

OPENING

Mayor Dolling opened the meeting at 7.00pm.

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

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
K Thomas - Personal Assistant

CONFLICT OF INTEREST PROVISIONS - Nil

Mayor Dolling declared a conflict of interest with Agenda Item 14.3.10, Request for Council Assistance, Port Broughton Bowling Club as he is a long standing member of the Port Broughton Bowling Club.

CONFIRMATION OF MINUTES

65 **MOVED: Cr Rowlands** **SECONDED: Cr Weedon**
"That the Minutes of the Ordinary Meeting of Council held on 12th March 2013 be confirmed as printed and supplied."
CARRIED

BUSINESS ARISING FROM THE MINUTES - Nil

DEPUTATIONS -

A deputation was received from Port Broughton Progress Association in relation to a proposed Mosaic Installation for Port Broughton. Kirsty Jamieson from Country Arts SA also addressed Council.

66 **MOVED: Cr Kerley** **SECONDED: Cr Rooney**
"That Council support the proposal in principal for the Port Broughton Progress Association to proceed with seeking funding for mosaic(s) for the Council area."
CARRIED

MEMBERS REPORTS

Mayor Dolling

24, 25 & 26/3/2013 Australian Coastal Councils Conference, Glenelg & Victor Harbor
05/04/2013 Port Broughton Foreshore and Seawall Working Party Meeting
08/04/2013 Council Human Resources and Budget Workshops

Deputy Mayor Rooney

08/04/2013 Council Human Resources and Budget Workshops

Cr Axford

05/04/2013 Port Broughton Foreshore and Seawall Working Party Meeting
08/04/2013 Council Human Resources and Budget Workshops

Cr Kerley

26/03/2013 Barunga Village Meeting
05/04/2013 Port Broughton Foreshore and Seawall Working Party Meeting
08/04/2013 Council Human Resources and Budget Workshops
08/04/2013 Port Broughton Progress Association Meeting

Cr McDonald

05/04/2013 Port Broughton Foreshore and Seawall Working Party Meeting
08/04/2013 Council Human Resources and Budget Workshops
Various Letters and telephone calls from ratepayers and community members.

Cr Rowlands

26/03/2013 Barunga Village Meeting
05/04/2013 Port Broughton Foreshore and Seawall Working Party Meeting
08/04/2013 Council Human Resources and Budget Workshops

Cr Smith

05/04/2013 Port Broughton Foreshore and Seawall Working Party Meeting

Cr Simmons

26/03/2013 Barunga Village Meeting
08/04/2013 Council Human Resources and Budget Workshops
09/04/2013 Yorke Peninsula Community Transport Meeting, Maitland

Cr Weedon

05/04/2013 Port Broughton Foreshore and Seawall Working Party Meeting

PETITIONS - Nil

QUESTIONS WITH NOTICE

Cr Kerley asked:the following Questions in response to answers provided at the March 2013 Council Meeting:

1. In response to Question 2 - What we are not paying staff for the duration of the construction of the slip lane then becomes a profit to Council. How many staff will be involved in the project, what would be saved in wages for those staff and how will those saved wages be utilised?

The Acting Chief Executive Officer answered:

Up to six staff members will be involved on the project at various stages. Staff costs have been included within the total costs for various tasks, but the estimated saving on wages would be in the range \$30,000 - \$40,000. The income reimbursement for the saved wages will be offset against the operating deficit.

2. Why would we tender for a project if not to make a profit?

The Acting Chief Executive Officer answered:

Private Works of this nature are treated as a Reimbursement in the Annual Financial Statements, which is why Council staff do not think of them in terms of making a profit. Council may make an accounting profit on this job, it depends on whether or not the works estimate proves to be accurate. Nevertheless, by tendering for this job, Council will increase its annual income by \$175,000, with no significant increase in budgeted expenditure.

3. Of what benefit will this project be if we have a machinery breakdown considering the project will not be making a profit, other than the amount saved on wages?

The Acting Chief Executive Officer answered:

The benefit of this project is explained in Question 2. If a machine breaks down on this project, there is every expectation that it would have broken down in any event, because if we had not tendered for this project, the machinery would have been used in precisely the same way on a Council job.

QUESTIONS WITHOUT NOTICE

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

Whether once all information had been sourced from outside agencies and the project progressed for action of Council staff, will additional resources need to be utilised to finalise the project as expeditiously as possible?

The Acting CEO advised that neighbouring councils had engaged casual staff to assist with the physical installation of the new numbering. We will consider this when the Manager Infrastructure Services is in a position to proceed.

