

**MINUTES OF THE MEETING OF THE
DISTRICT COUNCIL OF BARUNGA WEST
HELD AT THE BUTE COUNCIL CHAMBERS ON
NOVEMBER 11TH 2003 AT 7.00PM**

PRESENT:

(Chairman) D. Dolling, I. Burgess, I. Young, H. Daniel, T. Schkabaryn, G. Simmons, A. Theobald, B. Rooney, L. Kerley, N. Hand (District Manager) and P. Ward (Manager Finance and Administration).

APOLOGIES:

Cr J. Aitchison

CONFIRMATION OF MINUTES

Cr Daniel moved, Cr Burgess seconded,

“that the Minutes of Meeting held on October 14th 2003 be confirmed as printed and supplied”.

CARRIED

BUSINESS ARISING FROM THE MINUTES

1. Work has now been completed on the former Works Managers house in Dalling Street, ready for the new Manager Finance and Administration to move in.

DECLARATION OF CONFLICT OF INTEREST

Members are given the opportunity to detail an interest in any items that are in the Agenda for the Council meeting.

Councillor Kerley declared that she had a conflict of interest in relation to B & C White (Lot 510 Kadina Road) which will be raised in the District Managers report.

MEMBERS REPORTS

Cr. DOLLING

1. Attended Works meeting 29/10/03
2. Attended Central Region Local Government meeting at Crystal Brook
3. Attended motor home and campervan lunch at Paskeville 24/10/03

Cr. DANIEL

Nil

Cr. SCHKABARYN

1. Attended Works meeting 29/10/03
2. Attended YP Tourist Association meeting 30/10/03
3. Attended Pt Broughton Progress Association meeting 3/11/03

Cr. BURGESS

1. Attended Works meeting 29/10/03
2. Attended OHS & W meeting 3/11/03

Cr. G.SIMMONS

1. Attended the Works meeting 29/10/03
2. Attended her mother's 100th birthday 9/11/03
3. Attended Bute Sporting Club meeting 10/11/03
4. Attended many HACC trips

Cr. THEOBALD

1. Attended Pt B Hospital Board meeting and AGM 22/10/03
2. Attended Remembrance Day service at Pt Broughton 11/11/03

Cr ROONEY

1. Attended Works meeting 29/10/03

Cr KERLEY

1. Attended Works meeting 29/10/03

MEMBERS QUESTIONS

Nil

COMMITTEE REPORTS

Cr. Burgess moved, Cr Young seconded

“that the Committee reports be received”.

CARRIED

WORKS COMMITTEE

Cr Burgess moved, Cr Kerley seconded

“that the Recommendations No’s 1 – 11 of the Works Committee meeting held on 29th October 2003 be adopted

1. *That the pioneer quote for sealing (\$2.76 per sqm) of Mundoora Road be accepted.*
2. *That the trees in Second Street, Tickera be removed and replaced with natives.*
3. *That the trees in Dolling Crescent be left at this stage in accordance with the recommendation of the Maintenance Supervisor.*
4. *That the Maintenance Supervisor be authorised to purchase battery controllers for the irrigation systems in Bute.*
5. *That the Council set a minimum fee of \$60 for block slashing and a surcharge of \$120 per hour for blocks that require additional works, and that the Maintenance Supervisor be authorised to make a decision not to slash a block because of the condition of the block.*
6. *That the Works Manager undertake the reinstatement works, north of Viking Road on the Fishermans Bay Road as soon as practicable.*
7. *That an upgrade of Dolling Crescent be referred to the Works Program.*
8. *That Council establish a policy for headstones to be engraved on one side only and that the local stone masons be advised.*
9. *That a letter be forwarded to the Police seeking to have the offenders prosecuted for damaging the Fishermans Bay playground shadecloth.*
10. *That a recommendation be made to Council for the Geo Technical survey work be undertaken by Bardavcol Pty Ltd for the Port Broughton Boat Ramp for a maximum cost of \$24,800.*
11. *That no further action be taken in regards to B & C White being required to complete the vegetation on the northern boundary of White’s property at Lot 510 Kadina Road, Port Broughton.*

CARRIED

Cr Daniel moved, Cr Rooney seconded

“that the quote of \$2500 from W & V Mitchell for repairs to the footpath outside the Central Deli at Bay Street be accepted”.

