

MINUTES OF THE MEETING OF THE
DISTRICT COUNCIL OF BARUNGA WEST
HELD AT THE BUTE COUNCIL CHAMBERS ON
MAY 11TH 2004 AT 7.00PM

PRESENT:

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

APOLOGIES: Nil

CONFIRMATION OF MINUTES

Cr H. Daniel moved, Cr T. Schkabaryn seconded,

*“that the Minutes of Meeting held on April 13th 2004 be confirmed as printed and
supplied.*

CARRIED

BUSINESS ARISING FROM THE MINUTES

1. Matthew Rose has advised that Bob Brokate is willing to set up a lawn clipping area at the Fauna Park for feed for the kangaroos, in preference to setting aside an area at the rubbish dump. This would assist the Fauna Park as well as residents in Bute.
2. Mosel Browne Surveyors are currently preparing a concept plan and costings for creating additional allotments at Bute. It is hoped to have this by the July Council meeting.
3. Work has commenced on repairs to driveways at 30 and 38 Kerley Street by Kym Cock.
4. A letter has been written to Pirie Regional Council regarding a meeting at Muntoora, and it is hoped to have a response soon.

DECLARATION OF CONFLICT OF INTEREST

Members are given the opportunity to detail an interest in any items that are in the Agenda for the Council meeting.

Nil Expressions were declared

MEMBERS REPORTS

Cr. DOLLING

1. Attended Dawn Services at Port Broughton and Bute 25/4/04
2. Attended Machinery, Audit and Works meetings 28/4/04
3. Attended Smokey Bay inspection 29/30/4/04

Cr. DANIEL

1. Attended YP Animal & Plant Board meeting 16/4/04
2. Attended Audit, Machinery and Works meeting 28/4/04
3. Attended inspection at Smokey Bay 29/30th/4/04

Cr. SCHKABARYN

1. Attended Crown Lands meeting 20/4/04
2. Attended YP Tourist Association meeting 22/4/04
3. Attended Works and Machinery meetings 28/4/04

Cr. BURGESS

1. Attended Bute 2000 Onwards meeting 14/4/04
2. Attended Works/Audit meetings 28/4/04
3. Attended Machinery meeting 28/4/04

Cr. G.SIMMONS

1. Attended Bute 2000 Onwards meeting 14/4/04
2. Attended Barunga Village meeting 23/4/04
3. Attended farewell dinner for Guy Franke
4. Attended ANZAC Dawn Service 25/4/04
5. Attended Works meeting 28/4/04
6. Attended Regional Health Workshop at Pt Broughton 5/5/04
7. Attended Bute Sporting Club meeting.

Cr ROONEY

1. Attended Rural Councillor's meeting at Maitland 28/4/04
2. Attended Weeds Board meeting at Kadina 16/4/04

Cr O'CONNOR

1. Attended Audit meeting 28/4/04
2. Attended ANZAC Day Dawn Service 25/4/04

Cr KERLEY

1. Attended Pt Broughton Hospital Board meeting 21/4/04
2. Attended ANZAC Dawn Service at Pt Broughton 25/4/04
3. Attended Works meeting 28/4/04
4. Attended Pt Broughton Hospital workshop 5/5/04

Cr AITCHISON

1. Attended Machinery and Works meetings 28/4/04
2. Attended School Council meeting 10/4/04

Cr YOUNG

1. Attended ANZAC Day Dawn Service at Bute 25/4/04
2. Attended Works Committee meeting 28/4/04
3. Attended Audit/Machinery meetings 28/4/04
4. Attended ANZAC day foreshore service at Pt Broughton 25/4/04
5. Attended YP Transport Board meeting at Maitland 4/5/04

MEMBERS QUESTIONS

Nil

COMMITTEE REPORTS

Cr. I. Burgess moved, Cr I. Young seconded

“that the Committee reports be received”.

CARRIED

WORKS COMMITTEE – 28th April, 2004

Cr J. Aitchison moved, Cr G. Simmons seconded

“that the Recommendations No’s 1 – 8 of the Works Committee meeting held on 28th April, 2004 be adopted

