



**MINUTES OF THE ORDINARY MEETING OF THE DISTRICT COUNCIL OF MALLALA
HELD IN THE MALLALA COUNCIL CHAMBERS, REDBANKS ROAD, MALLALA ON
MONDAY 22 SEPTEMBER 2014, COMMENCING AT 7:00 PM.**

1. ATTENDANCE

1.1 Present

Crs P Daniele, J Heley, Y Howard, S Jones, T Keen, A Picard, K McColl, B Summerton, S Strudwicke, and Messrs P Sellar (Acting Chief Executive Officer), Gary Mavrinac (General Manager, Infrastructure and Planning Services), and Ms C Kelly (Minute Secretary).

1.2 Councillors Apologies

Crs D Kennington (Mayor), M Wasley

1.3 Councillors Absent

Nil

1.4 Nomination For Acting Chairperson

1.4.1 Acting Chief Executive Officer Peter Sellar assumed the Chair seeking nominations for an Acting Chair due to apologies from Cr D Kennington (Mayor) and Cr M Wasley (Deputy Mayor).

Moved Cr Summerton Seconded Cr McColl

"that Council resolved Cr Strudwicke will be the Acting Chair for the Ordinary Council meeting for Monday 22 September 2014."

CARRIED (2014/396)

2. CONFIRMATION OF MINUTES

Moved Cr Summerton Seconded Cr Keen

"that the minutes of meeting held on Monday 8 September 2014 (MB Folios 12844 to 12856, inclusive), be accepted as read and confirmed."

CARRIED (2014/397)

3. BUSINESS ARISING

3.1 Nil

DK

22 September 2014

4. **DECLARATION OF MEMBERS' INTEREST**

4.1 Cr Keen declared an interest in item 14.8 – *Two Wells Memorial Upgrade – Post Consultation Report (CON12/888)* as Cr Keen is a member of Two Wells RSL.

Cr Heley declared conflict of interest in item - 14.6 and 14.7 *Code of Conduct Investigation – Local Government Panel Response (CON12/547)* as Cr Heley was involved in the investigation.

Cr Jones declared conflict of interest in item - 14.6 and 14.7 *Code of Conduct Investigation – Local Government Panel Response (CON12/547)* as Cr Jones was involved in the investigation, and declared an interest in item 14.8 – *Two Wells Memorial Upgrade – Post Consultation Report (CON12/888)* as Cr Jones is a member of Two Wells RSL.

Cr Daniele declared conflict of interest in item - 14.6 *Code of Conduct Investigation – Local Government Panel Response (CON12/547)* as Cr Daniele was involved in the investigation.

Cr McColl declared an interest in item 14.8 – *Two Wells Memorial Upgrade – Post Consultation Report (CON12/888)* as Cr McColl is a member of Two Wells RSL.

5. **OPEN FORUM**

Acting Chair Cr Strudwicke sought leave of the meeting to suspend Part 2 of the *Local Government (Procedures at Meetings) Regulations 2013* for 'Open Forum'. The Meeting was suspended at 7.07pm.

5.1 Mr Mel Lawrence Advised Council that he has nominated in the upcoming local elections as he interested in becoming an Elected Member.

5.2 Mr Les Sweet Addressed Council on a compliance matter concerning property located on Carslake Road.

5.3 Mrs Margaret Tiller Addressed Council on the recent Open Space Consultation.

Meeting resumed at 7.40pm.

Moved Cr Picard

Seconded Cr Jones

"that Council Staff bring a report back to Council regarding issues raised by Mr Sweet in Open Forum at the meeting held 22 September 2014.

