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, 17 July 2017



Mayor Flaherty formally declared the meeting open at 6.30pm.

1. ATTENDANCE RECORD

1.1 Present:

Mayor A J (Tony) Flaherty OAM JP

Cr Melville Lawrence

Cr S M (Marcus) Strudwicke

Cr Terry-Anne Keen

Cr Eddie Stubing

Cr Stephen Jones

Cr P D (Joe) Daniele

Cr Carmine Di Troia

Also in Attendance:

Chief Executive Officer

General Manager, Governance and Communications

General Manager, Development and Community

General Manager, Infrastructure

General Manager, Finance and Economic Development

Minute Secretary

Administration Officer – Governance and Communications

Mr James Miller

Ms Sheree Schenk

Mr Robert Veitch

Mr Martin Waddington

Mr Rajith Udugampola

Ms Andrea Post

Ms Vicki Weaver

1.2 **Apologies:**

Cr Karen McColl

1.3 Not Present / Leave of Absence:

Nil

2. CONFIRMATION OF MINUTES

2.1 Moved Cr Lawrence

Seconded Cr Strudwicke

2017/ 196

"that the minutes of the Ordinary Council meeting held on Monday 19 June 2017 (MB Folios 13544 to 13562, inclusive), be accepted as read and confirmed."

CARRIED

2.2 Moved Cr Strudwicke

Seconded Cr Daniele

2017/ 197

"that the minutes of the Special Council meeting held on Monday 10 July 2017 (MB Folios 13563 to 13575, inclusive), be accepted as read and confirmed."

CARRIED

3. BUSINESS ARISING

No Business Arising

4. ADJOURNED BUSINESS

No Adjourned Business

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

Cr Lawrence declared an interest in item 14.2 – Code on Conduct Investigation and Recommendation of Council's Governance Advisory Panel.

Cr Jones stated that his name appears in the report of item 14.2 – Code on Conduct Investigation and Recommendation of Council's Governance Advisory Panel, but that he has no interest.

6. OPEN FORUM

The Presiding Member 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 6.32pm.

The following speaker addressed Council in relation to Open Forum:

6.1 John Lush

Mallala

The meeting resumed at 6.39pm

7. MAYOR'S REPORT

7.1 Meetings and Discussions



Moved Cr Lawrence

Seconded Cr Keen

2017/ 198

"that Council receives and notes the Mayor's Report dated 17 July 2017 as submitted to the Ordinary Council meeting."

CARRIED

20 June 2017

Mayor / Acting Chief Executive Officer Meeting

26 June 2017

Pre Special Council Meeting - Mayor / Executive Management

Special Council Meeting - Adjourned

29 June 2017

Pre Special Council Meeting - Mayor / Executive Management

Special Council Meeting - Adjourned

4 July 2017

Mayor / Acting Chief Executive Officer Meeting

8 July 2017

Mayor / Chief Executive Officer Meeting - Adelaide

10 July 2017

Citizenship Ceremony

Pre Special Council Meeting – Mayor / Executive Management

Special Council Meeting

11 July 2017

Agenda settlement meeting - Mayor / Chief Executive Officer and Executive Assistant

12 July 2017

Northern Adelaide Irrigation Scheme (NAIS) Announcement – Federal Labor Party at Wingate Road Dam with Chief Executive Officer

13 July 2017

Meeting /Chief Executive Officer and Legatus Group Chief Executive Officer,

Mr Simon Millcock

17 July 2017

Pre Council meeting - Mayor / Chief Executive Officer and General Manager Governance and Communications

Ordinary Council Meeting

8. REQUESTED DOCUMENTS/CORRESPONDENCE TO BE TABLED

Nil

9. DEPUTATIONS



No Deputations

10. PRESENTATIONS / BRIEFINGS

- 10.1 Sea Level Rise Dr Murray Townsend, Coast and River Murray Unit
- 10.2 Coastal Settlements Adaption Study Mark Western, Integrated Coasts

At this juncture, 7.15pm, Cr Di Troia left the chamber.

At this juncture, 7.17pm, Cr Di Troia returned to the chamber.

11. PETITIONS

No Petitions

12. COMMITTEE RECOMMENDATIONS

At this juncture, 7.24pm, Cr Lawrence declared an interest and left the chamber.

12.1 Governance Advisory Panel – minutes of meeting held 8 June 2017

Moved Cr Strudwicke

Seconded Cr Di Troia

2017/ 199

"that Council receives and notes the minutes of the Governance Advisory Panel meeting held 8 June 2017."

