

**MINUTES OF THE MEETING OF THE  
DISTRICT COUNCIL OF BARUNGA WEST  
HELD AT THE BUTE COUNCIL CHAMBERS ON  
FEBRUARY 15TH 2005 AT 7.00PM**

**PRESENT:**

(Chairman) D. Dolling, I. Burgess, I. Young, J. Aitchison, H. Daniel,  
T. Schkabaryn, G. Simmons, G. O'Connor, N. Hand (District Manager), P. Ward  
(Manager-Finance & Admin).

Peter Fisher and Susie Slade of Norman Waterhouse attended in an advisory capacity.

**APOLOGIES:**

L. Kerley, B. Rooney

**CONFIRMATION OF MINUTES**

Cr Schkabaryn moved, Cr Simmons seconded,

*"that the Minutes of Meeting held on January 11th 2005 be confirmed as printed and supplied.*

CARRIED

**BUSINESS ARISING FROM THE MINUTES**

1. No approach has been received to date from the Australian Services Union regarding the Council's Enterprise Bargaining Agreement for the Administration staff.
2. Mobile Amusements established their mobile carnival at the Port Broughton foreshore area for three days in January 2005. Only one concern was lodged (Verbally) with me regarding their activities.

**DECLARATION OF CONFLICT OF INTEREST**

Cr Schkabaryn advised he had a potential conflict of interest in any discussion on the Fishermans Bay Bonding Agreement, as an employee of the Fishermans Bay Management.

Peter Fisher of Norman Waterhouse was invited to address the meeting.

Cr Daniel moved, Cr O'Connor seconded

*"That Council go into Camera pursuant to Section 91 of the Local Government Act during the course of this presentation."*

CARRIED

Cr Burgess moved, Cr Simmons seconded

*"That Council go out of Camera"*

CARRIED

Cr Young moved, Cr Aitchison seconded

*"That the Council meeting be adjourned at 7.35pm for the Development Assessment Panel meeting"*

CARRIED

The Council meeting resumed at 8.10pm.

Susie Slade from Norman Waterhouse addressed the Council on the matters of Councillor's possible conflict of interest and their general roles and responsibilities.

The Council meeting was adjourned at 9.10pm.

The Council meeting resumed at 9.35pm.

## **MEMBERS REPORTS**

Cr. DOLLING

1. 26<sup>th</sup> Jan Australia Day Breakfast
2. 2<sup>nd</sup> Feb Works
3. 4<sup>th</sup> Feb Opening of Barry Wakelin's Office in Port Pirie

Cr. DANIEL

1. 26<sup>th</sup> Jan Australia Day Breakfast - Bute
2. 2<sup>nd</sup> Feb Works Meeting
3. 10<sup>th</sup> Feb Meeting with Norman Waterhouse

Cr. SCHKABARYN

1. 27<sup>th</sup> Jan Yorke Peninsula Tourist Association
2. 2<sup>nd</sup> Feb Works Meeting
3. 3<sup>rd</sup> Feb ERD Court Hearing
4. 4<sup>th</sup> Feb Fisherman's Bay Progress Association
5. 7<sup>th</sup> Feb Port Broughton Progress Association
6. 9<sup>th</sup> Feb Meeting at Maitland (Wayne Jackson)

Cr. BURGESS

1. 26<sup>th</sup> Jan Australia Day Breakfast
2. 2<sup>nd</sup> Feb Works Meeting
3. 9<sup>th</sup> Feb Yorke Regional Development Board Dinner

Cr. G.SIMMONS

1. 26<sup>th</sup> Jan Australia Day Breakfast
2. 2<sup>nd</sup> Feb Council Works Meeting
3. 14<sup>th</sup> Feb Sports Club Meeting

Cr O'CONNOR

1. 26<sup>th</sup> Jan Australia Day Breakfast
2. 6<sup>th</sup> Feb Tickera Inspection re Cliff Face adjacent to boat ramp

Cr YOUNG

1. 26<sup>th</sup> Jan Australia Day Breakfast
2. 2<sup>nd</sup> Feb YP Transport Board Management Meeting
3. 2<sup>nd</sup> Feb Works Meeting
4. 15<sup>th</sup> Feb Gas Detection meeting at shed as a rep

