

MINUTES of the Ordinary Meeting of the District Council of Barunga West held on Tuesday 8th February 2011, commencing at 7.00pm at the Port Broughton Council Chambers, Bay Street, Port Broughton

1. **Present:**

Cr C Axford, Cr L Kerley, Cr M McDonald, Cr G Rowlands, Cr G Simmons, Cr R Smith, Cr M Weedon, Cr Rooney, N Hand (Chief Executive Officer), R Linke (Manager – Works), M Marziale (Manager – Environmental Services) and Ms K Thomas (Minutes Secretary).

In attendance:

A Public Gallery of: 28

Sonny Coombs, Yorke Peninsula Country Times

2. **Apologies And Leave Of Absence:**

2.1 **Leave of Absence**
Nil

2.2 **Apologies**
Mayor D Dolling

3. **Conflict of Interest Provisions**

3.1 Nil.

4. **Confirmation of the Minutes of the previous Meeting**

4.1 **Ordinary Meeting – 11th January 2011**

MOVED: Cr Rowlands

SECONDED: Cr Simmons

“That the Minutes of the Ordinary Meeting of Council held on the 11th January 2011 be confirmed as printed and supplied.”

CARRIED

5. **Business Arising from the Minutes**

5.1 Nil.

6. **Deputations**

6.1 Nil.

7. **Members Reports**

Cr Axford

26/01/2011 Australia Day Celebrations (Bute)

31/01/2011 Meeting with DTEI re: Kulpara to Port Broughton road.

01/02/2011 BDP Information Session, Meet & Greet with Geoff Brock, Works Committee Meeting (Port Broughton)

08/02/2011 BDP Public Meeting (Port Broughton)

Cr Dolling None reported.

Cr Kerley

26/01/2011 Australia Day Celebrations (Port Broughton)

01/02/2011 BDP Information Session, Meet & Greet with Geoff Brock, Works Committee Meeting (Port Broughton)

07/02/2011 Progress Association
08/02/2011 BDP Public Meeting (Port Broughton)

Cr McDonald

26/01/2011 Australia Day Celebrations (Port Broughton)
01/02/2011 BDP Information Session, Meet & Greet with Geoff Brock, Works
Committee Meeting (Port Broughton)
08/02/2011 BDP Public Meeting (Port Broughton)

Cr Rooney

31/01/2011 Kulpara Cemetery with Manager – Works and Chief Executive Officer
31/01/2011 Meeting with DTEI re: Kulpara to Port Broughton road.
01/02/2011 BDP Information Session, Meet & Greet with Geoff Brock, Works
Committee Meeting (Port Broughton)
08/02/2011 BDP Public Meeting (Port Broughton)

Cr Rowlands

25/01/2011 Barunga Village meeting
26/01/2011 Australia Day celebrations (Port Broughton)
31/01/2011 Meeting with DTEI re: Kulpara to Port Broughton road.
01/02/2011 BDP Information Session, Meet & Greet with Geoff Brock, Works
Committee Meeting (Port Broughton)
08/02/2011 BDP Public Meeting (Port Broughton)

Cr Simmons

18/01/2011 Barunga Village Building meeting
25/01/2011 Barunga Village meeting
26/01/2011 Australia Day celebrations (Port Broughton)
01/02/2011 BDP Information Session, Meet & Greet with Geoff Brock, Works
Committee Meeting (Port Broughton)
08/02/2011 BDP Public Meeting (Port Broughton)

Cr Smith

25/01/2011 Barunga Village
26/01/2011 Australia Day celebrations (Port Broughton)
01/02/2011 BDP Information Session, Meet & Greet with Geoff Brock, Works
Committee Meeting (Port Broughton)
08/02/2011 BDP Public Meeting (Port Broughton)

Cr Weedon

26/01/2011 Australia Day celebrations (Port Broughton)
01/02/2011 BDP Information Session, Meet & Greet with Geoff Brock, Works
Committee Meeting (Port Broughton)

8. Petitions

8.1 Green Waste Collection

A Petition has been delivered by Mr. Colin Orr seeking Council to implement a Green Waste Collection. Mr Orr has sought to address the Council meeting, and did so.