CARRIED

At this juncture, 7.24pm, Cr Lawrence returned to the chamber.

13. ASSOCIATED ORGANISATIONS

13.1 Gawler River Floodplain Management Authority – minutes of meeting held 15 June 2017

Moved Cr Keen

Seconded Cr Di Troia

2017/ 200

"that Council receives and notes the minutes of the Gawler River Floodplain Management Authority meeting held 15 June 2017."

CARRIED



14. REPORTS FOR DECISION

14.1 2017/2018 Annual Business Plan and Budget Process – The Bunyip Newspaper, 5 July 2017 'Council Turmoil' – The Facts

Moved Cr Strudwicke

Seconded Cr Stubing

2017/ 201

"that Council, having considered Item 14.1 – 2017/2018 Annual Business Plan and Budget Process – The Bunyip Newspaper, 5 July 2017 'Council Turmoil' – The Facts, 17 July 2017, confirms that:-

- 1. a clear and concise budget timeline was adopted by Council in January 2017 and scheduled a budget adoption date of 19 June 2017;
- 2. there was extensive dialogue and engagement between management and the DCM Ratepayers and Residents Association Inc. To claim otherwise is wrong;
- 3. Council resolved to send the CEO to Canberra as its delegate to the ALGA National Assembly knowing that he could not attend the meeting where the budget would be considered. The Mayor could not attend because of the advice of his cardiologist. Claims that the Mayor and CEO did not provide leadership and their absence prevented Council from adopting the budget ahead of 30 June are untrue and without foundation; and
- 4. four dates were put to the elected body post the 19 June Ordinary meeting for the budget to be considered; none of which were able to achieve quorum. It is for that reason and no other that the budget was not adopted by 30 June 2017."

CARRIED

Division

Cr Strudwicke called a division

The Mayor declared the vote set aside.

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

Members voting in the negative: Councillors Lawrence, Jones and Keen.

The Mayor declared the motion CARRIED



At this juncture, 7.32pm, Cr Lawrence declared an interest and left the chamber.

14.2 Code of Conduct Investigation and Recommendation of Council's Governance Advisory Panel

Cr Strudwicke called for a Point of Order as Council is here to receive the report and not to further discuss the matter.

The Mayor accepted the Point of Order.

Moved Cr Strudwicke

Seconded Cr Daniele

2017/ 202

"that Council, having considered Item 14.2 – Code of Conduct Investigation and Recommendation of Council's Governance Advisory Panel, dated 17 July 2017, receives and notes the report and in doing so formally requests Cr Lawrence to provide a written public apology to the staff concerned."

CARRIED

Division

Cr Strudwicke called a division.

The Mayor declared the vote set aside.

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

Members voting in the negative: Councillor Jones.

The Mayor declared the motion CARRIED

At this juncture, 7.46pm, Cr Lawrence returned to the chamber.

14.3 Gawler River Floodplain Management Authority – Board Membership Appointment

Moved Cr Stubing

Seconded Cr Keen

2017/ 203

"that Council, having considered Item 14.3 – Gawler River Floodplain Management Authority – Board Membership Appointment, dated 17 July 2017, receives and notes the report and in doing so:-

- 1. Appoints Councillor Lawrence as Board Member of the Gawler River Floodplain Management Authority;
- 2. Appoints Councillor Keen as Deputy Board Member; and
- 3. Instructs Council's Chief Executive Officer to advise the Gawler River Floodplain Management Authority of the names of the updated appointed Member and Deputy Board Member of the Authority."

CARRIED

At this juncture, 7.49pm, Cr Strudwicke left the chamber.

14.4 Council Confidential Items Register Review





Moved Cr Keen

Seconded Cr Daniele

2017/ 204

"that Council, having considered Item 14.4 – Council Confidential Items Register Review, dated 17 July 2017, receives and notes the report and acknowledges that a formal review of the Confidential Items Register has been undertaken."

CARRIED

14.4 Moved Cr Keen

Seconded Cr Di Troia

2017/ 205

"that Council, having considered Item 14.4 – Council Confidential Items Register Review, dated 17 July 2017, resolves that the Section 91(7) of the Local Government Act 1999 order made on 15 December 2016 in relation it Item 2.1 – Gawler River Floodplain Management Authority Charter be revoked."

