

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, 15 January 2018

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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
Councillor Melville Lawrence
Councillor S M (Marcus) Strudwicke
Councillor Terry-Anne Keen
Councillor Eddie Stubing
Councillor Stephen Jones
Councillor P D (Joe) Daniele
Councillor Karen McColl
Councillor Carmine Di Troia
Councillor Margherita Panella

Also in Attendance:

General Manager, Finance and Economic Development	Mr Rajith Udugampola
General Manager, Governance and Communications	Ms Sheree Schenk
General Manager, Infrastructure	Mr Martin Waddington
General Manager, Development and Community	Mr Robert Veitch
Minute Secretary	Ms Andrea Post

1.2 Apologies:

Nil

1.3 Not Present / Leave of Absence:

Nil



2. CONFIRMATION OF MINUTES

2.1 Confirmation of Council Minutes – Ordinary Meeting held 18 December 2017

Moved Councillor Strudwicke Seconded Councillor Lawrence **2018/001**

“that the minutes of the Ordinary Council Meeting held on Monday 18 December 2017 (MB Folios 13681 to 13697, 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)

5.1 Councillor McColl declared a perceived conflict of interest in item 18.2 - *GRFMA – Request for Deputation (SA Best)*.

Councillor Strudwicke raised a Point of Order on the basis that a reason is required to be given when declaring a conflict of interest.

The Mayor accepted the Point of Order.

Councillor McColl stated that she is “a Liberal Party Candidate for Light.”

6. 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 15 minutes to facilitate ‘Open Forum’. The meeting was suspended at 6:31pm.

Name: Alvin Jenkin

Town/Location: Port Parham

Topics Discussed

- Speaking to Item 14.4 - *Mallala Camping Ground – Update on Lease Negotiations - Parham Camping Ground*

Name: Neil Slater

Town/Location: Mallala

Topics Discussed

- Speaking to Item 14.4 - *Mallala Camping Ground – Update on Lease Negotiations - Mallala Oval*



Name: Margaret Tiller

Town/Location: Mallala

Topics Discussed

- Speaking to Item 14.4 - Mallala Camping Ground – Update on Lease Negotiations - Mallala Oval
- Speaking to Item 15.6 – Pine Trees Two Wells Memorial

The meeting resumed at 6:45pm

7. MAYOR'S REPORT

Monday, 18 December 2017

Mayor / Deputy Mayor / CEO – Pre Council Meeting
Ordinary Council Meeting

Saturday, 30 December 2017

Meeting with CEO

Wednesday, 3 January 2018 – Monday, 8 January 2018

Mayor / CEO Meeting

Photo with CEO

Photo with other Mayors

Meeting with CEO, Norman Waterhouse Lawyers and Ball Public Relations – Governance Matters

Monday, 15 January 2018

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 Arkellah Irving, Ian Falkenberg and Anthony Fox - Adelaide International Bird Sanctuary (AIBS) gave a 50 minute briefing regarding the Management Plan Consultation.



Councillor Strudwicke raised a Point of Order on the basis that it is possible for leave of the meeting to be granted by way of a formal resolution of the meeting.

Formal Motion

“that formal proceedings of the meeting be stopped to accommodate for Nadia Matko – Executive Director and Co-Founder of Red Centre Enterprises, to address the chamber and introduce herself to Council and community members.”

CARRIED

The meeting resumed at 7:32pm

Nil

Nil

Nil

14.1 Gawler River Floodplain Management Authority – Withdrawal Request Update

“that Council, having considered Item 14.1 – *Gawler River Floodplain Management Authority – Withdrawal Request*, dated 15 January 2018, receives and notes the report and in doing so endorses the Mayor signing the draft letter to the Minister for Local Government dated 15 January 2018 in which an extension of time is sought by Council to respond to the Minister’s letter dated 14 December 2017.”

CARRIED

14.2 Establishment of a Business Council for the Adelaide Plains

Moved Councillor Strudwicke Seconded Councillor McColl 2018/004

“that Council, having considered Item 14.2 – *Establishment of a Business Council for the Adelaide Plains*, dated 15 January 2018, receives and notes the report and in doing so, and in consideration of the approach recommended by the Chief Executive Officer of RDA Barossa, Gawler, Light and Adelaide Plains:-

1. Defers the notion of establishing a Business Council at this juncture to firstly enable a series of ‘Business Breakfasts’ to take place within the Adelaide Plains region. This approach allows the organic growth of connecting business leaders with business leaders, networks forging and opportunities emerging. The Business Council concept may then be raised as a key item of business at one of these forums with the Business Breakfasts to be jointly facilitated by Council and RDA; and
2. Further, as the Business Council concept was first raised by the Adelaide Plains Ratepayers and Residents Association, the Chief Executive Officer (or delegate) be authorised to engage with the President of the APRRA in the development of this program.”

