

**MINUTES OF THE ORDINARY MEETING OF THE
DISTRICT COUNCIL OF BARUNGA WEST
HELD AT THE BUTE COUNCIL CHAMBERS, BUTE
ON 13th OCTOBER 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, 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)

2.0 APOLOGIES AND LEAVE OF ABSENCE:

2.1 Leave of Absence

Nil

2.2 Apologies

Cr Weedon, Cr Rooney & Cr Ireland

3.0 CONFLICT OF INTEREST PROVISIONS

3.1 Cr. Dolling advised that he had a Conflict of Interest with Agenda Item 11.1.4 - Fisherman's Bay Management Pty Ltd.

3.2 Cr. Schkabaryn advised that he had a Conflict of Interest with Agenda Item 11.1.4- Fisherman's Bay Management Pty Ltd.

4.0 CONFIRMATION OF COUNCIL MINUTES

4.1 Ordinary Meeting – 8th September 2009

Cr Kerley moved, Cr Schkabaryn seconded

“That the minutes of the Ordinary Meeting of Council held on 8th September 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, has agreed to attend our November Council meeting.

6.0 DEPUTATIONS

6.1 Nil

7.0 MEMBERS REPORTS

Cr DOLLING

14th September – LGA Pre State Elections at Clare

30th September – YP Peninsula Field Days Official Luncheon

8th October – Audit Committee

- 8th October - District Inspection
10th October - Yorke Regional Employments Award Dinner at Balaklava

Cr McDONALD

- 16th September – Port Broughton & Dist Hospital & Health Services Health Advisory meeting
8th October - District Inspection

Cr SCHKABARYN

- 16th September – YRDB Grant Writing workshop
3rd October – Fisherman’s Bay Progress Association
8th October - Audit Committee
8th October - District Inspection
10th October - Yorke Regional Employments Award Dinner at Balaklava
12th October – Port Broughton Progress Association

Cr SIMMONS

- 14th September – Bute Sporting Club meeting
15th September – Barunga Village building meeting
22nd September – Barunga Village meeting
23rd September – Bute 2000 Onwards Committee meeting
6th October – YPCT Meeting Maitland
7th October – Barunga Village AGM
8th October- District Inspection
11th October – RSL footpath inspection
12th October – Bute Sporting Club meeting
13th October – Barunga Village building meeting

Cr KERLEY

- 12th October – Port Broughton Progress Association meeting

Cr BURGESS

- 24th September – Red Cross Function
8th October - Audit Committee

Cr SMITH

- 22nd September - Barunga Village meeting
7th October – Barunga Village AGM
8th October- District Inspection

8.0 PETITIONS OR MEMORIALS

- 8.1** No Petitions were received for consideration by the Council.

9.0 QUESTIONS WITH NOTICE

- 9.1** Cr. Kerley presented the following Questions with Notice. (The District Managers response is in *italics*.)

- 9.1.1 Is it possible to create a dry land plantation on the land along Kadina Road, south of the Caravan Park to include walking trails which would be suitable and safe for walkers, joggers, cyclists and gophers?
The issue of the former Mundoora – Port Broughton Railway line (Pie cart) was also raised.

This is possible. However it has to be balanced against the Council’s priorities, for walking trails, gopher tracks etc. With the adjoining beach area used for walking, it needs to be assessed as a priority.

I understand that Mr. Graham Funke has discussed with Fred Linke, a proposal for a walking trail south of Port Broughton in the future.

The problem with the former railway line, is that all the land owners would be required to address the public liability issues, risk management issues associated with the track, and ongoing maintenance of the track, as it would be on private property. This may cause them to carefully think their support for the project.

- 9.1.2 Would it be possible to utilise the school grounds at Alford as an overnight park for caravanners who do not wish to stay in conventional caravan parks and who might normally camp on the side of the road, or very often on the foreshore at Port Broughton?

The Alford Progress Association has expressed some interest in the proposal of an overnight stop, and discussions should be initiated with the Alford residents to determine the future of this site.

Council also needs to assess the future of the buildings on this site.

- 9.1.3 Could Council or a committee perhaps the Visitor Information Centre volunteers, Port Broughton Progress Association and Bute 2000 Onwards, prepare a tourist drive brochure and suitable roadside markers?