CARRIED

AUDIT COMMITTEE

Nil

STAFF MEETINGS

Noted

COMMUNITY SCHOOL LIBRARY BOARD MEETING

Noted

OCCUPATIONAL, HEALTH AND SAFETY COMMITTEE

Cr Burgess moved, Cr Kerley seconded

“that the Recommendations No’s 1-3 of the Occupational Health & Safety meeting held on the 3rd November, 2003 be adopted

1. *Recommend Council approve tagging and testing for 2 employees.*
2. *Recommend to Council costing of outside contractors for minor tar spraying.*
3. *Recommend Council decision on Port Broughton Depot clean up and we advise that the OH & S Committee expresses concerns on how long equipment/plant can be kept for and what can be spent? Also requesting work replacement program for Port Broughton Depot”.*

CARRIED

REPORTS

Cr Burgess moved, Cr Simmons seconded,

“All reports be received”.

CARRIED

Cr Young moved, Cr Schkabaryn seconded

“that the meeting be adjourned at 7.25pm for the sitting of the Development Assessment Panel”.

CARRIED

The Council meeting was recommenced at 7.35pm

DISTRICT MANAGER’S REPORT

1. Bute Rural Transaction Centre

I am pleased to advise that the centre is now open for business with the Post Office being changed over during the weekend of 1st and 2nd November. Invariably there are always some hiccups and this has been the case. The Telstra cables to the Bute office were insufficient and this has resulted in a delay for connecting ANZ Bank, Public Internet and Telstra Countrywide to the Centre.

It is hoped to have their connections operational before the official opening day. There were some additional requirements that were not included in the original plan (eg carpet in the new room and lighting that are required to be done). However I am confident that the cost will still be under the budgeted amount.

There will be a few teething problems and we will work towards overcoming these problems. I have been appreciative of the work done by Bob Roper in trying to ensure the work is done on time.

Lynn and Chantelle have set the Post Office up, and are doing a good job.

- Noted

Councillor Kerley took no part in the discussion and left the room at 8.00pm

2. B & C White – Lot 510 Kadina Road

Attached to my report are letters received from B & C White, which have been addressed to the Chairman and myself. I have also attached a copy of a letter that I sent to Brenton White on 27th October, following a telephone conversation requesting approval to inspect the landscaping on his property and Brenton requested information from me regarding the alleged “working out of hours”. I also forwarded a fax to Brenton responding to his first letter.

I have also received a letter from NJ & LH Kerley seeking Council to ensure the conditions of the Development Approval issued to B & C White are adhered to.

Cr Daniel moved, Cr Burgess seconded at 8.10pm

“that in accordance with the provisions of the Local Government Act (Section 90 public be excluded from the meeting and that this portion of the meeting be held in camera”.

CARRIED

The meeting was opened to the public at 8.15pm

Cr Daniel moved, Cr Young seconded

“that no further action be taken in relation to the issues raised in the letter of NJ & LH Kerley (relating to B & C White at Lot 510, Kadina Road) dated 21st October 2003 and that in relation to Clause P8 (working after hours) that no further action be taken on any complaints, unless such complaint is made in writing to the Council”.

CARRIED

Cr Kerley returned to the meeting at 8.20pm.

3. Mr SJ Curtis, Fishermans Bay Road

At the last Development Assessment Panel it was agreed to forward a letter to Mr Curtis regarding building a shed without consent, and for the stormwater to be directed to the street and not to a neighbours stormwater pipe as he has already done.

Mr Curtis has sought the Ombudsman advice and I have agreed for an extension of time to connect the stormwater until Council’s November meeting. A copy of the letter from Mr Curtis is attached to my report.

Cr Burgess moved, Cr Young seconded

“That Council confirm its resolution from previous meeting (14th October), that all stormwater is to be directed to the street”.

CARRIED

4. Proposed Aquaculture Zone

Following work currently being done by Lyn Addison regarding the possibility of establishing an Aquaculture style Zone, we have now invited the local oyster growers to attend a meeting on Monday 17th November at 7.30pm to discuss the proposal and look at progressing the development of suitable land for the establishment of buildings for the grower to operate from.

The Yorke Regional Development Board is keen to be involved and will be attending the meeting. Members of Council are welcome to attend if they are interested.

A copy of the letter forwarded to oyster growers is attached.

- Noted

5. Audits for 2002/2003

The Auditor Bob Foster completed the Audit for 2002/2003 on 30th October 2003. A report is being forwarded to the Chairman and will be available at the meeting. A copy of the Audited Finance Statement is attached for members to peruse, and is required to be adopted by council.

