

**MINUTES OF THE MEETING OF THE
DISTRICT COUNCIL OF BARUNGA WEST
HELD AT THE BUTE COUNCIL CHAMBERS ON
AUGUST 14th 2007 AT 7:30PM**

PRESENT:

Cr D Dolling (Mayor), Cr S Ireland, Cr M McDonald, Cr I Burgess, Cr R Smith, Cr B Rooney, Cr T Schkabaryn, Cr L Kerley, Cr G Simmons, Cr M Weedon, N Hand (District Manager), L Jolly (Manager – Finance & Administration), R Linke (Works Manager) and T Read (Minutes Secretary)

APOLOGIES:

Mark Marziale (Manager – Environmental Services)

DECLARATION OF CONFLICT OF INTEREST

Cr L Kerley declared a Conflict of Interest with the construction of the Shade Structures on the Foreshore at Port Broughton

CONFIRMATION OF COUNCIL MINUTES

Cr Schkabaryn moved, Cr Rooney seconded,

“that the Minutes of Meeting held on July 10th 2007 be confirmed as printed and supplied.”

CARRIED

BUSINESS ARISING FROM THE COUNCIL MINUTES

1. Mr. & Mrs. G Rowland (Bay Street Café) have met with the District Manager on 9th August 2007 to discuss Council’s decision to not approve their request for building a double story house utilising the footpath as a balcony. The District Manager gave a report that indicated he supported the decision of Council to not approve the balcony, due to risk management and administrative issues. (This view was supported by the Manager – Environmental Services.)

Cr Kerley gave Notice that it was her intention to give the following Notice of Motion to rescind the following motion, at the next meeting of Council, to be held on 11th September 2007.

“That the Council rescinds the following motion made at the meeting on 10th July 2007, on page 6 - “that Council does not support the application from G & H Rowlands for a balcony over Bay Street, as it is for residential purposes.””

Cr. Schkabaryn moved, Cr. Simmons seconded

“That the District Manager be authorised to prepare a policy for the consideration of Council which allows for the construction of balconies over the footpath in Bay Street, Port Broughton, and for investigations to be undertaken in regards to the setting of lease fees for

the appropriate permit under Section 222 of the Local Government Act 1999, and for the cost of preparing any lease be borne by the lessee.

CARRIED

2. A favorable response has been received from the District Council of Copper Coast regarding our request for their Council Development Assessment Panel to accept delegation of Council's responsibilities under the Development Act and Regulations. Advice will be forwarded to the Minister for Urban Development and Planning, advising of Council's proposal.

MEMBERS REPORTS

Cr. DOLLING

1st August – Exceptional Circumstances Drought Meeting, Bute

10th August – Central Regions Local Government Meeting

13th August – Met with the Federal Minister for Local Government, Port Pirie

14th August – Road Safety Committee Meeting, Maitland

Cr. ROONEY

1st August - Eceptional Circumstances Drought Meeting Clare

Cr. McDONALD

25th July – Port Broughton District Hospital Board Meeting

6th August – Port Broughton Area School Governing Council Meeting

9th August – Port Broughton District Hospital Board Lunch – Dr Neville Witford 20 years Service

Cr. SCHKABARYN

3rd August – Fisherman's Bay Progress Association Meeting

6th August – Port Broughton Progress Association

14th August – Road Safety Committee Meeting Maitland

Cr. SIMMONS

24 July – Barunga Village Building Meeting

24 July – Barunga Village General Meeting

2nd August – Port Broughton Library Meeting

6th August – Bute sports Club Annual General Meeting

7th August – Barunga Village Building Meeting

Cr KERLEY

2nd August – Port Broughton Library Board Management Meeting

Several Meetings with Chris & Deb Peers re Port Broughton Caravan Park Lease

Cr WEEDON

1st August – Exceptional Circumstances Drought Meeting, Bute

Cr IRELAND

Nil

CR BURGESS

Nil

CR SMITH

14th August – Road Safety Committee Meeting, Maitland

MEMBERS QUESTIONS

-Nil

COMMITTEE MEETINGS

- Nil

MANAGERS REPORTS

Cr Burgess moved, Cr McDonald seconded,

“That all Managers’ Reports be received.”

CARRIED

DISTRICT MANAGER’S REPORT

1. Performance Review

Members would have received the details to enable my Performance Review to be undertaken. It is important that all documents be referred to the Mayor to enable the Executive Committee to consider all comments as soon as possible.

