

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, 20 March 2017

The Mayor formally declared the meeting open at 6.30 pm.

1. ATTENDANCE

1.1 **Present:**

Mayor A J (Tony) Flaherty OAM JP
 Cr Mel Lawrence
 Cr S M (Marcus) Strudwicke
 Cr Karen McColl
 Cr Eddie Stubing
 Cr Stephen Jones
 Cr Carmine Di Troia
 Cr P D (Joe) Daniele
 Cr Anne Picard (from 6.32 pm)

Also in Attendance:

Chief Executive Officer
 General Manager, Governance and Communications
 General Manager, Infrastructure
 General Manager, Development and Community
 Governance Support Officer
 Minute Secretary

Mr James Miller
 Ms Sheree Schenk
 Mr Martin Waddington
 Mr Robert Veitch
 Mr Rob Adam
 Ms Andrea Post

Council Resolution

2017/ 054

Moved Cr Strudwicke Seconded Cr McColl

“that the leave of absence for Councillor Keen be accepted until she has recovered sufficiently enough to re-attend meetings.”

CARRIED

1.2 **Apologies**

Nil

1.3 **Not Present / Leave of Absence**

Cr Terry-Anne Keen – Leave of Absence

2. CONFIRMATION OF MINUTES

2.1 **Council Resolution**

2017/ 055

Moved Cr Lawrence Seconded Cr Stubing

“that the minutes of the Ordinary Council meeting held on Monday 20 February 2017 (MB Folios 13461 to 13479, inclusive), be accepted as read and confirmed.”

CARRIED

3. BUSINESS ARISING

Nil

4. ADJOURNED BUSINESS

4.1 Policy Review – Council Members Allowances and Benefits Policy

Cr Strudwicke called for a Point of Order as a formal motion to adjourn has been put forward.

The Mayor accepted the Point of Order.

Council Resolution

2017/ 056

Moved Cr Strudwicke Seconded Cr Lawrence

“that the review of the *Council Members Allowances and Benefits Policy* be adjourned until the report to Council on the Mayor’s travel/fuel usage is presented to Council.”

CARRIED

5. DECLARATION OF MEMBERS’ INTEREST

Nil

6. OPEN FORUM

The Mayor sought leave of the meeting to suspend Part 2 of the *Local Government Act (Procedures at Meetings) Regulations 2013*, for a period of 10 minutes to facilitate ‘Open Forum’. The meeting was suspended at 6.34 pm.

The following speakers addressed Council in relation to Open Forum:

- | | | |
|-----|----------------------|------------------|
| 6.1 | David Groves | <i>Two Wells</i> |
| | Neil Slater | <i>Mallala</i> |
| | Mick Tennant | <i>Two Wells</i> |
| | Tom Summerton | <i>Lewiston</i> |

The meeting resumed at 6.43 pm.

7. BRIEFINGS

Nil

8. MAYOR'S REPORT

8.1 Meetings Attended and / or Discussions Held – Mayor Flaherty

Monday 20 February 2017

Media Relations Bunyip Newspaper

Mayor / CEO Meeting

Ordinary Council Meeting

Wednesday 22 February 2017

Norman Waterhouse Lawyers - Confidential

Thursday 23 February 2017

Mayor / CEO Meeting

Friday 24 February 2017

Port Gawler Inspection

Tuesday 28 February 2017

Norman Waterhouse Lawyers - Confidential

Wednesday 1 March 2017

SA Water Community and Industry Advisory Group

Friday 3 March 2017

Governance Meeting – Mayor / CEO / General Manager

Monday 6 March 2017

Meeting Johns Road Resident

Thursday 9 March 2017

Mayor / CEO Meeting

Tuesday 14 March 2017

Mayor / CEO / Executive Assistant Meeting

Council Resolution	2017/ 057
Moved Cr Lawrence	Seconded Cr Jones
"that the Mayor's Report be accepted."	
	CARRIED

9. MINUTES AND/OR RECOMMENDATIONS

9.1 Governance Advisory Panel

No Minutes

[Handwritten signature]

