

MINUTES OF THE MEETING OF THE DISTRICT COUNCIL OF BARUNGA WEST HELD AT THE BUTE COUNCIL CHAMBERS ON FEBRUARY 13th 2007 AT 7:00PM

PRESENT:

Cr D Dolling (Mayor), Cr M McDonald, Cr B Rooney, Cr R Smith, Cr T Schkabaryn, Cr I Burgess, Cr L Kerley, Cr S Ireland, Cr G Simmons, Cr M. Weedon, N Hand (District Manager), L Jolly (Manager – Finance & Administration) and M Marziale (Manager-Environmental Services)

APOLOGIES:

R.Linke (Manager – Works)

DECLARATION OF CONFLICT OF INTEREST

No member reported any conflict of interest for any items on the agenda.

CONFIRMATION OF COUNCIL MINUTES

Cr Simmons moved, Cr Rooney seconded,

“that the Minutes of Meeting held on January 16th 2007 be confirmed as printed and supplied.

CARRIED

BUSINESS ARISING FROM THE COUNCIL MINUTES

1. A response has been received from the Local Government Association advising that Council has the power to charge a rebate on any service charge (STEDS) for unoccupied land. If Council resolves to impose a service charge on land it is required to do so on vacant or occupied land, but can then impose the rebate as per section 166 of the Local Government Act.
2. No response has been received from the Minister for Environment and Conservation responding to our query on the NRM levies to be imposed in 2007/08
3. Discussions are still being held with Telstra regarding the possibility of broadband for Bute with a possible decision by the end of March 2007.
4. Discussions with the State Bicycle Fund indicate that Council does not require a new Bike Plan for Port Broughton to enable the construction of a bike/pedestrian path on the Kadina Road to Barunga Village. Consequently the Manager – Works and the District Manager will be preparing an application for construction works for this project over a two year period.
5. No response has been received from Transport SA regarding our concerns at the road reserves on the Port Broughton – Kadina Road being used by motorcyclists.

MEMBERS REPORTS

Cr. DOLLING

22nd January – Executive meeting

26th January – Australia Day Awards, Port Broughton

31st January – Hindmarsh Island inspection

2nd February – Executive meeting, Fishermans Bay Management

Cr. ROONEY

22nd January – Executive meeting
26th January – Australia Day Awards, Bute
31st January – Hindmarsh Island inspection
2nd February – Executive meeting

Cr. McDONALD

22nd January – Executive meeting
26th January – Australia Day Awards
31st January – Executive meetings, Hindmarsh Island & Adelaide
31st January – Pt Broughton Districts Hospital Board meeting
2nd February – Executive committee meeting
9th February – LGA Councillor training day - Kadina
12th February – Port Broughton Area School Governing Council meeting

Cr. SCHKABARYN

26th January – Australia Day Awards
26th January – Fishermans Bay Progress Assoc
5th February – Port Broughton Progress Assoc meeting
8th February – Yorke Peninsula Tourism Assoc meeting
9th February – LGA Councillor training day - Kadina

Cr. SIMMONS

23rd January - Barunga Village building meeting
23rd January – Barunga Village general meeting
26th January – Australia Day Awards
6th February – Barunga Village building meeting
9th February – LGA Councillor training day –Kadina
10th February –YP Rail Meeting – Wallaroo
12th February – Bute Sports Club meeting

Cr SMITH

23rd January – Barunga Village meeting
26th January – Australia Day Awards
6th February – YP Transport meeting
9th February – LGA Councillor Training Day - Kadina

Cr BURGESS

22nd January – Executive meeting
26th January – Australia Day Awards, Bute
31st January – Bute 2000 Onwards meeting
2nd February – Executive meeting
9th February – LGA Councillor training day - Kadina

Cr KERLEY

26th January – Australia Day Awards, Port Broughton

Cr IRELAND

26th January – Australia Day Awards, Bute
9th February – LGA Councillor Training Day, Bute

Cr WEEDON

26th January – Australia Day Awards, Bute
9th February – LGA Councillor training day – Kadina

MEMBERS QUESTIONS

Cr. Burgess spoke about aspects of the LGA Elected Members training (held 9th February 2007) that were of particular interest, being Conflict of Interest, and financial sustainability of Councils.

