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**MINUTES OF THE ORDINARY MEETING OF THE
DISTRICT COUNCIL OF BARUNGA WEST
HELD AT THE BUTE COUNCIL CHAMBERS, BUTE
ON 10th NOVEMBER 2009 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. Smith, Cr Weedon, N Hand (District Manager), L Jolly (Manager – Finance & Administration), R Linke (Manager Works), M. Marziale (Manager – Environmental Services) and Ms C Hewett (Minutes Secretary)

In attendance:

A Public Gallery of 1 (Media) & Ms. D Allen NRM Board

2.0 APOLOGIES AND LEAVE OF ABSENCE:

2.1 Leave of Absence

Nil

2.2 Apologies

Crs Ireland & Rooney

3.0 CONFLICT OF INTEREST PROVISIONS

3.1 Cr. Dolling advised that he had a Conflict of Interest with Agenda Item 11.4.3 - Fisherman's Bay Management Pty Ltd.

3.2 Cr. Schkabaryn advised that he had a Conflict of Interest with Agenda Item 11.4.3 - Fisherman's Bay Management Pty Ltd.

4.0 CONFIRMATION OF COUNCIL MINUTES

4.1 Ordinary Meeting – 13th October 2009

Cr Simmons moved, Cr Schkabaryn seconded

“That the minutes of the Ordinary Meeting of Council held on 13th October 2009 be confirmed as printed and supplied.” **CARRIED**

5.0 BUSINESS ARISING FROM THE COUNCIL MINUTES

5.1 Ms. Deb Allen, Coast Care Officer with the NRM Board, and author of the Draft Coastal Assessment Report, made a presentation to the Council meeting on her draft report, and answered a number of queries from members and staff. Ms. Allen left the meeting at 7.55 p.m.

5.2 Verbal advice has been received from the Broughton Muntoora Football Club, acknowledging our concerns with the recent vandalism. A formal response will be forwarded soon with their answers to our concerns

5.3 The Local Government Association's Annual General Meeting supported our Notice of Motion, seeking the support for the Association to negotiate with the Australian Government to prevent companies from charging their customers a levy for paying their accounts, as well as negotiating, or legislating for Australian Post to reduce their penalties for not achieving their targets for transactions. (Telstra have now dropped this policy of charging the levy.)

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6.0 DEPUTATIONS

6.1 Nil

7.0 MEMBERS REPORTS

Cr DOLLING

14th October - YP Council Alliance
15th October - Visitor Information Outlet meeting
20th October - Public Meeting at Alford
28-30th October - LGA Half yearly meeting
3rd November - Dry Zone Working Group

Cr McDONALD

14th, 19th, 20th & 21st October – Port Broughton District Hospital & Health Service Health Advisory Council Consultation meetings
15th October – Visitor Information Outlet meeting
26th October – Port Broughton Area School Governing Council meeting

Cr SCHKABARYN

20th October - Public Meeting at Alford
21st October - Port Broughton District Hospital & Health Service Strategic Plan
28-30th October - LGA Half yearly meeting

Cr SIMMONS

13th October - Port Broughton District Hospital & Health Service Health Advisory Council
20th October - Public Meeting at Alford
22nd October - Library meeting
27th October - Barunga Village building meeting
27th October - Barunga Village Strategic meeting
27th October - Barunga Village general meeting
28th October - Bute Onwards 2000 Committee
5th November - Dry Zone Working Group
10th November - Barunga Village Building meeting

Cr KERLEY

2nd November – Port Broughton Progress Association

Cr BURGESS

20th October - Public Meeting at Alford
28-30th October - LGA Half yearly meeting

Cr SMITH

20th October - Public Meeting at Alford
21st October - Port Broughton & District Hospital & Health Service meeting
3rd November - Dry Zone Working Group

Cr WEEDON

20th October - Public Meeting at Alford
26th October - Bute Hall Committee meeting

8.0 PETITIONS OR MEMORIALS

8.1 No Petitions were received for consideration by the Council.

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9.0 QUESTIONS WITHOUT NOTICE

- 9.1 Cr. Kerley presented the following Question without Notice. (The District Managers response is in *italics*.)

“Originally, the estimated cost of extensions to the Council offices in Port Broughton was in the vicinity of \$400,000 and \$500,000. It appears in tonight’s agenda that the projected cost is somewhere nearer \$1,250,000. In the Annual Business Plan, under the heading Major Capital Projects, the amount allocated for ‘Port Broughton Office Extensions’ is \$550,000.