9.2 Strategic Planning and Development Policy Committee

No Minutes

9.3 Audit Committee

Minutes of meeting held 17 February 2017

9.4 Chief Executive Officer Review Committee

No Minutes

9.5 Environmental Management Advisory Committee

No Minutes

9.6 Community Development and Advisory Committee

No Minutes

9.7 Mallala and Districts Homes Committee

No Minutes

9.8 Mallala and Districts Historical Committee

Minutes of meeting held 8 March 2017

10. ASSOCIATED ORGANISATIONS

10.1 Gawler River Floodplain Management Authority

Minutes of meeting held 16 February 2017

10.2 Legatus Group (formerly known as Central Local Government Region)

Minutes of meeting held 17 February 2017

11. QUESTIONS ON NOTICE

11.1 Salt Creek Foot Bridge – Two Wells

Councillor Jones gave notice of his intention to ask the following questions:

Preamble	With current and an expected increase of local storm water inflows from Two Wells residential development growth bounding Salt Creek, increase of mosquito presence complaints and exacerbated recently by rain event of 75mm +, it appears evident each rain event large area of water backs up behind Salt Creek Pedestrian walkway, in interest of accountability good governance and what water flow issues were considered including any public consultation prior to development approval process of Salt Creek Pedestrian crossing I ask following questions.
Question 1:	Is Salt Creek Pedestrian walkway on Council land?

Answer:	Yes, the walkway and the crossing itself is located within road reserve
Question 2:	When was construction of Salt Creek Pedestrian walkway approved by CDAP and were any conditions attached? please specify
Answer:	Building of a walkway within a road reserve generally does not require planning approval
Question 3:	Was consideration given to pedestrian walkway design as foot bridge adjacent to bridge line and level rather than follow contour down into creek bed?
Answer:	Yes, all options were considered at the time. However the option to build a separate foot bridge alongside the existing road bridge and at the same level as the road bridge was found to be cost prohibitive. An assessment was also made to gauge whether a footpath could be accommodated on the existing bridge itself. The investigations concluded that there was insufficient room.
Question 4:	What agencies were consulted during approval process of Salt Creek Pedestrian crossing? please specify
Answer:	All service authorities were consulted including Telstra, SA Water and SA Power networks. Discussion were held with NRM (see answer to question 5).
Question 5:	What information was provided with application regarding likely increased water flows as result of increase development growth within local Salt Creek catchment area?
Answer:	<p>As suggested in answer to question 2 above no planning application was made. Information provided at the 14th of July 2017 Council meeting responding to question from Cr Jones provides further relevant information.</p> <p>Q: Under requirements of NRM Act 2004 Water Affecting Activities, What planning evaluation and environmental assessment process (EIAR) was undertaken prior to the placement of these new culverts in Salt Creek watercourse shown in image?</p> <p>A: No planning evaluation or environmental assessment process was undertaken.</p> <p>Q: What planning approvals in line with NRM Act and Development Plan were given to undertake this new construction across Salt Creek watercourse?</p> <p>A: No planning approval is required under the NRM Act. The activity does not constitute development' for the purpose of an assessment against the Development Plan. The NRM Board are</p>

	aware of the project and have given approval for the project to be carried out.
Question 6:	As its been threatened a number of times in past by member that in event of flooding from Salt Creek landowners would sue for compensation from Adelaide Plains Council, what liability exists for APC in event of flooding of private land from Salt Creek?
Answer:	<p>The following is taken from question asked by Cr Keen at the Council meeting of 28 July 2014. Response remains current.</p> <p>Q: If the water backs up and floods private property, will council be responsible for damages?</p> <p>A: The Local Government Act 1999 sets out a Council's duty of care toward public safety. In order to discharge this duty a Council has to take "reasonable" steps. When considering what is "reasonable", factors such as available resources, costs, funding, governance, existing policy / management plans, other legislation has to be taken into account.</p>