There is no reason why this could not be arranged amongst the interested groups. This would require Council to allocate funds in a future budget to pay for printing costs, and signage.

- 9.1.4 Requesting discussion on the proposal for a Visitor Information Centre for Port Broughton.

There is a meeting scheduled for Thursday 15th October, with representatives from the Progress Association, Visitor Information Centre and the Council, to discuss the future of the Visitor Information Centre (VIC).

In reference to my thoughts, I will advise of the following

- *I do support the notion of a Visitor Information Centre, in a building that currently exists.*
- *I do NOT support the Council Office as a venue for a VIC. Visitors to a VIC require considerable time being spent with them advising of the information that they are seeking. This would require Council staff spending considerable time away from their current tasks, placing pressure on their workload. The Council Office would be unavailable on the weekend.*
- *I do NOT support the construction of a new VIC.*
- *I have concerns with building a new VIC. Issues include what happens to the building when the level of volunteers diminishes to the point that the VIC no longer functions? What level of maintenance costs will Council contribute towards the VIC, apart from the capital cost of constructing the VIC?*
- *The Council has a building in the middle of town that has been offered as a VIC before, but was rejected. It is currently leased, but this can be reviewed.*
- *VIC's are NOT a money making concern. In larger towns many VIC's are part of an associated business*
- *Suggestions for various sites have been made. The Council had to demolish buildings at the Skate Park because of vandalism*

(admittedly the buildings were older, but it is an issue), the Scout Hall is a location that would have to be carefully considered, as it has an adjoining aged care complex, that enjoy a “peaceful and tranquil environment”, as well as the Bowling Club, which may cause parking issues on some days.

- *The Council DEFINELTY SHOULD NOT get involved in a gym project. There are major concerns with this proposal for Council, particularly in reference to ongoing costs, public liabilities, risk management as well as staffing costs. I strongly believe that Council has other priorities.*

- 9.1.5 Could some of the scrappy trees in Cross Street be removed and replaced in time the whole street could have one type of tree? (Perhaps palms as in Bay Street or Gawler Hybrid bottle brushes)

This project certainly has merit and can be placed on the Council’s Works Program

- 9.1.6 Could the Bute Road Entrance to Port Broughton, please have the dead and dying trees removed and replaced on both sides of the road? (Perhaps an avenue of bottle brushes on both sides of the road)

Following the recent strong winds, several trees were initially removed, and the remaining trees have now been cleaned up. A planting of an avenue of trees is a good suggestion and can be followed through.

- 9.1.7 Could we budget for a “modesty screen” at the Port Broughton Motor home dump point? (Pittosporum Screen Master or Gawler Hybrid bottle brushes)

Some trees have grown here, however again this is a good idea, and could also partially screen part of the Council’s Depot.

- 9.1.8 Could the street sign which is currently placed right next to the war memorial at the end of Bay Street pleased be moved perhaps just across the street to the median strip?

This has long been a topic of discussion, and arrangements will be made to relocate the sign to the south of the fenced monument area, so that it can be easily seen when driving down Bay Street.

- 9.1.9 Could we please budget or at least begin planning a gopher track from Barunga by the Sea?

Planning on the gopher track has commenced. The Council has once applied (unsuccessfully) for a grant for this track, and will reapply again later this year when applications are called for.

There are a few engineering issues that have to be considered for this project and they include

- *Australian standards for pedestrian/bicycle/gopher paths require a certain width for two way paths, to be on one side of the road.*
- *Due to the 80 kph speed zone the path will have to be on the eastern side of Kadina Road, as we would certainly not want gophers crossing the road.*
- *Engineering difficulties include building up sites where there are currently drainage pipes under the road (at the new Barunga by the Sea site and just south of the residential area on the Kadina Road.*

- *Guard rails would need to be installed at the area just south of the residential area.*

Council does have this project in its Strategic Plan, and will have to look at allocating funds next financial year if the grant application is unsuccessful.

- 9.1.10 Could the sculptures done by Mark Rush several years ago, be mounted on plinths and placed on the Port Broughton foreshore for all to see.

