

# MINUTES

of

## Ordinary Council Meeting



**Adelaide  
Plains  
Council**

Pursuant to the provisions of Section 84 (1) of the  
*Local Government Act 1999*

HELD IN

**Council Chambers  
Redbanks Road,  
Mallala**

on

**Monday, 18 December 2017**



Mayor Flaherty formally declared the meeting open at 6:30pm.

**1. ATTENDANCE RECORD**

**1.1 Present:**

Mayor A J (Tony) Flaherty OAM JP

Councillor Melville Lawrence

Councillor Eddie Stubing

Councillor Stephen Jones

Councillor P D (Joe) Daniele

Councillor Carmine Di Troia

Councillor Margherita Panella

**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 Sheree Schenk

**1.2 Apologies:**

Councillor Terry-Anne Keen

Councillor Karen McColl

Councillor S M (Marcus) Strudwicke

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

Nil

## 2. CONFIRMATION OF MINUTES

### 2.1 Confirmation of Council Minutes – Ordinary Meeting held 20 November 2017

Moved Cr Lawrence Seconded Cr Panella **2017/ 392**

**“that the minutes of the Ordinary Council Meeting held on Monday 20 November 2017 (MB Folios 13655 to 13670, inclusive), be accepted as read and confirmed.”**

**CARRIED**

### 2.2 Confirmation of Council Minutes – Adjourned Ordinary Meeting held 21 November 2017

Moved Cr Lawrence Seconded Cr Panella **2017/ 393**

**“that the minutes of the Adjourned Ordinary Council Meeting held on Tuesday 21 November 2017 (MB Folios 13671 to 13680, inclusive), be accepted as read and confirmed.”**

**CARRIED**

## 3. BUSINESS ARISING

Nil

## 4. ADJOURNED BUSINESS

Nil

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

Nil

## 6. PUBLIC OPEN FORUM

The Presiding Member, with approval of two-thirds of the members present, suspended the meeting procedures pursuant to Regulation 20(1) of the *Local Government (Procedures at Meetings) Regulations 2013*, for a period of 20 minutes to facilitate 'Public Open Forum'. The meeting was suspended at 6:32pm.

6.1 Name: Tara McFadyen Town/Location: Lewiston

Topics Discussed

- Housing Flooding



6.2 Name: Steve Burgess Town/Location: Two Wells

Topics Discussed

- Support for Mayor Flaherty

6.3 Name: Dr Glen Edwards Town/Location: Japan

Topics Discussed

- Support for Mayor Flaherty

The meeting resumed at 6:44pm.

## 7. MAYOR'S REPORT

### Monday, 20 November 2017

Mayor / CEO Meeting

Meeting – Tom Staggard (Bunyip Newspaper)

Mayor / Deputy Mayor / CEO – Pre Council Meeting

Corporate Photographs

Ordinary Council Meeting

### Tuesday, 21 November 2017

Council Member Training

Adjourned Ordinary Council Meeting

### Sunday, 26 November 2017

Aged Ratepayers Assistance

### Friday, 1 December 2017

Ratepayers on site meeting (Corner Gawler River and Germantown Roads) Drainage Matters

### Monday, 4 December 2017

Meeting with resident regarding drainage concerns

### Tuesday, 5 December 2017

Assistance with Pensioner Ratepayer

### Monday, 11 December 2017

Aged Ratepayer Assistance

### Tuesday, 12 December 2017

Mayor / Acting CEO Meeting

### Monday, 18 December 2017

Mayor / Deputy Mayor / CEO – Pre Council Meeting

Ordinary Council Meeting

## 8. REQUESTED DOCUMENTS/CORRESPONDENCE TO BE TABLED

Nil

**9. DEPUTATIONS**

Nil

**10. PRESENTATIONS / BRIEFINGS**

10.1 Simon Millcock, Chief Executive Officer of Legatus Group, gave a 17 minute briefing regarding the future directions and Legatus Group Strategic Plan 2018-2027

10.2 Anne Moroney, Chief Executive Officer of Regional Development Australia (RDA) Barossa, gave a 35 minute briefing with an update on the RDA's programme in 2017 and the priorities that lie ahead

