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MINUTES OF THE ORDINARY MEETING OF THE DISTRICT COUNCIL OF BARUNGA WEST HELD AT THE BUTE COUNCIL CHAMBERS ON 14th APRIL 2009 AT 7.00 PM

1.0 PRESENT:

Mayor Dolling, Cr I Burgess (Deputy Mayor), Cr B Rooney, Cr M McDonald, Cr T Schkabaryn, Cr G Simmons, Cr L Kerley, Cr R Smith, Cr M Weedon, N Hand (District Manager), M Marziale (Manager – Environmental Services), L Jolly (Manager – Finance & Administration), R Linke (Manager Works) and Ms C Hewett (Minutes Secretary)

2.0 APOLOGIES AND LEAVE OF ABSENCE:

2.1 Leave of Absence

Nil

2.2 Apologies

Cr S Ireland

3.0 CONFLICT OF INTEREST PROVISIONS

- 3.1 The District Manager advised that he had a Conflict of Interest with Agenda Item 11.3.3 – Casey Road resealing.

4.0 CONFIRMATION OF COUNCIL MINUTES

4.1 Ordinary Meeting – 10th March 2009

Cr Schkabaryn moved, Cr Burgess seconded

“That the minutes of the Ordinary Meeting of Council held on 10th March 2009 be confirmed as printed and supplied.”

CARRIED

5.0 BUSINESS ARISING FROM THE COUNCIL MINUTES

- 5.1 The Dry Zones for Port Broughton and Fisherman’s Bay have been approved by Cabinet, (for an initial twelve month period) and were gazetted on 9th April. Arrangements will now be made for purchasing and erecting the signs.
- 5.2 The issue of the removal of Telstra payphones, has been raised by the Councils at the CEO’s Forum of the Central Region of Local Government, and is being pursued with Telstra

6.0 DEPUTATIONS

- 6.1 Mr. Brett Herbert attended the meeting to address Council on the proposed Bute Residential Development. (Refer Agenda Item 11.1.2)

7.0 MEMBERS REPORTS

Cr DOLLING

6th April – CDAP Training Clare

14th April – Managers meeting

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Cr SMITH

31st March – Barunga Village meeting
6th April – CDAP Training Clare
8th April – Barunga Village meeting

Cr ROONEY

Nil

Cr McDONALD

16th March – Port Broughton Area School Governing Council meeting
18th March – Pt Broughton District Hospital & Health Services Health Advisory Council
27th March – Primary Health Care meeting

Cr SCHKABARYN

4th April – Fisherman’s Bay Progress Association meeting
6th April – CDAP training Clare
6th April – Port Broughton Progress Association meeting
12th April – Fisherman’s Bay Easter Sports Carnival

Cr SIMMONS

12th March – Library meeting
16th March – Bute Sporting Club meeting
24th March – Barunga Village building meeting
25th March – Bute 2000 Onwards AGM
31st March – Barunga Village meeting
2nd April – Library meeting
7th April – YP Country Transport meeting Maitland

Cr Smith moved Cr Weedon seconded

“that the YP Rail Lions Club be advised that due to the closure of the operation of the Wallaroo – Bute tourist rail service, that Cr Simmons will no longer be Councils representative on their Club. “

CARRIED

Cr WEEDON

Nil

Cr KERLEY

Nil

Cr BURGESS

20th March – Clipsal 500 (LGA)
6th April – CDAP training day Clare

8.0 PETITIONS OR MEMORIALS

8.1 Bute Memorial Hall - Refer Agenda Item 11.1.4 – District Managers Report

8.2 Port Broughton Council Chambers – Refer Agenda Item 11.1.6 – District Managers Report.

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9.0 QUESTIONS WITH NOTICE

9.1 Cr. Kerley

1. Does Council currently owe money on the 2000 extension and more recent upgrade of the present Port Broughton Offices, and how much was spent on the extension and upgrade?

Answer: No monies are outstanding on these projects. The 2000 extension was fully funded by a grant (\$120,000) from the Federal Government for the extensions to incorporate the Rural Transaction Centre. The cost for the extension (including air conditioning) was \$79,705, plus furnishings and equipment. The recent upgrade was funded from general revenue, and the cost was less than \$6,500. No loans were utilised for either projects.

2. It was stated in the Advertiser recently that the Government will be providing new police stations as part of their infrastructure upgrade. Would/could this include an upgrade or new station for Port Broughton?

Answer. My understanding (from SAPOL's Administration Managers) is that the Government has allocated a large sum of money for the fitting out of the new Police Headquarters currently being constructed in Adelaide, and a major upgrade of the Police Academy. My discussion with senior Police Officers is that SAPOL are looking to upgrade smaller urban and regional Police Stations by leasing properties in lieu of building their properties.

