

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

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

1. Opening

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

2. Apologies & Leave of Absence

- 2.1 Apologies – Cr R Smith
- 2.2 Leave of absence – Nil

3. Conflict of Interest Provisions

- 3.1 Mayor Dean Dolling declared a conflict of interest with item 14.1.10 as his sister is a director of Fishermans Bay Management.
- 3.2 Cr Kerley declared a conflict of interest with item 14.1.6.

4. Confirmation of Minutes of the Previous Meeting

4.1 Ordinary Meeting – 9th October 2012

194.12 **MOVED:** Cr Rowlands
“That the Minutes of the Ordinary Meeting of Council held on 9th October 2012 be confirmed as printed and supplied.
SECONDED: Cr Weedon
CARRIED

4.2 Special Meeting - 23rd October 2012

195.12 **MOVED:** Cr Rowlands
“That the Minutes of the Special Meeting of Council held on 23rd October 2012 be confirmed as printed and supplied.
SECONDED: Cr McDonald
CARRIED

5. Business Arising from the Minutes

- 5.1 Nil

6. Deputations

6.1 Nil

7. Members Reports

- 7.1 Mayor Dolling:
- 13/10/2012 YP Employment Awards, Ardrossan
 - 13/10/2012 Mundoora Centenary Celebrations
 - 19/10/2012 Port Broughton Seawall and Foreshore Working Party meeting
 - 23/10/2012 Special Meeting of Council re: Fishermans Bay
 - 24/10/2012 Legacy Lunch, RSL
 - 25-26/10/2012 LGA AGM and Conference, Adelaide
 - 31/10/2012 Meeting with LGA President & CEO, Port Broughton
 - 11/11/2012 Remembrance Day Services, Port Broughton
- 7.2 Cr Axford
- 11/11/2012 Remembrance Day Services, Bute
 - 19/10/2012 Port Broughton Seawall and Foreshore Working Party meeting
 - 23/10/2012 Special Meeting of Council re: Fishermans Bay
- 7.3 Cr Kerley
- 13/10/2012 Mundoora Centenary Celebrations
 - 15/10/2012 Meeting with Geoff Sheridan
 - 19/10/2012 Port Broughton Seawall and Foreshore Working Party meeting
 - 23/10/2012 Special Meeting of Council re: Fishermans Bay
 - 5/11/12 NRM meeting, Kadina
- 7.4 Cr McDonald
- 10/10/2012 Teleconference re: Fishermans Bay with CEO and advisors
 - 17/10/2012 Port Broughton District Hospital and Health Services Health Advisory Council AGM and Meals on Wheels AGM
 - 19/10/2012 Port Broughton Seawall and Foreshore Working Party meeting
 - 22/10/2012 Port Broughton Area School Governing Council meeting
 - 23/10/2012 Special Meeting of Council re: Fishermans Bay
 - 26/10/2012 Primary Health Care meeting
 - 31/10/2012 Meeting with LGA President & CEO, Port Broughton
- 7.5 Cr Rooney
- 23/10/2012 Special Council meeting, Port Broughton
 - 13/11/12 Travel to Adelaide with Manager Infrastructure Services re: asset purchase
 - 13/10/2012 YP Employment Awards, Ardrossan
- 7.6 Cr Simmons
- 15/10/2010 Bute Sporting Club Meeting
 - 19/10/2012 Port Broughton Seawall and Foreshore Working Party meeting
 - 23/10/2012 Special Meeting of Council re: Fishermans Bay
 - 23/10/2012 Barunga Village AGM
 - 25/10/2012 Library meeting
 - 31/10/2012 Meeting with LGA President & CEO, Port Broughton
 - 11/11/2012 Remembrance Day Services, Bute

- 7.7 Cr Weedon
23/10/2012 Special Meeting of Council re: Fishermans Bay
- 7.8 Cr Rowlands
23/10/2012 Special Meeting of Council re: Fishermans Bay
23/10/2012 Barunga Village AGM
31/10/2012 Meeting with LGA President & CEO, Port Broughton

8. Petitions

- 8.1 Nil

9. Questions with Notice

- 9.1 Cr Kerley asked for further clarification to 3 questions answered at the October 2012 Council meeting:
1. What was the nature of the work undertaken by Al Megson in the Port Broughton Community Hall kitchen, and elsewhere in the Hall?
Port Broughton Home Improvements received a Purchase Order on August 15 2012 to provide the following services at the Port Broughton Hall:
 - a. *Repair sectors of broken flooring as identified (Hall);*
 - b. *Repair sticking doors (Kitchen);*
 - c. *Investigate possible leaks in roof (Hall)*
 2. What was the cost of the work undertaken?
The total costs of all work was \$440 plus GST
 3. Why was it necessary to have work undertaken in a new kitchen just recently completed and at whose expense?
The work undertaken in the new kitchen related to the repair of 2 or 3 newly installed doors (Item 1 b) which had not been fitted correctly, and were removed, repaired and re-installed. The expense was Councils. Given the minor nature of repairs required, Port Broughton Home Improvements were engaged to do the repairs whilst performing other maintenance jobs for the Council.

