1: PRESENT:

   Officers: Mr D.L. Beaton (Chief Executive Officer), Mr T King (Manager Infrastructure Services), Ms K. Burton (Manager Corporate Services), Mr P. Day (Manager Environmental Services), Mr A Haigh (Community Development Officer) and Ms E. Braunack (Executive Assistant).

2: APOLOGIES: Cr J. Rolfe.


   MOTION: (2237/10)
   That the Minutes of the Ordinary Meeting of Council held on 27th April 2010 be taken as read and confirmed.
   
   Crs Centofanti/Richardson CARRIED

4: ADJOURNED ITEMS: - Nil

5: PETITIONS: - Nil

6: DEPUTATIONS / ADDRESS:

   6.1 Mr Tom Neilson and Mr Michael Morris – Berri General Hospital Redevelopment 2010-2014 (6.02 p.m. - 6.30 p.m.)
   Details regarding the progress of the Berri Hospital Development were explained to Members. The building construction works will commence March 2011 and will be completed by June 2014

   6.2 Mr Craig Holtham and Mr Michael Stephenson – Berri Water Ski Club Inc. (6.31 p.m. – 6.42 p.m.) - Proposal to assist Council in gaining funding to upgrade / replace the Boat Ramp at the Berri Marina as a staged project.

   MOTION: (2238/10)
   That Council support the Berri Water Ski Club in their application for funding for the upgrade of the Berri Marina Boat Ramp.
   
   Crs Chapple/Beech CARRIED

6.3 Mr T Foot – Parking Infringement (6.44 p.m. – 6.49 p.m.)

7: MOTIONS WITH NOTICE: Nil

8: QUESTIONS ON NOTICE: - Nil

9: ELECTED MEMBERS REPORTS:

   9.1 MAYOR’S REPORT:

   MOTION: (2239/10)
   That the Mayor’s Report be received.
   
   Crs Kanakaris/Centofanti CARRIED
9.1.1 REF: 9.24.1
SUBJECT: Passing of Former Residents

Since the last meeting of Council held on 27th January 2010 the following deaths have been noted:

Henryka “Henny” ARTWIK; Gwen HABY; Audrey Petral JONES; Eunice Jemma HARRISON; Karen HODGSON; Geoffrey Herbert NAYLOR; Brian Charles “Bunny” WRIGHT; Kevin Stanley MARSHALL; Julie Ann LINDSAY; Thomas James “Tom” PERRY; Ronald Hurtle SHUEARD.

9.1.2 REF: 9.24.1
SUBJECT: Functions / Meetings attended since last meeting:

25th April

- Attended the ANZAC Day Dawn Service at the Garden of Memory and morning breakfast at the Barmera Bowling Club. Also visited the Berri RSL

30th April

- Attended a meeting with Andy Townsend and Matt Francis from the Digital Switchover Taskforce regarding switching to digital TV which is to come into effect by the end of the year
- Attended the Riverland Futures Taskforce Structure and Management meeting in Berri
- Officially opened the New Rosenthal Automotive Dealership

3rd May

- Attended the Audit Committee meeting and the Special Council meeting

4th May

- Attended the Riverland Water Golf Day and Dinner at the Renmark Golf and Country Club

6th May

- Attended a meeting with Mayor Felicity-ann Lewis (President) and Michael Barry (A/Executive Director) of the LGA
- Attended the Berri Town Beautification Committee meeting

11th May

- Attended the CEO Performance Review meeting with the D/Mayor and Crs Centofanti & Richardson
- Attended the Asset Management Committee meeting
- Attended a Dinner at the Renmark Hotel to meet the new SA Tourist Commission CE, Ian Darbyshire

13th May

- Attended the Local Government & NRM Mayors Workshop at the Berri Resort Hotel. Council received an award from ICLEI-Oceania Water Campaign.
- Attended the Berri Town Beautification Committee meeting

14th May

- Attended the Riverland Futures Taskforce meeting

15th May

- Officially opened the Barmera Community Men’s Shed

17th May

- Attended the Community Development Grants Assessment Committee meeting

20th May

- Accepted invitation from Country Arts SA to attend the launch of the Riverland Gallery.

