

**MINUTES OF THE ORDINARY MEETING OF THE
DISTRICT COUNCIL OF BARUNGA WEST
HELD AT THE BUTE COUNCIL CHAMBERS
ON 12TH AUGUST 2008 AT 7.00PM**

1.0 PRESENT:

Cr I Burgess (Deputy Mayor), Cr M McDonald, Cr T Schkabaryn, Cr B Rooney, Cr G Simmons, Cr L Kerley, Cr M Weedon, Cr S Ireland, Cr. R. Smith, N Hand (District Manager), M Marziale (Manager – Environmental Services), R Linke (Works Manager), L Jolly (Manager – Finance & Administration) and Ms C Hewett (Minutes Secretary)

2.0 APOLOGIES AND LEAVE OF ABSENCE:

2.1 Leave of Absence

Mayor Dolling was granted Leave of Absence at the July meeting of Council.

2.2 Apologies

3.0 CONFLICT OF INTEREST PROVISIONS

Cr Ireland declared a conflict of interest regarding the ABB/Minister of Transport Land division proposal- Refer Item 11.4.9

Cr Schkabaryn declared a conflict of interest regarding the Fisherman's Bay Progress Association - Refer Item 11.1.10

4.0 CONFIRMATION OF COUNCIL MINUTES

4.1 Ordinary Meeting – 8th July 2008

Cr. Schkabaryn moved, Cr. Rooney seconded

“That the minutes of the Ordinary Meeting of Council held on 8th July 2008 be confirmed as printed and supplied.”

CARRIED

5.0 BUSINESS ARISING FROM THE COUNCIL MINUTES

5.1 A public meeting regarding the future of the Tickera Boat Ramp Sea Wall was held on Thursday 7th August 2008 (refer Manager-Works report).

5.2 Barunga Village has acknowledged our request for a contribution (\$8,500) for the sealing costs for the portion of Dale Road from the Kadina Road to the entrance.

6.0 DEPUTATIONS

6.1 Mr. R. Lewis & Mrs. B. Aslin - Refer Item 11.1.10

7.0 MEMBERS REPORTS

Cr ROONEY

Nil

Cr SMITH

9th July – Road Safety meeting

Cr McDONALD

16th July – Pt Broughton District Hospital & Health Services Health Advisory Council meeting

4th August – Port Broughton Area School Governing Council meeting

7th August – Public Meeting Tickera

Cr SCHKABARYN

29th July-1st August – Zero Waste conference Adelaide

2nd August – Fisherman’s Bay Progress Association

7th August – Public Meeting Tickera

8th August – CRLG AGM Ardrossan

Cr SIMMONS

15th July – Barunga Village building meeting

22th July – Barunga Village Governance training

22nd July – Barunga Village meeting

24th July – Barunga Village Architect meeting in Adelaide

28th July – Bute Sporting Club AGM

29th July – Barunga Village Building meeting

12th August – Barunga Village Building meeting

Cr WEEDON

1st August – Meeting with SP Hay

7th August – Public Meeting Tickera

Cr BURGESS

7th August – Public Meeting Tickera

Cr KERLEY

Nil

Cr IRELAND

7th August – Public Meeting Tickera

8.0 PETITIONS OR MEMORIALS

No Petitions were received for consideration by the Council.

9.0 QUESTIONS WITH NOTICE

9.1 Cr. Kerley

Asked questions in regards to the future of the land currently utilised by the Port Broughton Scout Group.

The Questions related to

- Affordable Housing Program
- Other land which could be purchased
- Prime land should be kept for other community programs

10.0 QUESTIONS WITHOUT NOTICE

10.1 Cr McDonald

Enquired about the bike racks that used to be situated adjacent to the jetty and also in front of the café, and which were removed when the footpaths were paved. Presently there are no bike racks in the town. Agreed for this to be taken to the next Works Committee meeting

Enquired if a red and white handrail could be placed in front of the new Chemist shop to assist the elderly to step up onto the footpath. Agreed for the Manager – Works to review this request.

10.2 Cr. Kerley

Enquired to the availability of additional pedestrian/bicycle/gopher paths. The District Manager advised that a grant application for paths had been made for the Kadina Road from Barunga by the Sea, and that Council has to assess priorities for footpaths and bicycle tracks.

