MINUTES OF THE ORDINARY MEETING OF THE DISTRICT COUNCIL OF MALLALA
HELD IN THE MALLALA COUNCIL CHAMBERS, REDBANKS ROAD, MALLALA ON
MONDAY 8 SEPTEMBER 2014, COMMENCING AT 7:00 PM

1. ATTDANCE

1.1 Present
Crs D Kennington (Mayor), P Daniele, T Keen, S Strudwicke, B Summerton, K McColl,
J Heley and Messrs P Sellar (Acting Chief Executive Officer), Gary Mavrinac (General
Manager, Infrastructure and Planning Services), C Muzyk (Strategic Projects
Coordinator) and Mrs A Humphrys (Minute Secretary).

1.2 Councillors Apologies
Crs Picard, Wasley, Jones and Howard

1.3 Councillors Absent
Nil

2. CONFIRMATION OF MINUTES
Moved Cr Keen Seconded Cr Daniele
"that the minutes of meeting held on Monday 25 August 2014 (MB Folios 12833 to 12843,
inclusive), be accepted as read and confirmed."
CARRIED (2014/383)

3. BUSINESS ARISING
3.1 Nil

4. DECLARATION OF MEMBERS' INTEREST
4.1 Nil

8 September 2014
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'. The meeting was suspended at 7.01 pm.

5.1 **Jasmine Daniele** *Two Wells*

- Concerns raised regarding the actions of a Councillor taking photographs of speakers property. Also providing some background on the Salt Creek Bridge Walkway, stating that it was constructed by the Highways Department 42 years ago and not initiated by Council. The upgrades to the pathway benefit all of the community.

The Mayor requested that Mrs Daniele refrain from specifically naming an individual Elected Member.

Cr Strudwicke called for a Point of order as the Speaker was making reference to a Councillor in line with the Code of Practice – Meeting Procedures Part 12 Section 4, as the topic was factual and not derogatory.

The Mayor accepted the point of order.

Cr Strudwicke called for a Point of order being that if a member of the gallery failed to remove a recording device from the desk of an elected member, this could be considered disorderly under Section 30 of the Local Government (Procedures at Meetings) Regulations 2013.

The Mayor accepted the point of order and explained this to the gallery.

5.2 **Shane Hogan** *Korunye – Ace Two Wells Septic*

- Spoke to the photographs as taken by a Councillor of the Septic Truck as owned by Mr Hogan parked at shop in proximity to Salt Creek, and allegations of inappropriate disposal of septic waste. Allegations made have resulted in Mr Hogan being contacted by the Environmental Protection Authority and Health Department regarding disposal practices.

Meeting resumed at 7.16 pm

6. **BRIEFINGS**

6.1 Ideas for Planning Reform – Gary Mavrinac (General Manger, Infrastructure and Planning Services)

At this juncture 7.48 pm, Jan Heley, left the chamber, returning at 7.51 pm.

Moved Cr Strudwicke Seconded Cr Keen

8 September 2014
that Gary Mavrinac (General Manager – Infrastructure and Planning Services) take note of comments as recorded, and incorporate them and submit as part of the online response.

(2014/384)

7. MINUTES AND/OR RECOMMENDATIONS

7.1 Facilities and Infrastructure Advisory Committee

7.1.1 Minutes of Meeting held on 11 August 2014 (CON12/1102)

7.2 Environmental Management Advisory Committee

7.2.1 Minutes of Meeting held on 4 August 2014 (CON12/1101)

7.3 Strategic Planning and Development Policy Committee

7.4.1 Minutes of Meeting held on 11 August 2014 (CON14/35)

8. QUESTIONS WHICH NOTICE HAS BEEN GIVEN

8.1 Questions on Notice

8.1.1 Salt Creek Bridge (CON12/537)

Preamble

Questions on Notice next Ordinary Council Meeting Agenda of 25 August Page 77 item 14.6 Proposed Carry over Year end 30 June 2015, under heading General Capital Projects, number 72702 indicates non expenditure carryover amount of $29, 413.00.