- **Noted**

2. Audit Committee – Term of Reference

As members are aware the Council has formed an Audit Committee with Mr. Paul McInerney as our Independent member. To enable the committee to operate, Terms of Reference for the Committee are required to be established.

Arrangements are being made for the first meeting of the Committee to be held on 23rd August 2007 when the Auditor will be present at the Council office.

The Council is responsible for the appointment of the Chairperson of the Committee and I seek members’ support to appoint the Chairperson.

Cr Burgess moved, Cr Schkabaryn seconded

“That the Council adopts the Term of Reference for Council’s Audit Committee, as included in the District Managers report to Council dated 8th August 2007”

CARRIED

Cr Simmons moved, Cr Schkabaryn seconded

“That Council appoints Mayor Dolling as Chairperson of the Audit Committee and that such appointment be for the period concluding at the next periodical election of the Council.”

Mayor Dolling declined the position.

Cr Schkabaryn moved, Cr Simmons seconded

“That Council appoints Paul McInerney as Chairperson of the Audit Committee and that such appointment be for the period concluding at the next periodical election of the Council”

CARRIED

3. Draft Strategic Management Plan

A draft of Council’s new Strategic Management Plan has been prepared following the Ratepayers survey in the March Newsletter and in consultation with the Council’s Senior Managers. A copy is included with the Agenda.

If Council is satisfied with the Draft Plan, or wishes to add some comments, I can finalise the presentation of the document, to allow for public comment, and to obtain comments from State Governments, organisation and groups that Council has contact with.

Cr Kerley moved, Cr McDonald seconded

“That Council accepts the Draft Strategic Management Plan as prepared by the District Manager, and authorises the District Manager to arrange for a public consultation process to commence in accordance with Council’s Public Consultation Policy to seek comments from Council’s electors and ratepayers and any interested persons, agency or group, and that the Council considers these responses at its October meeting.”

CARRIED

4. Delegations

Councils have certain duties which they must perform, and certain powers which they may exercise, pursuant to the Local Government Act 1999 as well as a range of other Acts. In most cases the relevant Acts grant those obligations and powers directly on the Council as a body.

Following Council’s acceptance of the Delegations, I will arrange for the required sub-delegation to be undertaken.

Cr Burgess moved, Cr Schkabaryn seconded

“That having conducted its annual review of the Council’s Delegations Register in accordance with Section 44(6) of the Local Government Act 1999, the Council:

Revocations

Hereby revokes its previous delegations to the District Manager of those powers and functions under the following:

1. *Community Titles Act 1996*
2. *Development Act 1993 and Development Act Regulations 1993*
3. *Dog & Cat Management Act 1995*

4. *Environment Protection Act 1993 and Environment Protection (Waste Management) Policy 1994*
5. *Environment Resources and Development Court Act 1993*
6. *Expiation of Offences Act 1996*
7. *Fences Act 1975*
8. *Fire and Emergency Services Act 2005*
9. *Fire and Emergency Services Act Regulations 2005*
10. *Food Act 2001*
11. *Freedom of Information Act 1991*
12. *Housing Improvement Act 1940*
13. *Land & Business (Sale and Conveyancing) Act 1994*
14. *Liquor Licensing Act 1997*
15. *Local Government Act 1999*
16. *Occupational Health Safety & Welfare Act 1986*
17. *Public and Environmental Health Act 1987*
18. *Public and Environmental Health (Waste Control) Regulations 1995*
19. *Roads (Opening & Closing) Act 1991*
20. *Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 1999 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 1999*
21. *State Records Act 1997*
22. *Supported Residential Facilities Act 1992*

Delegations made under Local Government Act 1999

In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Appendices 1-16 (each of which is individually identified as indicated below) are hereby delegated this 14th of August 2007 to the person occupying the office of District Manager subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation.

1. *Community Titles Act 1996 (Appendix 1)*
2. *Dog & Cat Management Act 1995 (Appendix 2)*
3. *Environment Protection Act 1993 (Appendix 3)*

4. *Expiation of Offences Act 1996 (Appendix 4)*
5. *Fences Act 1975 (Appendix 5)*
6. *Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005 (Appendix 6)*
7. *Freedom of Information Act 1991 (Appendix 7)*
8. *Housing Improvement Act 1940 (Appendix 8)*
9. *Land & Business (Sale & Conveyancing) Act 1994 (Appendix 9)*
10. *Liquor Licensing Act 1997 (Appendix 10)*
11. *Local Government Act 1934 (Appendix 11)*
12. *Local Government Act 1999 (Appendix 12)*
13. *Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2004 and Natural Resources (Transitional Provisions) Regulations 2004 (Appendix 13)*
14. *Roads (Opening and Closing) Act 1991 (Appendix 14)*
15. *Occupational Health Safety and Welfare Act 1986 (Appendix 15)*
16. *Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 1999 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 1999 (Appendix 16).*

Such powers and functions may be further delegated by the District Manager in accordance with Sections 44 and 101 of the Local Government Act 1999 as the District Manager sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.