1. *That arrangements be made to inspect footpaths in all communities and that a small Committee be arranged for such inspections and arranging priorities.*
2. *No action be taken to have the light altered by the Muntoora Club.*
3. *That the Works Manager be authorized to place a few loads of rubble on the western end of Richards Road.*
4. *That the District Manager be authorized to seek legal opinions to ascertain the recovery of damage by civil action for “vandalism” at Fishermans Bay playgrounds.*
5. *That Council agree to pay 50% cost of upgrading of Mrs Walton’s driveway at 41 Kerley Street, Port Broughton.*
6. *That Council agree to contribute the materials towards the upgrading of the driveway at 37 Fishermans Bay Road.*
7. *That the Works Manager take level of the driveway at Barunga Village to ascertain how the water from the driveway can be removed.*
8. *That provisions be made in the 2004/05 budget for upgrading the footpaths (with scalps) in Penang Drive”.*

MACHINERY COMMITTEE

Cr I. Young moved, Cr G. Simmons seconded

“that Recommendations No’s 1 – 2 of the Machinery Committee held on 28th April 2004 be adopted

- 1. That a firm price be obtained from Vern Dutschke for a tag along trailer for towing the Vibroller, and that the Chairman of the Machinery Committee, Chairman of Council, Finance Manager and District Manager be authorized to approve the quotes.*
- 2. That a trailer be purchased from Kent Paterson for towing the skidsteer for \$7,447 (plus GST), with a 80mm ball in lieu of ring feeder.*

CARRIED

AUDIT COMMITTEE

Cr H. Daniel moved, Cr B. Rooney seconded

“that Recommendation No’s 1 & 2 from the Audit Committee held 28th April 2004 be adopted

- 1. The Preliminary Budget for 2004/05 be accepted and presented at the next Council meeting, including any amendments subsequent to this meeting.*
- 2. That Council does not participate in the Yorke Peninsula/Clare Valley Cross Regional product development initiative.”*

CARRIED

REPORTS

Cr T. Schkabaryn moved, Cr I. Burgess seconded,

“All reports be received”.

CARRIED

DISTRICT MANAGER’S REPORT

1. Administration Restructuring

At the last meeting of Council it was agreed to ensure that two staff members were always on duty within the Bute Office, as a result of the Council taking on the Post Office within its office, and if required to take on additional casual staff to ensure that this happens.

As a result of this I have reviewed the operation of the Council, the Port Broughton RTC and the Bute RTC and have made some changes to staffing and duties of the staff. This includes putting Cynthia Price on full time, having Georgina Adams undertake the Post Office accreditation and continue cross training of staff.

I have also arranged for Carolyn Mildren to work in the Port Broughton RTC one day a fortnight, to assist as backup for the RTC.

A copy of the staff duty allocations is attached.

- Noted

2. Measdays Shed – Railway Terrace

Following our last meeting I spoke with Jarred McArdle regarding his possible intention to purchase Measdays Shed, and acquire from Council the land that the shed is located on.

Jarred is still keen to pursue his investigations and is seeking from Council a decision on the cost of the land to be charged by Council.

I am seeking direction from Council for a value of that land.
(NB: Council can consider going into camera to consider this issue).

Cr I. Young moved, Cr G. Simmons seconded

“That Council agrees in principle to lease the land to Mr McArdle for a period of 21 years (in accordance with the provisions of the Local Government Act 1999), pending an application.”

CARRIED

3. Enterprise Bargaining – AWU Staff

The current Enterprise Bargaining Agreement for the AWU staff (outside staff) expired on 1st March 2004 and no approach has been made from the Australian Workers Union to date to seek negotiations for a payrise.

As with the ASU (inside) staff I ask Council to consider a payrise for the outside staff, without the process of an Enterprise Bargaining Agreement.

The Union are aware of the need for a new Enterprise Bargaining Agreement and will be negotiating with Council in the near future.

It has been Council’s intention to have the outside staff on a comparable wage to the clerical staff of the Council (who received a 4% increase in December 2003), and for this to be changed over a two or three year period.

Cr G. O’Connor moved, Cr B. Rooney seconded

“That the Construction/Maintenance staff employed under the Australian Workers Union award be granted a 6% wage increase, effective from the first pay period from 1st March 2004”.

CARRIED

4. Fishermans Bay Management - Freeholding

On 21st April I met with Council's Solicitor's (Norman Waterhouse) to discuss the requirements for progressing the installation of the sewage systems for Fishermans Bay.

This requires the establishment of a "bonding agreement" between the Council and the company for security for Council to ensure the completion of the sewerage system.

Once this bonding agreement is in place the Development Assessment Commission can issue a certificate of consent for the freeholding to commence.

- Noted

5. Fishermans Bay Crown Land

On 20th April representatives of the Fishermans Bay Crown Land licensee met with representatives from the Department of Environment and Heritage and Council members and staff to discuss the risk assessment report undertaken by Richard Oliver International into the Crown Land holiday homes area at Fishermans Bay.