3. Why is Casey Road exit to Dale Road being built through a subdivision and not being extended to Dale Road through the gazetted road?

Answer. Casey Road's exit at Dale Road, would require major works due to the Casey Road being several metres "above" Dale Road. This work would require the construction of an extensive cutting, (including purchase of adjoining land), and the relaying of several mains (e.g. water and telecoms). The easier option is to take the option of having the developer construct the alternate route.

4. What should be the speed limit on Dale Road, as a result of all the development on Dale Road?

Answer. An application has been received from Barunga by the Sea, for Dale Road to have a 50 kph speed zone. This application has been forwarded to the Department of Transport, Infrastructure and Energy, for their concurrence, as they are the legislative body for establishing speed limits.

10.0 QUESTIONS WITHOUT NOTICE

- 10.1 Cr Weedon – Enquired on the progress of a non-complying development application in Bute, to which the Manager – Environmental Services and the District Manager gave an explanation.

11.0 COUNCIL BUSINESS – Managers Reports

11.1 *District Manager's Report*

Cr Simmons moved, Cr Kerley seconded

"That the District Manager's Report for the April 2009 meeting be received and noted."

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11.1.1 Electoral Representation Review

Advice has been received through the Electoral Commission SA, that the public notice placed in the Advertiser did not allow the required time period for receiving submissions. Accordingly we are required to re-advertise the review, and seek any additional comments. This has now been undertaken and comments will be considered at Council's June meeting.

11.1.2 Bute Development

Cr Rooney moved Cr Burgess seconded

"that Council consider developing up to 10 blocks on Arbon Road as Stage 1 of the Bute Residential Subdivision, in lieu of the original proposal to develop Stage 1 off the Kulpara Road" **CARRIED**

Cr McDonald moved, Cr Burgess seconded

"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; Corinne Hewett, Administration Officer, be excluded from attendance at the meeting for Agenda Item 11.1.2 Bute Development.

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 proposing to conduct business in regards to the proposed Bute land development.

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**

Cr Burgess moved, Cr Schkabaryn seconded

"That having considered Agenda Item 11.1.2 Bute Development 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 District Managers Report and the minutes relevant to Agenda Item 11.1.2 be retained in confidence for a period of 12 months and that this order be reviewed every 12 months." **CARRIED**

Cr Burgess moved, Cr McDonald seconded

"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; Corinne Hewett, Administration Officer, be excluded from attendance at the meeting for Agenda Item 11.1.3 Mundoora Road Development.

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

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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 proposing to conduct business in regards to the proposed Bute land development.

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

11.1.3 Mudoora Road Development

Cr Burgess moved, Cr Smith seconded

“That having considered Agenda Item 11.1.3 Mudoora Road Development 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 District Managers Report and the minutes relevant to Agenda Item 11.1.2 be retained in confidence for a period of 12 months and that this order be reviewed every 12 months.”

CARRIED

11.1.4 Bute Memorial Hall Review

Cr Smith requested that it be noted in the minutes that at no stage has Council considered demolishing the Bute Soldiers Memorial Hall.

Cr Burgess moved Cr Simmons seconded

“that the District Manager arrange for a Community meeting be held to discuss the issues relating to the Bute Memorial Hall, with a proposal to be presented for the establishment of a Community Committee to investigate the future maintenance and operation of the Hall.”

CARRIED

11.1.5 Alford School Site

Advice was given that after nearly three and a half years that Council has been advised that the Department of Education and Children’s Services has accepted Council’s offer to purchase the portion of the former Alford School site that include the memorial site, buildings (not sure which ones at this stage) and the toilets, for the price of \$30,000, plus a contribution to the surveying costs.

11.1.6 Council Offices – Port Broughton

Cr Kerley moved Cr McDonald seconded

“that the Council agree to retain the original Council Chambers as part of the proposed extensions of the Port Broughton Offices of the Council.”

THE MOTION WAS LOST

Cr Kerley called for a division

THOSE WHO VOTED FOR: Crs Kerley, McDonald & Rooney

THOSE WHO VOTED AGAINST: Crs Dolling, Schkabaryn, Burgess, Weedon, Smith & Simmons

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Cr Burgess moved Cr Weedon seconded

“that the District Manager makes arrangements for the amendment of plans for the extensions of the Port Broughton Council offices, including the reception area, which allows for the removal of the original stone Council chamber” **CARRIED**

Cr Kerley requested that it be noted in the minutes of her extreme disappointment that the Elected Members have not listened to the concerns of ratepayers wanting to save the old Council chamber through petitions, letters and phone calls

11.1.7 Legislative Compliance Audit

Wallman’s Lawyers have now completed a Draft of the Compliance Audits in regards to the Development Assessment processes and the Governance Operations of Council. The reports are currently being finalised, and will be presented to Council with a training session with Michael Kelledy and Natasha Jones prior to the May meeting of Council.

