MINUTES OF THE ORDINARY MEETING OF THE DISTRICT COUNCIL OF MALLALA
HELD IN THE MALLALA COUNCIL CHAMBERS, REDBANKS ROAD, MALLALA ON
MONDAY 14 JULY 2014, COMMENCING AT 7:00 PM

1. ATTENDANCE

1.1 Present
Crs D Kennington (Mayor), T Keen, P Daniele, B Summerton, M Wasley,
S Jones, Y Howard, J Heley, A Picard and M Strudwicke and Messrs C Mansueto (Chief
Executive Officer), P Sellar (General Manager, Corporate and Community) and
Mr G Mavrinac (General Manager, Infrastructure and Planning).

1.2 Councillors Apologies
Cr McColl

1.3 Councillors Absent
Nil

2. CONFIRMATION OF MINUTES
Moved Cr Daniele Seconded Cr Heley
"that the minutes of meeting held on Monday 23 June 2014 (MB Folios 12789 to 12806,
inclusive), be accepted as read and confirmed."
CARRIED (2014/317)

3. BUSINESS ARISING
Nil

4. DECLARATION OF MEMBERS' INTEREST
4.1 Nil

14 July 2014
5. **OPEN FORUM**

The Mayor sought leave of the meeting to suspend Part 2 of the Local Government (Procedures at Meetings) Regulations 2000 for 'Open Forum'. The meeting was suspended at 7.01 pm.

5.1 **Mick Tennant**  
*Resident Two Wells*
- Gawler Two Wells Road, Two Wells drainage issues.

**Jo Spurling**  
*Resident Two Wells*
- Two Wells RSL Memorial – Community Consultation.

Meeting resumed at 7.10 pm

6. **BRIEFINGS**

Nil

7. **MINUTES AND/OR RECOMMENDATIONS**

7.1 *Facilities and Infrastructure Advisory Committee*
Minutes of Meeting held on 16 June 2014 (CON12/1102)
Information received and noted.

7.2 *Environmental Management Advisory Committee*
Minutes of Meeting held on 2 June 2014 (CON12/1101)
Information received and noted.

Moved Cr Keen  
Seconded Cr Picard

“that Council correspond with the Coast Protection Board on concerns of a man made channel at Parham and the environmental consequences.”

CARRIED (2014/318)

7.3 *Strategic Planning and Development Policy Committee (new)*
No minutes

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### Questions on Notice

**Parham Sports and Social Club Car Park (CON12/537)**

| Question 1: | Do the two loads of gravel that were spread across the car park more than 12 months ago constitute the planned upgrade associated with levels and measurements taken? |
| Answer: | No. |

| Question 2: | If the two loads of gravel are only an interim measure when will an upgrade occur that would satisfy a longer term approach to issue of drainage of car park? |
| Answer: | Council’s infrastructure department has no plans to carry out an upgrade of the Parham club car park, as no funding has been allocated by council for the project. The two loads of rubble and the associated grading carried out approximately 14 months ago has solved the water pooling issues, shown in the June 2012 photo submitted with the questions and no customer requests regarding the issue are outstanding. Observations carried out after recent wet conditions have noted the car park drains reasonably well. |

**Salt Creek Bridge Water Affecting Activities (CON12/537)**

| Question 1: | Under requirements of NRM Act 2004 Water Affecting Activities, What planning evaluation and environmental assessment process (EIAR) was undertaken prior to the placement of these new culverts in Salt Creek watercourse shown in image? |
| Answer: | No planning evaluation or environmental assessment process was undertaken. |

| Question 2: | What planning approvals in line with NRM Act and Development Plan were given to undertake this new construction across Salt Creek watercourse? |
| Answer: | No planning approval is required under the NRM Act. The activity does not constitute ‘development’ for the purpose of an assessment against the Development Plan. The NRM Board are aware of the project and have given approval for the project to be carried out. |
| Question 3: | With above regard to NRM Act 2004, what is nature of large amount of what appears waste material dumped upstream east of railway bridge across considerable area of Salt Creek flood plain? |
| Answer: | It is presumed the question is referring to the privately owned on Hayman road Two Wells. Council has no records regarding the source of the fill. Discussions held with long term council staff have revealed the fill had been deposited at the site more than 15 years ago. Consequently, it appears that the material pre-dates the operation of the NRM Act. |
| Question 4: | Is this stockpiled material dumped on public or private property? |
| Answer: | Private property. |
| Question 5: | If Salt Creek Bridge is some 260 meters inside township zone, Is this stockpiled material deposited within that Township Zone? |
| Answer: | Salt Creek Bridge and said material are located within the Rural Living Zone as identified in Council's Development Plan. The Township Zone is only applicable to Dublin. |
| Question 6: | Has there been Development approval for deposition stockpiling of this material in, adjacent to and on floodplain of a known defined watercourse namely Salt Creek, when was approval given and under what land use provisions was that approval given? |
| Answer: | Records do not indicate any approval issued. The activity may not have constituted 'development' pursuant to the Development Act for the purpose requiring a development approval. |
| Question 7: | Has the above stockpiled material been tested for any contaminants under EPA guidelines for contaminated demolition waste or other specified wastes? |
| Answer: | Not known. |
| Question 8: | Has any water sampling or other testing been done at any time adjacent to or downstream to ensure that leaching of any harmful chemical or other contaminants have not leached into Riverine Environment? |
| Answer: | Not known. |