CARRIED

At this juncture 7:35pm, Councillor Keen left the meeting.

At this juncture 7:37pm, Councillor Lawrence left the meeting.

At this juncture 7:37pm, Councillor Lawrence re-entered the meeting.

14.3 Economic Development Officer Initiative

Moved Councillor Strudwicke Seconded Councillor Lawrence 2018/005

“that Council, having considered Item 14.3 – *Economic Development Officer Initiative*, dated 15 January 2018, receives and notes the report and in doing so:-

1. Acknowledges the significant economic development program within the Adelaide Plains Council region and the importance of adequately resourcing this;
2. Encourages the Chief Executive Officer to continue to explore external funding opportunities to allow for the resourcing of an Economic Development Officer;
3. Endorses the Chief Executive Officer’s proposal to engage a suitably qualified person through an internal promotion opportunity on a fixed 18 month contract to undertake the duties of an Economic Development Officer on a 0.4-0.6FTE basis; and
4. Acknowledges that in the event such a position cannot be funded externally, supports the Chief Executive Officer’s concept of funding the role from within current budgetary constraints, mindful that there may be some minor

adjustments to the 2017/18 budget as a result.”

CARRIED

14.4 Mallala Camping Ground – Update on Lease Negotiations

Councillor Strudwicke raised a Point of Order on the basis that for debate or discussion to continue, the motion is to be moved and seconded.

The Mayor accepted the Point of Order.

Moved Councillor Strudwicke Seconded Councillor Lawrence **2018/006**

“that Council, having considered Item 14.4 – *Mallala Camping Ground – Update on Lease Negotiations*, dated 15 January 2018, receives and notes the report and in doing so instructs the Chief Executive Officer to call for public expression of interest to develop, operate and maintain Mallala Camping ground and Parham Camping Ground on behalf of the Council and negotiate with such interested parties to draft a lease agreement.”

Councillor Strudwicke raised a Point of Order on the basis that information pertaining to the ablution block may be of confidential content.

The Mayor accepted the Point of Order.

Councillor Panella raised a Point of Order.

Councillor Strudwicke raised a Point of Order on the basis that a Point of Order relates only to a breach of the provisions of the Act, Regulations or Code of Practice – Meeting Procedures.

The Mayor accepted the Point of Order.

Councillor Panella raised a Point of Order.

The Mayor called to order Councillor Panella for seeking to raise a Point of Order without providing the breach and advised that she had already spoken in relation to the motion.

The Mayor declared the vote tied

The Mayor exercised his casting vote in the affirmative

CARRIED

14.5 2018/2019 Annual Business Plan, 2018/2019 Budget and 2019-2028 Long Term Financial Plan Development Framework

Moved Councillor Strudwicke Seconded Councillor Daniele **2018/007**

“that Council, having considered Item 14.5 – *2018/2019 Annual Business Plan, 2018/2019 Budget and 2019-2028 Long Term Financial Plan Development Framework*,

dated 15 January 2018, receives and notes the report and in doing so:-

1. Endorsed in principle the schedule set out in Table 1 as the process to be undertaken in the preparation of the 2018/2019 Annual Business Plan (ABP), 2018/2019 Budget and 2019-2028 Long Term Financial Plan; and
2. Endorses the following budget parameters and assumptions in principle for the purpose of preparing the draft 2018/2019 Annual Business Plan and 2018/2019 Budget.
 - The Recurrent Operating Budget be prepared based on “business as usual” basis;
 - Maximum Material, Contracts and Other Expenses cost escalation be set at 2.79% in the absence of any other reliable way of estimating “Materials, Contracts and Other Expenses”;
 - Wages and Salaries increases by 2.00% being the year two (2) of the current Enterprise Bargaining Agreements;
 - Fees and charges not set by Legislation and decided by the Council be increased by 2.79% as a minimum;
 - New Capital Projects to be considered and approved within the constraints of the LTFP;
 - New services and one off projects to be funded through Rate Revenue increases or by expenditure savings;
 - New capital projects are funded through a mixture of rate increases, expenditure savings, new grant funding and long term borrowings; and
 - Council continue to review its operations to identify costs savings and productivity improvements”.

CARRIED

14.6 Regional Planning Boards – Joint Planning Arrangements

Moved Councillor Strudwicke Seconded Councillor Lawrence **2018/008**

“that Council, having considered Item 14.6 – *Regional Planning Boards – Joint Planning Arrangements*, dated 15 January 2018:-

1. Receives and notes the report; and,
2. Authorises the Chief Executive Officer to formally write to the Director Development and Environmental Services of The Barossa Council as lead representative for the region advising Council’s support for continuation in the Planning Arrangements Pilot Project, and accepting the funding arrangement as proposed by the Project Working Advisory Group.”

