

14/1/2002

MID MURRAY COUNCIL

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MINUTES OF THE MEETING OF COUNCIL HELD

IN THE COUNCIL CHAMBERS, MAIN STREET, CAMBRAI

ON MONDAY, 14TH JANUARY, 2002

PRESENT:

Mayor I R Mann, Councillors P R Smith, I M Bond, M J Kluge,
R M Lillecrapp, A J Nickolls, J T Lindner, N V Peterson,
D T Townsend and B J Taylor.

IN ATTENDANCE:

Mr G R Brus, Chief Executive Officer,
Mr R S Bourne, Corporate Services and Finance Manager,
Mr K L Goldstone, Environmental Services Manager (until 1-37 p m),
Mr J P Fry, Works Manager (until 11-52 a m),
Mr P S Warren, General Inspector (from 10-12 a m until 10-28 a m),
Mr J C Miller, Development Officer (from 11-24 am until 12-17 am),
Mrs R G Sloper, Minute Secretary.

COMMENCEMENT AND WELCOME: 10-00 A M

The Mayor declared the meeting open and welcomed all present.

APOLOGIES: Were received from Cr H E Knipe and Cr L K Hammond.

5807/1 Cr Townsend moved that the apologies be received.
Seconded Cr Taylor.

CARRIED.

CONFIRMATION OF PREVIOUS MINUTES:

(Page 5748 & In Committee Page 56 – 10/12/2001)

5807/2 Cr Bond moved that the Minutes of the Council Meeting held on the
10th December, 2001, be taken as read and confirmed.
Seconded Cr Nickolls.

CARRIED.

BUSINESS ARISING FROM MINUTES:

Food Vending Vehicle – L Scarman & F Everitt:

Late items of correspondence had been received from Swan Reach Take Away (2 letters) and Swan Reach General Store concerning the operation of the Food Vending Vehicle in the Swan Reach township. A late item of correspondence had also been received from L Scarman requesting that Council consider altering the licence condition relating to the operating distance of the food vending vehicle from shops.

A copy of the letters had been provided to all members.

10-12 A M Mr P S Warren, General Inspector, attended the meeting.

Mr Warren, General Inspector, advised Council that he had been contacted several times regarding the location of the food vending vehicle in the Swan Reach township and that he had advised the operators of condition (n) of their licence, which read –

Permit holders, agents or servants shall not operate within one kilometre of any shops.

5808/1 Cr Nickolls moved that L Scarman & F Everitt be advised

- (1) that Council will not alter the licence condition which prohibited the operation of the food vending vehicle within one kilometre of any shops, and that they be warned that if a breach of licence conditions occurs again in relation to the distance from any shops, the licence may be revoked.
- (2) that Council is looking at consolidating the licence conditions for all food vending vehicles with the aim of making the licence conditions consistent.

Seconded Cr Smith.

CARRIED.

Food Vending Licences:

5808/2 Cr Bond moved that staff prepare a report on food vending licences, including conditions imposed by other Councils, fee structure and legitimacy of licences.

Seconded Cr Smith.

CARRIED.

10-28 A M Mr P S Warren, General Inspector left the meeting.

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QUESTIONS ON NOTICE:

In accordance with the requirements of the Local Government (Procedures at Meetings) Regulations Cr B Taylor had lodged the following two questions on notice –

- (1) What legal requirement exists, if any, for the Mayor to exercise his right to a casting vote when the vote is tied.
- (2) In the case of a tied vote is the Mayor at liberty to allow, as they say, the motion to “falls to the ground” to be decided at a later date.

The answers to the questions were as follows:

- (1) The authority for the Mayor to have a casting vote is contained in section 86(6) of the Local Government Act which reads as follows –
 - (6) The Mayor of a Council, or other member presiding in the absence of the Mayor at a meeting of the Council, does not have a deliberative vote on a question arising for decision at the meeting but has, in the event of an equality of votes, a casting vote.

The requirement for the Mayor to exercise the casting vote is contained in section 86(5) of the Local Government Act which reads as follows –

- (5) Each member present at a meeting of a Council must, subject to a provision of this Act to the contrary, vote on a question arising for decision at that meeting.

The Local Government Act definition of "member" includes the principal member (Mayor).

- (2) In the event of a tied vote, for the reasons stated above, the Mayor does not have any authority or the discretion to enable a matter to be decided at a later date.

It should however be noted that the Councillors do have the authority to adjourn a question which is under discussion, refer 13(14) (d) of the Local Government (Procedures at Meetings) Regulations. Clause (d) gives details of one of the five formal motions which can be used by Councillors, although it should be clearly understood that only a member who has not spoken in the debate on the motion can move a formal motion (Regulation 13(12)).

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NOTICE OF INTENTION TO RESCIND A RESOLUTION:

The Chief Executive Officer reported that in accordance with the Local Government (Proceedings of Councils) Regulations, Cr Lillecrapp had given notice that he intended to move a motion to rescind the following resolution which was passed at the Council meeting on the 10th December, 2001 –

Reserve Management Issues:

"5751/3 Cr Hammond moved that the Younghusband Reserve Management Committee, endorsed by Council in July 1996 be disbanded, subject to the concurrence of Crown Lands SA.
Seconded Cr Nickolls.

The motion was Carried on the casting vote of the Mayor."

5810/1 Cr Lillecrapp moved that resolution number 5751/3 be rescinded.
Seconded Cr Kluge.

The following items of correspondence were considered –

Bev Earl (C3 – 1/02):

Outlining her concerns about the Council decision to disband the Younghusband Reserve Management Committee.

A copy of the letter had been forwarded to all members.

Doug & Rosalie Mead (C4 – 1/02):

Outlining their concerns about the Council decision to disband the Younghusband Reserve Management Committee.

A copy of the letter had been forwarded to all members.

Garry Earl (C5 – 1/02):

Outlining his concerns in relation to the disbanding of the Younghusband Reserve Management Committee and Council's decision not to proceed to lease the reserve.

A copy of the letter had been forwarded to all members.

Glenn and Karen Cowley (C6 – 1/02):

Providing a response to matters raised in the Murraylands Tourism Marketing letter which was dated 19th November, 2001. Also attaching a copy of a letter received from the Boating Industry Association of SA Incorporated.

A copy of the letter and attachments had been forwarded to all members.

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NOTICE OF INTENTION TO RESCIND A RESOLUTION CONT'D:

Glenn and Karen Cowley (C7 – 1/02):

Expressing concern relating to Council's decision to disband the Younghusband Reserve Management Committee and not to lease the Younghusband Reserve.

A copy of the letter had been forwarded to all members.

John & Lorraine Northeast, Darren & Lisa Bowyer and Andrew & Paul Northeast (C8 – 1/02):

Objecting to Council's decision to not lease the Younghusband Reserve and to disband the Younghusband Reserve Management Committee. Requesting that these decisions be reconsidered.

A copy of the letter had been forwarded to all members.

Hanna Drews (C9 – 1/02):

Expressing disappointment regarding the outcome from the last Council meeting concerning the lease of the riverfront at Younghusband.

A copy of the letter had been forwarded to all members.

Rosalie & Doug Mead (C10 - 1/02):

Making comments about the letter received by Council from Murraylands Tourism Marketing which was considered by Council at the 10th December, 2001 Council meeting. (Refer Correspondence Item I26 - 12/01).

A copy of the letter had been forwarded to all members.

H Drews (I10 - 1/02):

Being a letter of support for the proposed lease of the riverfront reserve area, being Section 868 and 869, Hundred of Younghusband.

A copy of the letter had been forwarded to all members.

Dr C Wheeler and Ms L Haller (I11 - 1/02):

Being a letter of support for the proposed lease of the riverfront reserve area, being Section 868 and 869, Hundred of Younghusband.

A copy of the letter had been forwarded to all members.

