District Council of Mallala

MINUTES

of

Ordinary Council Meeting

Pursuant to the provisions of section 84 (1) of the
Local Government Act 1999

HELD IN

Council Chambers
Redbanks Road
Mallala

on

Monday, 16 May 2016

The meeting commenced at 6.30 pm

1. ATTENDANCE

1.1 **Present**

Mayor A J (Tony) Flaherty OAM JP

Cr Karen McColl	Cr S M (Marcus) Strudwicke	Cr P D (Joe) Daniele
Cr B J (Tom) Summerton	Cr Melville Lawrence	Cr Terry-Ann Keen
Cr Anne Picard	Cr Steven Jones	Cr Eddie Stubing (from 6.34 pm)

Also in attendance for the meeting:

Chief Executive Officer	Mr James Miller
Governance Officer	Ms Sheree Schenk
General Manager – Corporate & Community Services	Ms Jo-Ann Tanti
Acting General Manager – Assets & Infrastructure	Mr Paul Cleghorn
Strategic Projects Coordinator	Ms Carol Muzyk
Team Leader Waste	Mr Allan Smith
Corporate Services Support Officer	Mr Rob Adam
Minute Secretary	Ms Andrea Humphrys

1.2 **Apologies**

Nil

1.3 **Not Present / Leave of Absence**

Nil

2. CONFIRMATION OF MINUTES

2.1 **Recommendation**

"that the minutes of Ordinary Council meeting held on Monday 18 April 2016 (MB Folios 13236 to 13255, inclusive), be accepted as read and confirmed."

2.1 **Council Resolution** **2016/ 141**

Moved Cr Lawrence Seconded Cr Daniele

"that the minutes of Ordinary Council meeting held on Monday 18 April 2016 (MB Folios 13236 to 13255, inclusive), be accepted as read and confirmed."

CARRIED

2.2 **Recommendation**

"that the minutes of the Special Council meeting held on Thursday 21 April 2016 (MB Folios 13256 to 13258, inclusive), be accepted as read and confirmed."

2.2 **Council Resolution** **2016/ 142**

Moved Cr Keen Seconded Cr Lawrence

"that the minutes of the Special Council meeting held on Thursday 21 April 2016 (MB Folios 13256 to 13258, inclusive), be accepted as read and confirmed."

CARRIED

3. BUSINESS ARISING

3.1 No Business Arising

4. DECLARATION OF MEMBERS' INTEREST

4.1 No Declaration of Member's Interest

5. OPEN FORUM

The Mayor sought leave of the meeting to suspend Part 2 of the *Local Government (Procedures at Meetings) Regulations 2013* for 'Open Forum', for a period of 20 minutes. The meeting was suspended at 6.31 pm

The following speakers addressed Council:

5.1 **Deidre Skene** *Dublin Resident*

Mick Tennant *Two Wells Resident*

John Lush *Mallala Resident*

David Grove *Two Wells Resident*

The Mayor sought leave of the meeting to suspend Part 2 of the *Local Government (Procedures at Meetings) Regulations 2013* for 'Open Forum', for an additional 5 minutes. The meeting was suspended at 6.54 pm.

Neil Slater *Mallala Resident*

Meeting resumed at 6.59 pm

6. BRIEFINGS

6.1 No Briefings

7. MAYOR'S REPORT

7.1 Meetings Attended and / or Discussions Held – Acting Mayor (CON12/1199)

Tuesday 19 April 2016
Mayor and CEO Meeting

Wednesday 20 April 2016
CEO Recruitment Interviews

Thursday 21 April 2016
Special Council Meeting

Friday 22 April 2016
CEO Recruitment Negotiations

Wednesday 27 April 2016
McArthur Recruitment

Friday 29 April 2016
DPTI and C Kaufmann meeting regarding Water Harvesting initiatives

Monday 2 May 2016
Norman Waterhouse – CEO Employment Negotiations and Contract

Wednesday 4 May 2016
Mayor and CEO Meeting
Media Liaison – Bunyip Newspaper – Kimberley Pratt

