

**MINUTES OF THE MEETING OF THE  
DISTRICT COUNCIL OF BARUNGA WEST  
HELD AT THE BUTE COUNCIL CHAMBERS ON  
OCTOBER 10<sup>th</sup> 2006 AT 7:50PM**

**PRESENT:**

Cr D Dolling (Chairman), Cr G O'Connor, Cr B Rooney, Cr H Daniel, , Cr T Schkabaryn, Cr I Burgess, Cr L Kerley, Cr I Young, Cr G Simmons, N Hand (District Manager), P Ward (Deputy District Manager), R Linke (Manager – Works)

**APOLOGIES:**

Cr J Aitchison, M Marziale (Manager – Environmental Services)

**CONFIRMATION OF COUNCIL MINUTES**

Cr Kerley moved, Cr O'Connor seconded,

*“that the Minutes of Meeting held on September 12<sup>th</sup> 2006 be confirmed as printed and supplied.*

**CARRIED**

**BUSINESS ARISING FROM THE COUNCIL MINUTES**

1. No response has been received to date from Telstra regarding the pay phone on West Terrace.

**- Noted**

**DECLARATION OF CONFLICT OF INTEREST**

The Chairman advised that he had submitted a tender for the rollers.

**MEMBERS REPORTS**

**Cr. DOLLING**

Nil

**Cr. ROONEY**

Nil

**Cr. YOUNG**

Oct 10 Transport & Community Care Board

**Cr. SCHKABARYN**

Sept 28 YPTA Tourism Awards

Sept 30 Fishermans Bay Progress Association

**Cr. G.SIMMONS**

Sept 16 Lions Club YP Rail Meeting

Sept 19 Barunga Village Development Meeting  
Sept 28 Port Broughton Library Board  
Oct 3 Barunga Village Development Meeting  
Oct 4 Barunga Village Development Meeting  
Oct 7 Lions Club YP Rail Meeting

**Cr AITCHISON**

Nil

**Cr BURGESS**

Nil

**Cr KERLEY**

Sept 20 Port Broughton Hospital Board  
Sept 28 Port Broughton Library Board

**Cr DANIEL**

Nil

**Cr O'CONNOR**

Nil

Cr Daniel moved, Cr Kerley seconded

*“that council send a letter of congratulations to Jason & Jodie Boundy, whose Caravan Park won two tourism awards from the Yorke Peninsula Tourism Association.”*

**CARRIED**

## **MEMBERS QUESTIONS**

Nil

## **COMMITTEE REPORTS**

Cr Schkabaryn moved, Cr Young seconded

*“that all committee reports be received.”*

**CARRIED**

## **WORKS & MACHINERY COMMITTEE**

Cr Burgess moved, Cr O'Connor seconded

*“that recommendations 1 - 3 of the Works Committee on the 10<sup>th</sup> October 2006 be adopted.*

- 1. That the trees at the corner of George and Florence streets be inspected at the next Works Committee meeting.*
- 2. That a quote should be obtained for single poles and if quote is suitable for administration to give approval for installation of such poles.*

**CARRIED**

## AUDIT COMMITTEE

Cr Schkabaryn moved, Cr Burgess seconded

*“that recommendations 1-2 , of the Audit Committee on the 10<sup>th</sup> October 2006 be adopted.*

- 1. That Council adopts the recommended Budget amendments for September 2006.*
- 2. That the Port Broughton Progress Association be requested to obtain another quote for rendering the Port Broughton Town Hall.”*

**CARRIED**

## WASTE MANAGEMENT COMMITTEE

Cr Burgess moved, Cr Kerley seconded

*“that recommendations 1 - of the Waste Management Committee on the 10<sup>th</sup> October 2006 be adopted.*

- 1. That Council reduce the opening hours of the Bute Waste Disposal Site to four hours per week as follows:*

*Wednesday 3-5pm*

*Sunday 3-5pm*

*And that Mr N Glass be offered a contract to operate as Caretaker to the 30<sup>th</sup> June 2007.”*

**CARRIED**

## OFFICER'S REPORTS

Cr Burgess moved, Cr Simmons seconded

*“That all Officer's Reports be received.”*

**CARRIED**

## DISTRICT MANAGER'S REPORT

### **1. 2006 Elections**

At the close of nominations for the 2006 Elections, fourteen nominations were received for the ten vacancies. A draw was made and the following order for the ballot paper was determined.