Mr Colin Orr addressed the meeting.

Refer to Cr Kerley's Questions without Notice in paragraph 10.1.

9. **Questions with Notice**

9.1 Cr. Rowlands

Seeking additional information regarding the costings of the Port Broughton Council Office Project.

The CEO's response is on Pages 14 – 16 of the Agenda.

Cr Kerley asked:

1. A direct answer to my original question and Cr Rowlands subsequent request for the cost of the extensions overspend would have been appreciated. You cannot compare a final contract cost against the loans taken to pay for a project, rather than the original contract price. To put this matter to rest, from the figures the CEO has given I can provide Cr Rowlands with the answer. The total capital cost of the project was \$720,496 against a contract price of \$629,925 which is an over expenditure of \$90,571 or 14.3%. If this satisfied Cr Rowlands I ask that the Council minutes note this is the correct answer.

Cr Rowlands indicated that this did satisfy his question.

2. Was the Harvey Street footpath from Bay Street to the southern driveway of the CFS shed at a cost of \$17,791 budgeted for in the 2009-10 Works Budget? Was the maintenance work done to the existing building at a cost of \$17,672 and which the CEO states was required regardless of the construction of the new building, included in the 2009-10 budget. If this maintenance was required, then it should have been included in the budget. This is a total of \$35,463 taken from the Council's operational budget and the Council's Works Budget. What projects were put on hold to fund these works? This amount added to the \$90,571 is a total of \$126,034. I believe the car park seal and other items are yet to be included which will make the over spend of the contract price in the vicinity of \$150,000 plus. When considering that the original amount voted on by council for the extensions was \$450,000 then councilors need to be vigilant in their decisions on the spending of the rate payer's money.

The CEO answered these questions.

9.2 Cr. Rowlands

Seeking answers to the following questions regarding the development of the Port Broughton Community Waste Water Management Scheme (CWMS) south of Port Broughton

- Why is the Council not eligible for a subsidy to connect to the current scheme,
- If the current scheme is at, or near full capacity now, what are we doing to expand the Scheme, and
- When and if a new CWMS is built will we make application for a new subsidy to cover the future residential growth.

The CEO's response is on Pages 17 – 18 of the Agenda.

9.3 Cr. Rowlands

Seeking answers to the following questions regarding the Port Broughton Community Wastewater Management Scheme.

- The current state of the Port Broughton Community Waste Water Management Scheme (formerly STEDS system)
- The impact on the surrounding environment of any overflow or leaching from the system.

- The reason for any overflows
- Planned actions to remedy the cause of any overflows.
- The timetable for the pumping of septic tanks connected to the scheme
- Details on the proposed life of the current system and its adequacy to deal with potential growth in and around Port Broughton

The Manager – Works' response is on Pages 19 - 21 of the Agenda.

Cr Rowlands sought answers to the following questions at the next Council meeting

- (1) That formal notification be provided by the LG CWMS confirming the capacity of the WWTP.
- (2) The forecast growth over the next 5 years in new homes in the areas dedicated in 2000 for future residential development and that will be required to be connected to the CWMS.
- (3) Whether there is an official requirement by industry providers to empty septic tanks in a given time period (ie do septic tank manufacturers or the plumbing industry stipulate that tanks should be desludged at regular intervals and if so what is the time period).

9.4 Cr Rowlands

Seeking answers to the following questions in regards to freeholding of the Fisherman's Bay allotments

Once a resident of Fisherman's Bay freeholds their land what other actions will they be required by Council to undertake, ie.

- Connecting to a waste treatment system
- Having their residence assessed as to meeting approved building standards

The Manager – Environmental Services response is on Page 22 of the Agenda.

9.5 Cr. Rowlands

Seeking answers to the following questions regarding the development application backlog

Regarding the clearing of the backlog of building and development plans

- Can you please advise evidence that this backlog is cleared,
- How many applications are currently lodged and waiting for approval, and
- What is the average length of time a ratepayer must wait from lodgement of application to approval.