Monday 9 May 2016
Mayor and CEO Meeting
King Tide Event – Coastal Settlement Location Visit

Wednesday 11 May 2016
CEO and Mayor discussions – Organisational Restructure

Thursday 12 May 2016
CEO Welcome Dinner – attended by Staff and Elected Members

8. MINUTES AND/OR RECOMMENDATIONS

8.1 Governance Advisory Panel (CON16/8)

No Minutes

8.2 Strategic Planning and Development Policy Committee (CON14/35)

No minutes

8.3 Audit Committee (CON12/522)

Minutes of meeting held 18 April 2016

8.4 Chief Executive Officer Review Committee (CON12/521)

No Minutes

8.5 Environmental Management Advisory Committee (CON12/1101)

Minutes of meeting held 16 March 2016

8.5 **Committee Recommendation**

"that Council endorses the recommendation of the Environmental Management Advisory Committee, having considered Item 6.5 - *EMAC and Working Party – Expression of Interests*, dated 16 March 2016, to advertise for community membership to both the Environmental Management Advisory Committee and the Native Vegetation Marker System Working Party."

Matter Lay on the Table

8.5 **Formal Motion** **2016/ 143**

Moved Cr Keen Seconded Cr Strudwicke

"that this matter lay on the table."

CARRIED

8.6 **Community Development and Advisory Committee (CON12/1100)**

No Minutes

8.7 **Mallala and Districts Homes Committee (CON12/872)**

No Minutes

8.8 **Mallala and Districts Historical Committee (CON12/871)**

Minutes of meeting held 13 April 2016

9. ASSOCIATED ORGANISATIONS

9.1 **Gawler River Floodplain Management Authority (CON12/314)**

Minutes of meeting held 21 April 2016

9.2 **Central Local Government Region (CON12/582)**

No Minutes

10. QUESTIONS ON NOTICE

10.1 Questions on Notice

10.1.1 Mallala Community Wastewater Management System (CWMS)

Councillor Jones gave notice of his intention to ask the following questions:	
Preamble	
Question 1:	**How many Mallala properties are expected to be connected to the CWMS?**
Answer:	There are 322 properties connected to the CWMS.
Question 2:	**How many properties have been identified as requiring a sump pump to facilitate access to CWMS?**
Answer:	12 pumps installed to date. Council's Consultant Engineers are inspecting properties with narrow access where any excavation to lay mains may damage house footings.
Question 3:	**During construction of Mallala CWMS infrastructure, were contractors required to inspect properties to identify connection points and identify gradient tolerance?**
Answer:	Yes, Council's Consultant Engineers conducted a survey to determine the outlet depths of the critical septic tanks that would have a possible impact on the starting depth of each gravity drain.
Question 4:	**Can it be confirmed that cost of a sump pump is approximately $10,000 and while Council has advised that it will install pumps , after 12 months any maintenance, repairs and replacement becomes responsibility of the property owner?**
Answer:	Yes, the cost of a pump is approximately $10,000 which has been provided to residents free of charge which includes pipe connection from the boundary to the pomp and upgrade to the power meter if required. Council is also providing an annual electricity rebate of $30.00 to cover pump usage.
Question 5:	**If a point of consumer law has been raised with reference to a product (in this case CWMS) being "not fit for purpose" with responsibility on supplier to correct a situation, has Council sought this advice?**

