

**MINUTES OF THE MEETING OF THE
DISTRICT COUNCIL OF BARUNGA WEST
HELD AT THE BUTE COUNCIL CHAMBERS ON
MARCH 14th 2006 AT 7:00PM**

PRESENT:

Cr D Dolling (Chairman), Cr B. Rooney, Cr G O'Connor, Cr J Aitchison, Cr H Daniel, Cr L. Kerley, Cr I Burgess, Cr T Schkabaryn, Cr G Simmons, Cr I Young, N Hand (District Manager), P Ward (Deputy District Manager), M Marziale (Manager – Environmental Services)

APOLOGIES:

R Linke (Manager – Works)

CONFIRMATION OF MINUTES

Cr Rooney moved, Cr Kerley seconded,

“that the Minutes of Meeting held on February 14th 2006 be confirmed as printed and supplied.

CARRIED

BUSINESS ARISING FROM THE MINUTES

1. The desludging of septic tanks in Bute has now been completed, without too many concerns. Only one property was unable to be attended to.
2. The Manager – Works has arranged for Transport SA to undertake an audit of the boat ramp in relation to speed limit restrictions on the ramp. It is hoped for this to be done in the near future, with a recommendation to implement a 15kph zone.
3. The exit door latch for the Port Broughton Institute has been installed and is being trialled.

DECLARATION OF CONFLICT OF INTEREST

Cr Kerley declared a potential conflict of interest in item 8.2.5 of the Environmental Services Report matter of K Kerley.

MEMBERS REPORTS

Cr. DOLLING

8th March – Audit, Works, Waste and Management Committee Meetings
13th March – Sail Boat farewell at Port Broughton
14th March – Grants Commission Meeting
16th February – Yorke Regional Development Board, Port Wakefield
17th February – Planning Workshop - Kadina

Cr. YOUNG

24th February – Barunga West Health Care Committee Meeting
8th March – Audit, Works and Waste Meeting
14th March – Grants Commission Meeting

Cr. SCHKABARYN

17th February – Planning SA conference
23rd February – Yorke Peninsula Tourism Association
6th March – Port Broughton Progress Association
8th March – Works, Audit and Waste Committee Meetings
10th March – Fisherman’s Bay Progress Association
14th March – Grants Commission Forum

Cr. G.SIMMONS

16th February – HACC Meeting
27th February – Barunga Village Building Meeting
27th February – Barunga Village meeting
4th March – LCYP Rail meeting
8th March – Barunga Village Accreditation Celebration
8th March – Works Meeting
8th March – Bute 2000 Meeting
11th March – LCYP Rail Open Day
13th March – Sports Club Meeting
14th March – Barunga Village Building Meeting
14th March – Grants Commission Presentation

Cr AITCHISON

8th March – Works, Audit and Waste Meeting

Cr ROONEY

8th March – Works, Waste and Audit Meetings
14th March – Grants Commission Meeting

Cr BURGESS

8th March – Works, Waste and Audit Committee meeting
8th March – 2000 Onwards meeting

Cr KERLEY

15th February – Hospital Board
9th March – Works Committee Meeting
10th March – AGM Library Board

Cr DANIEL

13th March – Gulf Cruise Start and Breakfast
14th March – Grants Commission Meeting

Cr O’CONNOR

8th March – Audit Meeting
9th March – Financial Sustainability Seminar
14th March – Grants Commission

MEMBERS QUESTIONS

Nil

COMMITTEE REPORTS

Cr Schkabaryn moved, Cr Burgess seconded

“that all committee reports be received”

CARRIED

WORKS & MACHINERY COMMITTEE

Cr Aitchison moved, Cr Burgess seconded

“that recommendations 1 – 5, of the Works Committee on the 8th March 2006 be adopted

1. *That this request be deferred pending an inspection by the Bute 2000 Onward Committee.*
2. *That the Manager-Works be authorised to undertake any works required on upgrading the footpath on the corner of Everard and George Streets..*
3. *That the Works Manager be asked to cost a suitable walkway between Fisherman’s Bay Road and Dolling Court, to enable suitable access, for consideration by Council.*
4. *That the Council support the request of Fisherman’s Bay Progress Association to seek the support of Fisherman’s Bay Management to have 24 Whiting Road set aside as a public reserve, to allow access to the Beach as part of the freeholding process.*
5. *That no action be taken in regards to the erosion problem at 142 Whiting Road, Fisherman’s Bay.”*