How can the District Manager justify the building of an extension no bigger than the size of an average house, at the cost of \$1,250,000, and what are the projected rate increases over the coming years to cover the cost of the extension?

When the town needs infrastructure such as a much needed safe gopher track from Barunga Village into the town, (this is a huge priority), Visitor Information Centre and toilet upgrade at the Heritage Centre, walking tracks for the health of the community and visitors, footpath upgrade which has been mooted for at least five years, Bute Hall repairs and much more throughout the Council district, and probably another staff member on the outside gang, why then is the District Manager considering this obscene amount be spent on one building?”

The District Manager advised that the Regional and Local Community Infrastructure Fund that he was seeking to lodge an application which is to include hot mixing the car park, upgrading the footpath, upgrading the original Council Chambers, installing solar energy system, installing a large underground rain water tank, and landscaping the area. The minimum grant under this program was for \$1 million, and the Council would be required to fund \$250,000 instead of the \$550,000, a saving of \$300,000 to Council. If the Council was not successful with this application the original project cost of \$550,000 would stand.

Cr. McDonald commented that if the Council was successful, the savings generated could be used towards the projects outlined by Cr. Kerley.

10.0 QUESTIONS WITH NOTICE

- 10.1 Cr. Schkabaryn sought discussion on the issue of infrastructure placed on Council land being transferred to the Council, who will then undertake the maintenance of this infrastructure.

A general discussion indicated that if Council approved the infrastructure works on Council land, by local Progress Associations, that Council would be responsible for its maintenance.

11.0 COUNCIL BUSINESS – Managers Reports

11.1 *District Manager’s Report*

Cr. Burgess moved, Cr. Schkabaryn seconded

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

CARRIED

11.1.1 Delegations 2009 Regional Local Community Infrastructure Program (RCIP) – Second round

Cr Schkabaryn moved Cr Burgess seconded

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“That the District Manager be authorised to apply for a \$1M grant under the Regional and Local Community Infrastructure Program, (\$120 million component) for the upgrade of the Port Broughton Council Office and Rural Transaction Centre, which includes the new Port Broughton Police Station, and ancillary works such as car parking, footpath and kerbing upgrades, and includes environmental savings in regards to solar power and storm water collection.”

CARRIED

Cr Schkabaryn moved Cr McDonald seconded

“that the \$30000 grant, available under the Regional and Local Community Infrastructure Program (\$100 million component), be spent on disabled toilet facilities for the Port Broughton Hall.”

CARRIED

11.1.2 New Council Office Extensions

The plans have now been received for the new Council Office extensions, and details are included in my report. Following the receipt of the plans, Building Rules consent is being sought, to ensure compliance with the Building Code. They are now on public display.

11.1.3 Occupational Health Safety & Welfare – employment of a new officer

Cr. Smith moved, Cr. Burgess seconded

“That the District Manager be authorised to engage a suitably qualified person to undertake the Occupational Health Safety and Welfare, and the Risk Management roles for Council, and for arrangements with resource sharing this position be undertaken with adjoining Councils.”

Cr Kerley moved Cr McDonald seconded an AMENDMENT

“That the District Manager be authorised to engage a suitably qualified person to undertake the Occupational Health Safety and Welfare, and the Risk Management roles for Council, and for arrangements with resource sharing this position be undertaken with adjoining Councils and that as part of their salary package, they be paid a vehicle allowance instead of being supplied with a vehicle”

The amendment was put to the vote and DEFEATED

The original motion was put to the vote and

CARRIED

Cr Kerley called for a DIVISION

**THOSE WHO VOTED FOR – Crs Smith, Burgess, Schkabaryn, Weedon
Simmons, and Dolling**

THOSE WHO VOTED AGAINST – Crs Kerley & McDonald

11.1.4 OHS&W Audit

I wish to advise members that the Council is involved with an Audit by Worksafe SA on Tuesday 10th November 2009. This Audit is a follow up on the full Audit undertaken by Worksafe SA earlier this year (which our Council

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was not involved in). There were some issues raised in this Audit, which required attention of all Councils.

11.1.5 Tickera Public Meeting

On Tuesday 20th October 2009 the Public Meeting for the Tickera community was held at the Alford at which some 50 people including a number of elected members and staff. It was agreed by a greater majority of the people present that were keen for a Tickera Community Group to be formed, with seven members to be elected. the new group can meet during the holiday period if they desire to do so.

11.1.6 Bute Memorial Hall Committee

On Monday 26th October 2009 a meeting of the Bute Hall Committee report was held, and a progress report on the works done to date and the next projects, involving grant funding was discussed.