Delegations made under Development Act 1993

In exercise of the power contained in Section 20 of the Development Act 1993, the powers and functions under the Development Act 1993 and the Development Regulations 1993 contained in the proposed Instrument of Delegation (annexed to the Report dated 8th August 2007 and entitled District Manager Report Delegation and marked Appendix 17 (distributed under separate cover) are hereby delegated this 14th of August 2007 to the person occupying the office of District Manager, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.

Such powers and functions may be further delegated by the District Manager as the District Manager sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.

In exercise of the power contained in Section 20 of the Development Act 1993 the powers and functions under the Development Act 1993 and the Development Regulations 1993 contained in the proposed Instrument of Delegation (annexed to the Report dated 8th August

2007 and entitled *District Manager Report Delegation*) (distributed under separate cover) and which are specified below are hereby delegated to the Council's Development Assessment Panel, subject to any conditions specified herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.

Delegations made under Food Act 2001

In exercise of the powers contained in Section 91 of the Food Act 2001, the powers and functions under the Food Act 2001 contained in the proposed Instrument of Delegation (annexed to the Report dated 8th August 2007 and entitled District Manager Report Delegation and marked Appendix 18 (distributed under separate cover) are hereby delegated this 14th of August 2007 to the person occupying the office of District Manager ("the head of the enforcement agency" for the purposes of the Food Act 2001), subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Food Act 2001.

Such powers and functions may be further delegated by the District Manager as the District Manager sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Food Act 2001.

Delegations made under Public and Environmental Health Act 1987

In exercise of the power contained in Section 6 of the Public and Environmental Health Act 1987, the powers and functions under the Public & Environmental Health Act 1987 and Public and Environmental Health (Waste Control) Regulations 1995 contained in the proposed Instrument of Delegation (annexed to the Report dated 8th August 2007 and entitled District Managers Report Delegations and marked Appendix 19 (distributed under separate cover) are hereby delegated this 14th of August 2007 to the person occupying the office of District Manager, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Public and Environmental Health Act 1987.

Such powers and functions may be further delegated by the District Manager as the District Manager sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Public and Environmental Health Act 1987

Delegations under Supported Residential Facilities Act 1992

In exercise of the power contained in Section 9 of the Supported Residential Facilities Act 1992, the powers and functions under the Supported Residential Facilities Act 1992 contained in the proposed Instrument of Delegation (annexed to the Report dated 8th August 2007, and entitled District Manager Report Delegation and marked Appendix 20 (distributed under separate cover) are hereby delegated this 14th of August 2007 to the person occupying the office of District Manager, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.

Such powers and functions may be further delegated by the District Manager as the District Manager sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.

Authorisations under the Road Traffic Act 1961

*That, in accordance with the Notice to the Council dated 12 March 2001 from the Minister for Transport and Urban Planning (“the Minister’s Notice”), the Council authorises the following officers to exercise, for, and on behalf of the Council, the power conferred on the Council pursuant to the following clauses of the Minister’s Notice in relation to the **Road Traffic Act 1961**:*

- Clause A.1 – Nigel Andrew Hand (District Manager)*
- Clause B.1 – Lawrence Milton Jolly (Manager – Finance and Administration)*
- Clause C.1 – Mark Marziale (Manager – Environmental Services)*
- Clause D.1 – Robert Charles Linke (Manager – Works)*
- Clause E.1 – Matthew Kendall Rose (Parks and Gardens Supervisor)*
- Clause F.1 – Steven James Davey (Works Supervisor)*
- Clause G.1 – Michael Allen Krieger (Authorised Officer)*
- Clause H.1 – Steven Keith Daniel (Authorised Officer)*
- Clause I.1 – Graham David Manners (Plant Operator)*
- Clause J.1 – Bradley Royce Stringer (Plant Operator)*
- Clause K.1 – John Robert Pridham (Plant Operator)*
- Clause L.1 – Brett Ivan Tancock (Plant Operator)*

subject to –

- (i) the conditions contained in the Minister’s Notice; and*
- (ii) any conditions contained in this Resolution or in such instrument; and*
- (iii) the creation of a separate instrument in writing reflecting such authorisations under the Minister’s Notice and this Resolution.*

The said instrument shall be in substantially the same form as the proposed instrument of authorisation annexed to the Report dated 8th August 2007 and entitled District Manager Report Delegation and marked Appendix 21”

CARRIED

5. Authorised Officers

To enable Council Staff to undertake their responsibilities they need to be authorised by Council to perform their duties

Cr Burgess moved, Cr Simmons seconded

“That Council revokes all previous applications as approved at the Council meeting of 13th December 2005 and 14th February 2006, and resolves to appoint the following officers as Authorised Officers for the District Council of Barunga West.