Cr AITCHISON

1. 2<sup>nd</sup> Feb Works Meeting

## **MEMBERS QUESTIONS**

Nil

## **REPORTS**

Cr Burgess moved, Cr Young seconded,

*"All reports be received".*

CARRIED

## **WORKS COMMITTEE**

Cr Burgess moved, Cr Simmons seconded

*"That Recommendations No's 1 – 14, excluding Recommendation 12, of the Works Committee on the 2<sup>nd</sup> February 2005, be adopted*

1. *That Council invite Des Menz to an onsite inspection at the South and West Terraces and Dalling Street Intersection to find a suitable solution for the intersection.*

2. *That the Fishermans Bay bike path be completed by doing the second stage to Fishermans Bay, subject to the appropriate approvals being obtained.*
3. *That Council authorise the Works Manager to upgrade Garfield Road (Bute Road to the first Cross Road) and Dale road.*
4. *That Dolling Crescent be sealed in the 2005/06 financial year.*
5. *That the Maintenance Supervisor be authorised to clear the beach of seaweed at Fishermans Bay and as much at the boat ramp as possible.*
6. *An appropriate response be forwarded to Fishermans Bay Progress Association, regarding their request for replacement of sand at the foreshore and the traffic barriers along the beach.*
7. *That Mr Reynolds be advised that he can remove the trees on his property to enable construction of a shed, and reduce the fire risks to his house.*
8. *That an inspection of the Norfolk Island Pines in Third Street and First Street be held at the next Works Committee meeting.*
9. *That an inspection of the issues raised in the letters of D. Taylor and T. Louder be held at the next Works Committee meeting.*
10. *That Council agree to extend the sealed apron of the Port Broughton SES Shed to the Bute Road.*
11. *That Council staff widen the track on the southern side of the Port Broughton Boat Ramp and to concrete the path to allow pedestrian access.*
13. *That Council agree to support the Tickera Golf Club's application to ETSA for power to be connected to the Club, and for Council to undertake some work to make a carpark on the eastern side of the shed.*
14. *It was agreed that when the proposed development at Tickera North is undertaken that a single lane road be constructed from Coast Road".*

CARRIED

Cr Daniel moved, Cr Aitchison seconded,

*"That in relation to Recommendation 12, Council approve the recommendation by Des Menz in relation to the Port Boughton – Mundoorra Rd at the intersection with Oaklands Rd, namely to widen the sealed carriageway along the south and north sides of the curve, relocate the Oaklands Rd junction and shift the centerline of the road."*

CARRIED

## **OCCUPATIONAL HEALTH, SAFETY & WELFARE COMMITTEE**

Nil

Cr Schkabaryn moved, Cr Burgess seconded,

*"That the District Manager's report be received."*

**CARRIED**

## **DISTRICT MANAGER'S REPORT**

### **1. Section 41 Committees**

Further to my report last month advising that I have not received any advice from the Mutual Liability Scheme regarding the possibility of Council changing the Section 41 Committees to Incorporated bodies, I have now received some advice (copy attached).

I have now contacted the Local Government Risk Services to obtain quotes for the insurance cover, but have not received a response at this stage.

**- Noted**

### **2. Development Officer**

As members are aware our Cadet Development Officer, Marcus Stephens resigned effective 4<sup>th</sup> February 2005, to take up a similar position with the Port Pirie Regional Council.

Currently I am negotiating with an experienced, fully qualified Building and Health Officer from another Council and hope to have a response by the end of this week (11<sup>th</sup> February).

I have had preliminary discussions with Peter Dinning (Copper Coast Council) regarding working together with building and health services.

I will advise members of the details as soon as I am able.

**- Noted**

### **3. A & B Cook – 81 John Lewis Drive**

In late December Mr. and Mrs. Cook lodged a letter of concern to the Chairman about difficulties they were experiencing in obtaining approval for a colourbond shed. I received this letter upon my return from Annual Leave (10<sup>th</sup> January), and did not present it to Councils January meeting, as I had not had sufficient time to examine the concerns.

I met with Mr. and Mrs. Cook on 14<sup>th</sup> January 2005 to discuss their concerns. They believed that they were discriminated against and were seeking an apology, because advice they had received led them to believe they were not treated fairly.