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NOTICE OF INTENTION TO RESCIND A RESOLUTION CONT'D:

Murraylands Tourism Marketing – Item of Late Correspondence:

Being copy of letter forwarded to the Friends of Younghusband River Care clarifying matters relating to the possible leasing of the Younghusband Reserve area.

A copy of the letter had been provided to all members.

The Mayor put the motion.

Cr Bond called for a division.

Affirmative: Crs Taylor, Townsend, Lillecrapp and Kluge.
Negative: Crs Smith, Bond, Lindner, Nickolls and Peterson.

The motion was Lost.

NOTICE OF MOTION - LEASE OF SECTIONS 868 AND 869, HUNDRED OF YOUNGHUSBAND:

In accordance with the Local Government Act (Proceedings of Councils) Regulations, Cr Lillecrapp had given notice that he intended to move the following motion -

5812/1 Cr Lillecrapp moved that Council prepare an appropriate lease of the Sections 868 and 869, Hundred of Younghusband, complete with all necessary rules and regulations and commence negotiations with representatives of those people wanting to proceed with the lease, and that cost for the preparation of the lease be shared equally between Council and the new lessees.
Seconded Cr Kluge.

LOST.

BANK RECONCILIATION STATEMENT AS AT 31ST DECEMBER, 2001:

5812/2 Cr Smith moved that the bank reconciliation statement as at 31st December, 2001 of \$1,970,299.19 credit be received.
Seconded Cr Lindner.

CARRIED.

ACCOUNTS FOR PAYMENT:

A copy of the accounts for payment list had been forwarded to all members.

5812/3 Cr Kluge moved that the payment of Council Cheques Numbered 12575 - 12814 (excluding cancelled cheques), totalling \$563,522.18 be confirmed.
Seconded Cr Lindner.

CARRIED.

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WORKS CORRESPONDENCE AND WORKS MANAGER'S REPORT:

5813/1 Cr Bond moved that the works correspondence and Works Manager's Report be received.
Seconded Cr Townsend.

CARRIED.

WORKS CORRESPONDENCE:

Paintball Skirmish S.A. – Road Upgrade – 1/6:

Letter requesting an upgrade of the road which runs along the western boundary of the Swan Reach Conservation Park travelling north from the Sleeper Track to join the Sedan to Swan Reach Road, being:-

1. Skim off the excessive high protruding rock formation on the road surface.
2. Trim tree branches that overhang the road surface.
3. Trim overhead trees.

A copy of the correspondence had been forwarded to all members.

5813/2 Cr Bond moved that Paintball Skirmish S.A. be advised that the work required will be placed on Cambrai Depot Works Programme and tree trimming will be incorporated into the Tree Trimming Programme.
Seconded Cr Nickolls.

CARRIED.

S & H Apold Pty Ltd – Bituminise Road Leading Into Pine Village – 2/6:

Letter inquiring about the possibility of the road leading into Pine Village being bituminised.

A copy of the correspondence had been forwarded to all members.

5813/3 Cr Smith moved that S & H Apold Pty Ltd be advised that Council could consider the sealing of this road on the condition that they contribute to half the capital cost.
Seconded Cr Bond.

CARRIED.

Swan Reach Tyres – Confirmation of Contribution Towards Sealing Works – 3/6:

Letter confirming that they are prepared to contribute \$1,500 towards the cost of sealing the apron in front of their business premises.

A copy of the correspondence had been forwarded to all members.

Received and noted.

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WORKS CORRESPONDENCE CONT'D:

The Greenways Irrigation Trust Inc. – Heywood Drive – 5/6:

Letter advising Council that The Greenways Irrigation Trust Inc are prepared to contribute \$10,000 plus GST towards the sealing of Heywood Drive.

A copy of the correspondence had been forwarded to all members.

Received and noted.

Adelaide Hills Council – Weather Shelters in Rural Areas Policy – 6/6:

Letter advising Council of their Policy regarding the erection of Weather Shelters in Rural Areas and asking Council to consider the adoption of this Policy to ensure consistency throughout the district.

A copy of the correspondence had been forwarded to all members.

Received and noted.

Sedan Recreation Park – Improvement to Sedan Park Roadways – 7/6:

Letter asking Council for assistance towards the improvement of the roadways at Sedan Recreation Park, being:-

1. Match the Sedan Recreation Park's contribution dollar for dollar.
2. Extend a loan to the Sedan Recreation Park Committee for the balance of the loan and for the loan to be repaid over 5 years.

A copy of the correspondence had been forwarded to all members.

5814/1 Cr Lillecrapp moved that Council match the Sedan Recreation Park's contribution dollar for dollar for the work of improving the roadways at Sedan Recreation Park and that Council extend a loan to the Sedan Recreation Park Committee for the amount of their contribution and that the loan to be repaid over 5 years.

Seconded Cr Bond.

CARRIED.

City of Norwood Payneham & St Peters – Support for Proposed Heavy Vehicle By-Pass 8/6:

Letter supporting Mid Murray Council's proposal for the upgrading of the Bower Boundary Road to a Heavy Vehicle By-pass on a north – south route.

A copy of the correspondence had been forwarded to all members

Received and noted.

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WORKS CORRESPONDENCE CONT'D:

City of Burnside – Support for Proposed Heavy Vehicle By-Pass – 9/6:

Letter supporting Mid Murray Council's proposal for the upgrading of the Bower Boundary Road to a Heavy Vehicle By-pass on a north – south route

A copy of the correspondence had been forwarded to all members

Received and noted.

WORKS MANAGER'S REPORT: See Minute Book Page 5832.

BUSINESS ARISING FROM REPORT:

Aged Units Morgan – Lighting:

5815/1 Cr Smith moved that no action be taken at this stage.
Seconded Cr Lindner.

CARRIED.

11-24 A M Mr J C Miller, Development Officer, attended the meeting.

Bowhill Wharf:

5815/2 Cr Townsend moved that a full Report be compiled on the Bowhill wharf taking into consideration; ownership, alternative structures, heritage value, etc with the appropriate costings.
Seconded Cr Kluge.

CARRIED.

Ferry Traffic Lane/Walking Area – High Street, Morgan & Morgan Caravan Park Access:

5815/3 Cr Smith moved that the construction of the walking area, together with access alternatives for the Morgan Caravan Park, be considered in the 2002/2003 budget.
Seconded Cr Bond.

CARRIED.

WORKS CORRESPONDENCE:

Rallysport Club of SA - Palmer Rally (R3 - 1/02):

Seeking Council approval to conduct a car rally, being the second round of the 2002 South Australian Rally Championship, in the Palmer Rockleigh area on Saturday, 27th April, 2002.

A copy of the letter and map had been forwarded to all members.

5816/1 Cr Nickolls moved

- (1) that approval be granted to the Rallysport Club of SA Inc to conduct a car rally in the Palmer Rockleigh area subject to compliance with the conditions detailed in the letter and proof of the public risk insurance cover being provided to Council.
- (2) that approval be granted for the requested temporary road closures.

Seconded Cr Kluge.

CARRIED.

Mannum Golf Club Incorporated (C2 – 1/02):

Requesting the use of a Council mower for work on the Golf Course on a three to four weekly basis.

A copy of the letter had been forwarded to all members.

5816/2 Cr Townsend moved that Council carry out the work once to enable the Works Manager to prepare a report on the time and costs involved, for the consideration of Council.

Seconded Cr Lillecrapp.

CARRIED.

OTHER WORKS BUSINESS:

Council Boundary Roads:

5816/3 Cr Townsend moved that the Works Manager liaise with the Works Managers of adjoining Councils regarding the upkeep of sections of roads that are located on Council boundaries in order to establish maintenance agreements for those boundary roads where no such agreement currently exists.

Seconded Cr Smith.

CARRIED.