Local Government Act 1999 (section 260):

Nigel Andrew Hand (District Manager)

Lawrence Milton Jolly (Manager – Finance and Administration)

Mark Marziale (Manager – Environmental Services)

Robert Charles Linke (Manger – Works)
Matthew Kendall Rose (Parks and Gardens Supervisor)
Steven James Davey (Works Supervisor)
Michael Allen Krieger (Authorised Officer)
Steven Keith Daniel (Authorised Officer)
John Dalle – Nogare (Environmental Health Officer)

Development Act 1993 (section 18):

Nigel Andrew Hand (District Manager)
Lawrence Milton Jolly (Manager – Finance and Administration)
Mark Marziale (Manager – Environmental Services)
Robert Charles Linke (Manger – Works)

Environmental Protection Act 1993 (Part 10, Division I):

Nigel Andrew Hand (District Manager)
Lawrence Milton Jolly (Manager – Finance and Administration)
Mark Marziale (Manager – Environmental Services)
Robert Charles Linke (Manger – Works)
Matthew Kendall Rose (Parks and Gardens Supervisor)
Steven James Davey (Works Supervisor)
Michael Allen Krieger (Authorised Officer)
Steven Keith Daniel (Authorised Officer)
John Dalle – Nogare (Environmental Health Officer)

Dog and Cat Management Act 1995 (sections 27 (1) and 68 (1)):

Nigel Andrew Hand (District Manager)
Lawrence Milton Jolly (Manager – Finance and Administration)
Mark Marziale (Manager – Environmental Services)
Robert Charles Linke (Manger – Works)
Matthew Kendall Rose (Parks and Gardens Supervisor)
Steven James Davey (Works Supervisor)
Michael Allen Krieger (Authorised Officer)
Steven Keith Daniel (Authorised Officer)
John Dalle – Nogare (Environmental Health Officer)

Impounding Act 1920:

Nigel Andrew Hand (District Manager)
Lawrence Milton Jolly (Manager – Finance and Administration)
Mark Marziale (Manager – Environmental Services)
Robert Charles Linke (Manger – Works)
Matthew Kendall Rose (Parks and Gardens Supervisor)
Steven James Davey (Works Manager)
Michael Allen Krieger (Authorised Officer)
Steven Keith Daniel (Authorised Officer)
John Dalle – Nogare (Environmental Health Officer)

Road Traffic Act 1961 and Road Traffic (Road Rules – Auxiliary and Miscellaneous Provisions) Regulations 1999:

Nigel Andrew Hand (District Manager)
Lawrence Milton Jolly (Manager – Finance and Administration)
Mark Marziale (Manager – Environmental Services)
Robert Charles Linke (Manger – Works)
Matthew Kendall Rose (Parks and Gardens Supervisor)

Steven James Davey (Works Manager)
Michael Allen Krieger (Authorised Officer)
Steven Keith Daniel (Authorised Officer)

Expiation of Offences Act 1996:

Nigel Andrew Hand (District Manager)
Lawrence Milton Jolly (Manager – Finance and Administration)
Mark Marziale (Manager – Environmental Services)
Robert Charles Linke (Manger – Works)
Matthew Kendall Rose (Parks and Gardens Supervisor)
Steven James Davey (Works Supervisor)
Michael Allen Krieger (Authorised Officer)
Steven Keith Daniel (Authorised Officer)
John Dalle – Nogare (Environmental Health Officer)

Fire and Emergency Services Act 2005 (Part 3, Division 8 and Part 4, Divisions 7 and 8):

Nigel Andrew Hand (District Manager)
Lawrence Milton Jolly (Manager – Finance and Administration)
Robert Charles Linke (Manger – Works)
Matthew Kendall Rose (Parks and Gardens Supervisor)
Steven James Davey (Works Supervisor)

Public and Environmental Health Act 1987 (section 7 (1)):

John Dalle – Nogare (Environmental Health Officer)

