

# 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, 18 September 2017**

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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 Karen McColl

Cr Carmine Di Troia

## **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

Mr James Miller

Ms Sheree Schenk

Mr Martin Waddington

Mr Rajith Udugampola

Mr Robert Veitch

Mr Rob Adam

Ms Andrea Post

## **1.2 Apologies:**

Nil

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

Nil



## 2. CONFIRMATION OF MINUTES

2.1 Moved Cr Strudwicke Seconded Cr Daniele 2017/ 266

**“that the minutes of the Ordinary Council meeting held on Monday 21 August 2017 (MB Folios 13593 to 13616, inclusive), be accepted as read and confirmed.”**

**CARRIED**

### 3. BUSINESS ARISING

### No Business Arising

#### 4. ADJOURNED BUSINESS

The Mayor sought and was granted leave of the meeting to defer Item 4.1 – *Confidential – Sale of Land for Non-Payment of Rates*, and deal with after Urgent Business.

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

5.1 Councillor Lawrence declared an interest in Item 18.5 – *Code of Conduct for Council Members*.

Councillor Strudwicke called a Point of Order stating that a reason is required to be given when declaring a conflict of interest.

The Mayor accepted the Point of Order.

Councillor Lawrence provided the reason of ‘apology’.

## 6. OPEN FORUM

Councillor Strudwicke raised a Point of Order on the basis that the Mayor was required to seek leave of the meeting by Suspending Part 2 of the Regulations before commencing Open Forum.

The Mayor accepted the Point of Order.

The Presiding Member sought and was granted leave of the meeting to suspend Part 2 of the *Local Government Act (Procedures at Meetings) Regulations 2013*, for a period of six (6) minutes (two speakers at three minutes each) to facilitate ‘*Open Forum*’. The meeting was suspended at 6.33 pm.

No speakers addressed Council.

The meeting resumed at 6.34 pm.

## 7. MAYOR'S REPORT

### 7.1 Meetings and Discussions

Due to ill health throughout the majority of the reporting period, no Mayoral report was



CARRIED

12.2 Moved Cr Strudwicke Seconded

**“that Council formally receives Mr Hope’s report entitled *Some Considerations of the Proposal by Adelaide Plains Council to Withdraw from the Gawler River Floodplain Management Authority*, and in doing so acknowledges that in pursuing the notion of withdrawing from the GRFMA, Adelaide Plains Council will be exposed to a number of major risks, including but not limited to:-**

- 1. GRFMA ceases as an entity;**
- 2. Loss of capacity to influence upstream works;**
- 3. Adverse impact on the Northern Adelaide Plains food bowl;**
- 4. Potential increased costs to the Adelaide Plains’ ratepayers;**
- 5. Adverse Ministerial response; and**
- 6. Reputational risk.”**

Lapsed for want of a seconder

12.2 Moved Cr Strudwicke Seconded Cr McColl 2017/ 269

**“that Council in consideration of the report provided by Skilmar Systems Pty Ltd, and in consideration of the many risks associated with pursuing the withdrawal from the GRFMA, hereby elects to remain one (1) of six (6) constituent councils comprising the regional subsidiary whilst a review of the financial contributions of the Charter are reviewed.”**

Councillor Jones sought and was granted leave of the meeting to read out an email from a previous Board Member of the GRFMA.

LOST

Division

Councillor Strudwicke called for a division.

The Mayor declared the vote set aside.

Members voting in the affirmative: Councillor Strudwicke.

Members voting in the negative: Councillors Di Troia, Keen, Daniele, Stubing, Jones, McColl and Lawrence.

The Mayor declared the motion LOST

12.2 Moved Cr Strudwicke Seconded Cr McColl 2017/ 270

**“that Council notes Minute GRB 17/061 from the August 2017 Ordinary Meeting of the**



Gawler River Floodplain Management Authority (GRFMA), namely:-

*“The Chair noted it would be opportune to start the consideration process for a GRFMA Charter review and foreshadowed presentation of an agenda report at the next meeting outlining possible terms of reference for a review”.*

In noting the aforementioned resolution, Council fully supports the notion of commencing a review of the GRFMA Charter at the earliest opportunity.”

**CARRIED**

12.2 Moved Cr Strudwicke Seconded

“that Council notes that at the appropriate time, Council’s Long Term Financial Plan will need to be updated to reflect known financial contributions towards the cost of funding the Northern Floodway.”