For elected members to consider. Obviously there would be a cost to ensure that the plinths and the erection of the busts were done professionally and properly.

- 9.1.11 A drain situated on Fisherman's Bay Road, just south of Dolling Crescent is very difficult to see when parking or walking and quite dangerous. Could this be marked with white posts on each side of the drain?

The Manager – Works has noted this request and will attend to this work.

- 9.1.12 Cars are accessing the front of Boundy's Caravan Park. As this is a no vehicle area could the large boulders which appear to have been moved or removed, be replaced?

The Manager – Works has noted this request and will attend to this work.

- 9.1.13 Have "Emergency Assembly Areas" been assigned in each town in DC Barunga West and have signs to indicate these areas, been erected?

This issue can be addressed as part of Council's Emergency Management Plan, and in conjunction with Regional Zone Emergency Management Committee.

Cr. Kerley acknowledged the responses of the District Manager and hoped that the issues raised in her questions would be considered by members for discussions in the future.

10.0 QUESTIONS WITHOUT NOTICE

- 10.1** Cr. Smith – Enquiring on the Hot Weather Policy for outside staff. Manager – Works explained the Council's OHS&W Policy

- 10.2** Cr. Simmons – Reporting on a problem experienced with trestle hire from the Bute Hall recently where they were double booked. Manager – Works advised that he would review the incident.

- 10.3** Cr. Dolling – Enquiring on the positioning of Dry Zone signage in Port Broughton. The Manager – Works responded on their locations.

11.0 COUNCIL BUSINESS – Managers Reports

11.1 *District Manager's Report*

Cr. Burgess moved, Cr. Smith seconded

"That the District Manager's Report for the October 2009 meeting be received and noted."

CARRIED

11.1.1 Delegations 2009

Cr Simmons moved, Cr Kerley seconded

“That having conducted its annual review of the Council’s Delegations Register in accordance with Section 44(6) of the Local Government Act 1999, the Council:

1. Revocations

1.1 Hereby revokes its previous delegations to the District Manager of those powers and functions under the following:

- 1.1.1 Community Titles Act 1996*
- 1.1.2 Development Act 1993 and Development Act Regulations 1993*
- 1.1.3 Dog & Cat Management Act 1995*
- 1.1.4 Environment Protection Act 1993 and Environment Protection (Waste Management) Policy 1994*
- 1.1.5 Expiation of Offences Act 1996*
- 1.1.6 Fences Act 1975*
- 1.1.7 Fire and Emergency Services Act 2005 and Fire and Emergency Services Act Regulations 2005*
- 1.1.8 Food Act 2001*
- 1.1.9 Freedom of Information Act 1991*
- 1.1.10 Housing Improvement Act 1940*
- 1.1.11 Land & Business (Sale and Conveyancing) Act 1994*
- 1.1.12 Liquor Licensing Act 1997*
- 1.1.13 Local Government Act 1934*
- 1.1.14 Local Government Act 1999*
- 1.1.15 Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2005*
- 1.1.16 Occupational Health Safety & Welfare Act 1986*
- 1.1.17 Public and Environmental Health Act 1987 and Public and Environmental Health (Waste Control) Regulations 1995*
- 1.1.18 Roads (Opening & Closing) Act 1991*
- 1.1.19 Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 1999 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 1999*
- 1.1.20 Supported Residential Facilities Act 1992*

1.2 Hereby revokes its previous delegations to its Development Assessment Panel under the Development Act 1993 and Development Regulations 1993.

2. Delegations made under Local Government Act 1999

2.1 In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Appendices 1, 3-9, 11-16, 18-19, (each of which is individually identified as indicated below) are hereby delegated this 13th day of October 2009 to the person occupying the office of District Manager subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation.

