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**MINUTES OF THE ORDINARY MEETING OF THE  
DISTRICT COUNCIL OF BARUNGA WEST  
HELD AT THE BUTE COUNCIL CHAMBERS ON 11<sup>th</sup>  
NOVEMBER 2008 AT 7.00 PM**

**1.0 PRESENT:**

Mayor Dolling, Cr M McDonald, Cr T Schkabaryn, Cr B Rooney, Cr G Simmons, Cr L Kerley, Cr M Weedon, Cr. R. Smith, N Hand (District Manager), M Marziale (Manager – Environmental Services), L Jolly (Manager – Finance & Administration) and Ms C Hewett (Minutes Secretary)

**2.0 APOLOGIES AND LEAVE OF ABSENCE:**

**2.1 Leave of Absence**

Nil

**2.2 Apologies**

Cr I Burgess (Deputy Mayor), Cr S Ireland, R Linke (Manager Works)

**3.0 CONFLICT OF INTEREST PROVISIONS**

No member indicated that they had a Conflict of Interest with any of the Agenda Items

**4.0 CONFIRMATION OF COUNCIL MINUTES**

**4.1 Ordinary Meeting –14<sup>th</sup> October 2008**

Cr. Schkabaryn moved, Cr. McDonald seconded

*“That the minutes of the Ordinary Meeting of Council held on 14<sup>th</sup> October 2008 be confirmed as printed and supplied.”*

**CARRIED**

**5.0 BUSINESS ARISING FROM THE COUNCIL MINUTES**

**5.1** Nil

**6.0 DEPUTATIONS**

**6.1** No Deputations were received at the Council meeting.

**7.0 MEMBERS REPORTS**

**Cr DOLLING**

22-24<sup>th</sup> October – Local Government AGM

29<sup>th</sup> October – Joint Councils meeting

5<sup>th</sup> November – Works meeting

11<sup>th</sup> November – Remembrance Service

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### Cr ROONEY

5<sup>th</sup> November – Works Committee meeting

### Cr SMITH

28<sup>th</sup> October – Barunga Village Board meeting

29<sup>th</sup> October – Barunga Village QA meeting

5<sup>th</sup> November – Works committee meeting

### Cr McDONALD

22<sup>nd</sup> October – Port Broughton District Hosp & Health Services Advisory meeting

27<sup>th</sup> October - Port Broughton Area School Governing Council meeting

5<sup>th</sup> November – Council Works Committee meeting

### Cr SCHKABARYN

22<sup>nd</sup> October 2008 – Local Government Association AGM

2<sup>nd</sup> November –Port Broughton Progress Association meeting

5<sup>th</sup> November – Works Committee meeting

8<sup>th</sup> November – Fisherman’s Bay Progress Association meeting

### Cr SIMMONS

20<sup>th</sup> October – Barunga Village building meeting

22<sup>nd</sup> October – Bute 2000 Onwards Committee meeting

25<sup>th</sup> October – LCYP Rail meeting Wallaroo

28<sup>th</sup> October – Barunga Village meeting

3<sup>rd</sup> November – YPCT Meeting Maitland

5<sup>th</sup> November – Works Committee meeting

6<sup>th</sup> November – Port Broughton Library meeting

8<sup>th</sup> November – LCYP Rail meeting & Xmas breakup meeting

11<sup>th</sup> November – Remembrance Day Service

### Cr WEEDON

5<sup>th</sup> November – Works Committee meeting

### Cr KERLEY

5<sup>th</sup> November – Works Committee meeting

## **8.0 PETITIONS OR MEMORIALS**

No Petitions were received for consideration by the Council.

## **9.0 QUESTIONS WITH NOTICE**

**9.1 Nil**

## **10.0 QUESTIONS WITHOUT NOTICE**

**10.1 Cr Simmons** queried the amount spent on drinking water in the office and asked whether the District Manager has looked into purchasing a Pura Tap system. *As the rainwater tank at the Council office is not suitable for drinking it was suggested that Council look into this further after the office extensions are completed.*

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**10.2 Cr Simmons** enquired as to when the septic tanks in Bute are due to be pumped out. *The District Manager advised that this is due to be done in 2 years.*

**10.3 Cr Schkabaryn** enquired if a letter was written to the LGA regarding protection for elected members similar to staff in regards to protection against defamation. *The District Manager to pursue this matter.*

### **11.0 COUNCIL BUSINESS – Managers Reports**

#### ***11.1 District Manager’s Report***

Cr. Kerley moved, Cr Smith seconded

*“That the District Manager’s Report for the November 2008 meeting be received and noted.”*

