MINUTES OF THE ORDINARY MEETING OF THE DISTRICT COUNCIL OF MALLALA
HEL D IN THE MALLALA COUNCIL CHAMBERS, REDBANKS ROAD, MALLALA ON
TUESDAY 10 JUNE 2014, COMMENCING AT 6:00 PM

1. ATTENDANCE

1.1 Present
Crs D Kennington (Mayor), P Daniele, T Keen, Y Howard, S Strudwicke, B Summerton,
S Jones, J Heley, M Wasley, A Picard from (6.02 pm), K McColl (from 6:07 pm),
and Messrs C Mansueto (Chief Executive Officer), P Sellar (General Manager,
Corporate and Community) Mr G Mavrinac (General Manager, Infrastructure and
Planning) and Mrs A Humphrys (Minute Secretary).

1.2 Councillors Apologies
Nil

1.3 Councillors Absent
Nil

2. CONFIRMATION OF MINUTES
Moved Cr Wasley Seconded Cr Summerton
Council Meeting held on Monday 26 May 2014 (MB Folios 12770 to 12777, inclusive).
CARRIED (2014/286)

3. BUSINESS ARISING
Nil

4. DECLARATION OF MEMBERS’ INTEREST
4.1 Nil
5. **OPEN FORUM**

Cr Strudwick called for a Point of Order that Open Forum is still to be held as listed on the agenda instead of deferring to 7:00 pm.

The Mayor accepted the point of order.

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 6:03 pm.

5.1 Nil

5.1 Damien Graham  
Coordinator Mid North Community Passenger Network

- Mid North Community Passenger Network

Meeting resumed at 6:25 pm

6. **BRIEFSING**

Nil

7. **MINUTES AND/OR RECOMMENDATIONS**

7.1 Facilities and Infrastructure Advisory Committee

Nil

7.2 Environmental Management Advisory Committee

Nil

7.3 Animal Management Plan Advisory Committee

Nil

7.4 Planning and Development Policy Committee (new)

Nil

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8 QUESTIONS WHICH NOTICE HAS BEEN GIVEN

8.1 Questions on Notice

8.1.1 Salt Creek Bridge Project Upgrades – Two Wells (CON12/537)

Question 1: Do these works constitute bridge repair work?

Answer: Following repeated incidents of road subsidence at the northern side of the bridge and notable cracking in the south eastern corner of the structure, council staff engaged Mace Engineering to carry out an inspection of the site and report on the condition of the Salt Creek Bridge.

Council staff based the successful 2013/2014 budget bid on the report provided by Mace Engineering.

Works currently being carried out on the bridge are listed in the report.

The Report listed the following upgrades:

1. Upgrade of the pathway on the eastern side of the bridge with culverts and 50 metres of textured concrete
2. Replace guardrail with support beams over bridge and the 20metres on the four approaches
3. Removal of the stone support walling and cracked concrete retaining wall on the south east corner. The construction of a new retaining wall and repair of cracked sections of the structure

Question 2: Please give details as to how a pedestrian walkway constitutes improved structural integrity of old Salt Creek Bridge.

Answer: The pedestrian walkway has been upgraded to provide safe access for pedestrians only.

Question 3: When was designated approval given for construction of any pedestrian walkway across Salt Creek and what transparent process was involved?

Answer: Funding sought was based on engineer's report which included recommendation to upgrade path.

Question 4: Is Salt Creek inside or outside of Two Wells town boundary?

Answer: The Salt Creek bridge is approximately 260 metres inside the southern township boundary of Two Wells and 95 metres inside the 50 kph speed zone.

Question 5: As there is only one dwelling adjacent to construction of new walkway on the Eastern side of Southern approach, and a number of dwellings on the Western side of Southern approach to Two Wells, in interest of equity, is another pedestrian walkway also planned for the Western side?

Answer: No walkway is planned to be constructed on the western side of the bridge. The works involved upgrading of existing path and not installing new path.

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Question 6: If it is envisaged that pedestrians from Western side will have to cross the road to access the walkway on the Eastern side, will that create an added safety issue and negate improved safety as reason for installing walkway over Salt Creek on the Easter side of highway?

Answer
Yes it is envisaged pedestrians from the western side of Old Port Wakefield road will have to cross the road to access the upgraded eastern side pathway.
No. It is not believed that added safety issues will arise from the upgrade of the existing eastern pathway.
No formal path use survey has been carried out by staff.

