

## OPENING

Mayor Dolling opened the meeting at 7.00pm.

10 members of the public were in the gallery at the commencement of the meeting.

## ATTENDANCE RECORD

Present: Mayor D Dolling, Cr B Rooney, Cr L Kerley, Cr M McDonald, Cr G Rowlands, Cr M Weedon, Cr G Simmons, Cr R Smith, Cr C Axford

Apologies: Nil

Absent: Nil

Staff Present: P Ward - Acting Chief Executive Officer  
F Linke - Manager, Infrastructure Services  
D Brokenshire - Planning Officer  
K Thomas - Personal Assistant

## CONFLICT OF INTEREST PROVISIONS - Nil

## CONFIRMATION OF MINUTES

122 **MOVED: Cr Rooney** **SECONDED: Cr Simmons**  
*"That the Minutes of the Ordinary Meeting of Council held on 7<sup>th</sup> May 2013 be confirmed as printed and supplied.*  
**CARRIED**

## BUSINESS ARISING FROM THE MINUTES - Nil

## DEPUTATIONS - Nil

## MEMBERS REPORTS

### **Mayor Dolling**

22/5 & 4/6 2013 Budget Workshop

### **Deputy Mayor Rooney**

22/5 & 4/6 2013 Budget Workshop

### **Cr Axford**

21/5/2013 Meeting with Fishermans Bay Licencee Group members and walk around Fishermans Bay

22/5/2013 Bute Progress Association meeting

22/5 & 4/6 2013 Budget Workshop

**Cr Kerley**

31/5/2013 FOBBS Working bee  
3/6/2013 Port Broughton Progress Association meeting  
4/6/2013 Budget Workshop

**Cr McDonald**

13/5/2013 Port Broughton Area School Governing Council meeting  
14/5/2013 Pacific Hydro Grants Selection Panel, Redhill  
21/5/2013 Meeting with Fishermans Bay Licencee Group members and walk around  
Fishermans Bay  
31/5/2013 Primary Health Care meeting  
22/5 & 4/6 2013 Budget Workshop

**Cr Rowlands**

21/5/2013 Meeting with Fishermans Bay Licencee Group members and walk around  
Fishermans Bay  
22/5 & 4/6 2013 Budget Workshop

**Cr Smith**

21/5/2013 Meeting with Fishermans Bay Licencee Group members and walk around  
Fishermans Bay  
29/5/2013 Barunga West Road Safety Community Group meeting  
22/5 & 4/6 2013 Budget Workshop

**Cr Simmons**

17/5/2013 YP Community Transport Volunteers Meeting, Port Broughton  
21/5/2013 Bute Sports Club meeting  
22/5/2013 Bute Progress Association meeting  
24/5/2013 Barunga Village Breakfast, Adelaide Wine Centre (Speaker CEO Southern Cross  
Homes)  
24/5/2013 Barunga Village meeting at Parliament House with Geoff Brock, Member for Frome,  
Hon Robert Brokenshire and CEO Aged Care.  
28/5/2013 Barunga Village Meeting  
30/5/2013 Bute Sports Club meeting  
22/5 & 4/6 2013 Budget Workshop

**Cr Weedon**

22/5 & 4/6 2013 Budget Workshop

**PETITIONS** - Nil

**QUESTIONS WITH NOTICE** - Nil.

## QUESTIONS WITHOUT NOTICE

Cr Kerley asked the following Question in response to answers provided to Questions Without Notice at the May 2013 Council Meeting:

Have any of our bylaws been policed in the past and when will we start to police them?

