

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, 20 February 2017

The Mayor formally declared the meeting open at 6.30 pm.

1. **ATTENDANCE**

1.1 **Present:**

Mayor A J (Tony) Flaherty OAM JP
 Cr S M (Marcus) Strudwicke
 Cr Karen McColl
 Cr Stephen Jones
 Cr Carmine Di Troia
 Cr P D (Joe) Daniele
 Cr Anne Picard

Also in Attendance:

Chief Executive Officer	Mr James Miller
General Manager, Governance and Communications	Ms Sheree Schenk
General Manager, Infrastructure	Mr Martin Waddington
General Manager, Development and Community	Mr Robert Veitch
General Manager, Finance and Economic Development	Mr Rajith Udugampola
Governance Support Officer	Mr Rob Adam
Minute Secretary	Ms Andrea Humphrys

1.2 **Apologies**

Cr Melville Lawrence
 Cr Terry-Anne Keen
 Cr Eddie Stubing

1.3 **Not Present / Leave of Absence**

Nil

2. **CONFIRMATION OF MINUTES**

2.1	<div> <div>Council Resolution</div> <div>2017/ 023</div> <div>Moved Cr Strudwicke Seconded Cr McColl</div> <div>“that the minutes of the Ordinary Council meeting held on Monday 16 January 2017 (MB Folios 13446 to 13460, inclusive), be accepted as read and confirmed.”</div> <div>CARRIED</div> </div>
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3. **BUSINESS ARISING**

No Business Arising

4. **ADJOURNED BUSINESS**

No Adjourned Business

5. **DECLARATION OF MEMBERS' INTEREST**

- 5.1 The Mayor declared an interest in Item 9.1 – *Governance Advisory Panel, Policy Review – Council Members Allowances and Benefits Policy* and advised that he will vacate the chamber when the item is before the Elected Body.

6. **OPEN FORUM**

The Mayor sought leave of the meeting to suspend Part 2 of the *Local Government Act (Procedures at Meetings) Regulations 2013*, for a period of 10 minutes to facilitate 'Open Forum'. The meeting was suspended at 6.33 pm.

The following speakers addressed Council in relation to Open Forum:

- | | | |
|-----|------------------------|------------------|
| 6.1 | Mick Tennant | <i>Two Wells</i> |
| | John Lush | <i>Mallala</i> |
| | Neil Slater | <i>Mallala</i> |
| | Margaret Tiller | <i>Mallala</i> |

The meeting resumed a 6.44 pm.

7. **BRIEFINGS**

- 7.1 Anne Moroney, Chief Executive Officer of Regional Development Australia Barossa, provided Council with a 25 minute briefing in relation to the forthcoming China mission and trade and export opportunities for our region.

8. **MAYOR'S REPORT**

- 8.1 Meetings Attended and / or Discussions Held – Mayor Flaherty

Monday 16 January 2017

Pre Council Meeting – Mayor / CEO and General Managers
Ordinary Council Meeting

Tuesday 17 January 2017

Mayor / Acting CEO Meeting

Wednesday 18 January 2017

Mayor / General Manager Development and Community – Two Wells Growth

Thursday 19 January 2017

Ratepayer meeting – various matters

Friday 20 January 2017

Mayor / Acting CEO Meeting – general discussion in CEO's absence

Tuesday 24 January 2017

Governance Advisory Panel Meeting

Mayor / Deputy Mayor / CEO Monthly Meeting

Thursday 26 January 2017

Australia Day Ceremony - Mallala

Monday 30 January 2017

Meeting with Director of Greenwheat Freekah and CEO – Confidential

Norman Waterhouse Lawyers - Confidential

Tuesday 31 January 2017

Ratepayer / Mayor / General Manager Infrastructure – Two Wells Cemetery

Wednesday 1 February 2017

Mayor / CEO Meeting – various matters

Thursday 2 February 2017

Mayor / CEO Meeting – various matters

Monday 6 February 2017

Mayor / Elected Member / CEO Meeting – various matters

Tuesday 7 February 2017

Toured coastal settlements, primarily Thompson Beach

Thursday 9 February 2017

Ratepayer / Mayor / Development Services Staff – Mallee Court

Friday 10 February 2017

Consultants Terry Bell and Helen Smith – Tourist accommodation opportunities Two Wells

