for inclusion in the 2013-14 financial year budget."***CARRIED**

14.3.4 Department of Planning, Transport & Infrastructure Works  
Noted.

14.3.5 Advice of intending works - SA WATER  
Noted.

14.3.6 Request for turn out lane - Hawk Crescent

- 105 **MOVED: Cr Kerley** **SECONDED: Cr McDonald**  
*"That Council reply to the request advising that both the Department of Planning, Transport & Infrastructure and Council do not support the installation of a turn out lane from Hawk Crescent."*  
**CARRIED**

14.3.7 Request for turn out area - Fishermans Bay Road

- 106 **MOVED: Cr Smith** **SECONDED: Cr Rooney**  
*"That council supply and provide material to repair the turnout area adjacent to the southern side of 141 Fishermans Bay Road."*  
**CARRIED**



14.3.8 Tickera Road Re-naming

- 107 **MOVED: Cr Rowlands** **SECONDED: Cr Rooney**  
*"That Coast Terrace at Tickera be renamed The Esplanade."*  
**CARRIED**

14.3.9 Tickera Boating Facility - Development Strategy

- 108 **MOVED: Cr Rowlands** **SECONDED: Cr Simmons**  
*"That:*  
1. *Council accept the report as provided by Coppock & Associates Pty Ltd in relation to the Tickera Boating Facility; and*  
2. *That the report be provided for public comment."*  
**CARRIED**

14.3.10 Port Broughton Town Hall Windows

- 109 **MOVED: Cr Rowlands** **SECONDED: Cr Axford**  
*"If required Council pay the cost to get a quote to repair the Port Broughton Town Hall windows."*  
**CARRIED**

14.3.11 Roadside Vegetation Management Plan

This item was deferred to the June Council meeting for further consideration.

14.3 REPORT TO COUNCIL - PLANNING OFFICER - DEB BROKENSHIRE

- 110 **MOVED: Cr Axford** **SECONDED: Cr Simmons**  
*"That the Report from the Planning Officer for the May meeting be received and noted."*  
**CARRIED**

14.4.1 Port Broughton Harbour  
Noted.

14.4.2 Tickera Community & Recreation Association Inc

- 111 **MOVED: Cr Kerley** **SECONDED: Cr Simmons**  
"1. *That the Council grant permission to the Tickera Community & Recreation Association Inc to install the second hand playground equipment adjacent to the Tickera Community Centre.*  
2. *That the Tickera Community & Recreation Association Inc ensure the playground equipment and installation meets all required standards and regulations upon completion.*  
**CARRIED**

14.4.3 Collection of Fallen Timber from Roadsides

**MOVED: Cr Rowlands**

**SECONDED: Cr Kerley**

1. *That council cease issuing permits to collect fallen timber from roadsides from 1st January 2014.*
2. *That the Roadside Vegetation Management Plan reflects the collection of fallen timber and firewood from roadside reserves is only permitted to circumstance of emergency and safety reasons and that such removal adheres to the following provisions:*
  - *Dead wood collected is for private use only and not for resale,*
  - *The dead wood collected must be fallen dead wood and not contain hollows (which can be used as shelter by wildlife),*
  - *Use of mechanical saws is prohibited during periods of the fire danger season,*
  - *Mechanical saws shall not be used adjacent to paddocks containing any stock,*
  - *Avoid removal of dead wood from roadsides with higher quality vegetation, eg. Cat A, B, and C to avoid damaging habitat for wildlife (ie. reptiles, etc) and small native plants that may be sheltered by the fallen timber (fallen timber may protect small plants physically from grazing by rabbits/kangaroos etc, and also provide optimal conditions for survival – darker and moister micro-habitat), and*
  - *When removing dead wood from roadsides, care must be taken to avoid damaging the surrounding native vegetation.*
  - *Substantial penalties may be imposed for the breach of these conditions. "*

**THE MOTION WAS LOST.**

**112 MOVED: Cr Smith**

**SECONDED: Cr Weedon**

1. *That the Roadside Vegetation Management Plan reflect that firewood/fallen timber be collected and the following provisions apply*
  - *Dead wood collected is for private use only and not for resale,*
  - *The dead wood collected must be fallen dead wood and not contain hollows (which can be used as shelter by wildlife),*
  - *Use of mechanical saws is prohibited during periods of the fire danger season,*
  - *Mechanical saws shall not be used adjacent to paddocks containing any stock,*
  - *Avoid removal of dead wood from roadsides with higher quality vegetation, eg. Cat A, B, and C to avoid damaging habitat for wildlife (ie. reptiles, etc) and small native plants that may be sheltered by the fallen timber (fallen timber may protect small plants physically from grazing by rabbits/kangaroos etc, and also provide optimal conditions for survival – darker and moister micro-habitat), and*
  - *When removing dead wood from roadsides, care must be taken to avoid damaging the surrounding native vegetation.*
  - *Substantial penalties may be imposed for the breach of these conditions.*
2. *That a policy for permits be drafted and presented at the next Council meeting for consideration."*

**CR ROWLANDS MOVED AN AMENDMENT TO THE MOTION:**

**MOVED: Cr Rowlands**

**SECONDED:**

*"1. That the Roadside Vegetation Management Plan reflect that firewood/fallen timber be collected and the following provisions apply*

- Dead wood collected is for private use only and not for resale,*
- The dead wood collected must be fallen dead wood and not contain hollows (which can be used as shelter by wildlife),*
- Use of mechanical saws is prohibited during periods of the fire danger season,*
- Mechanical saws shall not be used adjacent to paddocks containing any stock,*
- Avoid removal of dead wood from roadsides with higher quality vegetation, eg. Cat A, B, and C to avoid damaging habitat for wildlife (ie. reptiles, etc) and small native plants that may be sheltered by the fallen timber (fallen timber may protect small plants physically from grazing by rabbits/kangaroos etc, and also provide optimal conditions for survival – darker and moister micro-habitat), and*
- When removing dead wood from roadsides, care must be taken to avoid damaging the surrounding native vegetation.*
- Substantial penalties may be imposed for the breach of these conditions. "*