CARRIED

14.4 Moved Cr Daniele

Seconded Cr Stubing

2017/ 206

"that Council, having considered Item 14.4 – Council Confidential Items Register Review, dated 17 July 2017, resolves that:-

- a. Pursuant to Section 91(9)(a) of the Local Government Act 1999, having reviewed the confidential order made on 20 February 2017 under Section 90(2) and 90(3)(d) of the Local Government Act 1999, the Council, pursuant to Section 91(7) of the Local Government Act 1999 orders that the annexure to Item 19.1 Legal Services Retainer dated 20 February 2017 continue to be retained in confidence and not available for public inspection under further order of the Council, and that this order be reviewed every 12 months on the basis that it contains commercial information, and that the agenda report and minutes in relation to this item be released and made available for public inspection; and
- b. Pursuant to Section 91(9)(c) of the *Local Government Act 1999*, Council delegates the authority to the Chief Executive Officer to revoke this confidentiality order."

CARRIED





Moved Cr Daniele 14.4

Seconded Cr Keen

2017/ 207

"that Council, having considered Item 14.4 - Council Confidential Items Register Review, dated 17 July 2017, resolves that:

- Pursuant to Section 91(9)(a) of the Local Government Act 1999, having reviewed the confidential order made on 18 April 2017 under Section 90(2) and 90(3)(d) of the Local Government Act 1999, the Council, pursuant to Section 91(7) of the Local Government Act 1999 orders that the agenda report and annexures to Item 16.1.1 - Legal Services Fee Proposals dated 18 April 2017 continue to be retained in confidence and not available for public inspection under further order of the Council, and that this order be reviewed every 12 months on the basis that it contains commercial information, and that the minutes in relation to this item be released and made available for public inspection; and
- b. Pursuant to Section 91(9)(c) of the Local Government Act 1999, Council delegates the authority to the Chief Executive Officer to revoke this confidentiality order."

CARRIED

14.5 Review of Council's Delegations

Moved Cr Keen

Seconded Cr Lawrence

2017/ 208

"that Council adjourn Item 14.5 - Review of Council's Delegations to the 21 August 2017 Ordinary Council meeting."

CARRIED

14.6 Allied Food Industries Land Supply Study

Moved Cr Keen

Seconded Cr Lawrence

2017/ 209

"that Council, having considered Item 14.6 – Allied Food Industries Land Supply Study, dated 17 July 2017, endorses the Draft Allied Food Industries Land Supply Study."

CARRIED

14.7 Coastal Settlements Adaptation Options – Proposed Implementation

Moved Cr Jones

Seconded Cr Lawrence

2017/ 210

"that Council, having considered Item 14.7 - Coastal Settlements Adaptation Study -Proposed Implementation, dated 17 July 2017;

- 1. receives and notes the report, and
- 2. authorises the Chief Executive Officer to proceed with the preparation of a risk

17 July 2017 iff

based priority implementation program for coastal works and to send a letter of support to the Coast Protection Board for the reinstallation of upgraded SEAFRAME gauge from the former Port Stanvac jetty to the O'Sullivan's Beach Boat Ramp, as soon as possible."

CARRIED

14.8 Adelaide International Bird Sanctuary National Park – Stage 2 Land Revocations

Moved Cr Lawrence

Seconded Cr Jones

2017/ 211

"that Council, having considered Item 14.8 – Adelaide International Bird Sanctuary National Park – Stage 2 Land Revocations, dated 17 July 2017:-

- 1. Receives and notes the report
- 2. Authorises the Chief Executive Officer to provide a response to DEWNR on behalf of Adelaide Plains Council."

CARRIED

14.9 Mallala CWMS Communication and Service Fee Rebate Strategy

Moved Cr Keen

Seconded Cr Lawrence

2017/ 212

"that Council, having considered Item 14.9 – *Mallala CWMS Communication and Service Fee Rebate Strategy*, dated 17 July 2017, receives and notes the report and in doing so:-

- 1. adopts the Communication strategy to inform the residents that will either require a new domestic pump or to lower the connection on Council land;
- approves the rebate of the CWMS annual service fee of \$586 from the date of
 issuing the first service fee charge 1 July 2015 until the system is fit for purpose.
 Applicable only to those eligible with a non fit for purpose connection which
 would otherwise require a grade less than 1.45% to achieve connection; and
- 3. approves the installation and connection of the required domestic pump stations, including all electrical and monitoring components."