Cr. McDonald acknowledged, on behalf of the Port Broughton Area School's Governing Council, the District Manager's efforts in gaining grants for upgrades to the power supply for the Community Library extensions.

Cr Schkabaryn enquired as to the thoughts of the Executive Committee after their visit to Hindmarsh Island to inspect their effluent system. Councillors were impressed by the system.

The District Manager commended the members who attended the training session at Kadina and hoped that they benefited from the session.

COMMITTEE REPORTS

Cr Schkabaryn moved, Cr Simmons seconded

"that all Committee reports be received"

CARRIED

EXECUTIVE COMMITTEE - 21st January and 2nd February - Noted

Recommendation

That Council endorse the recommendation of the Executive Meeting held on 2nd February 2007 as follows

1. *That following discussions with Directors of Fisherman's Bay Management on 31st January, that the Executive Committee agree to the following –*
 - (a) *That the Council will accept the Commonwealth Bank's Quantity Surveyor's report for the costings for the amount of work required to complete the sewerage system at Fisherman's Bay, provided that a copy of that report is forwarded to Council, and to accept that any reduction of the Bank Guarantee for this work is to be reduced to reflect the Quantity Surveyor's estimate to complete the work, plus an additional 10% of that cost.*
 - (b) *That the Council will accept the criteria established by Parsons Brinckerhoff for the selection of a contractor to undertake the construction work of the sewerage system at Fisherman's Bay, which includes accreditation with the Civil Contractors Federation SA.*
 - (c) *That the Council does accept that there is no requirement of Council to ascertain an independent engineers report of the design of the sewerage system proposed for Fisherman's Bay*
 - (d) *That the Council will accept the offer of Fisherman's Bay Management Pty. Ltd. to pay \$20,000 towards the Council's cost for the preparation of the Bonding Agreement for the construction and maintenance of the sewerage system at Fisherman's Bay,*
And further, that Council's Manager – Environmental Services, be authorised to advise Fisherman's Bay Management Pty. Ltd. of the Executive Committee's decisions.
2. *That the Executive Committee agree to contribute up to \$1,000 towards the costs of Northern & Yorke Exceptional Circumstances Community Reference Group to develop an Exceptional Circumstance application for drought relief within the region.*

And further that the following recommendation of the Executive Committee meeting of 21st January 2007 be endorsed

3. *That the Council endorse the requirement of the Manager – Environmental Services that any easements be a minimum width of 3 metres and that any easement be restricted to one property and not shared by two properties.*

4. *That the Council requires easements to be established where required, and that Council will not accept "Rights of Way."*
5. *That Council arrange with Fisherman's Bay Management for Council staff be trained in conjunction with Management staff on the operation of the sewerage system at Fisherman's Bay, with Council to pay the wages for its staff to attend such training.*

CARRIED

MANAGERS REPORTS

Cr Simmons moved , Cr Smith Seconded,

- *"That all Officers' Reports be received."*

CARRIED

DISTRICT MANAGER'S REPORT

1. Port Broughton Community School Library

Following a meeting with the Department of Education and Children Services I can advise that the Department has agreed to the upgrade of the power supply to the Area School, which will enable the project to proceed. The estimated cost of this upgrade, which includes upgrading the transformer and relocation of the mains board, is \$200,000 of which Council has a maximum contribution of \$25,000.

- Noted

2. Bute Council Office

For some time there has been some concerns at the roof of the Bute Council office, which is identified as corrugation fibre cement and is regarded as asbestos cement. This roof leaks on a regular basis in the office and requires immediate attention, by a contractor, qualified to work with asbestos. These repairs are being attended to.

Cr Schkabaryn moved, Cr Burgess seconded

"that Council agrees to consider the replacement of the roof of the Bute Council Office and that the District Manager be authorised to obtain preliminary budget figures for the replacement of the roof"

CARRIED

3. Building/Planning Services – Copper Coast

Discussions have been held with the Copper Coast Council regarding the provisions of planning/building/environmental health services.

