

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

Tuesday, 18 April 2017



1. **ATTENDANCE RECORD**

1.1 **Present:**

Mayor A J (Tony) Flaherty OAM JP

Cr Mel Lawrence

Cr S M (Marcus) Strudwicke

Cr Terry-Anne Keen

Cr Eddie Stubing

Cr Stephen Jones

Cr P D (Joe) Daniele

Also in Attendance:

Chief Executive Officer

General Manager, Governance and Communications

General Manager, Infrastructure

General Manager, Finance and Economic Development

General Manager, Development and Community

Governance Support Officer

Minute Secretary

Administration Support Officer

Mr James Miller

Ms Sheree Schenk

Mr Martin Waddington

Mr Rajith Udugampola

Mr Robert Veitch

Mr Rob Adam

Ms Andrea Post

Mrs Vicki Weaver

1.2 **Apologies:**

Cr Karen McColl

Cr Carmine Di Troia

Cr Anne Picard

1.3 **Not Present / Leave of Absence:**

Nil



2. CONFIRMATION OF MINUTES

2.1 Moved Cr Lawrence Seconded Cr Stubing 2017/ 072

“that the minutes of the Ordinary Council meeting held on Monday 20 March 2017 (MB Folios 13480 to 13497, inclusive), be accepted as read and confirmed.”

CARRIED

2.3 Moved Cr Strudwicke Seconded Cr Lawrence 2017/ 073

“that the minutes of the Special Council meeting held on Monday 3 April 2017 (MB Folios 13500 to 13502, 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

Moved Cr Strudwicke Seconded Cr Lawrence 2017/ 074

“that the adjourned business item 12.5.1 *Policy Review – Council Members Allowances and Benefits Policy* be dealt with following receipt of the report 12.5.1 *Mayor’s Vehicle Log* under ‘Reports for Decision’.”

CARRIED

5. DECLARATION OF MEMBERS’ INTEREST (material, actual, perceived)

- Mayor Tony Flaherty OAM declared an interest in items 4.1 – *Policy Review – Council Members Allowances and Benefits Policy* and 12.5.1 – *Mayor’s Vehicle Log*
- Councillor Keen declared an interest in agenda item 12.1.3 - *LGA Ordinary Meeting Notice of Motions* (Notice Number 8.14 – Reform in the Disability Sector (Gawler), as she is an employee of NDIS

The Chief Executive Officer distributed a Community Notice to Elected Members outlining behavioural expectations of members of the gallery when addressing and/or attending Council meetings. The Chief Executive Officer also read the said Community Notice to the meeting.

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 20 minutes to facilitate 'Open Forum'. The meeting was suspended at 6.37 pm.

The following speakers addressed Council in relation to Open Forum:

- | | | |
|-----|------------------------|------------------|
| 6.1 | David Groves | <i>Two Wells</i> |
| | Margaret Tiller | <i>Mallala</i> |
| | John Lush | <i>Mallala</i> |

The meeting resumed at 6.57 pm.

7. COMMUNICATIONS

- | | |
|-----|---|
| 7.1 | Mayors Report |
| | Nil |
| 7.2 | Requested Documents / Correspondence to be Tabled |
| | Nil |

8. PETITIONS

Nil

9. DEPUTATIONS AND PRESENTATIONS

- | | |
|-----|-------------|
| 9.1 | Deputations |
| | Nil |



9.2 Presentations / Briefings

9.2.1 SA Water (Mark Wilson) and Department of Primary Industries and Regions (Bengy Paolo)

Northern Adelaide Irrigation Scheme (NAIS)

The Mayor sought leave of the meeting to move Item 14.3.1 – *Rescind Motion – Rate Capping* forward. Leave was not granted

Moved Cr Strudwicke

Seconded Cr Daniele

2017/ 075

“that Item 14.3.1 – Rescind Motion – Rate Capping be brought forward.”

CARRIED

Division

Councillor Jones called a Division

The Mayor declared the vote set aside.

