

PRESENT: Mayor D Dolling, Cr C Axford, Cr L Kerley, Cr M McDonald, Cr G Simmons, Cr R Smith, Cr M Weedon

IN ATTENDANCE: P Ward (Acting CEO)
F Linke (Manager – Infrastructure Services)
K Thomas (Minute Secretary)

1. Opening

The Mayor Dean Dolling opened the meeting at 7.00pm.
12 members of the public were in the gallery at the commencement of the meeting.

2. Apologies & Leave of Absence

2.1 **Apologies** – Cr G Rowlands, Cr B Rooney
2.2 **Leave of absence** – Nil

3. Conflict of Interest Provisions

3.1 Mayor Dean Dolling declared a conflict of interest with item 14.1.9 as his sister is a director of Fishermans Bay Management.
3.2 Cr Kerley declared a conflict of interest with item 14.1.7.

4. Confirmation of Minutes of the Previous Meeting

4.1 **Ordinary Meeting – 13th November 2012**

218.12 **MOVED:** Cr Kerley
“That the Minutes of the Ordinary Meeting of Council held on 13th November 2012 be confirmed as printed and supplied.
SECONDED: Cr McDonald
CARRIED

4.2 **Special Meeting - 13th November 2012**

219.12 **MOVED:** Cr Axford
“That the Minutes of the Special Meeting of Council held on 13th November 2012 be confirmed as printed and supplied.
SECONDED: Cr Simmons
CARRIED

5. Business Arising from the Minutes

5.1 Nil

6. Deputations

6.1 Nil

7. Members Reports

7.1 Mayor Dolling:

29/11/12 YP Alliance Meeting, Port Broughton
04/12/12 Community Transport Meeting, Maitland
04/12/12 Road inspection with Crs Weedon & Rooney
06/12/12 Executive Committee Meeting, Port Broughton
08/12/12 Port Broughton Christmas Pageant

7.2 Cr Axford

23/11/12 Spencer Gulf Workshop, Wallaroo
28/11/12 Bute 2000 Meeting, Bute
06/12/12 Executive Committee Meeting, Port Broughton
07/12/12 Port Broughton Genealogy Society Christmas Meeting

7.3 Cr Kerley

03/12/12 Port Broughton Progress Association meeting
04/12/12 Barunga Village Christmas Dinner
06/12/12 Executive Committee Meeting, Port Broughton
06/12/12 Meeting with David Sloper, NRM on FOBBS site
08/12/12 Port Broughton Christmas Pageant

220:12

MOVED: Cr Kerley

"That Council send a letter of congratulations to the Port Broughton Progress Association for the Christmas Pageant and party held on 7th December 2012."

SECONDED: Cr McDonald

CARRIED

7.4 Cr McDonald

19/11/12 Reclink Fundraiser, Port Broughton
21/11/12 Port Broughton District Hospital & Health Services Health Advisory Council meeting
26/11/12 Port Broughton School Governing Council meeting & Christmas dinner
07/12/12 Port Broughton Genealogy Society Christmas Meeting and afternoon tea
07/12/12 Port Broughton Area School Governing Council Farewell for staff member
08/12/12 Port Broughton Christmas Pageant

7.6 Cr Simmons

23/11/12 YP Community Transport Christmas Lunch, Port Broughton
27/11/12 Barunga Village Board meeting
04/12/12 YP Community Transport Meeting, Maitland
04/12/12 Barunga Village Christmas Dinner
06/12/12 Presented Barunga Village awards at Bute Primary School

7.7 Cr Weedon

04/12/12 Road inspection with ratepayers

7.8 Cr Smith

23/11/12 YP Community Transport Lunch, Port Broughton

8. Petitions

8.1 Nil

9. Questions with Notice

9.1 Cr Weedon asked "What is the current procedure set down in the case of storm damage whereby trees completely block roads?"

The Acting CEO provided the following response:

Council does not currently have a written policy or procedure in relation to felled trees blocking roads. Council responds to such incidents reactively, in conjunction with SES & CFS. Council has requested that its Risk Manager, Wayne Hook, prepare a preliminary policy/procedure in relation to Council call-outs in the event of any emergency. This will focus particularly on after hours processes and procedures, and cover issues such as employees on call, OHS & W requirements, training, co-ordination with other emergency services, etc.

10. Questions without Notice

10.1 Nil.

11. Motions with Notice

11.1 Nil

12. Motions without Notice

12.1 Nil.

13. Adoption of Committee Reports

13.1 Nil.

14. Council Business – Managers Report

14.1 Acting Chief Executive Officer – Peter Ward

221:12

MOVED: Cr Kerley

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

SECONDED: Cr McDonald

CARRIED

14.1.1 Port Broughton Seawall

Noted.