21st May

- With the CEO attended a meeting with Roch Cheroux, MD of United Utilities Australia
- Attended the 5RM / Riverland & Mallee Rotary Club Citizen of the Year Awards 2009
9.2 COUNCILLORS / DELEGATES / REPRESENTATIVES REPORTS:

**Cr Casey:**
- May 3rd: Attended the Special Council meeting
- May 6th: Attended a meeting with Mayor Felicity-ann Lewis (President) and Michael Barry (A/Executive Director) of the LGA

**Cr Beech:**
- May 5th: Attended a meeting of the Berri & District Business Association (Multi Cultural Festival)
- April 30th: Attended Opening of Rosenthal’s Car Dealership
- May 3rd: Attended the Audit Committee meeting and the Special Council meeting
- May 6th: Attended a meeting with Mayor Felicity-ann Lewis (President) and Michael Barry (A/Executive Director) of the LGA
  - Attended Berri Town Beautification Committee Presentation by “Outerspace” (Consultants)
- May 11th: Attended Asset Management Committee Meeting
- May 13th: Attended Meeting of the Berri Town Beautification Committee
- May 17th: Attended Community Grants Assessment Committee Meeting

**Cr Fletcher:** - Nil

**Cr Richardson:**
- May 3rd: Attended the Audit Committee Meeting and a Special Meeting of Council
- May 11th: Attended the CEO performance review meeting with the Mayor, D/Mayor and Cr Centofanti.
  - Attended/Chaired Asset Management Committee Meeting
- May 13th: Attended the Berri Town Beautification Committee Meeting
- May 21st: Attended the 5RM/Riverland & Mallee Rotary Club Citizen of the Year Awards

**Cr Kanakaris:**
- May 3rd: Attended the Special Council Meeting
- May 7th: With Cr Centofanti attended and officially launched the new equipment at the Barmera Recreation Centre in conjunction with the YMCA and the Barmera District War Memorial
- May 11th: Attended Asset Management Committee Meeting

**Cr Chapple:**
- May 3rd: Attended the Special Council Meeting
- May 6th: Attended a meeting with Mayor Felicity-ann Lewis (President) and Michael Barry (A/Executive Director) of the LGA
  - Attended Berri Town Beautification Committee Presentation by “Outerspace” (Consultants)
- May 11th: Attended the CEO Performance Review Meeting, and
  - Attended Asset Management Committee Meeting

**Cr Higgs:**
- May 3rd: Attended the Special Council Meeting
- May 11th: Attended Asset Management Committee Meeting
- May 12th: Attended YACU Committee Meeting
Cr Rolfe:  - Absent / Apology

Cr Centofanti:
April 30th  Attended Official Opening of the new Rosenthal’s Dealership
May 3rd  Attended Special Meeting of Council
May 5th  With Cr Beech/Andrew Haigh attended the Berri District Business Association
meeting to discuss and gauge interest in the planned Centenary Multicultural
Festival and also the Berri Easter Pageant in 2011.
May 6th  Attended a meeting with Mayor Felicity-ann Lewis (President) and Michael Barry
(A/Executive Director) of the LGA
Attended Berri Town Beautification Committee Open Space presentation by
Outerspace Architects
May 7th  With Cr Kanakaris attended and officially launched the new equipment at the
Barmera Recreation Centre in conjunction with the YMCA and the Barmera
District War Memorial
May 11th  Attended CEO Performance Review Meeting with Mayor, D/Mayor and Cr
Richardson.
Attended Asset Management Committee Meeting
May 13th  Attended the Riverland Regional Development Assessment Panel Meeting in
Berri.
Attended the Berri Town Beautification Committee Meeting.
May 17th  Attended the Community Development Grants Assessment Committee Meeting.

Cr Hill:
May 13th  Attended the Local Government & NRM Mayors Workshop at the Berri Resort
Hotel.
Expressed appreciation to Andrew and Kim for assistance given to Loxton
residents in their application for a grant from Telstra

Reminder:  “National Reconciliation Week” Event to be held on Thursday 27th May on the Riverfront lawns
Vaughan Terrace, Berri, between 10.30 a.m. and 12.00 noon.
10: **EXECUTIVE / CORPORATE SERVICES:**

10.1 **EXECUTIVE / CORPORATE SERVICES REPORTS:**

*MOTION:* (2240/10)
That Executive / Corporate Services Reports numbered 10.2 to 10.13 inclusive be received and contents noted.