11.2 Baker Road Ford Upgrade – Scope of Project

Councillor Jones gave notice of his intention to ask the following questions:	
Preamble	September 30 edition of Bunyip Press contained article re Baker Ford upgrade, the article stated that Mallala Council was forced to spend an extra \$234,785 on the project after contractor made changes to works due to sub grade conditions and two organisations Telstra and SA Water called for their infrastructure to be relocated as result of works, initial project was expected to cost \$417,000 but ended up at \$630,596, Mayor Kennington at time was quoted over budget cost was managed through "incidental budget savings" further the article stated the upgrade will see a span-deck bridge installed at the ford, as public interest in this matter has continued I ask the following Questions:
Question 1:	Was a project manager appointed to oversee works? Please specify
Answer:	Yes, Councils Depot Operations Coordinator was the project manager.
Question 2:	What was the technical nature of changes contractor made to original project? Please specify in detail and why an sub grade conditions were not taken into consideration in original quote



Answer:	<p>Assuming the essence of this question concerns the piers that were part of the bridge design. Piers are slender steel or concrete 'poles' that are either driven into the ground or are in the form of concrete poured into a drilled hole in the ground. Piers are designed to provide a firm footing for a structure such as a building or in this case a bridge to be built upon. The length of the pier is determined by how far below surface level 'firm ground' can be found. Test holes were drilled to ascertain soil conditions and to determine at what depth firm ground would be found. The information from these tests informed the design which formed the basis by which contractors quoted the job. However once construction began the piers were drilled to the design depth but unexpected water was now present at that depth. This presented two problems. The first is that the presence of water at the design depth weakened the soil strength and the pier was unable to be supported by the ground as first expected. The second problem was that the now wet ground around the base of the drilled hole was caving in, effectively creating a bell shape cavern underground at the base of the drilling. A quick solution had to be found to not only stop any further caving in but to also allow the pier to provide the firm foundation to the bridge as was originally intended. The answer came in a method which involved filling the caved in section with specially sized and selected gravel (its appearance underground would be not unlike the bottom of an hour glass full of sand). The gravel effectively pressed up against the surrounding ground thus stopping any further cave in. The gravel was then bound together by pouring specially formulated cement slurry that worked itself between the gravel particles to form a solid concrete mass. The method worked albeit came at a cost.</p> <p>Other design changes were made as a consequence of these technical problems and they were reported to Council at the September 2015 ordinary Council meeting.</p>
Question 3:	What communications were entered into (email, letter etc) with Telstra and SA Water prior to works commencing and are copies in Council records?
Answer:	The project manager initially met with representatives from each of the service authorities on site prior to the completion of the design and prior to the changes to the construction methodology. On



	each occasion there were no concerns raised by the authorities with regard to the project. However at a later stage once the changes required were realised, both Telstra and SA Water raised concerns about their infrastructure and how that would be affected by the piers. This led to an extra expense to accommodate their new requirements.
Question 4:	The spin “incidental budget savings” that managed budget blow out, in financial terms exactly how was that shortfall managed?
Answer:	A comprehensive report was provided to the September 2015 ordinary Council meeting which provided full details of the financial management of the project including the cost overruns.
Question 5:	In the exacting definition of a span-deck bridge is Baker Ford crossing defined in that category?
Answer:	The term ‘span-deck’ refers to a precast concrete deck which is manufactured in a factory and then trucked to the project and craned into position. The alternative to this is to do what is known as ‘cast in-situ’ which involves forming and pouring the concrete deck in its final position. The methodology used at Bakers ford crossing uses the span-deck (precast) bridge decks. The deck has been positioned at a height that provides a greater level of service than the original ford, meaning that the river needs to be flowing far more now to reach and overtop the deck than was the original case.

11.3 Illegal Dumping

Councillor Jones gave notice of his intention to ask the following questions:	
Preamble	As a lot of Australians have just observed and participated in Clean up Australia Day including residents of Thompson Beach the question of Unsightly and illegal Roadside rubbish within Council area continues to be a real cost burden on ratepayers , polluting our environmental and in some cases a health hazard.
Question 1:	What is this financial years cost to APC ratepayers for removal of illegal roadside waste?
Question 2:	What has been average cost of illegal roadside waste removal over last 10 years, including current financial year?