Public and Environmental Health (Waste Control) Regulation

Robert Charles Linke (Manger – Works)
Mark Marziale (Manager – Environmental Services)
John Dalle – Nogare (Environmental Health Officer)

Food Act 1986 (section 8 (2)):

John Dalle – Nogare (Environmental Health Officer)

Supported Residential Facilities Act 1992 (section 21):

Mark Marziale (Manager – Environmental Services)
John Dalle – Nogare (Environmental Health Officer)

Land and Business (Sale and Conveyancing) Act 1994:

Nigel Andrew Hand (District Manager)
Mark Marziale (Manager – Environmental Services)

Liquor Licensing Act 1997:

Nigel Andrew Hand (District Manager)
Mark Marziale (Manager – Environmental Services)

Community Title Act 1996:

Nigel Andrew Hand (District Manager)
Mark Marziale (Manager – Environmental Services)”

CARRIED

6. LGA- CWMS Water grant.

The Local Government Association has received funding for its CWMS (formerly STEDS) Statewide Wastewater Recycling Project from the National Water Commission. As part of the original application for \$30m (for which \$20m was received) there was a proposal to recycle the water at the Bute CWMS pond, which has an estimated cost of \$895,000, for which the subsidy would have been \$268,500 and Council is required to pay \$626,500.

Council is required to confirm with the LGA if it wishes to proceed with the project. Looking at the costing required to be paid by Council, which is an estimate, against the amount of water to be generated for irrigation, I would recommend against accepting the offer.

Cr Smith moved, Cr Schkabaryn seconded

“The Council advises the Local Government Association, that it does not wish to be involved at this stage in the Community Water Management Scheme for recycling the water in the Bute Lagoon, due to the cost required to be contributed by the Council”

CARRIED

7. Transfer Station Inspection

I am keen to arrange a visit to inspect some waste transfer stations to enable staff to get an understanding of the how we should look at operating our proposed stations at Bute and Port Broughton.

- **Noted**

8. Port Broughton Community School Library Extension

The tender closing date for this project has unfortunately been extended from 27th July to 8th August 2007 following a corrective circular issued by the Architect, which required giving the tenderers more time to price the project.

Simon Harley (Department of Transport Energy and Infrastructure) and myself will be meeting on the 13th August 2007, with our intention to have a report for the Council meeting.

I have now received the Draft Lease from the department of Education for the library extension.

The District Manager advised that discussions were being held with the two lowest tenderers to work towards getting an acceptable quote. He further advised that he was meeting with the Department of Education and children's services to finalise the lease agreement on 28th August 2007.

-**Noted**

9. Local Government Association AGM

I would advise that the AGM of the Local Government Association, along with some workshops are to be held on 18th and 19th October 2007, in Adelaide. A copy of the program is attached to my agenda and I would be looking for interested members to attend.

- **Noted**

11. Annual Leave

I wish to advise that I will be taking annual leave from 17th September to 28th September 2007.

Cr Kerley moved, Cr Ireland seconded

“That Lawrence Milton Jolly be appointed as acting District Manager for the period of 17th to 28th September, during the absence of the District Manager on Annual Leave”

CARRIED

12. Broughton Bayside Caravan Park

I have advised ETSA that Council will not proceed with the power upgrade to the Broughton Bayside Caravan Park. I have advised the Manager of the Caravan Park (verbally) of this situation and of Council’s intention to have our Building Fire Safety Committee inspect the Park to ascertain our safety requirements.

Discussions have been held with the Manager and some elected members on his concerns at Council’s decisions.

- **Noted**

MANAGER FINANCE AND ADMINISTRATION REPORT

1. Port Broughton Bowling Club - Recovery of Insurance Cover

The Port Broughton Bowling Club has requested Council to reconsider the decision made last month to recover Insurance costs retrospectively for the 2005/06 Financial Year. The attached letter explains comprehensively the reasons for this request.

Cr. Schkabaryn gave Notice that it was his intention to give the following Notice of Motion to rescind the following motion, at the next meeting of Council, to be held on 11th September 2007.

“That the council rescinds the following motion made at the meeting on 10th July 2007, on page 11 – “That Council agrees to rescind portion of the account for the Port Broughton Bowling Club that relates to previous financial years, and that the club be responsible for payment of premiums for 2006/07 only.””

Cr. Schkabaryn moved, Cr. Weedon seconded

“That as from the 1st July 2007 the Council agrees to pay for the cost of insuring all Community groups, including sporting bodies, insurances for their buildings and infrastructure, and that the groups and sporting bodies be responsible for their own insurance for contents cover and public liability, with the exception for Public Liability for all Progress Associations and the Bute Sporting Club and the Port Broughton Combined Sporting Club, for which the Council shall provide cover.”