Monday 13 February 2017

Mayor / Councillor Jones / CEO / General Manager Infrastructure – various matters

Elected Members Informal Gathering

Tuesday 14 February 2017

Mayor / CEO Meeting

Wednesday 15 February 2017

Ratepayer / Mayor meeting – Mallee Court Infrastructure

Mayor / CEO Meeting



Thursday 16 February 2017

Ratepayer / Mayor meeting – Oakford Estate

Mayor / CEO Meeting

Friday 17 February 2017

Audit Committee Meeting

9. MINUTES AND/OR RECOMMENDATIONS

9.1 **Governance Advisory Panel**

Minutes of meeting held 24 January 2017

At this juncture, 7.09 pm, Mayor Flaherty left the chamber having declared an interest in the first recommendation of the Governance Panel at Item 9.1 – *Governance Advisory Panel, Policy Review – Council Members Allowances and Benefits Policy*.

In the absence of the Deputy Mayor, Council's Chief Executive Officer, James Miller, chaired the meeting until the temporary appointment of a Presiding Member.

Councillor Picard nominated Councillor Strudwicke to chair the meeting. Councillor Strudwicke accepted the nomination.

Council Resolution	2017/ 024
Moved Cr Picard	Seconded Cr McColl
"that Councillor Strudwicke chair the meeting until Mayor Flaherty returns to the chamber."	
CARRIED	

9.1 Policy Review – Council Members Allowances and Benefits Policy

Council Resolution	2017/ 025
Moved Cr Picard	Seconded Cr Jones
"that administration bring back a report on the options available for the Mayor to record his fuel use for his motor vehicle."	
CARRIED	

At this juncture, 7.16 pm, Mayor Flaherty returned to the chamber.



- 9.1 **Formal Motion** **2017/ 026**
- Moved Cr Strudwicke Seconded Cr Jones
- “that the motion to consider amending the Council Members Allowances and Benefits Policy be adjourned until the next meeting of Council”.
- CARRIED**

9.2 **Strategic Planning and Development Policy Committee**

No Minutes

9.3 **Audit Committee**

No Minutes

9.4 **Chief Executive Officer Review Committee**

No Minutes

9.5 **Environmental Management Advisory Committee**

No Minutes

9.6 **Community Development and Advisory Committee**

No Minutes

9.7 **Mallala and Districts Homes Committee**

No Minutes

9.8 **Mallala and Districts Historical Committee**

Minutes from meeting held 8 February 2017

10. **ASSOCIATED ORGANISATIONS**

10.1 **Gawler River Floodplain Management Authority**

Minutes of meeting held 8 December 2016

Minutes of meeting held 22 December 2016 – Confidential

10.2 **Central Local Government Region**

No Minutes



11. QUESTIONS ON NOTICE

11.1 Salt Creek Foot Bridge – Two Wells

Councillor Jones gave notice of his intention to ask the following questions:	
Preamble	With current and an expected increase of local storm water inflows from Two Wells residential development growth bounding Salt Creek, increase of mosquito presence complaints and exacerbated recently by rain event of 75mm +, it appears evident each rain event large area of water backs up behind Salt Creek Pedestrian walkway, in interest of accountability good governance and what water flow issues were considered including any public consultation prior to development approval process of Salt Creek Pedestrian crossing I ask following questions.
Question 1:	Is Salt Creek Pedestrian walkway on Council land?
Answer:	
Question 2:	When was construction of Salt Creek Pedestrian walkway approved by CDAP and were any conditions attached? please specify
Answer:	
Question 3:	Was consideration given to pedestrian walkway design as foot bridge adjacent to bridge line and level rather than follow contour down into creek bed?
Answer:	
Question 4:	What agencies were consulted during approval process of Salt Creek Pedestrian crossing? please specify
Answer:	
Question 5:	What information was provided with application regarding likely increased water flows as result of increase development growth within local Salt Creek catchment area?
Answer:	
Question 6:	As its been threatened a number of times in past by member that in event of flooding from Salt Creek landowners would sue for compensation from Adelaide Plains Council, what liability exists for APC in event of flooding of private land from Salt Creek?
Answer:	



*** After a meeting held between Management, Mayor Flaherty and Councillor Jones, it has been agreed that amended questions will be presented and answered, at the 20 March 2017 Ordinary Council Meeting.*