CARRIED

WASTE MANAGEMENT COMMITTEE

Cr Simmons moved, Cr Young seconded

“that recommendations 1 – 4, of the Waste Management Committee on the 8th March 2006 be adopted

1. *That the contract price from Wardle’s Garbage, be accepted as from 1st July 2006, for the Wheelie Bin collection at Bute, Kulpara and Melton.*
2. *That Council agree to restrict access to the Alford and Kulpara Waste disposal sites as from 1st July 2006 and that these sites be opened quarterly for access to residents, with consideration being given to one free access to all dumps each year.*
3. *That Council advises the Fisherman’s Bay Progress Association that consideration is being given to one Dump Free Day each year.*

4. *That Council agree to be involved in the Mobile Muster Program.”*

CARRIED

AUDIT COMMITTEE

Cr O'Connor moved, Cr Rooney seconded

“that recommendations No's 1 - 6, of the Audit Committee on the 8th March 2006, be adopted

- 1. That the proposed budget amendments as at 28 February 2006 be accepted and processed.*
- 2. That council accept the quotation from ETSA for the upgrade of the power supply to the Northern Caravan Park and instruct ETSA to proceed.*
- 3. That the District Manager and Deputy District Manager investigate the possibility of an exemption from launch fees for the Port Broughton Sailing Club, depending on the type of vessel and frequency of launch.*
- 4. That the Council approve a \$2,000 grant to the Bute Netball Club for two (2) shelters, on the condition that the grant be repaid over a period of 2 years rather than 5 years, with 4 six monthly payments of \$500.*
- 5. That the District Manager look into a proposal to lease out the Bute Post Office and pay the potential new licensee a fee to transact Council business.*
- 6. That the three principal Progress Associations submit project proposals and costings for consideration in the 2006-07 Budget.”*

CARRIED

M Marziale (Manager – Environmental Services) entered the meeting at 7.15pm, at which point the meeting was adjourned for the Development Assessment Meeting.

The Council meeting resumed at 7.20pm.

OFFICER'S REPORTS

Cr Burgess moved, Cr Daniel seconded

“That all Officer's Reports be received.”

DISTRICT MANAGER'S REPORT

1. **Policies for Council**

Enclosed with member's agendas is a copy of the following policies, which I have reviewed for consideration by members and for public consultation. These are

- Public Consultation Policy
- Internal review of Council Decision
- Order Making
- Code of Conduct for Employees
- Code of Conduct for Elected Members
- Code of Practice – Access to Council Meetings
- Tendering, Contracting and Disposal of Land Policy
- General Policy Manual

These policies have been approved by Council in 2001 and are required to be updated.

Cr Kerley moved, Cr Simmons seconded

“that the policies listed in the District Managers, March 2006, report be made available for public consultation, and for Council to consider any comments from that consultation process, prior to adoption.”

CARRIED

2. **Bylaw No 6**

The Council's proposal to implement a new Bylaw has been completed following the public consultation phase and only one comment was received. This comment, which is attached, refers more to an objection for the fee, and for locals to be granted free access.

One comment from a representative of the Minister's office referred to the definition of an Authorised Person, compared to the text of the bylaw referring to an authorised officer, and the definition of Council offices, but no reference in the text to the Council offices.

Cr Daniel moved, Cr Young seconded

“that Council approve the proposed Bylaw No6, following public consultation and the receipt of one comment, with the amendment of the definition of Authorised Person to Authorised Officer, and the removal of the definition of Council offices, and that Council's Solicitors be instructed to seek the necessary approvals as required by the provisions of the Local Government Act 1999.”

CARRIED

3. **Public Meeting - Mundoora**

Following the Council's success at obtaining the grant from the Department of Veteran Affairs for the renovation and possible relocation of the Soldier Monument, I have arranged for a public meeting to be held on Monday 20th March 2006 at 7:00pm. It will be held in the Mundoora Hall.

