

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

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.
6 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 M Weedon
- 2.2 Leave of absence – Nil

3. Conflict of Interest Provisions

- 3.1 Mayor Dean Dolling declared a conflict of interest with item 14.4.3 as his sister is a director of Fishermans Bay Management.
- 3.2 Cr Leonie Kerley declared a conflict of interest with late item 14.3.1.

4. Confirmation of Minutes of the Previous Meeting

4.1 Ordinary Meeting – 11th September 2012

170.12 **MOVED:** Cr Kerley
“That the Minutes of the Ordinary Meeting of Council held on 11th September 2012 be confirmed as printed and supplied.
SECONDED: Cr McDonald
CARRIED

4.2 Special Meeting - 14th August 2012

171.12 **MOVED:** Cr Kerley
“That the Minutes of the Special Meeting of Council held on 14th August 2012 be confirmed as printed and supplied.
SECONDED: Cr Axford
CARRIED

5. Business Arising from the Minutes

- 5.1 Nil

6. Deputations

6.1 Kristian Whitaker, from the StarClub Program, presented to Council.

7. Members Reports

- 7.1 Mayor Dolling:
- 13/9/12 YP Alliance meeting
 - 18/9/12 Fire Prevention Committee meeting
 - 9/12/10 YP Community Transport AGM
 - 9/10/12 Meeting with Rob Wallace, LGA
 - 2/10/12 Bute Walking Trail site visit and meeting with community members
 - 1/10/12 Alford Bowls Club 60th Celebrations
 - 18/9/12 Audit Committee meeting
- 7.2 Cr Axford
- 18/9/12 Audit Committee Meeting
 - 2/10/12 Bute Walking Trail site visit and meeting with community members
- 7.3 Cr Kerley
- 2/10/12 Bute Walking Trail site visit and meeting with community members
- 7.4 Cr McDonald
- 18/9/12 Audit Committee Meeting
 - 2/10/12 Bute Walking Trail site visit and meeting with community members
- 7.5 Cr Rooney
- 26/9/12 Development Assessment Panel meeting
 - 2/10/12 Bute Walking Trail site visit and meeting with community members
- 7.6 Cr Simmons
- 22/6/12 Football Grand Final, Bute
 - 25/9/12 Barunga Village Meeting
 - 26/9/12 Bute 2000 Meeting
 - 29/9/12 Barunga Village Garage Sale
 - 2/10/12 Bute Walking Trail site visit and meeting with community members
 - 9/12/10 YP Community Transport AGM
- 7.7 Cr Smith
- 26/9/12 Development Assessment Panel meeting
 - 2/10/12 Bute Walking Trail site visit and meeting with community members

8. Petitions

8.1 Nil

9. Questions with Notice

9.1 At the September Council meeting Cr Kerley asked the following questions, and answers are provided below. Cr Kerley requested that more detailed answers be provided to these questions at the next 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?

Al Megson is currently out of the country.. The Acting CEO advised that it is understood that Al Megson was asked to attend to repairs of the hall ceiling, which was leaking after a rain event, and some other maintenance in the hall and kitchen area.

2. What was the cost of the work undertaken?

The Acting CEO advised that we have no record of payment on our financial system.

3. Why was it necessary to have work undertaken in a new kitchen just recently completed and at whose expense?

The Acting CEO advised that it is understood that there was some form of maintenance work undertaken in the kitchen, but we are not sure of the precise nature.

9.2 At the September Council meeting Cr Kerley asked:

1. Under Occupational Health & Safety regulations is it a requirement to have a hand basin in a kitchen for hand washing prior to the preparation of food in a public venue?

Advice has been received that a hand washing basin is required, in addition to hot and cold running water, which will be addressed in due course.

10. Questions without Notice

10.1 Cr Kerley asked whether Council were considering applying for Coastcare grants as advised in the Central Region Local Government Newsletter.

Consultant Geoff Sheridan provided further information regarding these grants and arranged to meet with Cr Kerley to discuss further.