10. Questions without Notice

- 10.1 Cr Rowlands and Cr Axford asked a number of questions of an operational nature, which were answered at the Council meetings. All subsequent actions associated with these Questions have been advised to the relevant officers for action and report back to Council if necessary.
- 10.2 Cr Rowlands asked whether Council has received any response from its letter to Minister Gago about Snapper Management. Cr Rowlands wrote to Minister Gago personally on 5/9/12 and 31/10/12. A response was not received until dated 7/11/12. Cr Rowlands has provided this correspondence Hon Adrian Pederick, Shadow Minister for Fisheries this week for his attention. Cr Rowlands principal concern is that the response received from Minister Gago continues to support the spatial spawning closure, and advises that further information from PIRSA has been sought. Cr Rowlands tabled all correspondence sent from him and received on this matter.

Acting CEO advised that this topic has been discussed with the YP Alliance as and he will continue to speak with neighbouring Councils on this matter. Cr Rowlands asked that the CEO write another letter to the Minister based on the Minister's response to his second letter to her.

196.12

MOVED: Cr Rowlands

"That Council write again to Minister Gago in strong terms advising of Council's position on the proposed changes to snapper management."

SECONDED: Cr Rooney

CARRIED

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

197.12

MOVED: Cr Kerley

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

SECONDED: Cr Simmons

CARRIED

14.1.1 Port Broughton Seawall - Public Consultation Process
Noted.

14.1.2 Enterprise Bargain Administration Employees
Noted.

14.1.3 Salary Review

198.12

MOVED: Cr Rowlands

"That Council agree to a review salary against all Administration Position Descriptions."

SECONDED: Cr Kerley

CARRIED

14.1.4 Annual Report
Noted.

14.1.5 Regional Development Australia Fund 3 Expression of Interest (RDAF3 EOI) Port Broughton Urban Design, Foreshore and Seawall

199.12

MOVED: Cr Weedon

"That Council lodges an Expression of Interest for the redevelopment of the Port Broughton Foreshore Seawall including bike and walking paths, urban design works and associated lighting by the closing date of 6th December 2012."

SECONDED: Cr Kerley

CARRIED

Cr Kerley declared that in accordance with Section 73 of the Local Government Act 1999 she had a conflict of interest with item 14.1.6.

Cr Kerley left the meeting at 8.05pm.

14.1.6 Bute Walking Trail - Matthew Rose

200.12

MOVED: Cr Simmons

"That

- 1. The letter from Mr Rose dated 22/10/2012 be received.*
- 2. That Council are prepared to allow Mr. Rose to install a high tensile barb wire at his cost*
- 3. That Council be prepared to grant a permit under Section 222 of the Local Government Act 1999 for depasturing stock for a period of up to five years over portion of the road reserve providing that Mr. Rose be prepared erect the necessary fencing at his cost and complying with all conditions of the permit.*
- 4. The boundary peg issue is a matter between Mr. Hancock and Council*
- 5. That Council give consideration to the formation of a Bute Walking Trail Committee for the development and management of the Walking Trail."*

SECONDED: Cr Axford

CARRIED

Cr Kerley returned to the meeting at 8.20pm.

201.12

MOVED: Cr Rowlands

"That the permit and conditions issued to Mr Rose are brought to council for consideration."

SECONDED: Cr Rooney

CARRIED

14.1.7 CFS Response to Fire Ban Suggestion

Noted.

14.1.8 Alford Rezoning Speed Limit

202:12

MOVED: Cr Rowlands

"That Council writes to resident of Alford advising that Council are considering a request to DPTI to change the speed limit through the township of Alford from 50km/hr to 60km/hr and seek feedback from the residents within an appropriate period of time."

SECONDED Cr Rooney

CARRIED

14.1.9 Tourism Industry Regional Development Fund Grants

Noted.

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

This item was deferred for consideration later in the meeting.

14.1.11 Draft Code of Conduct for Council Members

Noted. Councillors to provide feedback to Council management on the draft document.

14.1.12 Wakefield Regional Council – land at Everard

Correspondence provided at meeting. Noted.

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

203:12

MOVED: Cr Axford

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

SECONDED: Cr Kerley

CARRIED

14.2.1 September 2012 Quarterly Budget Review

204:12

MOVED: Cr Rowlands

"That the recommended budget amendments contained within the September 2012 budget revision be adopted in accordance with Regulation 9 of the Local Government (Financial Management) Regulations 2011."

SECONDED: Cr Kerley

CARRIED

14.2.2 Notice of sale of property

205:12

MOVED: Cr Kerley

"That council staff proceed with the sale of land being Government Road, Tickera and described in Certificate of Title Register Book Volume 2865 Folio 801."

