

MINUTES of the Ordinary Meeting of the District Council of Barunga West held on Tuesday 12th April 2011, commencing at 7.00pm at the Port Broughton Council Chambers, Bay Street, Port Broughton

1. Present:

Mayor D Dolling, Cr C Axford, Cr L Kerley, Cr M McDonald, Cr Rooney, Cr G Rowlands, Cr G Simmons, Cr R Smith, Cr M Weedon, N Hand (Chief Executive Officer), P Ward, (Manager – Finance & Administration), R Linke (Manager – Works), and Ms K Thomas (Minutes Secretary).

In attendance:

A Public Gallery of: 8
Sonny Coombs, Yorke Peninsula Country Times

2. Apologies And Leave Of Absence:

2.1 Leave of Absence
Nil

2.2 Apologies
Mark Marziale (Manager – Environmental Services)

3. Conflict of Interest Provisions

3.1 Mayor Dean Dolling and Cr Grant Rowlands declared a conflict of interest with Agenda Item 14.1.10, Port Broughton Golf Club.

3.2 Mayor Dean Dolling declared a conflict of interest with Agenda Item 14.1.18 Fishermans Bay Freeholding – DA's 344/D006/99 and 344/D007/10 UPDATE.

4. Confirmation of the Minutes of the previous Meeting

4.1 Ordinary Meeting – 8th March 2011

MOVED: Cr Rooney

SECONDED: Cr Axford

"That the Minutes of the Ordinary Meeting of Council held on the 8th March 2011 be confirmed as printed and supplied."

CARRIED

5. Business Arising from the Minutes

5.1 The responses to the Questions without Notice from Crs. Kerley (Fisherman's Bay seawall) and Rowlands subdividing blocks in General Farming zones, and order of processing development applications) were provided at the meeting.

5.2 Several comments have been received in response to the proposal to establish speed humps. As a result of this arrangements were made to undertake public consultation for this proposal for consideration at the budget discussions.

5.3 In response to Council's approval for the commencement of a green

waste collection, just over 200 green wheelie bins have been sold at the time of preparing this report.

The option for dumping clean green waste at no charge has been appreciated by many residents.

5.4 Whittaker Saga Committee – Cr Kerley had investigated this further and provided information at the meeting.

6. Deputations

6.1 Nil.

7. Members Reports

Cr Axford Nil

Mayor Dolling

5/4/11 Regional Tourism strategy meeting

Cr Kerley Nil

Cr McDonald

16/3/11 Port Broughton District Hospital & Health Services Health Advisory Council

21/3/11 Port Broughton Area School Governing Council meeting

25/3/11 Primary Health Care meeting

4/4/11 Department of Education and Childrens Services meeting for Governing Council members

11/4/11 Mid-North Health Advisory Service Cluster meeting

Cr Rooney Nil

Cr Rowlands Nil

Cr Simmons

15/3/11 Bute Sporting Club meeting

17/3/11 Library AGM

22/3/11 Barunga Village meeting

22/3/11 Barunga Village BBS Opening Committee meeting

30/3/11 Bute 2000 AGM

12/4/11 Barunga Village Building meeting

Cr Smith Nil

Cr Weedon Nil

8. Petitions

8.1 Nil.

9. Questions with Notice

9.1 Nil.

10. Questions without Notice

10.1 Nil.

11. Notices of Motion

11.1 Nil.

12. Motions without Notice

12.1 Nil.

13. Adoption of Committee Reports

13.1 Audit Committee Meeting – 8th March 2011

MOVED: Cr Rooney **SECONDED: Cr Rowlands**

“That Recommendations 1 and 2 from the Audit Committee Meeting held on 8th March 2011 be accepted as follows:

Recommendation 1:

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 o Finances.*
- *Detailed Operating Budget.*
- *Detailed Capital Budget.”*

Recommendation 2:

Upon advice from Council’s Accountant and Chief Executive Officer no additional staff be employed for the Environmental Services Department at this stage, however the Audit committee recommend the engagement of staff for the Environmental Services Department be considered in the 2011/2012 budget.”

CARRIED

14. Council Business – Managers Report

14.1 Manager, Works – Fred Linke

MOVED: Cr McDonald **SECONDED: Cr Kerley**

“That the Report from the Manager, Works for the April 2011 meeting be received and noted”.

CARRIED

14.1.1 Kerbside Performance Incentive Scheme

Noted.

14.1.2 Request to remove pepper corn trees

MOVED: Cr Kerley **SECONDED: Cr Rooney**

“The Council locate and eradicates the pepper corn trees leading into Bute alongside the Port Broughton Road.”

CARRIED

14.1.3 Wards Hill Road Condition.

Noted.