The representatives of the Crown Land area are currently communicating with their members to look at a range of issues including connection to a sewerage system, public liability, earth leakage switches, smoke alarms, power supply connections and a indemnity policy absolving governments from any liabilities.

They will then be seeking further discussions with the Department and Council on the next step to ensure the tenure on their holiday homes.

The Department has made it quite clear that current Government policies is that no freeholding of this area will take place.

- Noted

6. Aquaculture Park

Arrangements have been made for a draft proposal to be drawn up of an aquaculture park on Hornby Road, Port Broughton and once obtained work will begin on costings of this proposal. I have also written to the Department of Environment and Heritage regarding the possibility of acquiring the dedication of the lease of the land immediately south of the Caravan Park (Part Section 503) for a possible aquaculture site, although early indications from the Department indicate that this is not possible.

On the 29th and 30th April the Chairman, Cr Daniel, Justin Phillips (Yorke Regional Development Board) and myself went to Smokey Bay to have a look at their aquaculture park.

They have established an area approximately 1 kilometre from the boat ramp (with direct access) for the towns 22 oyster growers. The Council has purchased the land, developed the land and leased the sites to the growers, at a cost equivalent to the Council's loan repayments.

This has resulted in several oyster growers moving their operations from the town, and the remaining oyster growers have leased blocks and will be relocating in the next couple of years. Their proposal does not allow housing or allied industries within the Park and give Council, as a landlord full control of its tenants.

- Noted

7. Bylaws

On Wednesday 21st April 2004 I met with Council's Solicitors to ascertain the stage where our bylaws area at. The reason is that the Minister of Transport has concerns on Council preventing vehicle access to the beach area from Port Broughton to Fishermans Bay area.

We have slightly rearranged the bylaws and are again seeking the Minister's support for the bylaws.

It is hoped that this approval will be forthcoming.

- Noted

8. Special Local Roads application

The Central Region Local Government Region's Transport Committee have met to consider priorities within their Special Local Road Program for our Region. The Wokurna-Snowtown has now been dropped to the Region's second priority.

Cr T. Schkabaryn moved, Cr I. Burgess seconded

"That Council send a letter of concern to James Maitland and Phil Barry over the Committee's decision to demote the Workurna-Snowtown Road."

CARRIED

Cr I. Young moved, Cr I. Burgess seconded

"That Council nominate Howard Daniel as a representative for the Central Region Local Government Region's Transport Committee."

CARRIED

Cr Burgess moved, Cr Aitchison seconded

"that Council go into camera in accordance with the provisions of the Local Government Act 1999 (Section 90 (3) to consider a development issue"

CARRIED

9. Port Broughton Development

Cr Simmons moved, Cr Schkabaryn seconded

"that Council go out of Camera"

CARRIED

10. LGA Mutual Liability Scheme

Mr Brian Shields, our Regional Risk Co-ordinator for the Scheme will be addressing the meeting on a range of issues relating to Council's liability risks, volunteer groups and progress associations.

Brian has expressed concern at the current constitutions used by progress associations (including Fishermans Bay), and this needs to be considered by Council.

- Noted

11. Garbage Collection - Bute

Following the last meeting whereby Council agreed to obtain prices for the wheelie bin collection at Bute, Tickera and Alford, I contacted Colin Burgess to advise him of what was proposed. Colin expressed concern at not being able to continue with the contract and felt that with information that has been provided to him (not from me) that I was trying to deprive him of a job with Council.

I did explain to him Council's requirements under OHS & W regulations and of Council considering the increase in contractor payment for the Bute Rubbish Dump and that I had recommended that Council offer him the contract without advertising.

I have also asked Colin to submit a price for the collection of garbage in Bute, with Council's OHS & W in mind.

- Refer Tenders

12. John Bennier

John has now completed all his leave entitlements with Council and is now retired from Council after commencing in August 1977.

Cr L. Kerley moved, Cr J. Aitchison seconded

"That a letter of appreciation be forwarded to John Bennier for his long service to Council and wishing him and Kath well in their retirement".

CARRIED

13. Annual Leave

I wish to advise that I will be on annual leave from 13th May 2004 and returning to duties on 31st May 2004.

Peter Ward will act as District Manager in my absence.

- Noted

14. Meetings

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

- Noted

15. Port Broughton Boat Ramp

I can advise that I have now received native title clearance for the work to commence at the boat ramp and that the contract for the work has now been signed with Bardavcol.