The Manager – Environmental Services response is on Pages 23 – 24 of the Agenda.

MOVED: Cr Rowlands SECONDED: Cr Kerley

"That the \$120,000 savings in total expenses shown in the 2010/11 second budget review on page 36 of this report be directed towards the employment of full time staff in the Development Assessment team in order to provide a full time development assessment service."

AMENDMENT TO THE MOTION:

MOVED: Cr Simmons SECONDED: Cr Smith

"That the motion of Cr Rowlands is supported, subject to an Audit Committee recommendation and that the Audit Committee meet prior to the next Council

meeting, and that the issue of additional staff for the Environmental Services team be considered."

The amendment was put to the vote and CARRIED.

The Amendment then became the motion, was put to the vote and CARRIED

10. Questions without Notice

10.1 Cr Kerley asked:

- (1) What are the monthly costs for the collection and disposal of the red bin waste?
- (2) What are the monthly costs to collect and dispose of yellow bin recyclables?
- (3) What are the monthly costs to collect and dispose of the green bin recyclables?
- (4) What are the proposed monthly costs to collect and dispose of green waste?
- (5) What are the bi-monthly costs if we choose to use one yellow bin for all recyclables as an alternative to two bins? I understand this is the recommendation given to the Works Manager by Wardles.
- (6) Is the bin pick up charged per bin or per weekly/monthly pickup?
- (7) What are the costs to re-advertise should we change the current bin collection routine?
- (8) What are the costs to Council of wages for the Port Broughton Waste Transfer Station operator?
- (9) What is the amount of the lease paid by the operator of the Port Broughton Waste Transfer Station and any income derived by council from the Port Broughton Waste Transfer Station.
- (10) What is the cost of mulching the green waste at the Waste Station?
- (11) The Works Manager in his January council report states (and I quote) "that hard waste and e-waste brought to the site will have to be housed under cover. Council will need to consider how this can be achieved in its operations." (end of quote). How does Council plan to implement this and should it be at council's cost or at the cost of the manager of the transfer station?

10.2 Cr McDonald advised that a resident had taken 3 bins which had been separated to the waste transfer station and was advised to empty them all into the same skip bin.

The Manager – Works advised that he was unaware of the specific situation, but will follow that up with the operator of the Transfer Station.

10.3 Cr Smith asked that the condition of the footpath and overhanging trees, between Bay Street and Edmund Street, on East Terrace be addressed.

MOVED: Cr Smith SECONDED Cr Simmons

"That the repair of the footpath between Bay Street and Edmund Street on East Terrace be considered at the next Audit Committee meeting for inclusion in the 2011/2012 budget."

CARRIED

10.4 Cr Rowlands asked:

Has the Manager – Environmental Services been in contact with the University of South Australia regarding the preparation of a new 5 year Strategic

Management Plan for mosquito management.

The Manager – Environmental Services advised that he has received a preliminary response and responded regarding future plans in this regard.

Cr Rowlands noted that residents (including himself) would volunteer personal time to assist with spraying.

- 10.5** When will the permanent display of Councillors and their contact details that was approved at the December council meeting be displayed in Bute and Port Broughton offices.

The CEO responded, apologising for the oversight and will attend to this matter urgently.

- 10.6** Cr Rowlands asked when the report regarding works on Tickera roads that was requested at December meeting will be provided.

The Manager - Works will provide a response at the next Works meeting.

11. Council Business – Managers Report

11.1 Administration – Chief Executive Officer

MOVED: Cr Smith

SECONDED: Cr Kerley

“That the Report from the Chief Executive Officer for the February 2011 meeting be received and noted”.

CARRIED

11.1.1 Enterprise Bargaining Agreement – Australian Workers Union

Noted.

11.1.2 Council's financial and administration activity

Noted.