11.2 Bakers Road Ford Upgrade – Scope of Project

Councillor Jones gave notice of his intention to ask the following questions:	
Preamble	September 30 edition of Bunyip Press contained article re Baker Ford upgrade , the article stated that Mallala Council was forced to spend an extra \$234,785 on the project after contractor made changes to works due to sub grade conditions and two organisations Telstra and SA Water called for their infrastructure to be relocated as result of works , initial project was expected to cost \$417,000 but ended up at \$630,596 , Mayor Kennington at time was quoted over budget cost was managed through "incidental budget savings" further the article stated the upgrade will see a span-deck bridge installed at the ford, as public interest in this matter has continued I ask the following Questions:
Question 1:	Was a project manager appointed to oversee works? Please specify
Answer:	
Question 2:	What was the technical nature of changes contractor made to original project? Please specify in detail and why an sub grade conditions were not taken into consideration in original quote
Answer:	
Question 3:	What communications were entered into (email, letter etc) with Telstra and SA Water prior to works commencing and are copies in Council records?
Answer:	
Question 4:	The spin "incidental budget savings" that managed budget glow out, in financial terms exactly how was that shortfall managed?
Answer:	
Question 5:	In the exacting definition of a span-deck bridge is Baker Ford crossing defined in that category?
Answer:	

*** After a meeting held between Management, Mayor Flaherty and Councillor Jones, it has been agreed that amended questions will be presented and answered, at the 20 March 2017 Ordinary Council Meeting.*



12. QUESTIONS WITHOUT NOTICE

Rules from Local Government Act 1999 Regulations:-

Questions and replies are not entered in the minute book unless expressly required by resolution.

No debate shall be allowed on any question or reply to any question.

13. PETITIONS

Nil

14. DEPUTATIONS

Nil

15. MOTIONS ON NOTICE**15.1 Corporate Communications**

Council Resolution	2017/ 027
Moved Mayor Flaherty Seconded Cr McColl	
"that Council instructs the Chief Executive Officer to bring a report back to the Chamber which outlines the various means of communications between the elected body and management over the preceding three month period. The report to provide a breakdown of whether communications are strategic or operational matters, and administrative resources allocated to communication responses."	
	CARRIED

Cr Strudwicke called for a Point of Order as the debate was closed.

The Mayor accepted the Point of Order.

16. ITEMS FOR NOTING / INFORMATION**16.1 Council Resolutions/Action Report**

Council Resolution	2017/ 028
Moved Cr Strudwicke Seconded Cr Jones	
"that Council, having considered Item 16.1 - <i>Council Resolutions/Action Report</i> , dated 20 February 2017, receives and notes the report."	
	CARRIED



16.2 Hook Line and Thinker

Council Resolution **2017/ 029**
 Moved Cr Strudwicke Seconded Cr McColl
 "that Council, having considered Item 16.2 - *Hook Line and Thinker*, dated 20 February 2017, receives and notes the report."
CARRIED

16.3 Proposed Grazing Lease and Community Consultation

Council Resolution **2017/ 030**
 Moved Cr Strudwicke Seconded Cr Daniele
 "that Council, having considered Item 16.3 — *Proposed Grazing Lease and Community Consultation*, dated 20 February 2017, receives and notes the report."
CARRIED

16.4 Lewiston Playground Fencing

Council Resolution **2017/ 031**
 Moved Cr McColl Seconded Cr Strudwicke
 "that Council, having considered Item 16.4 – *Lewiston Playground Fencing*, dated 20 February 2017, receives and notes the report."
CARRIED

16.4 **Council Resolution** **2017/ 032**
 Moved Cr McColl Seconded Cr Daniele
 "that Council, having considered Item 16.4 – *Lewiston Playground Fencing*, dated 20 February 2017, request that a further report be brought back outlining Council's liabilities and risk associated with children accessing Hayman Road from the playground site, with an internal risk assessment, fencing solutions and signage to be included together with all associated costs."
CARRIED



16.5 Lewiston Community Focal Point Study – Issues and Opportunities

Council Resolution**2017/ 033**

Moved Cr Strudwicke

Seconded Cr Picard

“that Council, having considered Item 16.5 - *Lewiston Community Focal Point study – Issues and Opportunities*, dated 20 February 2017, receives and notes the report.”