- Noted

4. Appointment of Auditor

Following the retirement of our Auditor, Mr. Bob Foster after a lengthy 44 years of service, expressions of interest have been called from Auditors currently undertaking local government audit duties in regional areas.

"It was agreed that the appointment of an Auditor be deferred until the March Council meeting pending receipt of additional information for consideration."

-Noted

5. Establishment of Audit Committee

As members are aware the Council is required to establish an Audit Committee in accordance with the provisions of the Local Government Act and the Local Government (Finance Management) Regulations. The Regulation provides for the membership details, which are

- a committee must have between 3 and 5 members, and
- at least one person who is not a member of Council and who is determined by the Council to have financial experience relevant to the functions of an Audit Committee, and
- must not include the Council's Auditor

The functions of the Audit Committee include the following

- reviewing annual financial statements to ensure that they present fairly the state of affairs of the Council; and
- (ab) proposing, and providing information relevant to, a review of the Council's strategic management plans or annual business plan; and
- (ac) proposing, and reviewing, the exercise of powers under section 130A; and
- (ad) if the Council has exempted a subsidiary from the requirement to have an audit committee, the functions that would, apart from the exemption, have been performed by the subsidiary's audit committee; and
- liaising with the Council's auditor; and
- reviewing the adequacy of the accounting, internal control, reporting and other financial management systems and practices of the Council on a regular basis.

I will arrange through our Newsletters and for local papers an article calling for expressions of interest from the community for people interested in being on our Audit Committee.

- Noted

6. Records Management

On 6th February 2007 Mrs. Wendy Fewsdale, a Records Management consultant addressed the Managers and staff on issues relating to Record Management, and the requirements of State Records for Council's to have a minimum level of standards for maintaining all Council records.

There are a couple of training courses coming up in the next few months that I will be arranging for staff to attend.

- Noted

7. Port Broughton Council Office - Renovations

Work has commenced on the renovations to the Port Broughton Office with the Committee Room being transferred into two offices and the Manager – Finance and Administration office being converted to a small meeting room.

The alteration to the front counter is scheduled to be undertaken on the weekend of 9th February with completion scheduled for later in the month when the counter top is made.

- Noted

8. Annual Leave

I wish to advise that I will be on Annual Leave from Thursday 15th February 2007 until Friday 23rd February 2007.

Cr Schkabaryn moved, Cr Burgess seconded

“That Council appoint Lawrence “Blue” Jolly as Acting District Manager during the period of absence of the District Manager between 15th and 23rd February 2007, both dates inclusive”

CARRIED

9. Review of Council's Strategic Plan

As previously discussed the Managers are looking to review Council's Strategic Plan in the near future, and wish to involve the public in this process. Preliminary information will be available in the next Newsletter and a survey inviting comments will be made available, as a lot of people do not wish to attend public meetings.

These comments, seeking what people want as a priority from their Council can then be utilised in helping Council to plan its strategic future. An important component of our new Plan will be dove tailing our Plan into the State Strategic Plan, which will assist grant funding applications.

There are also ranges of legislative requirements that Council will be required to include in this plan, for which the community would understandably not be expected to see as a priority. These can include out commitment to OHS&W, Risk Management, Record Management, Asset Management etc.

Further information will be available at a later date.

- Noted

10. Works Committee

As agreed at the last Council meeting a Works Committee meeting will be held on 7th March 2007. As part of this meeting I will arrange for inspections of some of Council's roads and assets that are a part of our program for the next couple of years.

Cr Schkabaryn moved, Cr Rooney seconded

“that all members of Council be appointed to the Council's Works Committee”.