Their concern was that our staff had not advised them that they would need to relocate their septic tank to allow for the shed to be installed. My investigation revealed that this was incorrect and that the builder had been aware of the requirements.

Cr Schkabaryn moved, Cr Burgess seconded,

*"That Council endorses the District Manager's letter to the Cooks in relation to this matter."*

**CARRIED**

#### **4. Port Broughton – Fisherman's Bay Bike Path**

Following the Works Committee approval to complete the second stage to the bike track to Fisherman's Bay, I sought the approval of Transport SA.

However I was advised that the first stage was not built to Australian Standards, and a review of the first stage was required to be undertaken prior to any further works being undertaken.

A meeting was scheduled for 8<sup>th</sup> February 2005 but was cancelled due to the Transport SA representative being ill, and a further meeting is to be rescheduled.

The problem is that the Bike path as constructed, does not comply with the requirements for a two-way path for joint (bicycle/pedestrian) issues because there is no buffer zone between the road shoulder and the bike path.

I explained the circumstances of the road having undulations, cuttings, water pipe etc close to the road edge, and we are going to try and seek a compromise that will assist the situation.

(NB: Kevin was not aware of the requirements and it not responsible for this error. Our application indicated the way we intended to construct this path)

**- Noted**

#### **5. Strategic Plan Review**

Members are reminded that the Strategic Plan Review, which incorporates preparing a new Plan, is to be held on Monday 21<sup>st</sup> February 2005, commencing at 5:00pm at the Council Chambers at Bute. Warwick Welsh from the Yorke Regional Development will facilitate the review, and also give a report on the activities of the Development Board.

I have also attached for members information a "Performance Sheet" of the previous Strategic Plan and the results achieved by Council. I will be meeting with Warwick prior to the Council meeting to discuss the format for the evening and will be able to give a report at the meeting.

**- Noted**

## **6. Fisherman's Bay Management Free holding**

Negotiations are still continuing between the Company's Solicitors and our solicitors on the bonding agreement between the Council and the Company to enable the sewerage systems to be installed at Fisherman's Bay as part of the free holding process.

Cr Daniel and myself attended a meeting with our solicitor (Peter Fisher of Normans) on 10<sup>th</sup> February 2005, prior to Peter's presentations at the Council meeting, to give a progress report on the bonding agreement.

I am currently ascertaining from Peter what information I can forward to members prior to the meeting (if any), and will send them out separately, after meeting with him.

**- Noted**

## **7. Central Region of Local Government**

On 4<sup>th</sup> February 2005 I attended a CEO's Forum for the Central Region at Port Broughton. A range of issues were considered including

- Regional STEDS project
- Regional Water Infrastructure (and supply) project
- Broadband submission for the region
- Regional Waste Strategy Project
- Transport Infrastructure Planning

The Region is to undertake a review of the administration process of the Region and this is to take place at the next meeting of the region to be held at Port Broughton on Friday 4<sup>th</sup> March (9:30am).

All members are welcome to attend, and I would appreciate numbers for catering purposes.

I have attached a resume of the Regions activities and summaries of other Local Government Regions administration set up for member's interest.

**- Noted**

## **8. Port Broughton Boat Ramp**

To date I still have not had any response from the Federal Governments Regional Partners Program regarding our application for funding for completing the sealing of the boat ramp, despite calls to the Flinders Regional Area Consultative Committee, and the Adelaide office of DOTARS, which has been very frustrating.

Accordingly at this stage I cannot arrange for sealing of the car park to be completed with hot mix.

I am currently obtaining prices for ticket machines with boom gates for the boat ramp as requested at the last Works Committee meeting. Discussions are being held with the manufacturer of the solar lights, which do not appear to be performing as specified.

I have received a response from Mr. Frank Peat of the EPA, regarding a complaint lodged regarding the stormwater drainage pond in the northeast corner of the boat ramp, which advises that they are happy with the works undertaken by Council. A copy of Frank's email is attached to my report.

- **Noted**

## **9. Local Government Act Amendment Bills**

During the last month I have prepared submissions on behalf of Council in respect to the proposed amendment to the rating and financial management aspects of the Act, along with the electoral provisions of the Act. A copy of the Council's submissions are attached, and it is noted in both submissions that these have been prepared by myself and not endorsed by Council, as the tight frame for forwarding the submissions has meant Council has not been able to endorse the comments. Peter also assisted with some comments on these submissions.

