MINUTES OF THE MEETING OF THE DISTRICT COUNCIL OF MALLALA HELD IN THE COUNCIL CHAMBERS, REDBANKS ROAD, MALLALA ON MONDAY, 27 AUGUST 2012, COMMENCING AT 7.00PM

1. ATTENDANCE

1.1 Present

Crs S M Strudwicke, P M Daniele, J M Heley, Y L Howard, S E Jones, T A Keen, D Kennington, K M McColl, A Picard, B J Summerton and M N Wasley; Messrs C J Mansueto (Chief Executive Officer), G Mavrinac (General Manager, Infrastructure and Planning) and Mrs K Hornhardt (Minute Secretary).

1.2 Councillors Apologies

Nil

1.3 Councillors Absent

Nil

2. CONFIRMATION OF MINUTES

Moved Cr Summerton / Seconded Cr Heley

“that the minutes of the meeting held on 23 July 2012 be accepted as read and confirmed.”

CARRIED (2012/166)

3. BUSINESS ARISING

Nil

The chairman sought leave of Council to suspend Part 2 of the Regulations for ‘Open Forum’. Leave granted.

The meeting was suspended at .7:01pm and reconvened at 7.24pm.

4. OPEN FORUM

4.1 Speakers

4.1.1 Jeff Sutton – Balaklava recreational fisherman – re Marine Park Sanctuary Zone and affect on Port Wakefield as a recreational fishing spot. Amended Marine Park proposal as attached with agenda.

4.1.2 Tony Lange – TWRAT – seeking support for a skate park at Two Wells – refurbishment of BMX track for combined use for BMX and a skateboards.
5. **MAYOR'S REPORT**

5.1 Meetings Attended and / or Discussions Held (9.3.2.3)

*Information Noted*

6. **COMMITTEES AND SUBSIDIARIES REPORTS**

6.1 Committees and Advisory Committees

6.1.1 Economic Development Advisory Committee – Minutes 24 July 2012

6.1.2 Environmental Management Advisory Committee – Minutes 6 August 2012

6.1.3 Council Development Assessment Panel – Minutes 7 August 2012

6.1.4 Community Development Advisory Committee – Minutes 9 August 2012

6.1.5 Facilities and Infrastructure Advisory Committee – Minutes 13 August 2012

6.2 Recommendations from Committees

*Nil*

6.3 Associated Organisations

*Nil*

7. **ITEMS WHICH NOTICE HAS BEEN GIVEN**

7.1 Questions on Notice

7.1.1 Rubble Availability – Cr Picard

**Question 1**

What is the current and future situation for District Council of Mallala with regard to supplies of rubble material to be used on the local road network?

**Answer**

Council currently has an Extraction Mineral Lease (EML 6143) on sections 321 & 322 Hundred of Dublin Carslake Road. This EML, under the Mines Act 1991 and its regulations, enables council to quarry product to be used for road works and sell commercially.

The Department for Manufacturing, Innovation, Trade, Resources and Energy granted the renewal of EML 6143 for a term of seven (7) years on the 6th of February 2011. Taking Council's average annual rubble usage into account and the presumption that current demand is maintained, the current EML has an estimated life of six (6) to eight (8) years.

**Question 2**

Does Council have any current extractive mining leases in our area to mine rubble and, if so, what is the situation with these leases?
**Answer**

Please refer to answer to question 1

**Question 3**

Have any new properties been earmarked for potential extractive mining leases and have landowners been approached? Please give full details of any process taking place, or likely to take place, in the foreseeable future, with regard to supply of rubble?

**Answer**

In response to research carried out by Council staff and advice received from the Department for Manufacturing, Innovation, Trade, Resources and Energy, Council staff considers the best option to secure a rubble source for the next 13 to 15 years is to expand the existing EML.

Expansion of the existing EML to the east is restricted by a requirement of the Mining Act Part 4 section 9(d)(1) - land situated within 400 metres of a structure used as a residence is exempt from mining operations. As an initial step of the Extraction Mineral Lease Application process, Staff contacted the two (2) land owners, Mr J Huynh and Mr S Jones, whose properties adjoin the western side of Council's existing EML. The aim of the discussion was to inform the land owners of Council's intention to expand its existing EML, to incorporate a portion of their properties.