Crs Casey/Fletcher **CARRIED**

10.2 Caretaker Policy – Local Government (Elections) Act 1999 – Public Consultation

**REF:** 9.34.1
**OFFICER:** CEO

*MOTION:* (2241/10)
That pursuant to the Local Government (Elections) Act 1999 the Berri Barmera Council Caretaker Policy be adopted.

Crs Kanakaris/Beech **CARRIED**

10.3 Code of Conduct for Elected Members and Committee Members

**REF:** 9.33.1
**OFFICER:** CEO

*MOTION:* (2242/10)
That the Code of Conduct for Elected Members and Committee Members be received and made available for comment pursuant to Council’s Public Consultation Policy.

Crs Richardson/Centofanti **CARRIED**

10.4 Hon. Paul Caica, Minister for the River Murray – Re: Lake Bonney

**REF:** 10.32. I100512-7555
**OFFICER:** CEO
10.5 Electoral Commission of SA – Local Government Elections 2010 – Election Conduct Option

REF: I100512-7554 9.34.4
OFFICER: CEO

MOTION: (2243/10)
That Council select Option (1), namely that the Electoral Commission of South Australia conduct the Local Government Elections 2010 in its entirety for the Berri Barmera Council in November 2010.

Crs Fletcher/Richardson CARRIED

10.6 Local Government Association of SA – Federal Election – Key Local Government Issues

REF: 10.3.3; I100507-7499
OFFICER: CEO

10.7 Local Government Association Workers Compensation Scheme

REF: 10.3.3; I100505-7479
OFFICER: CEO

10.8 Norman Waterhouse Lawyers – Local Government Elections 2010 – Pre Election Community Sessions

REF: 10.85.1 I100505-7474
OFFICER: CEO

MOTION: (2244/10)
1: That the Berri Barmera Council’s Chief Executive Officer conduct the information sessions as required pursuant to S12 of the Local Government (Elections) Act 1999.
2: That the sessions are conducted in the Berri Barmera Council area, and not on a regional basis.
3: That the information sessions/training be determined at a later date in consultation with the Electoral Commissioner.

Crs Richardson/Kanakaris CARRIED
10.9 Berri Town Beautification Committee – Minutes of 13th May 2010 Meeting

REF: 9.14.1
OFFICER: CEO

MOTION: (2245/10)
(1) That the Minutes of the Berri Town Beautification Committee Meeting held on 13th May 2010 be received.
(2) That suitable signage be erected to enable publicity of coming events and community information.
(3) That the garden area/design designated as community recognition for former CWA members be approved.

Crs Richardson/Fletcher CARRIED

10.10 Budget Review by Function – 30 April 2010

REF: 7.11.1
OFFICER: MCS

10.11 Advance Payment 2010/2011 Financial Assistance Grant

REF: 7.41.1
OFFICER: MCS

10.12 Revocation of Community Land – Lake Bonney (Barmera) Youth Camp

REF: A800 16.30.1
OFFICER: CEO

MOTION: (2246/10)
That Council undertake Public Consultation with the community to inform them that Council intends to revoke the “Community Land” classification pursuant to Section 194 of the Local Government Act 1999 and subsequently dispose of the land.

Crs Richardson/Kanakaris CARRIED

10.13 Riverland Futures Taskforce – Incorporation

REF: OFFICER: CEO

MOTION: (2247/10)
That Berri Barmera Council supports in principle the proposal of the Riverland Futures Taskforce to incorporate pursuant to the Associations Incorporations Act 1985 subject to an acceptable Constitution.

Crs Centofanti/Higgs CARRIED
11: **COMMUNITY SERVICES:**

11.1 **COMMUNITY SERVICES REPORTS:**

**MOTION: (2248/10)**
That Community Service Reports 11.2 to 11.10 be received and contents noted.

Crs Richardson/Chapple **CARRIED**

11.2 Riverland Tourism Association – Minutes of Meeting held 30th April 2010

**REF:** 17.14.3 I100507-5391

**OFFICER:** CDO

**MOTION: (2249/10)**
That the minutes of the Riverland Tourism Marketing Committee meeting held on the 30th April 2010 be received.