11.0 COUNCIL BUSINESS – Managers Reports

11.1 District Manager’s Report

Cr. Weedon moved, Cr Schkabaryn seconded,
“That the District Manager’s Report for the August 2008 meeting be received and noted.”

CARRIED

11.1.1 South Australian Country Health Plan

A submission was forwarded on behalf of the State Government in regards to the proposed Country Health Plan.

11.1.2 SP Hay – Fire

A report was given on the large fire at SP Hay at Paskeville.

11.1.3 Broughton Bayside Caravan Park

Cr. Schkabaryn moved, Cr. Kerley seconded
“That the Council endorse the actions of the District Manager in arranging for the installation of new water pipe at Broughton Bayside Caravan Park, with the lessees being responsible for the cost of materials for the project (excluding the cost of the proposed fire reels).

CARRIED

11.1.4 Affordable Housing

A report was given on the Affordable Housing Program of the State Government.

11.1.5 Port Broughton Scouts – Lease

A report was given on the process required for resuming the land currently leased by the Scouts Australia, at Port Broughton.

11.1.6 Bute Women's & Children's Auxiliary

A request has been received from the Auxiliary for improvements to the Bute Hall.

Cr Ireland moved Cr Rooney seconded

“That Council inspects the Bute Hall at the next Works and Infrastructure Committee meeting, to be held on 2nd September 2008.”

CARRIED

11.1.7 Bute 2000 Onwards – Display Sheds

Cr. Smith moved, Cr. Rooney seconded

“That Council inspect the area proposed for the Display Shed by Bute 2000 Onwards Committee prior to granting consent to the project, and that this inspection be held at the next Works and Infrastructure Committee meeting, to be held on 2nd September 2008.”

CARRIED

11.1.8 Messrs G & H Rowlands - Bay Street

Cr. Kerley moved, Cr. McDonald seconded

“That the Works Manager be authorised to consult and negotiate with Messrs G & H Rowland for an extended footpath area, (larger than 1 metre) in front of the Palate 2 Palette Restaurant in Bay Street Port Broughton, and for such negotiations to include appropriate safety measures, and the requirement for an appropriate lease agreement.”

CARRIED

Cr. Smith moved, Cr. Schkabaryn seconded

“That Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all persons present, with the exception of the District Manager (Nigel Hand), Manager – Finance and Administration (Blue Jolly), Manager – Works (Fred Linke), Manager – Environmental Services (Mark Marziale and the Minute Secretary (Corinne Hewett), be excluded from the meeting for Agenda Item 11.1.9 – Correspondence – Mr. L. Elliott

The Council is satisfied that pursuant to Section 90 (3)(e) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is related to matters affecting the security of senior staff and elected members, with correspondence relating to senior staff and elected members. 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

11.1.9 Mr. L. Elliott – Tickera (CONFIDENTIAL)

Cr. Smith moved, Cr. Simmons seconded

“That having considered Agenda Item 11.1.9 – Correspondence – L. Elliott under Section 90(2) and (3)(e) of the Local Government Act 1999, the Council, pursuant to Section 91(7) of that Act orders that the correspondence

from Mr. L. Elliott be retained in confidence for a period of 12 months and that this order be reviewed every 12 months.”

CARRIED

Cr. Schkabaryn moved, Cr. Rooney seconded

“That the District Manager advise the Local Government Association of Council’s concern the current provisions of the Local Government Act do not afford any protection to elected members for slanderous or defamatory comments made to an elected member, and for elected members to use Council funds to defend any legal actions, and further that the Association be asked to review this anomaly.

CARRIED

Cr Schkabaryn advised that he was the Chairperson of the Fisherman’s Bay Progress Association and declared a conflict of interest. In accordance with the provisions of Section 74 (4a) (c) of the Local Government Act 1999, and that he was a Council appointee to the Association, Cr Schkabaryn was not required to leave the meeting.

Cr. Kerley moved, Cr..Simmons seconded

“That Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all persons present, with the exception of the District Manager (Nigel Hand), Manager – Finance and Administration (Blue Jolly), Manager – Works (Fred Linke), Manager – Environmental Services(Mark Marziale), Minute Secretary (Corinne Hewett), Mr. Rohan Lewis (Treasurer, Fisherman’s Bay Progress Association) and Mrs. Betty Aslin (Committee member, Fisherman’s Bay Progress Association) be excluded from the meeting for Agenda Item 11.1.10 – Correspondence – Mr. R. Lewis.