Cr Schkabaryn moved, Cr Aitchison seconded

*"That Council endorses the submissions prepared by the District Manager for the proposed amendments to the Local Government Act in respect of financial management and rating provisions along with the electoral provisions of the Act".*

CARRIED

## **10. Meeting**

A table of meetings attended by the District Manager was noted.

- **Noted**

## **11. Brian Joyce – North Fishermans Bay**

Requesting use of the Council Rockbuster for work at the northern side of Fishermans Bay.

Cr Simmons moved, Cr Young seconded

*"That Brian Joyce (North Fishermans Bay) be allowed use of the council rockbuster (with operator) for work at the northern side of Fishermans Bay, on the understanding that they will be responsible for any damage to the machinery."*

CARRIED

## **ENVIRONMENTAL HEALTH OFFICER'S REPORT**

### **1. SCHOOL CHILDRENS IMMUNIZATION 2005**

Council members please note that Lyn Addison has arranged with Trish Harris Coordinator of SA School Immunization Program and Dr Neville Witford of Port Broughton Medical Centre to take over the complete organization and school treatments of children for 2005.

There needed to be some action to the taken and the Council members will remember the discussion early in 2004 where this matter was discussed.

At that time it was later in the year and the Medical Centre did not have time to get organized and Council continued this for 2004.

Sufficient time has been arranged for the hand over to the Port Broughton medical Centre.

Should Council arrange in the future for an Environmental Health Officer to be on hand to carry out this immunization work then the service could be brought back in Councils control.

Lyn Addison

**- Noted**

## **2. Primary Industries and Resources SA**

Council has a letter from Mr Ken Lee, State Manager SA SQAP dated 13<sup>th</sup> January 2005.

I have been working with Mr Lee over a number of years advising that Lyn Addison was the contact person for Port Broughton area.

The letter is self explanatory and Council should advise this department of who will be the representative for on going matters.

Lyn Addison

Cr Burgess moved, Cr Simmons seconded

*"That Mr Ken Lee of the SA Shellfish Quality Assurance Program be placed on the Council's emergency contact list in the event of any environmental damage."*

CARRIED

## **FINANCE REPORT**

### **1. BANK RECONCILIATION**

The bank reconciliation for January 2005 was presented at the meeting.

Cr Schkabaryn moved, Cr Daniel seconded

*"That the Bank Reconciliation for January 2005 be accepted."*

CARRIED

## 2. CHEQUE LISTING

Cr Schkabaryn moved, Cr Daniel seconded

*"That cheques numbered 10391-10454 totalling \$88,874.45, and payroll EFTs totalling \$44,280.54 be approved for payment."*

CARRIED

## 3. LGFA INVESTMENTS

A listing of all LGFA reserves as at 31<sup>st</sup> January 2005 was presented to Council.

Summary of Movements:

- New loan for \$130,000 settled on January 17, 2005.
- The SA Boating Group paid the final \$250,000 claim.

- Noted

## 4. BUDGET COMPARISON

Cr Young moved, Cr Aitchison seconded

*"That the Budget comparison for the 7 months ended January 2005 be accepted."*

CARRIED

## 5. RATES DEBTORS

SA Water were unaware of the STEDS scheme in Port Broughton, and accordingly no STEDS claims were paid last year. We advised SA Water of the relevant Valuation Numbers for Port Broughton, and received \$22,441.20 in early February 2005. This clears the Pensioners Rates Debtors balance as at 30 June 2004.

- **Noted**

## 6. PORT BROUGHTON VISITOR INFORMATION CENTRE

Helen Taplin has forwarded that attached letter detailing the activities of the Visitor Information Centre and seeking clarification on a number of financial and staffing issues.

- **Noted**

## 7. LONG TERM FINANCIAL PLAN

The SA Local Government Financial Management Group Inc has forwarded a template to assist for long term financial planning. I had prepared my own spreadsheet which detailed the bulk of recurring operating expenditure over a 5 year period. I will transfer this data to the new template. Some work is required in the long-term asset plans.