11.1.8 Council Development Assessment Panel – Delegations

Cr Weedon moved, Cr Simmons seconded

1. *“That having established its Development Assessment Panel on 10 March 2009, the Council hereby revokes its previous delegation to the District Council of the Copper Coast Development Assessment Panel of those powers and functions under the Development Act 1993 and Development Regulations 2008.*
2. *In exercise of the powers contained in section 20 and 34(23) of the Development Act 1993 the powers and functions under the Development Act 1993 and the Development Regulations 2008 contained in the proposed Instrument of Delegation (annexed to the Report dated 6th April 2009 and titled Council Development Assessment Panel – Delegations (distributed under separate cover)) and which is specified below are hereby delegated to the Council's Development Assessment Panel subject to any condition specified in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.”* **CARRIED**

11.1.9 Rented Road Purchases – GD, RA and DG Pridham

Cr Burgess moved Cr Weedon seconded

“ that the offer from GD, RA and DG Pridham for the purchase of rented roads adjoining their property be rejected, and that the Pridham’s be advised that they either accept the Council’s original proposal for the sale of the road reserves, or that they fence the road reserve, along the boundaries, which are to be certified by a surveyor.” **CARRIED**

11.1.10 Department of Environment and Heritage – Sale of Surplus land

Cr Kerley moved, Cr McDonald seconded

“That Council advises the Department of Environment and Heritage that it has no objections to the proposed sale of the two allotments at Section 866 Hundred of Mundoora (John Lewis Drive) and Allotment 2 in DP 35083,

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(Kerley Street), but that the attention of the Department be drawn to the concerns in regards to Section 866, in respect of the storm water drain and the rear access to the dwellings south of this site, and any storm water issues that may be required at Allotment 2.”

CARRIED

11.1.11 Lions Club of YP Rail

Cr Schkabaryn moved, Cr Smith seconded

“That the Council acknowledge the wonderful contribution of the Lions Club of Yorke Peninsula Rail to the Bute community, and note that while we are very disappointed, and understanding, of the reasons for the decision to cease the rail operations, we do congratulate the Club on their achievements as a tourist venture, which has been of tremendous benefit to the Bute community,

And, that Council, in acknowledging the part that rail played in the development of Bute in the early years, that it does not accept the offer to receive any equipment offered by the Club, to form a static display.”

CARRIED

11.1.12 Environmental Health Officer.

Cr Schkabaryn moved, Cr McDonald seconded

“That the Council, at its meeting of 14th April 2009 revoke the appointment of John Dalle-Nogare as an Authorised Officer for the District Council of Barunga West, and hereby appoint Peter Bryant Timoney as an Authorised Officer for the District Council of Barunga West, in respect of the following legislation,

Environmental Protection Act 1993 (Part 10, Division 1)

Dog and Cat Management Act 1995 (Sections 27 (1) and 68(1))

Impounding Act 1920

Expiation of Offences Act 1996

Public and Environmental Health Act 1987 (Section 7(1))

Public and Environmental Health (Waste Control) Regulation

Food Act 1986 (Section 8(2))

Supported Residential Facilities Act 1992 (Section 21)

Housing Improvement Act 1940”

CARRIED

11.1.13 Road names – Aitchison’s subdivision

Cr Smith moved, Cr Simmons seconded

“That the Council agree to the request to name the two new roads, in Aitchison’s subdivision off Penang Drive, as Grace Harwan Drive and Moshulu Street.”

CARRIED

11.1.14 Federal and State Government Review of Development Boards.

Advice was given that the Federal and State Government are looking to do a major review of the Development Boards and the Area Consultative Committees.

11.1.15 Northern & Yorke NRM Board – Grants

I am pleased to advise that the Northern and Yorke Regional NRM Board has advised Council of its success for two small grants.

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11.1.16 Yorke Regional Development Dinner

The Board has advised that the next Commerce Dinner is to be held on Wednesday 29th April 2009 at Ardrossan.

11.1.17 Letters of thanks

Two letters of appreciation have been received for which a copy is attached to the agenda. These are from

- Bute 125 Celebrations for assistance offered by Council by way of finance.
- Bute Auxiliary of the Women's and Children Hospital for use of the Bute Hall.

11.1.18 YP Council Alliance – Meeting

Notes for the recent meeting of the YP Councils Alliance were presented.

11.1.19 Local Government Association

A copy of the President of the Association March Newsletter was presented.