The Council is satisfied that pursuant to Section 90 (3)(e) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is related to matters affecting the security of elected members, with correspondence relating to an elected member.

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

11.1.10 Mr. R. Lewis – Fisherman’s Bay (CONFIDENTIAL)

Cr. Smith moved, Cr. Simmons seconded

“That having considered Agenda Item 11.1.10 – Correspondence – Mr. R. Lewis in confidence under Section 90(2) and (3)(e) of the Local Government Act 1999, the Council, pursuant to Section 91(7) of that Act orders that the correspondence from Mr. R. Lewis be retained in confidence for a period of 12 months and that this order be reviewed every 12 months.”

CARRIED

11.1.11 Registers of Members Interest-Ordinary Returns

The District Manager advised of the Legislative requirements for elected members to complete their Ordinary Returns.

11.1.12 Performance Review – District Manager

Cr. Weedon moved, Cr. Rooney seconded

“That the District Manager be authorized to approach Mrs. Allison Ashby of AME Recruitment to obtain a proposal and costing for undertaking of a Performance Review of the District Manager.

CARRIED

11.1.13 Works and Infrastructure Committee

Cr. Smith moved, Cr. Schkabaryn seconded

“That the next meeting of the Works and Infrastructure Committee be held on Tuesday 2nd September 2008, at a time and location to be advised by the District Manager.”

CARRIED

11.1.14 Development Act Reforms

A report was given on proposed changes to the Development Act.

11.1.15 Donation – Port Broughton Cemetery

Cr. Smith moved, Cr. Ireland seconded

“That Council acknowledges the kind donation of Mrs. Patricia Dalling for further upgrading of the Port Broughton Cemetery Shelter area.”

CARRIED

11.1.16 Council Delegations 2008

Cr Smith moved Cr Schkabaryn seconded

“That having conducted its annual review of the Council’s Delegations Register in accordance with Section 44(6) of the Local Government Act 1999, the Council:

1. Revocations

1.1 Hereby revokes its previous delegations to the District Manager of those powers and functions under the following:

1.1.1 Community Titles Act 1996

1.1.2 Development Act 1993 and Development Act Regulations 1993

1.1.3 Dog & Cat Management Act 1995

1.1.4 Environment Protection Act 1993 and Environment Protection (Waste Management) Policy 1994

1.1.5 Expiation of Offences Act 1996

1.1.6 Fences Act 1975

1.1.7 Fire and Emergency Services Act 2005 and Fire and Emergency Services Act Regulations 2005

1.1.8 Food Act 2001

1.1.9 Freedom of Information Act 1991

1.1.10 Housing Improvement Act 1940

1.1.11 Land & Business (Sale and Conveyancing) Act 1994

1.1.12 Liquor Licensing Act 1997

1.1.13 Local Government Act 1934

1.1.14 Local Government Act 1999

1.1.15 Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2005

- 1.1.16 *Occupational Health Safety & Welfare Act 1986*
- 1.1.17 *Public and Environmental Health Act 1987 and Public and Environmental Health (Waste Control) Regulations 1995*
- 1.1.18 *Roads (Opening & Closing) Act 1991*
- 1.1.19 *Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 1999 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 1999*
- 1.1.20 *Supported Residential Facilities Act 1992*

- 1.2 *Hereby revokes its previous delegations to its Development Assessment Panel under the Development Act 1993 and Development Regulations 1993.*

- 2. ***Delegations made under Local Government Act 1999***

- 2.1 *In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Appendices 1-16 (each of which is individually identified as indicated below) are hereby delegated this twelfth day of August 2008 to the person occupying the office of District Manager subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation.*
 - 2.1.1 *Community Titles Act 1996 (Appendix 1)*
 - 2.2.2 *Dog & Cat Management Act 1995 (Appendix 2)*
 - 2.2.3 *Environment Protection Act 1993 (Appendix 3)*
 - 2.2.4 *Expiation of Offences Act 1996 (Appendix 4)*
 - 2.2.5 *Fences Act 1975 (Appendix 5)*
 - 2.2.6 *Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005 (Appendix 6)*
 - 2.2.7 *Freedom of Information Act 1991 (Appendix 7)*
 - 2.2.8 *Housing Improvement Act 1940 (Appendix 8)*
 - 2.2.9 *Land & Business (Sale & Conveyancing) Act 1994 (Appendix 9)*
 - 2.2.10 *Liquor Licensing Act 1997 (Appendix 10)*
 - 2.2.11 *Local Government Act 1934 (Appendix 11)*
 - 2.2.12 *Local Government Act 1999 (Appendix 12)*
 - 2.2.13 *Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2005 (Appendix 13)*