Answer:	The Mallala CWMS is in defect liability until 20 July 2016 and all defects are being attended to and will be the responsibility of the contractor to repair. The system is in full operation, and over 50 properties have been connected to the system and residents have until 20 July 2016 to connect.
Question 6:	**Ratepayers were informed by Council that annual fee for CWMS of $586- would not be charged until they were connected, can this be confirmed this was the case?**
Answer:	Users of the scheme were advised that no application fee would be required if connected before 20 July 2016. After this date, an application fee to connect of $214.00 will apply. The CWMS Annual Service Charge of $586.00 for 2015/2016 was applicable whether the ratepayer connected or not, pursuant to *Section 155(2)* of the *Local Government Act 1999.*
Question 7:	**How long will pump system placed in the many houses operate without emptying during power failure based on a average household of 2 adults and 2 children?**
Answer:	The chamber estimated capability is for up to 8 to 10 days normal use.
Question 8:	**How long will the main CWMS system keep receiving waste during power loss without any homes being compromised or backing up of system?**
Answer:	No houses will be compromised. As part of the CWMS project the LGA Scheme funded the purchase of a generator. This generator is portable and used to connect to the pump stations to keep the system operational under power loss.
Question 9:	**When will Council work out a costing for the water produced from the CWMS system and who can access this water?**
Answer:	In due course. The water produced by the system is minimal at present, when sufficient water is produced a charge will be calculated and documented in the Fees and Charges. As the new system has not yet irrigated the oval during a full summer period and it is unknown as to the volumes required from the storage lagoon. The sporting oval is the number one priority for the treated water before any consideration of on selling water.

Question 10:	**Will funds received from this water be used to offset any costings in CWMS fees?**
Answer:	Yes, Subject to endorsement of elected members, and in accordance with applicable legislation.

11. QUESTIONS WITHOUT NOTICE

Rules from Local Government Act 1999 Regulations:-

Questions and replies are not entered in the minute book unless expressly required by resolution.

No debate shall be allowed on any question or reply to any question.

11.1 Mallala Community Wastewater Management System (CWMS)

Moved Cr Jones Seconded Cr Keen

"that administration provide to Council in the form of a report, detailed information with regards to the survey work of each property in Mallala which shall be provided with a connection point for the CWMS, and when the survey took place."

Amendment **2016/ 144**

11.1 Mallala Community Wastewater Management System (CWMS)

Moved Cr Strudwicke Seconded Cr Stubing

"that the word 'confidentially' be inserted between the words 'administration' and 'provide'".

LOST (2016/169)
~~**CARRIED**~~

Cr Strudwicke called for a Point of Order and suggested that the Mayor read out the motion as is currently appears so that the Elected Members are informed as to what they are voting for.

The Mayor accepted the Point of Order.

Motion as Amended **2016/ 145**

11.1 Mallala Community Wastewater Management System (CWMS)

Moved Cr Strudwicke Seconded Cr Stubing

"that administration confidentially provide to Council in the form of a report, detailed information with regards to the survey work of each property in Mallala which shall be provided with a connection point for the CWMS, and when the survey took place."

CARRIED

Cr Picard called for a Point of Order as there is a lot of discussion in the chamber outside of the debate.

The Mayor accepted the Point of Order.

12. PETITIONS

12.1 No Petitions

13. DEPUTATIONS

13.1 No Deputations

14. MOTIONS ON NOTICE

Council Resolution

14.1 Revoke Motion – Sea Level Gauge (2016/133)

Moved Cr Strudwicke Seconded Cr Summerton

"that resolution 2016/133 made at the Ordinary Council meeting on 19 April 2016 stating that prior to any current or future coastal protection infrastructure works or policy being undertaken/adopted, such works or policy be subject to further peer review based on local data obtained from modern an installed Sea Level Gauge, be revoked."

MATTER NOT PUT TO THE VOTE

Cr Jones called for a Point of Order as there is not enough supporting information provided, and stated that he is not able to vote until the related legal advice has been provided to Elected Members.

The Mayor did not rule.

14.1 **Formal Motion**

Moved Cr Picard Seconded

"that this matter lay on the table."

LAPSED FOR WANT OF A SECONDER

Cr Strudwicke called for a Point of Order as the Mayor needs to deal with the Cr Jones' Point of Order - clarification will be sought with the presentation of the supporting information and therefore pursuant to Regulation 21, the motion need not lay on the table.

The Mayor accepted the Point of Order.

15. ITEMS FOR NOTING / INFORMATION / ACTIVITY REPORTS

15.1 Items for Information / Noting

15.1.1 Council Resolutions/Action Report (CON12/1199)

Recommendation

"that Council, having considered Item 15.1.1 - *Council Resolutions/Action Report*, dated 16 May 2016, receives and notes the report."