Councillor for the Area

KERLEY, Leonie Helen

SCHKABARYN, Tony

SIMMONS, Georgie

ASLIN, Betty

SMITH, Russell

BURGESS, Ian David

IRELAND, Stacey Lee

ROONEY, Brian Dennis

STUART, Debra

HARRIS, Wendy June

McDONALD, Margaret  
WEEDON, Mark  
HARPER, Scott  
DOLLING, Dean Charles

Voting material will be forwarded to electors by post between Monday 23 and Friday 27 October 2006.

Arrangements have been made with the State Electoral Commission for the printing of all ballot papers and distribution of voting papers. All voting papers will be returned to our office.

The count for the election will take place on Saturday 11<sup>th</sup> November 2006 at 9:00am in the Council office at Port Broughton. At this stage, the primary votes will be counted at Port Broughton, and the distribution votes done at the Electoral Commissioners Office in Adelaide. This is yet to be finalised by the Commissioner.

I will be attending a training seminar on Saturday 21<sup>st</sup> October on vote counting requirements.

**- Noted**

**2. Elected member training**

The Local Government Association is currently arranging for elected members training to occur in late November. There are a range of “packages” being arranged from 3 hour sessions to 2 day residential courses.

Topics being considered are extensive and include Governance, conduct of meetings, conflict of interest, financial planning, code of conduct etc. Regional training sessions are being considered and this would be at Clare for our region. Further details will be advised prior to our November Council meeting.

**- Noted**

**3. Change of meeting Dates**

The next meeting of Council is scheduled for 14<sup>th</sup> November. With the requirements for provisional declaration of the counting of votes, then a time frame of 72 hours for any recounts required, and the requirements for giving three days notice of a Council meeting, the date of the meeting requires to be changed.

Cr O'Connor moved, Cr Kerley seconded

*“That Council agrees to reschedule the November 2006 Council meeting from 14<sup>th</sup> November to 21<sup>st</sup> November 2006, due to the election process being undertaken in November 2006.”*

**CARRIED**

**4. Local Government Association Mutual Liability Scheme Awards**

The Council has forwarded a submissions to the LGA'S Mutual Liability Scheme annual awards. This is for council's treatment of the issues relating to AHD (Australian Height Datum) levels at Fisherman's Bay and the requirements of Council to initiate policies for the control of development.

The submission reflect the good work done by our Manager Environmental Services (Mark Marziale) and how the Council manages the risks involved in both of this project. It also look at the benefits for other Council's facing the same problems.

Cash prizes are involved for this award if successful. The Awards will be announced during Local Government Week on 20<sup>th</sup> October 2006.

- **Noted**

**5. Barunga Village representation**

The Council currently has a representative on the Barunga Village Board (Cr Georgie Simmons) and with their AGM scheduled to be held on 19<sup>th</sup> October 2006 are looking for confirmation of a Council representative.

I have advised that due to Council elections I have arranged for Cr Simmons to continue her appointment until the November Council meeting, at which time Council would appoint a delegate to their Board.

- **Noted**

**6. Committee Meetings - November**

Due to the Council elections in November, I would seek Council's direction for holding their November Committee meetings.

Cr Schkabaryn moved, Cr Simmons seconded

*"that due to Council elections in November 2006, the Council does not have any Committee meetings in November 2006."*

**CARRIED**

**7. Port Broughton Office extensions**

Preliminary plans have been prepared by Scott Harper for extensions to the Port Broughton office to cater for additional office space. A copy of these plans are attached for members information. Preliminary costs from Scott are \$175,000 - \$205,000 depending on roofing requirements.

