

**MINUTES OF THE ORDINARY MEETING OF THE
DISTRICT COUNCIL OF BARUNGA WEST
HELD AT THE BUTE COUNCIL CHAMBERS, BUTE
ON 9th SEPTEMBER 2009 AT 7.00 PM**

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. Smith, Cr. S. Ireland, N Hand (District Manager), L Jolly (Manager – Finance & Administration), R Linke (Manager Works), M. Marziale (Manager – Environmental Services) and Ms K Brown (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

3.0 CONFLICT OF INTEREST PROVISIONS

3.1

4.0 CONFIRMATION OF COUNCIL MINUTES

4.1 Ordinary Meeting – 9th June 2009

Cr Simmons moved, Cr Schkabaryn seconded

“That the minutes of the Ordinary Meeting of Council held on 11th August 2009 be confirmed as printed and supplied.”

CARRIED

5.0 BUSINESS ARISING FROM THE COUNCIL MINUTES

5.1 An invitation has been extended to the members of the Fisherman’s Bay Progress Association to have a deputation to meet with the Manager – Environmental Services to discuss the development issues relating to the Association.

5.2 Despite assurances of co-operation from the owner of Bute Deli and Diner to submit an application for trading on the footpath, no application has been received. The Manager – Environmental Services is pursuing this issue.

6.0 DEPUTATIONS

6.1 Nil

7.0 MEMBERS REPORTS

Cr DOLLING

14th August Central Regions AGM Kadina
19th August Syngas Presentation Adelaide
21st August School Interview by Grade 1 Students
24th August Executive Meeting at Bute
26th – 28th August Works & Roads Conference

Cr ROONEY

24th August Executive Meeting at Bute

Cr McDONALD

24th August Executive Committee Meeting
28th August Primary Health Care Meeting
7th September Port Broughton Area School Governing Council Meeting

Cr SCHKABARYN

26th – 28th August Roads & Works Conference Clare
4th September Fisherman's Bay Progress Association
7th September Port Broughton Progress Association

Cr SIMMONS

18th August Building Meeting
20th August Barunga Village Volunteers
25th August Barunga Village Meeting

Cr WEEDON

Nil

Cr KERLEY

Nil

Cr BURGESS

2nd August District Council of Copper Coast Work to Work Presentations
24th August Executive Meeting

Cr IRELAND

Nil

Cr SMITH

26th - 28th August Clare Transport Meeting

8.0 PETITIONS OR MEMORIALS

8.1 No Petitions were received for consideration by the Council.

9.0 QUESTIONS WITH NOTICE

9.1 No questions with Notice were received

10.0 QUESTIONS WITHOUT NOTICE

10.1 Cr. McDonald enquired to the development at the southern end of the Port Broughton Caravan Park. She was advised that this was the Native Coastal Plant area that was being constructed with a NRM grant.

- 10.2 Cr Schkabaryn sought advice regarding any approvals required for the Port Broughton Progress Association's proposal to light up the Norfolk Island pines at the foreshore area. He was advised that no approvals were required.

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 September 2009 meeting be received and noted.”

CARRIED

11.1.1 **Electoral Representation Review – Final Report**

Cr. Weedon moved, Cr. Schkabaryn seconded

That the Council accept the Periodic Review – Final Report, as prepared by the District Manager, and included with his report, which indicates the new structure of Council, to take effect from the November 2010 Council elections, and

Further that this report, and required documentation, be forwarded to the Electoral Commissioner for her approval.”

CARRIED

11.1.2 **Council Office Extensions**

A progress report on the plans for the extensions was given.

11.1.3 **Alford School –Expression of Interest**

Cr. Ireland moved, Cr. Weedon seconded

“That Council agree for its staff to meet with the Northern Adelaide Supportive Care Pty Ltd, to discuss their proposal, and further the District Manager also meet with representatives of Local Government Risk Services, to assess any issues that need to be addressed in leasing out the buildings at the Alford School.”

CARRIED

11.1.4 **Australian Government Infrastructure Projects**

Cr. Simmons moved, Cr. Burgess seconded

“That Council, in accordance with the Australian Government's requirements, arrange an opening ceremony for the Regional Infrastructure grants that have been received by the Council, to be held at the Bute Skate Park, at a mutually convenient time for the Australian Government and the Council, and that the opening ceremony to include the new Bute Heritage Shed.”

