

MINUTES OF THE ORDINARY MEETING OF THE DISTRICT COUNCIL OF BARUNGA WEST HELD AT THE BUTE COUNCIL CHAMBERS ON 10th MARCH 2009 AT 7.00 PM

1.0 PRESENT:

Mayor Dolling, Cr I Burgess (Deputy Mayor), Cr B Rooney, Cr M McDonald, Cr T Schkabaryn, Cr G Simmons, Cr L Kerley, 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 M Weedon

3.0 CONFLICT OF INTEREST PROVISIONS

3.1

4.0 CONFIRMATION OF COUNCIL MINUTES

4.1 Ordinary Meeting – 10th February 2009

Cr Rooney moved, Cr Ireland seconded

“That the minutes of the Ordinary Meeting of Council held on 10th February 2009 be confirmed as printed and supplied.”

CARRIED

4.2 Special Meeting – 25th February 2009

Cr Burgess moved, Cr Ireland seconded

“That the minutes of the Special Meeting of Council held on 25th February 2009 be confirmed as printed and supplied.”

CARRIED

5.0 BUSINESS ARISING FROM THE COUNCIL MINUTES

5.1 Ordinary Meeting

5.2 Special Meeting

Nil

6.0 DEPUTATIONS

Nil

7.0 MEMBERS REPORTS

Cr DOLLING

13th February – Central Region Local Government meeting Port Broughton
25th February – YP Rail Meeting
5th February – Special Council meeting
4th March – Works and Infrastructure Committee
8th March – Bute 125 Celebrations
8th March – Broughton to Bay Fun Run & Family Day

Cr SMITH

18th February – Meeting with Bayside Caravan Park Managers
24th February – Barunga Village meeting
25th February – Barunga Village meeting
25th February – Special Council meeting
25th February – YP Rail meeting Bute
4th March – Works and Infrastructure Committee

Cr ROONEY

25th February – Special Council meeting
25th February – YP Rail meeting Bute
2nd March – Kulpara Progress Association meeting
4th March – Works and Infrastructure Committee
8th March – Bute 125 Celebrations

Cr McDONALD

13th February – Central Region Local Government meeting Port Broughton
18th February – Pt Broughton & District Hosp & Health Services Advisory Council meeting
24th February – Pt Broughton Area School Governing Council meeting
25th February – YP Rail meeting
25th February – Special Council meeting
27th February – Primary Health Care meeting
3rd March – Pt Broughton Area School Governing Council AGM & meeting
4th March – Works and Infrastructure Committee
6th March – Port Broughton Area School Sports Day
8th March – Broughton to Bay Fun Run & Family Day

Cr SCHKABARYN

13th February – Central Region Local Government meeting Port Broughton
25th February – Special Council meeting
25th February – YP Rail meeting
4th March – Works and Infrastructure Committee
7th March – Fishermans Bay Progress Association meeting

Cr SIMMONS

14th February – YP Rail meeting
24th February – Barunga Village building meeting
24th February – Barunga Village Governance training & general meeting
25th February – Special Council meeting
25th February – YP Rail meeting
4th March – Works and Infrastructure Committee
7th & 8th March – Bute 125 Celebrations

Cr WEEDON

25th February – Special Council meeting

Cr KERLEY

25th February – Special Council meeting
25th February – YP Rail meeting
7th & 8th March- Bute 125 Celebrations

Cr BURGESS

25th February – Special Council meeting
25th February – YP Rail meeting
8th March – Bute 125 Celebrations

Cr S IRELAND

25th February – Special Council meeting

Cr Kerley moved Cr Rooney seconded

“That a letter be sent to the Bute 125 Celebrations Committee congratulating them on their organisation of the weekends celebrations.” **CARRIED**

8.0 PETITIONS OR MEMORIALS

8.1 No Petitions were received for consideration by the Council.

9.0 QUESTIONS WITH NOTICE

9.1 Cr Schkabaryn has asked if the calling of a Division for voting can be challenged.

In accordance with the Local Government Act (Procedures at Meetings) Regulations 2000, Section 18 (2), *“if a Division is called for, it must be taken immediately, and the previous decision of the Presiding member, as to whether the motion is carried or lost is set aside.”*

Section 18 (3) advises of the procedures that must be undertaken for the counting of the Division
Section 18 (5) allows the Council to vary the procedures of counting the votes, should Council have a Policy to vary the procedure.(which it does not)

10.0 QUESTIONS WITHOUT NOTICE

10.1 Cr. Kerley enquired in regards to Evacuation plans in the case of an emergency. The Manager-Environmental Services is in the process of completing a District Emergency Management Plan which will detail all the relevant requirements. This has been done in consultation with local Emergency Services and will be presented to Council in the near future.