At this stage they have not been to a staff meeting for comments. Due to the elections, and the changes that will occur to membership of the Council, I will present the plan formally to the December meeting for further discussion.

- **Noted**

**8. Farewell to Elected members**

Four current members have not renominated for Council (Crs Daniel, Aitchison, Young and O'Connor) and will be attending their last Council meeting, on 10<sup>th</sup> October 2006.

I wish them well in their "retirement" from Council and thank them for their service during their time on Council.

I would like to particularly mention Howard Daniel's service to Council. Howard was a member of the former Bute Council and was the inaugural Chairman of the Council for six years.

The Council was fortunate to have Howards leadership and guidance in the early years as we experienced changes as the result of the amalgamation. From a personal

point of view I appreciate his support and assistance during these years. He was always available for me to discuss a range of grievances and I sincerely thank him for that help. Howard's wisdom and guidance will be missed from Council.

- Noted

**9. Fisherman's Bay Dry Zones**

Following an article in Council's newsletter seeking comments on possible Dry zones for Fisherman's Bay and a review of existing arrangements for Port Broughton, I only received one written submission (attached to my report), seeking to have the Dry Zone area extended from one playground area to the other playground area.

The Council needs to consider the issue of having a dry zone at Fisherman's Bay and to what level and to the area involved for such a Dry Zone.

A copy of the letter from Councils solicitors regarding the process included is attached. It outlines the three ways to declaring dry zones (or partial zones) and the issue of enforcement. Judging from the advice I would question the validity of the partial Dry zone on the Port Broughton foreshore. The issue of enforcement needs to be considered.

Attached to my report is a letter from the office of the Liquor and Gambling Commission regarding the review of areas declared for Dry Zones.

Cr Simmons moved, Cr Schkabaryn seconded

*"that Council seeks to impose a ban on liquor consumption between the hours of 11.00pm and 6.00am on the Fishermans Bay and Port Broughton foreshores, and that Council proceeds through the Liquor Licensing (Dry Areas – Long Term) Regulations of 1997."*

**CARRIED**

**10. Footpath Committees**

As a result in seeking expressions of interest from the community for interested people to be on a township "Footpath Committee", I received only one letter of interest from Bute and Port Broughton.

The purpose of the Footpath Committee would be to look at priorities for footpaths in the two townships and to establish strategies and priorities for Councils Works Program.

The District Manager advised that Council management would establish a list of footpath priorities, in consultation with interested ratepayers, and forward this to the new Council for consideration.

- Noted

**11. Meetings**

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

- Noted

**MANAGER OF ENVIRONMENTAL SERVICES REPORT**

# **1. FISHERMANS BAY MANAGEMENT – Bank Bond Guarantee Agreement for the Construction and Maintenance of the Fishermans Bay Sewerage Collection and Treatment System DA 344/D006/99– UPDATE**

## *Purpose – For information only*

At its Meeting held 14 June 2005 Council resolved to endorse the bonding agreement for the construction of the sewerage system.

In order to confirm the details contained in the Bonding Agreement the Manager Env'tl Svcs met with Peter Fisher on Friday 22 September 2006.

The matters confirmed relating to the most recent draft of the Agreement are set out below:-

1. That the Bonding Agreement only relates to the satisfaction of Condition No 4 attached to the development Consent previously granted for 344/D006/99, for section 51 Clearance. The Agreement does not cover nor dispense the developers obligations to meet Councils requirements under Conditions 1, 2, 3, & 5.
2. Although FB Management has lodged an application for the Sewerage Collection and Treatment Plant, Received 13 September 2006, DA 344/102/06, the application is yet to be approved. More particularly, the System has been proposed on land which accord into Condition No 5 attached to the consent, is to be vested in Council as Road Reserves. Council has not been able to negotiate a solution with FB Management regarding the use of the subject land.
3. Council has endorsed the Agreement, however it is unclear which version of the Agreement the Council endorsed;
  - The most recent draft of the Agreement dated 22/09/06 still requires the insertion of critical information, ie such as the Value of the Works, Commencement Date, Completion Date.
  - There was no necessary resolution authorising the use of Council's Seal.
  - Furthermore, the Agreement has not been signed by either party.