CARRIED

11.1.5 **OHS Audit – Follow up visit**

Advice has been received from the Local Government Association Workers Compensation Scheme that Council has been nominated for a follow up visit from Workcover, to examine some issues raised during the recent Audit of the Scheme.

11.1.6 **Port Broughton Progress Association Inc**

Cr. Kerley moved, Cr. Rooney seconded

“That the Council agree for a number of elected members to meet with representatives from the Port Broughton Progress Association,

representatives from the Port Broughton Visitor Information Centre and other interested parties, to discuss the possibility of a new Visitor Information centre being constructed at an appropriate location in Port Broughton. ”

CARRIED

11.1.7 Register of “In Camera” issues

Cr. Burgess moved, Cr. McDonald 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 2008.”

CARRIED

Meeting Date	Issue	Comment	Review
November 13th 2007	Fisherman's Bay Management Freeholding	Discussion on Section 51 Clearance for the freeholding process and the Bonding Agreement	Nov-08
December 11th 2007	Fisherman's Bay Management Freeholding	Discussion on Section 51 Clearance for the freeholding process and the Bonding Agreement	Dec-08
January 8th 2008	Fisherman's Bay Management Freeholding	Discussion on Section 51 Clearance for the freeholding process and the Bonding Agreement	Jan-09
January 8th 2008	Administration issues	Discussion on request of FB Management to prevent Cr. Schkabaryn being involved in discussions relating to the freeholding process	Jan-09
April 8th 2008	Special Meeting - Administration Issues	Legal advice Re: Mr. Lawrie Elliott and "defamatory" letters being received by staff and elected members	Apr-09
April 8th 2008	Special Meeting - Development Act Issues	Advice received regarding legal action to be taken against four illegal structures being constructed	Apr-09
August 12th 2008	Administration issues	Legal advice Re: Mr. Lawrie Elliott and "defamatory" letters being received by staff and elected members	Aug-09
August 12th 2008	Administration issues	Letters received from B. Aslin and R. Lewis, advising of concerns with Cr. T. Schkabaryn on the Fisherman's Bay Progress Association.	Aug-09
August 12th 2008	Development Issues	Report from Manager - environmental Services regarding residential development in Port Broughton	Aug-09
August 12th 2008	Development Issues	Report from Manager - environmental Services regarding Road and Opening closure at Bute silos	Aug-09

11.1.8 Sale of Bute House

Advice has been received the Council has currently got a contract for sale on this property.

11.1.9 Local Government Association – Annual General Meeting

Cr. Schkabaryn moved, Cr. Burgess seconded

“That Council authorise the Mayor, Crs Burgess and Schkabaryn, and the District Manager to attend the Local Government Association’s Annual General Meeting and half yearly workshops on 29th and 30th October 2009.”

CARRIED

11.1.10 Mr. M. Klingner – letter box drop – re: Port Broughton CWMScheme

Recently Mr. Klingner has been distributing via a letter box drop, some erroneous information urging people not to pay their CWMS levy (STEDS), as Council has not “honored” an agreement with ratepayers. This is primarily in regards to the desludging program.

11.1.11 Works and Infrastructure Committee – District Inspection

Cr. Schkabaryn moved, Cr. McDonald seconded

“That the District Mangle arranges a District Inspection of Council Infrastructure in the second week of the forthcoming School Holidays

CARRIED”

11.2 Manager – Finance and Administration

Cr. Simmons moved, Cr. Kerley seconded

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

CARRIED

11.2.1 Kulpara Progress Association Inc (KPA) – Take over of disbanded Greyhound Club facilities

Cr. Ireland moved, Cr. Rooney seconded

“That Council approves the arrangement of a lease with the Kulpara Progress Association Inc for a 20 year term, of nil consideration, for the facilities previously controlled by the Northern Yorke Peninsula Greyhound Racing Club. Furthermore, the Kulpara Progress Association is permitted to take over the facilities immediately even though the formal lease documents have not been prepared and executed.”

CARRIED

11.3 Manager – Works

Cr. Schkabaryn moved, Cr. Smith seconded

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

CARRIED

11.3.1 Operating Hours - Port Broughton Dump

Cr. Burgess moved, Cr. Smith seconded

“That the Port Broughton Refuse Depot opening hours change from 15 hours to 9 hours per week, commencing on Monday 12th October 2009, for a trial period of three months, and that the hours of operation be:

SUNDAY	9.00 AM	TO	12 NOON	3 HRS
MONDAY	9.00AM	TO	12 NOON	3 HRS
THURSDAY	9.00AM	TO	12 NOON	3 HRS
			TOTAL	9 HRS

CARRIED

11.3.2 Port Broughton Foreshore Shelter

A report was given on the damage to the Port Broughton Foreshore Shed, which will be replaced. A suggestion was made for consideration for Sail Shades.