**Formal Motion**

12.2 Moved Cr Keen Seconded

“that this matter lay on the table until such a time that the Charter has been reviewed.”

Councillor Strudwicke raised a Point of Order in relation to Councillor Keen’s motion on the basis that there was a difference between adjourning an item and laying a matter on the table. If the matter is to ‘lay on the table’ no time is to be stipulated, or alternatively the item can be adjourned until a specified time.

The Mayor accepted the Point of Order.

Moved Cr Keen Seconded Cr Lawrence **2017/ 271**

“that this matter lay on the table.”

**CARRIED**

12.2 Moved Cr Strudwicke Seconded Cr Stubing **2017/ 272**

“that Council endorses the recommendation of the Audit Committee and acknowledges the cost calculations as appended to this report and titled ‘Waste Collection Service Internal Cost Analysis’, and in doing so Council understands the importance of referencing these costs when comparing the best offer from the Barossa Procurement Group tender process, closing on the 3 August 2017, with that of Council’s internal cost model herein, which is to be considered at the November 2017 Ordinary meeting.”

**CARRIED**

**11. PETITIONS**

No Petitions

**12. COMMITTEE RECOMMENDATIONS**

12.1 Audit Committee – minutes of meeting held 15 August 2017

Moved Cr Keen

Seconded Cr Strudwicke

2017/ 273

**“that Council receives and notes the minutes of the Audit Committee meeting held 15 August 2017.”**

**CARRIED**

12.1 Moved Cr Keen

Seconded Cr Strudwicke

2017/ 274

**“that Council endorses the recommendation of the Audit Committee and that the Draft Asset Financial Management Policy, as presented in Attachment 1 to the report, subject to minor corrections as discussed at the meeting, be adopted at its September 2017 Ordinary meeting.”**

**CARRIED**

12.1 Moved Cr Strudwicke

Seconded Cr Lawrence

2017/ 275

**“that Council endorses the recommendation of the Audit Committee and that the Draft Budget Management Policy, as presented in Attachment 1 to the report, subject to minor updates as discussed at the meeting, be adopted at its September 2017 Ordinary meeting.”**

**CARRIED**

12.1 Moved Cr Strudwicke

Seconded Cr Lawrence

2017/ 276

**“that Council endorses the recommendation of the Audit Committee and that the Draft Funding Policy, as presented in Attachment 1 to the report, be adopted at its September 2017 ordinary meeting.”**

**CARRIED**

12.1 Moved Cr Lawrence

Seconded Cr Stubing

2017/ 277

**“that Council endorses the recommendation of the Audit Committee and that the Draft Prudential Management Policy, as presented in Attachment 1 to the report, be**



**adopted at its September 2017 ordinary meeting.”**

**CARRIED**

12.1 Moved Cr Strudwicke Seconded Cr Stubing **2017/ 278**

**“that Council endorses the recommendation of the Audit Committee and that the Draft Treasury Management Policy, as presented in Attachment 1 to the report, be adopted at its September 2017 ordinary meeting.”**

**CARRIED**

12.1 Moved Cr Strudwicke Seconded Cr McColl **2017/ 279**

**“that Council endorses the recommendation of the Audit Committee and acknowledges the progress made to complete the activities identified for the Audit Committee during 2017-2018 Financial Year.”**

**CARRIED**

12.3 Mallala and Districts Historical Committee – meeting held 8 August 2017

Moved Cr Strudwicke Seconded Cr Lawrence **2017/ 280**

**“that Council receives and notes the minutes of the Mallala and Districts Historical Committee meeting held 8 August 2017.”**

**CARRIED**

### **13. ASSOCIATED ORGANISATIONS**

13.1 Gawler River Floodplain Management Authority – minutes of meeting held 24 August 2017

Moved Cr Lawrence Seconded Cr Keen **2017/ 281**

**“that Council receives and notes the minutes of the Gawler River Floodplain Management Authority meeting held 24 August 2017.”**

**CARRIED**

### **14. REPORTS FOR DECISION**

14.1 Policy Review – Communication Policy

Moved Cr Strudwicke Seconded Cr McColl **2017/ 282**

**“that Council, having considered Item 14.1 – Policy Review – Communication Policy,**





dated 18 September 2017, receives and notes the report and in doing so:-

1. Endorses the updated Council Members Communication Policy (as set out in Attachment 2), with the following amendments:-
  - a. At Clause 2 – ‘Scope’ – maintain reference to ‘*Deputy Mayor*’ where this has been removed in two places;
  - b. At Clause 2 – ‘Scope’ – last paragraph delete the word ‘*likely*’;
  - c. At Clause 16 – ‘Grievance Procedure’ – delete last sentence of Clause 16.1 regarding Notice of Motion;
  - d. At Clause 7 – ‘Personal Interaction Between Council Members and Staff’ - Change the words ‘*must refrain from*’ to ‘*should avoid*’; and
2. Authorises the Chief Executive Officer to make any necessary final amendments to the document.”