As indicated at last Council Meeting Salt Creek Bridge Repair works appear now complete in line with report from Mace Engineering Services 5 April 2012 addressed to Mr P Cleghorn – Strategic Infrastructure Coordinator. In the report page 4 there is a total cost estimate of $96K included as priority cost estimate of $34K for removal of stone support walling, cracked concrete retaining wall south east corner, construction of new retaining wall and repair of cracked sections of structure, as the image in report appears to show the southeast corner support section is separated from main support, original concrete appears aged and in friable condition.

Question 1: Are works now complete and signed off as outlined in Salt Creek Bridge Repair Report? If so, by whom?

Answer: Works are not yet complete.

Question 2: Have works outlined on page 4 removal of stone support walling, cracked concrete retaining wall south east corner, construction of new retaining wall repair of cracked sections structure totalling $34K been completed?

8 September 2014
<table>
<thead>
<tr>
<th><strong>Question 3:</strong></th>
<th>If answer to question above is no, please provide reason why.</th>
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</thead>
</table>
| **Answer**     | An on site review involving council staff and Trevor Mace held prior to the commencement of the project, resolved that the removal of the stone support walling and the replacement of the existing retaining wall at the south east corner of the structure would result in no benefits to the overall outcome of the project.  
It was considered by Council staff that the existing support wall is providing stability to the existing concrete retaining wall and the existing concrete wall is structurally sound.  
Staff considered that if the wall cracks were repaired and the water run off from the road shoulders controlled, the retaining wall and the overall structure will be retained in a structurally sound condition.  
To address the water run off and ensure water does not penetrate in behind the concrete retaining walls, staff widened the road shoulder seal and sealed the batter of the carriageway over the bridge.  
Staff is also in the process of repairing the mentioned cracks. |

<table>
<thead>
<tr>
<th><strong>Question 4:</strong></th>
<th>On page 5 of report summary recommends priority of works as outlined in Question 2 above detailing structural repair work receive highest priority, was this repair undertaken in order of that priority, if not what reason for change in order of priority?</th>
</tr>
</thead>
</table>
| **Answer**     | As stated above, the retainer wall was assessed prior to the start of the project and the wall component of the project was reassessed.  
As stated in the answer to question 3  
An on site review involving council staff and Trevor Mace held prior to the commencement of the project, resolved that the removal of the stone support walling and the existing retaining wall at the south east corner of the structure would result in no benefits to the overall outcome of the project. |
8.1.2 Flood Management Policy Motion (CON12/537)

Preamble
Minutes of Council meeting of 23 April 2012 records item 7.2 Notice of Motion, 7.2.1 Flood Management Policy, the unavailability of tabling unspecified documents and Regulation 19 of LG Regulations 2000 was reason given for motion not to be put, therefore the motion was disallowed by Mayor presiding over meeting at the time, it had been made very clear prior no such referred unspecified documents existed, the motion sought to instigate an investigation into better planning for flood risk, to inform and formulate best practice planning for flood management in the Mallala area in light of the proposed growth on flood plain in Two Wells, as approval has now been given for Two Wells development some 28 months later I ask the following:

Question 1: What is to become of Motion 7.2.1 Flood Management Policy not put on 23 April 2012 that staff prepare a report on the implications of the findings of the Queensland Flood Inquiry, for flood management in the MALLALA area?

Answer: No decision was made by Council on the basis that the motion could not be put to the vote. Therefore there has been no specific action taken.

The Two Wells Stormwater Management Plan once endorsed will allow Council to seek funding from the Stormwater Management Authority for identified works. In addition, Council is preparing the Light and Gawler Rivers Flood Prone Areas DPA that will seek to update the current flood mapping and planning policy to address development within the floodplain.

8.1.3 Council Chambers move from Mallala to Two Wells - Expenses (CON12/537)

Preamble
It is assumed that the move of Council Chambers from Mallala to Two Wells will be an election issue for current and future candidates. Can all financial costs be shown for all to peruse.