**CARRIED**

#### **11.1.1 Dry Zone Application**

Cr. Kerley moved, Cr. Simmons seconded

*“That following a public consultation process, to engage the community’s response to a proposed Partial Dry Zone at Port Broughton and Fisherman’s Bay, that the District Manager be authorised to forward a submission to the Office of the Liquor and Gambling Commissioner, in accordance with Section 131 of the Liquor Licensing Act 1997, and associated Regulations, for the establishment of Partial Dry Zones, for a period of five (5) years, to operate between the hours of 11.00 p.m. and 8.00 a.m. each day, for the following areas:*

##### *Port Broughton*

- (a) West Terrace: from the eastern side of West Terrace to the Low water Mark on the western side of Sections 525, 526 and 449 Hundred of Muntoora (commonly known as the Port Broughton Foreshore).*
- (b) West Terrace: Section 1037 Hundred of Muntoora (commonly known as the Port Broughton Boat Ramp)*
- (c) Corner Bay Street and East Terrace: Part Lot 90 Hundred of Muntoora (commonly known as the Port Broughton Skate Park), and*
- (d) The area defined as following*
  - a. The southern boundary of Edmund Street commencing from the western boundary of West Terrace, and ending at the eastern boundary of East Terrace.*
  - b. The eastern boundary of East Terrace commencing from the southern boundary of Edmund Street, and ending at the northern boundary of James Street, and*
  - c. The northern boundary of James Street commencing at the eastern boundary of East Terrace, and ending at the western boundary of West Terrace.*

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### *Fisherman's Bay*

*(a) The coastal reserve (within Lots 3, 8, 9 and Section 555 Hundred of Mundoora) which includes the foreshore area commencing at the southern boundary of the Western playground, off Whiting Road, through to the eastern boundary of the Eastern Playground on Whiting Road, which will include the Boat Ramp and adjacent parking areas.*

*And, further, that the District Manager, be authorised to engage Wallman's Lawyers to assist in gaining the necessary approvals from the Office of the Liquor and gambling Commissioner for the Partial Dry Zone."*

**CARRIED**

### **11.1.2 Special Local Roads Application**

Cr. Kerley moved, Cr. McDonald seconded

*"That the Council agree to submit an application under the State Government's Special Local Roads Program, for the upgrade of the Port Broughton Bypass, and that the District Manager and the Manager – Works be authorised to submit an application to the Central Local Government Region for the Port Broughton Bypass Road."*

**CARRIED**

### **11.1.3 Audit Review – Development Approval Process**

Cr. Rooney moved, Cr. Simmons seconded

*"That the Council agree to the engagement of Wallman's Lawyers to undertake a Development Compliance Audit and a review of the Statutory Delegations and Sub Delegations in the 2008/09 financial year for a fee of \$11,000, plus GST, and a Governance Audit in the 2009/10 financial year, at a cost of \$7,500 plus GST."*

**CARRIED**

### **11.1.4 Review of Bute Soldiers Memorial Hall**

Cr. Schkabaryn moved, Cr. Weedon seconded

*"That Council engage the services of Mace Engineering Services, for the quoted price of \$3,175 plus GST, to undertake a review of the Bute Soldiers Memorial Hall, to give a report on the condition of the Hall, the repairs required, and possible costs associated with such repairs, to enable Council to assess the future requirements of the Hall."*

**CARRIED**

### **11.1.5 Alford School Site**

Cr. Rooney moved, Cr. Weedon seconded

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*“That the District Manager be authorised on behalf of the Council to negotiate with the Department of Environment and Heritage for the purchase of allotments 7, 8, 9, 17 and 18 Township of Alford, and for these allotments to include the toilet block on these sites.”*

**CARRIED**

### 11.1.6 Bute road closure – Silo land & road

Cr. Schkabaryn moved, Cr. Simmons

*“That Council advise the Australian Barley Board (ABB), that it will accept a payment of \$2,000 for the purchase of the road that traverses between Kadina Road and Martin Terrace, through the grain storage shed, by ABB, with ABB paying for all expenses associated with the sale, and for ABB to provide the “new road” at the existing railway crossing off Kadina Road, at no cost to Council.”*

**CARRIED**

### 11.1.7 Sale of Leased Roads

A progress report was given on the sale of leased roads in the Hundreds of Kulpara and Clinton.

