

**MINUTES OF THE MEETING OF THE
DISTRICT COUNCIL OF BARUNGA WEST
HELD AT THE BUTE COUNCIL CHAMBERS ON
12th NOVEMBER 2007 AT 7:00PM**

PRESENT:

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

APOLOGIES:

Nil

CONFIRMATION OF COUNCIL MINUTES

Cr Burgess moved, Cr Schkabaryn seconded,

“That the minutes of the Meeting held on 9th October 2007 be confirmed as printed and supplied.”

CARRIED

BUSINESS ARISING FROM THE COUNCIL MINUTES

Nil

MEMBERS REPORTS

Cr. DOLLING

7th November – Audit, Works & Executive Committee Meetings
11th November – Remembrance Day Service Port Broughton
12th November – Meeting with Rob Wallace & Cr Ian Burgess
12th November – LGA Industrial Relations
17th – 19th November – LGA Half Yearly Meeting

Cr. ROONEY

7th November 2007 - Audit, Works & Executive Committee Meetings

Cr. McDONALD

17th October – Port Broughton District Hospital AGM & Board Meeting
29th October – Port Broughton Area School Governing Council Meeting
7th November – Works & Executive Committee Meeting

Cr. SCHKABARYN

17th – 19th October – LGA Annual General Meeting
2nd November – Fisherman’s Bay Progress Association Meeting
5th November – Port Broughton Progress Association Meeting
9th November – Central Region Local Government (Peterborough)
7th November – Audit & Works Committee Meeting

Cr. SIMMONS

10th October – Bute 2000 Onwards Committee Meeting
15th October – Bute Sporting Club Meeting
16th October – Barunga Village Building Meeting
17th October – Yorke Regional Development Board forum at Balaklava
23rd October – Barunga Village Meeting & Board Training
30th October – Barunga Village Building Meeting
7th November – Works Committee Meeting
8th November – Port Broughton Library Meeting
10th November – Lions & Yorke Peninsula Railway Meeting
11th November – Remembrance Day Service
13th November – Barunga Village Building Meeting

Cr. WEEDON

17th October – Yorke Regional Development Board forum at Balaklava

Cr. BURGESS

10th October – Bute 2000 Onwards Committee Meeting
12th October – Meeting with Rob Wallace & Mayor Dean Dolling
7th November – Audit, Works & Executive Committee Meeting

Cr. SMITH

16th October – YP Transport Meeting
23rd October – Aged Care Board Meeting
24th October – Aged Care Meeting
30th & 31st October – Meeting with Ratepayers
7th November – Works Committee Meeting

Cr. KERLEY

7th November – Works Committee Meeting
8th November – Library Board Management

Cr. IRELAND

Nil

COMMITTEE MEETINGS

Cr Smith moved, Cr Simmons seconded

“That all Committee reports be received.”

CARRIED

AUDIT COMMITTEE

Cr Schkabaryn moved, Cr Burgess seconded

“That recommendations 1 – 4, of the Audit Committee held on the 7th November 2007 be adopted

1. *That it is recommended that Council requests the Central Local Government Region to approach the Commonwealth Government to allow all Council Plant and Equipment to be eligible for Fuel Tax Credits.*
2. *That in accordance with Part 2, Section 123 of the Local Government Act 1999 and Part 2, Section 7 (1) of the Local Government (Financial Management) Regulations 1999 it is recommended that Council adopts the Budget Review as at 30 September 2007, as tabled.*
3. *That it is recommended that Council continues the financial accounting management of its Reserve Funds in the existing format.*
4. *That it is recommended that Council continues to track its financial sustainability ratios on an annual basis.”*

CARRIED

Cr Rooney entered the meeting at 7.10pm

WORKS AND INFRASTRUCTURE

Cr Smith moved, Cr Kerley seconded

“That recommendations 1 – 10, of the Works and Infrastructure Committee held on the 7th November 2007 be adopted

1. *That Barunga West Council apply jointly with Wakefield Regional Council for Special Local Roads Funding to construct and seal Wokurna Road from the Port Broughton to Bute Road through to Highway One north of Snowtown.*
2. *That Council support the proposal in principal to the upgrade of the Kulpara “Flinders” lookout and advise the Department of Transport Energy and Infrastructure accordingly.*
3. *That Council purchase a chemical shed (\$2334) for the Bute Council Depot to be funded from a \$1000 budget allocation for a chainsaw and budget surplus, and further that the Manager Works obtain costings for the installing of showers at Pt Broughton and Bute Chemical Storage Sheds.*
4. *That the Works Manager arranges a demonstration of the Wood Chipper available from Fox Tree Lopping, for consideration of purchase.*