CARRIED (2014/398)

6. **BRIEFINGS**

6.1 Nil

7. **MAYOR'S REPORT**

7.1 **Meetings Attended and / or Discussions Held (CON12/1199)**

Information noted

8. MINUTES AND/OR RECOMMENDATIONS

8.1 Economic Development Advisory Committee

8.1.1 No Minutes

8.2 Community Development Advisory Committee

8.2.1 Minutes 14 August 2014 (CON12/1100)

8.3 Audit Committee

8.3.1 No Minutes

8.4 Mallala and Districts Historical Committee

8.4.1 No Minutes

8.5 Mallala and Districts Homes Committee

8.5.1 Minutes 3 September 2014 (CON12/872)

9 QUESTIONS WHICH NOTICE HAS BEEN GIVEN

9.1 Questions on Notice

9.1.1 No Questions on Notice

9.2 Notice of Motion

9.2.1 No Notice of Motion

10. QUESTIONS WHICH NOTICE HAS NOT BEEN GIVEN

10.1 No Questions which notice has not been given and resolved to be minuted.

11. PETITIONS

11.1 No Petitions

12. DEPUTATIONS

12.1 No Deputations

DK

13. ITEMS FOR NOTING / INFORMATION / ACTIVITY REPORTS

13.1 Items for Information / Noting

13.1.1 Finance Report (CON12/491)

Moved Cr Keen

Seconded Cr Daniele

"that Council, having considered Item 13.1.1 *Finance Report* dated 22 September 2014, recommends to Council that it notes and receives the Finance Report as at 31 August 2014."

CARRIED (2014/399)

13.2 Activity Reports

13.2.1 Corporate and Community Services Status Report (CON12/1199)

Moved Cr Summerton

Seconded Cr Heley

"that the Council, having considered Item 13.2.1 *Corporate & Community Services Status Report* dated 22 September 2014, receive the report."

CARRIED (2014/400)

14. ITEMS FOR DECISIONS

14.1 Christmas Closure Report (CON12/650)

Moved Cr Daniele

Seconded Cr McColl

"that the Council having considered *Item 14.1 Proposed Christmas / New Year Report* dated 22 September 2014 authorises the Acting Chief Executive Officer to finalise the administrative and public notification requirements associated with the Christmas / New Year closure applicable within the following dates and times:

Closed from 1.00pm Wednesday 24 December 2014 and resuming normal operations from Monday 5 January 2015."

CARRIED (2014/401)

14.2 Mallala and Districts Homes Committee Terms of Reference Report (CON12/872)

Moved Cr Summerton

Seconded Cr Heley

"that Council having considered Item 14.2 *Mallala and Districts Homes Committee Terms of Reference Review Report* dated 22 September 2014, recommends Council adopts the Terms of Reference subject to any recommended changes by the Council."

CARRIED (2014/402)

14.3 Mallala and Districts Historical Committee Terms of Reference Review Report (CON12/871)

Moved Cr Daniele

Seconded Cr Keen

“that the Council having considered *Item 14.3 Mallala and Districts Historical Committee Terms of Reference Review Report dated 22 September 2014* adopts the Mallala and Districts Historical Committee Terms of Reference subject to any recommended changes by the Council.”

CARRIED (2014/403)

- 14.4 Environmental Management Advisory Committee Terms of Reference Review Report (CON12/1101)

Moved Cr Daniele Seconded Cr Picard

“that the Council having considered *Item 14.4 Environmental Management Advisory Committee Terms of Reference Review Report dated 22 September 2014* adopts the Environmental Management Advisory Committee Terms of Reference subject to any recommended changes by the Council.”

CARRIED (2014/404)

- 14.5 Certificate of Financial Statements Report (CON12/491)

Moved Cr McColl Seconded Cr Summerton

“that the Committee having considered *Item 14.5 Certificate of Financial Statements dated*, recommends to Council that according to Regulation 14(g) of the *Local Government (Financial Management) Regulations 2011 – 1.7.2013* that the financial statements of Council be authorised to be signed by the Acting Chief Executive Officer and the Principal Member (Mayor) to certify the annual financial statements in their final form.”

CARRIED (2014/405)

At this juncture 7.58 pm, Crs Jones, Heley and Daniele left the chamber as a conflict of interest had been declared in items 14.6 and 14.7 – *Code of Conduct Investigations – Local Government Panel Response (CON12/5)* as Crs Jones, Heley and Daniele were involved in the investigation.