**The absence of critical detail, give the extent of amendments between drafts of the Agreement, is cause for concern, but has created opportunity for further negotiations and Risk Assessment as necessary.**

4. Council may take charge of Fishermans Bay Pipeline Pty Ltd where it fails to complete the construction of the System.
5. Council right to take charge of FB Pipeline P/L may be challenged, and it may have to compete with a Receiver, Liquidator or Bank Auditors should FB Pipeline P/L default due to bankruptcy. Furthermore, FB Pipeline may be sold during or after the completion of the System, dissolving whatever efficiencies or flexibility Council has enjoyed through familiarity with the current directors of FB Pipeline P/L.
6. Council has not checked the financial status and capacity of FB Pipeline P/L to assess its capacity to undertake the Works.

**This identifies a potential financial Risk to Council, where Council previously decided to alleviate the developers of the standard requirement for a Bank Bond Guarantee for the value (\$) of Construction of the System, for no documented reason.**

7. There are substantial financial and administrative burdens to be borne by Council, that may be reasonably expected as a result of Councils involvement with this Agreement.

Please find the relevant documents, attached to this Report.

## **2. System Indicator Reporting: Stage 2 – Third Quarter, to Planning SA**

### Purpose – For information only

To inform Council of the completion of the statutory reporting to the Minister for Planning and Urban Development for the third quarter 1 July to 30 September 2006.

Please find a copy of the *System Indicator Report Stage II - 3rd Quarter* report attached.

## **3. Annual Report 2005/06 to the Public & Environmental Health Council**

### Purpose – For A Decision

To inform Council of the completion of the statutory reporting to the Public & Environmental Health Council for the financial Year 2005-06.

Please find a copy of the Annual Report to the P & EH Council attached to this Report.

Cr Schkabaryn moved, Cr Kerley seconded

*“that Council endorses the information contained in its Annual Report to the P & EH Council for the financial year 2005/06.”*

**CARRIED**

## **4. APPROVED DEVELOPMENT REPORT - 1 – 30 September 2006**

### Purpose – For a Decision.

To inform Council of Development consents granted under Delegation to the Authorised Officers.

**Please refer to the attached Approved Development Report.**

In addition to the Approved Development listed on the attached Report , the following Development Applications (Land Divisions and/or Developments Applications) were approved under delegated Authority in the month of **SEPTEMBER** 2006:

Cr Daniel 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 14<sup>th</sup> June 2005.”*

**CARRIED**

## **FINANCE REPORT - Nil**

### **1. Bank Reconciliation**

The bank reconciliation for September 2006 was presented at the meeting.



Cr Daniel moved, Cr Kerley seconded  
*“that the bank reconciliation for September 2006 be accepted.”*

**CARRIED**

## **2. Cheque Listing**

The cheque and EFT listing for September 2006 was presented at the meeting.

Cr Schkabaryn moved, Cr Young seconded  
*“that cheques numbered 12521-12612 totalling \$136,014.01, and payroll EFTs totalling \$45,556.15 be approved for payment.”*

**CARRIED**

## **3. LGFA Investments**

The LGFA Investment listing for September 2006 was presented at the meeting.

- **Noted**

## **CORRESPONDENCE**

Cr Burgess moved, Cr O’Connor seconded

*“that the correspondence be received”.*

**CARRIED**

### **1. SA Country Fire Service**

Advising that due to current weather conditions and the amount of dry grass the Fire Danger season has been brought forward to 15<sup>th</sup> October (in lieu of 13<sup>th</sup> November 2006)

- **Noted**

### **2. Native Vegetation Council**

Advising that the Council has resolved to endorse a Draft Roadside Vegetation Management Plan for a five year period, with a review to be undertaken after two years, with 5 amendments to be included.

