

**MINUTES OF THE ORDINARY MEETING OF THE  
DISTRICT COUNCIL OF BARUNGA WEST  
HELD AT THE BUTE COUNCIL CHAMBERS  
ON 9<sup>th</sup> SEPTEMBER 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, 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**

Cr. S. Ireland

**3.0 CONFLICT OF INTEREST PROVISIONS**

Mayor Dolling advised that he had a Conflict of Interest with Agenda Item No.11.4.5

**4.0 CONFIRMATION OF COUNCIL MINUTES**

**4.1 Ordinary Meeting – 12<sup>th</sup> August 2008**

Cr. Schkabaryn moved, Cr. Simmons seconded

*“That the minutes of the Ordinary Meeting of Council held on 12<sup>th</sup> August 2008 be confirmed as printed and supplied.”*

**CARRIED**

**5.0 BUSINESS ARISING FROM THE COUNCIL MINUTES**

**5.1** Work has commenced (O’Brien’s Plumbing) on installing the new water line at the Broughton Bayside Caravan Park.

**5.2** Discussions have been held with Barunga Village on the Affordable Housing Program, and further discussion will be held when additional information is obtained.

**5.3** Placement of bike racks in the town centre and at the jetty entrance and the installation of a handrail outside of the new chemist are being looked at by the Manager Works.

## **6.0 DEPUTATIONS**

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

## **7.0 MEMBERS REPORTS**

### **Cr DOLLING**

2<sup>nd</sup> September – Works and Audit Committee meeting

### **Cr ROONEY**

2<sup>nd</sup> September – Works and Audit Committee meeting

### **Cr SMITH**

21<sup>st</sup> August – YP Community Transport meeting Bute

27<sup>th</sup> August – Barunga Village meeting

2<sup>nd</sup> September – Works & Infrastructure meeting

### **Cr McDONALD**

2<sup>nd</sup> September – Works Committee meeting

8<sup>th</sup> September – Port Broughton Area School Governing Council meeting

### **Cr SCHKABARYN**

28<sup>th</sup> August – Roads Conference Port Lincoln

1<sup>st</sup> September – Pt Broughton Progress Association

2<sup>nd</sup> September – Works & Audit Committee meeting

6<sup>th</sup> September – Fishermans Bay Progress Association

8<sup>th</sup> September – ERD Court

9<sup>th</sup> September – Meeting with Mgr Environmental Services re Fishermans Bay shelter

### **Cr SIMMONS**

14<sup>th</sup> August – Library meeting

21<sup>st</sup> August – HACC Volunteers meeting

26<sup>th</sup> August – Barunga Village building meeting

26<sup>th</sup> August – Barunga Village general meeting

27-29<sup>th</sup> August – Roads Conference Port Lincoln

2<sup>nd</sup> September – Works meeting

8<sup>th</sup> September – Bute Sporting Club meeting

9<sup>th</sup> September – Barunga Village building meeting

### **Cr WEEDON**

2<sup>nd</sup> September – Works Committee meeting

### **Cr BURGESS**

2<sup>nd</sup> September – Works & Audit Committee meeting

### **Cr KERLEY**

Nil

Cr Rooney attended the meeting at 7.10pm

## **8.0 PETITIONS OR MEMORIALS**

No Petitions were received for consideration by the Council.

## **9.0 QUESTIONS WITH NOTICE**

No Questions with Notice were received for consideration by Council.

## **10.0 QUESTIONS WITHOUT NOTICE**

**10.1** Cr Weedon reported that he had had complaints from locals in Bute about the dump burning and smoke blowing over the town. The Manager –Works will investigate the cause of the fires and attend to the problem.

**10.2** Cr Smith enquired about the policy regarding mowing of blocks with long grass and undergrowth. The Manager – Works advised that relevant Notices would be issued in late October.

**10.3** Cr Dolling commented on the excellent work on the cleaning up of the Alford Dump, which will now be planted out with native trees.