CARRIED

14.10 Short Stay Accommodation Policy Review

Moved Cr Keen

Seconded Cr Lawrence

2017/ 213

"that Council, having considered Item 14.10 – Short Stay Accommodation Policy Review, dated 17 July 2017, receives and notes the report and in doing so endorses the amended Short Stay Accommodation Policy as attached to this report with the following change:-



Increase the seven days maximum stay to fourteen days in Clause 3 –
 Definitions – 'Short Stay' and in Clause 5.1.5."

CARRIED

14.11 Allocation of Rural Addressing to Old Port Wakefield Road, Two Wells

Moved Cr Keen

Seconded Cr Jones

2017/ 214

"that Council, having considered Item 14.11 – Allocation of Rural Addressing to Old Port Wakefield Road, Two Wells, 17 July 2017:-

- 1. receives and notes the report, and
- 2. approves the introduction of Rural Addressing on Old Port Wakefield Road for properties south of Halstead Road East/Hayman Road intersection with Old Port Wakefield Road, Two Wells to Council's southern boundary as advised by the Department of Planning, Transport and Industry (DPTI)."

CARRIED

15. REPORTS FOR INFORMATION

15.1 Council Resolutions/Actions Report

Moved Cr Jones

Seconded Cr Stubing

2017/ 215

"that Council, having considered Item 15.1 – Council Resolutions/Action Report, dated 17 July 2017, receives and notes the report."

CARRIED

15.2 Resignation of Council Member and Notice of Supplementary Election

Moved Cr Keen

Seconded Cr Jones

2017/ 216

"that Council, having considered Item 15.2 – Resignation of Council Member and Notice of Supplementary Election, dated 17 July 2017, receives and notes the report."

CARRIED

15.3 Update on Current Event Applications

Moved Cr Keen

Seconded Cr Lawrence

2017/ 217

"that Council, having considered Item 15.3 – *Update on Current Event Applications*, dated 17 July 2017, receives and notes the report."

CARRIED

15.4 Coastal Fencing

Moved Cr Keen

Seconded Cr Daniele

2017/ 218



"that Council, having considered Item 15.4- Coastal Fencing, dated 17 July 2017, receives and notes the report."

CARRIED

15.5 Kerbside Waste Pickup Service Update

Moved Cr Jones

Seconded Cr Di Troia

2017/ 219

"that Council, having considered Item 15.5 – Kerbside Waste Pickup Service Update, dated 17 July 2017, receives and notes the report."

CARRIED

15.6 Legatus Group – Board Membership Nominations

Moved Cr Keen

Seconded Cr Lawrence

2017/ 220

"that Council, having considered *Item 15.6 - Legatus Group - Board Membership Nominations*, dated 17 July 2017, receives and notes the report."

CARRIED

15.6 Moved Cr Lawrence

Seconded Cr Keen

2017/ 221

"that Council instructs the Chief Executive Officer to contact the Legatus Group and cordially invite the recently appointed CEO and Chairperson to present to Council at an upcoming meeting or workshop."

CARRIED



16. QUESTIONS ON NOTICE

Nil

17. QUESTIONS WITHOUT NOTICE

Not recorded in Minutes in accordance with Regulation 9(5) of the *Local Government* (*Procedures at Meetings*) Regulations 2013.

18. MOTIONS ON NOTICE

No Motions on Notice

19. MOTIONS WITHOUT NOTICE

19.1 Lewiston Playground – Surveillance Cameras

Moved Cr Di Troia

Seconded Cr Jones

2017/ 222

"that a report be brought back to Council with updated costings for the installation of security cameras and signage at the Lewiston Playground, 210 Hayman Road, Lewiston."

CARRIED

19.2 Donation to Northern Plains Food Festival

Moved Mayor Flaherty

Seconded

"that Council donate \$1000 to the Northern Plains Food Festival."

WITHDRAWN

20. URGENT BUSINESS

20.1 Letter and Gift of Thanks

Moved Cr Lawrence

Seconded Cr Di Troia

2017/ 223

"that Council instructs the Chief Executive Officer and Mayor on behalf of Council, to prepare a letter of thanks to former Councillor Anne Picard for her 11 years of dedicated service to the Adelaide Plains Council community, and authorises the purchase of a gift commensurate for her years of service."

CARRIED



21. CONFIDENTIAL ITEMS

21.1 Rubble Raising and Crushing

Moved Cr Jones

Seconded Cr Stubing

2017/ 224

"that, under the provisions of Section 90(2) of the Local Government Act 1999, an order be made that the public with the exception of the Chief Executive Officer, General Manager Governance and Communications, General Manager Finance and Economic Development, General Manager Infrastructure, General Manager Development and Community, Administration Support Officer and Minute Secretary, be excluded from attendance at the meeting of the Council in order to consider in confidence this item.