As Council has stated $2.6M will be allocated for the Architect plans and construction of the new Chambers. Can the following costing now be provided for open discussion?
<table>
<thead>
<tr>
<th>Question 1:</th>
<th>What costs are involved for the demolition of buildings currently on the proposed site?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Answer:</td>
<td>As per Item 14.3 of the 23 June 2014 Ordinary Council Meeting Rescission Motion – Civic Centre the following resolutions were passed:</td>
</tr>
<tr>
<td></td>
<td>“that the Council having considered Item 14.3 Rescission Motion – Civic Precinct / Office Accommodation dated 23 June 2014 rescinds motion 2014/278 dated 26 May 2014 regarding the allocation of $100,000 towards the Civic Precinct / Office Accommodation design and costing.”</td>
</tr>
<tr>
<td></td>
<td>CARRIED (2014/302)</td>
</tr>
<tr>
<td></td>
<td>And</td>
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<td></td>
<td>“that the Council having considered Item 14.3 Rescission Motion – Civic Precinct / Office Accommodation dated 23 June 2014 authorises administration to update the Facilities and Infrastructure Advisory Committee of Council’s decision and that the Civic and Community Precinct Sub-Committee should be suspended.”</td>
</tr>
<tr>
<td></td>
<td>CARRIED (2014/303)</td>
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<tr>
<td></td>
<td>As such there have been no detailed costings of the work as full concept designs have not been endorsed with only high level costings for the precinct being completed. The above resolution withdrew funding for design and detailed costings until after the new Council has been elected.</td>
</tr>
<tr>
<td></td>
<td>As such the response for the questions below can not be answered with any certainty until after that time.</td>
</tr>
<tr>
<td>Question 2:</td>
<td>Do any of these buildings have asbestos in them?</td>
</tr>
<tr>
<td>Answer:</td>
<td>As per answer to Question 1</td>
</tr>
<tr>
<td>Question 3:</td>
<td>Will the proposed site need any remediation to ensure no contamination is present, if so what costs will be involved?</td>
</tr>
<tr>
<td>Answer:</td>
<td>As per answer to Question 1</td>
</tr>
<tr>
<td>Question 4:</td>
<td>What costs will be incurred for outfitting the new Chambers? Those costing to include the following:</td>
</tr>
<tr>
<td></td>
<td>a. Furniture</td>
</tr>
<tr>
<td></td>
<td>b. Window fittings</td>
</tr>
<tr>
<td></td>
<td>c. Lighting</td>
</tr>
<tr>
<td></td>
<td>d. Phone system</td>
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<tr>
<td></td>
<td>e. Computers</td>
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<td></td>
<td>f. Floor coverings</td>
</tr>
<tr>
<td></td>
<td>g. All equipment and accessories for proposed Canteen</td>
</tr>
<tr>
<td>Answer:</td>
<td>As per answer to Question 1</td>
</tr>
<tr>
<td>Question 5:</td>
<td>What will be the costing for the new Septic system that will have to be installed?</td>
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<tr>
<td>Answer:</td>
<td>As per answer to Question 1</td>
</tr>
<tr>
<td>Question 6:</td>
<td>Where will the Council staff that are currently located in Two Wells be located, and at what cost during the construction of the new Chambers?</td>
</tr>
<tr>
<td>Answer:</td>
<td>As per answer to Question 1</td>
</tr>
<tr>
<td>Question 7:</td>
<td>Will any other Community services or Organisations be affected by this construction?</td>
</tr>
<tr>
<td>Answer:</td>
<td>As per answer to Question 1</td>
</tr>
<tr>
<td>Question 8:</td>
<td>If so what are they and where are they being relocated?</td>
</tr>
<tr>
<td>Answer:</td>
<td>As per answer to Question 1</td>
</tr>
<tr>
<td>Question 9:</td>
<td>Will Council be required to provide accommodation for the relocation and if so at what costs?</td>
</tr>
<tr>
<td>Answer:</td>
<td>As per answer to Question 1</td>
</tr>
<tr>
<td>Question 10:</td>
<td>What costs through grants, loans etc be covered by Council?</td>
</tr>
<tr>
<td>Answer:</td>
<td>As per answer to Question 1</td>
</tr>
</tbody>
</table>
| Question 11: | What will be the full costs to Council for the relocation of Council Chambers from Mallala to Two Wells? These costs to take into account,  
1. Staff wages  
2. Down time for Council Services  
3. Outsourced costs to include any movement of equipment, files, or movement of assets by outside personnel or Company. |
| Answer: | As per answer to Question 1 |