Tenders are now being called for the rock material for the project and it is hoped that work will commence on site in late June or early July. It is intended (hoped) that the ramp will be operational in time for the October long weekend.

Costings are being obtained for the sealing of the carparking area for consideration by Council, and for applying for funding from the South Australian Boating Facilities Advisory Committee.

It is my attention to get the Port Broughton Boat Ramp Advisory Group together to explain the timetable and funding arrangements prior to its commencement of the project, and to express Councils appreciation for their help.

- Noted

16. Long Service Leave

Cr T. Schkabaryn moved, Cr G. Simmons seconded

"That the District Manager be permitted to cash out 2 weeks of LSL".

CARRIED

FINANCE REPORT

Cr T. Schkabaryn moved, Cr I. Burgess seconded

"the accounts totaling \$199,051.35 as paid on cheque numbers 9407 to 9482 including Salary debits be passed for payment, and bank reconciliation statement be accepted".

CARRIED

LGFA INVESTMENTS

Attached is a listing of all LGFA Reserves as at 30 April 2004.

- Noted

PRELIMINARY BUDGET

A Preliminary Budget was tabled at the Audit Committee meeting on 28 April 2004. It will form the basis of the Final Budget, which we anticipate adopting in June 2004.

The Budget attached with this report is an updated version of that budget, which will continue to change prior to adoption, as income and expenditure amounts are confirmed and allowed for.

- Noted

SYNERGY SOFT

We are experiencing a few teething problems with the transition to the new system, but overall the system is far superior to Administrator.

- Noted

MRS RUDLOFF

Mrs Rudloff has two cemetery blocks reserved at the Bute Cemetery, but she and her husband have decided upon cremation instead. She is seeking a refund on the cemetery blocks. I understand that the reservation was made in 1964, pre-dating decimal currency. The current reservation costs are \$55 each, GST inclusive.

Cr I. Young moved, Cr G. Simmons seconded:

“That Council refund Mrs Rudloff \$100 for her leases at the Bute Cemetery.”

CARRIED

ANIMAL & PLANT CONTROL OFFICER’S REPORT

1. Weed Control on Road Reserves

The LGA has amended the notice of authorization to be printed in the paper, to allow landholders to control proclaimed plants on their roadsides. The amended notice will be published at a later date.

- Noted

2. Bridal Creeper Rust

A workshop will be held in Kadina on Wednesday the 21st July to demonstrate the use of spore water to spread the rust on bridal creeper.

The process involves washing the rust spores from infected plants and spraying onto new foliage. The method has been developed on Kangaroo Island and has proven very successful.

- Noted

CORRESPONDENCE

Cr H. Daniel moved, Cr I. Burgess seconded

“that the correspondence be received”.

CARRIED

1. Department of Environment and Heritage

Advising that they are considering disposing of allotments 8 and 9 in the town of Mundoorra and seeking comments from Council.

Cr H. Daniel moved, Cr J. Aitchison seconded

“That Council advise the Department of Environment and Heritage that it has no objections to the sale of allotments 8 and 9 in the town of Mundoora”.

CARRIED

2. Transport SA

Responding to our request for assistance in replacing a channel marker pole in the Fishermans Bay Channel and advising that it is Council’s responsibility for the maintenance of these poles, but they will arrange for the work to be done when a contractor is in the area.

- Noted

3. MC & HJ McDonald

Drawing to Council’s attention their concerns at a possible subdivision of land on Arbon Road, due to their ownership of the stables on the corner of the allotment, which does have some smell, noise and dust, which any prospected owner should be aware of.

- Noted

4. Port Broughton Lions Club

Seeking Council assistance with the purchase and installation of the proposed Port Broughton playground shelter.

Cr H. Daniel moved, Cr G. O’Connor seconded

“That Council support the installation of a playground shelter on the Port Broughton foreshore, and that the Lions Club be asked to submit a development application, and further that the Council assist the Lions Club with purchase and installation of the shelter as requested”.

CARRIED

5. Australia Post

Advising that they have agreed (for a trial period) for a lunch time closure of the Bute Post Office between the hours of 1.00pm and 1.30pm.

- Noted

6. Central Region of Local Government

Seeking comments regarding Council’s views on Genetically Modified crops within our Council area, and as to the support of a moratorium in our area.

Cr I. Burgess moved, Cr G. Simmons seconded

“That Council advise the Central Region of Local Government that it has made no decision on genetically modified crops and that Council is in favour of a 3-5 year moratorium on such crops.”

CARRIED

7. Port Broughton Sailing and Boat Club

Advising that they are again holding their winter fishing competition on 13th June and are seeking to utilize the foreshore areas.