11-52 A M Mr J P Fry, Works Manager, left the meeting.

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ENVIRONMENTAL SERVICES REPORT: See Minute Book Pages 5833 – 5836.

5817/1 Cr Lillecrapp moved that the report be received.
Seconded Cr Peterson.

CARRIED.

BUSINESS ARISING FROM REPORT:

11-52 A M Cr Bond declared an interest in the Murray Valley Minor Amendments Plan Amendment Report Section 30 Review matter and left the Chamber and did not vote or take part in any discussion relating to that matter. Cr Bond declared his interest - being ownership of allotments at Walker Flat which were specifically referred to in the Review.

Murray Valley Minor Amendments Plan Amendment Report Section 30 Review

5817/2 Cr Smith moved that subject to incorporation of the amendments as set out in the Environmental Services Report, the Murray Valley Minor Amendments Plan Amendment Report be adopted by Council and considered suitable for submission to the Minister.
Seconded Cr Lindner.

CARRIED.

11-59 A M Cr Bond returned to the Chamber.

MANNUM SUPERMARKET PROPOSAL – MURRAY STREET

The Development Officer provided members with a copy of the proposed layout of the carparking area for the Supermarket proposal.

5817/3 Cr Smith moved that Franeck Savarton, Street Scape Designer currently engaged by Council to carry out a street scape design for Randell Street, Mannum, be requested to comment on the Mannum Supermarket Proposal
Seconded Cr Bond.

CARRIED.

12-17 A M The meeting adjourned for lunch.

1-00 P M The meeting resumed, Mr J C Miller, Development Officer, not in attendance.

OTHER ENVIRONMENTAL SERVICES BUSINESS:

Power Supply Upgrades for STED Schemes:

5818/1 Cr Lillecrapp moved that Council authorise the Chief Executive Officer to sign ETSA agreements for the upgrading of electricity supplies associated with STED Scheme installations and to make payment subject to the costs being borne by shack owners.

Seconded Cr Smith.

CARRIED.

Proposed Multi-function Centre at Morgan:

5818/2 Cr Lindner moved that Council commence the public consultation process relating to the proposal to build a multi-function centre at Morgan, with the proviso that the location of the building is on Crown land and is subject to Ministerial approval.

Seconded Cr Smith.

CARRIED.

5818/3 Cr Lillecrapp moved that the Environmental Services Manager and Cr Lindner be authorised to obtain an additional costing for the building of the proposed multi-function centre at Morgan.

Seconded Cr Kluge.

CARRIED.

Additional Power Outlet - Mary Ann Reserve, Mannum

5818/4 Cr Smith moved that cost estimates be obtained for the installation of additional power outlets at the southern end of the Mary Ann Reserve, Mannum.

Seconded Cr Taylor.

CARRIED.

GENERAL INSPECTOR'S REPORT: See Minute Book Pages 5837 & 5838.

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BUSINESS ARISING FROM REPORT:

The Dog & Cat Management (Miscellaneous) Amendment Bill 2001 Submissions:

5819/1 Cr Nickolls moved that Council make the following submission to the Dog and Cat Management Review -

- (1) The powers to Dog Control Officers to request proof of desexing and microchipping of identified Dangerous Dogs be considered in the proposed Bill.
- (2) Section 35 (2) of the Dog and Cat Management Act should read: On application the Registrar must, upon receipt of Development Act Approval and if satisfied that the applicant genuinely owns or operates a business as referred to in subsection (1), register the business and issue to the applicant a certificate of registration conforming with the requirements of the Board.

Seconded Cr Bond.

CARRIED.

1-37 P M Mr K L Goldstone, Environmental Services Manager, left the meeting.

MID MURRAY OCCUPATIONAL HEALTH, SAFETY AND WELFARE COMMITTEE:

Being Minutes of Meeting held on 14th November, 2001.

A copy of the Minutes had been forwarded to all members.

5819/2 Cr Kluge moved that the Minutes of the Mid Murray Occupational Health, Safety and Welfare Committee meeting held on the 14th November, 2001, be received.

Seconded Cr Lindner.

CARRIED.

MANNUM LEISURE CENTRE INTERIM MANAGEMENT COMMITTEE:

Being Minutes of Special Meeting held on 3rd January, 2002.

A copy of the Minutes had been forwarded to all members.

5819/3 Cr Townsend moved that the Minutes of the Special Meeting of the Mannum Leisure Centre Interim Management Committee held on the 3rd January, 2002, be received.

Seconded Cr Taylor.

CARRIED.

MANNUM LEISURE CENTRE INTERIM MANAGEMENT COMMITTEE
CONT'D:

5820/1 Cr Taylor moved that

- (1) The position of Centre Manager not be offered to any of the applicants.
- (2) The role of the Centre Manager to be broadened to include managing leisure within Mannum and the adjacent area.
- (3) The Position Description for the Centre Manager to be amended to include managing leisure within Mannum and the adjacent area and that the position be advertised.

Seconded Cr Lillecrapp.

5820/2 Cr Nickolls moved that the resolution number 5820/1 be deferred until after discussions are held "In Committee".

Seconded Cr Lindner.

CARRIED.

Refer Minute Book Page 5831.

REPORTS OF COMMITTEES:

Cr Smith:

Cr Smith reported on his attendance at the following function – Council Christmas breakup at Cambrai.

Cr Townsend:

Cr Townsend reported on his attendance at the following meetings and functions – Mt Pleasant Ambulance Annual Dinner and presentation of Awards, Assembly and breakup of Primary School at Palmer and presentation of dictionaries to Year 7 students.

Cr Taylor:

Cr Taylor reported on his attendance at the following meetings and functions – Mid Murray LAP Committee meeting at Swan Reach, Interviews for Manager, Mannum Leisure Centre, Mannum Hospital Board of Directors meeting.

Cr Bond:

Cr Bond reported on his attendance at the following meetings and functions – Council Christmas breakup at Cambrai, Younghusband Reserve Management Committee meeting at Mannum.

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REPORTS OF COMMITTEES CONT'D:**Cr Lillecrapp:**

Cr Lillecrapp reported on his attendance at the following meetings and functions – Keyneton School Concert and presentation of dictionaries to year 7 students, Mid Murray Animal and Plant Control Board dinner at Blanchetown Hotel, Council Christmas breakup at Cambrai, S A Recreation Trails meeting at Murray Bridge, Truro CFS certificate and medallion presentation.

Cr Peterson:

Cr Peterson reported on his attendance at the following function – Wongulla barbecue opening.

Cr Lindner:

Cr Lindner reported on his attendance at the following meetings - Morgan Tourism Association meeting and Mid Murray Animal and Plant Control Board dinner at Blanchetown.

Cr Kluge:

Cr Kluge reported on his attendance at the following meetings and functions - Mid Murray Animal and Plant Board dinner at Blanchetown Hotel, Council Christmas breakup at Cambrai, Forster Sports Day.

Cr Nickolls:

Cr Nickolls reported on his attendance at the following meetings and functions - Presentation of dictionaries to Year 7 students at Swan Reach Area School, Swan Reach Carols by the River, Mid Murray Animal and Plant Control Board dinner at Blanchetown Hotel.

5821/1 Cr Kluge moved that the reports of committees be received.
Seconded Cr Townsend.

CARRIED.

MAYOR'S REPORT: See Minute Book Pages 5839 & 5840.

5821/2 Cr Bond moved that the report be received.
Seconded Cr Townsend.

CARRIED.

CHIEF EXECUTIVE OFFICER'S REPORT: See Minute Book Pages 5841 – 5850.

5821/3 Cr Smith moved that the report be received.
Seconded Cr Townsend.

CARRIED.

BUSINESS ARISING FROM REPORT:

2-01 P M Cr Taylor left the meeting.