 - 2.2.14 *Roads (Opening and Closing) Act 1991 (Appendix 14)*
 - 2.2.15 *Occupational Health Safety and Welfare Act 1986 (Appendix 15)*
 - 2.2.16 *Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 1999 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 1999 (Appendix 16).*

- 2.2 *Such powers and functions may be further delegated by the District Manager in accordance with Sections 44 and 101 of the Local Government Act 1999 as the District Manager sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.*

3. Delegations made under Development Act 1993

- 3.1 *In exercise of the power contained in Section 20 of the Development Act 1993, the powers and functions under the Development Act 1993 and the Development Regulations 1993 contained in the proposed Instrument of Delegation (annexed to the Report dated 6th August 2008 and entitled Council Delegations 2008 and marked Appendix 17) (distributed under separate cover) are hereby delegated this 12th day of August 2008 to the person occupying the office of District Manager subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.*
- 3.2 *Such powers and functions may be further delegated by the District Manager as the District Manager sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.*
- 3.3 *In exercise of the power contained in Section 20 of the Development Act 1993 the powers and functions under the Development Act 1993 and the Development Regulations 1993 contained in the proposed Instrument of Delegation (annexed to the Report dated 6th August 2008 and entitled Council Delegations 2008 (distributed under separate cover) and which are specified below are hereby delegated to the Council's Development Assessment Panel (Copper Coast Development Assessment Panel), subject to any conditions specified herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993:*

No conditions

4. Delegations made under Food Act 2001

- 4.1 *In exercise of the powers contained in Section 91 of the Food Act 2001, the powers and functions under the Food Act 2001 contained in the proposed Instrument of Delegation (annexed to the Report dated 6th August 2008 and entitled Council Delegations 2008 and marked Appendix 18) (distributed under separate cover) are hereby delegated this twelfth day of August 2008 to the person occupying the office of District Manager (“the head of the enforcement agency” for the purposes of the Food Act 2001), subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Food Act 2001.*
- 4.2 *Such powers and functions may be further delegated by the District Manager as the District Manager sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Food Act 2001.*

5. ***Delegations made under Public and Environmental Health Act 1987***

5.1 *In exercise of the power contained in Section 6 of the Public and Environmental Health Act 1987, the powers and functions under the Public & Environmental Health Act 1987 and Public and Environmental Health (Waste Control) Regulations 1995 contained in the proposed Instrument of Delegation (annexed to the Report dated 6th August 2008 and entitled Council Delegations 2008 and marked Appendix 19) (distributed under separate cover) are hereby delegated this twelfth day of August 2008 to the person occupying the office of District Manager, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Public and Environmental Health*

5.2 *Such powers and functions may be further delegated by the District Manager as the District Manager sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Public and Environmental Health Act 1987.*

6. ***Delegations under Supported Residential Facilities Act 1992***

6.1 *In exercise of the power contained in Section 9 of the Supported Residential Facilities Act 1992, the powers and functions under the Supported Residential Facilities Act 1992 contained in the proposed Instrument of Delegation (annexed to the Report dated 6th August 2008 and entitled Council Delegations 2008 and marked Appendix 20) (distributed under separate cover) are hereby delegated this twelfth day of August 2008 to the person occupying the office of District Manager, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.*

6.2 *Such powers and functions may be further delegated by the District Manager as the District Manager sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.*

7. ***Authorisations and Sub delegation under the Road Traffic Act 1961***

7.1 *That, in accordance with the Notice to the Council dated 17 June 2006 from the Minister for Transport and Urban Planning (“the Minister’s Notice”), the Council authorises the following officers to exercise, for, and on behalf of the Council, the power conferred on the Council pursuant to the following clauses of the Minister’s Notice in relation to the **Road Traffic Act 1961**:*

*Clause A.1 – Nigel Andrew Hand - District Manager
Robert Charles Linke - Manager – Works
Lawrence Milton Jolly - Manager – Finance and Administration
Mark Marziale - Manager – Environmental Services*

*Steven James Davey - Works Supervisor
Steven Keith Daniel - Authorised Officer
Michael Allen Krieger - Authorised Officer*