On Monday 20 August 2012, Council staff discussed the abovementioned proceedings with an officer from The Department for Manufacturing, Innovation, Trade, Resources and Energy. Council is currently awaiting the officer's response.

**Question 4**

What is the cost to Council associated with the lease itself for each Extractive Mining Lease?

**Answer**

There is an annual rental fee for each lease, payable in advance to the Department for Manufacturing, Innovation, Trade, Resources and Energy. On freehold land, the annual rental (less 5%) is refunded to the owner of the land. In 2012 Council paid Crown Rent and Freehold rent of $4,394. In 2011 Council paid Crown Rent and Freehold Rent of $4,267.

**Note:**

Requirements within the Mining Act make it impractical for Council to establish another lease, separate from the current EML, as mining operations must commence within 12 months of the approval. Failure to do so may lead to the suspension, cancellation or forfeiture of the EML.
7.1.2 Cemetery Fencing – Cr Picard

**Question 1**
What is the exact legal position for the Cemetery Authority regarding the responsibility of fencing, or not fencing, and if required who is responsible?

**Answer**
The Local Government (Cemetery) Regulations 2010 under the 1934 Act states that the Cemetery Authority must ensure the cemetery is securely fenced at all times. Council is the cemetery Authority. The Act is silent on this requirement.

**Question 2**
If legislation requires a Cemetery to be securely fenced, and if the Council is the authority responsible to do this, is the Council in breach if it has failed to do so?

**Answer**
All cemeteries are fenced with gates and meet the current requirements. Council Staff also conduct quarterly OHS&W inspections looking at and reporting on all potential hazards. All potential hazards are entered into a 'hazard register' and allocated to the appropriate officer to address.

**Question 3**
If a Cemetery Authority is required to securely fence a Cemetery, and if DCM Cemeteries are not currently securely fenced, why have staff not flagged cemetery fencing as a required budget item in the past?

**Answer**
The recent condition evaluation undertaken did not identify any of the fencing assets as requiring replacement.

**Question 4**
What is the current state of fencing, and gates, for all Council controlled Cemeteries in DCM area? Council staff engaged

**Answer**
In 2011 Council Staff engaged an external company to complete a condition and valuation assessment on building and community land based assets to meet legislative requirements. Based on the assessment report provided by the external company the condition of the cemetery indicates that there is only minor maintenance required and replacement of the Grace Plains cemetery fencing in 11 years time.

Attached is an extraction of the external assessment indicating condition.

7.2 Notice of Motion

*Nil*

8. QUESTIONS WHICH NOTICE HAS NOT BEEN GIVEN

*Nil*
9. **PETITIONS**
   Nil

10. **DEPUTATIONS**
    Nil

11. **STRATEGIC INFRASTRUCTURE AND PLANNING COMMITTEE**
11.1 Strategic Infrastructure and Planning Committee Meeting
   *Minutes of meeting held 13 August 2012*
11.5 **Briefings**
    Nil
11.6 **Strategic Projects**
11.6.1 **Strategic Projects Activity Report**
   Moved Cr McColl / Seconded Cr Wasley
   “that Council having considered Item 11.6.1 Strategic Projects Activity Report, dated 13 August 2012, receives the report.”
   CARRIED (2012/167)

11.6.2 **Development Plan Amendment Update**
   Moved Cr Summerton / Seconded Cr Heley
   “that Council having considered Item 11.6.2 Development Plan Amendment Update, dated 13 August 2012 receives the report.”
   CARRIED (2012/168)

11.7 **Planning and Compliance**
11.7.1 **Planning and Compliance Activity Report**
   Moved Cr Keen / Seconded Cr McColl
   “that Council having considered Item 11.7.1 Planning and Compliance Activity Report, dated 13 August 2012, receives the report.”
   CARRIED (2012/169)

11.8 **Regulatory Services**
11.8.1 **Regulatory Services Activity Report**
Moved Cr Wasley / Seconded Cr Summerton
“that Council having considered Item 11.8.1 Regulatory Services Activity Report, dated 13 August 2012, receives the report.”

**CARRIED (2012/170)**

11.9 **Infrastructure and Engineering**

11.9.1 **Vesting Allotment 20 Dublin Road, Dublin**
Moved Cr Howard / Seconded Cr Keen
“that Council having considered Item 11.9.1 Vesting Allotment 20 Dublin Road, Dublin, dated 13 August 2012, endorses the Chief Executive Officer and Mayor to execute the seal to the documentation received to vest land identified as Allotment 20 as road reserve.”

