

**MINUTES OF THE ORDINARY MEETING OF THE
DISTRICT COUNCIL OF BARUNGA WEST
HELD AT THE PORT BROUGHTON COMMUNITY
SCHOOL LIBRARY ON 14th OCTOBER 2008 AT 7.00PM**

1.0 PRESENT:

Mayor Dolling, Cr I Burgess (Deputy Mayor), Cr M McDonald, Cr T Schkabaryn, Cr B Rooney, Cr G Simmons, Cr L Kerley, Cr M Weedon, Cr. R. Smith, Cr. S. Ireland, N Hand (District Manager), M Marziale (Manager – Environmental Services), R Linke (Works Manager), 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

Nil

3.0 CONFLICT OF INTEREST PROVISIONS

Mayor Dolling advised that he had a Conflict of Interest with Agenda Item No.11.4.8
Cr Schkabaryn advised that he had a Conflict of Interest with Agenda Item No. 11.1.9

4.0 CONFIRMATION OF COUNCIL MINUTES

4.1 Ordinary Meeting – 9th September 2008

Cr. Burgess moved, Cr. Schkabaryn seconded

“That the minutes of the Ordinary Meeting of Council held on 9th September 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

18th September – Allison Ashby (Consultant), CEO Performance Review
23rd September - Managers meeting Port Broughton
10th & 11th October – YP Employer Awards - Maitland

Cr ROONEY

11th October –YP Employer Awards - Maitland

Cr SMITH

23rd September – Barunga Village meeting

Cr McDONALD

Nil

Cr SCHKABARYN

2nd October – Fisherman’s Bay Progress Association
9th October – Central Region Local Govt. Assoc. (Zero Waste) Balaklava

Cr SIMMONS

13th September – LCYB Rail Meeting Wallaroo
16th September – Public meeting Bute
18th September – Barunga Village AGM
23rd September – Barunga Village General meeting
24th September – Bute 2000 meeting
7th October – Barunga Village Building meeting
11th October – YP Awards dinner at Maitland
13th October – Bute Sports Club meeting

Cr WEEDON

Nil

Cr BURGESS

10th September – Canowindra Home’s meeting
24th September – 2000 Onwards committee
25th September – Personal Leadership Program (hand out awards to graduates)

Cr KERLEY

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 Cr. McDonald

What is the current status of the property, 16 Dalling St. Port Broughton? Do the owners have any current plans to finish or demolish this structure? If not, what is Council's position on this partially built house?

The Manager – Environmental Service advised on the current status of this incomplete dwelling (over 30 years), and the options that were available to Council.

10.0 QUESTIONS WITHOUT NOTICE

10.1 Cr Kerley enquired whether any progress has been made on the affordable housing scheme. The District Manager advised that he hasn't heard from Maureen Coffey from Barunga Village at the time of the meeting.

10.2 Cr Weedon enquired about the mowing of blocks and reserves around Bute as there have been complaints. The Manager of Works advised that Sec 84 notices will be issued shortly to ratepayers needing to mow and clean up their blocks, and that he will look into Council reserves that need mowing.

11.0 COUNCIL BUSINESS – Managers Reports

11.1 District Manager's Report

Cr. Kerley moved, Cr Rooney seconded,

“That the District Manager's Report for the October 2008 meeting be received and noted.”

CARRIED

11.1.1 Dry Zone Application

Giving details on the Public Consultation process for the proposed Dry Zones at Port Broughton and Fisherman's Bay, with further details to be presented to the November meeting for Council deliberation.

11.1.2 Possibility of Sale of Leased Roads

Cr. Schkabaryn moved, Cr. Smith seconded

“That the Council agree for the roads that have been identified as suitable for sale be sold to the adjoining landowners for the following prices, plus all associated costs,

Arable land

\$600 per acre west of the Hummocks

Non arable land

\$250 per acre east of the Hummocks
\$300 per acre west of the Hummocks
\$150 per acre east of the Hummocks,

and that the District Manager be authorised to make the necessary arrangement for the sale of these roads.”

CARRIED

11.1.3 Bute Development – Arbon Road

Cr. Weedon moved, Cr. Kerley seconded

“That the Works and Infrastructure Committee inspect the site of the proposed residential development on Arbon Road Bute, at its next scheduled meeting on 5th November 2008.