Those voting in the affirmative are Crs Stubing, Daniele and Strudwicke

Those voting in the negative are Crs Lawrence, Jones and Keen

Presiding Member casting vote - affirmative

The Mayor declared the motion CARRIED

14.3.1 Rescind Motion – Rate Capping

Moved Mayor Flaherty

Seconded Cr Daniele

2017/ 076

“that Council, having adopted the below resolution at the March ordinary meeting, which provides:-

‘that Adelaide Plains Council adopt a position that future rate rises be aligned to and not exceed each years current South Australia Consumer Price Index’

rescinds the resolution.”

CARRIED

Division

Councillor Jones called a Division

The Mayor declared the vote set aside.

Those voting in the affirmative are Crs Stubing, Daniele and Strudwicke



Those voting in the negative are Crs Lawrence, Jones and Keen
Presiding Member casting vote - affirmative

The Mayor declared the motion CARRIED

The Mayor sought leave of the meeting to move Item 12.4.1 – *Draft 2017/2018 Annual Business Plan, Budget and 2018-2027 Long Term Financial Plan* forward. Leave was not granted

Councillor Strudwicke sought leave of the meeting to move Items 10.2 – *Audit Committee Recommendations* and 12.4.1 – *Draft 2017/2018 Annual Business Plan, Budget and 2018-2027 Long Term Financial Plan* forward. Leave was granted

10.2 Audit Committee

Minutes of meeting held 10 April 2017

Moved Cr Strudwicke Seconded Cr Stubing 2017/ 077

“that the Council, endorses the recommendation of the Audit Committee and recommends endorsement of the attached:

1. Risk Management Policy;
2. Risk Management Procedure;
3. acknowledges that the Risk Register will be available to the committee June or July 2017; and

that a progress report will be presented to the first Audit Committee meeting for the 2017-2018 financial year.”

CARRIED

Moved Cr Strudwicke Seconded Cr Lawrence 2017/ 078

“that the Council, endorses the recommendation of the Audit Committee and supports the assumptions upon which the Draft 2017/2018 Annual Business Plan, Budget and 2018-2027 Long Term Financial Plan is based and commends the document for consideration by Council at its forthcoming Council meeting on 18 April 2017.”

CARRIED

Moved Cr Strudwicke

Seconded Cr Lawrence

2017/ 079

“that the Council, endorses the recommendation of Audit Committee, and recommends increasing fixed charge in line with the increase in average rates payable (which has not being changed since its introduction in 2012/2013 Financial Year).”

CARRIED

Moved Cr Strudwicke

Seconded Cr Lawrence

2017/ 080

“that the Council, endorses the recommendation of the Audit Committee and notes that 2017/2018 proposed rates increase of 1.30 % is not financially sustainable, (based on assumptions there-in and ignoring the impact of the Two Wells Development) and therefore recommends Council gives consideration to reducing its operating/capital expenditure for the 2017/2018 financial year, and further incremental reductions over the 10 year period with a view to achieve at least an operating break even position, and as such recommends Council identify opportunities to improve efficiency at a budget workshop at the first opportunity.”

CARRIED

12.4.1 Draft 2017/2018 Annual Business Plan, Budget and 2018-2027 Long Term Financial Plan

Moved Cr Strudwicke

Seconded Cr Lawrence

2017/ 081

“that Council, having considered Item 12.4.1 – 2017/2018 - Draft 2017/2018 Annual Business Plan, Budget and 2018-2027 Long Term Financial Plan, dated 18 April 2017,

- 1. Receives and notes the report;**
- 2. that Council has considered its draft Annual Business Plan and Budget for the 2017/2018 Financial Year and the proposed Long Term Financial Plan for the period 2017/2018 to 2026/2027 and requests that Chief Executive Officer commence a period of public consultation in accordance with section 123 of the Local Government Act 1999 in regard to its proposals for a period of not less than 21 days in order that Council is able to consider any feedback from members of the public with regard to its 2017/2018 budgetary deliberations;**
- 3. that Council call a special meeting on Monday, 08 May 2017 at 5.30pm in order that any submissions forthcoming from members of the public may be heard for at least one hour’s duration; and**
- 4. that a report be prepared on submission/presentations received during the public consultation period for Council consideration at the Ordinary meeting of**



Council to be held on Monday, 15 May 2017.”

