

**MINUTES OF THE MEETING OF THE
DISTRICT COUNCIL OF BARUNGA WEST
HELD AT THE BUTE COUNCIL CHAMBERS ON
MAY 8th 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), R Linke (Works Manager) and M Marziale (Manager-Environmental Services) and Ms. C Hewett (Minutes Secretary)

APOLOGIES:

Nil

DECLARATION OF CONFLICT OF INTEREST

Nil

CONFIRMATION OF COUNCIL MINUTES

Cr Smith moved, Cr Simmons seconded,

“that the Minutes of Meeting held on April 10th 2007 be confirmed as printed and supplied with two alterations:

Page 4 – District Managers Report – Legal Opinion – 1994 to be amended to read 1999

Page 13 – Correspondence – No 10-7th May 2007 be amended to read 2nd May 2007.”

CARRIED

BUSINESS ARISING FROM THE COUNCIL MINUTES

1. Advice has been received from the Department of Transport Energy and Infrastructure that the work on the Port Broughton jetty will commence on 7th May 2007 and take two weeks to complete.
2. No response has been received from the LGA Risk Management Services regarding the Council’s responsibility for road reserves on the Department of Transport Energy and Infrastructure roads. At this stage the Department and the LGARMS are undertaking a review into this issues and a report is scheduled to be forwarded to Councils in the near future.
3. A meeting was held with the local commercial fishermen to discuss the possible extensions of the voluntary fishing closure in the Port Broughton area. It was noted that there had not been any illegal fishing activity during the voluntary fishing closure and the local professional fishermen were keen not to have any changes to the voluntary closure.

MEMBERS REPORTS

Cr. DOLLING

20th April – Audit Committee Training Clare
25th April – RSL Dawn Service Port Broughton
25th April – RSL March Bute
25th April – RSL Service and March Port Broughton
LGA General Meeting Adelaide
30th April- Fire Prevention Meeting
2nd May – Works meeting
4th May- NRM Coastal Forum

Cr. ROONEY

30th April – Fire Prevention Meeting
Audit Committee Training at Clare
Executive Committee meeting Port Broughton

Cr. McDONALD

18th April – Pt Broughton & Districts Hospital Board meeting
19th April – Executive Committee meeting
2nd May – Works & Infrastructure meeting

Cr. SCHKABARYN

11-13th April – LGA Conference Adelaide
20th April – Audit Committee Training Clare
26th April – YP Tourism Association meeting
2nd May – Works meeting
4th May – Dept of Conservation & Heritage meeting Port Broughton
5th May – Fishermans Bay Progress Association meeting
7th May – Port Broughton Progress Association meeting

Cr. SIMMONS

17th April – Barunga Village building meeting
18th April – Barunga Village building trip to Adelaide
24th April – Barunga Village General meeting
25th April – ANZAC Service
30th April – Bute Sports Club meeting
1st May – Barunga Village building meeting
2nd May – Works meeting
5th May – LCYP Rail meeting Kadina

Cr SMITH

11th April – Aged Care meeting
11th April – Road Safety meeting
25th April – ANZAC Dawn Service and March
2nd May – Works meeting
Various meetings with Ratepayers

Cr BURGESS

19th April – Executive meeting
20th April – Audit Committee training Clare
25th April – Lay wreath, ANZAC Dawn Service Bute
2nd May – Works meeting

Cr KERLEY

25th April – ANZAC Dawn Service Port Broughton

2nd May – Works meeting

4th May – Coastal Councils Forum

Cr IRELAND

25th April – ANZAC Service Bute

Cr WEEDON

25th April – ANZAC Dawn Service & March Bute

MEMBERS QUESTIONS

Crs. Kerley and Schkabaryn attended the NRM Conference and found it very informative. Suggested applying for grants to put steps down to the beach in front of Port Broughton Caravan Park to stop erosion of beach front by people accessing the beach.

Cr. Schkabaryn reported that YP Tourism Association is folding and that the Fishermans Bay and Port Broughton Progress Associations will each receive some of the remaining funds from the YPTA as it winds up.

