

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 October 2018 at 6:30pm

mw

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

1. ATTENDANCE RECORD

1.1 Present:

Mayor A J (Tony) Flaherty OAM JP
 Deputy Mayor Melville Lawrence
 Councillor P D (Joe) Daniele
 Councillor Stephen Jones
 Councillor Terry-Anne Keen
 Councillor Karen McColl
 Councillor Margherita Panella
 Councillor Marcus (S M) Strudwicke
 Councillor Eddie Stubing

Also in Attendance:

Chief Executive Officer
 General Manager – Governance and Communications
 General Manager – Development and Community
 General Manager – Finance and Economic Development
 Acting General Manager – Infrastructure and Environment
 Governance Officer / Minute Taker
 Executive Assistant

Mr James Miller
 Ms Sheree Schenk
 Mr Robert Veitch
 Mr Rajith Udugampola
 Mr Thomas Jones
 Ms Alyssa Denicola
 Ms Andrea Post

1.2 Apologies:

Nil

1.3 Not Present:

Councillor Carmine Di Troia



2. CONFIRMATION OF MINUTES

2.1 Confirmation of Council Minutes – Ordinary Meeting held on 17 September 2018

Moved Councillor Lawrence Seconded Councillor Daniele 2018/452
“that the minutes of the Ordinary Council Meeting held on 17 September 2018 (MB Folios 16705 to 16722 inclusive), be accepted as read and confirmed.”

CARRIED

2.2 Confirmation of Council Minutes – Special Meeting held 26 September 2018

Moved Councillor Lawrence Seconded Councillor Keen 2018/453
“that the minutes of the Special Council Meeting held on 26 September 2018 (MB Folios 16723 to 16726 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 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 of 10 minutes to facilitate 'Public Open Forum'.

The meeting was suspended at 6:31pm.

The meeting resumed at 6:32pm.



7. MAYOR'S REPORTMonday 17 September 2018

Citizenship Ceremony

Pre Council Meeting

Ordinary Council Meeting

Wednesday 26 September 2018

Pre Council Meeting

Special Council Meeting

Wednesday 10 October 2018

Mayor / CEO Meeting

8. REQUESTED DOCUMENTS/CORRESPONDENCE TO BE TABLED

Nil

9. DEPUTATIONS

Nil

10. PRESENTATIONS / BRIEFINGS

Nil

11. PETITIONS

Nil

12. COMMITTEE RECOMMENDATIONS

12.1 Adelaide Plains Council Historical Committee – Meeting held 5 September 2018

Moved Councillor Strudwicke Seconded Councillor McColl **2018/454****“that Council receives and notes the minutes of the Adelaide Plains Council Historical Committee meeting held on 5 September 2018.”****CARRIED****13. ASSOCIATED ORGANISATIONS**

Nil

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14. REPORTS FOR DECISION

14.1 Hours of Operation – 2018/2019 Christmas and New Year Period

Moved Councillor Lawrence Seconded Councillor Panella 2018/455

“that Council, having considered Item 14.1 – *Hours of Operation – 2018/2019 Christmas and New Year Period*, dated 15 October 2018, receives and notes the report and in doing so endorses the following hours of operation for the 2018 / 2019 Christmas and New Year period:-

- **Administration (Mallala, Two Wells and Depot)**
 - Closed from 4pm on Friday 21 December 2018;
 - Resume normal hours of operation from 9am on Wednesday 2 January 2019.
- **Depot Operations**
 - Closed from 12pm on Thursday 20 December 2018;
 - Resume normal hours of operation from 7am on Wednesday 2 January 2019.
- **Mallala Library**
 - Closed from 12pm on Wednesday 19 December 2018;
 - Resume normal hours of operation from 10am on Wednesday 2 January 2019.
- **Two Wells Library**
 - Closed from 4pm on Friday 21 December 2018;
 - Resume normal hours of operation from 12pm on Wednesday 2 January 2019.
- **Two Wells Transfer Station**
 - Closed from 12:30pm on Sunday 23 December 2018;
 - Resume normal hours of operation from 1:30pm on Wednesday 2 January 2019.
- **Mallala Resource Recovery Centre**
 - Closed from 10am on Sunday 23 December 2018;
 - Resume normal hours of operation from 1:30pm on Thursday 3 January 2019.”