15.1.1 **Council Resolution** **2016/ 146**

Moved Cr Strudwicke Seconded Cr Lawrence

"that Council, having considered Item 15.1.1 - *Council Resolutions/Action Report*, dated 16 May 2016, receives and notes the report."

CARRIED

Motion without Notice

Moved Cr Lawrence Seconded

"that Council wages do not exceed more than 50% of the rate base coming in."

MOTION NOT ACCEPTED BY THE MAYOR

Cr Jones called for a Point of Order as a motion can be raised at any time.

The Mayor did not accept the Point of Order.

Motion without Notice

Moved Cr Jones Seconded

"that Council cap its rate rise in level with CPI."

MOTION NOT ACCEPTED BY THE MAYOR

Cr Strudwicke called for a Point of Order as such a decision of Council will have a significant financial impact on the overall budget, which is currently being drafted.

The Mayor accepted the Point of Order.

16. ITEMS FOR DECISIONS

16.1 Policy Introduction – Social Media Policy (CON12/1024)

Recommendation

"that Council, having considered Item 16.1 - *Policy Introduction – Social Media Policy,* dated 16 May 2016, receive and note the report."

16.1 **Council Resolution** **2016/ 147**

Moved Cr Strudwicke Seconded Cr McColl

"that Council, having considered Item 16.1 - *Policy Introduction – Social Media Policy,* dated 16 May 2016, receive and note the report."

CARRIED

16.1 **Recommendation**

"that Council, having considered Item 16.1 - *Policy Introduction – Social Media Policy,* dated 16 May 2016, endorses the Social Media Policy."

Or

"that Council, having considered Item 16.1 - *Policy Introduction – Social Media Policy,* dated 16 May 2016, endorses the Social Media Policy with provision of the following amendments....."

16.1

Council Resolution **2016/ 148**

Moved Cr Strudwicke Seconded Cr McColl

"that Council, having considered Item 16.1 - *Policy Introduction – Social Media Policy,* dated 16 May 2016, endorses the Social Media Policy."

CARRIED

16.2

Policy Review – Council Members Allowances and Benefits Policy (CON12/543)

Recommendation

"that Council, having considered Item 16.2 – *Policy Review – Council Members Allowances and Benefits Policy* dated 16 May 2016, receive and note the report."

16.2

Council Resolution **2016/ 149**

Moved Cr Strudwicke Seconded Cr McColl

"that Council, having considered Item 16.2 – *Policy Review – Council Members Allowances and Benefits Policy* dated 16 May 2016, receive and note the report."

CARRIED

16.2

Recommendation

"that Council, having considered 16.2 – *Policy Review – Council Members Allowances and Benefits Policy* dated 16 May 2016, endorses the amendments to paragraph 4.2 of the Council Members Allowances and Benefits Policy."

16.2

Council Resolution **2016/ 150**

Moved Cr Strudwicke Seconded Mr McColl

"that Council, having considered 16.2 – *Policy Review – Council Members Allowances and Benefits Policy* dated 16 May 2016, endorses the amendments to paragraph 4.2 of the Council Members Allowances and Benefits Policy."

CARRIED

16.3 Gawler River Flood Management Authority- Draft Budget and Draft Business Plan (CON12/314)

Recommendation

"that Council, having considered Item 16.3 - *Gawler River Flood Management Authority- Draft Budget and Draft Business Plan*, dated 16 May 2016, receives the report."

16.3 **Council Resolution** **2016/ 151**

Moved Cr Strudwicke Seconded Cr Keen

"that Council, having considered Item 16.3 - *Gawler River Flood Management Authority- Draft Budget and Draft Business Plan*, dated 16 May 2016, receives the report."

CARRIED

16.3 **Recommendation**

"that Council, having considered Item 16.3 - *Gawler River Flood Management Authority- Draft Budget and Draft Business Plan*, dated 16 May 2016, approves the draft Budget 2016- 2017 and draft Business Plan 2016 - 2019 in accordance with Clause 11 and Clause 12 of the Gawler River Flood Management Authority Charter."

