

**MINUTES of the Ordinary Meeting  
of the District Council of Barunga West  
held on Tuesday 13<sup>th</sup> April 2010, commencing at 7.00pm  
at the Bute Council Chambers, Railway Terrace, Bute**

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**1. PRESENT:**

Mayor Dean Dolling, Cr I Burgess (Deputy Mayor), Cr M McDonald, Cr T Schkabaryn, Cr G Simmons, Cr L Kerley, Cr Smith, Cr Weedon and Cr Rooney, N Hand (Chief Executive Officer), L Jolly (Manager – Finance & Administration), M Marziale (Manager – Environmental Services), R Linke (Manager – Works) and Ms K Thomas (Minutes Secretary).

**In attendance:**

A Public Gallery of:

1 media (Sonny Coomb), Yorke Peninsula Country Times)

**2. APOLOGIES AND LEAVE OF ABSENCE-**

**2.1 Leave of Absence**

Cr L Kerley

**2.2 Apologies**

Nil.

**3. Conflict of Interest Provisions**

3.1 Mayor Dolling advised that he had a conflict of interest with Agenda Item 11.4.2, ERD COURT APPEAL 397 of 2006 for DA 344/D006/99 v1 by Fishermans Bay Management Pty Ltd UPDATE

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

**4.1 Ordinary Meeting –9<sup>th</sup> March 2010**

**MOVED:** Cr Simmons **SECONDED:** Cr Schkabaryn

*“That the Minutes of the Ordinary Meeting of Council held on the 9<sup>th</sup> March 2010 be confirmed as printed and supplied.”*

**CARRIED**

**5. Business Arising from the Minutes**

5.1 No response has been received to date from the Commissioner of Liquor and Gambling on our application for the extensions of the Dry Zones.

5.2 Canowindra Homes - Housing SA have advised today that RSL Warmington Village Inc have advised that they are relinquishing the transfer of the Home to them and Housing SA will resume control of the Home and associated land.

**6. Deputations**

**6.1 Nil**

**7. Members Reports**

**Cr Dolling**

29/3/10 Executive Committee Meeting (commercial fishermen)

12/4/10 Regional Development Australia Welcome (Port Broughton oval)

13/4/10 Councillor training

**Cr Burgess**

13/4/10 Councillor training

**Cr McDonald**

15/3/10 Port Broughton Area School Governing Council Meeting  
17/3/10 Port Broughton District & Health Services Health Advisory Council Meeting  
29/3/10 Council Executive Committee Meeting  
13/4/10 Councillor training.

**Cr Schkabaryn**

19/3/10 NRM  
29/3/10 Port Broughton Progress Association Meeting  
29/3/10 Executive Committee Meeting (Commercial Fishermen)  
3/4/10 Fishermans Bay Progress Association  
13/4/10 Councillor training.

Advised of legal advice he had received advising that no conflict of interest exists regarding Fishermans Bay Management Pty Ltd and the freeholding process, but that he did have a conflict of interest in relation to his CDAP obligations.

**Cr Simmons**

15/3/10 Bute Sporting Club  
23/3/10 Barunga Village Special Meeting  
23/3/10 Barunga Village General Meeting  
24/3/10 Bute 2000 Onwards Committee Meeting  
4/4/10 Barunga Village Building Meeting  
13/4/10 Councillor training

**Cr Kerley**

Leave of absence

**Cr Weedon**

13/4/10 Councillor training

**Cr Rooney**

29/3/10 Executive Committee Meeting (commercial fishermen)  
12/4/10 Kulpara Progress Association meeting

**Cr Smith**

13/4/10 Councillor training

**8. Petitions**

No Petitions were received for consideration by the Council.

**9. Questions with Notice**

9.1 Cr Schkabaryn – Coastal Officer and NRM Board

**MOVED: Mayor Dolling SECONDED: Cr Rooney**

*“That Council contact the Yorke and Mid-North NRM Board regarding the lack of appropriate weed control on Council road verges.”*

**CARRIED**

**10. Questions without Notice**

10.1 Mayor Dolling – Complaint regarding condition of property in Dalling Street, Port Broughton

**MOVED: Cr Dolling                      SECONDED: Cr Burgess**

*“That the Manager - Environment Services, be directed to commence compliance action on the property at 8 Dalling Street as a result of the large amount of debris stored on this property.”*

**CARRIED**

10.2 Mayor Dolling - Condition of Kulpara to Bute Road.

**MOVED: Cr Weedon                      SECONDED: Cr Smith**

*“That Council approach the Department of Transport, Energy and Infrastructure and local State Government members to seek to have the Kulpara to Bute Road upgraded to a suitable standard.”*