Question 3:	What is Council doing to mitigate illegal dumping of various waste materials on Council roadsides, parks and coastal areas?
Question 4:	What responsibility does Councils General Inspector or other have in respect of enforcing and prosecuting south Australia's <i>Local Nuisance and Litter Control Bill 2015</i>?
Question 5:	What Council Bylaw covers illegal dumping on Council roadside, parks and coastal areas, please specify?
Question 6:	What statistics are available that has seen Council successfully expiate offenders for illegal dumping on Council roadside, parks and coastal areas?
Question 7:	What statistics are available that has seen Council successfully prosecute offenders for illegal dumping on Council roadside , parks and coastal areas
Question 8:	What is reason discarded, damaged or burned out vehicles are left for long extended periods on council road reserves, open space and coastal areas?
Question 9:	Why are damaged burned vehicles not removed to one of Council transfer stations in first instance, in order so as to protect Council image and amenity?
Answer:	All answers to be provided at the 18 April 2017 Ordinary Council meeting.

11.4 Northern Connector Project

Councillor Picard gave notice of her intention to ask the following questions:	
Preamble	Councillors recently received copies of various items of correspondence to the local member, under subject heading "Northern Connector Project – Sand Carting via Adelaide Plains Council unsealed road network". Council staff had expressed concerns that if a local mining operation were given a contract to supply material for the Northern Connector Project, local roads may be negatively impacted. The suggested level of impact was up to 240 truck movements per day for 15 months.
Question 1:	Where is the exact location of the local mining operation which may be supplying material for the Northern Connector, (referred to in preamble)?
Answer:	Sand may be mined and carted by one or both of the following companies.

	<ol style="list-style-type: none"> 1. LR&M Constructions - from their mine off Boundary Road, north of Lucas Road, Reeves Plains. (Extraction Mineral Lease 5955) 2. Mineral Holdings from their mines off Aunger Road, north of Oliver Road, and Aunger Road North, south of Gregor Road. (Private Mines 209 & 226 & Mineral Claim 4407) <p>The above will be influenced by weather companies are successful with their tenders to supply sand for the Northern Connector Project.</p>
Question 2:	Which Adelaide Plains Council roads may be involved if this goes ahead?
Answer:	<p>The following roads may be affected depending on which companies are successful with their tenders to supply sand for the Northern Connector Project and which of mines the winning tenders chose to supply the sand from.</p> <p>Oliver Road, Aunger Road, Frost Road, Boundary Road, Gregor Road, Day Road, Simpkin Road and Germantown Road.</p>
Question 3:	What is the timing of the operation?
Answer:	Council staff does not have a definite date. Information gained to date suggests sand will be needed this year.

11.5 Lewiston Playground

Councillor Jones gave notice of his intention to ask the following questions:	
Preamble	210 Hayman Road playground site Lewiston continues to have perceived issues of safety, security of infrastructure, site contamination and question of public health, a revelation that soil from Railway siding was imported onto site raised concern at council meeting recently which saw council overwhelmingly support testing of site which drew media attention, the issue of continued costs in relation to site upkeep should also be considered as with consistency of development within floodplain policy area regarding site importation of fill.
Question 1:	In interest of ensuring consistency under Development Act in particular when dealing with public space, since development of 210 Hayman Road site its known soil/fill has been imported onto site over time which is situated within flood hazard zone 3, when was a Development application submitted and approved for importation of soil onto 210 Hayman Road site, approximately

	how much fill has been imported and to what extent was fill planned in the original development application? please specify
Question 2:	As site is public space was all of the imported soil tested for suitability for fill in a children's play area?
Question 3:	As large amount of garden mulch was also used on site was a DA or approval needed before importation, if not why not and was it tested for any contaminants before spreading over site? please specify
Question 4:	What has been total costs to now associated with development of 210 Hayman Road site including demolition of original rental house, shedding, tree removal, amendments to original approval ERD court costs and two Development Act sec 270 reviews regarding council decisions?
Question 5:	What are the annual costs associated with maintaining 210 Hayman Road site?
Answer:	Answers to be provided at the 18 April 2017 Ordinary Council meeting

12. 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.

13. PETITIONS

Nil

14. DEPUTATIONS

Rina Centofanti gave a 10 minute deputation to the Elected Members seeking support to petition the Government of South Australia to give the Adelaide Plains Council area an Adelaide Metro Bus route, or alternate type of Public Transport system.