Morgan Telecentre:

5822/1 Cr Kluge moved

- (1) that approval be granted to enable portion of the renovated building which is situated adjacent to the Morgan Council offices to be used as a Telecentre until such time as the proposed Multi Function building is operational.
- (2) that the necessary funds be made available to enable the works detailed in the Chief Executive Officer's Report to be carried out together with any other minor works which may be necessary.
- (3) that the Chief Executive Officer and Cr Lindner be authorised to negotiate with the Youth Project Officer, Katrina Pitman, and the Morgan Community Development and Tourism Association regarding which room of the renovated building is to be used as the Telecentre.

Seconded Cr Smith.

CARRIED.

2-07 P M Cr Taylor returned to the meeting.

Federal Government Television Black Spot Grant for Swan Reach – Deed of Grant:

5822/2 Cr Nickolls moved that Council accept the Grant Deed for a TV Black Spot Grant of \$62,952.20 for the Swan Reach area and that Robin Bourne be authorised to sign and seal the document on behalf of Council.

Seconded Cr Lillecrapp.

CARRIED.

5822/3 Cr Nickolls moved that Council engage the services of LN & H Porter to install the new equipment for the TV retransmission facility at Swan Reach.

Seconded Cr Kluge.

CARRIED.

Morgan Caravan Park – Deed of Consent:

5822/4 Cr Smith moved that the Deed of Consent relating to the Morgan Caravan Park Lease transfer be approved by Council subject to the deletion of the last sentence in clause 3.4 and the Mayor and Chief Executive Officer be authorised to sign and seal the document.

Seconded Cr Bond.

CARRIED.

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BUSINESS ARISING FROM REPORT CONT'D:**Road Closures for Bear Rock Rodders Association:**

5823/1 Cr Lindner moved

- (1) that approval be granted to enable the Bear Rock Rodders Association public family day to be held on Sunday, 10th March, 2002, subject to the general conditions applicable to the Council's Special Event permit.
- (2) that subject to the approval of the Commissioner of Police referred to above, pursuant to Section 33(1) (b) of the Road Traffic Act Council makes an order directing that persons taking part in the Event be exempted, in relation to the Roads, from the duty to observe the Australian Road Rules specified below –

Australian Road Rules Exemptions

Rule 230: Crossing a road – general;

Rule 238: Pedestrians travelling along a road; (except in or on a wheeled recreational device or toy);

- (3) that Council employees be authorised to erect the necessary road signs and barricades.

Seconded Cr Kluge.

CARRIED.**Council Credit Card Payments:**

5823/2 Cr Taylor moved that the payments detailed in the Chief Executive Officer's Report be ratified.

Seconded Cr Townsend.

CARRIED.**Occupational Health, Safety and Welfare Policies:**

5823/3 Cr Kluge moved that the General OHS & W and Injury Management Policy as enclosed with the Chief Executive Officer's Report be adopted by Council.

Seconded Cr Lindner.

CARRIED.**Truro & District Community Association Inc - Draft Lease for Hall, Oval, Heroes Park & Aged Homes Land:**

5823/4 Cr Lillecrapp moved that the draft lease for the Truro & District Community Association Inc to lease the Truro Hall, Truro Oval, Heroes Park and Truro Aged Homes Land be adopted by Council, subject to any changes recommended by Council's solicitors, and the proposed lease be publicly advertised in accordance with Council's Public Consultation Policy.

Seconded Cr Peterson.

CARRIED.

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OTHER CHIEF EXECUTIVE OFFICER'S BUSINESS:

Blanchetown Health & Aged Care Bus:

5824/1 Cr Townsend moved that Council provide a grant of \$1,000.00 to the Blanchetown Health & Aged Care Committee to enable repairs to be carried out to the bus airconditioner.

Seconded Cr Lillecrapp.

CARRIED.

CORRESPONDENCE:

5824/2 Cr Townsend moved that the correspondence be received.

Seconded Cr Kluge.

CARRIED.

Cambrai Sports Club Inc (R1 – 1/02):

Seeking Council assistance with the provision of hand towels and toilet paper for its toilet facilities due to the fact that they are available for public use and are occasionally used by tourists and travellers.

A copy of the letter had been forwarded to all members.

5824/3 Cr Bond moved that due to the occasional public use hand towels and toilet paper be provided by Council to the Club.

Seconded Cr Kluge.

CARRIED.

Mannum History Group (R2 - 1/02):

Providing information concerning a project being undertaken by the group in relation to the supply and erection of various brass plaques for the Mannum township area and seeking Council support for the project.

A copy of the letter had been forwarded to all members.

The Chief Executive Officer reported that the group has obtained a small amount of grant funding for the project.

5824/4 Cr Bond moved that a donation of \$300.00 be provided to the Mannum History Group to assist with the cost of the plaques and the cost of erecting the plaques.

Seconded Cr Kluge.

CARRIED.

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CORRESPONDENCE CONT'D:

Animal and Plant Control Commission SA (R4 - 1/02):

Advising that the Council contribution for the one year period from 1st January to 31st December, 2002 will be \$92,000.00 and requesting that this amount be paid direct to the Board in two equal payments – one in January 2002 and the second on the 1st July, 2002.

A copy of the letter and attachment had been forwarded to all members.

The Chief Executive Officer reported that the Council contribution for the 2001 year was \$82,043.50.

5825/1 Cr Bond moved that two equal contributions be made to the Board on the dates requested.
Seconded Cr Kluge.

CARRIED.

Local Government Association of South Australia (R5 – 1/02):

Being Circular No 51.2 Re: Review of the Dog and Cat Management Act 1995.

Advising that the Minister for Environment and Heritage, Iain Evans, has advised of a Bill to amend the Dog and Cat Management Act 1995 which he intends to introduce to Parliament in February 2002. Stating that all Councils should have received advice from the Minister with a copy of the Dog and Cat Management (Miscellaneous) Amendment Bill 2000 - Final Discussion Paper. Further advising that Councils making a submission are requested to provide a copy to the LGA, with the closing date for submissions being Friday, 18th January, 2002.

A copy of the circular, together with discussion paper had been forwarded to all members.

5825/2 Cr Bond moved that the Chief Executive Officer be authorised to make a submission if he considers it necessary.
Seconded Cr Kluge.

CARRIED.

Refer Resolution No 5819/1.

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CORRESPONDENCE CONT'D:

Murray Mallee Community Health Service (R6 – 1/02):

Re: Mannum/Cambrai Youth Project

Thanking Council for its support for the Youth Project until 30th June, 2002.
Also enclosing a report from the past 12 months.

Seeking a commitment from Council for its continuation of the project.

A copy of the letter together with the report had been forwarded to all members.

The Chief Executive Officer reported that the current allocation for the Youth Services Program was \$19,000.00.

5826/1 Cr Bond moved that an allocation of \$19,000.00 for the Youth Services Program be placed on the 2002/2003 budget for consideration.
Seconded Cr Kluge.

CARRIED.

The Greenways Irrigation Trust Inc (C1 – 1/02):

Re: The Greenways Recreation Centre – Nildottie

Advising that the Trust's Constitution does not provide for any proposed lease arrangement relating to a recreation area. Stating that the upgrading of the building work still needs to be undertaken and that it is still prepared to water the oval.

A copy of the letter had been forwarded to all members.

The Chief Executive Officer reported that Council had previously resolved that cost estimates for the building and toilet repairs be obtained and these costs are currently being prepared.

Received and noted.

CORRESPONDENCE FOR INFORMATION ONLY:

Fantastic Fisherama Inc (I1 - 1/02):

Making comments about the use of gill nets in the River Murray.

A copy of the letter had been forwarded to all members.

5826/2 Cr Smith moved that letter be written to all State Members of Parliament whose electorate includes the River Murray, advising of Council's opposition to the State Government continuing to approve the use of gill nets in the River.
Seconded Cr Peterson.