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

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

Cr. Smith moved, Cr Burgess seconded,

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

**CARRIED**

#### **11.1.1 District Managers Performance Review**

Cr. Schkabaryn moved, Cr. Burgess seconded

*“That the Council accept the quotation of \$2200 from AME Recruitment to undertake the Performance Review of the District Manager, and that the District Manager undertake the necessary requirements to commence the Review.*

**CARRIED**

#### **11.1.2 Register of “In Camera” issues**

Attached to my report is a list of issues that have been held “in camera” since 2003. Legislation requires that the Council needs to reconsider these issues at least within a 12 month period after the order was made.

Cr. Kerley moved, Cr. Weedon seconded

*“That the items on the following schedule are a reconsideration of all the issues that have been considered “in-camera” by Council, in accordance with the provisions of Section 91(7) of the Local Government Act since November 2003, and for which Council agrees that in accordance with the provisions of Section 91 of the Local Government Act, that they are part of the public records.*

<b>DISTRICT COUNCIL OF BARUNGA WEST</b>			
<b>Register of Council meetings “IN CAMERA” provisions</b>			
<b>Meeting Date</b>	<b>Issue</b>	<b>Comment</b>	<b>Review Date</b>
November 11 <sup>th</sup> 2003	B&C White – Lot 510 Kadina Road	Complaints heard in respect of infringement of planning approval condition and the need for legal action	Sept 08
May 11 <sup>th</sup> 2004	Port Broughton Development – Sec 504-506 Hd Mundoora	Looking at possibilities of a joint venue with John Culshaw for development of coastal land	Sept 08
May 11 <sup>th</sup> 2004	District Manager Performance Review	Discussion on the District Managers Performance Review	Sept 08
August 10 <sup>th</sup> 2004	Fisherman’s Bay Management Freeholding	Fisherman’s Bay Management for bonding arrangement for a sewerage system	Sept 08
October 12 <sup>th</sup> 2004	Matty Rose Contracting	Consideration of an employee (Matthew Rose) to look at contracting services, in lieu of	Sept 08
November 16 <sup>th</sup> 2004	Administration Issues	Concern at the performance of the Works Managers performance by the District Manager	Sept 08
February 15 <sup>th</sup> 2005	Fisherman’s Bay Management Freeholding	Address by Peter Fisher (Norman Waterhouse) on Fisherman’s Bay Freeholding-bonding agreement	Sept 08
December 13 <sup>th</sup> 2005	Administration issues	Poor health of employee Bill Michie and the need to cover his continued absence	Sept 08
March 14 <sup>th</sup> 2006	Administration issues	Poor health of employee Bill Michie and the need to cover his continued absence	Sept 08
June 13 <sup>th</sup> 2006	Fisherman’s Bay Management Freeholding	Negotiations with FB Management regarding Open Space contribution as part of the freeholding process	Sept 08
April 7 <sup>th</sup> 2007	Administration issues	Legal advice Re:Lawrie Elliott and “defamatory” letters being received by staff and elected members	Sept 08
April 19 <sup>th</sup> 2007	Executive Committee-Administration issues	Calling of “Special Meeting” without Knowledge of District Manager-Staffing issues	Sept 08
May 8 <sup>th</sup> 2007	Administration issues	Confirmation of the Minutes of the Executive Committee held on 19 <sup>th</sup> April 2007	Sept 08
August 22 <sup>nd</sup> 2007	Executive Committee-Administration Issues	Discussion on the District Manager’s Performance Review	Sept 08
September 11 <sup>th</sup> 2008	Administration issues	Confirmation of the Minutes of the Executive Committee held on 212nd August 2007	Sep-08

**CARRIED**

### 11.1.3 Audit Committee-Independent Member

Cr Burgess moved Cr Simmons seconded

*“That Mr. Jeff Burgess be appointed as Councils new Independent Member on its Audit Committee, to replace Mr. Paul McInerney, who has resigned due to his new employment role within the State Government.”*

**CARRIED**

#### **11.1.4 District Council of Copper Coast-Wallaroo Ferry Terminal**

Cr. Schkabaryn moved, Cr. Burgess seconded

*“That Council advises the District Council of Copper Coast that it has no comments to make in regards to the Development Plan Amendment for the Wallaroo Ferry Terminal.”*

**CARRIED**

#### **11.1.5 October Council Meeting – Change of Venue**

Cr. Rooney moved, Cr. McDonald seconded

*“That the next meeting of Council, to be held on 14<sup>th</sup> October 2008, be held at the Port Broughton Community School Library, in lieu of the Council Chambers in Bute.”*

**CARRIED**

#### **11.1.6 Celebration of Employment Awards – Yorke Peninsula**

Cr. Smith moved, Cr. Weedon seconded

*“That the Council agree to the request of the District Council of Copper Coast to support the Celebration of Employment Awards with a financial contribution of \$750.”*

**CARRIED**

#### **11.1.7 Minister of Health**

Responding to our Council’s submission on our concerns at the prepared SA Country Health Plan (Refer attached correspondence).