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- 14.1.4 Shade Sail Maintenance**
Noted.
- 14.1.5 Garden Waste pickup**
Noted.
- 14.1.6 Bute Dump Site Attendant**
Noted.
- 14.1.7 Kulpara Road**
Noted.
- 14.1.8 Request for tree removal**
MOVED: Cr Kerley SECONDED: Cr Rooney
"That Council totally remove the tree from the footpath adjacent number 39 Dalling Street, Port Broughton."
CARRIED
- 14.1.9 Septic tank pump out**
Noted.
- 14.1.10 Waste Water Treatment Plant**
Noted.
- 14.2 Manager, Environmental Services – Mark Marziale**
14.2.1 No report submitted.
- 14.3 Manager, Finance & Administration – Peter Ward**
14.3.1 No report submitted.
- 14.4 Administration – Chief Executive Officer**
MOVED: Cr Smith SECONDED: Cr Simmons
"That the Report from the Chief Executive Officer for the April 2011 meeting be received and noted".
CARRIED
- 14.4.1 Enterprise Bargaining Agreement – Australian Workers Union**
MOVED: Cr Rowlands SECONDED: Cr Simmons
"That Council accept the Enterprise Bargaining Agreement as provided with an alteration for Clause 29 – Salary/Wages Rates to be reviewed on an annual basis and be subject to discussion with Council as to Council's budget position at that time."
CARRIED
- 14.4.2 Replacement of Manager - Finance**
Noted.
- 14.4.3 Port Broughton Waste Disposal Site – Lease with Port Broughton Recycling (PBRC).**
MOVED: Cr Rowlands SECONDED: Cr Weedon
"(a)That the Council seek the support of the Minister of

Environment and Conservation to vary the dedication of Section 114 Hundred of Muntoora (CR 5755/690) to change the use for stone reserve purposes to a dedication for use as a waste depot/transfer station, and also seek the Minister's consent to grant a lease over the land to the Port Broughton Recycling Centre.

(b) That the Council authorise the Chief Executive Officer to finalise and execute the lease prepared by Wallmans Lawyers attached the Chief Executive Officers Report to Council (Agenda Item 14.1.3 - April 2011) to the Port Broughton Recycling Centre, for a term of five years, over the land described as Section 114 Hundred of Muntoora, (delineated in CR 5755/690).

(c) That having noted the benefits of entering into a contract with the Port Broughton Recycling Centre and without undertaking a tender process, as recorded in the Chief Executive Officer's Report (Agenda Item 14.1.3 - April 2011), the Council authorises the Chief Executive Officer to negotiate and enter into a five year contract with Port Broughton Recycling Centre, to act as Council's agent to operate the Port Broughton Waste Transfer Station, utilising the general contract as prepared by the Local Government Association Mutual Liability Scheme. "

CARRIED

14.4.4 Environmental Services Department

Noted.

14.4.5 Environmental Services Department – Administrative Report

Noted.

14.4.6 Bute 2000 Onwards Committee

MOVED: Cr Dolling SECONDED: Cr Smith

"That the matter of establishing a motor home park in Bute, and a "dump point" be referred to the next Works & Infrastructure Committee meeting for consideration and discussion."

CARRIED

14.4.7 Kulpara Showjumping Club

Noted.

14.4.8 Department of Transport Energy & Infrastructure (DTEI)

Noted.

14.4.9 Housing SA

Noted.

14.4.10 Port Broughton Golf Club

Mayor Dolling and Cr Rowlands declared that in accordance with Section 74 of the Local Government Act 1994, that they had a conflict of interest in Agenda Item 14.4.10 as they were members of the Port Broughton Golf

Club, but in accordance with Section 74(4a)(c) were able to participate in discussions, and not required to leave the meeting.

MOVED: Cr Rowlands SECONDED: Cr Kerley

"That Council claim the sum of \$2096.10 that the Golf Club has requested for watering expenses as an insurance claim and refund that amount to the Pt Broughton Golf Club upon receipt of the insurance claim.

That Council contact the Port Broughton Combined Sporting Club to ascertain if they have a similar cost for water expenses and include any such costs in any insurance claim by Council."

CARRIED

14.4.11 Coastcare Community Grants Program

MOVED: Cr Simmons SECONDED: Cr Weedon

"That Council support the proposal for an application to be submitted to the Central Local Government Region's Coastcare program, for the removal of the dead timber from the former Port Broughton Caravan Park soakage trench, permanent closure of the access track to the beach south of the Port Broughton Caravan Park, a car park area and signage for coastal areas."

CARRIED

MOVED: Cr Smith SECONDED: Cr Weedon

"That Council arrange for temporary closure of the access track opposite the Port Broughton Bypass Road over Easter 2011."

CARRIED

14.4.12 Port Broughton Foreshore Shelter Shades replacement

MOVED: Cr Kerley SECONDED: Cr Smith

"That Council agrees for the construction of the two shelter shades on the Port Broughton Foreshore, with additional funding for the project being sourced from Council's Asset Reserve account."