CARRIED

Division

Councillor Daniele called a Division

The Mayor declared the vote set aside.

Those voting in the affirmative are Crs Stubing, Keen, Lawrence and Strudwicke

Those voting in the negative are Crs Daniele and Jones

The Mayor declared the motion CARRIED

9.2 Presentations / Briefings

9.2.2 John Comrie – Chairman – Adelaide Plains Council Audit Committee

Council Financial Performance

At this juncture, 8.30 pm, Mayor Flaherty left the Chamber.

In the absence of the Mayor, Deputy Mayor, Melville Lawrence chaired the meeting.

10. MINUTES – COMMITTEE MEETINGS

10.1 Animal Management Advisory Committee

10.3 Chief Executive Officer Review Committee

10.4 Community Development and Advisory Committee

10.5 Environmental Management Advisory Committee

10.6 Governance Advisory Panel

Minutes of meeting held 12 April 2017

Moved Cr Strudwicke

Seconded Cr Stubing

2017/ 082

“that the Council endorses the recommendation of the Governance Advisory Panel and requests that administration undertake an urgent review of the current Meeting Procedures, particularly in relation to current unsatisfactory Public Open Forum provisions.”

CARRIED



Moved Cr Strudwicke

Seconded Cr Stubing

2017/ 083

“that the Council endorses the recommendation of the Governance Advisory Panel and requests that administration commence the immediate review or creation of a policy that requires all communications from Elected Members be addressed to a single point of entry to be determined by the Chief Executive Officer.”

CARRIED

10.7 Mallala and Districts Homes Committee

10.8 Mallala and Districts Historical Committee

Minutes of meeting held 5 April 2017

10.9 Strategic Planning and Development Policy Committee

11. ASSOCIATED ORGANISATIONS

11.1 Central Local Government Region (The Legatus Group)

Minutes of meeting held 31 March 2017

11.2 Gawler River Floodplain Management Authority

12. REPORTS FOR DECISION

12.1 Chief Executive Office

12.1.1 Northern Food Bowl Protection Areas Development Plan Amendment

Moved Cr Strudwicke

Seconded Cr Jones

2017/ 084

“that Council, having considered Item 12.1.1 – *Northern Food Bowl Protection Areas Development Plan Amendment*, 18 April 2017, receives and notes the report and in doing so instructs the Chief Executive Officer to immediately advance as a priority the preparation of the Development Plan Amendment.”

CARRIED

12.1.2 Corporate Communications

Moved Cr Strudwicke

Seconded Cr Keen

2017/ 085

“that Council, having considered Item 12.1.2 – *Corporate Communications*, 18 April 2017, receives and notes the report.”

CARRIED

12.1.3 LGA Ordinary Meeting Notice of Motions

Moved Cr Strudwicke

Seconded Cr Keen

2017/ 086

“that the Council having considered Item 12.1.3 - *LGA Ordinary General Meeting Notice of Motions*, dated 18 April 2017, notes and receives the report and doing so resolves to support all the voting for items 8.1 to 8.15 excluding Notice Number 8.14, of the Council Notice of Motions at the LGA Ordinary General Meeting to be held on the 21 April 2017.”

CARRIED

At this juncture, 8.43 pm, Councillor Keen left the Chamber having declared an interest in agenda item 12.1.3 - *LGA Ordinary Meeting Notice of Motions* (Notice Number 8.14 – Reform in the Disability Sector (Gawler)), as she is an employee of NDIS

In the absence of Councillor Keen, the meeting did not hold quorum.

At this juncture, 8.44 pm, Councillor Keen returned to the chamber.

12.2 Governance and Communications

12.2.1 Proposed Road Closure and Disposal – Portion of Old Port Wakefield Road Two Wells

Moved Cr Strudwicke

Seconded Cr Jones

2017/ 087

“that Council, having considered Item 12.2.1- *Proposed Road Closure and Disposal – Portion of Old Port Wakefield Road Two Wells* dated 18 April 2017 receives and notes the report; and

- a) authorises Council staff to commence the Road Process pursuant to the Roads (Opening and Closing) Act 1991 to close portion of Old Wakefield Road, Two Wells adjacent Allotment 179 FP 162528 comprised in Certificate of Title Volume 5306 Folio 163; and
- b) Maloney Field Services be engaged to assist Council with the required Road



Process pursuant to Part 3 of the *Roads (Opening and Closing) Act 1991*."