**CARRIED**

#### 14.2 Proposed Lease of Council Land – NBN Radio Network Base Station

Moved Cr Strudwicke

Seconded Cr Lawrence

**2017/ 283**

“that Council, having considered Item 14.2 – *Proposed Lease of Council Land – NBN Radio Network Base Station* dated 18 September 2017 receives and notes the report, and in doing so:-

1. Continues to liaise with the Thompson Beach Progress Association Inc to have a portion of their leased area ‘A’ allocated to NBN Co Ltd (10m x 12m approximately) being portion of Section 248 DP 29513, Ruskin Road, Thompson Beach comprised in Certificate of Title Volume 5372 Folio 262 for the erection of a radio network base station, and seeks a formal position in this regard;
2. Authorises the Chief Executive Officer to liaise with NBN Co Ltd to negotiate and finalise the terms and conditions of the Lease Agreement and to seek the assistance of Norman Waterhouse Lawyers accordingly, with all associated costs to be borne by NBN Co Ltd;
3. Will undertake public consultation in regard to the proposed lease of the land to NBN Co Ltd in accordance with Section 202 of the *Local Government Act 1999* and in accordance with its Public Consultation Policy, and will consider any objections (if any) prior to entering into a Lease Agreement with NBN Co Ltd; and

Acknowledges that prior to the finalisation of a Lease Agreement, NBN Co Ltd will be required to submit a Development Application for the construction of the infrastructure and obtain approval accordingly.”

**CARRIED**



## 14.3 Rededication of Crown Land – Two Wells Service Centre

Moved Cr McColl

Seconded Cr Lawrence

2017/ 284

**“that Council, having considered Item 14.3 – *Rededication of Crown Land – Two Wells Service Centre*, dated 18 September 2017, receives and notes the report and in doing so authorises the Chief Executive Officer to execute the *Instrument of Dedication* to rededicate Allotment 51 DP 73399 Old Port Wakefield Road Two Wells comprised in Crown Record Volume 5984 Folio 728 for *community and local government purposes* and that the land placed under the care, control and management of the Adelaide Plains Council pursuant to the *Crown Land Management Act 2009*.”**

CARRIED

## 14.4 Council Assessment Panel – Update and Terms of Reference

Moved Cr Strudwicke

Seconded Cr Keen

2017/ 285

**“that Council, having considered Item 14.4 – *Council Assessment Panel – Update and Terms of Reference*, dated 18 September 2017, receives and notes the report and in doing so adopts the Terms of Reference as presented in Attachment 1 to this report.”**

CARRIED

## 14.5 Northern Food Bowl Protection Areas Development Plan Amendment – Status Update and Consultation

Moved Cr McColl

Seconded Cr Di Troia

2017/ 286

**“that Council, having considered Item 14.5 – *Northern Food Bowl Protection Areas Development Plan Amendment – Status Update and Consultation*, dated 18 September 2017, receives and notes the report and in doing so:-**

- 1. Authorises the Chief Executive Officer to organise a community information session to be held in Two Wells in early October 2017 (date and time to be confirmed) during the eight (8) week statutory Public and Agency consultation period; and**
- 2. Designates the Strategic Planning and Development Policy Committee, pursuant to Section 25(11)(c) of the *Development Act 1993*, as the committee appointed to consider any representations on the Northern Food Bowl Protection Areas DPA and provide advice to the Council in relation to these representations.”**

CARRIED



## 14.6 Legatus Group – Draft Business Plan 2017-2018 and revised Draft Budget

Moved Cr Strudwicke

Seconded Cr Stubing

2017/ 287

**“that Council, having considered Item 14.6 – *Legatus Group – Draft Business Plan 2017/2018 and revised Draft Budget*, dated 18 September 2017, receives and notes the report and in doing so instructs the Chief Executive Officer to advise the Legatus Group that Adelaide Plains Council has no objections with the Draft Business Plan 2017/2018 and revised Draft Budget.”**

