

**MINUTES OF THE ORDINARY MEETING OF THE
DISTRICT COUNCIL OF BARUNGA WEST
HELD AT THE BUTE COUNCIL CHAMBERS ON 9th
DECEMBER 2008 AT 7.00 PM**

1.0 PRESENT:

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

2.0 APOLOGIES AND LEAVE OF ABSENCE:

2.1 Leave of Absence

Nil

2.2 Apologies

Cr B Rooney

3.0 CONFLICT OF INTEREST PROVISIONS

3.1 Cr Simmons advised that she had a Conflict of Interest with Agenda Item 11.1.4 – Citizen of the Year Awards.

3.2 Mayor Dolling advised that he had a Conflict of Interest with Agenda Item 11.4.2.2 – Fisherman’s Bay Management Pty Ltd

4.0 CONFIRMATION OF COUNCIL MINUTES

4.1 Ordinary Meeting –11th November 2008

Cr Kerley moved, Cr Schkabaryn seconded

“That the minutes of the Ordinary Meeting of Council held on 11th November 2008 be confirmed as printed and supplied.”

CARRIED

5.0 BUSINESS ARISING FROM THE COUNCIL MINUTES

5.1 A letter has been forwarded to the Local Government Association regarding protection for elected members in regards to defamation. No response has been received at this stage.

5.2 A letter has been forwarded to the Local Government Association regarding the progress of the review into elected member’s allowances. No response has been received to date.

6.0 DEPUTATIONS

6.1 No Deputations were received at the Council meeting.

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7.0 MEMBERS REPORTS

Cr DOLLING

2nd December - Audit Committee Meeting
3rd December - Dinner with Jay Weatherall Minister for Environment Marine Parks
5th December – Council Christmas Dinner
6th December - Community Christmas Carols Port Broughton
RSL Dinner

Cr SMITH

25th November – Barunga Village meeting
5th December – Council Christmas Dinner
9th December – Barunga Village QA meeting

Cr McDONALD

19th November – Port Broughton & District Hospital & Health Services
Health Advisory Council meeting
24th November – Port Broughton Area School Governing Council meeting
1st December – Opening Art Exhibition, PBAS Community Library
3rd December- Health Advisory Council Christmas Dinner
5th December – Council Christmas Dinner

Cr SCHKABARYN

1st December – Port Broughton Progress Association meeting
2nd December – Audit Committee meeting
6th December – Fisherman’s Bay Progress Association meeting

Cr SIMMONS

13th November – Barunga Village Legal meeting in Adelaide
19th November – Bute 2000 Onwards meeting
21st November – Volunteers Xmas luncheon Port Broughton
25th November - Barunga Village building meeting
25th November – Barunga Village Governance training
25th November – Barunga Village general meeting
28th November – Barunga Village Christmas dinner
1st December – Opening Art Exhibition PBAS Community Library
4th December – Barunga Village Medallion Presentation Bute School concert
5th December – Council Christmas dinner
8th December – Bute Sporting Club meeting
9th December – Barunga Village building meeting

Cr WEEDON

5th December – Council Christmas dinner

Cr KERLEY

Nil

Cr BURGESS

19th November – Bute 2000 Onwards committee meeting
2nd December – Audit Committee meeting
5th December – Council Christmas dinner

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Cr IRELAND

Nil

8.0 PETITIONS OR MEMORIALS

No Petitions were received for consideration by the Council.

9.0 QUESTIONS WITH NOTICE

9.1 Nil

Cr Ireland entered the meeting at 7.25 p.m.

10.0 QUESTIONS WITHOUT NOTICE

10.1 Cr Kerley enquired as to the outcome of the dumping of the demolished shack at Fisherman's Bay. The District Manager advised of the outcomes.

10.2 Cr Kerley enquired as to what rulings will be imposed on non-complying sheds in the Residential zone in Councils future Development Plan. The Manager Environmental Services advised of the provisions of the Council's Development Plan and forthcoming amendments that could be considered.

10.3 Cr Kerley enquired re NRM issues including the stopping access to beachfront on John Lewis Drive, Kerley Street etc. The District Manager advised of the grant received by the Central Region of Local Government that would allow our Council to have some staff allocated to address these issues.

10.4 Cr Weedon asked the District Manager to report on a recent meeting with G Herbert (Riteway Farming), to which the District Manager responded. Cr Weedon advised Councillors that Riteway Farming in Bute has purchased land in Wallaroo and will be operating part of their business from these premises.

11.0 COUNCIL BUSINESS – Managers Reports

11.1 District Manager's Report

Cr Simmons moved, Cr Burgess seconded

"That the District Manager's Report for the December 2008 meeting be received and noted."