This public meeting has been arranged following the receipt of a petition from a number of people expressing concern at the relocation of the monument.

The Mayor (Geoff Brock) and CEO (Ian Burfitt) will be attending the meeting.

- Noted

4. 2006 Council Elections

I have received from the State Electoral Office the timetable for the 2006 Council elections scheduled for November 2006. A copy of the schedule is attached to my report.

I have also advised the Electoral Commission that Council will be undertaking the majority of the tasks for the election by appointing myself as the Council's Deputy Returning Officer. (If Council engaged the Electoral Office to undertake the work our cost would be approximately \$17,500 compared to probably \$7 – 8,000)

Cr Aitchison moved, Cr O'Connor seconded

“that Council endorses the appointment of the District Manager to undertake the role of Deputy Returning Officer for the District Council of Barunga West.”

CARRIED

5. Mobile phone reception - Bute

Following a discussion with the Chairman, on the very poor mobile telephone reception at Bute, and surrounding areas, I have approached Telstra (by letter) to ascertain what improvements can be undertaken to improve the service. I have been verbally advised that Telstra is looking at the changeover to the 3G System (which replaces digital and CDMA) and gives a better coverage. This new system is due for operation in 2008. However there is no guarantee this will improve the service in Bute and I have asked for their comments on what can be done.

- Noted

6. Parking Control – Port Broughton and Bute

Following the linemarking undertaken in November in the Port Broughton and Bute townships, and Council's resolution to have all parking restrictions ratified and gazetted, I can advise that in accordance with the Minister of Transport's delegations of powers under the Road Traffic Act in December 1999, and revised notice of March 2001, that the necessary work for the implementation of the parking control has been done.

In accordance with the delegation, the Council is required to undertake the following.

A7 Traffic Impact Statement

Before any traffic control device is installed, altered or removed, a Traffic Impact Statement must be prepared by a person, who in the Council's opinion is an experienced traffic-engineering practitioner.

The Traffic Impact Statement must be endorsed by a person authorised by Council.

The Traffic Impact Statement summarises the investigations undertaken to justify the installation or removal of traffic control devices and must address road safety issues and the traffic management effects for all road users, including cyclists and pedestrians. It need not be a lengthy document.

A Traffic Impact Statement is not required for the installation, alteration or removal of traffic control devices on road related areas that do not constitute a public place.

Under Council's delegation of December 2005, Council's Manager – Works is authorised under the Road Traffic Act to prepare the required Traffic Impact Statements for all parking control and that work has now been completed.

I have attached the summary of all the Parking Controls in the Port Broughton and Bute Townships and seek endorsement of the controls. (A full copy of the Traffic Impact Statement will be available at the meeting)

Cr Kerley moved, Cr Daniel seconded

“that the Council endorses the Traffic Impact Statement for the Port Broughton and Bute Townships (BW001 to BW040) as prepared by Council's Manager – Works and endorsed by the District Manager.”

CARRIED

7. Port Broughton Community School Library

I am pleased to advise that I have now forwarded the application for the extension of the Port Broughton Community School Library, to the Department of Transport and Regional Affairs, under the Regional Partnership Program. The application is for \$185,270 funding from DOTARS, with Council's requirements being \$154,000 and the balance being cash or in-kind support from the Port Broughton Area School, Port Broughton Community Library Board and the Department of Education and Children's Services. (Total application is \$618,670)

- Noted

8. Port Broughton Channel

During the past few months I have been negotiating with Transport SA to dredge the Port Broughton channel to allow larger vessels to enter the channel and get into Port Broughton.

This has been done in conjunction with the Port Broughton Sailing and Boating Club.

Transport SA have identified that it would be more practical to move the channel north of the existing channel and dredge an area of 150 metres and have an angle approach to the main channel.

Arrangements have been made to have two new marker poles installed to indicate the new channel. (Transport SA will reimburse the Council the full expense of this work).

Negotiations are now underway to arrange for the dredging and beacon lights to be relocated.