11. Motions with Notice

11.1 Nil

12. Motions without Notice

12.1 Cr Kerley

172.12 **MOVED:** Cr Kerley

"That Council:

1. *Contacts the Bute Football Club explaining the heritage value to Bute of the cast iron strainer posts which were removed from the fence along the Bute Walking Track and ask that they allow the strainer posts to be installed as a feature along the walking track or placed in Bute itself as part of a post sculpture with a brief explanation of their history.*

2. *Should the fence on the southern side of the Bute Railway Corridor be replaced in the future that all cast iron fence strainers be retained by Council for use along the walking track as a feature, or in Bute as part of a post sculpture with a brief explanation of their history.*

SECONDED: Cr Axford

CARRIED

13. **Adoption of Committee Reports**

13.1 Audit Committee Meeting 18th September 2012

173:12

MOVED: Cr Axford

“That Council accept the Minutes and all Recommendations from the Audit Committee meeting held on 18th September 2012 as printed and supplied.”

SECONDED Cr Rooney

CARRIED

13.1 Fire Prevention Committee Meeting 18th September 2012

174:12

MOVED: Mayor Dolling

“That Council accept the Minutes from the Fire Prevention Committee meeting held on 18th September 2012 as printed and supplied.”

SECONDED Cr McDonald

CARRIED

14. **Council Business – Managers Report**

14.1 Acting Chief Executive Officer – Peter Ward

175:12

MOVED: Cr Rooney

“That the Report from the Acting Chief Executive Officer for the October meeting be received and noted.”

SECONDED: Cr Smith

CARRIED

14.1.1 Chief Executive Officer - Performance Development Review

176:12

MOVED: Cr Smith

“That pursuant to Sections 90(2) of the Local Government Act 1999 the Council orders that all persons, except the Acting CEO, Peter Ward and Geoff Sheridan, Consultant, be excluded from attendance at the meeting for Agenda Item 4.1.1 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 Axford

CARRIED

Fred Linke and Kim Thomas left the meeting at 8.55pm.

178:12

MOVED: Cr Kerley

"That having considered Agenda Item 4.1.1 – Chief Executive Officer – Performance Development Review, in confidence under Sections 90(2), (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 six months, or such lesser period as may be determined by the Chief Executive Officer."

SECONDED: Mayor Dolling

CARRIED

Fred Linke and Kim Thomas returned to the meeting at 9.22pm.

14.1.2 Port Broughton Seawall - Public Consultation Process

179:12

MOVED: Cr Kerley

"That Council accept all expressions of interest received from members of the public for inclusion in the Port Broughton Foreshore and Seawall Working Party."

SECONDED: Cr McDonald

CARRIED

14.1.3 Essential Services Commission of South Australia.

180:12

MOVED: Cr Kerley

"That the Chief Executive Officer is delegated the power under section 19 of the Water Industry Act 2012 to make an application to the Essential Services Commission for the issue of a licence as a water industry entity."

SECONDED: Cr Axford

CARRIED

181:12

MOVED: Cr McDonald

"That Council write to the Local Government Association expressing their concerns with the requirements of Council under the Water Industry Act 2012."

SECONDED: Cr Simmons

CARRIED

14.1.4 PIRSA Draft Snapper Management Arrangements

Noted.

14.1.5 Licence Agreement – Bute Walking Trail

182:12

MOVED: Cr Axford

"That Council authorizes the Mayor and Acting CEO to execute the Licence for the Bute Walking Trail under Council's common seal."

SECONDED: Cr Rooney

CARRIED

14.1.6 Dog & Cat Management Plan

Noted.

14.1.7 Boat Ramp Enforcement Policy

Noted and requesting that the policy be further reviewed.

14.1.8 LGA Visit October 31 2012

Noted.

14.1.9 Administration Staff Leave Day

183:12

MOVED: Cr Smith

"That Council agree to one day paid leave for Administration Staff on 31st December 2012."

SECONDED: Cr Rooney

CARRIED

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

184:12

MOVED: Cr Smith

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

SECONDED: Cr Kerley

CARRIED

14.2.1 Annual Financial Statements

185:12

MOVED: Cr Kerley

"That pursuant to Regulation 14 of the Local Government (Financial Management) Regulations 1999, the Mayor and Chief Executive Office be authorised to certify the audited financial statements of Council for the 2011/12 financial year; and that the audited 2011-12 Annual Financial Statements Certification of Auditor Independence be signed by the Presiding Member of the Audit Committee and the Chief Executive Officer."