21.1 - Rubble Raising and Crushing:

The Council is satisfied that it is necessary that the public be excluded to enable the Council to consider the report at the meeting:

- on the grounds provided by Section 90(3)(d), commercial information of a confidential nature (not being a trade secret) the disclosure of which-
 - could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on the third party; and
 - (ii) would, on balance, be contrary to the public interest; and
- on the basis that information within the report and attachments:
 - contains information about the commercial information, constituting information relevant to the potential appointment and suitability for being awarded the Rubble Raising & Crushing Services 2017 - 2022
 - it would be unreasonable to disclose this information as part of the confidential tender process.

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

CARRIED



21.1 Moved Cr Daniele

Seconded

"that Council, having considered Item 21.1 - Rubble Raising and Crushing, dated 17 July 2017, receives and notes the report and in doing so resolve to:-

- reject all tenders for Rubble Raising and/or Crushing Services 2017 to 2023 Tender No: BRPG 002-2017,
- call tenders for the suitable replacement of the current rubble crushing machine in the 2018/19 financial year, acknowledging that the recent repairs carried out on the current rubble crushing machine will likely provide fair service until replaced,
- 3. dispose of the current rubble crushing machine and associated generator set once the replacement rubble crushing and stacking machine is purchased at an approximate value of \$150,000 \$200,000,
- contract out future rubble ripping and raising activities acknowledging that the current Council owned D9L dozer is no longer reliable for this purpose, and
- 5. dispose of the current D9L dozer at an approximate value of \$100,000."

LAPSED FOR WANT OF A SECONDER

Moved Cr Di Troia

Seconded Cr Keen

2017/ 225

"that it now being 9.28 pm, the meeting be extended for an additional 30 minutes."

CARRIED

At this juncture, 9.30pm, the Mayor called the chamber to order. At this juncture, 9.33pm, Cr Jones left the chamber.

21.1 Moved Cr Stubing

Seconded Cr Daniele

2017/ 226

"that Council, having considered Item 21.1 – Rubble Raising and Crushing, dated 17 July 2017, receives and notes the report and in doing so resolve to:-

- 1. reject all tenders for Rubble Raising and/or Crushing Services 2017 to 2023 Tender No: BRPG 002-2017,
- call tenders for the suitable replacement of the current rubble crushing machine in the 2018/19 financial year, acknowledging that the recent repairs carried out on the current rubble crushing machine will likely provide fair service until replaced,
- 3. dispose of the current rubble crushing machine and associated generator set once the replacement rubble crushing and stacking machine is purchased at an approximate value of \$150,000 \$200,000,



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- 4. contract out future rubble ripping and raising activities acknowledging that the current Council owned D9L dozer is no longer reliable for this purpose, and
- 5. dispose of the current D9L dozer at an approximate value of \$100,000."

LOST

21.1 Moved Cr Lawrence

Seconded Cr Keen

2017/ 227

"that Council, having considered Item 21.1 – Rubble Raising and Crushing, dated 17 July 2017, receives and notes the report and in doing so resolves to reject all tenders for Rubble Raising and/or Crushing Services 2017 to 2023 Tender No: BRPG 002-2017."

CARRIED

21.1 Moved Cr Lawrence

Seconded Cr Keen

2017/ 228

that, in accordance with Section 91(7) and Section 91(9) of the Local Government Act 1999 and on the grounds that Item 21.1 – Rubble Raising and Crushing for the meeting of the Council held on 17 July 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 report, attachments and minutes in relation to the matter remain confidential and not available for public inspection;
- (b) the confidentiality of the matter be reviewed once in each 12 months; and
- (c) pursuant to Section 91(9)(c) of the *Local Government Act 1999*, Council delegates the authority to the Chief Executive Officer to revoke this confidentiality order."

CARRIED

21:2 Sale of Land for Non-Payment of Rates

Moved Cr Keen

Seconded Cr Lawrence

2017/ 229

"that Council adjourn Item 21.2 - Sale of Land for Non-Payment of Rates to the 21 August 2017 Ordinary Council Meeting."

CARRIED



22. CLOSURE

There being no further business, the Mayor declared the meeting closed at 9.50 pm.

Confirmed as a true record.

Mayor:

Date: 21 JAGS 12017