CARRIED

14.2 Floodplain Management Australia National Conference 2019

Moved Councillor Lawrence Seconded Councillor Keen 2018/456

“that Council, having considered Item 14.2 – *Floodplain Management Australia National Conference 2019*, dated 15 October 2018, receives and notes the report and in doing so resolves to send both of its Gawler River Floodplain Management Authority Board Member and Elected Member Proxy Member to the conference, set down for 14-17 May 2019 in Canberra, ACT. In recognition of the abstract submission deadline, Council further resolves to delegate authority to either of its Board Members to submit an abstract to present at the conference by the due date of 29 October 2018.”

Councillor Stubing left the meeting at 6:37pm.

CARRIED

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14.3 Adoption of Annual Report 2017-2018

Moved Councillor McColl Seconded Councillor Lawrence 2018/457

"that Council, having considered Item 14.3 – *Adoption of Annual Report 2017-2018*, dated 15 October 2018, receives and notes the report and in doing so:-

- 1. Adopts the Annual Report 2017-2018 as presented in Attachment 1 to this Report, subject to the endorsement of the Audited Annual Financial Statements 2017-2018; and**
- 2. Authorises the Chief Executive Officer to make any necessary final amendments to the Annual Report."**

CARRIED

14.4 Managing Our Landscapes – Discussion Paper: Proposed Landscape South Australia Act

Moved Councillor Lawrence Seconded Councillor Keen 2018/458

"that Council, having considered Item 14.4 - *Managing Our Landscapes – Discussion Paper: Proposed Landscape South Australia Act*, dated 15 October 2018, receives and notes the report and in doing so:-

- 1. Endorses the consultation response to the South Australian Government subject to the inclusion of reference to (i) the ability to undertake proactive maintenance of private levee banks so as to mitigate flood inundation, (ii) the ability of the Plains and Valleys Landscape Board to have representation in some capacity on the Gawler River Floodplain Management Board and (iii) business and employment opportunities for our residents; and**
- 2. Instructs the Chief Executive Officer to furnish the associated agenda report with the Legatus Group for their information and possible incorporation into their response."**

Councillor Stubing returned to the meeting at 6:42pm.

CARRIED

14.5 Requests to Waive Development Application Fees – Adelaide Plains Kennel and Obedience Club and Moquet Lee Trustees

Moved Councillor Strudwicke Seconded Councillor Keen 2018/459

"that Council having considered Item 14.5 – *Requests to Waive Development Application Fees – Adelaide Plains Kennel and Obedience Club and Moquet Lee Trustees*, dated 15 October 2018, receives and notes the report and in doing so instructs the Chief Executive Officer to not seek the non-statutory component of Development Application Fees (to a maximum capped amount of \$350) associated with the Adelaide Plains Kennel and Obedience Club's application to place a shipping container at 77 Old Pt Wakefield Road, Two Wells Certificate of Title Volume 5984 Folio 730 and a second application for the same on a portion of Allotment 29 DP 17602, Lewiston, known as Clara Harniman Reserve and comprised in Certificate of Title Volume 5546 Folio 494."

CARRIED

AMW

- 14.5 Moved Councillor Strudwicke Seconded Councillor Lawrence 2018/460
 "that Council having considered Item 14.5 – *Requests to Waive Development Application Fees – Adelaide Plains Kennel and Obedience Club and Moquet Lee Trustees*, dated 15 October 2018, receives and notes the report and in doing so instructs the Chief Executive Officer to not seek the non-statutory component of Development Application Fees (to a maximum capped amount of \$175) associated with Moquet Lee Trustees' application to erect entrance gates on the boundary of Lot 676, 7 Nairne Road, Grace Plains, Certificate of Title Volume 5545 Folio 930."

CARRIED

- 14.6 Request to Waive Costs Associated with Lease Agreement – Adelaide Plains Council Kennel & Obedience Club
 Moved Councillor Keen Seconded Councillor McColl 2018/461
 "that Council, having considered Item 14.6 – *Request to Waive Costs Associated with the Lease Agreement – Adelaide Plains Kennel & Obedience Club*, dated 15 October 2018, receives and notes the report and in doing so instructs the Chief Executive Officer to not seek reimbursement of 50% of the legal costs for the preparation of the Lease (to a maximum capped amount of \$550) in regards to the leasing of a portion of Allotment 29 DP 17602, Lewiston, known as Clara Harniman Reserve and comprised in Certificate of Title Volume 5546 Folio 494 to the Adelaide Plains Kennel & Obedience Club."