CARRIED

2. LGA Asset Mutual Fund – Recovery of Insurance Cover

As a result of Council's decision last month (possibly subject to review) to recover Insurance Premiums from the Port Broughton Bowling Club it is appropriate to review our recovery process of similar bodies to maintain uniformity. Attached is a schedule of organisations which are listed on our LGA Asset Mutual Fund – Asset Schedule and should be considered for possible recovery.

- Noted

3. Monthly Financial Reports

Cash Flow

This report consists of:

- Bank and General Reconciliations
- LGA Funds (inc Reserves) Comparisons
- Grants Income

Balances of LGFA 24 Hour Investment Fund and Reserves

Historical and current balances of funds held at LGFA.

Rates & General Income

This report details rates revenue and breakdown of General Income.

CHEQUE & EFT LISTING

Cr Schkabaryn moved, Cr Kerley seconded

“that the payments detailed on the Cheque and EFT listing for July 2007, as tabled, be endorsed.”

CARRIED

4. 2006/07 Audit

Our new Auditors, Dean Newbery and Associates will be conducting the 2006/07 Audit from 22nd to 23rd August 2007. Mr Ian McDonald, a qualified auditor, has been engaged to assist me with the preparation of the 2006/07 Financial Statements as required by recent legislation.

-Noted

5. Public Address System

A Public Address System was ordered from Russack's TV and Electrical, Kadina on 26th July 2007 and is expected to arrive within a fortnight. The purchase (\$2776, GST inc.) was approved in the 2007/08 Budget and will also be made available for community for use.

-Noted

6. General Valuation

The attached letter from the Valuer-General provides a comprehensive analysis on the General Valuation for our District for 2007/08.

-Noted

7. Public Libraries Grant Allocations

The attached letter from the Public Library Services shows details of Grant Allocations for 2007/08 and also advises Council's Contribution is \$16,323 based on a population of 2,584.

-Noted

MANAGER OF ENVIRONMENTAL SERVICES REPORT

1. Approved Development Report – Assessment Period 1 – 31 July 2007 inclusive

Cr Kerley moved, Cr McDonald seconded

“Council endorses the actions taken by the Authorised Officers in granting development approval pursuant to Section 33 of the Development Act, whereby the development has been assessed against provisions of the Development Plan, and the Building Rules, pursuant to the delegations from the Council dated 14th February 2006, and 21 November 2006.”

CARRIED

2. Land division application 344/G004/07 by the minister for transport and ABB Pty Ltd

To inform Council of the details of the application for Land division 344/G004/07 by the Minister for Transport and ABB Pty Ltd, and regarding negotiations related to outstanding issues raised by the proposal.

Following preliminary assessment of the proposal and discussions with ABB's property consultants, Council's staff have raised a number of outstanding concerns with the DAC for ABB's address:

In telephone discussions held 25 July 2007 between ABB's representatives and Council's Manager of Environmental Services, there was a preliminary determination that the outstanding matters could be addressed by the applicant, ABB Pty Ltd entering into a legal and binding agreement to rectify the issues. The preparation of the agreement will be at the expense of ABB.

- Noted

3. Changed to the Environment Protection Regulations controlling burning on domestic premises

To inform Council of the gazetted ***Environment Protection (Burning) Policy Amendment Notice 2007*** enacting the Council's endorsed changes to the areas in which burning on

domestic premises is prohibited, as published in the SA Government Gazette No 45, 19 July 2007 pp 3090 – 3094. (This covers all the townships within the Council area)

- **Noted**

4. Better Development Plans (BDP) and General Development Plan Amendment (DPA) statement of intent: Endorsement for submission to the Minister for Urban Development and Planning, seeking agreement

To advise Council of its obligations to delegate its powers and functions under the amended Development Regulations, and seek Council's endorsement of the draft DC Barunga West Better Development Plan (BDP) and General Development Plan Amendment (DPA) Statement of Intent for submission to the Minister for Urban Development and Planning.

The Statement of Intent (SoI) represents a partnership and an agreement between Council and the Minister for the preparation of an amendment to the existing Barunga West (DC) Development Plan.

The proposed DPA will review and update the policies of the Barunga West (DC) Development Plan, once the amendments in the *Towns and Townships PAR* have been approved by the Minister, in order to adopt an improved structure, layout and standard policy content in accord with the BDP program.