*Council's Planning Officer provided the following answer:*

*The policing of Councils by-laws is a problematic issue for many councils, as often these breaches occur after hours and on weekends.*

*Typically councils employ a staff member specifically in the role of General Inspector whose duties include regulatory compliance inspections, policing of by-laws, issuing of expiation notices, dog & cat management and in some instances the role can extend to performing inspections relating to development compliance (eg ensure conditions of development approval are met)*

*The District Council of Barunga West finds it even more difficult to enforce by-laws as there is no General Inspector on staff. This means any policing of By-Laws can only be performed by existing employees within their role who are classified as authorised officer with sub-delegation.*

*Monitoring and policing in relation to By-law 5 – Dogs and By-law 6 – Cats is currently included within the role of Works Supervisor and is policed.*

*Although the policing of By-law No 4 – Moveable Signs is not tasked to any officer's role specifically, it is policed by the Planning Officer.*

*By-law No 2 – Local Government Land and By-Law No 3 – Roads are also policed by officers who include these tasks within their own roles when possible.*

*It is commendable to learn there have been numerous occasions both after hours and weekends, where staff have witnessed breaches of by-laws and addressed issues that arise eg illegal camping, parking etc.*

*Unfortunately, having no specific officer performing the role, staff are policing the by-laws to the best of their ability with the time and resources available.*

Cr Kerley asked the following Question in response to answers provided to Questions Without Notice at the May 2013 Council Meeting:

Will the toilet block surroundings and steps require paving when the area becomes muddy in winter or a dustbowl in summer?

*The Manger Infrastructure Services provided the following answer:*

*No. The area around the toilet and the steps is finished off with Crusher Dust which is used on many street footpaths*

Cr Kerley asked the following Question in response to the answer provided to Questions Without Notice at the June 2013 Council Meeting:

When will lighting be installed outside the new skate park toilets? What will be the added cost for the installation of lighting?

*This question was taken on notice to be answered at the next Council meeting.*

At the May Council Meeting Cr Kerley asked the following question:

Can Council please take action to tidy the palm trees at the town entrance, send a letter to the Port Broughton Hospital requesting removal of the dead trees on the hospital grounds, and approach the Port Broughton Hospital and Barunga Village to repair their respective fences.

*The Manager - Infrastructure Services provided an answer to this question in his report. Refer to Item 14.3.3 of the June Agenda Papers.*

Cr Axford asked:

What is the current annual fee being charged to landholders who own property that adjoin Council reserves and road and/or railway corridors who have, in past years been given permission and/or the option to occupy this Council land? Is the fee based on the size of land 'leased' and are all landholders being charged? Have the relevant accounts been sent out accordingly?

*The question was taken on notice to be answered at the next Council meeting.*

Cr Axford asked:

Has official Council approval and documentation been forwarded to the RV Coordinator Mr Kevin Collins to finalise the process required to advertise the township of Bute as an RV site?

*The question was taken on notice to be answered at the next Council meeting.*

### **MOTIONS WITH NOTICE**

**123 MOVED: Cr McDonald**

**SECONDED: Cr Kerley**

*"That Motion 103 from the Council meeting held 7<sup>th</sup> May 2013 "That Council totally remove the trees in question located adjacent Number 41 Harvey Street, Port Broughton" be rescinded."*

**CARRIED**

**124 MOVED: Cr Smith**

**SECONDED: Cr Weedon**

*"That Council rescind Part 1 of motion 112 from the Council meeting held 7<sup>th</sup> May 2013 that stated:*

- 1. That the Roadside Vegetation Management Plan reflect that firewood/fallen timber be collected and the following provisions apply*
  - Dead wood collected is for private use only and not for resale,*
  - The dead wood collected must be fallen dead wood and not contain hollows (which can be used as shelter by wildlife),*
  - Use of mechanical saws is prohibited during periods of the fire danger season,*
  - Mechanical saws shall not be used adjacent to paddocks containing any stock,*
  - Avoid removal of dead wood from roadsides with higher quality vegetation, eg. Cat A, B, and C to avoid damaging habitat for wildlife (ie. reptiles, etc) and small native plants that may be sheltered by the fallen timber (fallen timber may protect small plants physically from grazing by rabbits/kangaroos etc, and also provide optimal conditions for survival – darker and moister micro-habitat), and*
  - When removing dead wood from roadsides, care must be taken to avoid damaging the surrounding native vegetation.*
  - Substantial penalties may be imposed for the breach of these conditions..*