Cr Rowlands asked the following Question in response to answers provided to Questions without Notice at the March 2013 Council Meeting:

Whether a report could be provided to Council, potentially at a Strategic Planning and Development Policy Committee Meeting, in regards to the long term financial impact of the predicted rate of growth (as per

information received at a recent Council workshop) against a 4% annual rise in employee costs and a 2.5% growth in CPI.

The Acting CEO advised as follows:

Cr Rowlands asked for a report on the effects of possible future reduced growth in the number of rateable properties.

The LTFFP has an annual rate increase of 5.5% per annum, based on CPI of 3.0%, growth of 1.0% and other amount of 1.5%. The growth rate is estimated to be about 0.4% at present.

If there is no growth, the annual rate increase per property is the full 5.5%; if there is 0.4% growth, the annual rate increase per property is 5.08%; if there is 1.0% growth, the annual rate increase per property is 4.46%. So there is a significant impact per property as growth decreases, for a fixed annual increase of 5.5%.

The effect of reducing the annual wage increase from 4% to 3% is a dollar reduction of \$13,000 in year one.

These items will be discussed further in the budget process.

Cr Kerley:

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

Cr Kerley:

Why did no staff member attend the recent Native Vegetation workshop in Clare on 13th March? Was this a day when the staff were undertaking their current course? 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? Is it time we ensured that at least one member of staff attends the Native Vegetation and Coastal Management workshops?

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

Cr Kerley:

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

Cr Kerley:

When an 'in camera' discussion and decision is finally released, how is the public made aware of the release?

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

Cr Kerley:

When will the windows in the hall be replaced?

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

Cr Kerley:

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

Cr Kerley:

Is it correct that a 'boardwalk' must be installed to enable handicapped access to the new public toilets at the skate park? Why was the toilet placed in such an obscure, inaccessible position? Was there not enough fall to the CWMS on the western side of the park? What will be the added cost of an access boardwalk? 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.

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

Cr Kerley:

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

Cr Kerley:

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

MOTIONS WITH NOTICE - Nil

MOTIONS WITHOUT NOTICE - Nil.

67 **MOVED: Cr Simmons**

SECONDED: Cr Rowlands

That Council:

1. *Investigate options to publicly recognise volunteers during Volunteer Week 2013, and*
2. *Consider options for volunteer recognition throughout during Volunteer Week in the future."*

CARRIED

68 **MOVED: Cr Rowlands**

SECONDED: Cr Axford

"For the year 2013 the 4% wage rise for administration staff previously agreed to will remain in place on the basis that a new Enterprise Bargain Agreement with the Australian Services Union and staff will be renegotiated in the second half of 2013 to operate from 1st January 2014."

CARRIED

69 **MOVED: Cr Rowlands**

SECONDED: Cr Weedon

"That Council staff develop a strategy for management of ad hoc financial requests as part of the annual budget process."

CARRIED

ADOPTION OF COMMITTEE REPORTS - Nil

COUNCIL BUSINESS – OFFICER’S REPORTS

14.1 ACTING CHIEF EXECUTIVE OFFICER – PETER WARD

70 **MOVED: Cr Kerley** **SECONDED: Cr Rowlands**
“That the Report from the Acting Chief Executive Officer for the April meeting be received and noted.”
CARRIED

14.1.1 Petrovski v Dolling
 Noted

14.1.2 Entrprise Bargain Administration Employees
 Noted

14.1.3 National General Assembly of Local Government

71 **MOVED: Cr Rowlands** **SECONDED: Cr Smith**
“That the Mayor and another Councillor (to be determined) attend the National General Assembly of Local Government in Canberra in June 2013.”
CARRIED

14.1.4 Snapper Spatial Zones
 Noted

14.1.5 RDA Funding
 Noted

14.1.6 Register of Council Meetings “In Camera” Provisions

72 **MOVED: Cr McDonald** **SECONDED: Cr Kerley**
“That in accordance with Section 91(7) Local Government Act 1999, the Council agrees to release the following minutes and reports from matters considered in confidence

Meeting Date	Issue	Comment	Review Date	Decision Y/N	Details/Reasons – As agreed at Meeting
10 Nov 2009	Fisherman's Bay Management Freeholding	Negotiation of <i>costs-to-protect</i> the Fishermans Bay Township.	April 2013	Release	To remain in confidence for 12 months. Review every 12 months.
9 March 2010	Fisherman's Bay Management Freeholding	Development Application for Fishermans Bay Freeholding - update	April 2013	Release	To remain in confidence for 2 years. Review every 12 months
13 April 2010	Fisherman's Bay Management Freeholding	ERD Court Appeal update	April 2013	Release	Review November 11