**CARRIED (2012/171)**

11.9.2 **Coast Care Grant**
Moved Cr Picard / Seconded Cr Howard
“that Council having considered Item 11.9.2 Coast Care Grant, dated 13 August 2012, receives the report.”

**CARRIED (2012/172)**

11.9.3 **Coleman Road Landfill – Closure Plan**
Moved Cr Keen / Seconded Cr Picard
“that Council having considered Item 11.9.3 Coleman Road Landfill – Closure Plan, dated 13 August 2012, receives the report.”

**CARRIED (2012/173)**

11.9.4 **Roadside Waste Collection Points – Port Wakefield Road**
Moved Cr Heley / Seconded Cr Summerton
“that Council having considered Item 11.9.5 Roadside Waste Collection Points – Port Wakefield Road, dated 13 August 2012 receives the report.”

**CARRIED (2012/174)**

Moved Cr Picard / Seconded Cr Keen
“that Council, having considered Item 11.9.5 Roadside Waste Collection Points – Port Wakefield Road, dated 13 August 2012, suggests that staff research, investigate and present a report regarding alternate arrangements for waste and recyclable collection in the rural area of Council currently utilising Roadside Waste Collection Points.”

**CARRIED (2012/175)**

Moved Cr Keen / Seconded Cr McColl
“that Council having considered Item 11.9.5 Roadside Waste Collection Points – Port Wakefield Road, dated 13 August 2012, suggests that residents be advised to contact Council staff to address any concerns regarding Council services.”

CARRIED (2012/176)

11.9.5 Infrastructure and Engineering Activity Report
Moved Cr Summerton / Seconded Cr Heley

“that Council having considered Item 11.9.6 Infrastructure and Engineering Activity Report, dated 13 August 2012, receives the report.”

CARRIED (2012/177)

11.10 Development Control
Nil

12. STRATEGIC COMMUNITY AND GOVERNANCE COMMITTEE

12.1 Strategic Community and Governance Committee Meeting

12.1.1 Minutes of meeting held on Monday 20 August 2012

12.5 Briefings
Nil

12.6 Finance

12.6.1 Finance Report (07.73.01.01)
Moved Cr Heley / Seconded Cr Daniele

“that Council, having considered Item 12.6.1 Finance Report dated 20 August 2012 receives and notes the Finance Report as at 31 July 2012.”

CARRIED (2012/178)

12.7 Property
Nil

12.8 Corporate Management

Corporate & Community Services Report (9.14.1.2)
Moved Cr McColl / Seconded Cr Daniele

“that Council having considered Item 12.8.1 Corporate & Community Services Report dated 20 August 2012, receives the report.”

CARRIED (2012/179)

12.8.2 Capital & Operating Projects Carried Forward to 2012/13 Budget (7.11.3.1)
Moved Cr Howard / Seconded Cr Summerton
“that Council, having considered Item 12.8.2 Capital & Operating Projects Carried Forward to 2012/2013 Budget dated 20 August 2012, adopts the list of uncompleted Projects carried forward from the 2011/2012 Budget Year to 2012/2013.”

CARRIED (2012/180)

12.8.3 Dublin Cemetery – Fence Upgrade & Plaque Installation Request (16.71.2.4)
Moved Cr Picard / Seconded Cr Keen

“that Council, having considered Item 12.8.3 Dublin Cemetery - Fence Upgrade & Plaque Installation Request dated 20 August 2012 supports the upgrade of the Dublin Cemetery Gate and Fence.”

CARRIED (2012/181)

Moved Cr Keen / Seconded Cr McColl

“that Council, having considered Item 12.8.3 Dublin Cemetery - Fence Upgrade & Plaque Installation Request dated 20 August 2012 supports the installation of plaques on unmarked graves at the Dublin Cemetery.”

CARRIED (2012/182)

12.8.4 Two Wells Primary School – Car Park Request (20.71.2.3)
Moved Cr Keen / Seconded Cr Picard

“that Council, having considered Item 12.8.4 Two Wells Primary School – Car Park Request dated 20 August 2012 resolves to not provide support for the use of a portion of Hart Reserve as a car park for access by users of the Two Wells Primary School.”