14.1.2 Tickera Boat Ramp - Consultants Report

222:12

MOVED: Cr McDonald

"That the report from Coppock & Associates dated 28th November 2012 regarding Tickera Boat Ramp Report be received."

SECONDED: Cr Kerley

CARRIED

14.1.3 Enterprise Bargaining Administration Employees

Noted

14.1.4 Salary Review

Noted.

14.1.5 Annual Report

Elected members to consider report provided at the meeting and provide any comments to Council staff before January Council meeting.

14.1.6 Regional Development Australia Fund 3 Expression of Interest (RDAF3 EO) Port Broughton Urban Design, Foreshore and Sea Wall

Noted.

Cr Kerley declared that in accordance with Section 73 of the Local Government Act 1999 she had a conflict of interest with item 14.1.7.

Cr Kerley left the meeting at 7.29pm.

14.1.7 Bute Walking Trail - Matthew Rose

223:12

MOVED: Cr Smith

"That Council agree to the conditions of the Section 222 license for Matthew Rose in relation to the road reserve adjacent Section 90 Hd Wiltunga to the railway corridor."

SECONDED: Cr Axford

CARRIED

Cr Kerley returned to the meeting at 7.30pm.

14.1.8 Alford Rezoning Speed Limit

Noted

Mayor Dolling declared that in accordance with Section 73 of the Local Government Act 1999 he had a conflict of interest with item 14.1.9 as his sister is a Director of Fishermans Bay Management.

Mayor Dolling left the meeting at 7.31pm

Cr Margaret McDonald took conduct of the meeting

14.1.9 Fishermans Bay Freeholding Application/s and proposed Coast Protection Infrastructure

224:12

MOVED: Cr Smith

"That correspondence from Botten Levinson dated 28th November 2012 and Council's response from Norman Waterhouse dated 4th December 2012 be received and noted."

SECONDED: Cr Simmons

CARRIED

Mayor Dolling returned to the meeting at 7.41pm and resumed conduct of the meeting.

14.1.10 Australia Day Awards.

This item was deferred for consideration later in the meeting.

14.2 Report to Council - Finance - Acting Chief Executive Officer – Peter Ward

225:12

MOVED: Cr Simmons

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

SECONDED: Cr Axford

CARRIED

14.2.1 Auditors Report 2011-2012

MOVED: Cr Kerley

"That correspondence from Council's auditor, Mr Ian McDonald dated 27th November 2012 be received and noted."

SECONDED: Cr Simmons

CARRIED

14.2.2 Notice of sale of property

Noted.

14.2.3 Patrol Graders

Noted.

14.2.4 Long Term Financial Plan

226:12

MOVED: Cr Weedon

"That the 10 Year Long Term Financial Plan covering 2013 - 2023 be adopted."

SECONDED: Cr Smith

CARRIED

14.2.5 Funding of Public Libraries

Noted.

14.2.6 YPCTS Funding

- 227.12 **MOVED:** Cr Simmons
"That Council informs the YPCTS and DCYP that it requests a partial return of excess reserve funds held by the YPCTS."
SECONDED: Cr Smith
CARRIED

14.2.7 Rates Review Noted.

14.2.8 Bute 2000 Onwards Committee

- 228.12 **MOVED:** Cr Simmons
"That Council approve the request from the Bute 2000 Onwards Committee in their correspondence dated 1st December 2012."
SECONDED: Cr Kerley
CARRIED

14.3 Manager – Infrastructure Services – Fred Linke

- 229.12 **MOVED:** Cr Axford
"That the Report from the Manager – Infrastructure Services for the December meeting be received and noted."
SECONDED: Cr Smith
CARRIED

14.3.1 HACC Car Change Over

- 230.12 **MOVED:** Cr Smith
"That Council purchase a Ford Mondeo Wagon at a changeover price of \$19,972.00."
SECONDED: Cr Simmons
CARRIED

14.3.2 Stormwater - Railway Terrace Bute

- 231.12 **MOVED:** Cr Kerley
"That Council write to Viterra advising that Council are prepared to pay the amount of \$50 per annum increased annually by 3%."
SECONDED: Cr Axford
CARRIED

14.3.3 Request for Road Closures - Mundoora Community Sports Club Christmas Party

232:12

MOVED: Cr Smith

“That Council exercise the powers pursuant to Section 33 of the Road Traffic Act 1961 and Clause F of the Instrument of General Approval of the Minister dated 12 March 2001 to: Pursuant to Section 33(1) of the Road Traffic Act 1961, declare that the event described below (“the roads”) is an event to which Section 33 of the Road Traffic Act 1961 applies; and Pursuant to Section 33(1)(a) of the Road Traffic Act 1961, make an order directing that the Roads on which the Event are to be held and any adjacent or joining roads specified below, be closed to traffic:

South Terrace (from East Terrace to Cross Street) between the hours of 4.30pm to 12.00pm on Monday 24th December 2012.”