- Noted

9. Meetings

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

- Noted

10. Outstanding Rates – Estate of AH Giles

The District Manager advised that rates on this property had not been paid for some years and that there was some confusion as to actual ownership.

Cr Schkabaryn moved, Cr Aitchison seconded

“that Council proceeds with the sale of the 2.5 hectares of land at Kulpara in the name of the Estate of AH Giles. (Assessment Number A23438)”

CARRIED

MANAGER of ENVIRONMENTAL SERVICES REPORT

1. Towns & Townships Plan Amendment Report (PAR) – Final Draft

Purpose

To present to Council the DRAFT Towns & Townships Plan Amendment Report, for endorsement for release for Public and Agency Consultation.

Background

Council will recall a recent meeting the revised timetable for the Towns & Townships PAR was presented.

Based on the range of issues to be addressed in the proposed draft Plan Amendment Report, statutory consultation with agencies and the public will be undertaken in accordance with the **one step consultation process** (concurrent agency and public consultation) set out in Section 25(5) of the Development Act, 1993.

Discussion

The amendments to the District Council of Barunga West Development Plan introduced by this PAR will ensure that the Development Plan accurately reflects the desired outcome of council. The key amendments to the Development Plan proposed within this document relate to a number of key elements associated with the town and townships located in the council area that are currently located within the General Farming Zone.

A copy of the Draft Towns & Townships PAR is attached to this report.

Policy implications

1. Financial/budget

2. Legal

3. Risk Management

Not Applicable

4. Staffing/Work Plans

Staff seek direction from Council to progress the PAR.

5. Environmental

6. Social

7. Strategic Plans

The PAR will form an important part of planning strategy for the wider district into the future.

8. Community Consultation

Community consultation may commence only after the Minister has received the CEOs Section 25(6)(b) certificate and may require specific agency consultation *prior* to release for public consultation.

The Minister has already granted effective consent in advance for the release of the PAR for public consultation, subject to Council's endorsement of the Draft PAR for that purpose.

Following the endorsement of the Draft PAR Council will be in a position in which it needs to consider how to engage the stakeholders who may seek further changes to the PAR, and also to determine whether the is suitable to be submitted to the Minister for authorisation.

Summary

The proposed amendments contained in the Draft PAR have been made in accordance with the statutory requirements, and subject to any agreed further changes, are considered worthwhile to commence full public and agency consultation.

Cr Young moved, Cr O'Connor seconded

"1. Pursuant to Section 25(6)(b) Council endorses the Draft Towns & Townships Plan Amendment Report as attached in item 8.2.1., as being suitable for the purposes of public and agency consultation. &

2. Council herein delegates authority to undertake the agreed changes to the PAR as determined by the Council, to the Manager Environmental Services, to ensure the expedient progress of the Plan Amendment Review.

CARRIED

2. Fisherman's Bay Public Shelter DA 344/86/05 – Appeal in the Environment Resources and Development Court - Update

The date for the resumption of the ERD Court Directions Hearing for DA 344/86/05 Public Shelter, has been set for Friday 24 March 2006, to be held at the Pt Broughton Offices.

- **Noted**

3. Consent to Land Management Agreement – Water Supply in Tickera – DA 344/D008/05 for Manners

Purpose

To advise members of the continuation of the Land Management Agreement documents relating to Lot 125 Gulfview Drive FP 214477, Tickera, CT 5936/832 and seek a resolution to use Council's seal.

Background

When a subdivision was proposed on the subject land, Lot 125 Gulfview Drive FP 214477, Tickera, CT 5936/832 in Land Division application 344/D008/05, Council negotiated an LMA with a commitment by the owners, in order to ensure the adequate supply of potable water to any dwellings on the subject land, as those lands are beyond the supply of the reticulated mains water.

The subject land is currently being assessed for a land division (1 into 12) 344/D008/05, and Council, as the registered beneficiary under the Land Management Agreement, is required to consent to the terms and registration of the LMA over the land.

A copy of the proposed Land Management Agreement over the subject land is attached to this report.

Discussion

The legal documents relating to the Land Management Agreement require Council's consent, as the LMA shall be to the benefit of Council. This consent includes use of the use of the seal, for which a resolution of Council is required.

