

**MINUTES OF THE ORDINARY MEETING OF THE  
DISTRICT COUNCIL OF BARUNGA WEST  
HELD AT PORT BROUGHTON GOLF CLUB, PORT  
BROUGHTON ON 9<sup>th</sup> JUNE 2009 AT 8.20 PM**

**1.0 PRESENT:**

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

**In attendance:**

A Public Gallery of 10, including Mr G Brock, State Government Member for Frome

**2.0 APOLOGIES AND LEAVE OF ABSENCE:**

**2.1 Leave of Absence**

Nil

**2.2 Apologies**

Mr. M Marziale (Manager – Environmental Services)

**3.0 CONFLICT OF INTEREST PROVISIONS**

**3.1 Nil**

**4.0 CONFIRMATION OF COUNCIL MINUTES**

**4.1 Ordinary Meeting –12<sup>th</sup> May 2009**

Cr. Schkabaryn moved, Cr. Rooney seconded

*“That the minutes of the Ordinary Meeting of Council held on 12<sup>th</sup> May 2009 be confirmed as printed and supplied.*

**CARRIED**

**5.0 BUSINESS ARISING FROM THE COUNCIL MINUTES**

**5.1** A request has been received from the Yorke Peninsula Tourism Marketing Board for Council to reconsider its decision to not participate in the Regional Integrated Tourism Strategy. A copy of the request is attached to the agenda.

Cr Schkabaryn moved Cr Kerley seconded

*“that Council having been advised of the participation of all Councils in the Region, for the Regional Integrated Tourism Strategy, and some government agencies, agree to support the Yorke Peninsula Tourism Marketing Board with the preparation of the Strategy by way of a financial contribution of a maximum of \$5,000”*

**CARRIED**

**6.0 DEPUTATIONS**

**6.1 Bute Pony Club.**

A request was received for a meeting with the Bute Pony Club to discuss their concerns with the area of Council land leased to the Club. This has altered to an onsite meeting to be held on Thursday 11<sup>th</sup> June at 9.30 a.m.

## **6.2 Bute Deli and Diner – Mr. Chris Keynes**

Mr. Chris Keynes addressed the Council on his concerns in respect of the development of the Bute Deli and Diner, and his concerns with the requirements of Council staff for this development to occur. He also notified Council of the advice that he received from various sources.

## **7.0 MEMBERS REPORTS**

### **Cr DOLLING**

23<sup>rd</sup> May – Leader program Hospital  
3<sup>rd</sup> June – Fire Control meeting Bute

### **Cr ROONEY**

Nil

### **Cr McDONALD**

20<sup>th</sup> May – Port Broughton & District Hospital & Health Services Health Advisory meeting  
29<sup>th</sup> May – Primary Health Care meeting

### **Cr SCHKABARYN**

15<sup>th</sup> May – CRLG General meeting Clare  
1<sup>st</sup> June – Port Broughton Progress Association  
6<sup>th</sup> June – Fisherman's Bay Progress Association

### **Cr SMITH**

21<sup>st</sup> May- YPCC Volunteers meeting Port Broughton  
26<sup>th</sup> May – Barunga Village meeting

### **Cr SIMMONS**

14<sup>th</sup> May – Library meeting  
19<sup>th</sup> May – Barunga Village building meeting  
26<sup>th</sup> May – Barunga Village general meeting  
27<sup>th</sup> May – Bute 2000 Onwards meeting  
2<sup>nd</sup> June – YPCT meeting Maitland

### **Cr WEEDON**

Nil

### **Cr KERLEY**

Nil

### **Cr BURGESS**

Nil

### **Cr IRELAND**

Nil

## **8.0 PETITIONS OR MEMORIALS**

No Petitions were received for consideration by the Council.

## **9.0 QUESTIONS WITH NOTICE**

9.1 No questions with Notice were received

## 10.0 QUESTIONS WITHOUT NOTICE

10.1 Cr Schkabaryn enquired as to whether the Sustainability of Fisherman's Bay document, as provided by the students of University SA, could be put onto Councils website. The District Manager advised that he will do this.