15. MOTIONS ON NOTICE

15.1 Rate Capping

Council Resolution	2017/ 058
Moved Cr Jones	Seconded Cr Stubing

"that Adelaide Plains Council adopt a position that future rate rises be aligned to and not exceed each years current South Australian Consumer Price Index."

CARRIED

Division

Councillor Jones called for a division.

The Mayor declared the vote set aside.

Members voting in the affirmative: Councillors Stubing, Picard, Jones, Lawrence and Di Troia.

Those voting in the negative: Councillors McColl, Strudwicke, and Daniele.

The Mayor declared the motion CARRIED

16. ITEMS FOR NOTING / INFORMATION

16.1 Council Resolutions/Action Report

Council Resolution	2017/ 059
Moved Cr Jones	Seconded Cr McColl
"that Council, having considered Item 16.1 - <i>Council Resolutions/Action Report</i> , dated 20 March 2017, receives and notes the report."	
CARRIED	

16.2 Strategic Plan Update

Council Resolution	2017/ 060
Moved Cr Strudwicke	Seconded Cr Jones
"that Council, having considered Item 16.2 – <i>Strategic Plan Update</i> , dated 20 March 2017, receives and notes the report."	
CARRIED	

16.3 Parham – Horse Activity Management

Council Resolution	2017/ 061
Moved Cr Lawrence	Seconded Cr Strudwicke
"that Council, having considered Item 16.3 – <i>Parham – Horse Activity Management</i> , dated 20 March 2017, receives and notes the report."	
CARRIED	



17. ITEMS FOR DECISION

17.1 Mallala Netball Club – Proposed Lease

Council Resolution

2017/ 062

Moved Cr Strudwicke Seconded Cr Lawrence

“that Council, having considered Item 17.2 - *Mallala Netball Club – Proposed Lease dated 20 March 2017*, receive and note the report, and in doing so:-

1. authorises Council staff to commence the public consultation process pursuant to Section 202 of the Local Government Act 1999 in regard to the leasing of portion of Allotment 14 and Allotment 20, Mallala comprised in Certificate of Title Volume 5862 Folio 8 and Volume 6163 Folio 218,
2. and in the event that objections are received to the leasing of portion of Allotment 14 and Allotment 20, Mallala comprised in Certificate of Title Volume 5862 Folio 8 and Volume 6163 Folio 218 during the public consultation process, a report be presented to Council for consideration,
3. and in the event that no objections are received to the leasing of portion of Allotment 14 and Allotment 20, Mallala comprised in Certificate of Title Volume 5862 Folio 8 and Volume 6163 Folio 218, by the conclusion of the public consultation process, the Chief Executive Officer be authorised to negotiate and finalise any outstanding terms of the lease
4. authorises, pursuant to Sections 38 and 44 of the Local Government Act 1999, the Mayor and Chief Executive Officer to execute the lease agreement between the Adelaide Plains Council and the Mallala Netball Club
5. in accordance with Section 166(1)(j) of the Local Government Act 1999, Council, being satisfied that the portion of Allotment 14 and Allotment 20, Mallala comprised in Certificate of Title Volume 5862 Folio 8 and Volume 6163 Folio 218, is being used by an organisation which, in the opinion of Council, provides a benefit or service to the local community, grants a discretionary rebate of 100 percent (%) of the rates imposed, effective from the 2017/18 rating year, and
6. authorises the Chief Executive Officer to liaise with the Mallala Netball Club advising them that at this stage the Council has made no commitment to funding any works at the Mallala Netball Courts.”