One area that I have no information is roadworks. Until the Works Manager prepares any sort of future roadworks plan, I can go no further with this project. As you may recall from the draft legislation tabled at the last Council meeting, the long term financial plans will likely become a matter of legislation.

**- Noted**

#### 8. PORT BROUGHTON BOAT RAMP

A financial summary for the Boat Ramp as at 31 January 2005 was presented to Council.

**- Noted**

### **ANIMAL & PLANT CONTROL OFFICER'S REPORT**

Nil

### **CORRESPONDENCE**

Cr Daniel moved, Cr Simmons seconded

*"that the correspondence be received".*

CARRIED

#### 1. Port Broughton Visitor Information Centre

Forwarding a report on the activities of the Centre, and the work being undertaken by the volunteers. They are also seeking assistance on a range of issues, including funding for assistance for traveling and other expenses including rent, postage etc, staffing by our trainee and the dump spot for motor homes.

(D/M note: I have advised the Center that our trainee will be available but have yet to finalise the arrangements)

Cr O'Connor moved, Cr Schkabaryn seconded

*"That Council endorses the Chairman, District Manager and Manager Finance meeting with the volunteers to discuss the issues raised by the volunteers".*

CARRIED

#### 2. District Council of Streaky Bay

Drawing to Council's attention their concern on the proposed amendment to Section 51 of the Local Government Act whereby a Council can only have a Chairman if the Presiding Member is elected by councillors, and not a choice of electing a Mayor or Chairman, as is

currently the situation. They are seeking Council support to ensure the existing arrangements are maintained.

(D/M Note: Our submission supports the Streaky Bay Council's proposal)

**- Noted**

### 3. Port Broughton Golf Club

Asking Council for financial assistance to purchase a new or near new mower to replace their 1960's Fordson. This is as a result of Council not making their mower available for the Golf Club to use.

Also asking if any available cropping land could be made available to the club.

**- Referred to the Audit Committee**

### 4. Mrs. J Wandel – Port Broughton

Seeking help for the residents of West Terrace due to the bad language and loud music that occurs at the parking area on West Terrace, and seeking a curfew on the area.

### 5. Port Broughton, Crystal Brook and Rocky River Health Services

Advising that discussions are currently being held on the possibility of health services being amalgamated, and that a working party has been established to explore the merger, and forwarding information in relation to the study.

**- Noted**

### 6. Local Government Managers Association

Asking Council to consider allocating \$250 towards the booth to be operated by the Association at the Careers Expo in Adelaide in May 2005 to promote careers in Local Government.

Cr Young moved, Cr Daniel seconded

*"That no action be taken in relation to the request for \$250 towards LGA booth at the Careers Expo."*

CARRIED

### 7. Minister for Urban Development and Planning

Advising that she has asked her staff to consider our application for her agreement to a Statement of Intent for Council's proposed Town and Township Plan Amendment Report

(not Port Broughton and Tickera PAR), and a response should be received in approximately six weeks.

#### 8. Department for the Environment and Heritage

Advising of a forthcoming "Heritage Planning Seminar" to be held on 18<sup>th</sup> March 2005 and inviting interested staff and members to attend the seminar at Kadina (at a cost of \$75 each)

#### 9. Mr. & Mrs. G. Barker – Pt Broughton

Expressing concern at the problems being experienced at the West Terrace car park, with young people having very loud car stereos, having drag and stunt racing, and generally causing a great disturbance for the adjoining residents who live in fear. They are seeking support for Council to discuss the issue with the Police and to seek a possible curfew for the area.

(D/Manager's Note: The Chairman and the District Manager have had several discussions individually with the Police who are conscious and concerned with the issues raised. It would be good to have Council seek further discussions.)

#### 10. Mr. & Mrs. I. Tod – Port Broughton

Expressing concern at the speed of vehicles along West Terrace, particularly when there are a lot of people in the vicinity, and are seeking to have a 30kph speed zone, similar to John Lewis Drive and Fisherman's Bay which appears to have been successful. They are also expressing concern at the behaviour of the younger generation in the area and seeking some assistance to try and remedy the problem.

#### 11. Local Government Association

- (a) Forwarding information on the recent review undertaken on Council Members allowances and the progress to date.
- (b) Forwarding LGA reports 53, 1-4
- (c) Advising of the establishment of an independent inquiry on financing Councils and the establishment of the Financial Sustainability Review Board, to investigate a range of issues.