Cr Daniel moved, Cr Burgess seconded

“The Council’s adopt the Audited 2002/2003 Annual Finance Statement and authorise the Chairman to sign them accordingly, and further acknowledge receipt of the Auditors report for the 2002/2003-year”.

CARRIED

6. Port Broughton STEDS Scheme

The contractual obligations for the construction of the Port Broughton STEDS Scheme (excluding the treatment plant) is being completed and it scheduled for ‘official handover’ on 6th November 2003. Some minor repairs are still required to footpaths, inspection points and pump stations and these will be done in the very near future. There is a warranty period of twelve months and Council staff will keep a record of the problems on behalf of the contractor. I would envisage that small or minor tasks maybe done by council.

Training has been undertaken by council staff and contractors for the ‘call out’ for breakdown or electrical faults on the system (not the treatment plant). Work is still being undertaken on the treatment plant by Aeroflo and it is hoped that these work are completed in the near future, as scheduled starting date is 1st December 2003.

Forms have been made available for people to seek exemptions for deferral of connection to the scheme or deferral of payment of the annual charges.

Following completion of work I will arrange for a financial report to be prepared for council.

- Noted

7. Meetings

A table of meetings attended by the District Manager was noted

- **Noted**

8. Native Title Progress Report

Attached to my report is a summary of a report prepared by Finlayson and Co regarding information on the progress of the preparation of the Indigenous Land Use Agreement. This report explains the process taken in the preparation of an agreement and the resolution required to be adopted by Council.

Cr Burgess moved, Cr Simmons seconded

1.1 The Council enter into the ILUA.

1.2 The execution, delivery and performance of the Council's obligations under the ILUA be, and are hereby, approved.

1.3 The Council enter into and execute and deliver the ILUA in the form of the draft submitted at the meeting together with any other document required in connection with or under the ILUA, in each instance, with such amendments or substituted parties thereto as the persons signing the same by way of attestation to the common seal of the Council shall in those persons absolute discretion determine.

1.4 The ILUA and any other associated document be executed under the common seal of the Council, the affixing of which be attested by the Chairman and District Manager of the Council".

CARRIED

9. Bute Rubbish Dump Contract

The District Manager advised that following the untimely death of Mr Des Francis a replacement for Caretaker of the Bute Rubbish Dump is needed.

Cr Daniel moved, Cr Simmons seconded

"that Colin Burgess be appointed Bute Dump Manager until the current contract expires".

CARRIED

10. Former Deputy District Manager's Car

The District Manager advised the former Deputy District Manager's car was surplus to our needs and could be sold by tender.

Cr Daniel moved, Cr Young seconded

"that the former Deputy District Manager's car be tendered for sale and the District Manager, Finance Manager and the Chairman be authorised to accept a suitable tender if received".

CARRIED

ENVIRONMENTAL HEALTH OFFICER'S REPORT

Nil

ANIMAL AND PLANT CONTROL

1) Regional NRM Meeting

The Regional NRM meeting held at Crystal Brook on Tuesday 21st October was well attended, with good discussions taking place on the implementation of the new NRM Act. There are 2 preferred Sub Regional proposals to be further investigated, whilst all the other proposals have not been discarded. I have been appointed to a Regional Steering Committee, to continue the efforts in setting up the frame work for the region.

- Noted

2) Broomrape Link Inspection

I have completed my broomrape link inspection for this year. No broomrape was detected on the property inspected.

- Noted

FINANCE REPORT

Cr. Simmons moved Cr. Rooney seconded

"the accounts totaling \$580,033.93 as paid on cheque numbers 8802 to 8865 including Salary Debits be passed for payment".

CARRIED

CORRESPONDENCE

Cr Kerley moved, Cr Schkabaryn seconded

"that the correspondence be received"

CARRIED

1. Primary Industry and Resources SA

Advising that they do not support Council's proposal to rejuvenate the artificial reef at Port Broughton for environmental reasons, and that their scientific research indicates that artificial reefs tend to aggregate fishing stocks instead of enhancing them.

(D/M Note: It is hard to fathom the reasoning for environmental concerns when a warship is deliberately sunk off the Flurieu Coast for tourism/ recreational purposes)

Cr Burgess moved, Cr Daniel seconded

“that Council agree to follow up and try to further the issues of an artificial reef at Port Broughton with PIRSA”.