Crs Kanakaris/Beech **CARRIED**

11.3 Library Services Conditions of Use Policy

**REF:** 2.38.1

**OFFICER:** LM (P. Ison)

**MOTION: (2250/10)**
That Council adopt the Library Services Conditions of Use Policy.

Crs Chapple/Centofanti **CARRIED**

11.4 Community Grants - Round Two 2009/10

**REF:** 7.41.5

**OFFICER:** CDO

**MOTION: (2251/10)**
That Council approve the successful round two applications for Community Development Grants as recommended during the Grant Review Committee meeting held 17th May 2010.

Crs Beech/Fletcher **CARRIED**
11.5 Riverland Youth Theatre – Funding Request 2010/2011

REF: 2.36.1, I100507-6375
OFFICER: CDO

MOTION: (2252/10)
That Council allocate $5,000 from the Community Grants Budget allocation towards the annual operations of the Riverland Youth Theatre.  
Crs Kanakaris/Casey CARRIED

11.6 Youth And Council Unite Committee Minutes

REF: 17.14.1
OFFICER: Youth Development Officer

MOTION: (2253/10)
That the minutes of the Youth and Council Unite Committee meeting held on 12th May 2010 be received.  
Crs Beech/Fletcher CARRIED

11.7 Quarterly Report – Community Development Officer

REF: 9.24.1, 17.73.1
OFFICER: CDO

11.8 Library Reports – Berri Library & Information Centre and Barmera Library & Customer Service Centre

REF: 9.24.1
OFFICER: LM (P. Ison) and Team Leader’s Report (P. Germein)

11.9 The Berri Visitor Information Centre Quarterly Report

REF: 4.73.1, 4.12.2
OFFICER: Danyon De Buell - Coordinator Berri Visitor Information Centre

11.10 Youth Services Report

REF: 17.73.2
OFFICER: Youth Development Officer
12: INFRASTRUCTURE SERVICES:

12.1 INFRASTRUCTURE SERVICES REPORTS:

Cr Richardson left the Chamber at 7.36 p.m.

MOTION: (2254/10)
That Infrastructure Services Reports numbered 12.2 to 12.4 inclusive be received and contents noted.

Crs Fletcher/Casey CARRIED

12.2 Status of Works Report – McKay Road construction; Footpaths / Gopher Routes; Jarvis Street Reserve; Martin Bend Shelter and Berri Riverfront – CWA Garden

REF: 9.24.1
OFFICER: MIS

Cr Richardson returned to the Chamber at 7.38 p.m.

12.3 Old Sturt Highway – Request for Pedestrian Crossing

REF: 9.24.1, 14.67.2 IO90819-5235, O090824-537, 01100315-7074
OFFICER: MIS

MOTION: (2255/10)
That the Manager of Infrastructure Services:-
1. Write to Department Transport, Energy and Infrastructure requesting that an investigation into the installation of a pedestrian refuge on the Old Sturt Highway adjacent to the United Service Station be carried out.
2. Liaise with officers of Department Transport, Energy and Infrastructure to develop a possible scheme for future funding of the proposed pedestrian refuse.

Crs Chapple/Centofanti CARRIED

12.4 Monash Landfill – Landfill Fee Changes

REF: 9.24.1,
OFFICER: MIS

MOTION: (2256/10)
1. That the landfill fees for the Monash Landfill be altered with the following fees to apply as of 1 July 2010:
   - Boot / Back Seat (Equiv to 240L Bin) $ 5.00
   - 6.4 Trailer / ute $ 8.00
   - Large Trailer with crates / gates, etc $ 15.00
   - Small Truck (under 4 tonne) $ 25.00
   - Small Truck (over 4 tonne) $ 55.00
   - Tandem axle truck $ 110.00
   - Semi-Trailer $ 140.00
   - Large Compactor $ 140.00
   - Car Body Disposal $ 20.00
2. That the new fees to apply for the Monash Landfill be advertised in the Murray Pioneer jointly by Council and Riverland Litter.