The use of the seal will enable the registration of the Land Management Agreement on the lands titles obligating owners/developers related to the land and titles created by any future subdivision, to ensure that the provision of potable water to dwellings on the subject land shall be to Council's satisfaction.

Cr Young moved, Cr O'Connor seconded

"That Council's seal be used in the execution of the Land Management Agreement documents, as shown in the attachment to this report in the Agenda for the meeting of Council held on 14 March 2005, to ensure the provision of potable water to dwellings on the subject land, situate Lot 125 Gulfview Drive FP 214477, Tickera, CT 5936/832."

CARRIED

4. Council's Mosquito Control Program - Update

On Thursday 2 March 2006 two members of the Environmental Protection Authority, accompanied by the Manager of Environmental Svcs, commenced an investigation of the environmental impacts of Council's mosquito control program, specifically seeking information relating to off-target impacts of the chemicals being used in the Pt Broughton and Fishermans Bay areas.

- Noted

5. Consent to Land Management Agreement – Water Upgrade Contribution – DA344/D014/05 for K Kerley

Cr Kerley left the meeting during discussion of this item.

Purpose

To advise members of the continuation of the Land Management Agreement documents relating to Lot 21 Parma Street DP 65647, Pt Broughton, HD: Mundoorra CT 5922/955 .seek a resolution to use Council's seal.

Background

When a subdivision was proposed on the subject land, between Fishermans Bay Road and what is now known as Parma Street. in Land Division application 344/D002/02 by Allan Aitchison, Council negotiated an LMA with a commitment

by the owners, in order to ensure the owners contribution to the upgrade of mains water supply to the subject land in order that the subdivision could progress.

The subject land was approved for a land division (1 into 2) 344/D014/05, and Council, as the registered beneficiary under the Land Management Agreement, is required to consent to the terms and registration of the LMA over the land.

A copy of the proposed Land Management Agreement over the subject land is attached to this report.

Discussion

The legal documents relating to the Land Management Agreement require Council's consent, as the LMA shall be to the benefit of Council. This consent includes use of the use of the seal, for which a resolution of Council is required.

The use of the seal will enable the registration of the Land Management Agreement on the new land titles obligating the owners/developers related to the land, to ensure the payment of the prescribed \$2000 water upgrade implementation fees.

Cr Daniel moved, Cr Rooney seconded

"That Council's seal be used in the execution of the Land Management Agreement documents, as shown in the attachment to this report in the Agenda for the meeting of Council held on 14 March 2005, and the owners referred to SA Water in relation to the water upgrade implementation fees relating to the creation of the new title, situate Lot 21 Parma Street DP 65647, Pt Broughton, HD: Muntoora CT 5922/955."

CARRIED

Cr O'Connor moved, Cr Burgess seconded

"That the Manager Environmental Health Services be empowered to investigate the necessary steps to annul existing Land Management Agreements on properties in respect of the Water Augmentation Fee for developments in Port Broughton."

CARRIED

Mark Marziale left the meeting at 7.35pm

FINANCE REPORT

1. Bank Reconciliation

The bank reconciliation for 28 February 2006 was presented at the meeting.

Cr Schkabaryn moved, Cr Aitchison seconded

"that the Bank Reconciliation for 28 February 2006 be accepted."

CARRIED

2. Cheque Listing

A cheque listing for payments made in February 2006 was presented at the meeting.

Cr Daniel moved, Cr Kerley seconded

“that cheques numbered 11752-11862 totalling \$130,087.32, and payroll EFTs totaling \$48,278.18 be approved for payment.”

CARRIED

3. LGFA Investments

Presented at the meeting was a listing of all LGFA Reserves as at 28 February 2006.

- **Noted**

4. 2006-07 Preliminary Budget

The preliminary budget was presented to the 2006 Audit committee meeting in draft format. I am attempting to clarify the presentation of such a large range of numbers.

- **Noted**

CORRESPONDENCE

Cr Burgess moved, Cr Young seconded

“that the correspondence be received”.