COMMITTEE REPORTS

Executive Committee – 19th April 2007

Cr Ireland moved, Cr Weedon seconded

“that the Committee reports be received”

CARRIED

Cr Burgess moved Cr McDonald seconded

“that in accordance with the provision of Section 90(2) of the Local Government Act 1999, that Council exclude the public from the Council meeting at 7.18pm, to allow consideration of the Executive Committee minutes, which relate to staffing issues, in accordance with Section 90(3)(e)and(h) of the same Act and further that this information be considered for release to the public at Councils May 2008 Council meeting”

CARRIED

The District Manager asked all staff to leave the Council chambers at this time.

Cr Burgess moved, Cr McDonald seconded

“that Council continue its business under Section 90(2) of the Local Government Act, and allow the return of the public to the Council meeting at 7.56pm.”

CARRIED

All staff members returned to the meeting at this time.

Works and Infrastructure Committee – 2nd May 2007

Cr Schkabaryn moved, Cr Burgess seconded

“that recommendations 1 – 12, of the Works Committee on the 2nd May 2007 be adopted

- 1. That the Council agree to seek our Engineers approval, in accordance with the Road Traffic Act for the Give Way sign on Bews Road, at the intersection of Wehr’s Road to be relocated to Wehr’s Road, to give Bews Road priority status.*
- 2. That Council applies for the roads in Categories 1, 2 and 3 of the Council road network, to be gazetted to become Commodity Freight Routes.*
- 3. That Council includes Dallings Road, Boundary Road extension (category 4) to be gazetted to become a Commodity Freight Route.*
- 4. That Council allows Commodity Freight on its roads under the title of Fertilizer, Grain, Hay & Bulk Stockfeed, Livestock and Wool (Baled).*
- 5. That Council endorses the actions taken by the Manager – Works in advising the Department of Transport Energy and Infrastructure in not accepting the road reserve on the Port Wakefield – Kulpara Road.*
- 6. That Council accepts the speed limit assessment from the Department for Transport Energy and Infrastructure for the Port Broughton Boat Ramp access road, Coast road over North Gully at Tickera and Port Pirie to Bute Road intersecting Bay Street Port Broughton.*
- 7. That Council purchase and installs signs as recommended in the speed assessment report from DTEI for Coast Road Ticker and the Port Broughton Boat Ramp.*
- 8. That consideration be given in the 2007/08 budget for the replacement of the Cat 12H Grader and that the Manager – Works be authorised to obtain prices for budgetary consideration.*
- 9. That Council relocates the Tickera shelter shed six (6) metres east and four (4) metres north of its current location.*
- 10. That Council pays \$3,500 to Hot Dip Galvanize the new Tickera Shelter Structure.*
- 11. That the Council advise the Port Broughton Progress Association that it would be happy for the Association to review the lighting at the foreshore, and for Council staff to resolve the issues of playground equipment at the Port Broughton foreshore.*
- 12. That the District Manager be authorised to arrange repairs from a qualified tradesman who can undertake the reroofing of the house at the Port Broughton Caravan Park as a matter of priority.”*

CARRIED

MANAGERS REPORTS

Cr Schkabaryn moved , Cr Burgess seconded,

“That all Officers’ Reports be received.”

CARRIED

DISTRICT MANAGER’S REPORT

1. GK and JM Lawry

Cr Schkabaryn moved, Cr Kerley seconded

“That in accordance with the provisions of Section 90 (2) of the Local Government Act 1999, that Council exclude the public from the Council meeting at 8.01 pm, to allow consideration of staffing issues in accordance with Section 90(3)(h) of the same Act, and further that this information be considered for release at Councils meeting to be held in May 2008”.

CARRIED

Cr Schkabaryn moved, Cr Burgess seconded

“That Council continue its business under section 90(2) of the Local Government Act, and allow the return of the public to the Council meeting at 8.05pm”.

CARRIED

2. Audit Committee – Community Representatives

In Council’s recent Newsletter I called for an expression of interest for a community representative to be on Council’s Audit Committee. This was as a result of our approach to Mr. David Harris being unsuccessful. The Council is required to try and locate a person who has a good understanding of Local Government.

Cr Schkabaryn moved Cr McDonald seconded

“That Mr Paul McInerney (former CEO of Northern Areas Council) be appointed as the independent community representative on Council’s Audit Committee”.