## 11.0 COUNCIL BUSINESS – Managers Reports

### 11.1 *District Manager's Report*

Cr. Burgess moved, Cr. Simmons seconded

*"That the District Manager's Report for the June 2009 meeting be received and noted."*

**CARRIED**

#### 11.1.1 Elector Representation Review

Cr. Schkabaryn moved, Cr. Burgess seconded

*"That following consideration of the responses from the community as part of its Public Consultation process, and the issues raised in the District Manager's Report, that the District Manager prepare a Representation Review Report, for public consultation as part of Council's Electoral Representation Review. This Report will include the Council's resolution that the Council should be constructed as follows*

- (a) The Presiding Member shall be appointed by the elected members in the provisions of Section 51(1)(b) of the Local Government Act 1999.*
- (b) That the number of elected members becomes 10, and*
- (c) That the current system of No Wards be retained."*

#### **Cr. McDonald sought to move an amendment**

Cr. McDonald moved, Cr. Simmons seconded

*"That following consideration of the responses from the community as part of its Public Consultation process, and the issues raised in the District Manager's Report, that the District Manager prepare a Representation Review Report, for public consultation as part of Council's Electoral Representation Review. This Report will include the Council's resolution that the Council should be constructed as follows*

- (a) The Presiding Member shall be appointed by the elected members in the provisions of Section 51(1)(b) of the Local Government Act 1999.*
- (b) That the number of elected members becomes 9, and*
- (c) That the current system of No Wards be retained."*

**The Amendment was put to the Vote and was CARRIED**

**The Amendment then became the MOTION**

#### **Cr Kerley sought to move an amendment**

Cr. Kerley moved, Cr. Smith seconded

*"That following consideration of the responses from the community as part of its Public Consultation process, and the issues raised in the District*

*Manager's Report, that the District Manager prepare a Representation Review Report, for public consultation as part of Council's Electoral Representation Review. This Report will include the Council's resolution that the Council should be constructed as follows*

*(a) The Presiding Member shall be appointed by the elected members in the provisions of Section 51(1)(b) of the Local Government Act 1999.*

*(b) That the number of elected members becomes 7, and*

*(c) That the current system of No Wards be retained."*

**The Amendment was put to the vote and was DEFEATED  
The Motion was put to the vote and CARRIED**

### **11.1.2 Review of Regional Development Boards**

A report on the proposal of the State and Federal Governments to "amalgamate" the Development Boards with the Area Consultative Committees, to form Regional Australia Boards.

The Local Government Association and the Central Local Government Region have arranged for a workshop to be held at Clare on 12<sup>th</sup> June,

### **11.1.3 Tickera Golf Club**

Cr Kerley moved Cr Weedon seconded

*"that Council acknowledges that the Tickera Golf Club have advised the Council that they wish to relinquish the lease for the Tickera Golf Club, and to make the necessary arrangements to secure the buildings at the Club, and to investigate the legalities of "illegal" occupation of the buildings at the premises, prior to making any further decisions in respect to the future use of the buildings located at the Tickera Golf.*

**CARRIED**

### **11.1.4 Proposed Council Office extensions – Port Broughton**

Plans and preliminary costings for the proposed extensions were presented for consideration by members.

Cr Rooney moved Cr Weedon seconded

*"that Council approach the adjoining owner at Lot 105 Bay Street Port Broughton, to ascertain the availability of purchasing this parcel of land to utilise it for the Council extensions"*

**DEFEATED**

Cr Schkabaryn moved Cr Burgess seconded

*"that the proposed Council extensions be built in accordance with the Draft Plans as presented by the District Manager, which includes the original Council Chambers, as a free standing building, includes housing a Police Station for SAPOL, and with the minor changes required to improve the plans"*

**Cr Kerley sought to move an Amendment**

Cr Kerley moved Cr McDonald seconded

*"that the new Council extensions housing the SAPOL offices be shifted so that the old Council building can be viewed from the road"*

**The Amendment was put to the vote and was DEFEATED**

**Cr Kerley called for a Division**

**THOSE WHO VOTED FOR THE AMENDMENT – Crs Kerley, McDonald & Rooney**

**THOSE WHO VOTED AGAINST THE AMENDMENT – Crs Smith, Burgess, Simmons, Ireland, Schkabaryn, Weedon & Dolling**

**The Motion was put to the vote and CARRIED**

#### **11.1.5 Bute Residential Development**

A progress report on this development was given.

#### **11.1.6 Bute Hall**

A meeting to consider the issues of the Bute Hall meeting will be held on Monday 15<sup>th</sup> June 2009, commencing at 7.00 p.m. and will be in the Supper Room of the Bute Hall. The meeting will be chaired by the Mayor.

#### **11.1.7 Local Government Award Modernisation**

A report on the Federal Government's Industrial Reform was given, whereby there is a proposal for all local government industrial awards across Australia (some 40 awards) will be condensed into one award prior to December 2009.