CARRIED

11.1.4 American Financial Crisis

A report was presented from the Local Government Association of SA advising that none of the associated bodies of Local Government had an exposure to the crisis, that would be detrimental to Councils.

11.1.5 Council House – Everard Street Bute

Cr. Burgess moved, Cr.Kerley seconded

“That the Council, in consideration of its Policy for Disposal of Land, and that the property is excluded from Community Land as required by the Local Government Act 1999, agree to sell the property at 2 Everard Street Bute, Vol 5773 Folio 512, by tender, and that the District Manager be authorised to obtain quotes for the tender process, from suitably qualified Real Estate Agents, for consideration by Council.”

CARRIED

Cr Schkabaryn moved Cr Smith seconded

“That the District Manager arrange for a colorbond fence to be erected between 2 and 4 Everard Street Bute, and that the owner of 4 Everard Street, pay 50% of the cost of the fence.”

CARRIED

11.1.6 2007/08 Annual Report

Cr. Kerley moved, Cr Burgess seconded

“That the Council receives and accepts the 2007/08 Annual Report for the District Council of Barunga West, and that the District Manager be authorised to distribute the report as required”

CARRIED

11.1.7 Bute 125 Celebration Committee

Cr. Weedon moved, Cr. Simmons seconded

“That Council agree to support the Bute 125 Celebration Committee by providing some in kind assistance with photocopying, and a cost cash contribution of up to \$2000, if required, and to assist with the location of any suitable grant funding for the event.”

CARRIED

11.1.8 Bute 2000 Onwards Committee

Cr. Smith moved, Cr. Rooney seconded

“That the Council advises the Bute 2000 Onwards Committee the Council pays the GST on the projects of the Bute 2000 Onwards Committee, and allocates the funds to the Committee exclusive of GST (i.e. the Council pays the GST).”

CARRIED

Cr Schkabaryn advised that he was the Chairperson of the Fisherman’s Bay Progress Association and declared a conflict of interest. In accordance with the provisions of Section 74 (4a) (c) of the Local Government Act 1999, and that as he was a Council appointee to the Association, Cr Schkabaryn was not required to leave the meeting.

11.1.9 Mrs. B. Aslin – Fisherman’s Bay

Mrs. Aslin has forwarded a letter advising of the events of the recent Fisherman’s Bay Progress Association, whereby a number of committee members resigned from the Association. She outlines the reason for such resignations.

11.1.10 Mrs. L. Bettess – Bute

Advising Council of her concern at Council’s decision to change the gates and locks to the “Green Site” at the Bute Waste Disposal Site and of her concern at the assumption that she was responsible for leaving the gate open, and the effect it has had on her business (gardening business).

Cr Smith moved Cr Schkabaryn seconded

“That a letter be written to Mrs. Bettess advising that Council supports its original decision to change the locks and gates at the Bute Waste disposal site (Green Site), and to restrict access to this site, during normal opening hours”.

CARRIED

11.1.11 Local Government Finance Authority – Elections

Cr. Smith moved, Cr. Simmons seconded

“That Council vote for John Sanderson and John Frogley to be the two Board of Trustee members for the Local Government Finance Authority.”

CARRIED

11.1.12 Mobile Coffee Trailer – Application

Cr. Burgess moved, Cr. Kerley seconded

“That Council establish a Policy for mobile food/drink Vendors, that allow for the granting of a permit under Section 222 of the Local Government Act 1999, with the following conditions to be attached

- a) That the Vendor is not permitted to establish themselves within the area of Edmund Street, James Street, East Terrace and West Terrace Port Broughton*
- b) That the Vendor may establish themselves at the car park area at the western end of James Street Port Broughton*
- c) That the Vendor will pay an annual permit fee of \$200*
- d) The Vendor must have all relevant insurance policies, including public liability to a minimum cover of \$10 million*
- e) The Vendor must have all the necessary Food Act 2001, Public and Environmental Health Act 1997 licences and approval, ,along with any other act that maybe required.*
- f) The Vendor cannot operate on any Council owned properties (e.g. ovals, caravan parks etc) without the written approval of the Lessees of the Council owned land.”*

CARRIED

CR SMITH CALLED FOR A DIVISION

Those who voted for – Crs Kerley, McDonald, Simmons, Rooney, Weedon, Burgess & Dolling

Those who voted against –Crs Smith, Ireland & Schkabaryn

11.1.13 Proposed Port Broughton Office Extension

Final plans of the proposed extension have been received and arrangements made for specifications to be prepared to enable prices to be obtained.