Crs Fletcher/Beech CARRIED
13: ENVIRONMENTAL SERVICES:

13.1 ENVIRONMENTAL SERVICES REPORTS:

MOTION: (2257/10)
That Environmental Services Reports numbered 13.2 to 13.10 inclusive be received and contents noted.
Crs Fletcher/Casey CARRIED

13.2 Illegal car parking on footpaths

REF: 20.73.4
OFFICER: GI, MES

MOTION: (2258/10)
That Council support the new campaign to inform motorists of the offence of parking on footpaths and endorse Council’s General Inspector to expiate offenders after a nominated date.
Crs Centofanti/Kanakaris CARRIED

13.3 Traffic Infringement Fine Complaint

REF: 20.67.2, I1004075216
OFFICER: MES

This matter was left to lie on the table pending further investigation.

13.4 Berri CWA Rooms – Lease

REF: 16.36.1, A5256 I100511-7538, I100430-7411, I100505-7475
OFFICER: PO

MOTION: (2259/10)
That Council support the proposal by the Combined Churches Welfare group to utilise the former Berri CWA facility.
Crs Centofanti/Chapple CARRIED
13.5 Certificate 4 Local Government – Regulatory Services Scholarship (Mr J. Henwood)

REF: 9.24.1
OFFICER: GI, MES

13.6 Temporary Road Closure, South Australian Country Music Festival

REF: 20.16.1
OFFICER: GI, MES

MOTION: (2260/10)
The Berri Barmera Council exercises the power pursuant to Section 33 of the Road Traffic Act 1961 and Clause "F" of the instrument of General Approval of the Minister dated 12th March 2001 to:

1. Pursuant to Section 33(1) of the Road Traffic Act 1961 hereby make an order directing that Barwell Avenue, Barmera, between Nookamka Terrace and Pascoe Terrace, be closed to traffic on Saturday 12 June 2010 between the hours of 6.00am and 4.00pm, for the activities associated with the South Australian Country Music Festival.

2. Pursuant to Section 33(1) of the Road Traffic Act 1961 hereby make an order directing that Dean Drive, Barmera between Whitmore Avenue to 400 meters east to the Skate Park, be closed to traffic on Sunday 13 June 2010 between the hours of 7.00am and 5.00pm, for the activities associated with the South Australian Country Music Festival.

3. Pursuant to Section 33 (1) (b) of the Road Traffic Act 1961 hereby make an order directing that persons taking part in the event be exempt from the duty to observe the Australian Road Rules relating to pedestrian behaviour.

Crs Beech/Kanakaris CARRIED

13.7 Permit Parking Denny Street and Ahern Street, Berri

REF: 20.71.2
OFFICER: PO, MES

MOTION: (2261/10)
That the permit parking fee increase from $230-00 per year to $235-00 per year.

Crs Richardson/Casey CARRIED
13.8 Minutes of the Riverland Regional Building Fire Safety Committee meeting held 14 & 15 April 2010

REF: 3.71.14
OFFICER: MES, DO-B

MOTION: (2262/10)
That the Minutes of the Building Fire Safety Committee Meeting held 14 & 15 April 2010 be received.

Crs Kanakaris/Hill CARRIED

13.9 Development Section Activities

REF: 9.24.1, 3.71.4
OFFICER: DO-P, DO-B

13.10 Temporary Road Closures – Barmera Main Street Markets 2010

REF: 20.16.1, I
OFFICER: GI

MOTION: (2263/10)
The Berri Barmera Council exercises the power pursuant to Section 33 of the Road Traffic Act 1961 and Clause "F" of the instrument of General Approval of the Minister dated 12th March 2001 to:

(1) Pursuant to Section 33(1) of the Road Traffic Act 1961 hereby make an order directing that Barwell Avenue Barmera, between Nookamka Terrace and Pascoe Terrace, be closed to traffic including bicycles and scooters excluding motorised wheelchairs on:
   Sunday 6 June 2010
   Sunday 3 October 2010
   Sunday 7 November 2010
   Sunday 5 December 2010
   between the hours of 7.30 am and 2.30 pm, for the Barmera Main Street Market activities.

(2) Pursuant to Section 33 (1) (b) of the Road Traffic Act 1961 hereby make an order directing that persons taking part in the event be exempt from the duty to observe the Australian Road Rules relating to pedestrian behaviour.