CARRIED (2012/183)

12.8.5 Two Wells Residential Development Infrastructure (3.71.7.10)
Moved Cr McColl / Seconded Cr Wasley

“that Council having considered Item 12.8.5 Two Wells Residential Development Infrastructure Update dated 20 August 2012 receives and notes the report.”

CARRIED (2012/184)

12.9 CORPORATE GOVERNANCE

12.9.1 Elector Representation Review – Community Consultation (9.10.1.0)
Moved Cr McColl / Seconded Cr Summerton

“that Council, having considered Item12.9.1 Elector Representation Review – Community Consultation dated 20 August 2012, endorses the Options Paper regarding the Elector Representation Review for the first round of Community Consultation.”

CARRIED (2012/185)

12.9.2 Community Survey Report (18.20.2.1)
Moved Cr McColl / Seconded Cr Wasley
“that Council, having considered Item 12.9.2 Community Survey Report dated 20 August 2012, supports the distribution of the 2012 Community Survey to residents.”

CARRIED (2012/186)

12.9.3 Gawler River Road Agreement (9.67.2.0)
Moved Cr Daniele / Seconded Cr Summerton

“that Council, having considered Item 12.9.3 Gawler River Road Agreement dated 20 August 2012 approves the Mayor and the Chief Executive Officer applying the Council Seal to the Right to Enter, Licence to Construct and Agreement to Vest Land agreement attached to this report.”

CARRIED (2012/187)

12.10 Community Services
Nil

13. NEW ITEMS

13.1 By-law No: 4 - Dogs
Moved Cr Summerton / Seconded Cr McColl

“that Council having considered Item 13.1 By-law No: 4 – Dogs dated 27 August 2012 and pursuant to Section 246 of the Local Government Act 1999, with there being at least two-thirds of the numbers of the Council present and in light of the National Competition Policy and the Reports prepared on the National Competition, as annexed to this report, and entitled By-laws and the Council being satisfied that:

1.1 where any of the By-law restricts competition to a significant degree the benefits of that restriction to the community outweigh the costs of the restriction; and

1.2 the objectives of the By-law can only be reasonably achieved by the restriction and having considered all submissions made on the By-law, the Council makes the By-law.”

CARRIED (2012/188)

Moved Cr McColl / Seconded Cr Picard

“that Council having considered Item 13.1 By-law No: 4 – Dogs dated 27 August 2012 authorises the Chief Executive Officer to sign the By-law as made by the Council.”

CARRIED (2012/189)

Moved Cr Keen / Seconded Cr Picard
that Council having considered Item 13.1 *By-law No: 4 – Dogs* dated 27 August 2012 authorises the Chief Executive Officer to publish notice of the making of the By-law in the Bunyip and Plains Producer pursuant to Section 249(7) of the Local Government Act 1999.”

Moved Cr Keen / Seconded Cr McColl

“that Council having considered Item 13.1 *By-law No: 4 – Dogs* dated 27 August 2012 authorises the Chief Executive Officer to arrange for the By-law to be published in the Government Gazette.”

Moved Cr McColl / / Seconded Cr Wasley

“that Council having considered Item 13.1 *By-law No: 4 – Dogs* dated 27 August 2012 adopts the reports to the Legislative Review Committee on the By-law and entitled By-laws as annexed to this report 2012.”

Moved Cr Keen / Seconded Cr McColl

“that Council having considered Item 13.1 *By-law No: 4 – Dogs* dated 27 August 2012 authorises the Chief Executive Officer to arrange for the By-law and all other necessary documentation to be provided to the Legislative Review Committee.”

13.2 Elected Member Review

Moved Cr Kennington / Seconded Cr Howard

“that Council having considered Item 13.3 *Elected Member Review Report* dated 27 August 2012 receive and note the report.”

Moved Cr Summerton / Seconded Cr McColl

“that Council having considered Item 13.3 *Elected Member Review Report* dated 27 August 2012 authorises the Chief Executive Officer to develop a plan and report to Council on the proposed recommendations.”

14. URGENT BUSINESS

*Nil*

15. CLOSURE

There being no further business, the Mayor declared the meeting closed at 8.02pm.
Confirmed as a true record.

Mayor: .................................................................

Date: ____/____/____