CARRIED

11. Leasing of Council Properties

Cr Rooney moved Cr Simmons seconded

“that following public consultation, Council agree to grant 21 year leases for the following organizations, in accordance with the provisions of the Local Government Act”

- Tickera Golf Club
- Bute Pony Club
- Thomas Plains Tennis Club

CARRIED

FINANCE REPORT -

1. Budget Review and Variances

Since it is a regulatory requirement for Council to review it's budget periodically throughout the financial year the following documents are attached for the Budget 2006/2007 review as at 31st January 2007:

Operating Statement
Income - with explanatory notes
Expenditure - with explanatory notes
Balance Sheet
Rates Summary

In my opinion our current financial standing is sound, however, we must continue to act frugally for the rest of the financial year and avoid any temptation which would be detrimental to our present position.

Cr Schkabaryn moved, Cr Burgess seconded

"That in accordance with Part 2, Section 123 (5) of the Local Government Act 1999 and Part 2, Section 5, 7 (1) of the Local Government (Financial Management) Regulations 1999 the Budget review as at 31st January 2007, as tabled, be adopted."

CARRIED

2. Blinds – 10 Dalling Street

Cr Kerley moved, Cr Burgess seconded

"That Council approves the \$1,810 cost for the installation of blinds, as quoted by Pirie Blind & Canvas Centre, at the Council residence at 10 Dalling Street."

CARRIED

Monthly Financial Reports-

Discussion held as to whether the Cheque listing needs to be included in the Agenda for perusal by Councillors.

Cr Schkabaryn moved Cr Weedon seconded

"That the monthly Cheque listing continue to be included in Councillors Agendas"

MOTION LOST

MANAGER OF ENVIRONMENTAL SERVICES REPORT

1. Approved Development Report – Assessment Period 1 – 31 January 2007

Purpose – For a Decision.

To inform Council of Development consents granted under Delegation to the Authorised Officers, and seek Council's endorsement of the decisions made under delegation.

Please refer to the attached Monthly Council Report of Building Approvals .

Please note that the listed approvals are for Development Approval and therefore does not include Planning Consents or Building Rules Consents granted separately.

Cr Smith moved, Cr Burgess seconded

"that Council endorses the actions taken by the Authorised Officers in granting development approval or Provisional Development Plan Consent pursuant to Section 33 of the Development Act,

whereby the development has been assessed against provisions of the Development Plan, and the Building Rules unless otherwise indicated, pursuant to the delegation from Council of 14th June 2005.”

CARRIED

2. ERD Court Appeal by Fishermans Bay Management – Application DA344/D006/99V1 & the associated Bonding Agreement - Update

Purpose – For Information

To inform the Council of the progress arising from the meetings with Fishermans Bay Management (FBM), and seek approval for delegation of authority to assess and approve the Bonding Agreement for the Waste Water Collection and Treatment System, and for the use of Council's common seal.

- Noted

3. ERD Court Action – Appeal by Speck, Symonds & Others – Land Division DA344/D009/05 - Update

To inform the Council of the progress of the outcomes of the ERD Court appeal against the conditions attached to the Approval granted to the land division 344/D009/05.

ERD Court Action 93 of 2006: appeal by Speck, Symonds & Others, the Court conference will resume on 13 February 2007.

- Noted

4. Council Development Assessment Panels (CDAP) code of conduct

To advise Council of its obligations under the amended Development Regulations.

Council was previously notified of the Minister's consent to the delegate all of its powers and functions as a relevant authority to Council's authorised planning officer, for an initial period of six months. Council subsequently delegated authority to the Executive Committee to undertake hearings under the Development Act 1993 as required as a condition of the Ministers exemption from the requirement to form a CDAP by 26 February 2007.

Please refer to the attached related documents attached to this M.En.Svs. Report.

Noted

5. Development Compliance: Tickera Golf Club – Shed and Toilet Block

To inform the Council of discussions held with the Tickera Golf Club, and the subsequent requirements for a Development Application to be lodged for a change of land use of the existing storage shed to a sports clubroom on public land.

- Noted

6. Proposed alteration to the Development Plan Amendment regarding the establishment of a country living zone for Tickera

To inform Council of negotiations held with DC Copper Coast regarding the proposed Country Living Zone for Tickera, and to recommend approval for an agreed alteration to the development plan amendment of Tickera's Country Living Zone.