#### **11.1.8 Local Government (Elections) Amendment Bill**

The Minister for State/Local Government Relations has forwarded an information pack as part of her proposal to submit an Amendment Bill to the Local Government (Elections) Act 1999, for Council comment. The Amendment Bill is seeking to improve voter participation, improving representation on Councils and improving the election process,

#### **11.1.9 ZEN Home Energy Systems**

Cr. Weedon moved, Cr. Ireland seconded

*“That Council advise ZEN Home Energy Systems, that whilst Council is very supportive of the use of solar/green energy systems, that it is not prepared to be associated with one particular company, and that it should be up to the individual customer to choose their own supplier.”*

**CARRIED**

#### **11.1.10 Special Local Road Funding**

Advice was given that following a review of all the applications within the Central Local Government Region, for funding under the Special Local Road Funding, that our Council's application for funding for the upgrade of the By-pass Road has been ranked second in the Region.

#### **11.1.11 Port Broughton Channel**

Advice was given that the Department of Transport, Energy and Infrastructure were currently calling tenders for the replacement of some 40 Channel Markers in the Port Broughton Channel, and for the relocation of the Beacon Marker to a location north of the current location. There was

also a possibility that some dredging of the channel entrance may occur at a later date

## **11.2 Manager – Finance and Administration**

Cr. Kerley moved, Cr. Simmons seconded

*“That the Manager – Finance and Administrations Report for the June 2009 meeting be received and noted.”*

**CARRIED**

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

Noted

### **11.2.2 2009/10 Annual Business Plan**

Cr. Smith moved, Cr. Schkabaryn seconded

*“that the Council adopts the 2009/10 Annual Business Plan as tabled.”*

**CARRIED**

### **11.2.3 2009/10 Valuations, Budget and Rate Declaration**

Cr. Rooney moved, Cr. Schkabaryn seconded

*‘that Council adopts the 2009/10 valuations for rating purposes, the 2009/10 financial budget and declares rates as follows:*

#### ***ADOPTION OF VALUATIONS FOR RATING***

*Notice is hereby given that at a meeting of Council held on 9th June 2009, it was resolved that the District Council of Barunga West adopts the Capital Valuations of the Valuer General, dated 30th May 2009, that are to apply for the area of rating purposes for the 2009/10 financial year, being Capital Valuations totalling \$840,842,940, comprising \$805,771,460 for rateable land and \$35,071,480 for non-rateable land.*

#### ***ADOPTION OF BUDGET AND DECLARATION OF RATES***

*Notice is hereby given that by virtue of the powers vested in it by the Local Government Act 1999, and all other powers there unto enabling the Council of the District Council of Barunga West (hereinafter called “the Council”) at a meeting on 9th June 2009:*

*1. Adopts the Annual Budget as prepared pursuant to Section 123 of the Local Government Act 1999 and Regulation 5B of the Local Government (Financial Management) Regulations 1999, including Estimates of Income (excluding general rate income) totalling \$1,517,353 as amended and the Estimates of Cash Expenditure of \$4,302,587 as amended for the financial year ending 30 June 2010.*

*2. Declared differential general rates on rateable land with the area the Council for the financial year ended 30 June 2010 which differential general rates are pursuant to Section 152 (1) (c) based onto two components –*

*(1) one being the value of the rateable land and*

*(2) the other being the fixed charge applicable to the rateable land and which general rates vary according to the use in accordance with Section 156 (1) (a) of the Local Government Act 1999.*

*3. Declared that an amount of \$240 as a fixed charge on each separate piece of rateable land in the area of the Council for the*

*purposes of rates, pursuant to Section 152 of the Local Government Act 1999, for the year ended 30 June 2010.*

*4. That the amounts of differential general rates are as follows:*

- a. That the differential general rate for all rateable land within the area of the Council which has a land use of Residential be declared at 0.2328 cents in the dollar; and*
- b. That the differential general rate for all rateable land within the area of the Council which has a land use of Commercial – Shop – Office or Other, Industrial – Light or Other be declared at 0.4584 cents in the dollar; and*
- c. That the differential general rate for all rateable land within the area of the Council which has a land use of Primary Production be declared at 0.2285 cents in the dollar; and*
- d. That the differential general rate for all rateable land within the area of the Council which has a land use of Vacant be declared at 0.1891 cents in the dollar.*

## **CWMS (STEDS) SCHEMES**

### **1. PORT BROUGHTON SCHEME**

*1.1 Adopts the Estimates of Expenditure totalling \$208,265 (excluding depreciation), relating to the operation, maintenance, replacement and improvements and residual balance being allocated to reserves for the financial year 2009/10.*

*1.2 Pursuant to Section 155 of Local Government Act 1999, imposes annual service charges on rateable and non-rateable land within the District to which this service is provided as specified:*

- In respect of each effluent unit applying to occupied allotments a charge of \$290; and*
- In respect of each vacant allotment, a charge of \$205.*

### **2. BUTE SCHEME**

*2.1 Adopts the Estimates of Expenditure totalling \$34,645 (excluding depreciation), relating to the operation, maintenance, replacement and improvements and residual balance being allocated to reserves for the financial year 2009/10.*