**CARRIED**

### **MOTIONS WITHOUT NOTICE**

**125 MOVED: Cr Rowlands**

**SECONDED: Cr McDonald**

*"That Council administration review all Council assets and investigate the disposal of excess or redundant assets."*

**CARRIED**

## ADOPTION OF COMMITTEE REPORTS

13.1 Nil.

## COUNCIL BUSINESS – OFFICER’S REPORTS

14.1 ACTING CHIEF EXECUTIVE OFFICER – PETER WARD

126 **MOVED: Cr Axford** **SECONDED: Cr Simmons**  
*“That the Report from the Acting Chief Executive Officer for the June meeting be received and noted.”*  
**CARRIED**

14.1.1 Strategic Management Plan (SMP)  
Noted.

14.1.2 Port Broughton Foreshore Working Party  
Noted.

14.2 FINANCE REPORT- ACTING CHIEF EXECUTIVE OFFICER – PETER WARD

127 **MOVED: Cr Kerley** **SECONDED: Cr Rooney**  
*“That the Finance Report from the Acting Chief Executive Officer for the June meeting be received and noted.”*  
**CARRIED**

14.2.1 Budget 2013-2014

128 **MOVED: Cr Rowlands** **SECONDED: Cr Rooney**  
*“That the Draft Annual Business Plan and the Annual Budget for the year ended 30<sup>th</sup> June 2014 and the 2013-2023 Long Term Financial Plan be endorsed for public consultation, subject to agreed changes at the budget meeting on June 4<sup>th</sup> 2013.”*  
**CARRIED**

14.2.2 Coast Protection Board Funding 2012-2013  
Noted.

14.2.3 NRM Coastal Protection Grant 2012-2013  
Noted.

14.2.4 Boat Ramps  
Noted.

14.2.5 Quarterly Budget Review March 2013

129 **MOVED: Cr Rowlands**

**SECONDED: Cr Smith**

*"That the recommended budget amendments contained within the March 2013 budget revision be adopted in accordance with Regulation 9 of the Local Government (Financial Management) Regulations 2011."*

**CARRIED**

14.2.6 Boat Ramp Lease

Noted.

14.2.7 Plant Usage Report

Noted.

14.2.8 Community Group Funding Policy

Noted.

14.3 REPORT TO COUNCIL - MANGER INFRASTRUCTURE SERVICES - FRED LINKE

130 **MOVED: Cr Rooney**

**SECONDED: Cr Axford**

*"That the Report from the Manager, Infrastructure Services for the June meeting be received and noted."*

**CARRIED**

14.3.1 Request for Tree Removal

**MOVED: Cr Rowlands**

**SECONDED: Cr Kerley**

*"That Council do not remove the pine tree located adjacent No 3 Florence Street, Bute."*

**THE MOTION WAS LOST.**

131 **MOVED: Cr Simmons**

**SECONDED: Cr Axford**

*"That Council remove the pine tree located adjacent No 3 Florence Street, Bute."*

**CARRIED**

**CR ROWLANDS CALLED FOR A DIVISION:**

**FOR:** Cr Simmons, Cr Axford, Cr Weedon, Cr Smith, Cr Rooney

**AGAINST:** Cr McDonald, Cr Rowlands, Cr Kerley, Mayor Dolling

14.3.2 Tree Policy

132 **MOVED: Cr Smith**

**SECONDED: Cr Axford**

*"That Council accept the changes to the Tree Policy and adopt the updated Tree Policy."*

**CARRIED**

14.3.3 Hospital Grounds request

Noted.