CARRIED

15. REPORTS FOR INFORMATION



15.1 Council Resolutions/Actions Report

Moved Councillor Lawrence Seconded Councillor Di Troia 2018/009

“that Council, having considered Item 15.1 – *Council Resolutions/Action Report*, dated 15 January 2018, receives and notes the report.”

CARRIED

15.2 Community and Staff Satisfaction Survey

Moved Councillor Lawrence Seconded Councillor McColl 2018/010

“that Council, having considered Item 15.2 – *Community and Staff Satisfaction Survey* dated 15 January 2018, receives and notes the report.”

CARRIED

15.3 Strategic Plan 2017-2020: Minor Amendment

Moved Councillor Strudwicke Seconded Councillor Lawrence 2018/011

“that Council, having considered Item 15.3 – *Strategic Plan 2017-2020: Minor Amendment*, dated 15 January 2018, receives and notes the report and in doing so acknowledges the amendment required to the Strategic Plan to reflect Council’s Core Values.”

CARRIED

15.4 Library and Community Services – Quarterly Report – October to December 2017

Moved Councillor McColl Seconded Councillor Lawrence 2018/012

“that Council, having considered Item 15.4 – *Library and Community Services – Quarterly Report – October to December 2017*, dated 15 January 2018, receives and notes the report.”

CARRIED

15.5 Coastal Flood Mitigation Works

Moved Councillor Daniele Seconded Councillor Strudwicke 2018/013

“that Council, having considered Item 15.5 – *Coastal Flood Mitigation Works*, dated 15 January 2018, receives and notes the report.”

CARRIED

15.6 Pine Trees – Two Wells Memorial

Councillor Strudwicke raised a Point of Order on the basis that for debate or discussion to continue, the motion is to be moved and seconded or the discussion is to cease and move onto the next agenda item.

The Mayor accepted the Point of Order.

Councillor Jones raised a Point of Order asking if the process is transparent and has public consultation been completed?

The Mayor did not make a ruling.

Councillor Strudwicke raised a Point of Order on the basis that again that for debate or discussion to continue, the motion is to be moved and seconded.

The Mayor accepted the Point of Order.

Moved Councillor Stubing Seconded Councillor Panella **2018/014**

“that Council, having considered Item 15.6 – *Pine Trees – Two Wells Memorial*, dated 15 January 2018, receives and notes the report and in doing so instructs that the pine tree adjacent to the Two Wells War Memorial not be cut down.”

CARRIED

16. QUESTIONS ON NOTICE

16.1 Contaminated Waste

Councillor Jones gave notice of his intention to ask the following questions at the 18 December 2017 Ordinary Council meeting:	
Preamble	
Question 1:	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?
Answer:	The non friable Asbestos Containing Material (ACM) when discovered at the Two Wells Transfer Station was handled by Councils licensed contractor in accordance with relevant codes of practice. Once the ACM was deemed to be removed the remaining building waste was then transported to the Carslake Road Quarry for processing into road rubble. As there was no ACM thought to be present at that stage, there was no need for any special safety precautions to be used to transport the building waste.



Question 2:	What precautions were taken to ensure drivers transporting ACW were adequately protected?
Answer:	As per 1 above; as there was no ACM thought to be present and so there was no need for any special safety precautions required to transport the building waste.
Question 3:	What protections were in place to ensure no airborne asbestos fibres were present during handling, loading and transport of ACW?
Answer:	As per 1 above; as there was no ACM thought to be present so there was no need for any special safety precautions required to transport the building waste.
Question 4:	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?
Answer:	Staff have undertaken medical checks and will continue to be monitored.
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?
Answer:	Media release issued; no known residents within close proximity to the Two Wells Transfer Station.
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?
Answer:	Owner of the property advised by telephone and written correspondence.
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?
Answer:	EPA were immediately advised of the situation when further evidence of non friable asbestos was found in the building waste at the Carslake Road site. There was no requirement to advise adjoining land owners as the waste was being kept wet in accordance with EPA requirements thereby eliminating any risk of ACM leaving the site. Later air monitoring during the removal on the ACM from the Carslake Road Quarry site revealed no detectable air borne asbestos during the whole operation.



