

# MINUTES

of

## Adjourned Council Meeting



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

HELD IN

**Council Chambers  
Redbanks Road,  
Mallala**

on

**Tuesday, 21 November 2017**

A handwritten signature in black ink, appearing to be the initials "AB".

**MINUTES OF THE ADJOURNED ORDINARY MEETING OF THE ADELAIDE PLAINS COUNCIL  
HELD IN THE COUNCIL CHAMBERS, REDBANKS ROAD, MALLALA ON TUESDAY  
21 NOVEMBER 2017, COMMENCING AT 4.30 PM (CONTINUATION OF ADJOURNED  
MEETING OF MONDAY 20 NOVEMBER 2017)**

Mayor Flaherty formally declared the meeting open at 4.30 pm.

**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 (from 6.31 pm)  
Councillor P D (Joe) Daniele  
Councillor Karen McColl  
Councillor Margherita Panella

**Also in Attendance:**

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

**1.2 Apologies:**

Councillor Carmine Di Troia

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

Nil

- 14.8 Waiving Development Application Fees – Mallala Uniting Church Op Shop  
 Moved Councillor Strudwicke                      Seconded Councillor McColl                      **2017/ 369**

Cr Jones raised a Point of Order on the basis that the Thompson Beach Community Club is on Council land.

The Mayor did not accept the Point of Order.

**“that Council, having considered Item 14.8 – *Waiving Development Application Fees – Mallala Uniting Church Op Shop*, dated 20 November 2017, receives and notes the report and in doing so authorises the Chief Executive Officer (who in turn may delegate authority to General Manager – Development and Community) to inform the Mallala Uniting Church that they will be responsible for all Development Application fees associated with Development Application 312/192/2017.”**

**CARRIED**

The Mayor, 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 sufficient to facilitate informal discussion in relation to item 14.9 – *Australia Day Awards – Selection Panel* and will resume at the discretion of the Mayor.

The meeting was suspended at 4.32 pm.

The meeting resumed at 4.39 pm.

- 14.9 Australia Day Awards – Selection Panel  
 Moved Councillor Keen                                      Seconded Councillor Lawrence                                      **2017/ 370**

**“that Council, having considered Item 14.9 – *Australia Day Awards Selection Panel*, dated 20 November 2017, receives and notes the report.”**

**CARRIED**

- 14.10 Open Space and Places for People Grants  
 Moved Councillor Strudwicke                                      Seconded Councillor Stubing                                      **2017/ 371**

Councillor Strudwicke raised a Point of Order on the basis that the Mayor has already spoken and cannot speak to the motion twice.

The Mayor accepted the Point of Order.

**“that Council, having considered Item 14.10 – *Open Space and Places for People Grants*, dated 20 November 2017, receives and notes the report and in doing so includes \$25,000 toward the project in the second quarter budget review”.**

**CARRIED**

Councillor Daniele called for a division.

The Mayor declared the vote set aside.

Members voting in the affirmative: Councillors McColl, Lawrence, Panella, Stubing, Keen and Strudwicke.

Members voting in the negative: Councillors Jones and Daniele.

**The Mayor declared the motion CARRIED**

**14.11 Asbestos Management at the Carslake Road quarry site**

At this juncture, 5.07 pm, Councillor Daniele left the meeting.

Moved Councillor Strudwicke                      Seconded Councillor Panella                      **2017/ 372**

At this juncture, 5.09 pm, Councillor Daniele re-entered the meeting.

**“that Council, having considered Item 14.11 – *Asbestos Management at the Carslake Road quarry site*, dated 20 November 2017, receives and notes the report and in doing so:-**

- 1. Endorses the actions taken to date with regard to the remediation of the Two Wells Transfer Station Carslake Road Quarry site in accordance with Environment Protection Authority (EPA) Clean up Order issued by the EPA on 8 November 2017;**
- 2. Determine that only building waste transported by vehicles, utilities and trailers (not by light truck) be permitted to access the Transfer Station at Two Wells and Mallala Resources Recovery Centre to ensure the adequate inspection of the waste prior to and during unloading; and**
- 3. Calls for a further report to consider management practices at the Two Wells Transfer Stations and Mallala Resource Recovery Centre, with a particular focus on safety, cost and monitoring methodology of waste presented at these facilities”.**

**CARRIED**

Councillor Jones called for a division.