**CARRIED**

**11. Council Business – Managers Report**

**11.1 Administration – Chief Executive Officer**

**MOVED: Cr Burgess                      SECONDED: Cr Schkabaryn**

*“That the Report from the Chief Executive Officer for the April 2010 meeting be received and noted”.*

**CARRIED**

**11.1.1 By-law Review**

**MOVED: Cr Weedon                      SECONDED: Cr Schkabaryn**

*“That Council resolves to endorse the following draft by-laws for public consultation:*

1. *Permits and Penalties By-law;*
2. *Local Government Land By-law;*
3. *Roads By-law;*
4. *Moveable Signs By-law;*
5. *Dogs By-law; and*
6. *Cats by-law;*

*and, that the Chief Executive Officer arranges for the public consultation to occur by advertising the draft by-laws on Council’s web page, in the local newspapers and, by making them available for inspection at both Council offices.”*

**CARRIED**

**11.1.2 Regional and Local Community Infrastructure Program - Opening Ceremony**

Noted that no date had been set at this stage.

**MOVED: Cr Simmons                      SECONDED: Cr Burgess**

*“That Council seek another suitable date to arrange and conduct an opening ceremony for the Regional and Local Community Infrastructure Project in our Council area, along with the Bute History Shed.”*

**CARRIED**

**11.1.3 Council Office Extensions**

**MOVED: Cr Burgess      SECONDED:      Cr Simmons**

*"That the brickwork for the Council office building at Port Broughton be finished with a rendered surface for the complete building."*

**CARRIED**

**MOVED: Cr Schakabryn      SECONDED:      Cr Smith**

*"That the Council agree for any cost variation for the Port Broughton Office Extension over the previously agreed figure be paid from reserve funds."*

**CARRIED**

**11.1.4 Consultation with the local commercial fishermen**

A meeting was held with commercial fishermen on 29<sup>th</sup> March 2010.

**MOVED: Cr Schakabryn      SECONDED:      Cr Dolling**

*"That Council inform the Department of Primary Industries and Resources of South Australia (PIRSA) of the discussion and outcome of the Executive Committee meeting with the local commercial fishermen for their consideration when PIRSA undertake a management plan for the marine scale fishery in 2011."*

**CARRIED**

**11.1.5 Leases for Council properties**

**MOVED: Cr Weedon      SECONDED:      Cr Burgess**

*"That the Council endorse the proposal of the Chief Executive Officer to have all Council leases with a common expiry date, and authorise the Chief Executive Officer, to commence the process, including the required public consultation process."*

**CARRIED**

**11.1.6 Repairs to the former Buff Lodge Hall at Port Broughton**

**MOVED: Cr Schkabaryn      SECONDED:      Cr Rooney**

*"That Council call tenders for the required repairs to the Buff Lodge Hall in East Terrace, Port Broughton."*

**CARRIED**

**11.1.7 Arbon Road Development - Bute**

Noted.

**11.1.8 Tickera Recreational and Community Association**

**MOVED: Cr Schkabaryn      SECONDED:      Cr Burgess**

*"That Council agrees for the Tickera Recreation and Community Association being granted a lease for the site formerly occupied by the Tickera Golf Club, and that the arrangements be in accordance with the recommendation contained within Agenda Item 11.1.5 of the meeting of 13<sup>th</sup> April 2010."*

**CARRIED**

**11.1.9 Australian Government Regional Infrastructure - Program - Round 2**

**MOVED: Cr Simmons                      SECONDED: Cr Burgess**

*"That Council seek costing on a shade area and new BBQ for the foreshore on the northern side of the jetty utilising the funds from the Regional Infrastructure Program and the insurance funds for the damaged shelter area with any remaining funds to be considered for use for a shade area on the beach next to the jetty."*

**CARRIED**

**11.1.10 Road Closure - Hd. Kulpara - GD & DM Daniel**

**MOVED: Cr Rooney                      SECONDED: Cr Smith**

1. *"ORDER To Close Road*

*The following part of a road is CLOSED:*

*The whole of the unnamed public road situate west of Daniels Road and adjoining the southern boundary of Section 146, Hundred of Kulpara, as delineated and lettered "A" in Preliminary Plan 09/0073*

2. *ORDER for Disposal of Closed Road*

*The part of a road, closed by this order must be in accordance with the following order:*

*Transfer the whole of the land subject to closure to Geoffrey David Daniel and Deirdre Margaret Daniel in accordance with the agreement for transfer dated 13<sup>th</sup> April 2010 entered into between District Council of Barunga West and Geoffrey David Daniel and Deirdre Margaret Daniel."*