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| Question 9: | If there is no record of application or approval for the stockpiling of what appears large waste material deposition in Salt Creek and adjacent floodplain, what action or options does Council have for the removal of the constricting stockpiled deposition and complete remediation of this site under EPA guidelines for contaminated sites? |
| Answer: | Council currently has no proposal to remove the waste. Staff will liaise with the land owner and relevant State authorities prior to carrying out any action if required. |

### 8.1.3 Salt Creek Bridge (CON12/537)

| Question 1: | Has soil testing been carried out prior to works being given approval in regard to Salt Creek Bridge as part of usual requirement before any construction, what did those tests include? |
| Answer: | Response to be provided next meeting |

| Question 2: | What approval process was undertaken that allowed external material used in filling of section Salt Creek adjacent to Salt Creek Bridge? |
| Answer: | Response to be provided next meeting |

| Question 3: | When was approval process given? |
| Answer: | Response to be provided next meeting |

| Question 4: | If approval given what external agencies provided comment during the process and is that information available? |
| Answer: | Response to be provided next meeting |

| Question 5: | Do on ground site work plans exist that could show extent of external earth material infill into Salt Creek adjacent to bridge? |
| Answer: | Response to be provided next meeting |

| Question 6: | Is there record of what material Salt Creek earth infill comprises? |
| Answer: | Response to be provided next meeting |

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| Question 7: | Has it been ascertained if any demolition material was used during the infilling of Salt Creek? |
| Answer: | Response to be provided next meeting |
| Question 8: | If any demolition or waste material was used as part of infill what was it comprised of and does it pose any chemical or other leaching risk to riverine environment, has testing been carried out in past? |
| Answer: | Response to be provided next meeting |

8.2 Notice of Motion
8.2.1 No Notices of Motion.

9. **QUESTIONS WHICH NOTICE HAS NOT BEEN GIVEN**

* Rules from Local Government Act 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.

10. **PETITIONS**
10.1 No Petitions

11. **DEPUTATIONS**
11.1 No Deputations

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12. ITEMS FOR NOTING / INFORMATION / ACTIVITY REPORTS

12.1 Items for Information / Noting

12.1.1 Local Government Elections 2014 Summary Update (CON12/568)

Moved Cr Summerton  Seconded Cr Strudwick

"that the Council, having considered Item 12.1.1 Local Government Elections 2014 Summary Update dated 14 July 2014, receives and notes the report."

CARRIED (2014/319)

12.2 Activity Reports

12.2.1 Infrastructure Services Activity Report (CON12/1191)

Moved Cr Keen  Seconded Cr Wasley

"that the Council, having considered Item 12.2.1 Infrastructure Services Activity Report dated 14 July 2014, receive the report."

CARRIED (2014/320)

12.2.2 Planning Services Activity Report (CON12/1191)

Moved Cr Summerton  Seconded Cr Heley

"that the Council, having considered Item 12.2.2 Planning Services Activity Report dated 14 July 2014, receive the report."

CARRIED (2014/321)

12.2.3 Development Plan Amendment Activity Report (CON12/248)

Moved Cr Summerton  Seconded Cr Heley

"that the Council, having considered Item 12.2.3 Development Plan Amendment Activity Report dated 14 July 2014, receive the report."

CARRIED (2014/322)

13. ITEMS FOR DECISIONS

13.1 Funding Policy Review Report (CON12472)

Moved Cr Daniele  Seconded Cr Wasley

"that the Council having considered Item 13.1 Funding Policy Review Report dated 14 July 2014, recommends Council ratify the Funding Policy."

CARRIED (2014/323)

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Moved Cr Summerton Seconded Cr Daniele


CARRIED (2014/324)

13.3 Two Wells Town Centre – Extension of Memorandum of Understanding (CON12/250)
Moved Cr Heley Seconded Cr Wasley

"that Council, having considered Item 13.3 Two Wells Town Centre - Extension of Memorandum of Understanding dated 14 July 2014, endorse the extension of the life of the Memorandum of Understanding for a further eighteen months from the date of resigning."

CARRIED (2014/325)

"that Council, having considered Item 13.3 Two Wells Town Centre - Extension of Memorandum of Understanding dated 14 July 2014, authorises the Mayor and the Chief Executive Officer to place the Council Seal to the Two Wells Town Centre Memorandum of Understanding."