The Mayor declared the vote set aside.

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

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

**The Mayor declared the motion CARRIED**

**15. REPORTS FOR INFORMATION**

**15.1 Council Resolutions/Actions**

Moved Councillor Lawrence                      Seconded Councillor Strudwicke                      **2017/ 373**

**“that Council, having considered Item 15.1 – *Council Resolutions/Action Report*, dated**



**20 November 2017, receives and notes the report.”**

**CARRIED**

15.2 Suicide Prevention Network

Moved Councillor McColl                      Seconded Councillor Panella                      **2017/ 374**

**“that Council, having considered Item 15.2 – Suicide Prevention Network, dated 20 November 2017, receives and notes the report.”**

**CARRIED**

15.3 Conservation Volunteers grant application support

Moved Councillor Strudwicke                      Seconded Councillor Lawrence                      **2017/ 375**

**“that Council, having considered Item 15.3 – *Conservation Volunteers grant application support*, 20 November 2017, receives and notes the report.”**

**CARRIED**

15.4 Dog and Cat Management – Board Membership Nominations

Moved Councillor Keen                      Seconded Councillor McColl                      **2017/ 376**

**“that Council, having considered Item 15.4– *Dog and Cat Management – Board Membership Nominations*, dated 20 November 2017, receives and notes the report.”**

**CARRIED**

15.5 Two Wells Stormwater Management Plan – Stormwater Management Authority approval and gazettal

Moved Councillor Strudwicke                      Seconded Councillor McColl                      **2017/ 377**

**“that Council, having considered Item 15.5 – *Two Wells Stormwater Management Plan – Stormwater Management Authority approval and gazettal*, dated 20 November 2017, receives and notes the report.”**

**CARRIED**

15.6 Economic Development Opportunity

Moved Councillor Lawrence                      Seconded Councillor Keen                      **2017/ 378**

**“that Council, having considered Item 15.6 – *Economic Development Opportunity*, 20 November 2017, receives and notes the report.”**

**CARRIED**

**16. QUESTIONS ON NOTICE**

Nil

**17. QUESTIONS WITHOUT NOTICE**

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

**18. MOTIONS ON NOTICE****18.1 Seeking Endorsement of New Membership – Mallala and Districts Historical Committee**

Moved Councillor Strudwicke                      Seconded Councillor McColl                      **2017/ 379**

**“that Council appoints Greg Tucker, Jim Franks, and Shirley Sowerby to fill the vacancies on the Mallala & District Historical Committee”.**

**CARRIED****18.2 Grant Funding Writer**

Moved Councillor Panella                      Seconded Councillor Strudwicke                      **2017/ 380**

**“that Council provides a report with recommendations on a number of options in employing or sourcing a grant funding writer to increase Adelaide Plain Council fiscal outlook and provide a comparative insight on what other councils receive in grant funding compared to APC”.**

**CARRIED****19. MOTIONS WITHOUT NOTICE****19.1 Moved Councillor Stubing                      Seconded Councillor Panella                      2017/ 381**

**“that administration enquire with Hickinbotham to collaborate resources and assist with hosting a two hour meet and greet function to engage with the community and all Council Members”.**

Councillor Keen raised a Point of Order on the basis that Councillor Stubing closed the debate therefore no more discussion could be had.

The Mayor agreed, however, allowed the chamber to further debate the matter.

**CARRIED****19.2 Moved Councillor McColl                      Seconded Councillor Keen                      2017/ 382**

At this juncture, 5.52 pm, Councillor McColl left the meeting.

At this juncture, 5.54 pm, Councillor McColl re-entered the meeting.