11.1.3 Council's Budget Review No 2

MOVED: Cr Weedon

SECONDED: Cr McDonald

That Council, having reconsidered the revised adopted 2010/2011 budget pursuant to and in accordance with Section 123 of the Local Government Act 1999 and Section 7 of the Local Government (Financial Management) Regulations 1999, adopt a 2nd Revision 2010/2011 budget comprising the following Budgeted Financial Statements as presented:

- *Budgeted Income Statement.*
- *Budgeted Balance Sheet.*
- *Budgeted Statement of Changes In Equity.*
- *Budgeted Statement of Cash Flows.*
- *Budgeted Uniform Presentation of Finances.*
- *Detailed Operating Budget.*
- *Detailed Capital Budget.*

CARRIED

11.1.4 Budget considerations – expenditure not approved

MOVED: Cr Rowlands

SECONDED: Cr McDonald

“That this Council initiate a policy, that any request for expenditure, outside of the approved Annual Business Plan (Budget), be referred to the Audit Committee for consideration, with full costings for such proposal being prepared by Council staff, and that the Audit

Committee be empowered to make recommendations to the Council of the availability of funds for such a request for expenditure."

CARRIED

11.1.5 Manager Finance

Noted.

11.1.6 Better Development Plan briefing

Noted.

Notes to be amended to include at paragraph 4(a) that the overlay stop at the southern boundary of the caravan park and that plants/trees be planted at the boundary.

11.1.7 Council Christmas party

Cr Rowlands responded to the report of the Chief Executive Officer.

MOVED: Cr Kerley SECONDED: Cr McDonald

"That Cr Rowland's comments be included in the Minutes so that the official records will show Cr Rowlands rebuttal of the CEO's comments."

MOTION TIED - THEREFORE NOT CARRIED

CR ROWLANDS called for a DIVISION

Members voting FOR the motion:

Cr Rowlands, Cr Rooney, Cr Kerley Cr McDonald

Members voting AGAINST the motion:

Cr Weedon Cr Axford Cr Simmons Cr Smith

11.1.8 Department of Transport Energy & Infrastructure (DTEI)

Noted.

11.1.9 Northern & Yorke Natural Resources Management Board (N&YNRM)

Noted.

11.1.10 South Australian Tourism Commission – reduction of regional services

Noted.

11.1.11 Port Broughton Visitor Information Outlet - relocation

Noted.

11.1.12 Department of Environment & Natural Resources

Noted.

11.1.13 Australian Local Government Association – National General Assembly

MOVED: Cr Smith SECONDED: Cr Weedon

"That Council continue the policy of allowing the Mayor and the Chief Executive Officer to attend the Australian Local Government Association National General Assembly every two years, and that they be authorised to attend the 2011 National General Assembly."

CARRIED

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- 11.2 Manager, Works – Fred Linke**
MOVED: Cr Simmons **SECONDED: Cr McDonald**
“That the Report from the Manager – Works for the February 2011 meeting be received and noted”.
CARRIED
- 11.2.1 Correspondence from the EPA**
Noted.
- 11.2.2 Green waste collection**
Noted.
- 11.2.3 Works 2010/11**
Noted.
A workshop to look at the Works and Infrastructure Budget for 2011/12 will be held on the afternoon of 1st March 2011.
- 11.2.4 2011/12 Budget**
Noted.
- 11.3 Manager, Environmental Services – Mark Marziale**
MOVED: Cr Kerley **SECONDED: Cr Simmons**
“That the Report from the Manager – Environmental Services for the February 2011 meeting be received and noted”.
CARRIED
- 11.3.1 Approved Development Report.**
Noted.
- 11.3.2 Development Act 1993: REZONING REQUEST – Sec 204 & 207s,**
Spensley Road Port Broughton CT 5966/686 and Lot 302 in DP70615
CT: 5966/685 Hd: Mundoorra – Proposed rezoning from general farming to rural living zone – by R & J Wittwer
Noted.
- 11.3.3 Development Act 1993: REZONING REQUEST – Lot 31 Mundoorra Road,**
Port Broughton and Lot 105 Bute Road Port Broughton HD Mundoorra –
Proposed rezoning from general farming to rural living zone – by Mr Robert Whitingfor Diarmund Pty Ltd
Noted.
- 11.3.4 Update Public Meeting to be held 8th February 2011 to discuss the draft Barunga West DC Better Development Plans (BDP) and General Development Plan Amendment (DPA).**
Noted.
- 12. Notices of Motion**
12.1 Nil.