- 2.1.1 Community Titles Act 1996 (Appendix 1)*

- 2.1.2 *Dog & Cat Management Act 1995 (Appendix 3)*
 - 2.1.3 *Environment Protection Act 1993 (Appendix 4)*
 - 2.1.4 *Expiation of Offences Act 1996 (Appendix 5)*
 - 2.1.5 *Fences Act 1975 (Appendix 6)*
 - 2.1.6 *Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005 (Appendix7)*
 - 2.1.7 *Freedom of Information Act 1991 (Appendix8)*
 - 2.1.8 *Housing Improvement Act 1940 (Appendix 9)*
 - 2.1.9 *Land & Business (Sale & Conveyancing) Act 1994 (Appendix11)*
 - 2.1.10 *Liquor Licensing Act 1997 (Appendix 12)*
 - 2.1.11 *Local Government Act 1934 (Appendix 13)*
 - 2.1.12 *Local Government Act 1999 (Appendix 14)*
 - 2.1.13 *Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2005 (Appendix 15)*
 - 2.1.14 *Roads (Opening and Closing) Act 1991 (Appendix 18)*
 - 2.1.15 *Occupational Health Safety and Welfare Act 1986 (Appendix 16)*
 - 2.1.16 *Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 1999 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 1999 (Appendix 19).*
- 2.2 *Such powers and functions may be further delegated by the District Manager in accordance with Sections 44 and 101 of the Local Government Act 1999 as the District Manager sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.*

3. Delegations made under Development Act 1993

- 3.1 *In exercise of the power contained in Section 20 of the Development Act 1993, the powers and functions under the Development Act 1993 and the Development Regulations 1993 contained in the proposed Instrument of Delegation (annexed to the Report dated 6th October 2009 and entitled Council Delegations 2009 and marked Appendix 2) (distributed under separate cover) are hereby delegated this 13th October 2009 to the person occupying the office of District Manager subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.*
- 3.2 *Such powers and functions may be further delegated by the District Manager as the District Manager sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993.*
- 3.3 *In exercise of the power contained in Section 20 of the Development Act 1993 the powers and functions under the Development Act 1993 and the Development Regulations 1993 contained in the proposed Instrument of Delegation (annexed to the Report dated 6th October 2009) and entitled Council Delegations 2009 (distributed under separate cover) and which are specified below are hereby delegated to the Council's Development Assessment Panel, subject to any conditions specified herein or in the Schedule of Conditions*

contained in the proposed Instrument of Delegation under the Development Act 1993:

No conditions

4. Delegations made under Food Act 2001

- 4.1 *In exercise of the powers contained in Section 91 of the Food Act 2001, the powers and functions under the Food Act 2001 contained in the proposed Instrument of Delegation (annexed to the Report dated 6th October 2009 and entitled Council Delegations 2008 and marked Appendix 8) (distributed under separate cover) are hereby delegated this 13th October 2009 to the person occupying the office of District Manager (“the head of the enforcement agency” for the purposes of the Food Act 2001), subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Food Act 2001.*
- 4.2 *Such powers and functions may be further delegated by the District Manager as the District Manager sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Food Act 2001.*

5. Delegations made under Public and Environmental Health Act 1987

- 5.1 *In exercise of the power contained in Section 6 of the Public and Environmental Health Act 1987, the powers and functions under the Public & Environmental Health Act 1987 and Public and Environmental Health (Waste Control) Regulations 1995 contained in the proposed Instrument of Delegation (annexed to the Report dated 6th October 2009 and entitled Council Delegations 2009 and marked Appendix 17) (distributed under separate cover) are hereby delegated this 13th October 2009 to the person occupying the office of District Manager, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Public and Environmental Health Act 1987.*
- 5.2 *Such powers and functions may be further delegated by the District Manager as the District Manager sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Public and Environmental Health Act 1987.*

6. Delegations under Supported Residential Facilities Act 1992

- 6.1 *In exercise of the power contained in Section 9 of the Supported Residential Facilities Act 1992, the powers and functions under the Supported Residential Facilities Act 1992 contained in the proposed Instrument of Delegation (annexed to the Report dated 6th October 2009 and entitled Council Delegations 2008 and marked Appendix 21) (distributed under separate cover) are hereby delegated this 13th October 2009 to the person occupying the office of District Manager, subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.*
- 6.2 *Such powers and functions may be further delegated by the District Manager as the District Manager sees fit and in accordance with the*

relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.