11.1.7 Bute Residential Development

Approval has now been received from the Development Assessment Commission for the Council's residential development at Bute. Arrangements will now be made to progress this development, to enable the Council to get an idea of the cost of developing the blocks for sale on the market place.

11.1.8 Dry Zones – Port Broughton and Fisherman's Bay

As part of Council's approval for the Partial Dry Zones for the Port Broughton and Fisherman's Bay areas, the Council was required to establish a Dry Zone Working Party and to prepare an Alcohol Management Plan, for the two zones. A Draft Alcohol Management Plan has been prepared, and is now available for public consultation.

11.1.9 Australia Day 2010 Awards

Nominations have been called for the Australia Day 2010 Awards, which include Citizen of the Year, Young Citizen of the Year (now for under 30 years of age), and Event of the Year. Closing date for the receipt of nominations is Friday 27th November 2009, for consideration at the Council's December meeting.

11.1.10 Port Broughton Visitor Information Outlet.

On Thursday 15th October a meeting with the Port Broughton Progress Association and Visitor Information Outlet, with some elected members was held, to consider the possibility of a new Visitor Information Outlet being constructed/erected in Port Broughton. Discussion was held on the funding of the building and possible locations, including the foreshore, due west of the toilet block, the Port Broughton Heritage site, and the former Council Chambers.

The Progress Association advised that they were seeking to look at the new Visitor Information Outlet being their main project, and have submitted an application for their funds for the next two years to be allocated to this project.

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Cr Kerley moved Cr McDonald seconded

“that another meeting with representatives from the Council, Port Broughton Progress Association and the Visitor Information Outlet, be held as soon as possible to address the proposal for a new Visitor Information Outlet.”

CARRIED

11.1.11 Elected members Allowances

Cr. Schkabaryn moved, Cr. Kerley seconded

”That the following Elected Members allowance remain the same as the previous year and be set for the period ending at the November 2010 Council Meeting

Elected Member \$3500

Mayor \$8500

Deputy Mayor \$4375

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

CARRIED

11.1.9 Annual Staff Salary Review

Cr Kerley moved, Cr McDonald seconded

“That the Council agree to increase staff salaries by 4.0% with staff employed under the Local Government Municipal Officer Award having the increase effective as from 1st January 2010, and staff employed under the Australian Workers Union Local Government Employee Award having the increase effective as from 1st April 2010.”

Cr Smith moved, Cr Burgess seconded an AMENDMENT

“That the Council agree to increase staff salaries by 4.2% with staff employed under the Local Government Municipal Officer Award having the increase effective as from 1st January 2010, and staff employed under the Australian Workers Union Local Government Employee Award having the increase effective as from 1st April 2010.”

The amendment put to the vote and DEFEATED

The original motion then put to the vote and

CARRIED

11.1.10 Electoral review – Final Certification

Advice has been received from the Electoral Commissioner that Council’s Elector Representation Review has complied with the provisions of the Local Government Act 1999, and that she has issued a certificate for that compliance.

11.1.12 S.A. Sea Rescue Squadron – Copper Coast Flotilla

Cr Schkabaryn moved Cr Simmons seconded

“that the Council grant exemption of boat ramp fees, for local and visiting members of the SA Sea Rescue Squadron provided that they undertake the requirements of the Squadron for being available for sea rescue and searches.”

CARRIED

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11.1.13 Grant & Helen Rowlands (Palate2Palette)

Cr Simmons moved Cr Kerley seconded
“that the District Manager obtain costings for a security camera system for the businesses in the main street of Port Broughton from West Coast Security, for consideration by Council at its next meeting” **CARRIED**

11.1.13 Local Government Association

Cr Schkabaryn moved, Cr Kerley seconded
“That the District Council of Barunga West gives notice that it consents to the proposal set out in the Notice dated 2nd October 2009 from the Council Purchasing Authority Pty Ltd that the provisions of the Indenture dated 3rd October 1967 that established the Municipal and District Purchasing Fund be wholly determined and the trusts under that Indenture be wound up.”
CARRIED

11.1.14 Mrs. H. Taplin – Port Broughton

A letter has been received from Mrs. Taplin, expressing her comments on issues raised at the last Council meeting by Cr. Kerley.