Meeting Date	Issue	Comment	Review Date	Decision Y/N	Details/Reasons – As agreed at Meeting
11 May 2010	Fisherman's Bay Management Freeholding	Extension to operative date of consent	April 2013	Release	To remain in confidence for 2 years. Review every 12 months
24 January 2012	SPECIAL MEETING - Ombudsman Investigation	Into conflict of interest	April 2013	Release	To be held for 12 months.
13 March 2012 <i>Motion 49:12</i>	Ombudsman investigation	Final report of Ombudsman re: Conflict of Interest presented to Council.	April 2013	Release	To be held for 12 months.
29 June 2012	SPECIAL MEETING Fishermans Bay freeholding	Fishermans Bay freeholding, land division application, deputation request-Update	April 2013	Release	To be held for 6 months, or lesser as determined.
10 July 2012 <i>Motion 126:12</i>	Fishermans Bay Freeholding, land division	Land Division Application – request for deputation	April 2013	Release	To be held for 6 months, or lesser as determined.

And further, the Council agrees that the following matters will not be released at this time, but will be reviewed by Council at its October 2013 meeting

Meeting Date	Issue	Comment	Review Date	Decision Y/N	Details/Reasons – As agreed at Meeting
14 September 2010	Fisherman's Bay Management Freeholding	Rescind motion (defeated)	April 2013	Defer	To remain in confidence for 2 years - Review every 12 months
12 April 2011	Fisherman's Bay Management Freeholding	Fishermans Bay land division update	April 2013	Defer	To remain in confidence for 2 years - Review every 12 months
12 April 2011	Administration issues	Fishermans Bay land division update	April 2013	Defer	To remain in confidence for 1 years - Review every 12 months
24 January 2012	SPECIAL MEETING - Fishermans Bay Management freeholding	Submission to Development Assessment Commission	April 2013	Defer	To be held for 12 months.

Meeting Date	Issue	Comment	Review Date	Decision Y/N	Details/Reasons – As agreed at Meeting
29 June 2012	SPECIAL MEETING Administration Matters	Performance Review – CEO	April 2013	Defer	To be held for 6 months, or lesser as determined.
4 July 2012	SPECIAL MEETING Administration Matters	Performance Development Review CEO	April 2013	Defer	To be held for 6 months, or lesser as determined.
18 July 2012	SPECIAL MEETING Administration Matters	Performance Development Review CEO	April 2013	Defer	To be held for 6 months, or lesser as determined.
14 th August 2012	SPECIAL MEETING Administration Matters	Chief Executive Officer – Performance Development Review and Long Service leave provisions.	April 2013	Defer	To be held for 6 months, or lesser as determined.

CARRIED

14.1.7 Late Item - Development Assessment Panel Members

73 MOVED: Cr McDonald **SECONDED: Cr Kerley**

That Council agrees to

- (a) Accept the District Council of Copper Coast's offer to allow the Independent Members of their Council Development Assessment Panel to be this council's Independent members.
- (b) Appoint John Meier as the Independent Presiding Member of the council Development Assessment Panel for the period 14th December 2012 to 13th December 2014
- (c) Appoint Graham Hancock, Stephen Horsell and Roslyn Talbot as the Independent members of the Council Development Assessment Panel for the period 14th December 2012 to 13th December 2014.
- (d) Appoint Crs Smith, Rooney and Weedon to the Council Development Assessment Panel for the period 14th December 2012 to 13th December 2014.
- (e) Appoint the Chief Executive Officer as the Public Officer of the Panel

CARRIED

14.2 FINANCE REPORT- ACTING CHIEF EXECUTIVE OFFICER – PETER WARD

74 MOVED: Cr Axford **SECONDED: Cr Simmons**

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

CARRIED

14.2.1 Interim Audit
Noted

14.2.2 YPCTS Agreement
Noted.

14.2.3 Dog Registrations
Noted.

14.2.4 Solar Funding
Noted.

14.3 REPORT TO COUNCIL - MANGER INFRASTRUCTURE SERVICES - FRED LINKE

75 **MOVED: Cr Smith** **SECONDED: Cr McDonald**
"That the Report from the Manager, Infrastructure Services for the April meeting be received and noted.
CARRIED

14.3.1 Request for turn out lane
Noted.

14.3.2 Request to seal Hawke Crescent

76 **MOVED: Cr McDonald** **SECONDED: Cr Smith**
"That Council consider the request to seal Hawke Crescent during budget deliberations for the 2013/14 budget."
CARRIED