SECONDED: Cr McDonald

CARRIED

14.2.3 Patrol Graders

206:12

MOVED: Cr Rowlands

"That the Senior Management negotiate and prepare a 5 year contract for the three (3) patrol grader operators, with a mutually agreeable provision for spikes in diesel fuel costs."

SECONDED: Cr Kerley

CARRIED

14.2.4 Caravan Park Insurance

Noted.

14.2.5 Elected Members Allowances

- 207:12 **MOVED:** Cr McDonald
"That allowances for Elected Members remain unchanged."
SECONDED: Cr Kerley
CARRIED

14.2.6 Mundoora Bowling Club

- 208:12 **MOVED:** Cr Kerley
"That Council direct the Mundoora Bowling Club to apply for Community Benefit or Department of Recreation and Sport grants and will recommend any applications of that nature."
SECONDED: Cr McDonald
CARRIED

14.2.7 Rates Review

Noted.

14.2.8 LGA Reform Fund Asset Management Plan Programme

Noted.

14.3 Manager – Infrastructure Services – Fred Linke

- 209:12 **MOVED:** Cr Weedon
"That the Report from the Manager – Infrastructure Services for the November meeting be received and noted."
SECONDED: Cr Rooney
CARRIED

14.3.1 Road Re-Naming (Daniels)

- 210:12 **MOVED:** Cr Weedon
"That Council adopt the following road names; Ruin Road, Daniel Road, Storen Road, James Road, Rods Road, Enright Corner Road, Black Gate Road and Rooney Road as new names for roads with the name Daniel and Railway Terrace."
SECONDED: Cr Axford
CARRIED

14.3.2 Nature Reserve opposite By-Pass Road

- 211:12 **MOVED:** Cr Kerley
"That Council install bollards at the entrance of the reserve adjacent By-Pass Road to stop vehicle access to the area."
SECONDED: Cr Weedon
CARRIED

14.3.3 Fishermans Bay Navigation Beacon

Noted.

14.3.4 Request for Road Closures - Port Broughton Progress Association and Barunga West Community Road Safety Group

212:12

MOVED: Cr McDonald

"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:

Bay Street, Port Broughton (between East Terrace and Harvey Street) between the times of 5.00pm and 7.00pm,

Bay Street Port Broughton (between Harvey Street and West Terrace) between the times of 5.00pm to 10.00pm,

McKay Street Port Broughton (between James Street and Bay Street), between the times of 3.00pm and 10.00pm

on Saturday 8th December 2012, for the purpose of a Christmas Pageant and Party."

SECONDED: Cr Kerley

CARRIED

213:12

MOVED: Cr McDonald

"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:

Aitchison Road, Port Broughton on Monday 3rd December 2012 between the times of 8.30am to 4.30pm, for the purpose of a driver awareness training/course."

SECONDED: Cr Kerley

CARRIED

14.3.5 Asset Purchase

214:12

MOVED: Cr Kerley

"That the 2012 Iveco Stralis 74 tonne B-Double truck be purchased."

SECONDED: Cr Simmons

CARRIED

Mayor Dolling declared that in accordance with Section 73 of the Local Government Act 1999 he had a conflict of interest with item 14.1.10 as his sister is a Director of Fishermans Bay Management.

Mayor Dolling left the meeting at 9.14pm
Cr Brian Rooney took conduct of the meeting

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

215:12

MOVED: Cr Rowlands

"That pursuant to Sections 90(2) of the Local Government Act 1999 the Council orders all members of the public, except Peter Ward, Acting Chief Executive Officer, Fred Linke, Manager Infrastructure Services, Geoff Sheridan, Consultant and Kim Thomas, Minute Secretary be excluded from attendance at that portion of the meeting where the Council receives, discusses and considers Item 14.1.10 namely, the Manager's Report and legal and professional advice in relation to the Fishermans Bay Freeholding Application/s and proposed Coast Protection infrastructure. .

The Council is satisfied that this is appropriate pursuant to Section 90(3)(h) and that pursuant to Section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to Agenda item 4.2 is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting business and/or prejudice the commercial position of the Council.

In addition, the disclosure of this information would on balance, be contrary to the public interest. The public interest in public access to this part of 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."

SECONDED Cr Axford
CARRIED

216:12

MOVED: Cr Weedon

"That Council notes and receives the report from the CEO and the attached documentation and adheres to its previous motion.

SECONDED Cr McDonald
CARRIED

217:12

MOVED: Cr Axford

"That having considered Agenda Item 14.1.10, Fishermans Bay Freeholding Application/s and proposed Coast Protection Infrastructure in confidence under Section 90(2), (3)(b) and (h) of the Local Government Act 1999, the Council, pursuant to Section 91(7) of that Act orders that the Managers Report and attachments relating to that item in the said Report, be released immediately."

SECONDED Cr Weedon
CARRIED

Mayor Dolling returned to the meeting at 9.38pm and resumed conduct of the meeting.

15. Closure

15.1 The Mayor declared the meeting closed at 9.39pm.

Cr D Dolling
Mayor, District Council of Barunga West