7. Authorisations and Sub delegation under the Road Traffic Act 1961

7.1 That, in accordance with the Notice to the Council dated 17 June 2006 from the Minister for Transport and Urban Planning (“the Minister’s Notice”), the Council authorises the following officers to exercise, for, and on behalf of the Council, the power conferred on the Council pursuant to the following clauses of the Minister’s Notice in relation to the **Road Traffic Act 1961**:

- Clause A.1 – Nigel Andrew Hand - District Manager
Robert Charles Linke - Manager – Works
Lawrence Milton Jolly - Manager – Finance and Administration
Mark Marziale - Manager – Environmental Services
Steven James Davey - Works Supervisor
Steven Keith Daniel - Authorised Officer
Michael Allen Krieger - Authorised Officer
- Clause B.1 – Robert Charles Linke - Manager – Works
Steven James Davey - Works Supervisor
Steven Keith Daniel - Authorised Officer
Michael Allen Krieger - Authorised Officer
Graham David Manners - Operator
Bradley Royce Stringer - Operator
John Robert Pridham - Operator
Brett Ivan Tancock - Operator
Blake Peter Siviour – Operator
- Clause C.1 – Robert Charles Linke - Manager – Works
Steven James Davey - Works Supervisor
Steven Keith Daniel - Authorised Officer
Michael Allen Krieger - Authorised Officer
Graham David Manners - Operator
Bradley Royce Stringer - Operator
John Robert Pridham - Operator
Brett Ivan Tancock - Operator
Blake Peter Siviour – Operator
- Clause D.1 – Nigel Andrew Hand - District Manager
Robert Charles Linke - Manager – Works
Lawrence Milton Jolly - Manager – Finance and Administration
Mark Marziale - Manager – Environmental Services
Steven James Davey - Works Supervisor
Steven Keith Daniel - Authorised Officer
Michael Allen Krieger - Authorised Officer
Graham David Manners - Operator
Bradley Royce Stringer - Operator
John Robert Pridham - Operator
Brett Ivan Tancock - Operator
Blake Peter Siviour – Operator
- Clause E.1- Nigel Andrew Hand - District Manager
Robert Charles Linke - Manager – Works
Lawrence Milton Jolly - Manager – Finance and Administration
Mark Marziale - Manager – Environmental Services

Steven James Davey - Works Supervisor
Steven Keith Daniel - Authorised Officer
Michael Allen Krieger - Authorised Officer
Graham David Manners - Operator
Bradley Royce Stringer - Operator
John Robert Pridham - Operator
Brett Ivan Tancock - Operator
Blake Peter Siviour - Operator

subject to –

- (i) the conditions contained in the Minister's Notice; and
- (ii) where applicable the conditions contained within the "Notice from the Commissioner of Highways for the Temporary use of Traffic Control Devices by persons other than Road Authorities" dated 8 April 2002, as amended from time to time;
- (iii) any conditions contained in this Resolution or in such instrument; and
- (iv) the creation of a separate instrument in writing reflecting such authorisations under the Minister's Notice and this Resolution.

7.2 The said instrument shall be in substantially the same form as the proposed instrument of authorisation annexed to the Report dated 6th August 2008 and entitled Council Delegations 2008 and marked Appendix 21 (distributed under separate cover).

7.3 In exercise of the power contained in, and in accordance with, Clause F.1 of the Notice to the Council dated 17 June 2006 from the Minister for Transport ("the Minister's Notice"), the power contained in Section 33(1) of the Road Traffic Act 1961 and delegated to the Council pursuant to Clause F of the Minister's Notice is hereby sub-delegated to the following officers:

Nigel Andrew Hand - District Manager
Lawrence Milton Jolly - Manager – Finance and Administration
Mark Marziale - Manager – Environmental Services
Robert Charles Linke - Manager – Works
Steven James Davey - Works Supervisor

subject to:

- (i) the conditions contained in the Minister's Notice; and
- (ii) any conditions contained in this Resolution or in such instrument; and
- (iii) the creation of a separate instrument in writing reflecting such sub delegation under the Minister's Notice and this Resolution.

7.4 The said instrument shall be in substantially the same form as the proposed instrument of sub delegation annexed to the Report dated 6th August 2008 and entitled Council Delegations 2008 and marked Appendix 21 (distributed under separate cover).