CARRIED

- 14.7 Webb Beach Road Access
 Moved Councillor Strudwicke Seconded Councillor Lawrence 2018/462
 "that Council, having considered Item 14.7 – *Webb Beach Road Access*, dated 15 October 2018, receives and notes the report and in doing so seeks to vary the 2018-2019 Budget, by way of a budget variation, to include additional expenditure of \$102,000 for the upgrade (raise height of road and incorporate floodway ford) of the causeway sections of Webb Beach Road as presented in Attachment 1."

CARRIED

15. REPORTS FOR INFORMATION**15.1 Council Resolutions – Status Report**

Moved Councillor Strudwicke Seconded Councillor Lawrence **2018/463**

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

CARRIED**15.2 Gawler River Floodplain Management Authority – Northern Floodway Status Update**

Moved Councillor Lawrence Seconded Councillor McColl **2018/464**

“that Council, having considered Item 15.2 – *Gawler River Floodplain Management Authority – Northern Floodway Status Update*, dated 15 October 2018, receives and notes the report.”

CARRIED**15.3 Horse Float Parking - Parham**

Moved Councillor Lawrence Seconded Councillor Strudwicke **2018/465**

“that Council, having considered Item 15.3 – *Horse Float Parking – Parham*, dated 15 October 2018, receives and notes the report.”

CARRIED**15.4 Library & Community Services Quarterly Report – July to October 2018**

Moved Councillor Lawrence Seconded Councillor McColl **2018/466**

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

CARRIED**15.5 Sealed Road Maintenance - Lewiston**

Moved Councillor Lawrence Seconded Councillor Panella **2018/467**

“that Council, having considered Item 15.5 – *Sealed Road Maintenance – Lewiston*, dated 15 October 2018, receives and notes the report.”

CARRIED


15.6 Review of Council's Roadside Weed Control Program

Moved Councillor Lawrence Seconded Councillor McColl **2018/468**

"that Council, having considered Item 15.6 – Review of Council's Roadside Weed Control Program, dated 15 October 2018, receives and notes the report."

CARRIED

15.7 Provision of Additional Information – Questions on Notice 17 September 2018 – Roadside Weed Spraying Practices

Councillor Strudwicke raised a Point of Order on the basis that a formal motion should be put, if the Councillor wishes for the question to lie on the table. The Mayor accepted the Point of Order.

Councillor Jones raised a Point of Order on the basis that the discussion did not constitute a formal motion. The Mayor accepted the Point of Order.

Moved Councillor Strudwicke Seconded Councillor **2018/469**

"that Council, having considered Item 15.7 – Additional Information – Questions on Notice 17 September 2018 – Roadside Weed Spraying Practices, dated 15 October 2018, receives and notes the report."

LAPSED DUE TO FORMAL MOTION 2018/470

15.7 Moved Councillor Keen Seconded Councillor Lawrence **2018/470**

"that the matter lie on the table."

CARRIED

16. QUESTIONS ON NOTICE

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

Preamble	Questions have been raised regarding aspects of earlier report on Northern Floodway technical design proposed on lower reaches Gawler River
Question 1:	Does the current Gawler River Northern Floodway design layout currently being put forward by GRFMA differ from an earlier technical design layout by Consulting firm if so please provide detail
Answer:	The Chief Executive Officer recommends that this question be directed to the Executive Officer of the GRFMA. The GRFMA would be best placed to provide an accurate answer to this question as they would have all the relevant material at their disposal and were intimately involved in the development of the various flood mitigation concepts.



Question 2:	Was any design change from original earlier Northern Floodway proposal endorsed by GRFMA , if so please provide details of :- when did the design proposal change occur what was reasoning behind any design change and please provide before and after Northern Floodway design site map
Answer:	The Chief Executive Officer recommends that this question be directed to the Executive Officer of the GRFMA. The GRFMA would be best placed to provide an accurate answer to this question as they would have all the relevant material at their disposal and were intimately involved in the development of the various flood mitigation concepts.

Moved Councillor Keen

Seconded Councillor Lawrence

2018/471

“that the following questions be put to the Gawler River Floodplain Management Authority:-

- 1. Does the current Gawler River Northern Floodway design layout currently being put forward by GRFMA differ from an earlier technical design layout by Consulting firm if so please provide detail; and**
- 2. Was any design change from original earlier Northern Floodway proposal endorsed by GRFMA , if so please provide details of :- when did the design proposal change occur what was reasoning behind any design change and please provide before and after Northern Floodway design site map.”**

CARRIED

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 Port Prime Road

Moved Councillor Jones

Seconded Councillor Lawrence

2018/472

“that Council instructs the Chief Executive Officer to bring back a report on cost of providing constructed safe all weather load rated access for public and emergency services vehicles from Pt Wakefield Rd , Thompson Rd to Pt Prime Beach including raising that section beach road access in line with or above recommended AHD coastal floor level and including providing a suitable hard stand fenced beach parking area together where identified fenced off or other deemed measures with view to returning informal track areas within council controlled coastal zone of Pt Prime back to natural state in doing so no further works / costs be incurred in relation to Pt Prime Rd until such time a report is presented back to Council.”