**11. PETITIONS**

Nil

**12. COMMITTEE RECOMMENDATIONS**

Nil

**13. ASSOCIATED ORGANISATIONS**

13.1 Legatus Group – minutes of meeting held 17 November 2017

Moved Cr Panella

Seconded Cr Lawrence

2017/ 394

**“that Council receives and notes the minutes of the Legatus Group Meeting held 17 November 2017.”**

**CARRIED**

**14. REPORTS FOR DECISION**

14.1 Proposed Lease of Council Land – NBN Radio Network Base Station

Moved Cr Jones

Seconded Cr Stubing

2017/ 395

**“that Council, having considered Item 14.1 – *Proposed Lease of Council Land – NBN Radio Network Base Station* dated 18 December 2017 receives and notes the report and in doing so grants the Thompson Beach Progress Association Inc an extension of time until 26 January 2018 to submit a written submission to Council on the proposed lease of portion of Section 248 DP 29513, Ruskin Road, Thompson Beach to NBN Co Ltd for the erection of a radio network base station”.**

**CARRIED**

7:44pm Councillor Lawrence left the meeting

7:46pm Councillor Lawrence re-entered the meeting





15.5 Correspondence received from Council Auditor following 2016-2017 Audit

Moved Cr Daniele                                  Seconded Cr Panella                                  2017/ 403  
**"that Council, having considered Item 15.5 – Correspondence received from Council Auditor following 2016-2017 Audit, dated 18 December 2017, receives and notes the report".**

**CARRIED**

15.6 Regional Planning Boards – Joint Planning Arrangements Update

Moved Cr Daniele                                  Seconded Cr Di Troia                                  2017/ 404  
**"that Council, having considered Item 15.6 – Regional Planning Boards – Joint Planning Arrangements Update, dated 18 December 2017, receives and notes the report."**

**CARRIED**

15.7 CWMS Update

Moved Cr Lawrence                                  Seconded Cr Di Troia                                  2017/ 405  
**"that Council, having considered Item 15.7 – Mallala Community Wastewater Management System Project Update, 18 December 2017, receives and notes the report."**

**CARRIED**

## 16. QUESTIONS ON NOTICE

16.1 Future Amalgamation

Councillor Jones gave notice of his intention to ask the following questions:	
<b>Preamble</b>	Over time a view has been expressed that sustainable future of Adelaide Plains Council based on economies of scale lies within amalgamation possibilities of an adjoining Council.
<b>Question 1:</b>	<b>Have there been any discussions by current Administration of Adelaide Plains Council with Light Regional Council in regard to future amalgamation? If so please specify.</b>
<b>Answer:</b>	No.

16.2 Resignation of Staff

Councillor Jones gave notice of his intention to ask the following questions:
---



<b>Preamble</b>	
<b>Question 1:</b>	<b>How many staff resignations have there been in last 2 years?</b>
<b>Answer:</b>	For period 8 December 2015 to 8 December 2017 there have been 13 staff resignations/retirements (plus the former Chief Executive Officer).
<b>Question 2:</b>	<b>What was total pay out costs for APC of staff resignations in last 2 years?</b>
<b>Answer:</b>	Answer provided in Confidence in accordance with Sections 83(5) and 90(3)(a) and (g) of the <i>Local Government Act 1999</i> .

### 16.3 Governance Advisory Panel

Councillor Jones gave notice of his intention to ask the following questions:	
<b>Preamble</b>	
<b>Question 1:</b>	<b>What has been the total all inclusive costs of Adelaide Plains Council Governance Advisory Panel including all associated investigation costs from inception to December 2017?</b>
<b>Answer:</b>	<p><u>Period February 2016 to December 2017</u></p> <p>Governance Advisory Panel (GAP) Costs: \$20,915*</p> <p>*GAP costs include Independent Membership Sitting Fees (\$8,000), initial set-up costs (\$5,282), the provision of various legal advice and attendance of the legal advisor (\$7,633).</p> <p>Investigation Costs: \$10,238*</p> <p>*This cost constitutes the independent investigation relating to a Council Member Code of Conduct complaint, and is separate to the costs of the GAP.</p> <p><i>*Figures are GST exclusive</i></p>

### 16.4 Legal Fees

Councillor Jones gave notice of his intention to ask the following questions:	
<b>Preamble</b>	