CARRIED

1. Bute 2000 Onwards Committee

Seeking clarification on Council policy for when the flag should be at half-mast and a policy for notifying people when somebody has passed away.

Advising of their desire to ensure that the crane at the former railway siding remains.

(Note: In Port Broughton it has always been the policy that the flag is flown half mast on the day of the funeral, with a notice at the base of the flagpole, and I believe that this should be the policy at Bute as well).

Cr moved, Cr seconded

“that the existing policy in Bute as to flag procedures been maintained as is, and that a notice be placed at the base of the flagpole advising details of the deceased.”

CARRIED

Cr moved, Cr seconded

“that the crane at the former railway siding at Bute be retained in situ, that is welded so that it cannot move, and that the Yorke Peninsula Railway be advised that they cannot have the sleepers as this may damage the structure of the area.”

CARRIED

2. Bute RSL

Thanking Council for their actions in having the handrails at the Bute RSL installed which is appreciated.

- **Noted**

3. TH & DL Arbon

Advising of a conversation he had with Ken Rudd (Animal and Plant Control Officer) expressing concerns at the lack of action in controlling innocent weeds on an adjoining property.

- **Noted**

4. Ken Rudd (Northern YP Animal & Plant Control Board)

Responding to the concerns of TH & DL Arbon that were raised in their letter regarding innocent weeds in a neighbouring property.

Cr O'Connor moved, Cr Daniel seconded

“that a letter be forwarded to TH & DL Arbon advising that the responsibility of weed control is that of the Natural Resource Management Board, and not the Council, and that any action to be implemented is required to be undertaken with the NRM Board. It also be noted that Council concurs with the proposed action plan of Mr Rudd to control the innocent weed.”

CARRIED

5. YP Community Transport and Services

Forwarding a quarterly report to Council of the activities of the YP Community Transport & Services, which included a population profile for the area. (Regional Co-ordinator Julie Mason is keen to attend a Council meeting)

- **Noted**

6. Central Local Government Region

Forwarding a copy of January's and February's Newsletter for member's information.

- **Noted**

7. Yorke Peninsula Tourism Marketing Committee

Forwarding a copy of February's Newsletter "Yorke Talk"

- **Noted**

8. Yorke Peninsula Tourism Association

Forwarding a copy of February Newsletter

- **Noted**

9. Local Government Association

(a) Forwarding a copy of LGA Report no 6 - 9

- **Noted**

(b) Advising of the progress of the LGA's Wastewater Re – use project.

- **Noted**

(c) Advising of the first review and update of South Australia's Strategic Plan (A regional seminar is to be held on 28th April 2006 at Clare).

- **Noted**

CHANGE OF OWNERSHIP

Cr Schkabaryn moved, Cr Daniel seconded

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

ASSESS No	ADDRESS	SELLER	BUYER
A9076	Section 132 & 133 Pattingale Road, Mundoora	Foxhill Pty Ltd	DR & CM Mildren
A29200	Lot 9 Parma Street, Port Broughton	AJ & JF Aitchison	RC & TM Linke
A20428	1 High Street, Tickera	JM Gluyas	GA Carter & S Caddy
A11685	4 Trout Road, Fisherman’s Bay	LT & VA Whitford	MP & AD March
A12079	11 Snook Road, Fisherman’s Bay	JM Phillips	PJ & DF Melling
A5046	1 Fisherman’s Bay Road, Port Broughton	SD & BL Shepherdson	EJ & K Dolling

CARRIED

PETITIONS, MEMORIALS, NOTICES OF MOTION -

Nil

TENDERS -

Nil

GENERAL BUSINESS

Cr Aitchison requested a copy of Council’s policy for vehicle and fuel usage to be included in the agenda for the April Audit Committee meeting.

Cr Schkabaryn Moved, Cr Daniel Seconded

“That Council go into Camera pursuant to Section 91 of the Local Government Act to discuss an administration issues.”

CARRIED

Cr Schkabaryn Moved, Cr Simmons Seconded

“That Council go out of Camera”.

CARRIED

CLOSURE

The Chairman declared the meeting closed at 8.45pm.

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D.DOLLING
CHAIRMAN