CARRIED

3. Strategic Plan

Following a request in Council’s recent Newsletter, for information regarding what residents or ratepayers saw as their major requirement from Council I received a total of 18 responses at the time of writing this report.

These issues will be addressed in the Strategic Plan, which is currently being reviewed by staff, for presentation to Council, at a future date.

- **Noted**

4. Policies and Codes

Council is required to update a number of Policies and Codes on an annual basis and this also requires public consultation. An article appeared in our March Newsletter seeking public comment. No written or verbal comments were received.

Accordingly Council endorsement of the Policies and Codes is required, subject to any amendment that may be required.

Cr Schkabaryn moved, Cr Burgess seconded

“That the Council, following public consultation endorses the following Policies and Codes:

- *Public Consultation Policy*
- *Internal Review of Council Decisions*
- *Order Making*
- *Code of conduct for Council Employees*
- *Code of Conduct for Elected Members*
- *Code of Practice and Audit to Council meetings*
- *Tendering, Contracting and Disposal of Land Policies*
- *General Policies”*

With amendment to include

- (a) *Tendering, Contracting and Disposal of Land policies*
To reflect that any estimated gross value of goods or services which is to be over \$50000, that the method of procurement is by tender
- (b) *Code of Conduct for Elected Members*
To reflect that the Mayor is to be the Council’s spokesperson to the media.
- (c) *General Policies*
To delete the Policy regarding Demolition fees be exempt for Crown Land properties

CARRIED

5. Risk Management – Internal Audit Review

I have now been forwarded the documentation for undertaking the Local Government Association Mutual Liability Scheme’s Risk Management Review. The review covers the following areas:

- Risk and Emergency Management/Professional Identity
- Committee and New Employment and the Management of Vulnerable Groups
- Coastal Management
- Asset and Land Management – Legislative Requirements
- Land and Asset Management – Programme and System
- Land Use (Lease/License/Permit Activities)
- Road Management – Legislative requirements
- Road Management – Programme and System

- **Noted**

6. Lease – Alford Bowling Club

Following a public consultation period for Council's intention to lease a parcel of land to the Alford Bowling Club (existing clubrooms and greens area), no comments were received by the closing date of 27th April 2007.

Cr Smith moved, Cr McDonald seconded

“That Council agrees to lease, for a 21-year period from 1st July 2007, the parcel of land currently occupied as a clubhouse and greens by the Alford Bowling Club Inc, at Pt Section 661 Hd of Tickera, to the Alford Bowling Club Inc.”

CARRIED

7. Delegations and Authorised Officers

Due to the change of staff in the past twelve months and legislative changes, a review of Council's delegations and authorised officer is required. There are some 24 pieces of legislation that Council is required to consider for delegations and it is intended to have this documentation available for the June meeting for members to consider.

The complex area is delegations under the Development Act, due to the recent legislative changes to that Act.

- **Noted**

8. Performance Appraisal

Due to a lack of time and other pressing issues I have not been able to arrange for my Performance Review to be done during the past month. Arrangements will be made after I return from Annual Leave to have the review done.

- **Noted**

9. Port Broughton Community School Library

Arrangements are being made for the finalisation of plans and specifications for the Library extension. The following is the new timetable for the calling of tenders.

- Advertise for Expression of Interest to be in local papers (Flinders News and Country Times) on 15th May 2007
- Successful candidate invited to forward a tender be selected 4th /5th June
- Tenders close Friday 22nd June 2007
- Tenders considered week of 25th June 2007 and selected
- Work commences by successful tenderer late July after Engineering Services completed.

- **Noted**

10. Change of venue for Council meeting

The Manager – Finance and Administration has prepared his Draft Budget and Annual Business Plan ready for consideration at this meeting and adoption at the June meeting. As part of our public consultation process we would like to have a “Public Meeting” as part of our next Council meeting to allow community consultation. This documentation will be available to the public prior to the meeting.

Cr Kerley moved, Cr McDonald seconded

“That Council agree to hold a public consultation meeting as part of its consideration of the Annual Business Plan and Budget, as its normal Council meeting to be held on Tuesday 12th June 2007 commencing at 7:00pm at the Port Broughton Golf Club in lieu of the Council Chambers at Bute”

CARRIED

11. Meetings

A list of meetings attended by the District Manager were noted.