Cr Smith moved, Cr Simmons seconded

“That Pursuant to Section 25(13) & 25(14) of the Development Act 1993, Council endorses the agreement between its Authorised Officers and the DC Copper Coast to seek an alteration to the Towns and Minor Townships development plan amendment, comprising the withdrawal of the originally proposed Country Living Zone boundary north to align along the southern boundary of Section 588 Hundred of Tickera.”

CARRIED

7. Establish a Building Fire Safety Committee

To inform Council of its ability to establish a Building Fire Safety Committee under the Development Act 1993, as a essential public service provision and a prudential disaster prevention mechanism, and to recommend approval for the establishment of such a Committee.

Cr Burgess moved, Cr Kerley seconded

“That Establishment of the Building Fire Safety Committee

Pursuant to Section 71(19) of the Development Act 1993 the Council establishes a body to be known as the Barunga West District Council Building Fire Safety Committee (“Building Fire Safety Committee”) for the purpose of acting as the “appropriate authority” (as the term is defined in the Development Act, 1993) in respect of all fire safety matters.

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;*
- (iii) Paul Gates, being a person appointed by the Council as a person with expertise in the area of fire safety.*
- (iv) Mark Marziale, being a person selected by Council.*

The Council appoints Cr Ireland as the Presiding Member of the Building Fire Safety Committee for a term of three years

All members of the Building Fire Safety Committee are appointed for a term of three years

The office of a member of the Building Fire Safety Committee will become vacant if the Member -

- (i) dies; or*
- (ii) completes a term of office and is not reappointed; or*
- (iii) resigns by written notice addressed to the Council; or*
- (iv) is removed from office by the Council for any reasonable cause.*

Terms of Reference for the Building Fire Safety Committee

The terms of reference for the Building Fire Safety Committee are as follows -

- (i) the Building Fire Safety Committee is charged with the responsibility for all matters arising under Section 71 of the Development Act 1993 which are of a building fire safety nature;*
- (ii) a quorum for a meeting of the Building Fire Safety Committee shall be three (3) and one of those members shall be the person nominated by the Chief Officer of the SA Country Fire Service;*
- (iii) all decisions of the Building Fire Safety Committee shall be made on the basis of a majority decision of the members present;*

(iv) the Building Fire Safety Committee shall meet at the Council's offices at Bay Street, Port Broughton or at such other places as the Building Fire Safety Committee may from time to time determine;

(v) the Building Fire Safety Committee shall meet on a day and at a time nominated by the Presiding Member with a minimum of one ordinary meeting each calendar year;

(vi) a member of the Building Fire Safety Committee who has a personal interest or a direct or indirect pecuniary interest in any matter before the Building Fire Safety Committee (other than an indirect interest which exists in common with a substantial class of persons) must not take part in any deliberations or decisions of the Building Fire Safety Committee in relation to that matter;

(vii) the following provisions apply to the call of meetings -

(a) in the case of an ordinary meeting of the Building Fire Safety Committee, the Presiding Member must give each member of the Building Fire Safety Committee notice of a meeting at least three (3) clear days before the date of the meeting

(b) in the case of a special meeting of the Building Fire Safety Committee, the Presiding Member must give each member of the Building Fire Safety Committee notice of a meeting at least twelve (12) hours before the commencement of the meeting

(c) notice may be given to a member of the Building Fire Safety Committee

personally

by posting it in an envelope addressed to the person at their usual or last known place of residence or business

by facsimile transmission to a facsimile number known to be used by the person

by email transmission to an email address known to be used by the person

(viii) each member of the Building Fire Safety Committee present at a meeting must, subject to that person having an interest in the matter, vote on a question arising for a decision at that meeting;

(ix) the Presiding Member of the Building Fire Safety Committee must keep, or arrange to be kept, minutes of every meeting of the Building Fire Safety Committee. The minutes of the proceedings and meetings of the Building Fire Safety Committee must include -

(a) the names of the members present;

(b) in relation to each member present, if the member was not present for the entire meeting, the time at which the person entered or left the meeting;

(c) its motion or amendments, and the names of the mover and seconder;

(d) whether a motion or amendment is carried or lost;

(e) any disclosure of interest made by a member

(x) the procedure to be observed at a meeting of the Building Fire Safety Committee insofar as the procedure is not prescribed by these terms of reference, may be determined by the Committee."