CARRIED

12.2.2 Australian Local Government Association National General Assembly 2017

Moved Cr Strudwicke

Seconded Cr Keen

2017/ 088

"that Council, having considered Item 12.2.2 – *Australian Local Government Association National General Assembly 2017 – Call for Motions*, dated 18 April 2017, receives and notes the report and in doing so acknowledges the relevant timeframes and policy requirements, and delegates the authority to the Chief Executive Officer to finalise the wording of any Notices of Motions to be submitted to the ALGA."

CARRIED

12.3 Development and Community

12.3.1 Barossa Regional Extreme Heat Preparation and Response Planning Project

Moved Cr Strudwicke

Seconded Cr Keen

2017/ 089

"that Council, having considered Item 12.3.1 – *Barossa Region Extreme Heat Preparation and Response Planning Project*, dated 18 April 2017:

- 1. Receives and notes the report; and**
- 2. Authorise the Chief Executive Officer to consider the implementation of recommendations contained in the report to respond to extreme heat events."**

CARRIED

12.3.2 Two Wells Stormwater Management Plan – Final Version

Cr Strudwicke called for a Point of Order, if members are wanting to have discussions then need to suspend Part 2 of the *Local Government Act (Procedures at Meetings) Regulations 2013*.

The Presiding Member accepted the Point of Order.



Moved Cr Strudwicke

Seconded Cr Keen

2017/ 090

Cr Strudwicke called for a Point of Order, requesting that the Presiding Member address him by his correct name.

The Presiding Member accepted the Point of Order.

“that Council, having considered Item 12.3.2 – *Two Wells Stormwater Management Plan for Two Wells – Final version*, dated 18 April 2017, receives and notes the report and in doing so:

- 1. Adopts the Two Wells Stormwater Management Plan (April 2017) as presented in Attachment 1 to this Report”**
- 2. Authorises the General Manager Development & Community to submit the Two Wells Stormwater Management Plan (April 2017) to the Adelaide and Mount Lofty Ranges Natural Resources Management Board and Stormwater Management Authority for approval and subsequent gazettal”.**

CARRIED

12.3.3 Council Development Assessment Panel Public Officer

Moved Cr Strudwicke

Seconded Cr Stubing

2017/ 091

“that Council, having considered Item 12.3.3 – *Council Development Assessment Panel Public Officer*, dated 18 April 2017:-

- 1. receives and notes the report,**
- 2. pursuant to and in accordance with Section 56A(22) of the *Development Act 1993*, appoints Sheree Schenk, General Manager – Governance and Communications, as the public officer of the Adelaide Plains Council Development Assessment Panel, and**
- 3. authorises Council administration, pursuant to and in accordance with Section 56A(23) of the *Development Act 1993*, to publish notice of the appointment (including the public officer’s name and contact details) in the Gazette.”**

CARRIED

12.4 Finance and Economic Development

12.5 Infrastructure



12.5.1 Mayor's Vehicle Log

Moved Cr Strudwicke

Seconded Cr Daniele

2017/ 092

"that Council, having considered Item 12.5.1 – *Mayor's Vehicle Log*, dated 18 April 2017, receives and notes the report and in doing so:-

- 1. Confirms that the current methodology of recording the use of motor vehicle by the Mayor for Council business journeys as provided in Attachment A – Mayor Travel Log Form to the Council Members Allowances and Benefits Policy be maintained; and**
- 2. That this practice/process be reflected within the Council Members Allowances and Benefits Policy."**

CARRIED

12.5.1 Moved Cr Strudwicke

Seconded Cr Keen

2017/ 093

"that Council, having considered Item 12.5.1 – *Mayor's Vehicle Log*, dated 18 April 2017, receives and notes the report and in doing so:-

- 1. Insert at the end of item 4.7 of the Policy "that the Principal Member provide a completed Travel Log Form (Attachment A) on a monthly basis to administration"."**

CARRIED

Formal Motion

Moved Cr Strudwicke

Seconded Cr Keen

2017/ 094

"that Item 12.5.2 – *Camping Reserves* be adjourned until the meeting is reconvened."