CARRIED.

14/1/2002

CORRESPONDENCE FOR INFORMATION ONLY CONT'D:**Murray and Mallee Local Government Association (I2 - 1/02):**

Making comments concerning the fact that a number of horticultural and agricultural properties in the Mallee region are situated in areas that are not incorporated within Council boundaries.

A copy of the letter had been forwarded to all members.

Local Government Association of South Australia (I3 - 1/02):

Being Circular No 49.7 Re: Council Members' Code of Conduct Review.

Stating that Council Members' Codes of Conduct are required under the Local Government Act 1999. Advising that the LGA is managing a project, funded by the LG Research & Development Scheme, to investigate the practical operation of the Codes. Inviting Councils to provide information on the level of success they have experienced with the operation of their Code of Conduct with particular reference to the compliance approaches adopted.

A copy of the circular and survey form had been forwarded to all members.

Department of Immigration and Multicultural and Indigenous Affairs (I4 - 1/02):

Providing information on Harmony Day which is to be celebrated on 21st March, 2002.

A copy of the email and attachments had been forwarded to all members.

Barossa Riverland Midnorth Area Consultative Committee (I5 - 1/02):

Providing information on a forthcoming workshop for local people directing the growth of their communities with the workshop to be titled "Undercover Superheroes".

A copy of the letter and registration form had been forwarded to all members.

Michael Pitman (I6 - 1/02):

Advising that the block of land he had for sale adjacent to the three chain road at Bryant's Creek has now been sold and that any proposed road closure would now be the responsibility of the new owner, Mr Jim Holland.

A copy of the letter had been forwarded to all members.

14/1/2002

CORRESPONDENCE FOR INFORMATION ONLY CONT'D:

Hon Mark Brindal MP, Minister for Local Government (I7 - 1/02):

Being letter of advice to (re)introduce himself as the new Minister for Local Government.

A copy of the letter had been forwarded to all members.

5828/1 Cr Townsend moved that a letter be forwarded to Hon Mark Brindal MP, congratulating him on his appointment as Minister for Local Government.
Seconded Cr Lillecrapp.

CARRIED.

The Hon Dorothy Kotz MP (Previous Minister for Local Government) (I8 - 1/02):

Advising of recent amendment to the Local Government Act relating to requirements to consult on changes to rating systems.

A copy of the letter had been forwarded to all members.

The Chief Executive Officer reported that these amendments will have an impact on Council particularly in relation to the fixing of rates for the various effluent drainage schemes that are being introduced.

Murray and Mallee Local Government Association (I9 - 1/02):

Being copy of Minutes of the meeting held on 30th November, 2001.

The Australian Local Government Association (I12 - 1/02):

Providing a copy of all of the resolutions which were adopted at the National General Assembly of Local Government which was held from the 25th - 28th November, 2001.

Murraylands Regional Development Board (I13 - 1/02):

Being Minutes of ordinary meeting held on the 13th December, 2001.

14/1/2002

CORRESPONDENCE FOR INFORMATION ONLY CONT'D:

S A Tourism Commission (I14 - 1/02):

Re: Visitor Information Centre Funding 2001/2002

Advising that the Accreditation status for the Mannum Visitor Information Centre has been maintained under the National Visitor Information Accreditation Program.

Also enclosing a cheque for \$6,600.00 to assist with funding for the Centre.

A copy of the letter had been forwarded to all members.

Regional INRM Group (MDB, SA) (I15 - 1/02):

Being Communiqué dated November, 2001 providing a summary of current activities and issues being addressed by the Integrated Natural Resources Management (INRM) Group.

A copy of the Communiqué had been forwarded to all members.

Local Government Association of South Australia (I16 - 1/02):

Being Circular No 51.4 Re: LGA 2002 General Meeting - Council Notices of Motion.

Advising that the LGA 2002 General Meeting will be held on the morning of Friday, 22nd March, 2002 at the Adelaide Festival Centre. Further advising that pursuant to the LGA Constitution, Councils are invited to submit notices of motion for consideration at the meeting. Notices of Motion must be received by 5-00 p m on Thursday, 7th February 2002, if they are to be considered at the March 2002 General Meeting.

A copy of the circular had been forwarded to all members.

Murray and Mallee Local Government Association (I17 - 1/02):

Being a copy of Newsletter no 3, dated December, 2001.

A copy of the newsletter had been forwarded to all members.

5829/1 Cr Townsend moved that the above correspondence be received and noted.

Seconded Cr Lillecrapp.

CARRIED.

14/1/2002

LATE CORRESPONDENCE:

5830/1 Cr Smith moved that the late correspondence be received.
Seconded Cr Peterson.

CARRIED.

Local Government Association of South Australia:

Being Circular No 2.1 Re: The Housing Council (Community Sector) Membership Nominations. Stating that the Hon Dean Brown has advised that the term of membership for The Housing Council (Community Sector) which was formerly the Housing Advisory Council Community Committee is due for reappointment. Advising that nominations are invited from Councils and should be received by the LGA no later than Friday, 8th February, 2002.

5830/2 Cr Kluge moved that Cr Smith be nominated for consideration as a member of the Housing Council (Community Sector).
Seconded Cr Nickolls.

CARRIED.

Tungkillo Progress Club:

Seeking Council assistance to level the site for the proposed Community Hall to be built on Council land at the Memorial Park, Tungkillo.

5830/3 Cr Smith moved that Council carry out the levelling of the site at Memorial Park, Tungkillo, that all fees relating to the development application for the proposed Community Hall be waived and that Council consent to the proposed hall being built on Council owned land if it is chosen as the site for the building.

Seconded Cr Townsend.

CARRIED.

3-15 P M Cr Bond moved that Council go into Committee in accordance with Section 90 (2) and 90 (3) (a) of the Local Government Act 1999 with the following staff to remain in the Chamber: Mr G R Brus, Mr R S Bourne, and Mrs R G Sloper.

Seconded Cr Lindner.

CARRIED.

3-47 P M Council came out of Committee.

14/1/2002

The following matter was considered by Council whilst "In Committee" -

Mannum Leisure Centre – Appointment of New Manager:

5820/1 Cr Taylor moved that

- (1) The position of Centre Manager not be offered to any of the applicants.
- (2) The role of the Centre Manager to be broadened to include managing leisure within Mannum and the adjacent area.
- (3) The Position Description for the Centre Manager to be amended to include managing leisure within Mannum and the adjacent area and that the position be advertised.

Seconded Cr Lillecrapp.

The Mayor put the motion which was Carried.

NEXT MEETING:

To be held at Cambrai at 10-00 a m on Monday, 11th February, 2002.

3-48 P M The Mayor declared the meeting closed.

.....
MAYOR

.....
DATE

14/1/2002

MID MURRAY COUNCIL

Works Manager's Report for the Meeting of the Mid Murray Council, to be held in the Council Chambers, Main Street, Cambrai on Monday 14th January, 2002

GENERAL BUSINESS

Aged Units Morgan – Lighting:

A questionnaire relating to lighting in the Aged Care Units area was sent to the nine residents of the units. Two replies were received, one in favour, one against.

Recommendation:

Moved _____, Seconded _____

that at this stage no action to be taken.

Bowhill Wharf:

The structure of the wharf has deteriorated to the extent where it would not be practical to repair the structure as is. The wharf was designed for off loading and loading of freight and has no use for this any more. The height of the structure is not suitable for the majority of the craft using the river now. The structure has been fenced off for safety reasons.

Recommendation:

Moved _____, Seconded _____

that a full Report be compiled taking into consideration; ownership, alternative structures, heritage value etc with the appropriate costings.

Ferry Traffic Lane/Walking Area – High Street Morgan:

Since the introduction of a larger Ferry at Morgan the need for a Ferry Lane is not required. However, there are still problems with foot traffic from the Riverfront and Caravan Park into the township.