16.3 **Council Resolution** **2016/ 152**

Moved Cr Picard Seconded Cr Lawrence

"that Council, having considered Item 16.3 - *Gawler River Flood Management Authority- Draft Budget and Draft Business Plan*, dated 16 May 2016, approves the draft Budget 2016- 2017 and draft Business Plan 2016 - 2019 in accordance with Clause 11 and Clause 12 of the Gawler River Flood Management Authority Charter."

LOST

Division

Councillor Picard called for a division.

The Presiding Member declared the vote set aside.

Members voting in the affirmative: Councillors Picard and Lawrence.

Those voting in the negative: Councillors Strudwicke, McColl, Summerton, Daniele, Stubing, Jones and Keen.

16.4 Kerb Side Waste Collection Fees (COIN14/5)

Recommendation

"that Council, having considered Item 16.4 - *Kerb Side Waste Collection Fees*, dated 16 May 2016, Receives and notes this report."

16.4 **Council Resolution** **2016/ 153**

Moved Cr Strudwicke Seconded Cr Keen

"that Council, having considered Item 16.4 - *Kerb Side Waste Collection Fees*, dated 16 May 2016, Receives and notes this report."

CARRIED

16.4 **Recommendation**

"that Council, having considered Item 16.4 - *Kerb Side Waste Collection Fees*, dated 16 May 2016, endorses the new user pays sticker identification system for kerbside waste collections."

16.4 **Council Resolution** **2016/ 154**

Moved Cr Strudwicke Seconded Cr Lawrence

"that Council, having considered Item 16.4 - *Kerb Side Waste Collection Fees*, dated 16 May 2016, endorses the new user pays sticker identification system for kerbside waste collections."

CARRIED

16.4 **Recommendation**

"that Council, having considered Item 16.4 - *Kerb Side Waste Collection Fees*, dated 16 May 2016, endorses that all vacant land that have no residential or commercial dwellings on site, within townships of Mallala, Two Wells and Dublin including rural properties are to be excluded from the fees and charges for the waste pick up services unless an application is approved by administration".

16.4

Council Resolution **2016/ 155**

Moved Cr Strudwicke Seconded Cr Daniele

"that Council, having considered Item 16.4 - *Kerb Side Waste Collection Fees*, dated 16 May 2016, endorses that all vacant land that have no residential or commercial dwellings on site, within townships of Mallala, Two Wells and Dublin including rural properties are to be excluded from the fees and charges for the waste pick up services unless an application is approved by administration".

CARRIED

16.5

Two Wells Football and Netball Sporting Clubs Inc – Ground Lease (CON12/912)

Recommendation

"that Council, having considered Item 16.5 - *Two Wells Football and Netball Sporting Clubs Inc – Ground Lease*, dated 16 May 2016, receive and note the report."

Cr Jones called for a Point of Order as the points brought into the debate are misleading.

The Mayor did not rule on the Point of Order.

Cr Strudwicke called for a Point of Order as a Point of Order has been called by Councillor Jones and this matter takes precedence over all other matters in the chamber.

The Mayor accepted the Point of Order.

Cr Strudwicke called for a Point of Order as a motion has been moved and it requires a seconder. The Mayor is to now take the vote, as the questions being raised in the chamber are not related to the recommendation being voted on.

The Mayor accepted the Point of Order.

16.5

Council Resolution **2016/ 156**

Moved Cr Strudwicke Seconded Cr McColl

"that Council, having considered Item 16.5 - *Two Wells Football and Netball Sporting Clubs Inc – Ground Lease*, dated 16 May 2016, receive and note the report."

CARRIED

16.5

Formal Motion **2016/ 157**

Moved Cr Strudwicke Seconded Cr McColl

"that this matter lay on the table."