11.0 COUNCIL BUSINESS – Managers Reports

11.1 *District Manager’s Report*

Cr Kerley moved, Cr Simmons seconded

“That the District Manager’s Report for the March 2009 meeting be received and noted.” **CARRIED**

11.1.1 Proposed Dry Zone Application

Discussion has been held with the Office of the Liquor and Gambling Commission (23rd February 2009), seeking additional information regarding our application for the proposed Dry Zones at Fisherman's Bay and Port Broughton. The Commission is conscious of our request for the Dry Zone to be implemented prior to Easter 2009.

11.1.2 Sale of Bute House

The house is now on the market as a private treaty sale and the agent has had some enquiries on the property.

11.1.3 Alford School

Advice has been forwarded to the Department of Environment Heritage, indicating our offer of \$30,000 and a maximum of \$2,000 contribution towards surveying for the purchase of portion of the former Alford School site, which includes the toilets.

11.1.4 Port Broughton Office Extension

A public consultation process on the future of the original Council Chambers, seeking public comment, in writing to be received by Monday 30th March 2009, for consideration by Council at its April meeting, has commenced.

11.1.5 Bute Development

A report was given on the additional requirements in relation to the proposed development, and of a request from an adjoining owner.

11.1.6 Bute Hall Review

A public consultation process on the report received from Trevor Mace Engineering on the Bute Hall, seeking public comment, in writing to be received by Monday 30th March 2009, for consideration by Council at its April meeting, has commenced.

Arrangements have been made for Council's Regional Risk Co-ordinator to undertake a risk assessment of the Hall, to assist Council with any decision making on the future use of the Hall.

11.1.7 Broughton Bayside Caravan Park

A letter has been received (copy attached to my report) from the Lessees (Chris and Debra Peers) of the Broughton Bayside Caravan Park, asking Council to review Clause 13 (c) of their lease.

Cr Smith moved Cr Rooney seconded

"That Clause 13 (c) of the Lease Agreement between the Council and the Lessees of the Broughton Bayside Caravan Park be amended by removing the words 2 months and be replaced with 6 months" **CARRIED**

11.1.8 Council Development Assessment Panel (CDAP)

Cr Rooney moved, Cr Schkabaryn seconded

“That in accordance with the provisions of Section 56A of the Development Act 1993, Council appoints Crs.Schkabaryn ,Burgess, and Smith as members of the Council’s Development Assessment Panel, and Messrs John Meier, Paul March, Steve Horsell and Ms. Sandra Woods for the period commencing 10th March 2009, concluding on 6th December 2010, AND, that Mr. John Meier be appointed as Presiding Member of the Panel, AND, further that in accordance with the provisions of Section 56A (22) of the Development Act 1993, Council appoints the District Manager, Nigel Andrew Hand, as the Public Officer for the Council development Assessment Panel for the period expiring 6th December 2010, AND that the District Manager, Nigel Hand be authorised to give the appropriate notice of these appointments pursuant to the requirements of Section 56A of the Development Act 1993.”

CARRIED

11.1.9 Telstra Payphones – Review

Telstra are currently reviewing their payphones within our Council area, in accordance with their “universal service obligations”. The Council currently has eight payphone sites within its area. Three of these telephones have been targeted for removal (Kulpara, Mundoora, which is in the Pirie Regional Council area and one at Fisherman’s Bay). The one at the Broughton Bayside Caravan Park is to be negotiated with the Caretakers.

11.1.10 Australian Government Infrastructure Grants

Advice has been received that the Council has obtained the funds that it applied for, and these are

- \$20,000 for the Tickera Cliff Top Walking Trail from the boat ramp to the Golf Course.
- \$25,000 for the fencing of the Fisherman’s Bay Parkinsons Playground, and footpath paving from that playground to the boat ramp.
- \$25,000 for the Bute Skate Park, and
- \$30,000 towards the paving of the footpath and improvements on the foreshore north of the Jetty.

11.1.10 Sale of Leased Roads – Hd Kulpara

Cr Smith moved, Cr Ireland seconded

“That the Mayor, Cr. Rooney and the District Manager make arrangements to meet with Messrs GD, RA and DG Pridham, in regards to the sale price of the leased roads.”

CARRIED

11.1.11 Local Government Association – Election for President

Cr Schkabaryn moved, Cr Smith seconded

“That Council agree to vote for Mayor Miriam Smith as President of the South Australian Local Government Association.”

CARRIED

11.1.12 Local Government Association – Information

Information sheets that are of importance from the Association were given to members.

11.1.13 Minister for State/Local Government Relations

The Minister has introduced a quarterly Newsletter Local Government Matters for distribution to elected members.

11.1.14 Marine Parks in South Australia

Cr Schkabaryn moved Cr Simmons seconded

“That Council do not submit a formal response to the Department of Environment & Heritage for the proposed Marine Parks and that the Mayor and the District Manager initiate discussions with the local professional fishermen with regards to fishing issues.”