CARRIED

4.1 Moved Cr Strudwicke

Seconded Cr Jones

2017/ 095

"that the Council, endorses the recommendation of the Governance Advisory Panel to adopt the Council Members Allowances and Benefits Policy subject to the following amendments:-

- Insert the following as new dot-point three under Clause 4.5:-**

"related to attendance at a Council or Council Committee meeting being an "eligible journey" (as defined in Regulation 3), meetings of regional subsidiaries held pursuant



to Section 43 of the Act and approved LGA training sessions and any other travel expenses incurred by the member as a consequence of the member's attendance at a conference, seminar, training course or other similar activity which is directly or closely related to the performance or discharge of the roles or duties of the member as it is attributable to travel outside the Council area."

CARRIED

CLOSURE

Meeting adjourned until Wednesday 19 April 2017, commencing at 6.30 pm. The Presiding Member declared the meeting finished at 9.31 pm.

MINUTES OF THE ADJOURNED ORDINARY MEETING OF THE ADELAIDE PLAINS COUNCIL HELD IN THE COUNCIL CHAMBERS, REDBANKS ROAD, MALLALA ON WEDNESDAY 19 APRIL 2017, COMMENCING AT 6.30 PM

ATTENDANCE RECORD

Present:

Mayor A J (Tony) Flaherty OAM JP

Cr Mel Lawrence

Cr S M (Marcus) Strudwicke

Cr Terry-Anne Keen

Cr Eddie Stubing

Cr P D (Joe) Daniele

Also in Attendance:

Chief Executive Officer

Mr James Miller

General Manager, Infrastructure

Mr Martin Waddington

Minute Secretary

Ms Andrea Post

Apologies:

Cr Karen McColl

Cr Carmine Di Troia

Cr Stephen Jones



Not Present / Leave of Absence:

Cr Anne Picard

12.5.2 Camping Reserves

Moved Cr Strudwicke

Seconded Cr Lawrence

2017/ 096

“that Council, having considered Item 12.5.2 – *Camping Reserves*, dated 18 April 2017, receives and notes the report.”

CARRIED**12.5.2 Moved Cr Strudwicke**

Seconded Cr Stubing

2017/ 097

“that Council, having considered Item 12.5.2 – *Camping Reserves*, dated 18 April 2017, and in recognition of the public risk in allowing campers to dwell at the Mallala Oval, not being a formal camp ground, that the area be sign posted as “No Camping Permitted” and actively policed as such.”

CARRIED**12.5.2 Moved Cr Keen**

Seconded Cr Lawrence

2017/ 098

“that Council, having considered Item 12.5.2 – *Camping Reserves*, dated 18 April 2017, seek to commence discussions with interested parties to further develop an enhanced camping ground or caravan park at the new Mallala camp ground, and operate the facility into the future.”

CARRIED**12.5.2 Moved Cr Keen**

Seconded Cr Lawrence

2017/ 099

“that Council, having considered Item 12.5.2 – *Camping Reserves*, dated 18 April 2017,

- 1. Charge a fee of \$10 per site per night applied to both Parham and the new Mallala camp ground and a coin operated timer be retrofitted to the existing shower at the Mallala oval set at \$2 for a 7 minute shower.”**

CARRIED

12.5.2 Moved Cr Keen Seconded Cr Strudwicke 2017/ 100

“that Council, having considered Item 12.5.2 – *Camping Reserves*, dated 18 April 2017,

- 1. requests that a report be brought back to Council with the view of reviewing the Short Stay Accommodation Policy.”**

CARRIED

13. REPORTS FOR INFORMATION

13.1 Chief Executive Office

13.2 Governance and Communications

13.2.1 Council Resolutions / Action Report

Moved Cr Strudwicke Seconded Cr Lawrence 2017/ 101

“that Council, having considered Item 13.2.1 – *Council Resolutions/Action Report*, dated 18 April 2017, receives and notes the report.”