11.1.14 SP Hay

A report was given on the progress being made following the fire to the plant recently.

11.1.15 Annual Leave

Cr. Ireland moved, Cr. Rooney seconded

“That Lawrence Milton (Blue) Jolly be appointed as Acting District Manager, during the absence of the District Manager on Annual Leave for the period 17th – 21st November, both dates inclusive.”

CARRIED

11.2 Manager – Finance and Administration

Cr. Kerley moved, Cr Burgess seconded

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

CARRIED

11.2.1 Auditor's 2008 Balance Date Audit Management Letter

Cr. Weedon moved, Cr. McDonald seconded

“That Council accepts the Manager, Finance and Administration’s report on the Auditors 2008 Balance Audit Management Letter and directs these matters to the Audit Committee for action, where necessary.”

CARRIED

11.2.2 Information

11.2.2.1 Port Broughton Bayside Caravan Park - Fence

The replacement of the eastern boundary fence at the Bayside Caravan Park has been completed. For the adjoining property owners, whose fences were replaced, have been invoiced for their 50% portion of the cost.

11.2.2.2 Community Business Bureau

Community Business Bureau is an organisation that can assist community bodies in effective management practices, particularly in sourcing grant funding. Councillors may wish to bring the attachments to the attention of locals who may wish to attend.

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. Schkabaryn moved, Cr. Simmons seconded

“That the Manager – Environmental Services Report for the October 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 1st – 30th September 2008.
Noted.

11.4.2 ERD Court – Appeal by T Klement – Re Fisherman’s Bay Progress Association Shelter Shade

Advising on the compromised reached for the construction of the shelter shade at the eastern playground (Half the original size applied for).

11.4.3 ERD Court – Appeal by G Button – Application for Land Division – Dale Road, Port Broughton

Advising on the compromised reach for access to this proposed subdivision from Dale Road.

11.4.4 National Coastal Vulnerability Assessment – Yorke Peninsula Case Study – Department of Climate Change.

Informing Council of the engagement of a consultant by the Federal Department of Climate Change, to undertake the “First Pass” assessment of the vulnerability of the coast and coastal settlements of the Yorke Peninsula.

11.4.5 Development Plan Rezoning by Mr Ian Burke.

Advising Council regarding a rezoning request by the owner, Mr. Ian Burke, to change the zoning of land situate Lot 11, Mundoorra Road CT: 5387/95 Hd Mundoorra from Industry to Rural Living Zone.

11.4.6 Building Rules Assessment and Risk: Article

Informing Council of the recent tragic events caused by a failure of a built structure (gate pillars) in the Prospect Council area.

11.4.7 Annual Report 2007/08 to the Public & Environmental Health Council

Cr. Schkabaryn moved, Cr. Burgess seconded

“That Council endorses the Annual Report for submission to the Public & Environmental Health Council for the financial year 2007/08.”

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

Mayor Dolling left the meeting at 8.34pm.

11.4.8 Application by Fisherman’s Bay Management Pty Ltd, to extinguish a public Right of Way.

Cr. Schkabaryn moved, Cr. Smith Seconded

“That Council recommends to Crown Lands, Dept. of Environment & Heritage that, the Public Right of Way Over the Land 30.18m Adjoining the Coast, registered on the title of Lot 4 in Filed Plan 2184, CT 5503/193, should be permitted to be extinguished along the western and northern boundaries only, and that the portion to be retained along the eastern boundary of the subject land, be subject to the following definitions:

- a) Retention of the right of way along the eastern boundary, from the southernmost residential allotment (lot 373), thereby allowing it to connect to Snook Road, through to the southern boundary of the land; and,*
- b) The right of way shall extend a fixed distance of 30.18 metres inland from the western boundary of the existing public road (known as the Old Bay Road).”*

CARRIED

Mayor Dolling returned to the meeting at 8.41pm

12. NOTICES OF MOTION

No Notices of Motion were received for this meeting

13. COMMITTEE MEETINGS

No Committee meetings were held during the past month.

14. CLOSURE

The Mayor declared the meeting closed at 8.45pm

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Cr. D. DOLLING
MAYOR