#### 12. Mrs C Bowley

Thanking Council for the work undertaken by staff to tidy up the Kadina Road adjacent to the Caravan park.

**-Noted**

13. Pt Broughton Lodge

Asking Council to give assistance in STED payment relief for the Lodge due to their very low membership, which will cause financial hardship to the Lodge.

Cr Young moved, Cr Aitchison seconded

*"That Council do not grant any STED concession for the Port Broughton Lodge, and recommend instead that they seek assistance from their head office in Adelaide."*

CARRIED

14. Spencer Gulf Cities Association

Advising of a meeting at Whyalla on 28<sup>th</sup> February 2005 to discuss updates on the progress of Native Title claims affecting Eyre Peninsula and Spencer Gulf.

**- Noted**

15. Primary Industries and Resources

Advising of an application by CN Johns for a mineral lease on Section 108 Hd Tickera and seeking any comments from Council.

Cr Daniel moved, Cr Young seconded

*"That Council advise Primary Industries that they have no objection to the application of CN Johns for a mineral lease on section 108 Hd of Tickera."*

CARRIED

**CHANGE OF OWNERSHIP**

Cr Schkabaryn moved, Cr Aitchison seconded

ASSESS NO	ADDRESS	SELLER	BUYER
25036	3 HARVEY AVENUE BUTE	READ KM & TL	AQUILINA D & CA
24462	CNR SECOND & WEST AVE ALFORD	LEWIS-CHRISTIE JF	REYNOLDS KR
26844	11 PENANG DRV PT BROUGHTON	PUMPA AJ	ELLIS SJ & LC
13675	10 DOLPHIN RS FISHERMANS BAY	PRICE GJ & JM	SMITH SG & MM
13099	16 TROUT RD FISHERMANS BAY	TREMAIN S & GS	JOHNS ND & BL
10863	19 TREVALLY RD FISHERMANS BAY	BARKER BJ & CA	LAKE RD
12619	6 MULLETT RD FISHERMANS BAY	JONES MM	COUSENS T
11469	107 WHITING RD FISHERMANS BAY	D SCHMITT FAMILY TRUST	LINES AK & CL
16572	16 HIGH ST TICKERA	HILL G & V	WHALLAND AS & CA

## PETITIONS, MEMORIALS, NOTICES OF MOTION

Nil

## TENDERS

Nil

## GENERAL BUSINESS

Cr Simmons advised that she had received complaints from ratepayers over the state of the Bute Muntoora Rd from Copley's Corner.

Cr Simmons sought guidance from the District Manager as to what capacity she could discuss Council matters with staff.

Cr Schkabaryn advised that the Fishermans Bay Progress Association had installed a fully automated sprinkler system on the Fishermans Bay foreshore.

Cr Schkabaryn requested on behalf of the Fishermans Bay Progress Association that Council assist in removal of shell grit from the western playground, so that appropriate softfall could be laid.

Cr Simmons moved, Cr O'Connor seconded,

*"That council supply the bobcat and an operator to remove the shell grit from the Fishermans Bay western playground, on the proviso that the Fishermans Bay Progress Association provide sufficient volunteer labour to remove the shell grit from the playground equipment supports."*

CARRIED

Cr Daniel moved, Cr Young seconded

*"That Council get a Port Broughton hall key cut for the Port Broughton Progress Association, and that council continue with the key register for that Hall."*

CARRIED

Cr Simmons moved, Cr Daniel seconded

*"That Council donate \$1,000 to the west coast Bushfire Relief Fund, to an appropriate charity organization as deemed by the District Manager."*

CARRIED

Cr Schkabaryn moved, Cr Young seconded

*"That Council send a letter of support for both the southern caravan park and the Bute Sporting Club in their applications to gain extended watering hours or an exemption or relief from water restrictions from SA Water."*

CARRIED

Cr Young advised that he was approached by an SA Water employee who threatened to report him to Council for watering on his property, even though the water was from a rainwater tank. Cr Young advised the person that this had nothing whatsoever to do with Council business.

## **DEPUTATION**

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## **CLOSURE**

**The Chairman declared the meeting closed at 11.15pm**

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D.DOLLING  
CHAIRMAN