5. *That the Manager Works obtains quotes to provide security fencing for the Port Broughton and Bute Works Depots.*
6. *That Council not proceed with the resealing of Arbon Road in front of Mr. Patersons residence until the road deteriorates further.*
7. *That Council continues the Policy of any ratepayer in rural areas seeking to have the portion of road in front of their house sealed, that the cost be borne by the ratepayer, and any subsequent maintenance of the road.*
8. *That the District Manager be authorised to investigate the possibility of extensions to the Port Broughton Office to cater for the long term needs of the Council.*
9. *That Council agree to the following*
 - (a) *That Council not consider the installation of Break Water at the Fisherman's Bay Boat Ramp, but continue with the policy for the Works Manager to clean the ramp at his discretion.*
 - (b) *That Council does not implement a new collection system for the "temporary" residents of Fisherman's Bay, due to Council establishing new practices at the Waste Disposal Sites.*
 - (c) *The Council will advise its staff to be more vigilant on dog control at Fisherman's Bay, but the Association be advised that Council has not received any specific complaints from Fisherman's Bay since September 2006.*
10. *The proposed toilet, if agreed by Council, would require the same process as the shelter shed, and would be required to be constructed in accordance with our Development Plan, which requires a finished floor level of 3.4AHD, and that the Manager Works be authorised to assist the Association to ascertain any levels required."*

CARRIED

Cr Ireland entered the meeting at 7.15pm

Cr Burgess moved, Cr Kerley seconded

"That in accordance with the provisions of Section 90 parts (2) and (3) (e) of the Local Government Act 1999, that the Council exclude the public from the meeting at 7.20 pm."

CARRIED

Cr Schkabaryn moved, Cr Burgess seconded

"That in accordance with the provisions of Section 90 of the Local Government Act, the Council invites the public back to the meeting at 7.40 pm."

CARRIED

MANAGERS' REPORTS

Cr Kerley moved, Cr Schkabaryn seconded,

"That all Managers' Reports be received."

DISTRICT MANAGER'S REPORT

1. Annual Report

I have now completed the 2006/07 Annual Report, which complies with the requirements of the Local Government Act. A copy of this report is included with the Agenda for members information. Upon acceptance by Council the report is required to be distributed to a number of agencies.

Cr Schkabaryn moved, Cr Kerley seconded

“That the Council accept the 2006/07 Annual Report for the District Council of Barunga West, and that the District Manager be authorised to distribute the report as required.”

CARRIED

2. Members Allowance

The Local Government Act provides for members to review their allowances every twelve months, and the amount of fees that members are entitled are prescribed by regulation.

Cr Schkabaryn moved, Cr Simmons seconded

“That the following Elected Members allowance be set for the period ending at the November 2008 Council Meeting

<i>Elected Member</i>	<i>\$3,000</i>
<i>Mayor</i>	<i>\$8,000</i>
<i>Deputy Mayor</i>	<i>\$3,750</i>

And that the allowance be paid six monthly in advance.”

CARRIED

3. University of Adelaide

I have been advised by Associate Professor David Jones of the University's Landscape Architecture Program of the desire to come to Port Broughton to undertake a study of Port Broughton as part of this program. The visit is scheduled from 18-20th March 2008.

The visit involves 20 students coming to the town and looking at ways the town can be architecturally landscaped to improve the amenities. They will also have a public forum towards the end of the visit. The cost to Council is for accommodation.

Cr Kerley moved, Cr Burgess seconded

“That Council agree to accept the invite of the University of Adelaide Landscape Architectural Students to visit Port Broughton in March 2008 to undertake some landscaping studies.”

CARRIED

4. Alford Memorial Arch

I am currently in the process of submitting an application to the Department of Veteran Affairs 'Saluting their Service Commemorative Grant' for the upgrading of the Alford Memorial Arch, which is currently in a poor state on the interior of the arch way.
The cost of this project is approximately \$2100 and Council's contribution will be minimal, and can be related to 'in kind' by way of painting the gates of the archway.

Cr Weedon moved, Cr Ireland seconded

"That Council support the application for upgrading of the Alford Memorial Archway and advise the Department of Veteran Affairs accordingly."

CARRIED

5. Central Local Government Region

Recently the Region undertook a review of its charter, to update the charter to reflect amendments to the Local Government Act (a copy of this charter is attached to my report)
As the region is a subsidiary under the Local Government Act, it needs to be formally approved by the Council.

Cr Schkabaryn moved, Cr McDonald seconded

"The Council formally approve the review (August 2007) of the charter of the Central Local Government Region, and advise the Region accordingly."