CARRIED**17. ITEMS FOR DECISIONS**

17.1 Sealing of Hart Road, Lower Light

Council Resolution**2017/ 034**

Moved Cr Daniele

Seconded Cr Strudwicke

“that Council having considered Item 17.1 – *Sealing of Hart Road, Lower Light*, dated 20 February 2017, authorises the Chief Executive Officer to lodge an application for grant funding of \$375,000 under Building Better Region Fund.”

CARRIEDDivision

Councillor Daniele called for a division.

The Mayor declared the vote set aside.

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

Members voting in the negative: Councillor Jones.

The Mayor declared the motion CARRIED

17.1

Council Resolution**2017/ 035**

Moved Cr Daniele

Seconded Cr McColl

“that Council having considered Item 17.1 – *Sealing of Hart Road, Lower Light*, dated 20 February 2017, authorises the Chief Executive Officer to seal 2.53kms of Hart Road from Port Wakefield Road to Days Egg Pty Ltd as part of its 2017/2018 Capital Works Program if the grant application is successful with the Federal Government and Days Egg Pty Ltd contributes \$150,000 towards the cost of the project.”

CARRIED

Division

Councillor Daniele called for a division.

The Mayor declared the vote set aside.

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

Members voting in the negative: Councillors Jones, Strudwicke and Picard.

The Mayor exercised his casting vote in the affirmative.

The Mayor declared the motion CARRIED

17.2 First Budget Update - 2016/2017 Report

Council Resolution	2017/ 036
Moved Cr Strudwicke	Seconded Cr McColl
<p>"that Council, having considered Item 17.2 - <i>First Budget Update 2016/2017 Report</i>, dated 20 February 2017;</p> <ul style="list-style-type: none"> • receives and notes the report, • receives and notes the project progress reports contained in Attachment 1, and • Pursuant to Regulation 9 (1) (a) of the <i>Local Government (Financial Management) Regulations 2011</i>, adopts the Budgeted Uniform Presentation of Finances as contained within Attachment 2." 	
CARRIED	

17.3 Mallala Community Arts Inc – Exercise of Lease Renewal

Council Resolution	2017/ 037
Moved Cr Strudwicke	Seconded Cr Jones
<p>"that Council, having considered Item 17.3 – <i>Mallala Community Arts Inc – Exercise of Lease Renewal</i>, dated 20 February 2017, authorise Council staff to grant a right of renewal of the Lease of the Mallala Institute to the Mallala Community Arts Inc for a further five (5) years from 28 March 2017 to 27 March 2022, subject to <i>Item 8 – Public Risk Insurance</i> in the First Schedule being increased to \$20 million."</p>	
CARRIED	



17.4 Section 270 Review – Hayman Road Playground

Council Resolution**2017/ 038**

Moved Cr Jones

Seconded Cr Strudwicke

“that Council, having considered Item 17.4 – Section 270 Review – Hayman Road Playground, dated 20 February 2017, receives and notes the report.”

CARRIED

17.4

Council Resolution**2017/ 039**

Moved Cr Strudwicke

Seconded Cr Daniele

“that Council, having considered Item 17.4 – Section 270 Review – Hayman Road Playground, dated 20 February 2017 and undertaken its review of the matter in accordance with Council’s Internal Review of Council Decisions Procedure, finds that the relocation of the access/egress to the playground from Hayman Road to Pederick Road (including the car park) was the best possible decision in the circumstances.”

Division

Councillor Jones called for a division.

The Mayor declared the vote set aside.

Members voting in the affirmative: Councillors Daniele, Strudwicke and McColl.

Members voting in the negative: Councillors Jones, Di Troia and Picard.

The Mayor exercised his casting vote in the affirmative.

The Mayor declared the motion CARRIED

17.4

Council Resolution**2017/ 040**

Moved Cr Strudwicke

Seconded Cr Daniele

“that Council, having considered Item 17.4 – Section 270 Review – Hayman Road Playground, dated 20 February 2017, affirms its decisions of 9 June 2015 and dismisses the application for review.”

CARRIED


Division

Councillor Jones called for a division.

The Mayor declared the vote set aside.

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

Members voting in the negative: Councillor Jones.

The Mayor declared the motion CARRIED

17.4

Council Resolution**2017/ 041**

Moved Cr Strudwicke Seconded Cr Daniele

"that Council, having considered Item 17.4 – *Section 270 Review – Hayman Road Playground*, dated 20 February 2017, instructs Council administration to write to the Applicant to advise her of the outcome of its review, in accordance with Council's 'Internal Review of Council Decisions Procedure'."