- 14.6 Code of Conduct Investigations – Local Government Panel Response(CON12/547)

Moved Cr Summerton Seconded Cr Howard

“that Council having considered *Item 14.6 Code of Conduct Investigations – Local Government Governance Panel Response, dated 22 September 2014*, receives the findings from the Local Government Governance Panel and notes that with all four alleged complaints there was found to be no breach of the District Council of Mallala Code of Conduct for Council Members.”

CARRIED (2014/406)

“Acting Chair Cr Strudwicke sought leave of the meeting to suspend Part 2 of the *Local Government (Procedures at Meetings) Regulations 2013* for ‘Open Forum’. The Meeting was suspended at 8.08pm.”

Meeting resumed 8.14pm.

Moved Cr Cr Picard

Seconded Cr McColl

"that Council having considered *Item 14.6 Code of Conduct Investigations – Local Government Governance Panel Response, dated 22 September 2014*, notes the recommendation of the Panel and endorse the Acting CEO to arrange for Code of Conduct and Meeting Procedure training for Council members after the November 2014 Local Government Elections "

CARRIED (2014/407)

At this juncture 8.16pm Cr Daniele re-entered the meeting.

14.7 Code of Conduct Investigation – Local Government Panel Response (CON12/547)

Moved Cr Summerton

Seconded Cr Howard

"that Council having considered *Item 14.7 Code of Conduct Investigation – Local Government Governance Panel Response, dated 22 September 2014*, receives the report and correspondence from the Local Government Governance Panel and notes that Cr Heley was found to have breached the District Council of Malla Code of Conduct for Council Members. "

CARRIED (2014/408)

Moved Cr Keen

Seconded Cr Picard

"that Council having considered *Item 14.7 Code of Conduct Investigation – Local Government Governance Panel Response, dated 22 September 2014*, notes the recommendation of the Panel requesting that Cr Heley apologise to Council."

Lost (2014/409)

Cr Keen called a division.

Those voting affirmative: Crs Picard and Keen.

Those voting against: Crs Howard, Daniele and Summerton, McColl and Strudwicke.

Lost (2014/409)

"Acting Chair Cr Strudwicke sought leave of the meeting to suspend Part 2 of the *Local Government (Procedures at Meetings) Regulations 2013* for 'Open Forum'. The Meeting was suspended at 8.19pm."

Cr Picard called Point of Order as meeting had become off subject.

Acting Chair Cr Strudwicke allowed leniency as the Acting Chair had sought leave of the meeting to suspend Part 2 of the *Local Government (Procedures at Meetings) Regulations 2013* for 'Open Forum'.

Meeting resumed at 8.29pm.

At this juncture 8.32 Cr Heley re-entered the meeting.

At this juncture 8.33 Cr Jones re-entered the meeting.

DK

14.8 Two Wells War Memorial Upgrade – Post Consultation Report (CON12/888)

Moved Cr Summerton Seconded Cr McColl

“that the Council, having considered Item 14.8 *Two Wells War Memorial upgrade – Post Consultation dated 22 September 2014*, receive the summary of submissions.”

CARRIED (2014/410)

Moved Cr Keen

Seconded Cr McColl

“that the Council, having considered Item 14.8 *Two Wells War Memorial Upgrade – Post Consultation dated 22 September 2014*, having reviewed and considered the summary of submissions, **Approve** the proposed upgrade to the War Memorial as proposed by the Two Wells Sub Branch of the Returned Services League, subject to any conditions required by Council administration.”

CARRIED (2014/411)

Cr Keen called a division.

Those voting affirmative: Crs Picard, Howard, Keen, Daniele, Summerton, Jones, McColl and Strudwicke.

Those voting against: Cr Heley.

CARRIED (2014/411)

15. URGENT BUSINESS

15.1 Nil

16. CONFIDENTIAL ITEMS


16.1 No Confidential Items

17. CLOSURE

There being no further business, the Acting Chair declared the meeting closed at 8.43pm.

Confirmed as a true record.

Mayor:



Date: 13/10/14