11.1.15 Mr. Elliott – Tickera

Cr Burgess moved, Cr Weedon seconded
“That the Council acknowledge the receipt of the letter of Mr. Elliott, and endorse the response of the District Manager, in respect to the election process for the new Tickera Community Group.” **CARRIED**

11.1.16 Road closures

Cr Simmons moved, Cr Weedon seconded
“That the following Road Process Orders, under the Road (Opening and Closing) Act 1961 be made, and the Mayor and District Manager be authorised to use the Council seal

ORDER No.1

1. Order to Close Road

The following part of a road is CLOSED

Portions of the unnamed Public Road between Road Daniel’s Road, E Daniels Road and G Daniels Road and adjoining the southern boundaries of sections 148, 186 and 533 Hundred of Kulpara, as delineated and lettered “A”, “B” and “C” (respectively) in Preliminary Plan 09/0036

2. Order for Disposal of Road

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

Transfer the whole of the land subject to closure lettered “A” and “B” to Kulburri Pty Ltd in accordance with the agreement for transfer dated 10th November 2009, entered into between the District Council of Barunga West and Kulburri Pty Ltd.

Transfer the whole of the land subject to closure lettered “C” to Brian Dennis Rooney and Mary Ellen Rooney in accordance with the agreement for transfer dated 10th November 2009, entered into between the District Council of Barunga West and Brian Dennis Rooney and Mary Ellen Rooney.

ORDER No.2

1. Order to Close Road

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The following part of a road is CLOSED

Portions of the unnamed Public Road between Kulpara Road and Railway Terrace, adjoining Allotments 300, 301, 302 and 303 in Filed Plan 216519, Allotment 303 in FP 216519 and Allotment 383 in FP 190135 as delineated and lettered "A", "B" and "C" in Preliminary Plan 09/0038

2. Order for Disposal of Road

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

Transfer the whole of the land subject to closure lettered "A", "B" and "C" to Brian Dennis Rooney in accordance with the agreement for transfer dated 10th November 2009, entered into between the District Council of Barunga West and Brian Dennis Rooney

ORDER No.3

1. Order to Close Road

The following part of a road is CLOSED

Portions of the unnamed Public Road situate west of B Daniels Road and adjoining the southern boundary of allotment 92 in Filed Plan 204100, as delineated and lettered "A" in Preliminary Plan 09/0039

2. Order for Disposal of Road

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

Transfer the whole of the land subject to closure lettered "A" to Brian Dennis Rooney in accordance with the agreement for transfer dated 10th November 2009, entered into between the District Council of Barunga West and Brian Dennis Rooney."

CARRIED

11.1.16 Title of Chief Executive Officer

Cr Kerley moved, Cr McDonald seconded

"That the Council endorse the decision of the District Manager to change his title to Chief Executive Officer, to take effect immediately."

CARRIED

11.1.17 Bute Skate Park

A letter has been received thanking Council for the Bute Skate Park facility, and also requesting a wheelie bin and can/bottle bin be placed at the park.

11.2 Manager – Finance and Administration

Cr Smith moved, Cr Burgess seconded

"That the Manager – Finance and Administration's Report for the November 2009 meeting be received and noted."

CARRIED

11.2.1 Land Services Group - General Valuation of DCBW

Cr McDonald moved, Cr Weedon seconded

"That Council, through the regional CEOs forum, recommends the Capital Valuations, as provided by the Valuer General, be reported in the single entity of District Council of Barunga West, in lieu of the present, outdated format of data from previously separate, and now, defunct Councils."

CARRIED

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11.2.2 Mundoorra Progress Association – Cricket Pitch

Cr Simmons moved, Cr Smith seconded

“That Council contributes \$1,650 towards the cost of replacing the cricket pitch at Mundoorra.”

CARRIED

11.2.3 2009/10 1st Quarterly Budget Review

Cr Burgess moved, Cr Smith seconded

“That in accordance with Section 7 (1) of the Local Government (Financial Management) Regulations 1999 the Budget Review as at 30 September 2009 is adopted.”

CARRIED

11.3 Manager – Works

Cr Weedon moved, Cr Schkabaryn seconded

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

CARRIED

11.3.1 Christmas Pageant Road Closure

Cr Smith moved, Cr Kerley seconded

“That Council exercise the powers 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 described below (“the roads”) is an event 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 Roads on which the Event are to be held and any adjacent or joining roads specified below, be closed to traffic:

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 12th December 2009, for the purpose of a Christmas Pageant and Party.”