SECONDED: Cr Kerley

CARRIED

14.3.4 Special Local Roads Funding

233:12

MOVED: Cr Kerley

“That the Manager – Infrastructure Services prepare an application to the Special Local Roads Funding for an upgrade to Bay Street, Port Broughton, from Harvey Street to West Terrace to include, but not limited to, footpath and kerbing at Central Deli, stormwater from Harvey Street, kerbing height at the Port Broughton Hotel, side entry pit issues and condition of bitumen.”

SECONDED: Cr McDonald

CARRIED

14.3.5 Port Broughton Town Entrances

234:12

MOVED: Cr Kerley

“That Council form a Town Entrance Committee consisting of two independent persons from each tow, and any Elected Member who wants to participate.”

SECONDED: Cr Axford

CARRIED

14.3.6 Plant Tracking System

235:12

MOVED: Cr Kerley

“That Council immediately installs the tracking system units in the Patrol/Contract Graders, and considers purchasing the tracking system for installation in council plant and machinery during budget deliberations for the 2013/2014 financial year budget.”

SECONDED: Cr Simmons

CARRIED

14.3.7 Stormwater Diversion Port Broughton

236:12

MOVED: Cr Weedon

"That Council do not proceed at this time with the Stormwater Diversion project to provide a concept design for the diversion and re-use of stormwater at Port Broughton."

SECONDED: Cr Smith

CR MCDONALD MOVED AN AMENDMENT TO THE MOTION

MOVED: Cr McDonald

"That the decision on this motion be deferred until the January meeting."

SECONDED: Cr Kerley

**THE AMENDMENT WAS PUT AND LOST
THE ORIGINAL MOTION WAS PUT AND CARRIED**

14.4 Development Report, Acting Chief Executive Officer, Peter Ward

237:12

MOVED: Cr McDonald

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

SECONDED: Cr Kerley

CARRIED

14.4.1 DC Barunga West Better Development Plan conversion (BDP).

Noted.

14.4.2 Rural Living Development Plan Amendment (DPA)

Noted. Cr Kerley raised discussion on need for small acreage blocks in the district.

14.4.3 Development (Private Certification) Amendment Bill

Noted.

14.5 Australia Day Awards 2013

238:12

MOVED: Cr Axford

"That Council:

- 1. Pursuant to Section 90(2) of the Local Government Act 1999 orders that all members of the public except, Peter Ward, (Acting Chief Executive Officer), Fred Linke (Manager, Infrastructure Services) and Kim Thomas (Minute Secretary) be excluded from attendance at the meeting for Agenda Item 14.5 – Australia Day Awards 2013.*
- 2. Is satisfied that, pursuant to Section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being the property owners, because it is a matter pertaining to personal affairs, as defined under Section 90(9)(iv), and*
- 3. Is satisfied that the principle that the meeting be conducted in a place open to the public has outweighed in the circumstances because the matter pertaining to personal affairs (as defined).*

SECONDED Cr McDonald

CARRIED

- 244:12 **MOVED:** Cr Kerley
"That, having considered Agenda item 14.5 Australia Day Awards 2013. in confidence under Sections 90(2) and 90(3)(iv) of the Local Government Act 1999, the Council, pursuant to Section 91(7) of the Act orders that all the documentation and minutes be retained in confidence for a period of 12 months or as such retained in confidence for a period of 6 months, or such lesser period as may be determined by the Chief Executive Officer."
SECONDED Cr Axford
CARRIED

14.6 Chief Executive Officer - Performance Development Review

- 245:12 **MOVED:** 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, be excluded from attendance at the meeting for Agenda Item 14.6, Chief Executive Officer – Performance Development Review.

The Council is satisfied that pursuant to Sections 90(3)(a) and 90(9) the consideration of issues relating to the Performance Development Review of the Chief Executive Officer, the receipt of advice which would involve at this time, the unreasonable disclosure of information, concerning the personal affairs of the Chief Executive Officer.

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."

SECONDED Cr Smith
CARRIED

Kim Thomas and Fred Linke left the meeting at 9.00pm.

- 247:12 **MOVED:** Cr Kerley
"That, having considered Agenda item 14.6 Performance Development Review of the Chief Executive Officer. in confidence under Sections 90(2) and 90(3)(iv) of the Local Government Act 1999, the Council, pursuant to Section 91(7) of the Act orders that all the documentation and minutes be retained in confidence for a period of 12 months or as such retained in confidence for a period of 6 months, or such lesser period as may be determined by the Chief Executive Officer."
SECONDED Cr Axford
CARRIED

Kim Thomas returned to the meeting at 9.44pm

15. Closure

15.1 The Mayor declared the meeting closed at 9.45pm.

Cr D Dolling
Mayor, District Council of Barunga West