CARRIED

MANAGER WORKS REPORTS

1. Boat Ramps Seaweed

Barunga West Council is responsible for three boat ramps within the district namely Tickera, Port Broughton and Fisherman's Bay. Over the last four-month period Council has received three requests from ratepayers and visitors to clear seaweed from the Fisherman's Bay Boat Ramp and the area to and including the shelter shed on the foreshore.

Cr Ireland moved, Cr Weedon seconded

"That the Works Manager be authorised to clean seaweed from foreshores, shelters and boat ramps within the Council district at his discretion."

CARRIED

2. Request for Tree Removal

A request has been received from the owners of property at 16 George Street in Bute for two trees to be removed from the front of the property. The reason for the request is that the owners are going to building a new house and the trees are at the entrance of their proposed driveway. The trees were planted some time ago and are approximately 3 metres in height.

Cr Simmons moved, Cr Weedon seconded

"That Council removes the two trees at the front of 16 George Street in Bute."

CARRIED

3. A brief summary of works activity over the last period since staff have returned from leave, was noted.

CORRESPONDENCE

Cr Rooney moved, Cr Smith seconded

"that the correspondence be received"

CARRIED

1. Country Fire Services

(a) Advising that they are pleased with Council's decision to allow the portion of the CFS shed currently being used to house the HACC car and the payment of \$1,500 for the electric component of the roll – a – door.

They are seeking access to the shed by 30th April 2007.

Cr Simmons moved Cr Schkabaryn seconded

"That Council agree to relocate the HACC vehicle to the Lions Shed at the Port Broughton depot subject to consultation with volunteers"

CARRIED

(b) Forwarding a copy of a draft agreement for consideration by Council for the use of Council plant and staff during a bushfire. This draft agreement commits the Council to accepting all the cost should Council staff be injured or plant damaged.

Cr McDonald moved, Cr Burgess seconded

"That Council agrees not to accept the proposed agreement for the CFS to utilise Council staff or plant, in its current format and forward the agreement to the Local Government Mutual Liability Scheme for their consideration and advice."

CARRIED

2. Bute 2000 Onwards Committee

Seeking Council support for a project to purchase another shade to enclose all the playground equipment at the Railway Park.

Cr Schkabaryn moved, Cr Weedon seconded

"That Council agree to the proposal for the shelter shade at the Railway Park for the Bute 2000 Onwards Committee, with Council prepared to contribute a maximum of \$10000 towards the project"

CARRIED

3. Central Local Government Region

Forwarding a copy of their January Newsletter, which outlines a range of activities, including the new EPA landfill guidelines.

- Noted

Tabled Correspondence

1. Local Government Association

Forwarding a copy of the LGA Report Nos 2 – 5

2. Yorke Peninsula Community and Transport Services

Forwarding a copy of their January report for our Council area.

3. Central Local Government Region

Forwarding information for nominations from the Region for the SA State Executive.

4. Yorke Peninsula Tourism Marketing Board

Forwarding a copy of their monthly reports.

5. KESAB

Forwarding a copy of the nomination forms for the Tidy Towns competition

PETITIONS, MEMORIALS, NOTICES OF MOTION

- Nil

DEPUTATION - Tickera Golf Club (7.15pm)

3 Members (Ian Price, David Heinis and Merv Chandler) addressed Council outlining their intentions for the Tickera Golf Club and asking Council if they can be of any assistance in achieving these goals. Council are happy to assist with the carpark, parking bays, bollards etc. Mark Marziale spoke on requirements needed under the Building Code to meet standards for public buildings. A building surveyor will need to be engaged to assess what is needed to be done. The Works Committee will inspect the site at their next meeting on March 7th.

Deputation departed at 7.35pm

TENDERS

- NIL

GENERAL BUSINESS

-NIL

CLOSURE

The Mayor declared the meeting closed at 9.10 pm

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D.DOLLING
MAYOR