Cr Schkabaryn moved, Cr O’Connor seconded

*“That the Council agree to accept the five recommendations to the District Council of Barunga West Draft Roadside Vegetation Management Plan as suggested by the Native Vegetation Council.”*

**CARRIED**

### **3. Minister for Urban Development and Planning**

Advising that Parliament passed the amendments to the Development Act for the establishment of Council Development Assessment Panels (CDAP) and seeking for Councils to have their CDAP’s in place by January 2007. (A report on the progress for our CDAP will be presented to Councils meeting.)

- **Noted**

## **Tabled Correspondence**

The following correspondence is available for members to peruse at the meeting if desired.

**1. Local Government Association of SA**

(a) A copy of LGA Reports Nos 36-37

(b) Giving details of the State Budget in respect of Local Government programs.

**2. Northern and Yorke NRM Board**

A copy of their monthly report

**3. Local Government Association Mutual Liability Scheme**

Forwarding a copy of their quarterly Newsletter

**4. Rosemary Cradock**

Forwarding a progress report on the Nukunu Native Title Claim

**5. Murray Darling Association**

Forwarding a copy of their MDA –E News

**6. Yorke Peninsula Tourism Association**

Advising of the YP Tourism Awards Winner (Port Broughton Caravan Park won the best Caravan Park and Tourism Excellence awards).

**7. Mr. K O’Connell**

Forwarding a copy of a letter he forwarded to the Minister of Fisheries regarding extending the closed area for net fishermen.

**CHANGE OF OWNERSHIP**

Cr Schkabaryn moved, Cr Simmons seconded

*“That the Assessment Record be altered to reflect the following change of ownership.”*

<b>ASSESS No</b>	<b>ADDRESS</b>	<b>SELLER</b>	<b>BUYER</b>
<b>A23870</b>	13 High Street, Bute	DK Beaglehole	KA Knight
<b>A13251</b>	18 Mullet Road, Fisherman’s Bay (Lease)	JC Morrison & EM Merret	HJ & DJ Tulloch
<b>A14136</b>	4 Snapper Road, Fisherman’s Bay (Lease)	D Slaven	CN & RB McKinnon
<b>A29692</b>	2 Railway Terrace, Bute	GL & MA O’Connor	SD & KP Brown
<b>A19186</b>	Section 277, Kadina Road, Bute	D & ID Burgess	HA & CW Turner & K Burgess
<b>A28159</b>	Lot 42 Barnes Road, Port Broughton	Sonwards Developments	SJ & RJ Robinson & EW Causby
<b>A1656</b>	2 Whelan Road, Port Broughton	CW & K Morris	HL Napier
<b>A20216</b>	Lot 95 High Street, Alford	RP & CE Matthews	DG Moyle & PA Crowe

**CARRIED**

**PETITIONS, MEMORIALS, NOTICES OF MOTION - Nil**

**DEPUTATION - Nil**

## TENDERS

The District Manager advised that only one bid was received for Council's Dodge Truck.

Cr Schkabaryn moved, Cr O'Connor seconded

*"that Council accept the tender from David Arbon for \$1,111 (GST incl) for Council's Dodge truck."*

**CARRIED**

Chairman Dolling declared a conflict of interest and left the meeting at 8.35pm

The District Manager advised that only one bid was received for Council's Rib Roller.

Cr Schkabaryn moved, Cr Young seconded

*"that Council accept the tender from DC Dolling for \$3,200 (GST incl) for Council's Rib Roller."*

**CARRIED**

The District Manager advised that only one bid was received for Council's MacDonald Roller.

Cr Young moved, Cr O'Connor seconded

*"that Council accept the tender from DC Dolling for \$2,100 (GST incl) for Council's MacDonalds Roller."*

**CARRIED**

Chairman Dolling returned to the meeting at 8.40pm

## GENERAL BUSINESS

## CLOSURE

**The Chairman declared the meeting closed at 8.47pm**

.....  
D.DOLLING  
CHAIRMAN