MINUTES OF THE ORDINARY MEETING OF THE DISTRICT COUNCIL OF MALLALA
HELD IN THE MALLALA COUNCIL CHAMBERS, REDBANKS ROAD, MALLALA ON
MONDAY 17 NOVEMBER 2014, COMMENCING AT 7:00 PM.

1. ATTENDANCE

1.1 Present
Mayor D Kennington, Crs P Daniele, S Jones, T Keen, M Lawrence, K McColl, A Picard,
S Strudwicke, B Summerton, and Messrs P Sellar (Acting Chief Executive Officer),
Gary Mavrinac (General Manager, Infrastructure and Planning Services), D Lawson
(Governance Coordinator), and Ms C Kelly (Minute Secretary).

1.2 Councillors Apologies
Cr E Stubic

1.3 Councillors Absent

2. COUNCILLOR DECLARATIONS

2.1 Declarations undertaken by each Councillor in accordance with Section 60 of the Local

3. APPOINTMENTS

3.1 Appointment of Deputy Mayor (CON12/1199)

Moved Cr Strudwicke Seconded Cr Summerton

"that the Council, having considered Item 3.1 Appointment of Deputy Mayor Report,
appoints Cr McColl to the role of Deputy Mayor for a period of twelve (12) months."

CARRIED (2014/435)

4. TIME AND PLACE OF MEETINGS

4.1 Council Meeting Schedule 2015 (CON12/1199)

Moved Cr Summerton Seconded Cr McColl

"that Council having considered Item 4.1 Time and Place of Ordinary Meetings of Council,
dated 17 November 2014, endorse the following:
• Location of Ordinary Meetings of Council – Mallala Council Chambers;
• Frequency of Ordinary Meetings of Council – second and fourth Monday of each
month excluding January whereby only one (1) meeting is to held on the fourth

17 November 2014
Monday of the month and December, only one (1) meeting held on the third Monday of the month; and Commencement time of Ordinary Meetings of Council – 7.00pm

CARRIED (2014/436)

Moved Cr Strudwicke Seconded Cr Summerton

"that Council having considered Item 4.1 Time and Place of Ordinary Meetings of Council, dated 17 November 2014, endorse the following:

- Location of Informal Strategy Workshops – Port Gawler Council Chambers at Two Wells;
- Frequency of Informal Strategy Workshops – Bi-monthly commencing February 2015 on first Monday of the month excluding December."

LOST (2014/437)

Cr Summerton called Point of Order advised Cr Jones is not asking a question. Mayor Kennington allowed Cr Jones to continue.

Moved Cr Keen Seconded Cr McColl

"that Council having considered Item 4.1 Time and Place of Ordinary Meetings of Council Meetings, dated 17 November 2014, authorise the Acting Chief Executive Officer to submit a draft 2015 Meeting Schedule to a December 2014 Meeting based on the above resolutions for adoption."

CARRIED (2014/438)

Moved Cr Keen Seconded Cr Daniele

"that Council having considered Item 4.1 Time and Place of Ordinary Meetings of Council Meetings, dated 17 November 2014, that for December 2014 two (2) Ordinary Meetings of Council will be held on:

- Monday 1 December 2014,
- Monday 15 December 2014."

CARRIED (2014/439)

5. APPOINTMENTS OF COMMITTEES AND DELEGATES

5.1 Review of Community and Independent Members and Terms of Reference Guidelines – Section 41 Committees, Subsidiaries and Identified Committee’s Report (CON12/573)

Moved Cr McColl Seconded Cr Summerton

17 November 2014
that the Council, having considered Item 5.1. Review of Community and Independent Members and Terms of Reference Guidelines – Section 41 Committee, Subsidiaries and Identified Committees dated 17 November 2014 defer the review of the Terms of Reference and extend the term of office for Community and Independent Members for the following Committees until 30 April 2015:
- Animal Management Plan Advisory Committee
- Audit Committee
- CEO Appraisal Committee
- Community Development Advisory Committee
- Economic Development Advisory Committee
- Environmental Management Advisory Committee
- Facilities and Infrastructure Advisory Committee
- Mallala & Districts Homes Committee

5.1. I CARRIED (2014/440)

Appointment to Section 41 Committees, Subsidiaries and Identified Committee’s Report (CON12/573)

Moved Cr Strudwicke Seconded Cr McColl

"that the Council, having considered Item 5.1.1 Appointment to Section 41 Committees, Subsidiaries and Identified Committee’s Report, appoints Cr Keen, Cr McColl, Cr Picard and Cr Summerton to the Animal Management Plan Committee until 30 April 2015."

CARRIED (2014/441)

Moved Cr Keen Seconded Cr McColl

"that the Council, having considered Item 5.1.1 Appointment to Section 41 Committees, Subsidiaries and Identified Committee’s Report, appoints Mayor Kennington, Cr Jones and Cr Lawrence to the Audit Committee until 30 April 2015."