CARRIED

6. Risk Management Program 2007-08

Recently I received from our Regional Risk Coordinator the program for the 2007/08 year. The program is an ongoing process from previous years but requires adequate resources for Council to ensure that the program is maintained.
A copy of the program is attached for members information.

- **Noted**

7. Occupational Health Safety & Welfare Audit

The Council is currently going through the annual self audit review for OHS&W with our Regional Risk Coordinator.

- **Noted**

8. Meetings

A list of meetings attended by the District Manager was presented at the meeting

- **Noted**

9. Environmental Services - Training

Arrangements were made for the Manager Environmental Services, Mark Marziale to give a presentation on the role that he undertakes on behalf of Council, and the liability issues to Council in respect of the responsibilities of his duties.

- **Noted**

10. Temporary Road Closures

The Barunga West Road Safety Group have sought approval for a Defensive Driving program for young people on the 11th and 12th December 2007. We have agreed for the Group to utilise Aitchison and Arbon Roads (Port Broughton) for this program, and the Port Broughton Apex Club, have requested the closure of roads for the annual Christmas Pageant on 15th December.

Cr McDonald moved, Cr Simmons seconded

“That pursuant to Section 33 of the Road Traffic Act 1961, Council agree to temporarily close

- 1. Aitchison Road and Arbon Road, Port Broughton between the hours of 9.00am and 5.00pm on Tuesday 11th December 2007 and Wednesday 12th December 2007 for the purpose of conducting a Defensive Driving Program.*
- 2. East Terrace (from James Street to Bay Street), Bay Street (from East Terrace to West Terrace) and West Terrace (from Bay Street to James Street) on Saturday 15th December 2007 for the purpose of the annual Christmas Pageant.”*

CARRIED

MANAGER FINANCE AND ADMINISTRATION REPORT

1. Monthly Financial Reports

- Cash Flow
- Balances of LGFA 24 Hour Investment Fund and Reserves
- Rates & General Income

2. Cheque & EFT Listing

Cr Kerley moved, Cr McDonald seconded

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

CARRIED

3. Port Broughton Bowling Club

Letter of appreciation regarding insurance.

- **Noted**

4. Local Government Finance Authority

Advice of \$5,637.13 Bonus Payment.

- **Noted**

5. Port Broughton Community Library

Advice of Public Library Services Local Purchase funding of \$870 and matching Council Contribution.

- **Noted**

6. LGA Workers Compensation Scheme

Advice of additional rebate of \$2990.80 (GST excl) on Wages for 2006/07

- **Noted**

7. Cr Kerley advised that she had some concerns with the CPI increase that was relevant to the Patrol Grader Contactors for the Council, and that this issue should be reviewed.

Cr Kerley moved, Cr Simmons seconded

“That a report be prepared by senior staff into the issue of the CPI Increase for the Patrol Grader Contractors, and that this report be referred to the next Audit Committee Meeting for further discussion.”

CARRIED

Blue Jolly – Manager – Finance and Administration left the at 8.10pm

MANAGER ENVIRONMENTAL SERVICES

1. Approved Development Report

Assessment Period 1 – 31 October 2007 inclusive.

Cr McDonald moved, Cr Schkabaryn seconded

“That 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 21 November 2006.”

CARRIED

2. Building Fire Safety Committee Meeting - Update

The Barunga West District Council Building Fire Safety Committee (“Building Fire Safety Committee”) acting as the “appropriate authority” (as the term is defined in the Development Act, 1993) in respect of all fire safety matters, assessed eleven (11) properties/items including commercial, council and community buildings and caravan parks.

A number of fire safety deficiencies were identified during the inspections, and the owners will be advised of their requirements in writing in the near future.

- Noted

3. ERD Court Action 388 of 2007 – Appeal by D & E Eason – Application DA 344/002/07

The application for a shed on the boundary of the Coastal Zone, went to Category 3 Public notice and was granted Provisional Development Plan Consent. From what is understood to date, the applicants are appealing the condition requiring a minimum site level Australian Height Datum (AHD) and minimum finished floor level AHD in accordance with the Development Plan.

ERD Court Action 388 of 2007, the Court conference is listed for 4 December 2007, in Pt Broughton Offices of Council.

- Noted

4. Development Compliance and the Office of Consumer and Business Affairs

Representatives from the Compliance branch of the OCBA advised the Manager ES that they were investigating builders in the region, following complaints. They advised that following recently successful prosecutions of builders under the Trade Practices Act and the Fair Trading Act, the OCBA would like Council to report any incidence of builders commencing building work without full development approval. Council will be cooperating with the OCBA to ensure its ratepayers are not exposed to the financial risks and distress caused by illegal building works.