CARRIED

## 14.7 Mallala Cricket Club Turf Wicket Proposal

Moved Cr Strudwicke

Seconded Cr Keen

2017/ 288

**“that Council, having considered Item 14.7 – *Mallala Cricket Club Turf Wicket Proposal*, 18 September 2017, receives and notes the report and in doing so resolve:-**

- 1. that Council grant consent for the Mallala Cricket Club Inc to undertake the Turf Wicket project as presented in Attachment 1 to this Report;**
- 2. that the Mallala Cricket Club Inc be advised that the current lease agreement between Council and the Mallala Football Club will need to be amended to incorporate the Mallala Cricket Club Inc as a Sub-Lessee setting out their maintenance obligations including the use of the oval and associated infrastructure during the cricket season;**
- 3. to authorises the Chief Executive Officer to seek the assistance of Norman Waterhouse Lawyers to amend the Lease Agreement between Council and Mallala Football Club Inc to incorporate the Mallala Cricket Club Inc as a Sub-lessee; and**

**to authorise, pursuant to Sections 38 and 44 of the *Local Government Act 1999*, the Mayor and Chief Executive Officer to execute the Lease Agreement between the Adelaide Plains Council and Mallala Football Club Inc.”**

CARRIED

## 15. REPORTS FOR INFORMATION

## 15.1 Council Resolutions/Actions

Moved Cr Lawrence

Seconded Cr Stubing

2017/ 289

**“that Council, having considered Item 15.1 – *Council Resolutions/Action Report*, dated 18 September 2017, receives and notes the report.”**

CARRIED

## 15.2 Mallala Camping Ground – Mallala and Districts Lions Club Inc Proposal

Moved Cr Strudwicke

Seconded Cr Lawrence

2017/ 290

**“that Council, having considered Item 15.2 – *Mallala Camping Ground – Mallala and Districts Lions Club Inc Proposal*, dated 18 September 2017, receives and notes the report and in doing so supports the general direction of negotiations to date.”**

**CARRIED**

Moved Cr Keen

Seconded Cr Lawrence

2017/ 291

**“that the Chief Executive Officer bring back a report outlining the process regarding the Memorandum of Understanding of the ablution block at the Mallala Oval.”**

**CARRIED**

At this juncture, 9.07 pm, Councillor Di Troia left the chamber.

**16. QUESTIONS ON NOTICE**

## 16.1 Council Vehicle Policy

Councillor Jones gave notice of his intention to ask the following questions:	
<b>Preamble</b>	
<b>Question 1:</b>	<b>What is the total number of vehicles under council control/ownership for use on council business?</b>
<b>Answer:</b>	There are 21 vehicles (utilities and cars) not including plant.
<b>Question 2:</b>	<b>How many council vehicles are designated for private use?</b>
<b>Answer:</b>	There are 9 vehicles.
<b>Question 3:</b>	<b>How much in fringe benefit tax do private use vehicles attract in fringe benefit tax?</b>
<b>Answer:</b>	\$61,564
<b>Question 4:</b>	<b>Does council vehicle insurance policies cover all private use by staff including interstate travel, towing, off road use, non designated drivers and passengers etc?</b>



<b>Answer:</b>	Yes insurance covers all legal uses within Australia
<b>Question 5:</b>	<b>What, if any, additional costs are required if this type of activity is an extra on a standard policy and if this is the case, who is responsible for these costs, council or staff member?</b>
<b>Answer:</b>	There is no additional insurance cost for vehicles with personal use.

## 16.2 Rate Revenue and Expenditure

Councillor Daniele gave notice of his intention to ask the following questions:	
<b>Preamble</b>	As a lot of ratepayers have questioned me about where ratepayer's money has been spent. My question is about the following:-
<b>Question 1:</b>	<b>How much rate revenue from each Ward has been raised since 2010 – until now in 2017?</b>
<b>Answer:</b>	Although Council does not account for rates on a ward basis the following has been calculated for the 8 years for each of the three wards. Mallala-Dublin:-total \$19,357,856 an average of \$2,419,732 per year. Lewiston:-total \$18,418,547 an average of \$2,302,318 per year. Two Wells:-total \$15,973,815 an average of \$1,996,727 per year.
<b>Question 2:</b>	<b>How much has been spent in each Ward from 2010 until now in 2017?</b>
<b>Answer:</b>	Council does not separate expenditure based on wards but rather on activities, any calculated expenditure would be an estimate and require significant time to prepare.
<b>Question 3:</b>	<b>Do outside staff fill out daily time sheets? If they don't – who does keep the records of work being done in all these wards?</b>
<b>Answer:</b>	Outside staff do fill out daily timesheets but as the accounting system is not based on wards only estimates of their time could be calculated after further analysis.