### 8.2 Notice of Motion

8.2.1 No Notice of Motion

### 9. QUESTIONS WHICH NOTICE HAS NOT BEEN GIVEN


<table>
<thead>
<tr>
<th>Preamble</th>
<th>At the 11 August 2014 Ordinary Council Meeting, the Animal Management Plan – Quarterly Report was presented. At the time of the meeting enquiries were made in reference to the financial report wording;</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>8 September 2014</td>
</tr>
</tbody>
</table>
- Dog Infringement, and Dog Infringement and Fees
- Administration, and Administration and Support
- Salary, Salary and Wages

It was explained at the time that the costing would have been entered incorrectly; consultants fees could have been put in under Administration or Salary.

**Question 1:** What is the difference between Dog Infringement, and Dog Infringement & Fees, Administration and Administration & Support, Salary and Salary & Wages?

**Answer:**

The Animal Management Plan report presented revenue for the year under the following headings, as they appear in the finance system.

- Dog Registration
- Dog Infringements
- Dog Infringements & Fines
- Late Payment Fee
- Reimbursement
- Other Revenue

The difference between 'Dog Infringements' and 'Dog Infringements & Fines' is that they are the same. Due to processing in the finance system, some of the data needed to be captured in a separate line, hence a different code and name. The next quarterly report will combine the data.

In the expenditure, the report had the following headings

- Salary & Wages
- Contractors
- Administration
- Contributions & Donations
- Admin Support
- Dog Obedience
- Capital

The difference between 'Administration' and 'Admin Support' is that Administration is a high level summary of several cost lines associated with the operations of dog control (ie Fuel, Electricity). Admin Support is the proportion of costs associated with support provided by other parts of the organisation (ie Customer Service) to dog control.

Future quarterly reports will have these costs under the heading of Administration with explanation.

8 September 2014
10. **PETITIONS**
10.1 No Petitions

11. **DEPUTATIONS**
11.1 No Deputations

12. **ITEMS FOR NOTING / INFORMATION / ACTIVITY REPORTS**
12.1 Items for Information / Noting
12.1.1 No Items for Information / Noting

12.2 **Activity Reports**
12.2.1 Infrastructure Services Activity Report (CON12/1191)
Moved Cr McColl Seconded Cr Heley

"that the Council, having considered Item 12.2.1 Infrastructure Services Activity Report dated 8 September 2014, receive the report."

CARRIED (2014/385)

12.2.2 Planning Services Activity Report (CON12/1191)
Moved Cr Summerton Seconded Cr Daniele

"that Council, having considered Item 12.2.2 Planning Services Activity Report dated 8 September 2014, receive the report."

CARRIED (2014/386)

12.2.3 Development Plan Amendment Activity Report (CON12/248)
Moved Cr Summerton Seconded Cr Heley

"that Council, having considered 12.2.3 Development Plan Amendment Activity Report dated 8 September 2014 receive the report."

CARRIED (2014/387)

13. **ITEMS FOR DECISIONS**
13.1 Stormwater Management Plan for Two Wells – Post Consultation (CON13/32)
Moved Cr Daniele Seconded Cr Strudwicke

"that the Council, having considered Item 13.1 Stormwater Management Plan for Two Wells - Post Consultation dated 8 September 2014, endorse the Stormwater Management Plan for Two Wells (August 2014)."
Division

Councillor Keen called a Division

Those voting in the affirmative are Crs Strudwicke, Daniele, McColl, Heley, Kennington and Summerton

Those voting in the negative are Cr Keen

Moved Cr Daniele Seconded Cr Strudwicke

"that the Council, having considered Item 13.1 Stormwater Management Plan for Two Wells - Post Consultation dated 8 September 2014, endorse the Stormwater Management Plan for Two Wells (August 2014)."

CARRIED (2014/388)

Moved Cr Strudwicke Seconded Cr Heley

"that Council having considered Item 13.1 Stormwater Management Plan for Two Wells - Post Consultation dated 8 September 2014 authorise the General Manager Infrastructure and Planning Services to submit the Stormwater Management Plan for Two Wells (August 2014) to the Adelaide and Mount Lofty Ranges Natural Resources Management Board for information, and to the Stormwater Management Authority for approval."