CARRIED

17.4

Council Resolution**2017/ 042**

Moved Cr Jones Seconded Cr Strudwicke

"that Council, having considered Item 17.4 – *Section 270 Review – Hayman Road Playground*, dated 20 February 2017, notes that the Chief Executive Officer will give consideration to what action, if any, is required with respect to the investigator's additional recommendations contained at paragraph 5.5 of the investigator's report, and take such action as deemed appropriate."

CARRIED

Cr Strudwicke called for a Point of Order as the content of the debate is in breach of the Code of Conduct for Council Members.

The Mayor accepted the Point of Order.



17.5 Essential Services Commission of South Australia (ESCOSA) Licensing Policy Introduction

Council Resolution

2017/ 043

Moved Cr Strudwicke Seconded Cr McColl

"that Council, having considered Item 17.5 - *Essential Services Commission of South Australia (ESCOSA) Licensing Policy Introduction*, dated 20 February 2017, receives and notes the report".

CARRIED

17.5

Council Resolution

2017/ 044

Moved Cr Daniele Seconded Cr Strudwicke

"that Council, having considered Item 17.5- *Essential Services Commission of South Australia (ESCOSA) Licensing Policy Introduction*, dated 20 February 2017, endorses the Community Wastewater Management System Policy as appended to (**Attachment 1**) to the report".

CARRIED

17.6 Asset Management Plan

Council Resolution

2017/ 045

Moved Cr Strudwicke Seconded Cr McColl

"that Council, having considered Item 17.6 - *Asset Management Plan*, dated 20 February 2017, endorses the Asset Management Plan as being suitable for the purpose of releasing for public consultation."

CARRIED

18. **URGENT BUSINESS**

Nil

19. **CONFIDENTIAL ITEMS**

19.1 Legal Services Retainer

Council Resolution

2017/ 046

Moved Cr Strudwicke Seconded Cr McColl

"that under the provisions of Section 90(2) and (3)(d) of the *Local Government Act 1999*, an order be made with the exception of the Chief Executive Officer, General Managers and Minute Secretary, all other persons



present and the public be excluded from attendance at the meeting in order to consider in confidence a briefing titled:-

19.1 – Legal Services Retainer:

- (d) commercial information of a confidential nature (note being a trade secret) the disclosure of which;
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party;
 - (ii) would, on balance, be contrary to the public interest;

That accordingly, on this basis, the principle that meetings of Adelaide Plains Council should be conducted in a place open to the public has been outweighed by the need to keep discussion confidential”.

CARRIED

19.1

Council Resolution

2017/ 047

Moved Cr Strudwicke Seconded Cr Jones

“that Council, having considered Item 19.1 – *Legal Services Retainer*, dated 20 February 2017, receives and notes the report and in doing so, instructs the Chief Executive Officer to write to the following law firms requesting their respective fee for service for the period 2017-2018:-

- Norman Waterhouse Lawyers;
- Kelledy Jones Lawyers;
- Wallmans Lawyers; and
- Minter Ellison Lawyers.”

CARRIED

19.1

Council Resolution

2017/ 048

Moved Cr Strudwicke Seconded Cr McColl

“that, in accordance with Section 91(7) and Section 91(9) of the Local Government Act 1999 and on the grounds that Item:-

19.1 – Legal Services Retainer

for Council meeting held on 20 February 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 annexures 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 further order of the Council."

CARRIED

19.2 Gawler River Floodplain Management Authority - Charter

Council Resolution

2017/ 049

Moved Cr Strudwicke Seconded Cr Jones

"that under the provisions of Section 90(2) and (3)(h) of the *Local Government Act 1999*, an order be made with the exception of the Chief Executive Officer, General Managers and Minute Secretary, all other persons present and the public be excluded from attendance at the meeting in order to consider in confidence a briefing titled:-