Cr H. Daniel moved, Cr I. Young seconded

“That Council grant approval for the Port Broughton Sailing and Boating Club to use the foreshore are for their annual winter fishing competition on 13th June 2004”.

CARRIED

8. Rosemary Craddock

Forwarding an update of the Nukunu People Native Title Claim following a court hearing recently held.

- Noted

9. Mrs M. Roper

Asking Council to consider erecting signs at the Bute and Port Broughton cemeteries, and enquiring after a general rubbish pick up before Tidy towns and dump free day.

Cr H. Daniel will refer the signage issue to the next Lions club meeting.

Cr I. Burgess moved, Cr H. Daniel seconded

“That Mrs Roper be advised of Council’s policy for not having dump free days or a general rubbish collection”.

CARRIED

10. Port Broughton Visitor Information Centre

Advising of a SA Visitor Information Centre conference to be held at Kadina on 17th and 18th June 2004 and asking if Council could sponsor a representative of the Visitor Information Centre to attend the conference.

Cr L. Kerley moved, Cr G. O’Connor seconded

“That Council agree to sponsor a representative from the Port Broughton Visitor Information Centre to attend the Conference at Kadina on 17th and 18th June and for Council to pay the Conference and dinner costs”.

CARRIED

11. Department of Transport and Urban Planning

Inviting applications for funding under the 2004/05 Bicycle Fund.

Cr L. Kerley moved, Cr G. Simmons seconded

“That Council proceed with an application for a bike path (in stages) on the Port Broughton/Fishermans Bay Road.”

CARRIED

12. Local Government Association – Mutual Liability Scheme

Drawing to Council's attention some incidents that have occurred which have highlighted Council's exposure to public liability.

- Noted

13. Local Government Association

Forwarding LGA Report No's 15-18.

- Noted

14. Mr S. Polling – Port Broughton

Thanking Council for their assistance with the road into their property at Sunnyside and with the pontoon. They also expressed appreciation at the welcome that they have received since moving to town.

- Noted

15. Ms R. Allen - Mundoora

Expressing concern at Council's decision not to have the Mundoora Club take action on altering the spot light at the Mundoora Club, which shines into their bedroom. They have also sought advice from the Ombudsman regarding the light.

Cr Young moved, Cr Daniel seconded

"That Council agree to its previous resolution to take no further action in having the Mundoora Club alter the light".

CARRIED

16. Ms M. Powell

Expressing concern at Council's decision not to have the Mundoora Club take action on altering the spot light at the Mundoora Club, which causes concern for her with her Glaucoma condition.

Cr Young moved, Cr Daniel seconded

"That Council agree to its previous resolution to take no further action in having the Mundoora Club alter the light".

CARRIED

CHANGE OF OWNERSHIP

Cr T. Schkabaryn moved, Cr H. Daniel seconded

LAND

SELLER

BUYER

Lot 9 Kulpara Road, Bute McDonald MC & HJ Herbert HM

13 High Street, Bute Dalwood & Swancott JL Beaglehole DK

Lot 1 Coast Road, Tickera Boyle & Pritchard-Boyle Boyle SJ

Section 495N Mundoora Atichison TL Aitchison KT & PG

50 John Lewis Drive, Pt B Brompton Investments
13 Bay Street, Pt Broughton Joyce MT & MJ
15 High Street, Bute Martin PJ & SJ

Nourse E
Trevanne Investments
Polach B

PETITIONS, MEMORIALS, NOTICES OF MOTION

Nil

TENDERS

Tenders were received for the collection of rubbish from Bute, Alford and Tickera.

Cr J. Aitchison moved, Cr G. O'Connor seconded

"That Council award Colin Burgess a contract for the garbage collection at Bute for a period of 12 months at \$260 per week, with the right of renewal for the following 12 months provided the collection process is acceptable to the Mutual Liability scheme. And that Wardles be awarded the contract for Alford and Tickera for 4 years at a cost of \$1.63 per bin collected."

CARRIED

GENERAL BUSINESS

1. Cr Young moved, Cr O'Connor seconded

"That Council go into camera in accordance with the provisions of the Local Government Act 1999 (Section 90(3) to discuss the issue of the District Managers Performance Review".

Cr Schkabaryn moved, Cr Simmons seconded

"Council come out of Camera".

CARRIED

DEPUTATION

Nil

CLOSURE

The Chairman declared the meeting closed at 11:50pm

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D.DOLLING
CHAIRMAN