CARRIED

11.3.2 Council Plant Replacement

Cr Kerley moved, Cr Weedon seconded

“That

- 1. Council waives the “Council Tender Policy” for the purpose of searching the market for a secondhand Backhoe for purchase.*
- 2. Council allows Council’s Manager Works to search and negotiate for a suitable backhoe for purchase.*
- 3. All negotiations to sell the Dresser 510 Loader and purchase a Backhoe are put before council for final approval.”*

CARRIED

11.3.3 Waste Management

Cr Schkabaryn moved, Cr Simmons seconded

“That Council introduces a waste recyclables pick up service in a time frame that is agreed on with the Environment Protection Agency and a feasibility study be done by the Manager Works regarding implementing such a system”

CARRIED

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11.3.4 Fuel Tanker Trailer

Cr Dolling moved, Cr Simmons seconded

“That Council purchases the Fuel Tanker Trailer from Hunts Fuels for \$2000.00 plus GST.”

CARRIED

11.4 Manager - Environmental Services

Cr Kerley moved, Cr Simmons seconded

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

CARRIED

11.4.1 Approved Development Report – Period 1st – 31st October 2009.

Noted.

11.4.2 Fisherman Bay Progress Association Inc., Correspondence Requesting Council to seek Excision of an Additional allotment from Approved Lot 150 in DA 344/D006/99.

Cr Kerley moved, Cr Burgess seconded

“That

- a) *The Council resolves that the Manager of Environmental Services, advise in writing, both Fisherman’s Bay Management Pty Ltd and the Fisherman Bay Progress Association Inc., of the requirements for development plan assessment regarding the proposal to include the excision of an additional allotment from the approved reserve lot 150 in the plan of division for land division 344/D006/99, within any application to vary the consent previously given, and*
- b) *Council requires that, in accordance with the budget for 2009-10, the District Manager, commence the tender process to engage suitably qualified engineers to prepare a stormwater management plan for Fisherman Bay, which in addition to Australian Standards and Risk management requirements, includes provisions for the projected sea level rise scenarios, in liaison with the DEH -Coastal Protection Board’s 2009 reviewed AHD projections, within the current financial year.”*

CARRIED

Cr Kerley moved, Cr Simmons seconded

“That pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all persons, except N Hand – District Manager; M Marziale- Manager of Environmental Services; B Jolly – Manager Finance; Fred Linke- Manager of Works; Corinne Hewett, Administration Officer, be excluded from attendance at the meeting for Agenda Item 11.4.3 Manager Environmental Services Report, regarding the Commonwealth Department of Climate Change’s DRAFT National Coastal Climate Change Vulnerability Assessment.”

CARRIED

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, with Agenda Item 11.1.4, in accordance with the provisions of Section 73 (2) (g) of the Local Government Act 199.

Mayor Dolling left the meeting at 10.10 pm.

Cr Smith moved, Cr Simmons seconded

“The Council orders the District Manager and the Manager of Environmental Services to commence communications with Fisherman Bay

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Management Pty Ltd, specifically with the intent to achieve the following two (2) objectives, as set out below:

a) To ensure that Fisherman Bay Management Pty Ltd is made aware of the projected impacts of sea level rise on the Fisherman Bay, by advice in writing and discussing the existence, significance and potential implications of the reports and sea flood risk maps Council has in its possession, as far as possible whilst maintaining the required confidentiality obligations for the NCCCVA report; and

b) To negotiate a contribution from Fisherman Bay Management Pty Ltd, as the owner and developer of the subject land, to substantially cover the costs of protection of the Fisherman Bay settlement area in lieu of actual construction works; or alternatively, acquire a contractual commitment to undertake the required works to protect Fisherman's Bay settlement."

CARRIED

Cr Schkabaryn called for a Division

THOSE WHO VOTED FOR –

Cr.McDonald,Kerley,Burgess,Simmons,Weedon & Smith

THOSE WHO VOTED AGAINST – Cr Schkabaryn

Cr Schkabaryn moved, Cr Simmons seconded

"Pursuant to Section 91(7) That having considered Agenda Item 11.4.4 Manager Environmental Services Report, regarding the draft DC Barunga West Rural Living Development Plan Amendment, Statement of Intent, in confidence under Section 90(2) and (3)(j) of the Local Government Act 1999, the Council, pursuant to Section 91(7) of that Act orders that the 11.4.4 Manager Environmental Services Report August 2009, regarding Commonwealth Department of Climate Change's DRAFT National Coastal Climate Change Vulnerability Assessment plus Minutes relating to that item in the said Report, be retained in confidence for a period of one (1) year and that this order be reviewed every 12 months of the confidentiality period"

CARRIED

Cr Dolling returned to the meeting at 10.45pm

12. NOTICES OF MOTION

No Notices of Motion were received for this meeting.

13. COMMITTEE MEETINGS

No Committee meetings were held in the past month.

14. CLOSURE

The Mayor declared the meeting closed at 10.50 p.m.

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Cr D. DOLLING
MAYOR