#### **11.1.8 Local Government Association**

Forwarding a range of information on legislative changes.

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

Cr. Burgess moved, Cr Smith seconded

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

**CARRIED**

#### **11.2.1 2007/08 Financial Year Audited Statements and Auditor’s Notes**

The documents were tabled at Council Meeting following a review of the Draft Financial Statements by the Audit Committee on 2<sup>nd</sup> September 2008.

#### **11.2.2 Auditor’s Report for Financial Year 2007/08**

The Auditor’s Report was tabled at the Council meeting and a response will be prepared at the next Council meeting.

### **11.2.3 Information**

#### **11.2.3.1 Management Representations Letter – Year ended 30 June 2008**

A copy of the Management Representation Letter which has to be sent to our Auditor as part of Audit requirements was presented to Council

#### **11.2.3.2 Local Government Grants Commission – 2007/08 Allocation**

Council was advised that our 2007/08 total allocation is \$513,925 which represents \$93,125 over our budget and a \$43,121 increase from last year.

#### **11.2.3.3 LGA Workers Compensation Scheme**

Council's rebate from the scheme is \$22,124.30. (Budget: \$25,000).

### **11.3 Manager – Works**

Cr. Burgess moved, Cr Schkabaryn seconded

*“That the Manager – Works Report for the September 2008 meeting be received and noted.”* **CARRIED**

#### **11.3.1 Outdoor Dining – Palate 2 Palette**

Reported on the proposed works for the paved road reserve to enable outdoor dining at the Palate 2 Palette Café

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

Cr. Burgess moved, Cr. Schkabaryn seconded

*“That the Manager – Environmental Services Report for the September 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> August 2008.**

Noted.

#### **11.4.2 ERD Court Action 121 of 2008 – Appeal by T Klement – Application for Shelter Shed for the Fisherman Bay Progress Association Inc.**

A progress report was given on the negotiated amended application for the Shelter Shade at Fisherman's Bay.

#### **11.4.3 ERD Court Action 277 of 2008 – Appeal by G Button – Application for Land Division.**

A progress report was given on the application for Land Division on the Port Broughton – Bute Road.

#### **11.4.4 Development Assessment Procedures for proposed sheds on residential or Township Zones.**

Council is correcting its development assessment procedures in relation to applications for sheds on allotments which do not have dwellings on them, in the Residential or Township Zones.

*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. However as the matter was only an information item to Council, Mayor Dolling did not leave the meeting.*

#### **11.4.5 Fisherman's Bay Freeholding Update.**

A progress report was given on the freeholding of Fisherman's Bay, and a recent site meeting to consider the final amended plan to be submitted to Council in the near future.

### **12. NOTICE OF MOTIONS**

**12.1** No Notices of Motions were presented to the Council meeting for consideration

### **13. ADOPTION OF COMMITTEE REPORTS**

#### **13.1 Audit Committee – Held on 2<sup>nd</sup> September 2008**

Cr. Weedon moved, Cr. Smith seconded

*“That the following recommendations of the Audit Committee meeting held on 2<sup>nd</sup> September 2008, be endorsed by the Council:-*

*13.2.1 That in accordance with Section 7 (2) of the Local Government (Financial Management) Regulations 1999 it is recommended that Council adopts the Budget Review as at 30<sup>th</sup> June 2008, as tabled.*

*13.2.2 That the predicted costs of \$7,000 being legal fees for the implementation of the Partial Dry Zones are approved as part of an early review of the 2008/09 Budget.*

*13.2.3 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 maintaining of the Auditor's independence.*