CARRIED

11.1.1 Commonwealth Government Community Infrastructure Fund

Cr Simmons moved, Cr Burgess seconded

"That the Council consider the following projects, as part of the Commonwealth Governments Community Infrastructure Fund, and that following preparation of costings by the Senior Staff, the Council make a final decision at its January 2009 meeting.

1. Bute Skate Track – Railway Reserve

2. Tickera – Construction of the cliff top walkway

3. Fishermans Bay- upgrade of the foreshore

4 Port Broughton – upgrade of the foreshore"

CARRIED

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11.1.2 Electoral Representation Review

Cr McDonald moved, Cr Smith seconded

“That the report concerning the Elector Representation Review are received, and that in accordance with Section 12(7) of the Local Government Act 1999, and Council’s Public Consultation Policy, Council undertake public consultation in relation to the Elector Representation Review Options Paper for a period of 6 weeks, commencing on Friday 12th December 2008 and concluding on Friday 31st December 2009.”

CARRIED

11.1.3 OHS & W Self Audit

During the past month several Council staff have been involved in the LGA Workers Compensation Scheme Self Audit. The Council has received a tentative 86% (subject to confirmation) approval, which is an increase from last year. This is a credit to all of Council’s staff, for their commitments, but in particular to our OHS & W co-coordinator Carolyn Mildren, for her excellent work.

*Cr Simmons advised that she was a nominee for the Council’s Australia Day Awards and declared a conflict of interest, in accordance with the provisions of Section 73 (2) of the Local Government Act 1999.
Cr Simmons left the meeting at 8.34pm.*

11.1.4 Citizen of the Year Awards

Cr Smith moved, Cr Schkabaryn seconded

*“That Council agree to the following recipient of the 2009 Australia Day Award for the District Council of Barunga West.
Bute District – Citizen of the Year - Georgie Simmons”*

CARRIED

Cr Simmons returned to the meeting at 8.38pm

Cr Burgess moved Cr Simmons seconded

*“That Council agree to the following recipient of the 2009 Australia Day Award for the District Council of Barunga West
Bute District - Event of the Year - Kulpara Youth Group”*

CARRIED

Cr Schkabaryn moved Cr McDonald seconded

*“That Council agree to the following recipient of the 2009 Australia Day Award for the District Council of Barunga West
Port Broughton District – Event of the Year - Youth Advisory Council
Tween Formal”*

CARRIED

Cr Schkabaryn moved Cr Simmons seconded

*“That Council agree to the following recipient of the 2009 Australia Day Award for the District Council of Barunga West
Port Broughton District - Citizen of the Year-Grace Aitchison”*

CARRIED

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Cr McDonald moved, Cr Weedon seconded

“That pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all persons except Nigel Hand District Manager, Blue Jolly, Manager – Finance and Administration, Fred Linke, Manager – Works, Mark Marziale, Manager – Environmental Services, and Corinne Hewett, Minute Secretary, be excluded from attendance at the meeting for Agenda 11.1.5 Insurance claim.

The Council is satisfied that, pursuant to Section 90(3) (i) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is related 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

11.1.5 Insurance Claim

Cr Burgess moved, Cr Schkabaryn seconded

“That having considered Agenda Item 11.1.5 Insurance claim in confidence under Section 90(2) of the Local Government Act 1999, the Council, pursuant to Section 91(7) of that Act orders that the legal advice within the District Managers Report and the minutes relevant to Item 11.1.5 be retained in confidence for a period of 12 months, and this order be reviewed every 12 months.”

CARRIED

11.1.6 Audit Review – Development and Governance Processes

Following Council’s consent for a review by Wallman’s Lawyers of Council’s processes in respect of the Development Act and Local Government Act, advice was given that Wallman’s Lawyers will conduct the review of both processes in early February.

11.1.7 Partial Dry Zone - Application

The application has been forwarded to the Office Liquor and gambling Commissioner, requesting the Partial Dry Zone for a five year period, which is the maximum period allowed, and to hopefully be implemented by Easter 2009.