CARRIED

Cr Young moved, Cr Schkabaryn seconded

“a letter be written to PIRSA and advising them we do not support banning of fish netting on eastern of Yorke Peninsula due to the consequent increase in net fishermen in Port Broughton, and further pursue the zoning of net fishermen in South Australia”.

CARRIED

2. Port Broughton Area School

Forwarding letter's of appreciation for the work done by Council on upgrading the curtains and backdrop at the Port Broughton Institute Hall.

- Noted

3. CK & BM Bowley

Drawing to Council's attention their concerns at the intersection of the Alford to Kadina Road at the Wallaroo turn off and urging Council to ask Transport SA support for an upgrade of this intersection.

Cr Daniel moved, Cr Young seconded

“That this letter be forwarded to Transport SA seeking their support for the upgrading of the Alford to Kadina Road Wallaroo Road intersection”.

CARRIED

4. Port Broughton Visitor Information Centre

Forwarding letters of appreciation to Council and staff for their support for the recent promotion undertaken at the Paskeville Field Days.

- Noted

5. Department of Water land and Biodiversity

Advising that the Native Vegetation Council has agreed to allocate \$10,000 toward the completion of the Barunga West, Wakefield Regional Councils Native Vegetation Survey. They are seeking Council acceptance of this grant.

- Noted

6. J & J Mackrill

Seeking assistance for the upgrade of the road off Penang Drive between their place and Jane Arbon's, which has bad drift problems for their fence and shed.

Cr Daniel moved, Cr Kerley seconded

“That the Work Manager be authorised to place suitable material on the roadway off Penang Ave to prevent drift and dust problems”.

CARRIED

7. Mrs M Roper

Drawing to Council’s attention the possible insurance liability of the former Bute BMX track and seeking to have the track levelled for safety and noise reasons.

- Noted

8. Finlayson and Co

Forwarding a report on the progress of the Indigenous Land Use Agreement with the four Yorke Peninsula Council’s the Narungga people and the state Government.

- Noted

9. Senator Alan Fergusson

Acknowledging receipt of Councils letter regarding the Roads to Recovery program and advising that the issue is under consideration by the Minister of Transport and Regional Services.

- Noted

10. Mr Neil Andrew MHR

Acknowledging receipt of Councils letter regarding the Roads to Recovery program and advising that the issue is under consideration by the Minister of Transport and Regional Services.

- Noted

11. Mr Barry Wakelin MHR

Acknowledging receipt of Councils letter regarding the Roads to Recovery program and advising that the issue is under consideration by the Minister of Transport and Regional Services.

- Noted

12. Local Government Association of SA

(a) Forwarding a report on the inequitable distribution of local road grants received by South Australia

- Noted

(b) Forwarding a copy of LGA report numbers 41-44

- Noted

CHANGE OF OWNERSHIP

Cr Schkabaryn moved, Cr Daniel seconded

LAND

28 North Terrace, Bute
13 John Lewis Drive, Pt Broughton
10 Snapper Rd, Fishermans Bay
Sec 137 Bute Rd, Pt Broughton
Lot 2 West Park Rd, Bute

SELLER

Cockburn WG & ME
Baron JR
Tham BP
Button ML
Campbell MW & CA

BUYER

Shrimplin S
Evans ME
Heinrich EJ
Speck PG & Warner
Bowman HJ & C

PETITIONS, MEMORIALS, NOTICES OF MOTION

Nil

TENDERS

Nil

GENERAL BUSINESS

1. Cr Schkabaryn spoke on Bruce Manhire collecting rubbish for the Fishermans Bay Progress Association on a contract for the Council, and Councillor Schkabaryn empties the truck, and is paid by the Contractor, who then bills the Council.

Cr Schkabaryn asked if he can contract direct with the Council, to simplify the payment process.

Cr Simmons moved, Cr Daniel seconded

“that the issue be referred to the Audit Committee to review all contracts of the Council”.

CARRIED

2. A motion was previously passed that verbal complaints can be acted upon by Council, essentially for ease in dealing with minor roadworks, vegetation etc.

Cr Young moved, Cr Simmons seconded

“that all Development issues neighbourly disputes or personal issues must be in writing and signed and given to the Council and that any verbal complaints will be noted, but no action taken”.

CARRIED

DEPUTATION

Nil

CLOSURE

The Chairman declared the meeting closed at 9.53pm

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D.DOLLING
CHAIRMAN