FINANCE REPORT

1. BUDGET REVIEW AND VARIANCES

It is a legislative requirement for Council to review its budget periodically throughout the financial year and the following documents are attached for the Budget review as at 30th April 2007:

- Operating Statement
Income - with explanatory notes
Expenditure – with explanatory notes
- Balance Sheet

Once again, in my opinion, our current financial position remains sound but we must continue to manage our finances in a responsible manner.

Cr Schkabaryn moved, Cr Rooney 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 30th April 2007 be adopted”

CARRIED

2. 2007/08 DRAFT ANNUAL BUSINESS PLAN & PRELIMINARY BUDGET (Separate document)

Legislation enforces Councils to Adopt an Annual Business Plan and a Budget on an annual basis.

However, as a prelude to this, Council is required to prepare a Draft Annual Business Plan and make it available to the public for a period of at least 21 days. The public will be invited to comment on the plan in writing. Also, in accordance with the legislation for the public consultation process, the community will be invited for additional input at a Special Meeting to be held one hour before Council's Ordinary Meeting in June 2007.

Cr Smith moved, Cr Rooney seconded

“That the 2007/08 Draft Annual Business Plan be made available for Public Consultation in accordance with the Local Government Act 1999.”

CARRIED

Cr Kerley moved Cr Schkabaryn seconded

“That the 2007/08 Preliminary Budget be made available for Public Consultation in accordance with the Local Government Act 1999”.

CARRIED

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 Simmons moved, Cr Schkabaryn seconded

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

CARRIED

MANAGER OF ENVIRONMENTAL SERVICES REPORT

1. Approved Development Report – Assessment Period 1 – 30 April 2007 inclusive

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

Cr McDonald moved, Cr Kerley 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. Bonding Agreement for Land Division 344/D006/99 by Fishermans Bay Management Pty Ltd - Update

To inform the Council of the receipt of the most recent version of the Bonding Agreement with Fishermans Bay Management (FBM), for the approved freeholding of Fisherman Bay under DA 344/D006/99.

Council at its February 2007 Meeting delegated authority to the Executive Committee to undertake the assessment of the Bonding Agreement, and authorise the use of Council's Seal, with regard to that document. A meeting of the Executive Committee will be called in the week commencing 7 May 2007 to assess the Bonding Agreement for approval.

- **Noted**

3. Customer Service Policy & Practices – Professional Advice Risk Management – Environmental and Regulatory Services

To advise Council regarding operational procedures relating to the provision of professional advice with regards to matters under the **Development Act 1993** and the **Public & Environmental Health Act 1989** and the **Land & Business(Sale & Conveyancing) Act 1994**.

Council has recently experienced a number of incidents demonstrating the risk of misinterpretation and misunderstanding by customers in relation to a range of technical and procedural matters being dealt with under the subject legislation.

In accordance with best practice risk management practices, Environmental Services staff have been advising Council customers that professional advice will no longer be given verbally, and that all enquiries are to be made in writing.

With regard to applications for Building Rules Consent for building classes 2-9 under the Building Codes of Australia, customers will now be advised upfront of their option to select a private certifier. Furthermore, for building classes 2-9, that it is Council's preference that the applicant seek private certification for Building Rules Consent. To assist applicants, Council will provide without prejudice or recommendation, a contact list of 6-8 known private building certifiers for the applicants to choose from.

- **Noted**

4. ERD Court Appeal by Fishermans Bay Management – Application DA344/D006/99V1 - Update

To inform the Council of the ERD Court Action 397 of 2006: Appeal by Fishermans Bay Management Pty Ltd against Council's refusal of 344/D006/99V1.

The subject Court conference was previously adjourned to the 26 April 2007, and has been adjourned again to the 27 July 2007.

- **Noted**

5. ERD Court Appeal by F & M Moritz – Application DA344/001/07 - Update

To inform the Council of the lodgement of an Appeal to the ERD Court by F & M Moritz against the refusal of their application for a raised attached deck in DA 344/001/07.

Council has received formal notice that the ERD Court Action 130 of 2007 Appeal by F & M Moritz, will go to an initial Court conference arranged for 23 May 2007.