Recommendation:

Moved _____, Seconded _____

that the construction of the walking area be considered in the next budget.

JP Fry
WORKS MANAGER

14/1/2002

MID MURRAY COUNCIL

ENVIRONMENTAL SERVICES REPORT

Environmental Services Report for the Meeting of the Mid Murray Council, to be held in the Council Chambers, Main Street, Cambrai on Monday, 14th January, 2002.

A. MURRAY VALLEY MINOR AMENDMENTS PLAN AMENDMENT REPORT SECTION 30 REVIEW

Reporting Officer: Kelvin Goldstone

The attached draft Statement of Intent has been received from Council's Planning Consultants.

The Statement has been reviewed by Council's planning staff and subject to following amendments is considered suitable for adoption and submission to the Minister.

AMENDMENTS

- *Page 1, Paragraph 1*

Amend date of authorisation from 8th March, 2001 to 16th February, 2001.
- *Page 1, Paragraph 2*

Amend River Settlement Zone to River Settlement Policy Area.
- *Page 2, Paragraph 1*

Amend Residential Zone, Policy Area 5 to Residential Zone – Policy Area 5 (Residential Floodplain).
- *Page 3*

Incorporate editorial change re; underfloor clearance of dwellings – ie; 2.5 metres maximum/minimum.

ENVIRONMENTAL SERVICES REPORT CON'T

**A. MURRAY VALLEY MINOR AMENDMENTS PLAN AMENDMENT
REPORT SECTION 30 REVIEW CON'T**

- *Page 3*

Incorporate review of shack allotments at Walker Flat and Teal Flat.

- *Page 5, Paragraph 1*

Amend authorisation date from 8th March, 2001 to 16th February, 2001.

- *Page 5, Paragraph 2*

Amend River Settlement Zone to River Settlement Policy Area.

RECOMMENDATION:

Moved _____, Seconded _____,
“that subject to incorporation of the above amendments the Murray
Valley Minor Amendments Plan Amendment Report be adopted by
Council and considered suitable for submission to the Minister.”

14/1/2002

ENVIRONMENTAL SERVICES REPORT CON'T**B. MANNUM SUPERMARKET PROPOSAL – MURRAY STREET**

Reporting Officer: James Miller

Representatives of Eudunda Farmers and their architect presented plans and details of a proposed replacement supermarket for the Mannum township at the December Council Meeting. After general discussion the prospective applicant indicated an official development application for the proposed development would soon be lodged with Council. However prior to any assessment of an application a number of matters pertaining to the development, namely car parking provision on road reserve, needed further investigation.

A subsequent meeting with Council's solicitors was arranged to discuss issues of the development requiring further clarification. A copy of Norman Waterhouse's correspondence regarding the proposed supermarket and associated infrastructure is attached.

Upon perusal of the attached correspondence it appears a number of options are available to Council regarding future use of Murray Street. Depending on what option Council feels most comfortable in pursuing will dictate the likely assessment processes any subsequent development application will be required to undertake.

A summarisation of the attached advice is listed below:-

- If Council decide to issue an Authorisation pursuant to Section 221 of the Local Government Act 1999 for the alteration to public road, Council would not be obliged to undertake any prescribed public consultation. Conversely full closure of the road will require public consultation pursuant to the Roads Opening and Closing Act 1991.
- If it is decided that the subject land undergo closure pursuant to the above mentioned Act, options are available to Council, upon transfer of the land to the developer, to encumber the road reserve, thus ensuring public access to the boat ramp is maintained.
- If the road reserve is closed and sold to the developer Council can stand to gain financially from the sale. However this action, or any other where Council could stand to gain financially from an agreement with the developer, would ensure the relevant authority for assessment of the development application is the Development Assessment Commission.

14/1/2002

ENVIRONMENTAL SERVICES REPORT CON'T

B. MANNUM SUPERMARKET PROPOSAL – MURRAY STREET CON'T

- For Council to be considered the relevant planning authority in an assessment of the proposed supermarket one must form the opinion that this proposal will not materially affect the existing use of the land (this is based on Council electing to grant an Authorisation under the Local Government Act).
- If an Authorisation were to be granted, any monetary compensation for use of the road, other than the administrative costs of negotiating and preparing the Authorisation, would again deem the Commission to be the relevant authority for the purposes of assessment of a development application.
- As the proposal can not accommodate the minimum number of car parks required (60) Council has the option of whether or not to direct the applicant to contribute to a car parking fund, to be firstly established by Council. Note there is no requirement for Council to establish such a fund.

The attached letter of correspondence provides options available to both Council and the developer once a formal development application is lodged.

For Information Only.

Respectfully submitted,

Kelvin Goldstone,
MANAGER, ENVIRONMENTAL SERVICES

14/1/2002

MID MURRAY COUNCIL

GENERAL INSPECTOR'S LATE REPORT

For the meeting of the Mid Murray Council to be held in the Council Chambers, Main Street, Cambrai on Monday, 14th January, 2002

The Dog & Cat Management (Miscellaneous) Amendment Bill 2001 Submissions:

Council would by now be aware of a number of submissions made by the Dog and Cat Management Board to the Act, and that the L.G.A of S.A are requesting for submissions regarding proposed changes.

An area addressed by the Board deals with dogs that have been deemed either by the Courts or by Councils as being Dangerous Dogs. Council would not be aware, that in recent times I have identified two dogs, which have been issued Dangerous Dog Orders to the owners. In one such case, we are fortunate enough that the owner of this dog seems quite responsible, however in the second case, the owner is very much anti-authoritarian, and does not consider any such orders to be legitimate. It is unfortunate, but people who have no respect to the laws governing the behavior of their dogs own many of the breeds of dogs, which are causing problems.

The recommendations, which I feel are significant, which have been adopted in the proposed Bill, deal with the identification and breeding of these dogs. It reads;

The recommendation has been adopted to the proposed Bill to make it a requirement that all dogs deemed dangerous are compulsory microchipped and desexed.

Should a Council place a Dangerous Dog Order on a dog, then the powers to require evidence that the compulsory microchipping and desexing has been completed by the owner, need to be clear to ensure Councils can follow up on this requirement. I believe without this clarification, it will be almost impossible without taking the matters to court, to deal with some of the less responsible dog owners.

Business Licenses or Kennel Licenses:

An area of the Dog and Cat Management Act, 1995, which has not been addressed in the proposed Bill, however I believe needs urgent attention, deals with the Registration of Businesses involving dogs.

cont'd

14/1/2002

GENERAL INSPECTOR'S REPORT CONT'D:

Business Licenses or Kennel Licenses Cont'd:

Section 35 of the Dog and Cat Management Act, 1995 states;

35(1) The owner or operator of a business consisting of or involving-

- (a) a kennel at which dogs are bred or trained; or
- (b) the provisions of security or other services involving the use of dogs,

may apply to the Registrar (Council) of the area in which the business is (or is to be) situated or from which the business is (or is to be) operated for the registration of the business.

However, Section 35(2) states;

On application the Registrar **must**, if satisfied that the applicant genuinely owns or operates a business as referred to in subsection (1), register the business and issue to the applicant a certificate of registration conforming with the requirements of the Board.

Clearly, there is no choice in this matter. The Registrar **must** issue the person with the license to operate a business, without any consideration of the Development Act or any planning approval. We have recently encountered the situation where a person renting a house within the township of Truro has made such an application for a business license, and we can not refuse it. However, clearly, there have been no applications made to Council under the Development Act, 1993, for Intensive Animal Keeping within the township. The issues of Effluent Disposal, Noise or Odor Control, Set Back Distances or consultation with neighbors are not addressed. Section 35(2) of the Dog and Cat Management Act, clearly states that the license **must** be issued on application.