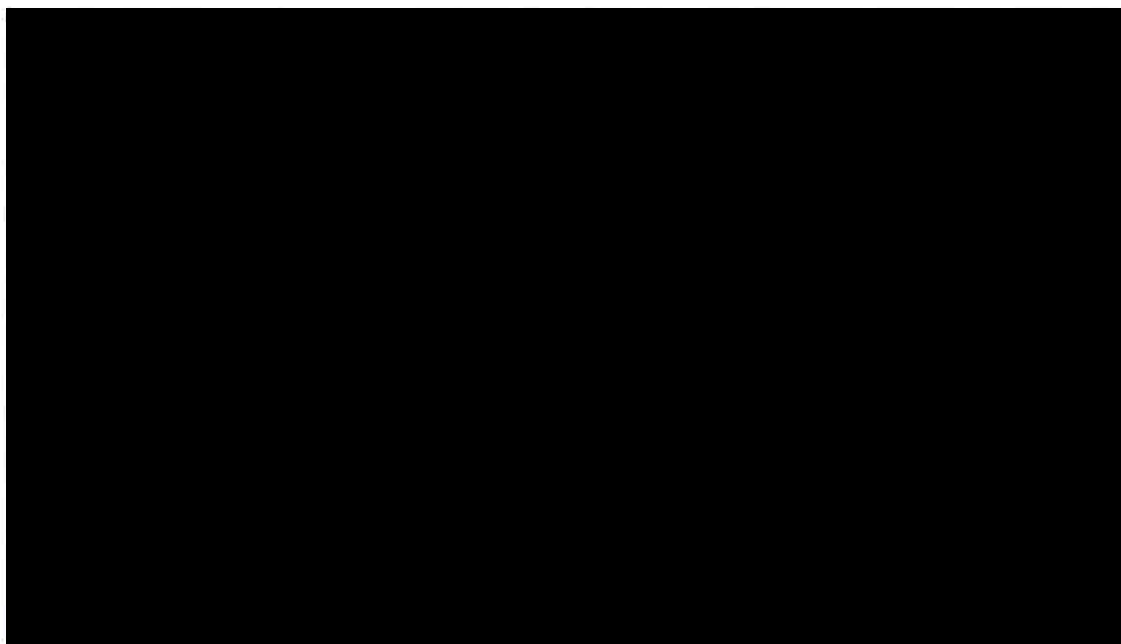
19.2 – *Gawler River Floodplain Management Authority*:

(h) legal advice;

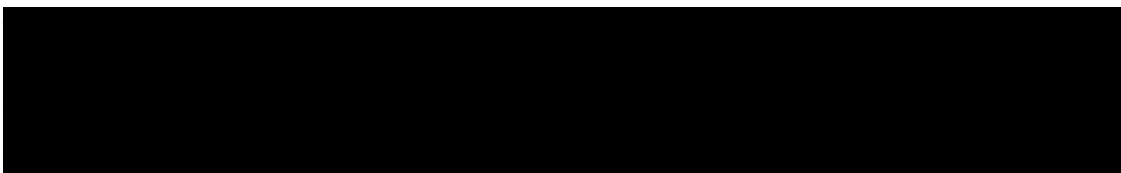
That accordingly, on this basis, the principle that meetings of Adelaide Plains Council should be conducted in a place open to the public has been outweighed by the need to keep discussion confidential."

CARRIED

19.2



19.2




19.2

19.2

Council Resolution**2017/ 053**

Moved Cr Picard Seconded Cr Strudwicke

"that, in accordance with Section 91(7) and Section 91(9) of the Local Government Act 1999 and on the grounds that Item:-

19.2 – Gawler River Floodplain Management Authority:

for Council meeting held on 20 February 2017, was received, discussed and considered in confidence pursuant to Section 90 (3)(h) of the Local Government Act 1999, this meeting of the Council, does order that:

(a) the agenda item, report, annexures and the minutes of this meeting, with the exception of resolution 2017/052, in relation to the matter remain confidential and not available for public inspection until further order of the Council."

CARRIED


At this juncture, 9.19 pm Cr Di Troia left the chamber.

At this juncture, 9.20 pm Cr Di Troia returned to the chamber.

20. OTHER BUSINESS

Prior to closing the meeting, the Mayor took the opportunity to again commend staff for the wonderful Mallala Council Chamber refurbishment, following Council's decision to upgrade the chamber as part of Council's rebranding initiative.

Elected Members and Management echoed the sentiments of the Mayor following general discussion.

There being no further business, the Mayor declared the meeting closed at 9.27 pm.

Confirmed as a true record.

Mayor: 

Date: 7 / 4 / 17