- **Noted**

6. Council Development Assessment Panels (CDAP): Notice of Requirement to Establish the DC Barunga West CDAP

To advise Council of its obligations under the amended Development Regulations to establish a Council Development Assessment Panel (CDAP) or join a Regional Development Assessment Panel (RDAP) by 26 July 2007.

Council is half way through the exemption period, and given the requirements to advertise and seek independent members for the CDAP, it is an appropriate time to act on the matter.

Cr Kerley moved, Cr Burgess seconded

“That Council resolves to establish a Barunga West Development Assessment Panel in accordance with the Development (Panels) (Transitional Provisions) Regulations 2007 and authorises the District Manager to advertise and seek applications for the required number of independent members, and independent chairperson.”

CARRIED

CORRESPONDENCE

Cr Simmons moved, Cr Burgess seconded

“that the correspondence be received”.

CARRIED

1. Hon J Weatherill – Minister assisting the Premier and Cabinet

Informing Council of the Government’s decision to establish twelve uniform State Government Regions that are used by all State Department and Agencies for planning and service delivery.

- **Noted**

2. Environment Protection Agency

Providing advice on the proposed increased solid waste levy for the 2007/08 financial years, and advising of reasons for the increased levy.

- **Noted**

3. Australian Local Government Association
Inviting Council to be a part of this years National General Assembly of Local Government to be held in Darwin on 26-29th November 2007 and advising of the issues to be considered at the Assembly, including financial sustainability and environmental issues.

Cr Burgess moved, Cr Weedon seconded

“That Council approve of the Mayor and District Manager attending the National General Assembly of the Australian Local Government Association, to be held on 26th – 29th November 2007 in Darwin.”

CARRIED

4. District Council of Copper Coast
Forwarding a copy of the letter forwarded to the Chair, of the Regional Consultative Council about comments made by the Chair on the “disparity between the way the Yorke Peninsula Council’s operate in the region” and giving details of cooperative approaches made by the three Council’s.

- **Noted**

5. Mr. JJ Robinson – Tickera (C/- Cr M McDonald)
Responding to the letter from the District Manager regarding issues raised in this previous letter (refer April meeting). The issues included Tickera road programs and Tickera Social Golf Club.

Cr Burgess moved, Cr McDonald seconded

“That Council acknowledges the letter of Mr Robinson”

CARRIED

6. Yorke Peninsula Tourism Association
Advising that at the recent meeting it was resolved to wind up the Association and distribute the funds to various Progress Associations that were members of the Association.

- **Noted**

7. Australian Government Water Fund
Advising of applications being called under the Community Water Fund program (Round 3) and resting applications for projects that are eligible. Applications close 4th July 2007.

Cr Weedon moved, Cr Burgess seconded

“That the District Manager be granted approval to investigate the possibility of applying for funding under the Community Water Fund for the Bute Stormwater reuse project.”

CARRIED

8. Local Government Association of SA

(a) Advising of the review of the Association's Policy Manual and seeking comments from member Council's (A copy of the Manual is available on request)

- **Noted**

(b) Forwarding copies of LGA Report No 14 – 17

- **Noted**

Tabled Correspondence

1. Central Local Government Region
Forwarding a copy of their March Newsletter.
2. LGA Mutual Liability Scheme
Forwarding a copy of their April Newsletter
3. Northern and Yorke Natural Resource Management Board
Forwarding a copy of the Minutes of the March meeting of the Board.

PETITIONS, MEMORIALS, NOTICES OF MOTION

- Nil

NOTICE OF MOTION

- Nil

DEPUTATION

- Nil

TENDERS

- NIL

GENERAL BUSINESS

Cr Weedon reported on the recent vandalism done to the Railway Reserve Toilets at Bute.

Cr Weedon reported on discussions with Mr I. Price of the Tickera Golf Club regarding their development application.

Cr Smith advised that the Fishermans Bay Boat Ramp is in need of hand rails on the pontoon.
The Works Manager to make arrangements.

The District Manager advised that he has received a Volunteers Day invitation for June 11th for 4 people. *Members to advise of worthy participants.*

Cr. Kerley advised that the chain at the Port Broughton monument was in poor condition and should be upgraded.

CLOSURE

The Mayor declared the meeting closed at 10.15pm.

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D.DOLLING
MAYOR