Crs Centofanti/Chapple CARRIED
14: **QUESTIONS WITHOUT NOTICE:**

(1) Untidy Township area (Vicinity Sunbake Bakery, Vaughan Terrace), and also in the vicinity of the Berri Court House (Ahern Street, Berri).
   It was resolved to place “ashtrays” and bins in both areas to minimise litter etc.

(2) Underneath the Berri Bridge (Mural area) was cited as another area of concern. A 240 litre rubbish bin will be installed in a suitable location.

(3) Kangaroos in fenced area adjacent Fletcher’s Freighters – It was agreed that Council staff will feed and care for the Kangaroos at the location until such time as alternative suitable arrangements can be made.

15: **MOTIONS WITHOUT NOTICE:** - Nil
16: CONFIDENTIAL ITEMS:

16.1 Barking Dog Prosecution

MOTION (EXCLUSION): (2264/10)
That pursuant to Sections 90(2) and 90(3)(h) of the Local Government Act 1999 the Council orders that the public be excluded with the exception of the Chief Executive Officer and senior staff present on the basis that it will receive, consider and discuss correspondence relating to “Dog Barking Prosecution” and the Council is satisfied that the principle, being that the meeting should be conducted in a place open to the public, is outweighed in relation to the matter because receiving, considering and discussing the matter involves:

• 90(3)(h) legal advice

Crs Centofanti/Beech CARRIED

16.1.1 Dog Barking Prosecution

REF: 1.71.2, A4649
OFFICER: MES, GI

CONFIDENTIAL MOTION: (2265/10)

MOTION (ORDER): (2266/10)
That pursuant to Sections 91(7) and (9) of the Local Government Act 1999, the Council orders that the minutes and all reports and associated documents considered and discussed in regard to “Barking Dog Prosecution” remain confidential and not available for public inspection, for a period of 12 months from the date of the meeting (viz. 25 May 2010) and notes that this order is to be reviewed in 12 months time.

Crs Richardson/Kanakaris CARRIED
At 8.18 p.m. Crs Centofanti and Beech vacated the Chamber whilst discussions on Item 16.2 took place, declaring a conflict of interest in that they both have family connections to one of the Tenderers, namely Centofanti Builders.

16.2 Bonney Theatre Stage 1b and final fire safety upgrade works

MOTION (EXCLUSION): (2267/10)
That pursuant to Sections 90(2) and 90(3)(k) of the Local Government Act 1999 the Council orders that the public be excluded with the exception of the Chief Executive Officer and senior staff present on the basis that it will discuss matters relating to “Bonney Theatre Stage 1b and final fire safety upgrade works” and the Council is satisfied that the principle, being that the meeting should be conducted in a place open to the public, is outweighed in relation to the matter because receiving, considering and discussing the matter involves:

• 90(3)(k) ….. tenders for the supply of goods, the provision of services or the carrying out of works

Crs Chapple/Richardson CARRIED

16.2.1 Bonney Theatre Stage 1b and Final Fire Safety Upgrade Works.

REF: 3.71.4
OFFICER: MES, DO-B

MOTION: (2268/10)
(1) That Council approve the allocation of $62,000 from the Major Building & Structure Upgrade budget line to fund the final fire safety upgrade works.
(2) That the quotation from M. Kregar be accepted
(3) That it be noted that both the tender price and timeframe for commencement of works were a factor in determining the successful tenderer.

Crs Fletcher/Chapple CARRIED

Crs Centofanti and Beech returned to the Chamber at 8.28 p.m.
At 8.20 p.m. Cr Higgs vacated the Chamber whilst discussions on Item 16.3 took place, declaring a conflict of interest in that he is the owner of the land being discussed.

16.3 Regional Waste Management

**MOTION (EXCLUSION):** (2269/10)
That pursuant to Sections 90(2) and 90(3)(k) of the Local Government Act 1999 the Council orders that the public be excluded with the exception of the Chief Executive Officer and senior staff present on the basis that it will discuss matters relating to “Regional Waste Management” and the Council is satisfied that the principle, being that the meeting should be conducted in a place open to the public, is outweighed in relation to the matter because receiving, considering and discussing the matter involves:

- 90(3)(b) ….. Information the disclosure of which –
  - (i) Could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council;

Crs Chapple/Richardson  CARRIED

16.3.1 Regional Waste Management

**REF:**

**OFFICER:** CEO

**CONFIDENTIAL MOTION:** (2270/10)

**MOTION (ORDER):** (2271/10)
That pursuant to Sections 91(7) and (9) of the Local Government Act 1999, the Council orders that the minutes and all reports and associated documents considered and discussed in regard to “Regional Waste Management” remain confidential and not available for public inspection, for a period of 12 months from the date of the meeting (viz. 25 May 2010) and notes that this order is to be reviewed in 12 months time.