11.2 Manager – Finance and Administration

Cr Burgess moved, Cr Schkabaryn seconded

“That the Manager – Finance and Administration Report for the April 2009 meeting be received and noted.” **CARRIED**

11.2.1 Balances of ANZ Bank & LGFA 24 Hour Investment Fund and Reserves

- Noted

11.2.2 Repairs and upgrade of ceiling at Bute Office

Cr Simmons moved, Cr Burgess seconded

“That Council approves the repairs to the Bute Office ceiling, authorises the funding from the Asset Replacement Reserves and the expense to be included in the Budget Review as at 31st March 2009.” **CARRIED**

11.2.3 Administration Vehicles – Trade-in prices

Prices were noted, with no action to be taken at this time.

11.2.4 Walking Trail - Tickera

A letter from A G Noel concerning the use of the Infrastructure Grant Funding on a walking trail at Tickera was presented.

11.2.5 Local Government Grants Commission – Regional Visit

The Grants Commission is visiting us on Tuesday 5th May 2009 which will provide an opportunity for discussion about the grant allocation process.

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11.2.6 Draft Infrastructure and Asset Management Plan (IAMP)/ Long Term Financial Management Plan (LTFP)

Cr Kerley moved, Cr Schkabaryn seconded

“That, following the presentation of the Draft IAMP (Roads) and LTFP at a Council workshop to be held on 5th May 2009, the documents be made available for Public Consultation.” **CARRIED**

Cr McDonald moved Cr Kerley seconded

“that the venue for the June Council meeting be changed to the Port Broughton Golf Club for the Public Consultation meeting for Councils Draft Business Plan and Budget on the 9th June 2009”
CARRIED

11.2.7 Local Government Risk Services - Special Surplus Distribution

A letter advising a Special Surplus Distribution from the LGA Asset Mutual Fund & LG Income Protection Fund of \$4,791.64 was presented.

11.3 Manager – Works

Cr Burgess moved, Cr Smith seconded

“That the Manager – Work’s Report for the April 2009 meeting be received and noted.” **CARRIED**

11.3.1 Roads to Recovery Future Funding

The allocation for Barunga West Council for this new term is \$763,368.00. This equates to \$152,736.00 annually. The allocation for the last program was a total of \$540,632. This is an increase of \$222,736 over the life of the program.

11.3.2 Walking Trail Request

Correspondence has been received from a local resident requesting Council to consider the marking/sign posting of a walking trail from Port Broughton to Fisherman’s Bay.

Cr Kerley moved, Cr McDonald seconded

“That Council consider the possibility of a Walking Trail between Port Broughton and Fisherman’s Bay, during budget deliberations for the 2009/10 financial year budget.” **CARRIED**

The District Manager advised that his property adjoined Casey Road, Port Broughton and declared that he felt that he had a Conflict of Interest with Agenda Item 11.3.3, in accordance with the provisions of Section 74 (4a)(c)(ii) of the Local Government Act 1999.

The District Manager left the meeting at 9.12pm

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11.3.3 Casey Road Sealing Request

Cr Burgess moved, Cr Simmons seconded
‘That Council leave the decision to consider sealing of the remaining portion of Casey Drive, during budget deliberations for the 2009/10 financial year budget in abeyance’ **CARRIED**

The District Manager returned to the meeting at 9.20pm

11.3.4 Request to Build on Council Land

Cr Burgess moved, Cr Kerley seconded

“That council do not issue a Section 221 permit to the owners of number 11 John Lewis Drive, to enable them to build beyond their property boundaries.” **CARRIED**

11.3.5 Roads and Works Conference

Notification has been received advising of the next SA Local Government Roads & Works Conference. The location of the 17th annual conference is to be at Clare. Dates for the conference are Thursday 27th and Friday 28th August 2009.

11.3.6 Grave Digging Requirements

Council/LGA members which have responsibility for cemeteries are now required to have an engineer’s soil report for each cemetery, which will be the basis for conducting a risk assessment and developing a safe work procedure prior to digging graves. Depending on the size of the cemetery, changing climatic conditions, geology, topography, site history, exposure, environmental issues and site stability, there may be need to have more than one engineer’s soil report.

11.4 Manager - Environmental Services

Cr Schkabaryn moved, Cr Rooney seconded
“That the Manager – Environmental Services Report for the April 2009 meeting be received and noted.”

CARRIED

11.4.1 Approved Development Report – Period 1st – 31st March 2009.

Noted.

11.4.2 Environmental Health Officer

The Manager reported on the replacement of the Environmental Health Officer.

11.4.3 DC Barunga West DEVELOPMENT ASSESSMENT PANEL (CDAP)

Advising that the CDAP meeting was being held on 15th April, and giving details of the Agenda items.

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12. NOTICES OF MOTION

12.1 No Notices of Motion were presented.

13. COMMITTEE MEETINGS

13.1 No Committee Meetings were held during the previous twelve months

14. CLOSURE

The Mayor declared the meeting closed at 9.35 pm.

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Cr. D. DOLLING
MAYOR