**CR ROWLANDS WITHDREW THE AMENDMENT.**

**THE ORIGINAL MOTION WAS PUT AND CARRIED**

**Fred Linke and Deb Brokenshire left the meeting at 9.15pm**

### **CONFIDENTIAL ITEMS**

#### **15.1 2013-2014 DRAFT BUDGET**

**113 MOVED: Cr Rowlands**

**SECONDED: Cr Smith**

*"That pursuant to Sections 90(2) of the Local Government Act 1999 the Council orders that all persons, except Mr Peter Ward, Acting Chief Executive Officer, and Ms Kim Thomas, Minute Taker, be excluded from attendance at the meeting for Confidential Item 15.1 2013-2014 Draft Budget. The Council is satisfied that pursuant to Sections 90(3)(b) of the Act the consideration of issues relating to the Confidential Item 15.1 2013-2014 Draft Budget, is information the disclosure of which could reasonably be expected to prejudice the commercial position of the Council. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances."*

**CARRIED**

**114 MOVED: Cr Rowlands**

**SECONDED: Cr Weedon**

*"That having considered Confidential Agenda Item 15.1 2013-2014 Draft Budget, in confidence under Sections 90(2) and 90(3)(b) of the Local Government Act 1999, the Council, pursuant to Section 91(7) of that Act orders that any information and Minutes relating to that item, be retained in confidence for a period of twelve months, or such lesser period as may be determined by the Chief Executive Officer."*

**CARRIED**

15.2 BROUGHTON BAYSIDE CARAVAN PARK

115 **MOVED: Cr McDonald**

**SECONDED: Cr Kerleys**

*That pursuant to Sections 90(2) of the Local Government Act 1999 the Council orders that all persons, except Mr Peter Ward, Acting Chief Executive Officer, and Ms Kim Thomas, Minute Taker, be excluded from attendance at the meeting for Confidential Item 15.2 Broughton Bayside Caravan Park.*

*The Council is satisfied that pursuant to Sections 90(3)(d) of the Local Government Act 1999, the information to be received, discussed or considered in relation to this Agenda Item is 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.*

*The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances."*

**CARRIED**

116 **MOVED: Cr Simmons**

**SECONDED: Cr Weedon**

*"That having considered Confidential Agenda Item 15.2 Broughton Bayside Caravan Park, in confidence under Sections 90(2) and 90(3)(d) of the Local Government Act 1999, the Council, pursuant to Section 91(7) of that Act orders that any information and Minutes relating to that item, be retained in confidence for a period of twelve months, or such lesser period as may be determined by the Chief Executive Officer."*

**CARRIED**

15.3 BUTE LICENSED POST OFFICE & PORT BROUGHTON RTC

117 **MOVED: Cr McDonald**

**SECONDED: Cr Kerley**

*"That pursuant to Sections 90(2) of the Local Government Act 1999 the Council orders that all persons, except Mr Peter Ward, Acting Chief Executive Officer, and Ms Kim Thomas, Minute Taker, be excluded from attendance at the meeting for Confidential Item 15.3 Bute Licensed Post Office & Port Broughton RTC.*

*The Council is satisfied that pursuant to Sections 90(3)(b) of the Act the consideration of issues relating to the Confidential Item 15.3 Bute Licensed Post Office & Port Broughton RTC, is information the disclosure of which could reasonably be expected to prejudice the commercial position of the Council.*

*The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances."*

**CARRIED**

118 **MOVED: Cr Weedon**

**SECONDED: Cr McDonald**

*"That having considered Confidential Item 15.3 Bute Licensed Post Office & Port Broughton RTC, in confidence under Sections 90(2) and 90(3)(b) of the Local Government Act 1999, the Council, pursuant to Section 91(7) of that Act orders that any information and Minutes relating to that item, be retained in confidence for a period of twelve months, or such lesser period as may be determined by the Chief Executive Officer."*

**CARRIED**

15.4 LEGAL PROCEEDINGS

119 **MOVED: Cr Kerley**

**SECONDED: Cr Rowlands**

*"That pursuant to Sections 90(2) of the Local Government Act 1999 the Council orders that all persons, except Mr Peter Ward, Acting Chief Executive Officer and Ms Kim Thomas, Minute Taker, and be excluded from attendance at the meeting for Confidential Agenda Item 15.4 Legal Proceedings.*

*The Council is satisfied that pursuant to Sections 90(3)(i) of the Act that the consideration of issues relating to the Confidential Agenda Item 15.4 Legal Proceedings is information relating to actual litigation.*

*The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances."*

**CARRIED**

120 **MOVED: Cr Rowlands**

**SECONDED: Cr Weedon**

*"That having considered Confidential Agenda Item 15.4 Legal Proceedings in confidence under Sections 90(2) and 90(3)(i) of the Local Government Act 1999, the Council, pursuant to Section 91(7) of that Act orders that any information and Minutes relating to that item, be retained in confidence for a period of twelve months, or such lesser period as may be determined by the Chief Executive Officer."*

**CARRIED**

121 **MOVED: Cr Rowlands**

**SECONDED: Cr Smith**

*"That the June Council meeting be moved to 4<sup>th</sup> June 2013 due to a prior Council engagement of the Mayor, Deputy Mayor and Acting Chief Executive Office on 11<sup>th</sup> June 2013.."*

**CLOSURE**

The Mayor declared the meeting closed at 9.58pm.

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Cr Dean Dolling  
Mayor, District Council of Barunga West