*13.2.4 That:*

*The Draft 2007/08 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, except for the depreciation expense which cannot be reliably determined until the completion of Council's IAMP.*

*The Audit Committee advises Council's Auditor, Dean Newbery and Partners, that has reviewed the Draft Annual Financial Statements for the financial year ended 30<sup>th</sup> June 2008 and is satisfied they present fairly the state of affairs of Council*

*Council adopts the Audited Financial Statements for the year ending 30<sup>th</sup> June 2008, subject to any alterations as advised by Manager, Finance and Administration.*

*13.2.5 That the Internal Accounting Controls Policy has been reviewed, and together with the changes detailed in the Manager, Finance and Administration Report, it is recommended Council adopts the reviewed policy.*

*13.2.6 That the District Manager seeks a suitable, independent representative of the Audit Committee.”*

**CARRIED**

**13.3 Works and Infrastructure Committee – Held on 2<sup>nd</sup> September 2008**

Cr. Weedon moved, Cr. Kerley seconded

*13.3.1 That the Council favourably considers the request of the Port Broughton Bowling Club to realign the fence boundary at the eastern end of their leased property in Edmund Street, in accordance with their application dated 2<sup>nd</sup> August 2008, and that the current Lease with Council be amended to reflect the alteration of the boundary.*

**CARRIED**

Cr. Burgess moved Cr. Smith seconded

*13.3.2 That the District Manager be authorised to make enquiries from the Coastal Management Branch on the possibility of establishment of a swimming area at the Port Broughton foreshore area.*

**CARRIED**

Cr. Burgess moved Cr. Schkabaryn seconded

*13.3.3 That the District Manager be authorised to obtain final plans and specifications for extensions to the Port Broughton Office of the Council, including minor alterations to the plans presented to the Works and Infrastructure Committee meeting of 1<sup>st</sup> September 2008, to enable tenders to be called for the project.*

**CARRIED**

Cr. Kerley moved Cr. Burgess seconded

*13.3.4 That Council adopt the following “Lawns/Landscaping on Footpaths” policy.*



### *Lawns/Landscaping on Footpath*

#### Definition

An area of public land between the property boundary and the back of the kerb, or where the kerbing would be located as determined by Council's Manager of Works.

#### Utilities and Maintenance Work

Council will not be responsible for replacing plants and landscaping on the footpath area as a result of maintenance to infrastructure.

#### Failure to Maintain

When a resident ceases to maintain a modified footpath area and:

- the condition of the footpath area is a traffic or pedestrian hazard; or
- it does not provide appropriate pedestrian access; or
- it is a safety or fire hazard; or
- it interferes with the visibility of motorists, cyclists and pedestrians at intersections, curves in the road and near driveways; or
- impacts unfavourably and significantly on the local amenity,

the Council will arrange for works/reinstatement of the area. The cost of this work/reinstatement will be charged to the resident

**CARRIED**

Cr Simmons Cr Burgess seconded

*13.3.5 That Council adopt the following "Rural Tree Trimming" policy.*

#### *Rural Tree Trimming*

Trees overhanging/encroaching farming property can be trimmed back to one metre road side of the fence line. All associated costs will be at the property owner's expense.

**CARRIED**

Cr Weedon moved Cr Simmons seconded

*13.3.6 That the Bute 2000 Onwards Committee, be advised that Council's preferred site for the location of the new Display Shed be on the parcel of railway land opposite Gunner Bill's Gallery, and that the perma pine post fencing be relocated to accommodate the Display Shed"*

**CARRIED**

Cr Burgess moved Cr. Kerley seconded

*13.3.7 That Council agree to reimburse Mrs. G. Price 50% of the materials cost (Council's cost) for the upgrading of the footpath in front of her property in Harvey Street, Port*

*Broughton, due to the footpath being a lot wider than the average footpath in the Council Area.* **CARRIED**

Cr Simmons moved Cr. Weedon seconded

**13.3.8** *“That the District Manager be authorised to engage a suitably qualified person to prepare a report to Council, on the required works and approximate costings of repairs required to be undertaken at the Bute Memorial Hall, to bring the Hall up to an acceptable standard”*

**CARRIED**

**14. CLOSURE**

The Deputy Mayor declared the meeting closed at 8.10 pm

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