CARRIED

17.2 CS Musolino – Proposed Grazing License instead of Lease

Council Resolution	2017/ 063
Moved Cr Strudwicke	Seconded Cr Lawrence
<p>“that Council, having considered Item 17.2 – <i>CS Musolino – Proposed Grazing License instead of Lease</i>, dated 20 March 2017 receive and note the report and authorises, pursuant to Sections 38 and 44 of the Local Government Act 1999, the Mayor and Chief Executive Officer to execute the licence agreement between the Adelaide Plains Council and CS Musolino.”</p>	
CARRIED	

17.3 Animal Management 2017/2018

Council Resolution	2017/ 064
Moved Cr Lawrence	Seconded Cr Strudwicke
<p>“that Council, having considered Item 17.3 - <i>Animal Management 2017/2018</i>, dated 20 March 2017, receive and note the report”.</p>	
CARRIED	

Council Resolution	2017/ 065
Moved Cr Strudwicke	Seconded Cr Stubing
<p>“that Council, having considered Item 17.3 - <i>Animal Management 2017/2018</i>, dated 20 March 2017, authorise Council administration to advise the Dog and Cat Management Board of adopted dog registration and management fees for 2017/2018 as outlined in Attachment 1 and draft dog management budget as outlined in Attachment 2”.</p>	
LOST	

Division

Councillor Strudwicke called for a division.

The Mayor declared the vote set aside.

Members voting in the affirmative: Councillors Strudwicke, Daniele and Stubing.

Those voting in the negative: Councillors Lawrence, McColl, Picard, Jones and Di Troia.

The Mayor declared the motion LOST



17.3	Council Resolution	2017/ 066
Moved	Cr McColl	Seconded Cr Jones
<p>“that administration bring back a report with regard to cat registration outlining the following:-</p> <ul style="list-style-type: none"> • How other councils are managing the issue; • The charges; and • What policies and practices are they using?” 		
		CARRIED

Division

Councillor Daniele called for a division.

The Mayor declared the vote set aside.

Members voting in the affirmative: Councillors Di Troia, Jones, Picard, McColl and Lawrence

Those voting in the negative: Councillors Daniele, Stubing and Strudwicke

The Mayor declared the motion CARRIED

17.5 Development, Planning and Infrastructure Act - Implementation

Council Resolution	2017/ 067		
Moved	Cr Strudwicke	Seconded	Cr McColl
“that Council, having considered Item 17.5 - <i>Development, Planning and Infrastructure Act - Implementation</i> , dated 20 March 2017, receives and notes the report”.			
CARRIED			

Council Resolution	2017/ 068		
Moved	Cr Strudwicke	Seconded	Cr Lawrence
<p>“that Council, having considered Item 17.5 - <i>Development, Planning and Infrastructure Act - Implementation</i>, dated 20 March 2017,</p> <p>(1) Note that funds may be required as part of Council’s contribution to the SA Planning Portal, and if required set aside funds within Council’s Long Term Financial Plan.</p> <p>(2) Acknowledge that the Chief Executive Officer may appoint an interim Assessment Manager in accordance with the requirements of the Planning, Development and Infrastructure Act.</p> <p>(3) Support Council Administration to commence negotiation with adjoining Councils and other entities to investigate the potential for establishing a Joint Planning Board and/or Regional Assessment Panel in accordance with the</p>			

requirements of the Planning, Development and Infrastructure Act, and report back to Council on the outcomes of those investigations, within a timeframe to enable the recruitment and appointment of members to a Board or Panel (if so determined).

(4) Have the General Manager, Development and Community report back to Council on the reappointment of the Development Assessment Panel in line with the Assessment Panel requirements pursuant to the transitional arrangements under the Planning, Development and Infrastructure Act and the Statutes Amendment (Planning, Development and Infrastructure) Bill 2016."

CARRIED

17.6 Community Partnerships Fund 2016/2017

Council Resolution

2017/ 069

Moved Cr Daniele Seconded Cr Lawrence

"that Council, having considered Item 17.6 – *Community Partnerships Fund 2016/17*, dated 20 March 2017, defer the program for this financial year."

CARRIED

18. URGENT BUSINESS

Council Resolution

2017/ 070

Moved Cr Jones Seconded Cr Lawrence

"that a meeting at the site of Temby Road and Port Wakefield Highway be convened with all Elected Members, involved General Managers and a representative from Hickinbotham."

CARRIED


19. CONFIDENTIAL ITEMS

Nil

20. CLOSURE

There being no further business, the Mayor declared the meeting closed at 8.13 pm.

Confirmed as a true record.

Mayor:

Date: 18 / 4 / 2017