CARRIED (2014/326)

13.4 Short Stay Concept Plan Post Consultation Report (CON12/233)
Moved Cr Strudwicke Seconded Cr Keen

"that the Council having considered Item 13.4 Short Stay and Recreation Facility - Post Public Consultation dated 14 July 2014, receives and notes the public submissions on the draft Concept Plan and endorses the responses to the submissions as detailed in the Summary of Submissions table."

CARRIED (2014/327)

"that Council having considered Item 13.4 Short Stay and Recreation Facility - Post Consultation, dated 14 July 2014 authorises the Chief Executive Officer to amend the draft Concept Plan in line with the recommendations as listed in the report."

CARRIED (2014/328)

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Moved Cr Summerton  Seconded Cr Strudwicke

"that the Council having considered Item 13.4 Short Stay and Recreation Facility - Post Public Consultation dated 14 July 2014, authorises Council Administration to seek development approval pursuant to the Development Act 1993 for the Short Stay Concept Proposal."

CARRIED (2014/329)

13.5 Schedule of Fees and Charges 2014-2015 (CON12/1131)

Moved Cr Strudwicke  Seconded Cr Picard


CARRIED (2014/330)

14. URGENT BUSINESS

14.1

15. CONFIDENTIAL ITEMS

15.1 Chief Executive Officer – Resignation (CON12/1199)

Moved Cr Keen  Seconded Cr Wasley

"that the Council

1) Pursuant to Sections 90(2) and 90(3) of the Local Government Act 1999 and having considered Item 15.1 Chief Executive Officer - Resignation, including Attachments 1,2,3 and 4, dated 14 July 2014, orders that the public be excluded from the meeting, with the exception of the Minute Secretary, as the matters pertaining to this report and associated documents contains / involves–
   (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

2) Accordingly, on this basis, the principle that the meeting of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information and/or discussion confidential.

CARRIED (2014/331)

At this juncture, 7.48 pm Chief Executive Officer, General Manager, Infrastructure & Planning Services and General Manager, Corporate & Community Services left the Chamber.

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Moved  Cr Wasley  Seconded  Cr Keen

"that the Council having considered Item 15.1 Chief Executive Officer - Resignation dated 14 July 2014, authorises the Mayor to finalise the end date of the current Chief Executive Officer's contract to be 22 August 2014."

CARRIED  (2014/332)

The Mayor sought leave of the meeting to suspend Part 2 of the Local Government (Procedures at Meetings) Regulations 2000. The meeting was suspended at 7.51 pm.

Meeting resumed at 8.15 pm.

Moved  Cr Danielle  Seconded  Cr Summerton

"that the Council having considered Item 15.1 Chief Executive Officer - Resignation dated 14 July 2014, authorises that the current Chief Executive Officer salary be adjusted in line with the 30 June 2014 CPI – Australia only (no adjustment for performance outcomes) effective 10 August 2014."

CARRIED  (2014/333)

Moved  Cr Summerton  Seconded  Cr Daniele

"that the Council having considered 15.1 Chief Executive Officer - Resignation dated 14 July 2014, authorises the Mayor to finalise arrangements to appoint Mr Sellar as acting Chief Executive Officer within existing financial parameters and that he commences immediately after the agreed final day for the existing Chief Executive Officer, or that the Council having considered 15.1 Chief Executive Officer - Resignation dated 14 July 2014, authorises the Mayor to finalise arrangements to seek an external party to undertake the duties of the Acting Chief Executive Officer, and the Mayor report back to Council on the recommended applicant for authorisation."

Division

Councillor Strudwicke called a Division

Those voting in the affirmative are Crs Daniele, Keen, Jones, Heley, Wasley, Summerton and Kennington.

Those voting in the negative are Crs Howard, Strudwicke and Picard.

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"that the Council having considered 15.1 Chief Executive Officer - Resignation dated 14 July 2014, authorises the Mayor to finalise arrangements to appoint Mr Sellar as acting Chief Executive Officer within existing financial parameters and that he commences immediately after the agreed final day for the existing Chief Executive Officer, or that the Council having considered 15.1 Chief Executive Officer - Resignation dated 14 July 2014, authorises the Mayor to finalise arrangements to seek an external party to undertake the duties of the Acting Chief Executive Officer, and the Mayor report back to Council on the recommended applicant for authorisation."

CARRIED (2014/334)

Moved Cr Keen Seconded Cr Heley

"that the Council having considered Item 15.1 Chief Executive Officer - Resignation dated 14 July 2014, notes that a further report be brought back to Council to address the appointment of a new Chief Executive Officer."

CARRIED (2014/335)

At this juncture, 8.19 pm Chief Executive Officer, General Manager, Infrastructure & Planning Services and General Manager, Corporate & Community Services returned to the Chamber.

16. CLOSURE

There being no further business, the Mayor declared the meeting closed at 8:20 pm

Confirmed as a true record.

Mayor: 

Date: 14 July 2014