*Clause B.1 – Robert Charles Linke - Manager – Works
Steven James Davey - Works Supervisor
Steven Keith Daniel - Authorised Officer
Michael Allen Krieger - Authorised Officer
Graham David Manners - Operator
Bradley Royce Stringer – Operator
John Robert Pridham - Operator
Brett Ivan Tancock - Operator
Blake Peter Siviour - Operator*

*Clause C.1 – Robert Charles Linke - Manager – Works
Steven James Davey - Works Supervisor
Steven Keith Daniel - Authorised Officer
Michael Allen Krieger - Authorised Officer
Graham David Manners - Operator
Bradley Royce Stringer - Operator
John Robert Pridham - Operator
Brett Ivan Tancock - Operator
Blake Peter Siviour – Operator*

*Clause D.1 – Nigel Andrew Hand - District Manager
Robert Charles Linke - Manager – Works
Lawrence Milton Jolly - Manager – Finance and
Administration
Mark Marziale - Manager – Environmental Services
Steven James Davey - Works Supervisor
Steven Keith Daniel - Authorised Officer
Michael Allen Krieger - Authorised Officer
Graham David Manners – Operator
Bradley Royce Stringer – Operator
John Robert Pridham – Operator
Brett Ivan Tancock – Operator
Blake Peter Siviour – Operator*

*Clause E.1- Nigel Andrew Hand - District Manager
Robert Charles Linke - Manager – Works Lawrence
Milton Jolly - Manager – Finance and Administration
Mark Marziale - Manager – Environmental Services
Steven James Davey - Works Supervisor
Steven Keith Daniel - Authorised Officer
Michael Allen Krieger - Authorised Officer
Graham David Manners - Operator
Bradley Royce Stringer - Operator
John Robert Pridham - Operator
Brett Ivan Tancock - Operator
Blake Peter Siviour - Operator*

subject to –

- (i) *the conditions contained in the Minister's Notice; and*
- a) *where applicable the conditions contained within the "Notice from the Commissioner of Highways for the Temporary use of Traffic Control Devices by persons other than Road Authorities" dated 8 April 2002, as amended from time to time;*
 - b) *any conditions contained in this Resolution or in such instrument; and*
 - c) *the creation of a separate instrument in writing reflecting such authorisations under the Minister's Notice and this Resolution.*

7.2 *The said instrument shall be in substantially the same form as the proposed instrument of authorisation annexed to the Report dated 6th August 2008 and entitled Council Delegations 2008 and marked Appendix 21 (distributed under separate cover).*

7.3 *In exercise of the power contained in, and in accordance with, Clause F.1 of the Notice to the Council dated 17 June 2006 from the Minister for Transport ("the Minister's Notice"), the power contained in Section 33(1) of the Road Traffic Act 1961 and delegated to the Council pursuant to Clause F of the Minister's Notice is hereby sub-delegated to the following officers:*

*Nigel Andrew Hand - District Manager
Lawrence Milton Jolly - Manager – Finance and Administration
Mark Marziale - Manager – Environmental Services
Robert Charles Linke - Manager – Works
Steven James Davey - Works Supervisor*

subject to:

- (ii) *the conditions contained in the Minister's Notice; and*
- (iii) *any conditions contained in this Resolution or in such instrument; and*
- (iv) *the creation of a separate instrument in writing reflecting such sub delegation under the Minister's Notice and this Resolution.*

7.4 *The said instrument shall be in substantially the same form as the proposed instrument of sub delegation annexed to the Report dated 6th August 2008 and entitled Council Delegations 2008 and marked Appendix 21 (distributed under separate cover).*

8. Acting District Manager

8.1 *For the purposes of the Council delegations made on 12th August 2008, all delegations to the District Manager extend to any person appointed to act in the position of District Manager."*

CARRIED

11.1.17 Changeover Vehicle-Manager Finance

Cr. Rooney moved, Cr. Weedon seconded

“That the Council accepts the price of \$7,171 (excluding GST) from Clare Toyota for the replacement of the Manager-Finance vehicle with a Toyota Aurion ATX.”

CARRIED

11.1.18 Annual Leave

Cr. Ireland moved, Cr. Smith seconded

“That Lawrence Milton (Blue) Jolly be appointed Acting District Manager during the absence of the District Manager on Annual leave for the period 25th-29th August 2008, both dates inclusive.”