<b>Question 1:</b>	<b>What are total legal costs incurred by Adelaide Plains Council across the organisation for 2017 calendar Year?</b>
<b>Answer:</b>	\$105,179
<b>Question 2:</b>	<b>What are total legal costs incurred by Adelaide Plains Council's department of Development and Community 2017 calendar year?</b>
<b>Answer:</b>	\$38,855
<b>Question 3:</b>	<b>What have been total legal costs in relation to all planning applications and approvals for last 3 calendar years to 2017?</b>
<b>Answer:</b>	\$151,067
<b>Question 4:</b>	<b>What total legal costs have been incurred by office of CEO year end 2017? please specify</b>
<b>Answer:</b>	\$14,129 (Kaurna Claim, GRFMA membership, Annual Retainer fee)
<b>Question 5:</b>	<b>What total legal costs have been incurred by office of Mayor year end 2017? please specify</b>
<b>Answer:</b>	Nil

#### 16.5 Contaminated Waste

Councillor Jones gave notice of his intention to ask the following questions:	
<b>Preamble</b>	
<b>Question 1:</b>	<b>What safety precautions were in place to protect council staff and Towns people of Two Wells when Asbestos contaminated building waste was handled, loaded and transported from TW transfer station to Carslake Road?</b>
<b>Question 2:</b>	<b>What precautions were taken to ensure drivers transporting ACW were adequately protected?</b>
<b>Question 3:</b>	<b>What protections were in place to ensure no airborne asbestos fibres were present during handling , loading and transport of ACW?</b>
<b>Question 4:</b>	<b>What systems are in place to monitor short and long term health of all workers involved in handling and transport of contaminated waste from TW to Carslake Road?</b>

Question 5:	What was the notification process to advise residents surrounding Two Wells Transfer Station that Asbestos Contaminated Waste had been identified at the facility?
Question 6:	What was the process by which Carslake Road property owner received confirmation that his land was being used by Council to dump asbestos contaminated building waste on his property?
Question 7:	What notification was sent by Council to all adjoining land owners with regard to asbestos contaminated building waste being dumped on Carslake Road property?
Question 8:	What Agency approvals were in place to legally dispose of asbestos contaminated building waste on private property Carslake Road? please specify EPA Act 1993 , licensing and regulations Development Act 1993 and regulations Other
Question 9:	What was Council planning to do with building waste by removing it to Carslake Road?
Question 10:	What accountability is there for removal ACW from Two Wells to Carslake Road?
Question 11:	What logical reason is there why building waste was removed to Carslake Road private property instead of Council owned Waste facility on Limerock Road licensed to receive such waste?
Question 12:	Has Two Wells transfer station and Carslake Road property been completely decontaminated and removed from EPA Asbestos register?
Question 13:	What is total all inclusive ACW remediation removal costs including initial transport to Carslake Road and lost Quarry rubble production down time?
Question 14:	Did Council initially receive any quotes to remove the ap 460 tonne of building waste from Two Wells transfer station to a Wingfield recycle co , please specify and what was original confirmed figure?
Question 15:	Is there confirmation Carslake Road property owner is satisfied and has signed off on completion of remediation works conducted Council at Quarry pit site?
Answer:	Answers to all questions will be provided to the 15 January 2018 Ordinary Council Meeting.

## 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

Nil



**19. MOTIONS WITHOUT NOTICE**

Nil

**20. URGENT BUSINESS**

Nil

**21. CONFIDENTIAL ITEMS**

## 16.2 Resignation of Staff

Moved Cr Lawrence

Seconded Cr Stubing

2017/ 406

"that:-

- a) 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 Development and Community, General Manager Infrastructure, General Manager Finance and Economic Development and Governance Support Officer be excluded from attendance at the meeting of the Council in order to consider in confidence Item 16.2 – *Resignation of Staff*;
- b) the Council is satisfied that it is necessary that the public be excluded to enable the Council to consider the answer to question 2 at the meeting:-
  - on the grounds provided by Sections 90(3)(a) and (g), information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead); and
  - being a matter that must be considered in confidence in order to ensure that the Council does not breach any law, order or direction or a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty; and
  - on the basis that information within the answer:-
    - contains information about the personal and financial affairs of Council employees, constituting details that form part of confidential agreements between Council and the employees; 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



Councillor Jones requested to view a copy of the legal advice sought from Norman Waterhouse Lawyers pertaining to the rationale behind the recommendation to receive and maintain this item in confidence. The legal advice was subsequently presented to the Chamber.