CARRIED (2014/389)

13.2 Bank Account Signatories (CON12/503)

Moved Cr Keen Seconded Cr Summerton

"that the Council having considered Item 13.2 Bank Account Signatories, dated 8 September 2014, recommends that Charles Joseph Mansueto and Henri Mueller be removed as authorised signatories to all Council Bank Accounts, including cheques drawn for payment made between Council meetings on accounts, as set out in the following schedule:

1. Vehicle registration and insurance costs
2. Contractors accounts
3. Payment of statutory fees and charges required to be made by certain dates
4. All accounts where a discount is available for prompt payment
5. All accounts, which if not paid, would attract a penalty
6. Donations, grants, subscriptions and other payments previously approved by Council
7. Salaries and Wages
8. Petty cash reimbursements
9. Payment of amounts and expenses due under any contract or agreement entered into by decision of Council

8 September 2014
10. Accounts for the supply of goods and service previously approved by Council
11. Electricity accounts
12. Radio licences
13. Loan repayments
14. Bank charges
15. Investment of surplus funds
16. Legal expenses
17. Refunds of overpayments
18. Income tax installment deductions
19. Water rates account
20. Insurance and superannuation contributions
21. Search fees."

Moved Cr Summerton Seconded Cr McColl

"that the Council having considered Item 13.2 Bank Account Signatories, dated 8 September 2014, authorises Council staff to finalise the administrative requirements associated with the cancelled authorisations."

CARRIED (2014/390)

13.3 Equestrian/Intensive Horse Keeping Study – Funding Deed (CON12/1096)

Moved Cr Summerton Seconded Cr McColl

"that the Council, having considered Item 13.3 Equestrian/Intensive Horse Keeping Study – Funding Deed dated 8 September 2014, authorise the Chief Executive Officer (Acting) and Mayor sign the Funding Deed with Mr Hennig."

CARRIED (2014/391)

13.4 Barossa and Districts Housing Association – Transfer of Property (CON12/872)

Moved Cr Strudwicke Seconded Cr Heley

"that the Council, having considered Item 13.4 Barossa and Districts Housing Association – Transfer of Property dated 8 September 2014, authorise the Mayor and Chief Executive Officer to sign and affix the common seal on an agreement between Barossa & Districts Housing Association INC., Junction and Women’s Housing Limited and District Council of Mallala with Council providing consent to the transfer of property between the Barossa & Districts Housing Association INC. and Junction and Women’s Housing Limited."

CARRIED (2014/393)
13.5 Baker Road Black Spot Funding Deed (CON12/448)

Moved Cr McColl  Seconded Cr Strudwicke

"that the Council, having considered Item 13.5 Baker Road Black Spot Funding Deed dated 8 September 2014, authorise the Chief Executive Officer (Acting) and Mayor sign and place the common seal to the Funding Deed with the Minister for Transport and Infrastructure."

Division

Councillor Daniele called a Division

Those voting in the affirmative are Crs Kennington, Strudwicke, McColl, Heley, Kennington and Keen

Those voting in the negative are Crs Daniele and Summerton

Moved Cr McColl  Seconded Cr Strudwicke

"that the Council, having considered Item 13.5 Baker Road Black Spot Funding Deed dated 8 September 2014, authorise the Chief Executive Officer (Acting) and Mayor sign and place the common seal to the Funding Deed with the Minister for Transport and Infrastructure."

CARRIED  (2014/394)

14. URGENT BUSINESS

14.1 No Urgent Business

15. CONFIDENTIAL ITEMS

15.1 Recruitment of Chief Executive Officer CON12/1181

Moved Cr Keen  Seconded Cr Strudwicke

"that the Council, having considered Item 15.1 Recruitment of Chief Executive Officer (Confidential) dated 8 September 2014, authorise the Acting Chief Executive Officer to commence the process for the recruitment for the position of the Chief Executive Officer by calling for expressions of interest from suitably qualified selected Local Government Recruitment Consultant Firms."

LOST  (2014/395)
Date: 2014-09-01

Mayor: [Signature]

Confirmed as a true record.

There being no further business, the Mayor declared the meeting closed at 9:29 PM.