CARRIED

11.1.19 City of Port Adelaide-Enfield – Smoke free area

Cr. Smith moved, Cr. Weedon seconded

“That the District Manager advises the City of Port Adelaide – Enfield that it does not support the proposal to seek to have smoking prohibited on all Local Government land.”

CARRIED

11.1.20 Electoral Review

Cr. Ireland moved, Cr. Simmons seconded

“That the Council appoint the District Manager to be the qualified person to undertake Council’s Electoral Review in accordance with the provision of Section 12 of the Local Government Act 1988.”

CARRIED

11.2 Manager – Finance and Administration

Cr. Simmons moved, Cr Ireland seconded

“That the Manager – Finance and Administration Report for the August 2008 meeting be received and noted.”

CARRIED

11.2.1 Port Broughton Community Library Extensions

Cr. McDonald moved, Cr. Schkabaryn seconded

“That Council approves the reviewed contributions by the local stakeholders in the Port Broughton Community Library Extensions and the Port Broughton Area School and Port Broughton Community Library be advised of the new arrangement and their acknowledgement be received for Council records.”

CARRIED

11.2.2 Information

11.2.2.1 State Valuation Office - General Valuation of properties in DCBW

The Manager reported on correspondence with the Office in regards to valuations within the Council area.

11.2.2.2 Port Broughton Progress Association Inc

The Association provided advice on this financial year's proposed projects.

11.2.2.3 Fisherman's Bay Progress Association

The Association provided advice on their proposed projects for 2007/08.

11.2.2.4 SA Local Government Grants Commission

A letter was received from the Grants Commission and attachments containing general and financial information.

11.2.2.5 Audit Committee

The next Audit Committee Meeting is to be held on Tuesday 2nd September 2008.

11.3 Manager – Works

Cr..McDonald moved, Cr Weedon seconded

“That the Manager – Works Report for the August 2008 meeting be received and noted.”

CARRIED

11.3.1 Tickera Boat Ramp – Structure

Discussion was held on the Public Meeting held at Alford on 7th July 2008 with regards to the Boat Ramp Sea Wall at Tickera, and Council's earlier decision to remove the structure.

Cr Schkabaryn moved Cr Smith seconded

“That Council upholds its previous decision of 10th June 2008 to remove the Sea Wall at the Tickera Boat Ramp.”

CARRIED

Cr Ireland requested a DIVISION.

Those who voted IN FAVOUR – Crs Schkabaryn. Kerley, Smith, McDonald and Simmons

Those who voted AGAINST - Crs Burgess, Weedon, Rooney and Ireland

11.4 Manager - Environmental Services

Cr. Schkabaryn moved, Cr. Simmons seconded

“That the Manager – Environmental Services Report for the August 2008 meeting be received and noted, and endorses the proposed actions, and actions previously taken, by its authorised officers regarding to the said reported items.”

CARRIED

11.4.1 Approved Development Report – Period 1st – 31st July 2008.

Noted.

11.4.2 Legal Advice – Wallmans Lawyers – Compliance process – Development Act

A Newsletter was received giving advice on the correct assessment procedures for development applications.

11.4.3 Draft Coastal Vehicle Access Management Strategy

Informing Council of the preparation of the Draft *Coastal Vehicle Management Strategy*, by Deb Allen, NYNRM and Northern & Yorke Coastal Councils working group, for comment.

11.4.4 Development Plan Rezoning Request - by Winen Investments Pty Ltd

Advising Council regarding a rezoning request by the owner, Mr. Michael Winen, to change the zoning of land situated at Sec 529, 532, 414e, 1062, & others Hd. Mundoora, from General Farming to Rural Living Zone.

11.4.5 Development Plan Rezoning Request – by Mr. J M Green.

Advising Council regarding a rezoning request by the owner, Mr. J M Green, to change the zoning of land situate Lot 11, 20 Florence Street Bute CT: 5986/186 Hd: Wiltunga, from General Farming to Residential Zone.

11.4.6 Fisherman’s Bay Freeholding Update.

Informing the Council of the progress of Fisherman’s Bay Management’s Pty Ltd (FBM) approved application to freehold the Fisherman Bay private lease settlement, and related legal proceedings.

11.4.7 ERD Court Action– Appeal by G Button

Informing the Council of the details of the appeal in the Environment, Resources and Development Court, by Mr. G Button against the refusal of their application for a land division.