CARRIED

13.2.2 Response to Ombudsman SA – Section 270 Right of Review Audit

Moved Cr Daniele Seconded Cr Keen 2017/ 102

“that Council, having considered Item 13.2.2 – *Response to Ombudsman SA – Section 270 Right of Review Audit*, dated 18 April 2017, receives and notes the report and acknowledges that Council’s *Internal Review of Council Decisions Policy* is compliant with current legislative requirements.”

CARRIED

13.3 Development and Community

13.3.1 Strategic Plan – Status Update

Moved Cr Strudwicke Seconded Cr Lawrence 2017/ 103

“that Council, having considered Item 13.3.1 – *Strategic Plan – Status Update*, dated 18 April 2017, receives and notes the report.”

CARRIED

13.3.2 State Liberal Party Globe Link Policy

Moved Cr Lawrence

Seconded Cr Strudwicke

2017/ 104

“that Council, having considered Item 13.3.2– State Liberal Party Globe Link Policy, dated 18 April 2017, receives and notes the report.”

CARRIED

13.4 Finance and Economic Development

13.5 Infrastructure

14. PROCEDURAL MATTERS

14.1 Questions on Notice

14.1.1 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?
	The questions on notice 14.1.1 will be addressed in a report to Councils Ordinary meeting of the 15 of May 2017, which will include other outstanding queries concerning fencing and traffic.

14.1.2 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?
Answer:	For 2016/17 to date, \$34,170 has been spent. This includes staff hours, plant usage & vehicle km's that Council has used to clear illegal dumping.
Question 2:	What has been average cost of illegal roadside waste removal over last 10 years, including current financial year?
Answer:	Over the last 10 years including 2016/17, an average of \$58,796 has been spent. 80% of these costs were incurred in-house ie Council using our own staff and plant to remove illegal dumping
Question 3:	What is Council doing to mitigate illegal dumping of various waste materials on Council roadsides, parks and coastal areas?
Answer:	There is signage within the Council area advising that it is illegal to dump rubbish on roadside. Rubbish is removed as soon as resources become available.
Question 4:	What responsibility does Councils General Inspector or others have in respect of enforcing and prosecuting South Australia's <i>Local Nuisance and Litter Control Bill 2015</i>?
Answer:	The General Inspector is authorised to deal with the <i>Local Nuisances and Litter Control Act 2016</i> .

Question 5:	What Council By-law covers illegal dumping on Council roadside, parks and coastal areas, please specify?
Answer:	There is no mention of illegal rubbish dumping on council roads, parks, and coastal area in Council By-laws. It is not required as the Local Nuisance and Litter Control Act 2016 covers this area.
Question 6:	What statistics are available that has seen Council successfully expiate offenders for illegal dumping on Council roadside, parks and coastal areas?
Answer:	Council's General Inspector has successfully expiated two offenders in the last two years.
Question 7:	What statistics are available that has seen Council successfully prosecute offenders for illegal dumping on Council roadside , parks and coastal areas
Answer:	None have been prosecuted due to lack of evidence. Most rubbish is dumped during the night, in isolated areas or out of sight and it is very difficult to obtain credible evidence.
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?
Answer:	The law requires Councils to follow a procedure in regards to the collection of vehicles left on roadsides, council road reserves, open space and coastal areas. This applies to all vehicles, no matter what condition they are in. Council needs to obtain SAPOL clearance that the vehicle is not stolen before it can be removed. Sometimes this requires Crime Investigation to be involved. Once clearance is received, the removal is prioritised and collection occurs as resources are available.
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:	See answer to Question 8 above.

14.3 Motions on Notice

14.3.2 Amendment to 21 November 2016 Adoption of Minutes

Moved Cr Keen

Seconded Cr Lawrence

2017/ 105

"that the minutes of the Council's meeting of 21 November 2016 be corrected as follows:

1. The following be inserted immediately below the text 'Councillor Daniele



stated that he would not apologise to anyone' at item 15.1 'Motions on Notice - Gawler River – Cleaning /dredging of river bed':

After!