“that Council write to Minister Brock and Shadow Minister Pisoni communicating motion 2017/312 advising that no response has been forthcoming and that it highlights a potential breach of the Local Government Act 1999, insofar as the provision of financial information and documentation, as well as agendas and minutes not being publically disclosed.”

**CARRIED**

At this juncture 5.59 pm, as discussions related to item 9.1 – *Alinta Energy deputation*, Councillor Lawrence left the meeting having declared an interest in this item on the basis that the Development Application is to be assessed by the Council Assessment Panel of which Councillor Lawrence is a member.

At this juncture, 6.08 pm, Councillor Lawrence re-entered the meeting.

At this juncture, 6.09 pm, Councillor McColl left the meeting.

## **20. URGENT BUSINESS**

Nil

## **21. CONFIDENTIAL ITEMS**

### **21.2 Metcash Food and Grocery – Commercial in Confidence**

Moved Councillor Lawrence                      Seconded Councillor Stubing                      **2017/ 383**

At this juncture, 6.09 pm, Councillor Lawrence left the meeting.

“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 – Infrastructure, General Manager – Development and Community and the Minute Taker be excluded from attendance at the meeting of the Council in order to consider in confidence this item.

#### **21.2 – Metcash Food and Grocery – Commercial in Confidence:**

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-
  - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on the third party; and
  - (ii) would, on balance, be contrary to the public interest; and
- on the basis that information within the report and attachments:





and

- (c) pursuant to Section 91(9)(c) of the *Local Government Act 1999*, Council delegates the authority to the Chief Executive Officer to revoke this confidentiality order.”

CARRIED

21.2 Moved Councillor Strudwicke                      Seconded Councillor Panella                      2017/ 387

“That motion 2017/380 be lifted from the table.”

CARRIED

21.2 Moved Councillor Jones                                      Seconded Councillor Stubing                                      2017/ 388

“that Council instructs the Chief Executive Officer to obtain legal advice which deals with commercial and legal considerations associated with the unlocking of Crown Land in the Two Wells main street to facilitate retail development and bring a report back to Council.”

CARRIED

21.3 General Managers – Contractual Agreements

Moved Councillor Strudwicke                      Seconded Councillor Panella                      2017/ 389

“that, under the provisions of Section 90(2) of the *Local Government Act 1999*, an order be made that the public with the exception of the Chief Executive Officer be excluded from attendance at the meeting of the Council in order to consider in confidence this item.

**21.3 – General Managers – Contractual Agreements:**

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

- matters affecting the security of the council, members or employees of the council, or council property, or the safety of any person; and
- on the basis that information within the report and attachments:
  - contains information about the personal affairs of Council’s General Managers, constituting information relevant to remuneration packages; 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

21.3 Moved Councillor Strudwicke                      Seconded Councillor McColl                      2017/ 390

“that Council, having considered Item 21.3 – *General Managers – Contractual Agreements*, dated 20 November 2017, receives and notes the report and in doing so hereby endorses the intentions of the Chief Executive Officer to revising and increasing remuneration for General Managers from 1 January 2018 as a means of remaining competitive within the sector and maintaining a settled executive leadership team.”

CARRIED

21.3 Moved Councillor Strudwicke                      Seconded Councillor Panella                      2017/ 391

“that, in accordance with Section 91(7) and Section 91(9) of the *Local Government Act 1999* and on the grounds that Item 21.3 – *General Managers – Contractual Agreements* for the meeting of the Council held on 20 November 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 in relation to the matter remain confidential and not available for public inspection, and
- (b) pursuant to Section 91(9)(c) of the *Local Government Act 1999*, Council delegates the authority to the Chief Executive Officer to revoke this confidentiality order after 1 January 2018.”

CARRIED

## 22. CLOSURE

There being no further business, the Mayor declared the meeting closed at 6.55 pm.

Confirmed as a true record.

Mayor: .....

Date: \_\_\_/\_\_\_/\_\_\_