11.3.3 Building Repairs

A report was presented which was a summary from the company of what has been carried out to rectify the issues we have had on various buildings.

11.3.4 Rural Property Addressing

Cr. Weedon moved, Cr. Burgess seconded

“That the Council agrees with the following proposed names for the State Government Roads in our Council area, as part of the Rural Property Address program

1. *Spencer Highway (Port Broughton – Port Pirie Road and Port Broughton – Kadina Road)*
2. *Bute Road (Bute to Kadina Road)*
3. *Copper Coast Highway (Port Wakefield to Wallaroo Road)*
4. *Clements Gap Road (Merriton to Clements Gap Road)*
5. *Broughton Bute Road (Bute – Port Broughton Road)*
6. *Bute Kulpara Road (Bute – Kulpara Road)*
7. *Bute Snowtown Road (Bute – Snowtown Road.)”*

Cr. Schkabaryn moved an amendment

“That the Council agrees with the following proposed names for the State Government Roads in our Council area, as part of the Rural Property Address program

1. *Spencer Highway (Port Broughton – Port Pirie Road and Port Broughton – Kadina Road)*
2. *Bute Road (Snowtown to Kadina Road)*
3. *Copper Coast Highway (Port Wakefield to Wallaroo Road)*
4. *Clements Gap Road (Merriton to Clements Gap Road)*
5. *Broughton Bute Road (Bute – Port Broughton Road)*
6. *Bute Kulpara Road (Bute – Kulpara Road.)”*

Motion Lapsed for want of a Seconder
Original Motion put to the vote and

CARRIED

11.3 Manager - Environmental Services

Cr. Kerley moved, Cr. Simmons seconded

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

CARRIED

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

Noted.

11.4.2 Draft Coastal Assessment Report

Cr Kerley. moved, Cr. Schkabaryn seconded

“That, Council seeks to arrange a meeting with Deb Allen, Coast Care Officer, (Rural Solutions SA), for discussions on the Draft Coastal Assessment Report, before the Report is considered for release for public consultation.”

CARRIED

12. NOTICES OF MOTION

No Notices of Motion were received for this meeting.

13. COMMITTEE MEETINGS

13.1 Executive Committee – 24th August 2009

Cr. McDonald moved, Cr. Smith seconded

“Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all persons, except Nigel Hand (District Manager), be excluded from attendance at the meeting for the Executive Committee’s Agenda Items 10.1.1 to 10.1.3, which includes Workplace Bullying Allegations, Breach of Confidentiality and District Manager’s Performance Review.

The Council is satisfied that, pursuant to Section 90(3)(e) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is related to matters affecting the security of employees of the council.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances.”

CARRIED

Cr. Rooney moved, Cr. Schkabaryn seconded

“That pursuant to Section 91 (7) and having considered the Executive Committee’s Agenda Items 10.1.1 to 10.1.3, which includes Workplace Bullying Allegations, Breach of Confidentiality and District Manager’s Performance Review in confidence under Section 90(2) and (3)(e) of the Local Government Act 1999, the Council, pursuant to Section 91(7) of that Act orders that the District Manager’s Report, and the attachments contained with that Report be retained in confidence for a period of 12 month,. and that this order be reviewed every 12 months “

CARRIED

Cr. Smith moved, Cr. Simmons seconded

“That the Council endorses the following recommendations of the Executive Committee meeting held on 24th August 2009

- 1. That the Performance Review of the District Manager be undertaken every two years, with the use of external consultants.*
- 2. That the District Manager’s salary package be amended to include the Council paying a 15% superannuation contribution (in lieu of the 12% currently paid), and for such contribution to commence on 1st January 2010”*
- 3. That the Council accept the offer of purchase for the Council house at 2 Everard Street, Bute, and that the Mayor and District Manager be authorised to sign the contracts for the sale to proceed.”*

CARRIED

14. CLOSURE

The Mayor declared the meeting closed at 8.30 p.m.

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**Cr D. DOLLING
MAYOR**