CARRIED (2014/442)

Moved Cr Keen Seconded Cr Daniele

"that the Council, having considered Item 5.1.1 Appointment to Section 41 Committees, Subsidiaries and Identified Committee’s Report, appoints Mayor Kennington, Cr McColl, Cr Lawrence, Cr Summerton and Cr Keen to the Chief Executive Officer Performance Appraisal Committee until 30 April 2015."

CARRIED (2014/443)
"that the Council, having considered Item 5.1.1 Appointment to Section 41 Committees, Subsidiaries and Identified Committee's Report, appoints Cr Daniele and Cr Lawrence to the Community Development Advisory Committee until 30 April 2015."

CARRIED (2014/444)

Moved Cr Lawrence
Seconded Cr McColl

"that the Council, having considered Item 5.1.1 Appointment to Section 41 Committees, Subsidiaries and Identified Committee's Report, appoints Mayor Kennington and Cr Strudwicke to the Economic Development Advisory Committee until 30 April 2015."

CARRIED (2014/445)

Moved Cr McColl
Seconded Cr Keen

"that the Council, having considered Item 5.1.1 Appointment to Section 41 Committees, Subsidiaries and Identified Committee's Report, appoints Mayor Kennington and Cr Jones to the Environmental Management Advisory Committee until 30 April 2015."

CARRIED (2014/446)

Moved Cr Summerton
Seconded Cr Daniele

"that the Council, having considered Item 5.1.1 Appointment to Section 41 Committees, Subsidiaries and Identified Committee's Report, appoints Cr Summerton and Cr Daniele to the Facilities Management Advisory Committee until 30 April 2015."

CARRIED (2014/447)

Cr Strudwicke called Point of Order as resolution was only to appoint committee members not determine the future of committees.
Mayor Kennington accepted Point of Order.

Moved Cr Keen
Seconded Cr McColl

"that the Council, having considered Item 5.1.1 Appointment to Section 41 Committees, Subsidiaries and Identified Committee's Report, appoints Cr Strudwicke to the Mallala and Districts Historical Committee."

CARRIED (2014/448)

Moved Cr Keen
Seconded Cr Strudwicke

"that the Council, having considered Item 5.1.1 Appointment to Section 41 Committees, Subsidiaries and Identified Committee's Report, appoints Cr Strudwicke and Cr Lawrence to the Mallala and Districts Homes Committee until 30 April 2015."

CARRIED (2014/449)

17 November 2014
Moved Cr McColl  Seconded Cr Summerton

"that the Council, having considered Item 5.1.1 Appointment to Section 41 Committees, Subsidiaries and Identified Committee's Report, appoints Mayor Duncan Kennington as Council's representative to the Central Local Government Region Board."

CARRIED (2014/450)

Moved Cr Keen  Seconded Cr Strudwicke

"that the Council, having considered Item 5.1.1 Appointment to Section 41 Committees, Subsidiaries and Identified Committee's Report, appoints Cr Picard as Council's representative to the Gawler River Floodplain Management Authority, and that Council appoints Cr Lawrence as the Proxy to the Gawler River Floodplain Management Authority until 30 April 2015."

CARRIED (2014/451)

Moved Cr Keen  Seconded Cr Lawrence

"that the Council, having considered Item 5.1.1 Appointment to Section 41 Committees, Subsidiaries and Identified Committee's Report, appoints Cr Jones as Council's representative to the Working Party – Salt Creek Remediation."

CARRIED (2014/452)

5.1.2 Mallala and Districts Historical Committee Appointments (CON12/871)

Moved Cr Strudwicke  Seconded McColl

"that the Council, having considered Item 5.1.1 Mallala and Districts Historical Committee appointments, endorses the Committee Members as recommended by the Mallala and Districts Historical Committee from their minutes of the meeting held on 8 October 2014."

CARRIED (2014/453)

6. CONFIRMATION OF MINUTES

Moved Cr McColl  Seconded Cr Picard

6.1 Council Meeting held on Monday 27 October 2014 (MB Folios 12875 to 12879, inclusive) be accepted as read and confirmed.

CARRIED (2014/454)

7. BUSINESS ARISING

7.1 Cr Picard sought update on the Land excluded from the Marine Park.

17 November 2014
Gary Mavrinac (General Manager – Infrastructure and Planning), provided a verbal update advising Council had sought information from relevant agency, who had stated it was their aim was to include parcels of coastal crown land with significant ecological connections to the marine environment wherever possible. This parcel was the subject of some correspondence between DEWNR and Cheetham as it was under an annual licence arrangement. This may no longer be the situation, with the closure of the salt field, so it's become an unfortunate omission from the sanctuary zone. However, it could get picked up by the Bird Sanctuary, which could apply a similar level of conservation status over the site. The site could be included in the sanctuary zone at the next review. A formal letter seeking clarification is still to be sent.

8. **DECLARATION OF MEMBERS’ INTEREST**
8.1 No Declaration of Members' Interest

9. **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 7.45pm.