Cr Jones called for a Point of Order as the statement was offensive to all Councillors.

The Mayor did not make a ruling, however the Mayor asked that Councillor Daniele apologise to all Councillors present in the chamber for the remark made that Councillors have no regard for residents and ratepayers.

Cr Daniele continued to debate why he did not need to apologise.

Insert!

'Cr Keen called for a Point of Order as Cr Daniele was still debating why he believed he did not need to apologise or withdraw his statements.

The Mayor accepted the Point of Order and asked Cr Daniele to apologise to all Councillors present in the chamber for the remark made and to withdraw the statement that Councillors have no regard for residents and ratepayers.

Cr Daniele asked the Mayor what he would do if he did not apologise or withdraw his statement."

CARRIED

14.3.3 Exemption – Annual CWMS Service Charge

Moved Cr Strudwicke

Seconded Cr Keen

2017/ 106

"that Council exempt the Anglican Church Mallala (Assessment Number 20099) Aerodrome Road, from the requirement to pay the Annual CWMS Service Charge for the current year, and future yearly exemptions be considered annually on the agenda, at the time when the rates are being declared."

CARRIED

14.3 Motions on Notice

Nil

14.4 Motions without Notice

Nil



15. URGENT BUSINESS

Nil

16. CONFIDENTIAL ITEMS

16.1.1 Legal Services Fee Proposals

Moved Cr Keen

Seconded Cr Lawrence

2017/ 107

“that under the provisions of Section 90(2) and (3)(d) of the *Local Government Act 1999*, an order be made with the exception of the Chief Executive Officer, General Managers and Minute Secretary, all other persons present and the public be excluded from attendance at the meeting in order to consider in confidence a briefing titled:-

16.1.1 – *Legal Services Fee Proposals*:

- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which;**
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party;**
 - (ii) would, on balance, be contrary to the public interest;**

That accordingly, on this basis, the principle that meetings of Adelaide Plains Council should be conducted in a place open to the public has been outweighed by the need to keep discussion confidential”.

CARRIED

16.1.1 Moved Cr Strudwicke

Seconded Cr Keen

2017/ 108

“that Council, having considered Item 16.1.1 – *Legal Services Fee Proposals*, dated 18 April 2017, receives and notes the report and in doing so commits to utilising the services of both Norman Waterhouse Lawyers and Kelliedy Jones Lawyers on a panel (non-exclusive) arrangement for the 2017/18 financial year.”

CARRIED

16.1.1 Moved Cr Strudwicke

Seconded Cr Keen

2017/ 109

“that, in accordance with Section 91(7) and Section 91(9) of the *Local Government Act 1999* and on the grounds that Item:-