## 17. QUESTIONS WITHOUT NOTICE

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

At this juncture, 9.08 pm, Councillor Di Troia returned to the chamber.



**18. MOTIONS ON NOTICE****18.1 Short Stay Accommodation Policy**

Moved Cr Strudwicke

Seconded Cr Keen

**2017/ 292**

**“that Council staff meet with several community members, nominated by the Ratepayers Association, and representatives of the Mallala Lions Club, with a view to develop and propose any modifications to the Short Stay Accommodation Policy, that addresses issues such as fees charged, payment methods, and time limit exemptions (such as for part time workers). Any requested policy revisions to be presented in a report to a future meeting of council.”**

**CARRIED****18.2 Tourism Strategy Development**

Moved Cr Strudwicke

Seconded Cr Keen

**2017/ 293**

**“that Council staff investigate opportunities for collaboration, (either with the Ratepayers Association, or the future Business Council, or other interested parties) to develop strategies to increase district tourism (particularly in relation to short stay accommodation) by leveraging the established activities such as crabbing and fishing and the new opportunities offered by the International Bird Sanctuary, with the aim to provide economic flow on benefits to the community and a greater profile of the Adelaide Plains region and its produce, and that a report be provide for a future meeting of Council.”**

**CARRIED****18.3 Mallala CWMS Anglican Church Exemption**

Moved Cr Strudwicke

Seconded Cr Daniele

**2017/ 294**

**“that Council exempt St Peters Anglican Church, Mallala, from the annual CWMS service charge for the current financial year.”**

**CARRIED****18.4 Donation for Food Festival**

Moved Cr Lawrence

Seconded Cr Di Troia

**“that Council donate \$2,000 for the food and wine festival to be held on 25 March 2018.”**



**AMENDMENT**

Moved Cr Strudwicke

Seconded Cr Keen

**2017/ 295****That the following be included:**

- advertising and promotion of the *Northern Plains Food Festival*

**CARRIED****Motion AS AMENDED****2017/ 296**

**“that Council donate \$2,000 for advertising and promotion of the *Northern Plains Food Festival* to be held on 25 March 2018.”**

**CARRIED**

At this juncture, 9.22 pm Councillor Lawrence left the chamber as an interest had been declared in Item 18.5 – *Code of Conduct for Council Members*.

**18.5 Code of Conduct for Council Members**

Moved Mayor Flaherty

Seconded Cr Strudwicke

**2017/ 297**

**“that Council formally request Councillor Lawrence provides a written public apology to the staff concerned by close of business on Tuesday, 3 October 2017, otherwise this matter will be referred to the Ombudsman as required by clause 3.18 of the Code of Conduct for Council Members.”**

**CARRIED**

At this juncture, 9.25 pm Councillor Lawrence returned to the chamber.

Moved Cr Keen

Seconded Cr McColl

**2017/ 298**

**“that the meeting be extended by 30 minutes.”**

**CARRIED****19. MOTIONS WITHOUT NOTICE**

No Motions Without Notice

**20. URGENT BUSINESS****20.1 No Urgent Business**




#### 4. ADJOURNED BUSINESS

##### 4.1 Sale of Land for Non-Payment of Rates

Moved Cr Keen

Seconded Cr Strudwicke

2017/ 299

“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 Chief Executive Officer, General Manager – Governance and Communications, General Manager – Finance and Economic Development, General Manager – Development and Community, General Manager – Infrastructure, Governance Support Officer and Minute Secretary be excluded from attendance at the meeting of the Council in order to consider in confidence this item.

##### *4.1 – Sale of Land for Non-Payment of Rates:*

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)(a), information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead); and
- on the basis that information within the report and attachments:
  - contains information about the personal affairs of person, constituting information relevant to the sale of land for non-payment of rates; and
  - it would be unreasonable to disclose this information.

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