Cr. McDonald moved, Cr. Smith 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, Mark Marziale, Manager – Environmental Services, and Corinne Hewett, Minute Secretary, be excluded from attendance at the meeting for Agenda 11.1.8 Sale of Bute Council House.*

*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 provisions of services in respect to the sale of the house.*

*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**

### 11.1.8 Sale of Bute Council House – Everard Street

Cr. Schkabaryn moved, Cr. Kerley seconded

*“That having considered Agenda Item 11.1.8 Sale of Bute Council House 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 submissions, from Real Estate Agents, the District Managers Report and the minutes relevant to Item 11.1.8 be retained in confidence for a period of 12 months, and that this order be reviewed every 12 months.”*

**CARRIED**

### 11.1.9 Elected Members Allowances

Cr. Schkabaryn moved, Cr. Simmons seconded

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*“That the following Elected Members allowance be set for the period ending at the November 2009 Council Meeting*

<i>Elected Member</i>	<i>\$4000</i>
<i>Mayor</i>	<i>\$9000</i>
<i>Deputy Mayor</i>	<i>\$5000</i>

*and that the allowance is paid six monthly in advance.”*

Cr Kerley moved an amendment Cr McDonald seconded

*“That the Elected Members allowances remain the same as the previous year as follows*

<i>Elected Member</i>	<i>\$3000</i>
<i>Mayor</i>	<i>\$8000</i>
<i>Deputy Mayor</i>	<i>\$3750</i>

*and that the allowance is paid six monthly in advance.”*

**THE AMENDMENT WAS DEFEATED**

**Cr McDonald called for a division**

**THOSE WHO VOTED FOR – Crs Smith, McDonald, Kerley**

**THOSE WHO VOTED AGAINST – Crs Schkabaryn, Simmons, Weedon, Dolling & Rooney**

Cr Rooney moved another amendment, Cr Weedon seconded

*“That the following Elected Members Allowance be set for the period ending at the November 2009 Council Meeting*

<i>Elected Member</i>	<i>\$3500</i>
<i>Mayor</i>	<i>\$8500</i>
<i>Deputy Mayor</i>	<i>\$4375</i>

*and that the allowance is paid six monthly in advance.”*

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

**The Amendment then became the Motion, was put to the vote and CARRIED**

Cr Schkabaryn moved Cr Weedon seconded

*“That the District Manager seeks advice from the Local Government Association, and the Minister of State/Local Government Relations, as to the progress of the review into Elected Members benefits and entitlements.”*

**CARRIED**

### **11.1.10 Joint Councils Meeting**

On the 29<sup>th</sup> October 2008 the Mayor and I attended a Joint Councils meeting with the Mayors and CEO's of the District Council's of Copper Coast, Yorke Peninsula and Wakefield Regional Council.

### **11.1.11 Annual Staff Salary Review**

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Cr. Smith moved, Cr. Rooney seconded

*“That the Council agree to increase staff salaries by 4.5% with staff employed under the Local Government Municipal Officer Award having the increase effective as from 1<sup>st</sup> January 2009, and staff employed under the Australian Workers Union Local Government Employee Award having the increase effective as from 1st April 2009.”*

**CARRIED**

Cr. Schkabaryn moved, Cr. Kerley seconded

*“That pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all persons except, Nigel Hand District Manager, be excluded from attendance at the meeting for Agenda 11.1.12 District Managers Performance Review.*

*The Council is satisfied that, pursuant to Section 90(3)(e) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is related to matters of an employee of the Council, being the Performance Appraisal of the District Manager.*

*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**

### 11.1.12 District Managers Performance Review

Cr. Simmons moved, Cr. McDonald seconded

*“That having considered Agenda Item 11.1.12 District Managers Performance Review 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 District Managers Report and the minutes relevant to Item 11.1.12 be retained in confidence for a period of 12 months, and that this order be reviewed every 12 months.”*

**CARRIED**

### 11.1.13 OHS & W Audit

A progress report was given on the “Self Audit” of Council’s OHS&W practices by the Local Government Association Workers Compensation Scheme. A full written report would be given, possibly after Christmas.

### 11.1.13 Transfer of Road – PL Ewen

Cr. Rooney moved, Cr. Schkabaryn seconded

*“That the following Order be made to CLOSE the following Road*

- The whole of the unnamed public road west of Yarroo Road between Sections 197, 435 and 436, Hundred of Kulpara, as delineated and lettered A in Preliminary Plan 08/0081, and to transfer the whole of the land subject to closure to Peter Laurence Ewen and Rita Christina Ewen in accordance with the agreement for transfer dated 17<sup>th</sup> June 2008 entered into between District Council of Barunga West and Peter Laurence Ewen and Rita Christina Ewen,*

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*and further that the Mayor and District Manager be authorised to use the Council seal on the documents relating to the this resolution.”*

**CARRIED**

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

Cr. Smith moved, Cr Simmons seconded

*“That the Manager – Finance and Administration Report for the November 2008 meeting be received and noted.”*

**CARRIED**

#### **11.2.1 Information**

##### **11.2.1 Bute 2000 Onwards Committee**

Details of proposed projects to be undertaken by the committee for 2008/09 were submitted.