CARRIED

16.6

Draft Middle Beach Community Emergency Management Plan, Draft HEMP Magnet and Draft HEMP Poster (for Public Consultation).(CON12/337)

Recommendation

"that Council, having considered Item 16.6 - *Draft Middle Beach Community Emergency Management Plan, Draft HEMP Magnet and Draft HEMP Poster (for Public Consultation),* dated 16 May 2016, endorse the draft Middle Beach Emergency Management Plan, draft HEMP Magnet and draft HEMP Poster."

16.6

Council Resolution **2016/ 158**

Moved Cr Strudwicke Seconded Cr Lawrence

"that Council, having considered Item 16.6 - *Draft Middle Beach Community Emergency Management Plan, Draft HEMP Magnet and Draft HEMP Poster (for Public Consultation),* dated 16 May 2016, endorse the draft Middle Beach Emergency Management Plan, draft HEMP Magnet and draft HEMP Poster."

CARRIED

16.6

Recommendation

"that Council, having considered Item 16.6 -*Draft Middle Beach Community Emergency Management Plan, Draft HEMP Magnet and Draft HEMP Poster (for Public Consultation),* dated 16 May 2016, authorise the Chief Executive Officer to release the Draft Middle Beach Emergency Management Plan and the Draft HEMP Magnet and Draft HEMP Poster for public consultation."

16.6

Council Resolution **2016/ 159**

Moved Cr Strudwicke Seconded Cr McColl

"that Council, having considered Item 16.6 -*Draft Middle Beach Community Emergency Management Plan, Draft HEMP Magnet and Draft HEMP Poster (for Public Consultation),* dated 16 May 2016, authorise the Chief Executive Officer to release the Draft Middle Beach Emergency Management Plan and the Draft HEMP Magnet and Draft HEMP Poster for public consultation, a copy to be provided to the Two Wells Regional Action Team."

CARRIED

16.7

Draft Open Space Management Plan, Draft Community Land Management Plans and Draft Community Lands Register (for Public Consultation) (CON13/30)

Recommendation

"that Item 16.7- *Draft Open Space Management Plan and Draft Community Land Management Plans (for Public Consultation)*, dated 21 March 2016, be taken from the table."

16.7

Council Resolution **2016/ 160**

Moved Cr McColl Seconded Cr Lawrence

"that Item 16.7- *Draft Open Space Management Plan and Draft Community Land Management Plans (for Public Consultation)*, dated 21 March 2016, be taken from the table."

CARRIED

16.7

Recommendation

"that Council, having considered Item 16.7 - Draft *Open Space Management Plan, Draft Community Land Management Plans, and Draft Community Lands Register (for Public Consultation),* dated 16 May 2016, receive and endorse the draft Open Space Management Plan, draft Community Land Management Plans, and draft Community Lands Register."

16.7 **Council Resolution** **2016/ 161**

Moved Cr Daniele Seconded Cr Summerton

"that Council, having considered Item 16.7 - Draft *Open Space Management Plan, Draft Community Land Management Plans, and Draft Community Lands Register (for Public Consultation),* dated 16 May 2016, receive and endorse the draft Open Space Management Plan, draft Community Land Management Plans, and draft Community Lands Register."

CARRIED

16.7 **Recommendation**

"that the Council, having considered Item 16.7 - *Draft Open Space Management Plan, Draft Community Land Management Plans, and Draft Community Lands Register (for Public Consultation),* dated 16 May 2016, authorise the Chief Executive Officer to proceed with public consultation on the draft document."

16.7 **Council Resolution** **2016/ 162**

Moved Cr Daniele Seconded Cr McColl

"that the Council, having considered Item 16.7 - *Draft Open Space Management Plan, Draft Community Land Management Plans, and Draft Community Lands Register (for Public Consultation),* dated 16 May 2016, authorise the Chief Executive Officer to proceed with public consultation on the draft document."

CARRIED

17. URGENT BUSINESS

17.1 No Urgent Business

18. CONFIDENTIAL ITEMS

18.1 No Confidential Items

19. CLOSURE

There being no further business, the Mayor declared the meeting closed at 9.11 pm

Confirmed as a true record.

Presiding Member: .....

Date: 18/7/16