Cr. Kerley moved, Cr. McDonald seconded

“Council notes the information contained in the Reported Items numbered 11.4.1 to 11.4.7 for Information by the Manager of Environmental Services, to the 12 August 2008 meeting, and endorses the proposed actions, and actions previously taken, by its authorised officers pertaining to the respective reported items.”

CARRIED

Cr. Rooney moved, Cr. Simmons seconded

“That pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all persons, except N Hand – District Manager; M Marziale- Manager of Environmental Services; B Jolly – Manager Finance; F. Linke- Manager of Works and C. Hewett (Minute Secretary) be excluded from attendance at the meeting for Agenda Item 11.4.7, the coastal residential land market for Pt Broughton.

The Council is satisfied that, pursuant to Section 90(3)(b) & (d) of the Act, 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 Council, and to confer a commercial advantage on a third party, respectively.

The Report discusses sensitive commercial information relating to the status of the subject land market.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. 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

11.4.8 Economic Development: The Pt Broughton Residential Land Market Report

Advising Council of patterns of development of the residential land market in Pt Broughton, and recommending suitable actions to manage the current situation.

Cr. Schkabaryn moved, Cr. Kerley seconded

“That the Council resolves that the management options for the residential land market for Port Broughton, be investigated further by the Manager – Environmental Services.”

CARRIED

Cr. Schkabaryn moved, Cr. Simmons seconded

“That having considered Agenda Item 11.4.8 Economic Development - The Port Broughton Residential Land Market in confidence under Section 90(2) and (3)(d) of the Local Government Act 1999, the Council, pursuant to Section 91(7) of that Act orders that the Agenda Item 11.4.8 -The Port Broughton Residential Land Market, for the Meeting held 12 August 2008 be retained in confidence for a period of one (1) year and that this order be reviewed every twelve months.”

CARRIED

Cr. Kerley moved, Cr. Schkabaryn seconded

“That, pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all persons, except N Hand – District Manager; M Marziale- Manager of Environmental Services; B Jolly – Manager Finance; F. Linke- Manager of Works and C. Hewett (Minute Secretary), be excluded from attendance at the meeting for Agenda Item 11.4.9, regarding the re-alignment of Railway Terrace and Martin’s Road Bute.

The Council is satisfied that, pursuant to Section 90(3)(d) of the Act, 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, and to confer a commercial advantage on a third party, respectively. Furthermore, pursuant to Section 90(3)(j) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would divulge information provided on a confidential basis by a Minister of the Crown.

The Report discusses sensitive commercial information relating to proposed road openings and closings, required to enable a transfer of Crown Lands.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of

the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. 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

Cr. Ireland advised that she had a Conflict of Interest as she was an employee of the Australian Barley Board. Cr. Ireland remained in the room.

11.4.9 Proposal to Re-align Railway Crossing and Martin Roads Bute, to Enable Land Division Application 344/G004/07 by ABB & the Minister for Transport.

Advising Council of the proposed road and railway crossing realignments under the Roads Opening and Closing Act 1991 required to enable the Land division application 344/G004/07 by ABB & The Minister for Transport, and recommend Council’s approval for the proposed road realignment.

Cr. Schkabaryn moved, Cr. Simmons seconded

“That Council Certifies that the proposed opening and closure of public roads as detailed in Preliminary Plan No:08/0047, and amended by Taslo Surveyors 30/05/08, for ABB Storage and Handling – AUSBULK Ltd, is Correct as to Intent, and authorises the District Manager to sign the subject plans to that effect.”

CARRIED

Cr. Rooney moved, Cr. Smith seconded

“That having considered Agenda Item 11.4.9 Economic Development - The Port Broughton Residential Land Market in confidence under Section 90(2) and (3)(d) of the Local Government Act 1999, the Council, pursuant to Section 91(7) of that Act orders that the Agenda Item 11.4.9, Proposal to re-align Railway Terrace and Martins Road Bute be retained in confidence for a period of one (1) year and that this order be reviewed every 12 months.”

CARRIED

12. NOTICE OF MOTIONS

No Notices of Motions were presented to the Council meeting for consideration

13. ADOPTION OF COMMITTEE REPORTS

No meetings of the Council’s Committees were held during the past month.

14. CLOSURE

The Deputy Mayor declared the meeting closed at 10.30 pm

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Cr. I. BURGESS
DEPUTY MAYOR