Recommendation: that Council make the following submission to the Dog and Cat Management Review -

- (1) The powers to Dog Control Officers to request proof of desexing and microchipping of identified Dangerous Dogs be considered in the proposed Bill.
- (2) Section 35 (2) of the Dog and Cat Management Act should read:
On application the Registrar must, upon receipt of Development Act Approval and if satisfied that the applicant genuinely owns or operates a business as referred to in subsection (1), register the business and issue to the applicant a certificate of registration conforming of the requirements of the Board.

Rocky Warren
GENERAL INSPECTOR

14/1/2002

MID MURRAY COUNCIL

MAYOR'S REPORT

For the meeting of the Mid Murray Council to be held in the Council Chambers, Main Street, Cambrai on Monday, 14th January, 2002

Activity:

11th December

I attended a function at the Monarto Zoo where the Minister of Education launched a program including a full time Education Officer for the Complex. Local schools including Mannum have become involved with joint projects with the Zoo.

12th December

In the morning I conducted a Citizenship Ceremony for Mrs Ann Schultz and Mr Michael Coory, both of Mannum.

In the evening I attended the Mannum High School presentation night and assisted with the presentation of the Mid Murray prize.

13th December

Cr Taylor and I attended the Mid Murray LAP Committee meeting and Christmas function at the Swan Reach Hotel.

15th December

My wife and I attended the Swan Reach "Carols by the River" where I presented a Christmas message.

16th December

I attended the Keyneton Primary School break up concert at Tanunda. In recognition of the new water supply from the Murray at Keyneton the children produced a play and dance on saving the Murray which was a magnificent production for a small school with only around fifty students.

18th December

The Chief Executive Officer and I made a deputation to the Minister of Police, the Hon Rob Brokenshire in relation to police numbers at the Mannum station. It is pleasing to note that an extra officer has been appointed for a three month period and the need will then be re-assessed. This assessment will be based on reported crime incidents so it is very important that we advise residents to report any crime no matter how trivial. Our local Member of Parliament, Ivan Venning assisted us with the deputation.

14/1/2002

MAYOR'S REPORT CONT'D:

20th December

I attended the Christmas Staff function at Cambrai and thanked staff for their outstanding contribution during 2001. I believe this function is very valuable in promoting staff morale as it is one of the few occasions that all the workers come together in a social atmosphere.

21st December

I attended the Mannum Christmas Street Party and gave a Christmas message. The parade was outstanding and a credit to Mannum Promotions and all who took part.

22nd December – 2nd January

I had no official duties during this period but received Seasons Greetings to Councillors and Staff from the following – Marjorie Jackson-Nelson, Governor of SA, Rob Kerin, Premier SA, Neil Andrew and Patrick Secker (House of Representatives), South Australian Tourism Commission, Office of the Ombudsman, Dog and Cat Management Board, Norman Waterhouse, Coorong, Renmark-Paringa, Rural City of Murray Bridge and Alexandrina Councils.

10th January

My wife and I attended a function in the Adelaide Art Gallery to launch the "Weaving the Murray" Exhibition. This project is part of the "Source to the Sea" and involves New South Wales, Victoria and South Australia to celebrate the River Murray as a national lifeline.

11th January

I attended the Integrated Natural Resource Management (INRM) Group meeting and Workshop at Mannum to consider the Draft INRM Plan (SA Murray Darling Basin) for public consultation and approval by the Commonwealth and State Governments.

Ian R Mann
MAYOR

14/1/2002

MID MURRAY COUNCIL**CHIEF EXECUTIVE OFFICER'S REPORT**

For the meeting of the Mid Murray Council to be held in the Council Chambers, Main Street, Cambrai on Monday, 14th January, 2002

Native Title Legislation:

Councils need to have a good understanding of the processes involved in native title legislation. As government bodies, local Councils are custodians of substantial tracts of land and carry out functions on behalf of the wider community, sometimes in areas where native title exists or may exist. Therefore, native title matters should be considered in Council's strategic, corporate and operational decision making in the same way that Council considers environmental and heritage functions.

When carrying out certain types of activities or when an activity or development is planned for an area where native title exists or may exist and it affects native title, there are due processes that Councils, particularly in rural, regional and remote parts of Australia and in some coastal areas, need to follow for the activity to be valid, or for it to be immune from injunctive action. If these procedures are not followed, an activity may be invalid and the Council may at some time in the future be exposed to an injunction of claims for damages and compensation. Even where the activity would be valid notwithstanding that the processes are not followed, native title holders may succeed in getting an injunction to prevent the activity being undertaken.

Activities or developments that may impact on native title include:

- Changing the use of an area (eg land development);
- Renewing or issuing licence, permits or leases for an area;
- Constructing buildings or facilities, such as community centres, recreation facilities and parks;
- Maintaining and providing services to the public, such as upgrading roads or other new public infrastructure;
- Approving or carrying out any kind of new activity on a reserve or unallocated land.

Native title has been wholly extinguished on –

- Privately owned land (including family homes and privately owned freehold farms)
- Residential, commercial and certain other leases
- Areas where Governments have built roads, schools and other public works on or before 23rd December, 1996.

Enclosed with this report is a copy of information provided by the Australian Local Government Association which is titled "Native Title Checklist for local government Councillors.

CHIEF EXECUTIVE OFFICER'S REPORT CONT'D:**Morgan Telecentre:**

Investigations have taken place regarding the available options for housing the Telecentre at Morgan until the Multi Function building is constructed and operational. The two preferred options are the use of part of the building which has been renovated for youth activities or part of the Day Care Centre building. The least expensive option and the one which would cause the least disruption to existing users was the use of the youth building. The renovated youth building has been divided into two rooms, a larger room and a smaller room and it is the smaller room (approx 4 m x 10 m) which would be suitable for the temporary location of the Telecentre. The Youth Project Officer, Katrina Pitman, has been consulted on this matter and she has been very helpful and co-operative and can see a number of advantages for the youth at the proposed location. On the day of the inspection Mr Graham Davidson and Mrs Rudite McWaters from the Morgan Community Development and Tourism Association were present and they agreed with the proposed location. Also present at the inspection was Mr Craig Wilkes, the SA State Manager for Networking the Nation, the organisation which is providing the funding for the project, and he indicated that the location would be acceptable.

Some works will be necessary to make the room suitable for use as a Telecentre and unfortunately the cost of these works are not provided for within the grant allocation. The works required are as follows – painting (interior), carpet, electrical alterations and air conditioner, at an estimated cost of \$4,000.00. There is no allocation on the budget to cover the cost of these works.

Recommendation:

- (1) that approval be granted to enable portion of the renovated building which is situated adjacent to the Morgan Council offices to be used as a Telecentre until such time as the proposed Multi Function building is operational.
- (2) that the necessary funds be made available to enable the works detailed in the Chief Executive Officer's Report to be carried out together with any other minor works which may be necessary.

14/1/2002

CHIEF EXECUTIVE OFFICER'S REPORT CONT'D:**Federal Government Television Black Spot Grant for Swan Reach – Deed of Grant:**

The Commonwealth Government has approved a grant of \$62,952.20 for the Swan Reach area to address TV black spot problems. The grant covers the cost of the initial survey for the application, the licence fees due to the Australian Broadcasting Authority for the next 5 years and the cost to purchase and install new retransmission equipment for all five TV channels; 2, 7, 9 10 and SBS. The retransmission site is near the Punyelroo Caravan Park.

To be eligible for the grant the facility had to show that it would benefit more than 100 permanent households. Holiday homes were not able to be counted as permanent households.

The existing facility at Swan Reach, which is about 6 years old, was paid for by the individual property owners within the retransmission area when it was installed, including holiday home owners. The grant funds will be used to purchase new, high quality transmission equipment and as the Australian Broadcasting Authority has approved significant increases in the power of the retransmission signals it is expected that almost everyone within the retransmission area will have improved TV reception.