CARRIED

11.2 Manager – Finance and Administration

Cr Burgess moved, Cr McDonald seconded

“That the Manager – Finance and Administration Report for the March 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 Purchase of GBC Folding Machine

Cr Rooney moved, Cr Schkabaryn seconded

“That Council approves the purchase of the GBC Folding Machine for \$4,000 and for the item to be included in the Budget Review as at 31st March 2009.”

CARRIED

11.2.2 Dog Management Fees – 2009/10

Cr Smith moved, Cr Simmons seconded

“That the Dog Management Fees for 2009/10 be adopted, as per the tabled schedule”

CARRIED

11.2.3 Port Broughton Re-union

A letter from Mr. Peter Summerton has been received suggesting a re-union of Port Broughton citizens to coincide with the celebration of his father’s 90th birthday.

Cr Kerley moved Cr Simmons seconded

“That no action be taken by Council regarding the suggested reunion and that Council will respond accordingly to Mr Summerton encouraging him to seek assistance from some local organisations”

CARRIED

11.3 *Manager – Works*

No formal report was presented by the Manager – Works due to his report being presented at the Works and Infrastructure Committee meeting of 4th March 2009.

The Manager responded to some queries of members.

11.4 *Manager - Environmental Services*

Cr. Burgess moved, Cr. Kerley seconded

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

CARRIED

11.4.1 **Approved Development Report – Period 1st – 28th February 2009.**

Noted.

11.4.2 **Environmental Health Officer – Position Vacant.**

The Manager reported on progress on the replacement of the Environmental Health Officer.

11.4.3 **Fisherman Bay Progress Association Inc., Queries Regarding use of Proposed Lot 150 in DA 344/D006/99.**

Advice was given Council of the situation of the proposed reserve allotment 150 in the land division 344/D006/99 for the freeholding of Fisherman Bay private lease settlement, in which Cr T. Schkabaryn, on behalf of Fisherman Bay Progress Association Inc., has expressed interest in creating a new freehold allotment at the last Meeting of Council.

12. **NOTICES OF MOTION**

12.1 Cr Simmons advised of the following Notice of Motion at the last meeting of Council.

Cr Simmons moved, Cr Schkabaryn seconded

“That notice is hereby given for the following Notice of Motion for the Council meeting of 10th March 2009,

That Council rescind the following minute from the December Council Meeting

“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,”

And further that

(a) Council does not remove the trees in front of 129 and 133 John Lewis Drive.

(b) *That council trench and insert a root barrier between 129 & 131 John Lewis Drive and in front of 131 and 133 John Lewis Drive.*”

CARRIED

13. COMMITTEE MEETINGS

Cr Burgess moved, Cr Smith seconded

“That the Works and Infrastructure Committee reports be received and noted”

CARRIED

13.1 Works and Infrastructure Committee – 6th March 2009

Cr Schkabaryn moved Cr Burgess seconded

“That the following recommendations of the Works and Infrastructure Committee meeting held on 6th March 2009 be accepted by the Council:

- 1. That the Council does not support the establishment of a playground in the Parma Street Reserve with any financial commitment, however will provide support for any grant applications that are made, and will also provide some in-kind support with machinery should a playground proceed.*
- 2. That the Committee notes the report of the Manager – Works regarding the railway crossings on the Wallaroo – Bute railway line, and that a review of costings is considered as part of the Council’s budget for the next financial year.*
- 3. That a decision on the tenders of the graders be deferred to the March meeting of the Council, with the Manager – Works authorised to negotiate with the tenderer, and for the Manager – Works to provide a specification sheet of the graders, for consideration.”*

CARRIED

Cr Burgess moved Cr Schkabaryn seconded

“That the Council accept the price of the Caterpillar 12M Grader for a cost of \$228,000, with the funding being by way of a Debenture Loan from the LGFA for a 7 year term at the current interest rate. The Mayor and the District Manager are authorised to sign all relevant documentation under Council seal”

CARRIED

Questions with Notice from the Works and Infrastructure Meeting

- 1. The status of the house at 16 Dalling Street Port Broughton. The Manager – Environmental Services advised that he has not received any applications for development or demolition for this property*

Cr Burgess moved Cr Schkabaryn seconded

“That the Council agree for the Manager Environmental Services to issue a Section 84 Notice under the Development Act 1993, to remove the incomplete dwelling at 16 Dalling Street, Port Broughton.”

CARRIED

- 2. The next meeting of the District Bushfire Committee.*

The Manager – Environmental Services advised that the next meeting would be scheduled for May 2009.

3. Flinders Lookout at Kulpara – replacement of the plaque and wheelchair access.

The Manager – Works advised that this work will be undertaken as soon as possible.

14. CLOSURE

The Mayor declared the meeting closed at 8.45 pm.

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Cr. D. DOLLING
MAYOR