14.3.3 Request for Tree Removal
Agreed for staff to further consult with resident now that trees have been trimmed.

14.3.4 Bute Dump Attendant
Noted.

14.3.5 Rural Property Addressing
Noted.

14.3.6 Fire Safety - Broughton Bayside Caravan Park
Noted.

14.3.7 Fire Prevention Committee Meeting
Noted.

14.3.8 Request for Council Assistance - Mundoora Oval

- 77 **MOVED: Cr Rowlands** **SECONDED: Cr McDonald**
"That Council consider the request for assistance to upgrade some of the outer area of the Mundoora Oval during budget deliberations for the 2013/14 budget."
CARRIED

14.3.9 Request for Council Assistance - Bute Pony Club

- 78 **MOVED: Cr Axford** **SECONDED: Cr Simmons**
"That Council install box culverts and upgrade the footpath area over the drain adjacent to the Bute Pony Club as a matter of safety."
CARRIED

14.3.10 Request for Council Assistance - Port Broughton Bowling Club

- 79 **MOVED: Cr Rowlands** **SECONDED: Cr McDonald**
"That Council consider the request to upgrade a carpark area at the Port Broughton Bowling Club during budget deliberations for the 2013/14 budget."
CARRIED

14.3.11 Request to consider issues at Tickera

- 80 **MOVED: Cr Rowlands** **SECONDED: Cr McDonald**
"That Council consider the request to consider works to the cliff area adjacent to the Tickera Boat Ramp area during budget deliberations for the 2013/14 budget."
CARRIED

14.3.12 North Fisherman Bay Track

- 81 **MOVED: Cr Rowlands** **SECONDED: Cr McDonald**
"That Council consider the request to consider further financial contribution to the value of \$5000 for further access road repairs during budget deliberations for the 2013/14 budget."
CARRIED

14.3.13 Request for Road Name Change - Tickera

- 82 **MOVED: Cr Kerley** **SECONDED: Cr Simmons**
"That Council agree for Coast Terrace, Tickera to be renamed to Ocean View Road, Tickera."
THE MOTION WAS PUT AND LOST

83 **MOVED: Cr** **SECONDED: Cr**

"That Council write to all property owners on Coast Terrace at Tickera as follows::

- 1. Advise that the need for the road name change has arisen from safety issues and confusion by emergency services between the two roads;*
- 2. The remaining road name options of Marine Parade, Tickera Tce, and The Esplanade be put to property owners, asking for their opinion, and advising that a majority response will decide the road name.*

CARRIED

14.3.14 DPTI Intersection Works
Noted

14.3.15 Whelan Street Footpath

84 **MOVED: Cr Rowlands** **SECONDED: Cr McDonald**

"That Council consider the request to upgrade the footpath on Whelan Road during budget deliberations for the 2013/14 budget."

CARRIED

14.3.16 Roads and Works Conference
Noted.

CONFIDENTIAL ITEMS

15.1 PATROL GRADERS CONTRACTS

85 **MOVED: Cr Rowlands** **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, Mr Fred Linke, Manager Infrastructure Services and Ms Kim Thomas, Minute Taker, be excluded from attendance at the meeting for Confidential Item 15.1 Patrol Grader Contracts.

The Council is satisfied that pursuant to Sections 90(3)(a) and 90(9) the consideration of issues relating to the Confidential Agenda Item 15.1 Patrol Grader Contracts, included information that the receipt of which advice would involve at this time, the unreasonable disclosure of information, concerning the personal affairs of persons contracted to 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

87 **MOVED: Cr Rowlands** **SECONDED: Cr Kerley**

"That having considered Confidential Agenda Item 15.1 Patrol Grader Contracts., in confidence under Sections 90(2), 90(3)(a) and 90(9) 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

88 **MOVED: Cr Rowlands**

SECONDED: Cr Weedon

"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, Mr Fred Linke, Manager Infrastructure Services 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

90 **MOVED: Cr Rowlands**

SECONDED: Cr Kerley

"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 CEO Update

92 **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, be excluded from attendance at the meeting for Confidential Agenda Item 15.3 CEO Update.

The Council is satisfied that pursuant to Sections 90(3)(a) and 90(9) the consideration of issues relating to the Confidential Agenda Item 15.3 CEO Update, included information that the receipt of which advice would involve at this time, the unreasonable disclosure of information, concerning the personal affairs of a staff 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."

94 **MOVED: Cr Rowlands**

SECONDED: Cr Rooney

"That having considered Confidential Agenda Item 15.3 CEO Update in confidence under Sections 90(2), 90(3)(a) and 90(9) 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

CLOSURE

The Mayor declared the meeting closed at 10.06pm.

Cr Dean Dolling
Mayor, District Council of Barunga West