SECONDED: Cr Simmons

CARRIED

14.2.2 June Budget Review EOY 2011-12

186:12

MOVED: Cr Axford

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

SECONDED: Cr Kerley

CARRIED

14.2.3 HACC Vehicle

Noted.

14.2.4 Caravan Park Insurance

- 187:12 **MOVED:** Cr Kerley
“That the Port Broughton Caravan Park lessees pay for the cost of a new valuation of the caravan park assets or alternatively provide payment to Council for reimbursement of the full insurance premium costs.”
SECONDED: Cr McDonald
CARRIED

14.3 Manager – Infrastructure Services – Fred Linke

- 188:12 **MOVED:** Cr Rooney
“That the Report from the Manager – Infrastructure Services for the October meeting be received and noted.”
SECONDED: Cr Simmons
CARRIED

Cr Kerley left the meeting at 8.33pm.

14.3.1 Bute Walking Trail (late item)

- 189:12 **MOVED:** Cr Axford
“That correspondence be noted and received.”
SECONDED: Cr McDonald
CARRIED

Cr Kerley returned to the meeting at 8.42pm.

14.3.2 Fire Season Dates

- 190:12 **MOVED:** Cr Axford
“That Council write to the CFS asking for Fire Seasons dates for all CFS regions in the District Council of Barunga West boundaries begin on 1st November 2012.”
SECONDED: Cr Kerley
CARRIED

14.4 Development Report – Peter Ward

- 191:12 **MOVED:** Cr Simmons
“That the Development Report from the Acting Chief Executive Officer for the October meeting be received and noted.”
SECONDED: Cr Smith
CARRIED

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

14.4.2 Rural Living Development Plan Amendment (DPA)
Noted.

Mayor Dolling declared that in accordance with Section 73 of the Local Government Act 1999 he had a conflict of interest with item 14.4.3 as his sister is a Director of Fishermans Bay Management.

Mayor Dolling left the meeting at 8.53pm.
Cr Rooney took conduct of the meeting

14.4.3 Fishermans Bay Management (FBM) Freeholding and levee bank applications
Noted.

Mayor Dolling returned to the meeting at 8.57pm.

14.4.4 Section 49 Crown Development – ETSA Utilities Electricity substation upgrade - Copper Coast Highway, South Hummocks
Noted

192:12

MOVED: Cr Smith

"That Council advises the DAC that it has no objection to the ETSA Utilities Electricity substation upgrade on Copper Coast Highway, South Hummocks proposal on the basis of it being assessed by relevant authorities."

SECONDED Cr Rooney

CARRIED

14.4.5 Authorised Officers - Health

193:12

MOVED: Cr McDonald

"That the Council as of 9th October 2012 resolve to appoint the following officers as Authorised Officers for the District Council of Barunga West:

Local Government Act 1999 - Section 260

Jan Truter Environmental Services Officer - Health

Johan Van Zyl Environmental Services Officer - Health

Development Act 1993 - Sections 18 & 19

Jan Truter Environmental Services Officer - Health

Johan Van Zyl Environmental Services Officer - Health

Public & Environment Health Act 1987 - Section 7

Jan Truter Environmental Services Officer - Health

Johan Van Zyl Environmental Services Officer - Health

Environment Protection Act 1993 - Sections 85 & 87

Jan Truter Environmental Services Officer - Health

Johan Van Zyl Environmental Services Officer - Health

Food Act 2001 - Section 94

Jan Truter Environmental Services Officer - Health

Johan Van Zyl Environmental Services Officer - Health

Supported Residential Facilities Act 1992 - Section 21

Jan Truter Environmental Services Officer - Health

Johan Van Zyl Environmental Services Officer - Health

Housing Improvement Act 1940 - Section 23

Jan Truter Environmental Services Officer - Health

Johan Van Zyl Environmental Services Officer - Health

Expiation of Offences Act 1996 - Section 6

Jan Truter Environmental Services Officer - Health

Johan Van Zyl Environmental Services Officer - Health

SECONDED Cr Kerley

CARRIED

15. Closure

15.1 The Mayor declared the meeting closed at 9.24pm.

Cr D Dolling
Mayor, District Council of Barunga West