8. Acting District Manager

8.1 For the purposes of the Council delegations made on 13th October 2009, all delegations to the District Manager extend to any person appointed to act in the position of District Manager." **CARRIED**

11.1.2 2009/09 Annual Report

Cr Smith moved, Cr Schkabaryn seconded

"That the Council receives and accepts the 2008/09 Annual Report, including the Financial Statements for the District Council of Barunga West, and that the District Manager be authorised to distribute the report as required"

CARRIED

11.1.3 Road Closures

Cr McDonald moved, Cr Schkabaryn seconded

“That the following Road Process Orders, under the Roads (Opening and Closing) Act 1961 made,

Number One

1. *ORDER To Close Road*

The following part of a road is CLOSED:

The whole of G. Meiers Road situated west of Pontifex Road and between Sections 357 and 358, Hundred of Kulpara, more particularly delineated and lettered “A” on Preliminary Plan 09/0049

2. *ORDER for Disposal of Closed Road*

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

Transfer the portion of land lettered “A” to Andrew Donald Bowey in accordance with the transfer dated 13th October 2009, entered into between the District Council of Barunga West and Andrew Donald Bowey

3. *ORDER for Grant of Easement*

The following easement be granted over portion of the road to be closed by this order:

Grant to TRANSMISSION LESSOR COPORATION (Subject to L9061500) of 1 undivided 2nd part and ELECTRANET PTY. LTD. Of 1 undivided 2nd part as an easement for overhead electricity supply purposes.

Number Two

1. *ORDER To Close Road*

The following part of a road is CLOSED:

The whole of the unnamed public road adjoining the southern boundary of Section 515, Hundred of Kulpara, as delineated and lettered “A” on Preliminary Plan 09/0050

2. *ORDER for Disposal of Closed Road*

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

Transfer the portion of land lettered “A” to Andrew Donald Bowey in accordance with the transfer dated 13th October 2009, entered into between”

11.1.4 Public Meeting – Tickera

Arrangements have been made for a Public Meeting to be held at Alford on Tuesday 20th October 2009, to look at possibly forming a new Community Group at Tickera.

Mayor Dolling advised that he has a relative on the Board of Directors of the Fisherman’s Bay Management Pty Ltd, and Cr. Schkabaryn declared that he was a licensee at Fisherman’s Bay and both 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 and Cr. Schkabaryn left the meeting at 7.30 pm.

11.1.5 Fisherman’s Bay Management – freeholding process

The Council has been advised that the Fisherman’s Bay Management Pty Ltd, and Fisherman’s Bay Pipeline have formed a new company to operate the new sewerage system that is required as part of the freeholding process.

Cr Simmons moved Cr McDonald seconded

“that Council authorise the District Manager and the Manager of Environmental Services to negotiate with Fisherman’s Bay Management Pty Ltd for assistance with the payment of legal fees as a result of the ongoing developments with the bonding agreement for the Waste Water Treatment System and Plant as part of the freeholding of Fisherman’s Bay.”

CARRIED

Crs Dolling & Schkabaryn returned to the meeting at 7.35pm

11.1.6 Alford School – Proposal for use

A visit to the School site has been scheduled as part of the District Inspection on 8th October 2009.

11.1.7 Mrs E. Dolling – Letter of concern

A letter has been received (copy attached) expressing disappointment at the painting of a palm tree in Bay Street Port Broughton, following the recent premiership success of the Broughton Mundoora B grade football team.

Cr Kerley moved Cr Simmons seconded

“ that a suitable letter be sent to the Broughton Mundoora Football & Netball Clubs congratulating them on their premiership successes for the 2009 season but expressing disappointment at the graffiti in the main street and in particular the palm tree. Suggest that graffiti be cleaned up and any cleaning of graffiti will be done at the Clubs’ cost.”