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
Answer:	As above there was no intent at all to dispose of ACM at the Carslake Road Quarry site. If asbestos was thought to be still present in the building waste then the waste would have instead been disposed directly to an ACM licensed landfill.
Question 9:	What was Council planning to do with building waste by removing it to Carslake Road?
Answer:	The building waste (before it was discovered to contain asbestos) was intended to be recycled into road making rubble.
Question 10:	What accountability is there for removal ACW from Two Wells to Carslake Road?
Answer:	This question is vague.
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?
Answer:	The building material (as a product free of asbestos) would have been crushed at the Carslake Road Quarry to form a recycled road base, as is commonly the case with building waste across Australia. However if the building waste was discovered to still contain asbestos following the initial assessment and removal of ACM while at Two Wells Transfer Station, then the waste would have to have been transported directly to a ACM licensed Landfill using a licensed ACM transporter. The Council owned Waste facility on Limerock Road is not equipped to process building waste.
Question 12:	Has Two Wells transfer station and Carslake Road property been completely decontaminated and removed from EPA Asbestos register?
Answer:	The Carslake Road Quarry site is now decontaminated to EPA satisfaction. The building waste area at the Two Wells Transfer Station has been capped and included on Councils asbestos register to EPA and SafeWork SA satisfaction.
Question 13:	What is total all inclusive ACW remediation removal costs including initial transport to Carslake Road and lost Quarry rubble production down time?

Answer:	The total all inclusive ACM remediation and removal cost as at 8 January 2018 is \$105,026 (note that a final invoice from McMahon Services is expected). The cost to transport and dispose of the ACM by a licensed transporter to a licensed landfill was \$98,991 of the total. This is a cost that would have been incurred regardless of whether the ACM had been picked up from the Two Wells Transfer Station or the Carslake Quarry. Lost quarry rubble production time did not impact on road works as a sufficient stockpile of rubble was available in an adjoining pit. Once the clean up was endorsed by the EPA production of rubble recommenced.
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?
Answer:	No. The building waste was to be transferred from the Two Wells Transfer Station to the Carslake Quarry site using internal labour and resources.
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:	Yes – the property owner is satisfied with the outcome.

18. MOTIONS ON NOTICE

Councillor Strudwicke raised a Point of Order on the basis that Item 18.1 is a motion and can facilitate discussion.

The Mayor accepted the Point of Order.

18.1 Roberts Road, Lewiston

Moved Councillor Jones Seconded Councillor Strudwicke **2018/015**

“that Council staff investigate and bring back a detailed report on the nature of and not limited to issues previously raised in relation to Roberts Rd Lewiston including truck movements and mass loading, Rd rating and load limits, side water table construction and drainage, current road hard surface depth and condition and Roberts Rd sand pit conditions of operation including wetting of pay loads in and out and bring back a detailed report to Council for Feb meeting.”

CARRIED

18.2 GRFMA – Request for Deputation (SA Best)



At this juncture 8:30pm, Councillor McColl left the meeting having declared a perceived conflict of interest.

Moved Councillor Lawrence Seconded Councillor Strudwicke **2018/016**

“that further to the requested deputations with both the Labor and Liberal Parties regarding Council's decision to withdraw from the GRFMA, Council endorses its Board and Proxy Board Members to request a further deputation with SA-Best Party leaders ahead of the upcoming state election.”

CARRIED

At this juncture 8:31pm, Councillor Strudwicke left the meeting

At this juncture 8:32pm, Councillors Strudwicke and McColl re-entered the meeting

At this juncture 8:34pm, Councillor Lawrence left the meeting



17. QUESTIONS WITHOUT NOTICE

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

Councillor Strudwicke raised a Point of Order on the basis that the question without notice has been asked and an answer has been given. No more discussion or debate need to be had.

The Mayor accepted the Point of Order.

At this juncture 8:36pm, Councillor Lawrence re-entered the meeting.

Councillor Strudwicke raised a Point of Order on the basis that there is no motion on the floor to facilitate debate.

The Mayor accepted the Point of Order.

19. MOTIONS WITHOUT NOTICE

19.1 Moved Councillor Stubing Seconded Councillor Strudwicke **2018/017**

“that a report be brought be back to Council with information of which will address the issued as raised by Andrew, Stacey, Alex and Sophie relating to the Eden shed approvals.”

CARRIED

20. URGENT BUSINESS

Nil

21. CONFIDENTIAL ITEMS

21.1 Asbestos – Cost Recovery Options

Moved Councillor Strudwicke Seconded Councillor Lawrence **2018/018**

“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 [General Manager Infrastructure, General Manager Finance and Economic Development and Minute Secretary] be excluded from attendance at the meeting of the Council in order to consider in confidence Item 21.1 – *Asbestos – Cost Recovery Options*;
- b) the Council is satisfied that it is necessary that the public be excluded to enable the Council to consider a briefing from the Chief Executive Officer at the meeting:-
 - on the grounds provided by Sections 90(3)(i), information relating to actual litigation, or litigation that the Council or Council Committee



believes on reasonable grounds will take place, involving the Council or an employee of the Council.

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 McColl raised a Point of Order on the basis that Councillors are in breach of the Code of Conduct for Council Members in casting judgement regarding the absence of staff. Behaviours are not respectful.

The Mayor accepted the Point of Order.

22. CLOSURE

There being no further business, the Mayor declared the meeting closed at 9:03pm.

Confirmed as a true record.

Mayor:

Date: 19/2/18