Illegal or sub-standard development and building work, and the necessary compliance procedures required by the Development Act, can be the cause of serious financial risk and stress to the individual owners involved, their families, and ultimately their communities and council.

Council's means of prosecution to ensure compliance is through Section 84 of the Development Act, however this process, unfortunately in some cases, places the onus of responsibility on Owners, who may have been misled by a builder into believing they had development approval.

Builders prosecuted under the Trade Practices & Fair Trading Act, are liable for substantial fines and penalties, and furthermore, formal review of their licences, by the Builders Licensing Review Board.

The discovery of unauthorised or illegal development incidents, most of them retrospective, and the address of their related customer service complaints, has become a major administrative burden for the Environmental Services section of council, now demanding equal time the assessment of new development applications, indicates the need to review risk management procedures, to mitigate impending liabilities.

- Noted

5. Emergency Management & Natural Disaster Mitigation Planning Project – Central Local Government Region of SA - Update

Pursuant to Section 7(d) of the Local Government Act 1999, Council has continued in its function to take measures to protect its area from natural and other hazards and to mitigate the effects of such hazards , through the attendance of the Manager of Environmental Services at the CLGR working group preparing a template Emergency Management and Disaster Mitigation Plan for Barunga West.

The next meeting of the CLGR Emergency Management and Disaster Mitigation Planning group is **Wednesday 28th November at Clare.**

- Noted

6. Towns and Townships Development Plan Amendment Report (PAR): Endorsement for submission to the minister for urban development and planning for authorisation

The PAR was commenced in March 2005 when Planning SA approved the Statement of Intent to be prepared by QED Consultants for Council. Public and Agency Consultation was completed by 12 December 2007.

There were a significant number of comments made on the content of the PAR, from both government agencies and private stakeholders, which have been addressed by the Manager of Environmental Services and the consultants QED in the Statement of Investigations. Notable amendments include the boundary realignment of the proposed Rural Living Zone east of Tickera township.

The PAR has reviewed and updated the policies of the Barunga West (DC) Development Plan, in order to adopt an improved structure, layout and policy content in accord with the South Australian Planning Strategy.

Cr Schkabaryn moved, Cr McDonald seconded

“That

1. *Endorses the draft Towns And Townships Plan Amendment Report dated September 2007: Version 3 .*
2. *Authorises the Chief Executive Officer and /or the Manager – Environmental Services to undertake the following actions as required:*
 - 2.1 *Execute any minor grammatical and editorial amendments that may be required in finalising the draft*
 - 2.2 *Sign the Approval Certificate prior to it being forwarded to the Minister for Urban Development and Planning*
 - (a) *Submit the Towns And Townships Plan Amendment Report to the Minister for Urban Development and Planning seeking his Authorisation pursuant to Section 25 of the Development Act 1993.”*

CARRIED

Mayor Dolling advised that in accordance with the provisions of Section 74 of the Local Government Act 1999, that he had a conflict of interest with the Fisherman's Bay Freeholding Update, and left the meeting at 8.45pm.

7. Fisherman Bay Freeholding Update:

Fishermans Bay Management Pty Ltd requirements for clearance of titles for DA 344/D006/99;

ERD Court Appeal by Fishermans Bay Management Pty Ltd for DA 344/D006/99V1;

Sewerage Collection and Treatment System DA 344/102/07 & the associated Bonding Agreement

Cr McDonald moved, Cr Kerley seconded

*“That Pursuant to Section 90 Parts 2 & 3(b), (d), (e) and (h) of the **Local Government Act 1999** the Council hereby declares information and matters contained in the following officers report, regarding the freeholding of Fisherman Bay in DAs 344/ D006 /99 and D006/99 VI, shall be received, discussed and considered on a confidential basis, and subsequently **requires the exclusion of the public from attendance** during so much of the meeting as is necessary to complete its dealings with the subject matter.”*

CARRIED

“That in accordance with the provisions of Section 90 of the Local Government Act 1999, the Council invites the public back to the meeting at 9.05 pm.”

CARRIED

Mayor Dolling returned to the meeting at 9.05pm.

CORRESPONDENCE

Cr Kerley moved, Cr Smith seconded

“That the correspondence be received.”

CARRIED

1. District Council of Copper Coast

(a) Advising of the inaugural “Celebration of Employment” awards currently being undertaken in the Yorke Region, and of a presentation dinner being held on 1st December 2007. Seeking a financial contribution from our Council.