Cr Kerley moved, Cr Smith seconded

1. *“Council Endorses the draft DC Barunga West Better Development Plans (BDP) and General Development Plan Amendment – Statement of Intent dated 1 August 2007.*
2. *Authorises the Chief Executive Officer and /or the Manager – Environmental Services to undertake the following actions as required:*
 - 2.1.1.1 *Execute any minor grammatical and editorial amendments that may be required in finalising the draft*
 - 2.1.1.2 *Sign the Statement of Intent prior to it being forwarded to the Minister for Urban Development and Planning*
 - 2.1.1.3 *Submit the Statement of Intent to the Minister for Urban Development and Planning seeking his agreement pursuant to Section 25(1) of the Development Act, 1993 to proceed with the DPA.”*

CARRIED

5. Review of Building Fire Safety Committee Membership

To inform Council of the need to review its Membership Building Fire Safety Committee (“BFSC”) under the Development Act 1993, and to recommend approval for the amendment of the Membership details of the BFS Committee.

The first meeting of the Barunga West Building Fire Safety Committee has been arranged for the third week of September 2007. The priority order for premises to be assessed by the Committee at its first meeting are as set out below:-

- Broughton Bayside Caravan Park

- Pt Broughton Council Offices
- Bute Council Chambers and Offices

Cr Burgess moved, Cr Rooney seconded

“That Council hereby resolves to amend the Membership details of its Building fire Safety Committee, previously established at its Meeting held 13 February 2007, to read as set out below:-

Membership of the Building Fire Safety Committee

Membership of the Building Fire Safety Committee shall consist of -

- (i) Peter Harmer, being a person appointed by the Council and who holds prescribed qualifications in building surveying;*
- (ii) Max McAlister, being a person nominated by the Chief Officer of the SA Country Fire Service, or another person specifically nominated by the Chief Officer of the SA Country Fire Service;*
- (iii) Paul Gates or Colin Crockford, being a person appointed by the Council as a person with expertise in the area of building fire safety.*
- (iv) Mark Marziale, being a person selected by Council*
- (v) Cr. Stacey Ireland as a person appointed to represent the Council.”*

CARRIED

MANAGER WORKS

1. Guidelines for Subdivisions

At a recent Works Committee Meeting I raised the issue of road widths in subdivisions and the fact that I believe roads in some recent subdivisions are too narrow. Since that meeting I have developed a set of guidelines that sets out what will be required of developers when they are planning to build a new subdivision in our Council District. The aim is to adopt this document so that Council can maintain consistent standards in what it wants and alleviate some of the enthusiastic discussions that can occur between developers, staff and Councillors at times of negotiations.

Cr Ireland moved, Cr Burgess seconded

“That Council adopts the document called “Guidelines for the Provision of Infrastructure in Land Developments 2007/08” as its guidelines for setting conditions of land developments within the District Council of Barunga West.”

CARRIED

2. Road Classification

At a recent forum held in Clare, council Chief Executive Officers and Works Managers were addressed by representatives from the Local Roads Advisory Committee in relation to Road Classifications. In May 2003 the then Minister for Transport, the Hon Michael Wright requested that the Local Roads Advisory Committee undertake a project to review the

criteria currently used for the classification of roads and for the subsequent application of the revised criteria to the possible reclassification of roads where appropriate.

Cr Schkabaryn moved, Cr Smith seconded

“That Council pursues the reclassification of the Heavy Vehicle By-Pass Road, for Bay Street, from the Pirie Road T-Junction to the intersection of Bay Street and Kadina/Wallaroo Road. “

CARRIED

3. Changeover of Motor vehicle

The Manager – Works reported on a range of quotations received for the replacement of his motor vehicle (which has now reached 100,00 kms)

Cr Rooney moved, Cr Burgess seconded

That the Council accepts the quotation of Clare Toyota to replace the Manager – Works vehicle for a Toyota Aurion Sedan for a replacement cost of \$15,887 (inclGST)”.

CARRIED

CORRESPONDENCE

Cr Smith moved, Cr Ireland seconded

“that the correspondence be received”.

CARRIED

1. Department of Transport Energy and Infrastructure

- (a) Advising of the success of Councils application for the funding for the Fisherman’s Bay Boat Ramp Upgrade with a grant of \$21,750, subject to some conditions

Cr Schkabaryn moved, Cr Weedon seconded

“That Council accepts the conditions of the SA Boating Facilities Advisory Committee for the Fisherman’s Bay Boat Ramp upgrade, to receive the grant of \$21,750”

CARRIED

- (b) Advising that our application for a Bicycle (Gopher) Lane on the Kadina Road was not successful.