CARRIED


Councillor Lawrence left the meeting at 7:28pm.

19. MOTIONS WITHOUT NOTICE

19.1 Speed Limits – Lewiston

Moved Councillor McColl Seconded Councillor Lawrence 2018/473

“that the Chief Executive Officer bring back a report in regards to the disparity between speed limits in Lewiston.”

CARRIED

20. URGENT BUSINESS

Councillor Panella asked a question to clarify Council’s *Caretaker Policy* in relation to Resolution 2018/462.

Councillor Lawrence returned to the meeting at 7:31pm.

21. CONFIDENTIAL ITEMS

21.1 Stony Point – Historical Asbestos Finding and Site Remediation

Moved Councillor Strudwicke Seconded Councillor Keen 2018/474

“that:-

1. Pursuant to section 90(2) of the *Local Government Act 1999*, the Council orders that all members of the public, except Chief Executive Officer, General Manager – Governance and Communications, General Manager – Development and Community, General Manager – Finance and Economic Development, Acting General Manager – Infrastructure and Environment, Governance Officer/Minute Taker and Executive Assistant be excluded from attendance at the meeting of the Council for Agenda Item 21.1 – *Stony Point - Historical Asbestos Finding and Site Remediation*;
2. Council is satisfied that, pursuant to section 90(3)(b)(i) of the *Local Government Act 1999*, Agenda Item 21.1 – *Stony Point - Historical Asbestos Finding and Site Remediation* concerns information the disclosure of which could reasonably be expected to prejudice the commercial position of Council, being information relating to a potential contractual dispute, and would, on balance, be contrary to the public interest; and
3. Council is satisfied that the principle that Council meetings should be conducted in a place open to the public has been outweighed by the need to keep the information, matter and discussion confidential.”

CARRIED



21.1 Moved Councillor Strudwicke Seconded Councillor Lawrence 2018/475

"that Council, having considered Item 21.1 - Stony Point - Historical Asbestos Finding and Site Remediation, dated 15 October 2018, receives and notes the report and in doing so instructs the Chief Executive Officer to advance discussions with the Environment Protection Authority and Greencap with a view of arriving at the most appropriate and cost effective solution to remedy the Stony Point site from asbestos contaminated material."

CARRIED

21.1 Moved Councillor Strudwicke Seconded Councillor Keen 2018/476

"that Council, having considered Item 21.1 – Stony Point – Historical Asbestos Finding and Site Remediation, dated 15 October 2018, delegates authority to the Chief Executive Officer to engage McMahon Services to remediate the site from all outstanding asbestos contaminated material stockpile that remains, on the premise that a negotiated discount be obtained on the outstanding total sum of works undertaken by McMahon Services at Stony Point."

CARRIED

21.1 Moved Councillor Panella Seconded Councillor Keen 2018/477

"that Council, having considered Item 21.1 – Stony Point – Historical Asbestos Finding and Site Remediation, dated 15 October 2018, instructs the Chief Executive Officer to ensure that a budget variation relating to the outstanding total sum of works is accounted for in the budget review process."

CARRIED

21.1 Moved Councillor Keen Seconded Councillor Strudwicke 2018/478

"that Council, having considered the matter of Agenda Item 21.1 – Stony Point – Historical Asbestos Finding and Site Remediation in confidence under sections 90(2) and 90(3)(b)(i) of the Local Government Act 1999, resolves that:-

- 1. The agenda item, report 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 Council;**
- 2. Pursuant to section 91(9)(a) of the Local Government Act 1999, the confidentiality of the matter will be reviewed every 12 months; and**
- 3. Pursuant to section 91(9)(c) of the Local Government Act 1999, Council delegates the power to revoke this confidentiality order to the Chief Executive Officer."**

CARRIED

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22. CLOSURE

There being no further business, the Mayor declared the meeting closed at 7:54pm.

Confirmed as a true record.

Mayor: 

Date: 21/11/2018