**CARRIED**

**11.1.11 Regional Council of Goyder**

**MOVED: Cr Burgess                      SECONDED: Cr Weedon**

*"That the Council support the Notice of Motion to the LGA General Meeting, by the Goyder Regional Council, seeking to amend Sections 181 (8)(b) and 181 (17) of the Local Government Act 1999, which refers to fines on outstanding rates."*

**CARRIED**

**11.2 Manager - Finance & Administration**

**MOVED: Cr Burgess                      SECONDED: Cr Simmons**

*"That the Report from the Manager – Finance & Administration for the April 2010 meeting be received and noted"*

**CARRIED**

**11.2.1 2010/11 Draft Business Plan and Budget - Trade-in of Motor Vehicles**

**MOVED: Cr Simmons                      SECONDED: Cr McDonald**

*"That Council postpone the purchase of any motor vehicles for administration and works staff during the 2010/2011 year."*

**CARRIED**

**11.2.2 Patrol Grader Contractors – Review of Contract**

**MOVED: Cr Rooney                      SECONDED: Cr Smith**

*“That the CPI increase scheduled for the 2009/10 Patrol Graders’ Contracts is not to be applied, as a result of the fuel allowance contained within the contracts, but is to be applied to their contracts for 2010/11.”*

**CARRIED**

**11.2.3 Waste Management – Introduction of Recycling**

**MOVED: Cr Simmons                      SECONDED: Cr McDonald**

*“That Council procure the bins for the Council’s proposed waste collection and recycling program at the best possible price and the cost of the bins be taken from the Council’s Asset Sales reserve.”*

**CARRIED**

**11.2.4 Works Personnel – Recruitment of a Casual Employee**

**MOVED: Cr Weedonn                      SECONDED: Cr Burgess**

*“That provision be made in the 2010/11 Preliminary Budget for the recruitment of a Casual Employee for Council’s Road Construction Group.*

**CARRIED**

**11.2.5 2009/10 3<sup>rd</sup> Quarterly Budget Review**

**MOVED: Cr Schkabaryn                      SECONDED: Cr Burgess**

*“That in accordance with Section 7 (1) of the Local Government (Financial Management) Regulations 1999 the Budget Review as at 31<sup>st</sup> March 2010 is adopted.”*

**CARRIED**

**11.3 Manager – Works**

**MOVED: Cr Burgess                      SECONDED: Cr Schkabaryn**

*“That the Report from the Manager – Works for the April 2010 meeting be received and noted”.*

**CARRIED**

**11.3.1 Kulpara Progress Association – Meeting**

Noted.

**11.3.2 Tickera Community & Recreation Association Inc - Meeting**

**MOVED: Cr Simmons                      SECONDED: Cr Burgess**

*“That Council continues to mow the areas currently maintained at Tickera and in addition, mow the Oval, and the safe mowing areas between Broughton Terrace, North Gully Road (indicated as “whatever is safe to mow in this area” on the map).”*

**CARRIED**

**11.3.3 Roads & Works Conference**

**MOVED: Cr Burgess                      SECONDED: Cr Schkabaryn**

*“That Council’s Manager of Works, Works Supervisor, and Councillors Tony Schkabaryn and Brian Rooney attend the Roads and Works Conference in Mount Gambier on 26<sup>th</sup> & 27<sup>th</sup> August 2010.”*

**CARRIED**

**11.3.4 Proposed - Port Broughton Coastal Walking Trail**

**MOVED: Cr Schkabaryn                      SECONDED: Cr Burgess**

- “1 That Council support the Walking Trail from the Port Broughton Jetty to south of the Port Broughton Caravan Park as proposed.*
- 2 That the proposed Walking Trail south of the Port Broughton Caravan Park be along the beach foreshore.*
- 3 That the project is considered subject to further budget deliberation”*

**CARRIED**

**11.3.5 Condition of pavers in Bute**

Noted.