16.2 Moved Cr Stubing Seconded Cr Panella 2017/ 407

**“that, in accordance with Section 91(7) and Section 91(9) of the *Local Government Act 1999* and on the grounds that the answer to question 2 of Item 16.2 – *Resignation of Staff* for the meeting of the Council held on 18 December 2017, was received in confidence pursuant to Section 90(3)(a) and (g) of the *Local Government Act 1999*, this meeting of the Council, does order that:-**

- (a) the agenda item, answer, 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;**
- (b) the confidentiality of the matter be reviewed once in each 12 months; and**
- (c) the Chief Executive Officer be delegated the authority to review and revoke all or part of the order herein pursuant to Section 91(9)(c) of the *Local Government Act 1999*.”**

**CARRIED**

## 21.1 Australia Day Awards 2018

Moved Cr Panella Seconded Cr Lawrence 2017/ 408

“that:-

- a) 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 Development and Community, General Manager Infrastructure, General Manager Finance and Economic Development and Governance Support Officer be excluded from attendance at the meeting of the Council in order to consider in confidence Item 21.1 – *Australia Day Awards 2018*;
- b) 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 the Australia Day Nominees; and
    - it would be unreasonable to disclose this information prior to the Award Recipients being notified.
- c) 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 Panella Seconded Cr Stubing 2017/ 409

“that Council, having considered Item 21.1 – *Australia Day Awards 2018*, dated 18 December 2017, receives and notes the report and in doing so:-

1. awards Phillip Earl as the recipient of the Citizen of the Year Award; and
2. awards ‘The Two Wells RSL Branch Project’ as the recipient of the Community Project of the Year”

**CARRIED**

21.1 Moved Cr Panella Seconded Cr Lawrence 2017/ 410

“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 – *Australia Day Awards 2018* for the meeting of the Council held on 18 December 2017, was received, discussed and considered in confidence pursuant to Section 90(3)(a) of the *Local Government Act 1999*, this

meeting of the Council, does order that:

- (a) the agenda item, report and attachments 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 the Award Recipients have been notified by Council's administration;
- (b) the confidentiality of the matter be reviewed once in each 12 months; and
- (c) the Chief Executive Officer be delegated the authority to review and revoke all or part of the order herein pursuant to Section 91(9)(c) of the *Local Government Act 1999*."

CARRIED

## 21.2 Land Acquisition Reserve Funding Options

Moved Cr Lawrence

Seconded Cr Di Troia

2017/ 411

"that:-

- a) 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 Development and Community, General Manager Infrastructure, General Manager Finance and Economic Development and Governance Support Officer be excluded from attendance at the meeting of the Council in order to consider in confidence Item 21.2 – *Land Acquisition Reserve Funding Options*;
- b) 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
    - would, on balance, be contrary to the public interest.
  - on the basis that information within the report and attachments:-
    - contains commercial information of a confidential nature the disclosure of which could prejudice the commercial position of the supplier; and
    - It would be contrary to the public interest to disclose this

information.

- c) 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

21.2 Moved Cr Lawrence Seconded Cr Di Troia 2017/ 412

“that Council, having considered Item 21.2 – *Land Acquisition Reserve Funding Options*, dated 18 December 2017, receives and notes the report and in doing so:-

1. Supports Option 1 – Cost of the land purchase to be met from a once off withdrawal from GRFMA cash reserves; and
2. Advises the GRFMA of its preferred position.”

CARRIED

21.2 Moved Cr Lawrence Seconded Cr Stubing 2017/ 413

“that, in accordance with Section 91(7) and Section 91(9) of the *Local Government Act 1999* and on the grounds that Item 21.2 – *Land Acquisition Reserve Funding Options* for the meeting of the Council held on 18 December 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 attachments 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 such time that the GRFMA advises that the matter can be released;
- (b) the confidentiality of the matter be reviewed once in each 12 months; and
- (c) the Chief Executive Officer be delegated the authority to review and revoke all or part of the order herein pursuant to Section 91(9)(c) of the *Local Government Act 1999*.”

CARRIED

## 22. CLOSURE

There being no further business, the Mayor declared the meeting closed at 8:37pm.

Confirmed as a true record.



Mayor:  .....

Date: 18 / 12 / 2017