##### **11.2.2 Public Library and Community Information Services Grant**

Details of the grants for 2008/09 were advised.

##### **11.2.3 Local Government Finance Authority - Bonus Payment**

Advice was given of a Bonus Payment of \$5,869.83 from the LGFA.

### **11.3 Manager – Works**

The Manager – Works had no report for Council following his absence due to Annual Leave.

### **11.4 Manager - Environmental Services**

Cr. McDonald moved, Cr. Schkabaryn seconded

*“That the Manager – Environmental Services Report for the November 2008 meeting be received and noted, and endorses the proposed actions, and actions previously taken, by its authorised officers regarding to the said reported items.”*

**CARRIED**

#### **11.4.1 Approved Development Report – Period 1<sup>st</sup> – 31<sup>st</sup> October 2008.**

Noted.

#### **11.4. 2. ERD Court Action 277 of 2008 – Appeal by G Button**

A report on the Appeal of Geoff Button for Development off the Bute Road was given

#### **11.4.3 Requirement for a Council Building Inspection Policy.**



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A report was given on the statutory need for Council to implement a Building Inspection Policy which will be presented to the next meeting of Council.

**Cr. Simmons moved, Cr. Schkabaryn seconded**

*“That pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all persons, except N Hand – District Manager, Blue Jolly, Manager – Finance and Administration, Mark Marziale, Manager – Environmental Services, and Corinne Hewett, Minute Secretary, be excluded from attendance at the meeting for Agenda Items 11.4.4 and 11.4.5 Environmental Services Report, regarding the investigation and remedy of offences relating to unlawful building work and activities associated with Development Applications 344/ 060, 061, 062, 063/07, and Development Compliance Management, in accordance with the Development Act 1993.”*

**CARRIED**

**11.4.4 Development Act 1993: Norman Waterhouse Legal Advice Regarding Compliance of Development Applications 344/060, 061, 062, & 063 /07.**

**11.4.5 Development Act 1993: Development Compliance Management**

**Cr. Schkabaryn moved, Cr. Weedon seconded**

*“That having considered Agenda Items 11.4.4 and 11.4.5 Development Act 1993, Development Applications 344/060, 061, 062, 063/07, and Development Compliance Management under Section 90(2) of the Local Government Act 1999, the Council, pursuant to Section 91(7) of that Act orders that the Manager – Environmental Services Report and the minutes relevant to Item 11.4.5 be retained in confidence for a period of 12 months, and that this order be reviewed every 12 months.”*

**CARRIED**

## **12. NOTICES OF MOTION**

No Notices of Motion were received for this meeting.

## **13. COMMITTEE MEETINGS**

### **13.1 Works and Infrastructure Committee – 5<sup>th</sup> November 2008**

**Cr. Kerley moved, Cr. Smith seconded**

*“That the following recommendations from the Works and Infrastructure Committee meeting held on 5<sup>th</sup> November 2008 be accepted by the Council:*

- 1. That the Council agrees to act as the Developer for the proposed development at Arbon Road, Bute, and that the Managers of Council be authorised to prepare a report detailing the necessary*

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*costings and requirements for Stage 1 of the development, for consideration of Council.*

- 2. That the Council agrees to remove the tree in front of 25 Dalling Street Port Broughton provided a suitable tree is planted and cared for by the property owners in its place.*
- 3 That the Council’s “Guidelines for the Provision of Infrastructure in Land Developments” be amended to include “a footpath to be installed on both sides of newly created residential roads.*
- 4 That Council agrees to resealing of the access road at the Broughton Bayside Caravan park, for a cost of \$5,882.*
- 5. That Council considers a share cost arrangement with the Pt Broughton Combined Sporting Club, for sealing of the car park area at the Port Broughton Oval, for consideration in the 2009/10 budget, upon receipt of a formal application from the Port Broughton Combined Sporting Club.*
- 6. That the Council agree to replace the Ford Courier Utility with a Ford PJ Ranger Dual Cab Diesel utility from Kent Perry Ford for a changeover cost of \$18,909 plus GST.”* **CARRIED**

**14. CLOSURE**

The Mayor declared the meeting closed at 9.40pm.

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