11.1.8 Temporary Road Closure – Xmas Celebration

Cr McDonald moved, Cr Burgess seconded

“That the Council exercises the power pursuant to Section 33 of the Road Traffic Act 1961 and Clause F of the Instrument of General Approval of the Minister dated 12 March 2001 to:

Pursuant to Section 33(1) OF THE Road Traffic Act 1961, declare that the event/s described below (“the Road/s”) is an/are event/s to which Section 33 of the Road Traffic Act 1961 applies; and

Pursuant to Section 33(1)(a) of the Road Traffic Act 1961, make an order directing that the Road/s on which the Event/s are to be held and any adjacent or adjoining roads specified below, be closed to traffic:

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1. *Third Street Alford, between South Terrace and the northern end of the Alford Hotel, and South Terrace, between the Alford CFS Shed (boundaries) between the hours of 6.00pm and 12 midnight on Sunday 21st December 2009 for the purpose of a Street Christmas Party.*
2. *South Terrace Muntoora between Cross Street and Main Road between the hours of 4.00pm and 10.00pm on Wednesday 24th December 2009 for the purpose of a Street Christmas Party.*
3. *East Terrace Port Broughton (between James Street and Bay Street) Bay Street Port Broughton (between East Terrace and West Terrace) and West Terrace Port Broughton (between James Street and Bay Street), between the times of 6.00pm and 11.00pm on Saturday 13th December 2009, for the purpose of a Christmas Pageant and Party.”*

CARRIED

11.1.9 Transfer of Road and Land – Bute Silos

Cr Schkabaryn moved, Cr Kerley seconded

“That the Council agree that the parcels of road described in the ORDER below, be excluded from the classification of Community Land, and that

The following land is OPENED as a road

1. *Portion of allotment 441 in Filed Plan 190193, situate intersecting the northern corner of the allotment and delineated as “11” on Preliminary Plan 08/0047.*
2. *Portion of allotment 96 in Deposited Plan 39125, situate intersecting the said allotment and delineated as ‘10’ on Preliminary Plan 08/0047.*

The above described road openings to form a re-alignment of Martin Road and the railway level crossing.

This land is the whole of the land specified in the public notice of this road opening given in the Yorke Peninsula Country Times of 3 June 2008 and the Government Gazette of 5 June 2008.

The following road is hereby CLOSED

The public road (un-named level crossing) generally dividing allotment 96 in Deposited Plan 39125 from allotment 10 in Deposited Plan 61425 and portion of Martin Road and rendered superfluous by the road opening and shown delineated and lettered ‘A’, ‘C’ and ‘D’ (respectively) on Preliminary Plan 08/0047.

The road closed by this order must be dealt with in accordance with following order:

Transfer the whole of the land subject to closure marked ‘A’ and ‘B’ to ABB Grain Ltd in accordance with Agreement for Transfer dated

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9th December 2008 entered into between the District Council of Barunga West and ABB Grains Ltd.

Issue a Certificate of title to the Minister for Transport for the whole of the land subject to closure marked 'C', which land is for railway purposes."

CARRIED

11.1.10 Country Health Service – Draft Strategy for Planning

A report was given on the submission forwarded to the Minister of Health on the recently released Draft Strategy for Country Health.

11.1.11 Sale of Council House at Bute

Arrangements were advised to Council for the sale of the house, by tender, at Everard Street, Bute has commenced, with Professionals Real Estate at Bute.

11.1.12 Bute Memorial Hall

Arrangements have been made with Trevor Mace Engineering to hold a preliminary inspection of the Bute Memorial Hall, to enable its assessment report on the current condition of the Hall and a possible repair program and costing for such repairs.

11.1.13 Alford School Site

Discussions have been held with Department of Environment and Heritage on the requirements for the Alford School site, and a report should be available for Council's January meeting.

11.1.14 Application Deferral for Fisherman's Bay Progress Association

Cr Burgess moved, Cr Smith seconded

"That any decision on the application of the Fisherman's Bay Progress Association extension of the workshop at Snook Road, lay on the table until February 2009, and that the Manager and Environmental Services and the District Manager prepare a report in respect of the request of the Progress Association to have approval to the land requested for the extension of the shed located on their site."

CARRIED

11.2 Manager – Finance and Administration

Cr Burgess moved, Cr Smith seconded

"That the Manager – Finance and Administration Report for the December 2008 meeting be received and noted."

CARRIED

11.2.1 Balances of ANZ Bank & LGFA 24 Hour Investment Fund and Reserves

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11.2.2 Audit Committee – 2007/08 Annual Report

Cr Simmons moved, Cr Kerley seconded
“That the District Council of Barunga West’s 2007/08 Annual Report of the Audit Committee be received and noted.” **CARRIED**

11.2.3 Bute Primary School – Hire of Bute Community Hall

Bute Primary School is requesting waiver of the hire costs (\$44 inc GST) of the Bute Community Hall for their Annual Presentation night.

Cr Kerley moved, Cr Smith seconded
“That the Council does not agree to the request of the Bute Primary School to waiver the \$44 hire costs for the Bute Hall.”

CARRIED

11.2.4 Bute 125 Celebration Committee

A letter of thanks expressing appreciation to the Council for assistance to the forthcoming celebration was noted.