- **Noted**

2. Public Library Services

Advising of the allocation for the library services at Port Broughton by the Board (total of \$12,331) and Councils contribution of \$16,323 (for which we have allowed \$18500)

- **Noted**

3. Port Broughton and District Genealogy Society

Asking Council to consider a financial contribution to the Society to assist in establishing and providing a range of services to assist its members. Advised of some of the activities that they are working on.

Cr Smith moved, Cr Kerley seconded

“That Council having already accepted its Budget for 2007/08 prior to their application, will not consider any donations until the 2008/09 financial year for the Port Broughton and District Genealogy Society.”

CARRIED

Mayor Dolling left the meeting at 9.37pm as he declared a Conflict of Interest in accordance with the provisions of Section 74 of the Local Government Act 1999, due to his sister being a Director of the Fisherman’s Bay Management Pty Ltd, who are currently in the process of freeholding Fisherman’s Bay.

4. Fisherman’s Bay Progress Association

Seeking Council approval to extend the workshop area of the Bottle shed at Fisherman’s Bay (at the conclusion of the freeholding) on the southern side (3m x 10m), which will encroach on the designated reserve area as part of the freeholding process.

(Note: The Manager – Environmental Services has expressed reservations at this stage due to some clarification being required before final approval is granted)

Cr Simmons moved, Cr McDonald seconded

“That Council defers any decision on the application of the Fisherman’s Bay Progress Association to extend the workshop at Snook Road, until final plans for the freeholding at Fisherman’s Bay have been approved by the Council.

CARRIED

Mayor Dolling returned to the meeting at 9.43pm.

5. Mr L. Elliott (forwarded to Cr. S. Ireland)

Drawing to Council’s attention his concerns as the response received by Mr D. Stoddard regarding the use of crushed blue metal for the sealing process on North Gully Road, Tickera and raising some questions on Council members and staff decision making processes.

Cr McDonald moved, Cr Kerley seconded

“That Council authorises the District Manager to respond to Mr. Elliott’s correspondence advising that the Council notes the contents of the letter.”

CARRIED

Cr Kerley left the meeting at 9.44pm as she declared a Conflict of Interest in accordance with the provisions of Section 74 of the Local Government Act 1999, due to her son who is a part owner of Port Broughton Engineering, who supplied a quote to the Port Broughton Progress Association.

6. Port Broughton Progress Association
Seeking Council approval for their forthcoming project of erecting three shelters on the foreshore.

Cr Smith moved, Cr Simmons seconded

“That Council approves the project of the Port Broughton Progress Association to erect three free standing shelters (colourbond roof) on the Port Broughton Foreshore, with the cost to come from Council’s 2007/08 allocation”

CARRIED

Cr Kerley returned to the meeting at 9.51pm

7. Hon G Gago – Minister for Environment and Conservation
Responding to our letter regarding the Governments decision to double the waste levy contribution of Council’s and advising of where the Government has allocated its funding.

- Noted

8. Local Government Association of SA
 - (a) Advising Council of the increase in subscription fees for the forthcoming year and outlining some of the achievements of the Association during the past twelve months.
 - (b) Forwarding LGA Circulars No 27-31.

- Noted

Tabled Correspondence

1. KESAB
Forwarding interim reports featuring the recent Tidy Town inspections at Tickera, Fisherman’s Bay, Kulpara, Bute and Port Broughton.
2. YP Community Transport and Services
Advising of a proposed Health bus trial for the transportation of patients to Adelaide for medical appointments. Due to commence in early August.
3. Yorke Peninsula Tourism Marketing Board
Forwarding a copy of the Marketing Managers Report for July
4. Local Government Association of SA
Advising of a review of the LGA Policy Manual and forwarding a copy of the manual
5. Central Local Government Region
 - (a) Forwarding a copy of the June/July Newsletter
 - (b) Advising of a review of the Governing documents and achievements for 2006/07, and the strategic and business plan
6. Northern and Yorke NRM Board

- (a) Forwarding a copy of the minutes of the May 2007 meeting.
- (b) Forwarding a copy of a NRM Newsletter.

- 7. Dog and Cat Management Board
Forwarding a copy of their June/July 2007 Bulletin

PETITIONS, MEMORIALS, NOTICES OF MOTION

- Nil

NOTICE OF MOTION

- Nil

TENDERS

- NIL

GENERAL BUSINESS

-Nil

CLOSURE

The Mayor declared the meeting closed at 10.09pm.

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D.DOLLING
MAYOR