14.3.4 Request for Tree Trimming

- 133 **MOVED: Cr McDonald** **SECONDED: Cr Rooney**  
*"Council take no action to the request to cut down 3 gum trees in Passat Drive and advise the complainant accordingly."*  
**CARRIED**

14.3.5 Hard Waste Trailer

Noted. Agreed to consider sourcing trailer locally rather than interstate.

14.3.6 Town Entrance Group

Noted.

14.3 REPORT TO COUNCIL - PLANNING OFFICER - DEB BROKENSHERE

- 134 **MOVED: Cr Kerley** **SECONDED: Cr Smith**  
*"That the Report from the Planning Officer for the June meeting be received and noted."*  
**CARRIED**

14.4.1 Wood Collection Policy and Permit

- 135 **MOVED: Cr Smith** **SECONDED: Cr Simmons**  
*"1. That a fee of \$20 per annum be included in Council's Fees & Charges for the issuing of Timber Collection permits to be charged from 1<sup>st</sup> January 2014.*  
*2. That Council agree for the Draft Timber Collection Policy be made available for public consultation and that the Council review the Draft Policy, with any community comments at its August 2013 meeting.*

**CR MCDONALD MOVED AN AMENDMENT TO THE MOTION**

- MOVED: Cr McDonald** **SECONDED: Cr Rowlands**  
*"1. That a fee of \$30 per annum be included in Council's Fees & Charges for the issuing of Timber Collection permits to be charged from 1<sup>st</sup> January 2014.*  
*2. That Council agree for the Draft Timber Collection Policy be made available for public consultation and that the Council review the Draft Policy, with any community comments at its August 2013 meeting.*

**THE MOTION WAS LOST**

**THE ORIGINAL MOTION WAS PUT AND CARRIED**

14.4.2 BBQ and Shelter - Skate Park Port Broughton

- 136 **MOVED: Cr Smith** **SECONDED: Cr Simmons**  
*"1. That approval be granted or the Port Broughton Progress Association for the erection of a BBQ shelter.*  
*2. That the siting of the BBQ shelter be located 7-8 metres south of the installed power box."*  
**CARRIED**

14.4.3 Port Broughton Harbour  
Noted.

14.4.4 Damage to Foreshore - Port Broughton South  
Noted.

14.4.5 Sign Audit

137 **MOVED: Cr Kerley** **SECONDED: Cr Rowlands**

1. That an audit of all sign within the District Council of Barunga West be conducted.
2. That investigations commence on the project of determining the need, design and siting of uniform and consistent signage within the District."

**CARRIED**

14.4.6 Mosquito Control  
Noted.

Fred Linke, Deb Brokenshire and Kim Thomas left the meeting at 8.14pm.

### CONFIDENTIAL ITEMS

15.1 LEGAL PROCEEDINGS

138 **MOVED: Mayor Dolling** **SECONDED: Cr Rooney**

*"That pursuant to Sections 90(2) of the Local Government Act 1999 the Council orders that all persons, except Mr Peter Ward, Acting Chief Executive Officer and Ms Kim Thomas, Minute Taker, and be excluded from attendance at the meeting for Confidential Agenda Item 15.1 Legal Proceedings.*

*The Council is satisfied that pursuant to Sections 90(3)(i) of the Act that the consideration of issues relating to the Confidential Agenda Item 15.1 Legal Proceedings is information relating to actual litigation.*

*The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances."*

**CARRIED**

139 **MOVED: Mayor Dolling** **SECONDED: Cr Rooney**

*"That having considered Confidential Agenda Item 15.1 Legal Proceedings in confidence under Sections 90(2) and 90(3)(i) of the Local Government Act 1999, the Council, pursuant to Section 91(7) of that Act orders that any information and Minutes relating to that item, be retained in confidence for a period of twelve months, or such lesser period as may be determined by the Chief Executive Officer."*

**CARRIED**



**Kim Thomas returned to the meeting at 8.52pm.**

**CLOSURE**

The Mayor declared the meeting closed at 8.53pm.

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Cr Dean Dolling  
Mayor, District Council of Barunga West