*2.2 Pursuant to Section 155 of Local Government Act 1999, imposes annual service charges on rateable and non-rateable land within the District to which this service is provided as specified:*

- In respect of each effluent unit applying to occupied allotments a charge of \$240; and*
- In respect of each vacant allotment, a charge of \$55.*

*3. Any reference to a "unit" being as defined in the CWMS Property Units Code in accordance with Regulation 9A of the Local Government (General) Regulations 1999."*

**CARRIED**

## **NATURAL RESOURCES MANAGEMENT LEVY**

**Cr. Rooney moved, Cr. Schkabaryn seconded**

*"That pursuant to Section 95 of the Natural Resources Management Act 2004 and Section 154 of the Local Government Act 1999 and in order to reimburse the Council the amount contributed to the Northern and Yorke Natural Resources Management Board for the year ending 30 June 2010, being \$121,092 a separate rate in the dollar of 0.0151 is declared on all rateable land in the Council's area.'*

**CARRIED**

## **FEES & CHARGES**

Cr. McDonald moved, Cr. Kerley seconded

*“That pursuant to Section 188 of the Local Government Act 1999, Council adopts the schedule of Fees & Charges and the Dog Management Fees for the 2009/10 Financial Year, as tabled by the Manager – Finance & Administration.”*

**CARRIED**

## **PAYMENT OF RATES**

Cr. Schkabaryn moved, Cr. McDonald seconded

*“That Notice is hereby given that the requirements for the payments of rates are as follows:*

*1. Rates (ie Differential General Rates plus fixed Charges, Service Charges and Separate Rates) declared by Council for the financial year ending 30 June 2010 will fall due in four equal or approximately equal instalments.*

*2. The said instalments shall be payable on or before 9th September 2009, 9th December 2009, 9th March 2010 and 9th June 2010; failing which the said rates shall be regarded as being in arrears and subject to the imposition of fines, as prescribed.”*

**CARRIED**

### **11.2.4 Infrastructure and Asset Management Plan (Roads) and Long Term Financial Plan**

The Manager advised that the reports had been received, and that they were tabled at the meeting for adoption at the Council’s July meeting.

### **11.2.5 Audit Committee – Role**

The Manager advised that he had reviewed the role and functions of the Audit Committee. The outcome of the review means, on an administrative basis, a relaxation of tight time lines to ‘squeeze in’ an Audit Committee meeting before the regular Council Meeting.

## **11.3 Manager – Works**

Cr. Burgess moved, Cr. Weedon seconded

*“That the Manager – Works Report for the June 2009 meeting be received and noted.”*

**CARRIED**

### **11.3.1 Street Trees Bute**

Cr. Ireland moved, Cr. Burgess seconded

*“That Council agrees to purchase and plant Bottle Brush trees in Third Street between the Council Depot and High Street and in First Street. “*

**CARRIED**

## **11.4 Manager - Environmental Services**

Cr. Simmons moved, Cr. Rooney seconded

*“That the Manager – Environmental Services Report for the June 2009 meeting be received and noted.”*

**CARRIED**



**11.4.1 Approved Development Report – Period 1<sup>st</sup> – 31<sup>st</sup> May 2009.**

Noted.

**11.4.2. Policy For Development Within the Pt Broughton Bayside (Residential) Caravan Park**

Cr. Dolling moved, Cr. Kerley seconded

*“That, Council resolves to adopt the Development in the Bayside (Residential) Caravan Park Policy, to direct and assist its authorised officers in the assessment of merit applications within the subject Park.”*

**CARRIED**

**11.4.3 Development Assessment Policy: Exemption of Minor Developments On Low Lying Land Adjoining the Coast from AHD Finished Floor Level requirements.**

Cr. Simmons moved, Cr. Schkabaryn seconded

*“That Council Resolves, on merit, given the minimal exposure to risk involved in the approval of the listed structures, to exempt the following kinds of development from the minimum site level and minimum Australian Height Datum Finished Floor Levels requirements of its Development Plan, as set out below:*

*An addition to an existing dwelling comprising the enclosure of part or the whole of an existing verandah, approved prior to 10 June 2009, where the area of the subject enclosure is equal to or less than 6.0 square metres in area;*

*An addition to an existing dwelling comprising the enclosure of part or the whole of an existing open sided structure, approved prior to 10 June 2009, being attached to the dwelling, where the area of the subject enclosure is equal to or less than 6.0 square metres in area. “*

**CARRIED**

**12. NOTICES OF MOTION**

No Notices of Motion were received for this meeting.

**14. CLOSURE**

The Mayor declared the meeting closed at 10.15 pm.

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**Cr. D. DOLLING**  
**MAYOR**