9.1 **Speaker**
Mick Tennant
Addressed Community concerns:
- Drainage at Two Wells,
- Certain road sides require slashing,
- Two Wells township on a whole requires cleaning,
- Two Wells new areas requesting weekly rubbish collection,
- Some properties require cleaning up in Two Wells towards Port Wakefield road,
- Vehicles parking on public property.

**Speaker**
Dean Cook
Addressed Community concerns:
- Transparency on Council activities and programs,
- Financial records to be independently audited,
- Two Wells development documentation to be independently audited,
- Two Wells development to be addressed at a Public meeting.

At this juncture the meeting resumed at 7.58pm.

10. **BRIEFINGS**
10.1 No Briefings

11. **MAYORS REPORT**
11.1 Meetings Attended and / or Discussions (CON12/1199)
12. MINUTES AND/OR RECOMMENDATIONS

12.1 Economic Development Advisory Committee
12.1.1 No Minutes

12.2 Community Development Advisory Committee
12.2.1 No Minutes

12.3 Audit Committee
12.3.1 No Minutes

12.4 Mallala and Districts Historical Committee
12.4.1 Mallala and Districts Historical Committee Minutes 8 October 2014 (CON12/871)

12.5 Mallala and Districts Homes Committee
12.5.1 No Minutes

13. QUESTIONS WHICH NOTICE HAS BEEN GIVEN
13.1 No Questions on Notice

14. Notice of Motion
14.1 No Notice of Motion

15. QUESTIONS WHICH NOTICE HAS NOT BEEN GIVEN
15.1 No Questions Which Notice Has Not Been Given

16. PETITIONS
16.1 No Petitions

17. DEPUTATIONS
17.1 No Deputations

18. ITEMS FOR NOTING / INFORMATION / ACTIVITY REPORTS

18.1 Items for Information / Noting

18.1.1 Finance Report (CON12/491)

Moved Cr Summerton  Seconded Cr Daniele

"that Council, having considered Item 18.1.1 Finance Report dated 17 November 2014, recommends to Council that it notes and receives the Finance Report as at 31 October 2014."

CARRIED (2014/455)

18.1.2 Elected Members Training (CON12/544)

Moved Cr Daniele  Seconded Cr Keen

17 November 2014
"that Council having considered Item 18.1.2 Elected Members Training, dated 17 November 2014, receives and notes the report.”

CARRIED (2014/456)

18.2. Activity Reports
No Reports

19. ITEMS FOR DECISIONS

19.1 Motions Which Lay on the Table Report (CON12/573)

Moved Cr Strudwicke Seconded Cr Summerton
"that the Council, having considered Item 19.1 Motions Which Lay on the Table Report, notes and receives the Report.”

CARRIED (2014/457)

19.2 Recruitment of Chief Executive Officer (CON12/1181)

Moved Cr McColl Seconded Cr Keen
"that Council, having considered Item 19.2 Recruitment of Chief Executive Officer dated 17 November 2014, authorise the Acting Chief Executive Officer to commence the recruitment process for the position of Chief Executive Officer by calling for expressions of interest and quotations from suitably qualified preferred Local Government Recruitment Consultant Firms."

CARRIED (2014/458)

Moved Cr Strudwicke Seconded Cr Daniele
"that Council having considered Item 19.2 Recruitment of Chief Executive Officer dated 17 November 2014 give authority to the Mayor, in conjunction with the Acting CEO to appoint a preferred Local Government Recruitment Consultant Firm to manage the recruitment process for the Chief Executive Officer."

CARRIED (2014/459)

Moved Cr Keen Seconded Cr Jones
"that Council having considered Item 19.2 Recruitment of Chief Executive Officer dated 17 November 2014 appoint the following members to represent Council on the CEO Selection Panel:
- The Mayor,
- The Deputy Mayor,
- One (1) other elected member being Cr Lawrence."

17 November 2014
Moved Cr Summerton Seconded Cr McColl

"that the Council having considered Item 19.3 Draft Annual Report - Report authorise staff, subject to any requested changes by Council, to finalise the administrative and legislative reporting requirements associated with the 2013-2014 Annual Report."

CARRIED (2014/461)

20. URGENT BUSINESS
20.1 No Urgent Business

21 CONFIDENTIAL ITEMS
21.1 Review of Confidential Items Report (CON12/540)

Moved Cr Keen Seconded Cr McColl

"that pursuant to Sections 90(2) of the Local Government Act 1999 the Council having considered Item 21.1 Council Confidential Items Register Review Report dated 17 November 2014 orders that the public be excluded from the meeting with the exception of the Acting Chief Executive Officer, General Manager Infrastructure and Planning, and the Minute Secretary as the matters pertaining to this Report and associated documents contains and/or involves information the disclosure of which:

1. would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council);
2. would, on balance, be contrary to the public interest;
3. tenders for the supply of goods, the provision of services or the carrying out of works;
4. information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
5. matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence or other legal obligation or duty; and legal advice."

2) Accordingly, on this basis, the principle that the meeting of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information and/or discussion confidential."

CARRIED (2014/462)

17. CLOSURE

There being no further business, the Mayor declared the meeting closed at 8.34pm.

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