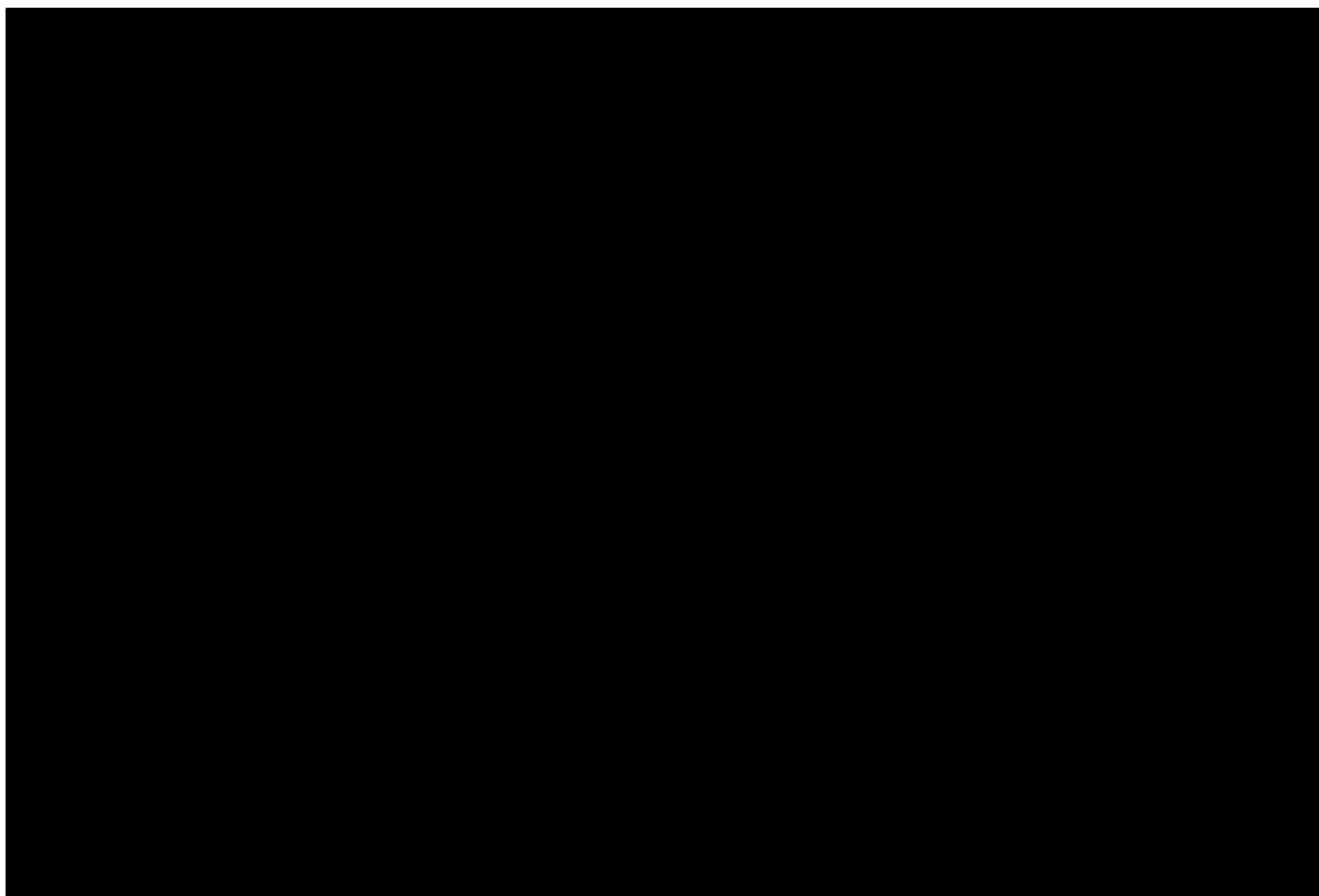


16.1.1 – Legal Services Fee Proposals

for Council meeting held on 18 April 2017, was received, discussed and considered in confidence pursuant to Section 90 (3)(d) of the Local Government Act 1999, this meeting of the Council, does order that:

(a) the agenda item, report and annexures and any other associated information submitted to this meeting and the minutes of this meeting in relation to the matter remain confidential and not available for public inspection until further order of the Council;

CARRIED



16.1.2 Moved Cr Strudwicke

Seconded Cr Lawrence

2017/ 111

“that Council, having considered Item 16.1.2 – *By-law Review*, dated 18 April 2017, receives and notes the report and in doing so defer any further review of Council by-laws until the 2018-2019 financial year.”

CARRIED

Division

Councillor Keen called a Division

The Mayor declared the vote set aside.

Those voting in the affirmative are Crs Stubing, Lawrence, Daniele and Strudwicke

Those voting in the negative are Cr Keen

The Mayor declared the motion CARRIED

16.1.2	Moved Cr Lawrence	Seconded Cr Daniele	2017/ 112
	<p>“that, in accordance with Section 91(7) and Section 91(9) of the Local Government Act 1999 and on the grounds that Item:-</p>		

19.1 – By-law Review

for Council meeting held on 18 April 2017, was received, discussed and considered in confidence pursuant to Section 90 (3)(d) of the Local Government Act 1999, this meeting of the Council, does order that:

(a) the agenda item, report and annexures and any other associated information submitted to this meeting in relation to the matter remain confidential and not available for public inspection until further order of the Council;

CARRIED

17. CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 7.41 pm.

Confirmed as a true record.

Mayor:

Date: 11/7/17

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