CARRIED

11.1.11 Local Government Association – Notice of Motion

Cr. Schkabaryn moved, Cr. Kerley seconded

“That the District Council of Barunga West seek to have considered the following two motions at the Annual General Meeting of the Local Government Association to be held on Friday 30th October 2009:

- 1. Seek for the LGA to lobby the Australian and State Government to legislate to prevent utilities and other service providers from levying customers seeking to pay their accounts at the counters of Australia Post, and*
- 2. Seek for the LGA to lobby the Australian Government to either negotiate (or legislate if negotiations fail) with Australia Post to remove the requirements of Post Office licensees to meet a minimum transaction target, as a result of the current promotion for internet banking to occur in preference to over the counter transactions.*

11.2 Manager – Finance and Administration

Cr Burgess moved, Cr Simmons seconded

“That the Manager – Finance and Administration’s Report for the October 2009 meeting be received and noted.”

CARRIED

11.2.1 Port Broughton Office Extension – Partial funding by LGFA Debenture

Cr Smith moved, Cr Schkabaryn seconded

“That Council obtains funds up to an amount of \$550,000 in the form of a Debenture Loan from the Local Government Financial Authority of SA, for a term of 15 years, at the current interest rate for the construction of the Port Broughton Office extensions. Council authorises the District Manager, the Mayor and Manager, Finance and Administration to determine the critical time and amount for the loan to be settled prior to the funds being required and the principal to be invested in Council’s Short Term 24 Hr Investment Account with the Local Government Financial Authority of SA. The Mayor and District Manager are authorised to sign, under Council Seal, all documentation associated with the Debenture settlement.”

CARRIED

11.2.3 Superannuation Scheme – ‘Local Super’ Defined Benefits Scheme

Cr Schkabaryn moved, Cr Smith seconded

That Council selects ‘Option 3 – Close Salarylink to new entrants now’ as the preferred option in rectifying the financial position of ‘Local Super’, as referred by the Local Government Superannuation Scheme in their Consultation Paper of 29th September 2009 “

CARRIED

11.2.4 Bute 2000 Onwards Committee- Proposed Projects for 2009/10

Cr Schkabaryn moved Cr McDonald seconded

“That the Bute 2000 Onwards Committees projects for 2009/10 be accepted as presented, with the exception of No. 6 for the BBQ for the Heritage Shed opening”

CARRIED

11.3 Manager – Works

Nil Report – Refer District Inspection Agenda Item 13.2

11.4 Manager - Environmental Services

Cr Burgess moved, Cr Kerley seconded

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

CARRIED

11.4.1 Approved Development Report – Period 1st – 30th September 2009.

Noted.

12. NOTICES OF MOTION

No Notices of Motion were received for this meeting.

13. COMMITTEE MEETINGS

13.1 Audit Committee – 8th October 2009

Cr. Burgess moved, Cr. Schkabaryn seconded

“That the Council adopts the following recommendations from the Audit Committee meeting held on 8th October 2009”

- 1. That in accordance with the requirements of Section 16A (2) of the Local Government (Financial Management) Regulations 1999 the District Manager and Chairperson of the Audit Committee sign statements declaring the of the Auditor’s independence. Further, the Auditor’s Independence Declaration issued under the same regulation is accepted, as tabled.*

2. *The Audited 2008/09 Financial Statements have been reviewed and, in the Audit Committee's opinion, have been prepared in accordance with Section 126 (4) (a) of the Local Government Act 1999.*
3. *The Audit Committee advises Council's Auditor, Dean Newbery and Partners, it has reviewed the Annual Financial Statements for the financial year ended 30th June 2009 and is satisfied they present fairly the state of affairs of Council.*
4. *Council adopts the Audited Financial Statements for the year ending 30th June 2009.*
5. *That the revenue raised for use of the boat ramps, when reported quarterly to Council, be itemised in the following manner:*

*Recreational Fisher Annual Permits
Commercial Fisher Annual Permits
Daily use (Ticket Machines) – Port Broughton
Daily use (Ticket Machines) – Fisherman's Bay"*

CARRIED

13.2 Works and Infrastructure Committee – 8th October 2009

Notes from the District Inspection held on 8th October 2009 were tabled.

Cr. Smith moved, Cr. Kerley seconded

"That the District Manager and the Manager – Works prepare a report on the issues raised during the District Inspection, as raised in the tabled notes of the inspection."

CARRIED

14. CLOSURE

The Mayor declared the meeting closed at 8.25 p.m.

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Cr D. DOLLING
MAYOR