Crs Centofanti/Kanakaris  CARRIED

Cr Higgs returned to the Chamber at 8.30 p.m.
RESUMPTION OF OPEN COUNCIL:  
The Council Meeting resumed open Council after considering Confidential Report Item 16.1 – 16.3.

17: CLOSURE: The Meeting closed at 8.47 p.m.

Confirmed:

DATE: , 2010          MAYOR: ........................................
                         P.R. HUNT
16.1.1 Dog Barking Prosecution

REF: 1.71.2, A4649
OFFICER: MES, GI

MOTION: (2265/10)
1: That Council accept the settlement amount of $4000.
2: Require Mr Leckie to continue using the dog bark control device indefinitely at Council’s cost.
3: Cease the legal proceedings. 

Crs Beech/Centofanti CARRIED
COUNCIL MEETING 28th JUNE 2011

16: CONFIDENTIAL ITEMS:

16.1 Confidential Minute Book – Release of Confidential Minutes

MOTION (EXCLUSION): (2650/11)
That pursuant to Sections 90(2) and 90(3)(a) and (h); and Section 91(9) of the Local Government Act 1999 the Council orders that the public be excluded with the exception of the Chief Executive Officer and staff present on the basis that it will consider and discuss release of confidential minutes of a meeting held on 25 May 2010 in relation to certain matters associated with Regional Waste Management and the Council is satisfied that the principle that the meeting should be conducted in a place open to the public is outweighed in relation to the matter because receiving, considering and discussing the report, legal advice and associated documentation:

• [90(3)(a)] ... involves receiving and considering information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of people; and
• [90(3)(h)] ... concerns legal advice received by the Council.
• [S91(9)] ... involves specifying the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed, and in any event, any order that operates for a period exceeding 12 months must be reviewed at least once in every year.

Crs Fuller/Richardson CARRIED

16.1.1 Confidential Minute Book – Release of Information

REF: 
OFFICER: CEO 

MOTION: (2651/11)
That Council makes an order that the Minutes (and associated documents) of the Confidential Meeting of Council held on 25 May 2010 remain in confidence and not available for public inspection for a further extended 12 month period, i.e. 24 May 2012, at which time the order will be reviewed.

Crs Evans/Richardson CARRIED

MOTION (ORDER): (2652/11)
That pursuant to Sections 91(7) and (9) of the Local Government Act 1999, the Council orders that the minutes and all reports and associated documents considered and discussed in regard to “Regional Waste Management” remain confidential and not available for public inspection, for a period of 11 months from the date of the meeting (viz. 24 May 2012) and notes that this order is to be reviewed May 2012 unless resolved sooner.

Crs Fuller/Evans CARRIED
Original Minutes 25 May 2010

At 8.20 p.m. Cr Higgs vacated the Chamber whilst discussions on Item 16.3 took place, declaring a conflict of interest in that he is the owner of the land being discussed.

16.3.1 Regional Waste Management

REF:  
OFFICER: CEO

MOTION: (2270/10)
1: That the minutes of the Riverland Regional Waste Management Committee Meeting held on 12th May 2010 be received.
2: That Council authorise the Mayor and Chief Executive Officer to sign and seal the Option Agreement with G & J Higgs.
3: That Council endorse the Committee’s recommendation that: “..... in the event of them formally purchasing the land contained in C/T 5974/343 a lease of portion of that land be negotiated with G & J Higgs to enable them to store grape mark on the land, subject to such activity not impacting on the use of the land as a Waste Management Landfill site”

Crs Chapple/Fletcher CARRIED

Cr Higgs returned to the Chamber at 8.30 p.m.

This information released 22 August 2011 as a result of Freedom of Information Application. Mr and Mrs Higgs signed “Consent to release information” letter and as a result all three Councils agreed to also release the information (Previously held in Confidence)