It is proposed that Council engage Mr Lindsay Porter of Angaston to install the new equipment. Mr Porter installed the original facility at Swan Reach and has continued to maintain the equipment and his technical assistance was a factor in Council receiving this grant. Mr Porter also owns a shack at Langs Landing, which is near Swan Reach.

Before the grant funds will be released to the Council a Grant Deed between the Commonwealth and the Council has to be signed and sealed. The Grant Deed document has been prepared with Robin Bourne being the Council's contact person and signatory to the document.

Recommendation: that Council accept the Grant Deed for a TV Black Spot Grant of \$62,952.20 for the Swan Reach area and that Robin Bourne be authorised to sign and seal the document on behalf of Council.

Recommendation: that Council engage the services of LN & H Porter to install the new equipment for the TV retransmission facility at Swan Reach.

14/1/2002

CHIEF EXECUTIVE OFFICER'S REPORT CONT'D:

Deputation with the Minister for Police:

On the 18th December, 2001, the Mayor, Chief Executive Officer and local member Mr Ivan Venning, met with the Minister for Police, the Hon Robert Brokenshire to discuss the matter of the lack of sufficient police resources for the Mannum Police district. The Minister was able to advise as follows:

- Temporary relief will be provided by the provision of an additional officer for a three month period to commence from mid December.
- The staffing levels at the Mannum police station are currently being reviewed and it is anticipated that the review will be completed in the near future.
- He will support the Dry Zone proposal for the Mannum Township.

In addition to the above it was suggested that the Neighbourhood Watch scheme could be established at Mannum.

14/1/2002

CHIEF EXECUTIVE OFFICER'S REPORT CONT'D:**Morgan Caravan Park – Deed of Consent:**

At the December meeting of Council, approval was granted for the transfer of the Morgan Caravan Park Lease and the Mayor and Chief Executive Officer were authorised to sign and seal the necessary assignment documents. The proposed new lessee's Bank has provided Council with a Deed of Consent document which has to be signed and sealed by Council before the transfer can proceed. The Deed is necessary to protect the Bank's interest in view of the fact that the lessees will grant a mortgage over their interest in the Caravan Park to the Bank. Council's solicitors have perused the document and have recommended one minor alteration, that being the deletion of the last sentence in clause 3.4. The ANZ Bank and its solicitors have no problem with the suggested alteration. A copy of the Deed of Consent document and the Norman Waterhouse letter of advice has been forwarded to all members.

Recommendation: that the Deed of Consent relating to the Morgan Caravan Park Lease transfer be approved by Council subject to the deletion of the last sentence in clause 3.4 and the Mayor and Chief Executive Officer be authorised to sign and seal the document.

14/1/2002

CHIEF EXECUTIVE OFFICER'S REPORT CONT'D:

Road Closures for Bear Rock Rodders Association:

The Bear Rock Rodders Association seeks Council approval for the closure of the following streets on Sunday, 10th March, 2002, to enable the public family day to be held on the Mary Ann Reserve. A copy of the letter of request is enclosed with this report.

The entire length of Trewartha Street and Wattle Street and that section of River Lane from the Mannum Club to the southern end of the Mary Ann Reserve, be closed to all vehicular traffic other than vehicles associated with the Bear Rock Rodders Association, from 10-00 a m until 5-00 p m on Sunday, 10th March, 2002.

In accordance with the provisions of Section 33 of the Road Traffic Act Council is responsible for declaring the event and subject to the agreement of the Commissioner of Police Council is able to order an exemption from some of the Australian Road Rules.

Recommendation:

- (1) that approval be granted to enable the Bear Rock Rodders Association public family day to be held on Sunday, 10th March, 2002, subject to the general conditions applicable to the Council's Special Event permit.
- (2) that subject to the approval of the Commissioner of Police referred to above, pursuant to Section 33(1) (b) of the Road Traffic Act Council makes an order directing that persons taking part in the Event be exempted, in relation to the Roads, from the duty to observe the Australian Road Rules specified below –

Australian Road Rules Exemptions

Rule 230: Crossing a road – general;

Rule 238: Pedestrians travelling along a road; (except in or on a wheeled recreational device or toy);

- (3) that Council employees be authorised to erect the necessary road signs and barricades.

14/1/2002

CHIEF EXECUTIVE OFFICER'S REPORT CONT'D:**Council Credit Card Expenses:**

Credit card expenses incurred during the months of November and December, 2001 were as follows -

<u>Detail</u>	<u>Amount</u>
Accommodation, and travelling expenses incurred by Mayor Mann and CEO Glenn Brus attending Australian Local Government Association AGM on behalf of Council.	\$365.50
UBD Street Directory and cleaning materials purchased for Toyota Hilux Dual Cab by Jon Fry from Repco Auto Parts	\$76.26
Australia Day Certificates purchased from Australia Day Council SA Inc. using CEO's Card	\$13.20
Mayor Ian Mann. Rotation and rebalance tyres on Mayoral vehicle carried out by Tyrepower.	\$16.50

Recommendation: that the expenses detailed in the Chief Executive Officer's Report be ratified.

14/1/2002

CHIEF EXECUTIVE OFFICER'S REPORT CONT'D:

Council Policy - Emergency and Disaster Activities:

Council's current policy concerning the payment of employees involved in any emergency or disaster activities is as follows -

5.5 EMERGENCY AND DISASTER ACTIVITIES

With the endorsement of the Chief Executive Officer or Works Manager, any Council employee involved in any emergency or disaster activities (eg fire fighting) shall not be disadvantaged in terms of any time off work as a direct result of their work in this type of activity.

The policy does not refer specifically to the Council area and there is no time limit relating to any time off work. Clarification is sought on this matter in view of the fact that two employees recently attended the Sydney Bushfires, through their local CFS Brigades.

14/1/2002

CHIEF EXECUTIVE OFFICER'S REPORT CONT'D:**Occupational Health, Safety and Welfare Policies:**

The previous policy number 1 which was titled "General Policy and Responsibility Statements" has been amended and re-titled "General OHS & W and Injury Management Policy". The policy is a guide to all Employees, Contractors, Volunteers and Visitors in regard to OHS & W matters and sets out the responsibilities for the Council and all persons involved in the work environment. Consultation has occurred with all employees and the policy has been adopted by the Occupational Health, Safety and Welfare Committee and it now requires Council adoption. A copy of the new policy is enclosed with this report.

Recommendation: that the General OHS & W and Injury Management Policy as enclosed with the Chief Executive Officer's Report be adopted by Council.

14/1/2002

CHIEF EXECUTIVE OFFICER'S REPORT CONT'D:

Truro & District Community Association Inc - Draft Lease for Hall, Oval, Heroes Park & Aged Homes Land:

The Truro & District Community Association Inc and Council officers have prepared a draft lease document which will grant the Association a lease to manage and develop the; Truro Hall; Truro Oval; Heroes Park and Truro Aged Homes Land for a period of 10 years with a right to extend for a further 5 years.

The lease has been prepared on the basis agreed by Council and the former Section 199 Management Committees for the Hall, Oval, Heroes Park and Aged Homes Land. The Schedules at the end of the lease set out the details of Council's ongoing expenditure commitments to each of the properties. A copy of the draft lease is enclosed with this report.

The lease is currently being checked by Council's solicitors, Norman Waterhouse.

Recommendation: that the draft lease for the Truro & District Community Association Inc to lease the Truro Hall, Truro Oval, Heroes Park and Truro Aged Homes Land be adopted by Council, subject to any changes recommended by Council's solicitors, and the proposed lease be publicly advertised in accordance with Council's Public Consultation Policy.

Glenn R Brus
CHIEF EXECUTIVE OFFICER