13. **Motions without Notice**

13.1 **MOVED:** Cr Kerley **SECONDED:** Cr McDonald
"That public meetings be held no earlier than 6pm to allow maximum attendance by affected and interested parties."

CARRIED

13.2 **MOVED:** Cr Kerley **SECONDED:** Cr McDonald
"That council contact Police as a matter of urgency to encourage them to put into motion a plan for safer havens and appropriate signage for our towns and community in time of catastrophe and should this not occur then Council seek legal advice on choosing a designated safer area and undertake the signage themselves."

CARRIED

13.3 **MOVED:** Cr Kerley **SECONDED:** Cr Rowlands
"That the Manager – Environmental Services approach the relevant government Department to insert into the Better Development Plan the relevant module which relates to the Council owned areas of heritage interest."

CARRIED

14. **Adoption of Committee Reports**

14.1 Works Committee Meeting – 1st February 2011

MOVED: Cr Kerley **SECONDED:** Cr Simmons
"That the recommendations from the Works Committee Meeting held on 1st February 2011 be accepted as follows, excluding recommendation number 6."
Recommendation 1

"That a petition has been received from Mr Colin Orr regarding a green waste collection."

Recommendation 2

"That arrangements be made for the Works and Infrastructure Committee to hold a District Inspection on Tuesday 1st March 2011, commencing at 9.00am."

Recommendation 3

"That Council exercise its powers pursuant to Section 33 of the Road Traffic Act 1961 and Clause F of the Instrument of General Approval of the Minister dated 12 March 2001 to:

Pursuant to Section 33(1) of the Road Traffic Act 1961, declare that the event described below ("the roads") is an event to which Section 33 of the Road Traffic Act 1961 applies; and

Pursuant to Section 33(1)(a) of the Road Traffic Act 1961, make an order directing that The Roads on which the Event are to be held and any adjacent or joining roads specified below, be closed to traffic:

West Terrace (from James Street to Edmund Street) and Bay Street (from Mackay Street to West Terrace) between the hours of 5.45am to 6.45am on Monday 25th April 2011 for the purpose of ANZAC Day Dawn Service.

Mckay Street (from James Street to Bay Street) Bay Street (from Harvey Street to West Terrace) and West Terrace (from James Street to Edmund Street) between the hours of 11.15am to 12.15pm on Monday 25th April 2011."

Recommendation 4

"That Council exercise its powers pursuant to Section 33 of the Road Traffic Act 1961 and Clause F of the Instrument of General Approval of the Minister dated 12 March 2001 to:

Pursuant to Section 33(1) of the Road Traffic Act 1961, declare that the event

described below ("the roads") is an event to which Section 33 of the Road Traffic Act 1961 applies; and

Pursuant to Section 33(1)(a) of the Road Traffic Act 1961, make an order directing that The Roads on which the Event are to be held and any adjacent or joining roads specified below, be closed to traffic:

High Street (from Railway Terrace to Northwest Terrace) Railway Terrace (from Second Street to First Street) and Third Street (from Second Street to First Street) between the hours of 6.00am to 11.00am on Monday 25th April 2011."

Recommendation 5

"That a new fact sheet be prepared and mailed to all rate payers by the end of February advising that it is illegal to discharge stormwater into the CWMS and explaining why it is illegal, and further that Council investigate fine options with other Council areas and consider implementing a fine system for offenders."

Recommendation 7

"That Council undertake an investigation for the Council to undertake its own collection of all waste streams."

CARRIED

15. Closure

The Deputy Mayor declared the meeting closed at 9.45pm.

Cr Brian Rooney
Deputy Mayor
District Council of Barunga West