11.2.5 Youth Advisory Committee Program Funding for 2008/09.

Details of the grants for 2008/09 were advised.

11.3 Manager – Works

Cr Burgess moved, Cr Schkabaryn seconded
“That the Manager – Works Report for the December 2008 meeting be received and noted.” **CARRIED**

11.3.1 Request for tree removal

Cr Schkabaryn moved, Cr Weedon seconded
“That the two Athol pines in front of 133 John Lewis Drive be removed and if the tree in front of 129 John Lewis Drive is ascertained as not to be on private property, that this tree also be removed.”

CARRIED

*Cr Simmons moved, Cr Schkabaryn seconded
“Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all persons except, Nigel Hand District Manager, Blue Jolly, Manager – Finance and Administration, Fred Linke, Manager – Works, Mark Marziale, Manager – Environmental Services, and Corinne Hewett, Minute Secretary, be excluded from attendance at the meeting for Agenda Item 11.3.2 Contract grading.*

*The Council is satisfied that, pursuant to Section 90(3)(k) of the Act, the information to be received, discussed or considered in relation to this Agenda Item are tenders for the provision of services, or
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

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11.3.2 Contract Grading

Cr Kerley moved, Cr McDonald seconded

“That having considered Agenda Item 11.3.2 Contract Grading in confidence under Section 90(2) and (3)(k) of the Local Government Act 1999, the Council, pursuant to Section 91(7) of that Act orders that the Manager - Works Report be retained in confidence for a period of 12 months and that this order be reviewed every 12 months .”

CARRIED

11.4 Manager - Environmental Services

Cr Schkabaryn moved, Cr McDonald seconded

“That the Manager – Environmental Services Report for the December 2008 meeting be received and noted.”

CARRIED

11.4.1 Approved Development Report – Period 1st – 30th November 2008.

Noted.

11.4.2. ERD Court Actions – Information Updates

11.4.2.1ERDC 277 of 2008 – Appeal by G Button –Land Division DA 344/D008/07

Mayor Dolling advised that he has a relative on the Board of Directors of the Fisherman’s Bay Management Pty Ltd and declared a conflict of interest, in accordance with the provisions of Section 73 (2) (g) of the Local Government Act 199.

Mayor Dolling left the meeting at 8.57 pm.

11.4.2.2ERDC 397 – 2006 – Appeal by Fisherman’s Bay Management Pty Ltd - DA 344/D006/99 V1

Mayor Dolling returned to the meeting at 9.00 pm

11.4.2.3ERDC 470 of 2008 – Appeal by J Ireland –Two Storey Dwelling- DA 344/133/08

11.4.3. PLANNING SYSTEM REFORMS 2008 - Draft Development (Residential Code) Variation Regulations 2009.

Informing Council of the Planning System Reforms 2008, and to advice of the subsequent requirements for organisational and budget review.

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11.4.4. DRAFT DC BARUNGA WEST BUILDING INSPECTION POLICY - Div 6A– Sec 71A Development Act 1993

Cr Kerley moved, Cr Burgess seconded

“That,

1) Council ,having taken into account the following matters, as set out below:

(a) the financial and other resources of the council, and of its local community; and

(b) the impact that a failure to inspect a certain number of buildings of the relevant classes over a period of time may have on its local community; and

(c) past practices of the council with regard to inspections and the assessment of building work in its area; and

(d) whether the area, or a particular part of the area, of the council is known to be subject to poor building conditions; and

(e) information in the possession of the council on poor building standards within its local community; and

(f) the public interest in monitoring the standard of building work within the community and in taking steps to provide for the safety and health of people who use buildings.

Hereby adopts the Building Inspection Policy in accordance with Section 71A of the Development Act 1993; and,

2) Pursuant to Section 71A of the Development Act 1993, Council’s Authorised Officers will inspect the specified classes of buildings in accordance the Building Inspection Policy as adopted by Council at its Meeting held 9 December 2008.”

CARRIED

12. NOTICES OF MOTION

No Notices of Motion were received for this meeting.

13. COMMITTEE MEETINGS

13.1 Audit Committee – 2nd December 2008

Cr. Smith moved, Cr. Burgess seconded

“That the following recommendations from the Audit Committee meeting held on 2nd December 2008 be accepted by the Council:

1. That That in accordance with Section 7 (2) of the Local Government (Financial Management) Regulations 1999 it is recommended that Council adopts the Budget Review as at 30th September 2008, as tabled.

2. That the Annual Report, as tabled, be adopted and presented to Council.”

CARRIED

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14. CLOSURE

The Mayor declared the meeting closed at 9.25 pm.

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Cr. D. DOLLING
MAYOR