Cr Burgess moved, Cr Simmons seconded

“That Council endorse the action of the Mayor and the District Manager to contribute \$750 towards the Celebration of Employment Award being undertaken by the District Council of Copper Coast”.

CARRIED

(b) Advising of a proposal for the establishment of an Integrated Regional Strategic Tourism Plan for the Yorke Region, in conjunction with the Yorke Peninsula Tourism Marketing Board and seeking Council's support for involvement in this plan.

(Council's contribution would be on a reduced scale when compared to Copper Coast and Yorke Peninsula Councils)

Cr Smith moved, Cr Kerley seconded

"That Council support the establishment of a Integrated Regional Strategic Tourism Plan for Yorke Peninsula Region, with funding being on a similar percentage to the Tourism Marketing Board contribution, to a maximum of \$3,500, payable in the 2008/09 financial year."

CARRIED

2. Minister assisting the Premier of Arts

Encouraging Council to submit a proposal for the 2010 SA Regional Centre of Cultural Program.

Cr Smith moved, Cr Schkabaryn seconded

"That Council advises the Minister for the Arts that it will not be submitting an application under the Cultural Program, due to its limited resources."

CARRIED

3. Port Broughton Progress Association

Advising Council to consider erecting Christmas decorations in Port Broughton including lighting of the foreshore.

Cr Weedon moved, Cr Simmons seconded

"That the District Manager organise for the Christmas Garland to be erected by Council Staff."

CARRIED

4. Local Government Association of SA

Forwarding LGA Report No. 40- 44

Cr Weedon moved, Cr Kerley seconded

"That Cr Schkabaryn be nominated for the SA Boating Facility Advisory Committee (43.10)."

CARRIED

Tabled Correspondence

1. KESAB

Advising that the 2007 Tidy Town Awards will be held on 3rd December 2007

2. Dog & Cat Management Board

Forwarding a copy of their September 2007 Bulletin

3. Central Local Government Region

Forwarding a copy of their September & October 2007 Newsletters

4. Yorke Peninsula Tourism Marketing Board

Forwarding the Marketing Managers October Report

5. Local Government Association

Forwarding a copy of the 2006/07 Annual Report

PETITIONS, MEMORIALS, NOTICES OF MOTION

- Nil

NOTICE OF MOTION

- Nil

TENDERS

- Nil

QUESTIONS WITHOUT NOTICE

Cr Kerley asked about the current capacity of the Port Broughton STEDS Lagoon. There was currently excess water in the lagoon that should be watered onto the Port Broughton Golf Course. The District Manager advised of EPA Guidelines for watering of waste water but that he would arrange for the Manager – Works to investigate this issue.

Cr Kerley asked about access to the fishing site at Port Broughton at Craig Evan's gate (Sunnyside). The District Manager advised that he would prepare a report for the next meeting.

Cr Simmons enquired as to whether blocks that were issued Section 40 Notices could be sprayed rather than being mowed at a later date to stop the spread of weeds. The District Manager advised that he would follow up this issue with the Supervisor Parks & Gardens.

Cr Weedon asked if the Manager - Works could prepare a report for Council to consider the upgrading of Yarroo Road, which adjoins the District Council of Yorke Peninsula, whilst Council was upgrading Balaklava Road. This report to be presented to the next meeting of Council.

Cr Schkabaryn asked for a current report on a partially completed structure on a property in Dalling Street, Port Broughton to be prepared by the Manager - Environmental Services to be considered at the next meeting.

Cr Smith enquired into the correct protocol that Ratepayers should take with regards to complaints about neighbouring blocks.

GENERAL BUSINESS

-Nil

The meeting was adjourned at 9.35pm.

The Meeting recommenced at 9.45pm.

PRESENTATION

The Manager – Environmental Services gave a presentation to members on the his role regarding the Development Application process, including Building Rules consent, and the issues that arise, including Council’s liabilities if these processes were followed in accordance with the relevant Act and Regulations.

The District Manager advised of administrative procedures that had been implemented to help property owners “speed” up their approval process.

He also advise members of the processes involved in Section 7 searches (Land & Business Conveyancing Act 1994), and the ramifications to prospective purchasers, real estate agents and in particular Council, should these searches not be completed accurately.

Discussion was held on the issues raised and it was agreed that information relating to the need to ensure the necessary approvals were received for any development work on properties were received. The District Manager advised that he and the Manager – Environmental Services would prepare information for the Newsletter.

Mayor Dolling thanked the Manager – Environmental Services for his presentation which did highlight the concerns that some members had received from property owners.

CLOSURE

The Mayor declared the meeting closed at 10.55 pm

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D.DOLLING
MAYOR