CARRIED

14.4.13 (a) Local Government Association of South Australia

Noted.

MOVED: Cr Rowlands SECONDED: Cr Simmons

"That the Council write to Minister Crean (Australian Government) expressing extreme concern that the Federal Government has not ensured that South Australia will continue to receive current (and appropriately indexed) road funding allocations beyond 2011, and that a letter be sent to all South Australian Federal Members of Parliament, advising of the resolution and seeking their support."

CARRIED

14.4.13 (b) Local Government Association of South Australia

MOVED: Cr Rowlands SECONDED: Cr Weedon

"That the Council:

(a) Declares its support for financial recognition of local government in the Australian Constitution so that the Federal

Government has the power to fund local government directly, and also for inclusion of local government in any new preamble to the Constitution if one is proposed;

- (b) Calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition;*
- (c) Work with the Australian Local Government Association to inform the local community of the importance of this issue and seek support; and*
- (d) Acknowledge that funding implications need to be considered as part of the ongoing campaign planning process."*

CARRIED

14.4.14 Central Local Government Region

MOVED: Cr Rooney SECONDED: Cr Weedon

"That Council endorse the nominations of Mayor James Maitland and Mayor Allan Aughey as the Central Region's Executive Members to the Local Government Association."

CARRIED

14.4.15 R&A U-Neek Tiling & Building Services (Mr R de Wolf) - letter

MOVED: Cr Simmons SECONDED: Cr Smith

"That Council acknowledge receipt of Mr. de Wolf's letter of concern regarding the development application for 63 John Lewis Drive, Port Broughton, and advises that they will not agree to his request to advise people in the vicinity of the proposed development for any reasons for any delays. However acknowledgement can be given to Mr. de Wolf, that some administration practices could be improved in respect to processing development applications."

CARRIED

14.4.16 Mr R W Taplin - letter

MOVED: Cr Rooney SECONDED: Cr Simmons

"That the Council acknowledges receipt of Mr. RW Taplin's letter (dated 23rd March 2011) and agree for the draft response as prepared by the Chief Executive Officer be forwarded to Mr. Taplin."

CARRIED

MOVED: Cr Axford SECONDED: Cr McDonald

"That pursuant to Sections 90(2) of the Local Government Act 1999 the Council orders that all persons, except N Hand - Chief Executive, P Ward - Manager - Finance and Administration, M Marziale- Manager of Environmental Services, Fred Linke - Manager of Works, Kim Thomas, Administration Officer, be excluded from attendance at the meeting for Agenda Item 14.1.18 Fisherman's Bay Freeholding -DA's 344/D006/99 and 344/D007/10 - UPDATE

The Council is satisfied that pursuant to Section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information the disclosure of which

could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting business.

In addition, the disclosure of this information would on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances."

CARRIED

Mayor Dolling declared that in accordance with Section 73 of the Local Government Act 1999 he had a conflict of interest with item 14.4.18 as his sister is a Director of Fishermans Bay Management, the proponent for Development DA 344/D006/99 and 344/D007/10.

Mayor Dolling left the meeting at 8.45pm.

14.4.18 Fishermans Bay Freeholding – DA's 344/D006/99 and 344/D007/10
- UPDATE

Noted.

MOVED: Cr Rowlands SECONDED: Cr McDonald

"That having considered Agenda Item 14.1.18 Fisherman's Bay Freeholding - DA's 344/D006/99 and 344/007/10 - 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 14.1.18, Fisherman's Bay Freeholding - DA's 344/D006/99 and 344/D007/10 - 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."

CARRIED

Mayor Dolling returned to the meeting at 9.10pm.

MOVED: Cr Rowlands SECONDED: Cr Rooney
That pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all persons, except N Hand – Chief Executive, be excluded from attendance at the meeting for Agenda Item 14.1.19 Response to report of Mark Marziale - March 2011 Council meeting.

The Council is satisfied that pursuant to Section 90(3)(e) of the Act, the information to be received, discussed or considered in relation to this Agenda item is related to matters affecting the security of employees of the Council.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances.

14.4.19 Response to report of Mark Marziale – March 2011 Council meeting

Noted.

MOVED: Cr Kerley

SECONDED: Cr Smith

“That having considered Agenda Item 14.1.19 Response to report of Mark Marziale - March 2011 Council meeting, in confidence under Section 90(2) and (3)(e) of the Local Government Act 1999, the Council, pursuant to Section 91(7) of that Act orders that the Managers Report item 14.1.19, Response to report of Mark Marziale - March 2011 Council meeting, plus Minutes relating to that item in the said Report, be retained in confidence for a period of one (1) years and that this order be reviewed every 12 months”

CARRIED

15. Closure

The Deputy Mayor declared the meeting closed at 9.50pm.

Cr Dean Dolling
Mayor
District Council of Barunga West