**11.3.6 Intersection Mundoora Road and Oaklands Road**

**MOVED: Cr Schkabaryn                      SECONDED: Cr McDonald**

*“That the application for Native Vegetation Clearance at the intersection of Mundoora Road and Oaklands Road be allowed to lapse.”*

**CARRIED**

**11.3.7 Hornby Road Upgrade Request**

**MOVED: Cr Schkabaryn                      SECONDED: Cr Simmons**

*“That council construct and seal 300 metres of Hornby Road during the 2010-11 financial year.”*

**CARRIED**

**11.3.8 Request for Road Name Change**

**MOVED: Cr McDonald                      SECONDED: Cr Smith**

- “1 That Council conduct public consultation to change Kelly’s Corner - Kadina Road name to Brucefield Road.*
- 2 That if no opposition is forthcoming to the name change, council adopt the name of Brucefield Road and initiate changes accordingly.”*

**CARRIED**

**11.3.9 Road Closure for Anzac Day**

**MOVED: Cr Smith                              SECONDED: Cr Burgess**

- “1. That Council exercise the powers pursuant to Section 33 of the Road Traffic Act 1961 and Clause F of the Instrument of General Approval of the Minister dated 12 March 2001 to:  
Pursuant to Section 33(1) of the Road Traffic Act 1961, declare that the event described below (“the roads”) is an event to which Section 33 of the Road Traffic Act 1961 applies; and*



*Pursuant to Section 33(1)(a) of the Road Traffic Act 1961, make an order directing that the Roads on which the Event are to be held and any adjacent or joining roads specified below, be closed to traffic:  
Third Street, Bute (between Second Street and High Street) between the times of 6.30am and 9.00am, and High Street, Bute (between Railway Terrace and Third Street) between the times of 6.30am and 11.00am, on the 25<sup>th</sup> April 2010, for the purpose of Anzac Day march and formalities.*

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

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

*Pursuant to Section 33(1)(a) of the Road Traffic Act 1961, make an order directing that the Roads on which the Event are to be held and any adjacent or joining roads specified below, be closed to traffic:  
West Terrace, Port Broughton (between James Street and Edmund Street) and Bay Street, Port Broughton (between East Terrace and West Terrace) between the times of 11.30am and 12.30pm on the 25<sup>th</sup> April 2010, for the purpose of Anzac Day march and formalities."*

**CARRIED**

#### **11.4 Manager – Environmental Services**

**MOVED:** Cr Weedon      **SECONDED:** Cr Burgess

*"That the Report from the Manager – Environmental Services for the April 2010 meeting be received and noted".*

**CARRIED**

##### **11.4.1 Approved Development Report**

Assessment Period 1 – 31 March 2010 inclusive.  
Noted.

##### **11.4.2 ERD COURT APPEAL 397 of 2006 for DA 344/D006/99 v1 by Fishermans Bay Management Pty Ltd UPDATE**

**Mayor Dolling declared that he had a conflict of interest in this issue, as his sister was a Director of Fishermans Bay Management Pty Ltd, the proponent for DA 344/D006/99.**

**Mayor Dolling left the meeting at 9.18pm.**

**MOVED:** Cr Schkabaryn      **SECONDED:** Cr Smith

*Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all persons, except N Hand – District Manager; M Marziale-Manager of Environmental Services; B Jolly – Manager Finance; Fred Linke-Manager of Works; Kim Thomas, Administration Officer, be excluded from attendance at the meeting for Agenda Item 11.4.2 ERD COURT APPEAL 397 of 2006 for DA 344/D006/99 v1 by Fishermans Bay Management Pty Ltd UPDATE*

**CARRIED**



**CONFIDENTIAL: ERD COURT APPEAL 397 of 2006 for DA 344/D006/99 V1  
by Fishermans Bay Management Pty Ltd UPDATE**

**MOVED: Cr McDonald                      SECONDED: Cr Weedon**

*Section 91(7) Order- Confidentiality of Records of Agenda and Minutes  
Pursuant to Section 91(7)*

*That having considered Agenda Item 11.4.2 ERD COURT APPEAL 397 of 2006 for DA 344/D006/99 v1 by Fishermans Bay Management Pty Ltd UPDATE, in confidence under Section 90(2) and (3)(b) of the Local Government Act 1999, the Council, pursuant to Section 91(7) of that Act orders that the Managers Report item 11.4.2 Development Application No. 344/D006/99 for Land Division, by Fisherman Bay Management Pty Ltd – Freeholding of the Fisherman Bay Private Lease Settlement – UPDATE, plus Minutes relating to that item in the said Report, be retained in confidence for a period of two (2) years and that this order be reviewed every 12 months [if the confidentiality period is longer than 12 months in duration].*

**CARRIED**

**Mayor Dolling re-entered the meeting at 9.30pm.**

**12. Notices of Motion**

Nil

**13. Adoption of Committee Report**

**13.1 Executive Committee Meeting held 29 March 2010**

**MOVED: Cr Smith                      SECONDED: Cr Weedon**

*“That Council accept the Executive Committee Minutes from the meeting of the 29<sup>th</sup> March 2010.”*

**CARRIED**

**14. Closure**

The Mayor declared the meeting closed at 9.40pm.

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**Cr D Dolling  
Mayor  
District Council of Barunga West**