Question 7: What is the total full cost of this pedestrian walkway construction adjacent Salt Creek Bridge when fully and finally completed?

Answer
The Mace Engineer Report estimated the pathway to cost $18,000.
Council staff estimate the pathway component of the Salt creek Bridge upgrade will be completed at a cost of approximately $17,000.

Question 8: How is this walkway constriction being funded?

Answer
The project was approved as a part of the 2013/2014 Budget process, thus is being fund as a part of council's 2013/2014 Capital Works program.

Question 9: Some residents have been told walkway is to service residents along Hayman Road is this correct, as Elizabeth Street via Secomb Road is shorter and safer route?

Answer
Staff have no record of information forwarded to residents regarding who the specific users of the pathway may be.
The existing pathway has been the only formal access to pedestrians entering the Two Wells township from south of Salt creek and links to the existing paved footpath on Old Port Wakefield road.

Question 10: Is this walkway designed as a dual cycle/pedestrian path, f so how will this be managed, what liabilities are foreseen and what are legislated requirements?

Answer
No this pathway has not been designed as a dual cycle / pedestrian path as the path will only be linked to a standard paved footpath.

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8.1.2 Recording of Council Meetings (CON12/537)

Question 1: Is there any restriction under Local Government Act 1999 that would inhibit, preclude or disallow the recording of Council Meetings by anyone including Elected Members, media representatives or members of the gallery?

Answer: Initial research by staff has not identified any Local Government Act 1999 requirements that would stop a person recording meetings. Although not legally required, common courtesy would be that a person considering recording a meeting would advise the meeting of their intentions.

8.1.3 Rating System (CON12/537)

Question 1: Are these alleged statements accurate based on fact within Council's rating system? Yes or No

Answer: In preparation for the 2012/2013 financial year, Council adopted a new rating structure after a great deal of deliberations and considerable community consultation. This structure was modified to include three differential rates based on land use and defined as:

- Residential Vacant Land and other
- Commercial/Industrial
- Primary Production

The Residential Vacant Land and other rate was determined to be the base rate with the Commercial/Industrial approximately 30% above the base and Primary Production approximately 10% below the base.

A fixed charge was also adopted in place of a minimum rate and set at a modest level of $100 per rateable property.

A service charge was implemented for those rateable properties that received a kerbside waste collection service. A rate of $180 per rateable property was set with the intention to recover the cost of the 2 bin collection service.

Property valuations are based on capital value and set by Valuer-General’s office through Valuation SA, with council adopting the land values as provided.

Question 2: Are these alleged statements inaccurate based on Council's current rating system? Yes or No

Answer: Refer to Question 1 response

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8.1.4 Waste Disposal Site – Two Wells (CON12/537)

Question 1: Who is responsible for the remediation of these sites?
Answer: Information to be provided next meeting

Question 2: What costs will be borne by Council and how much will it cost?
Answer: Information to be provided next meeting

Question 3: When will these sites be remediate and by whom?
Answer: Information to be provided next meeting

8.1.5 Levee Protection of Two Wells (CON12/537)

Question 1: Who is responsible for the construction of the levee?
Answer: Information to be provided next meeting

Question 2: What costs will be borne by Council and how much will these costs be?
Answer: Information to be provided next meeting

Question 3: Taken that this Development will occur over 20-30 years, when will the levee be constructed?
Answer: Information to be provided next meeting

Question 4: If this levee is not to be constructed before any buildings are erected who will be responsible for any damages by flood to these buildings?
Answer: Information to be provided next meeting

Cr Strudwicke sought leave of Council to move item 8.2.1 - Ordinary Council Meeting - Open Forum Start Time (CON12/537) to after item 8.2.2 - Ordinary Council Meeting Start Times (CON12/537). Leave granted.

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8.2 Notice of Motion

8.2.2 Ordinary Council Meeting Start Times (CON12/537)

Moved Cr Heley  Seconded Cr Summerton

"that Council rescinds motion 2014/266 from the 26 May 2014 Ordinary Council meeting."

CARRIED (2014/287)

Cr Howard sought to have the meeting adjourned to undertake discussions on item 8.2.2 - Ordinary Council Meeting Start Times (CON12/537).

Cr Strudwick called for a Point of Order that the meeting can not be adjourned as it is not in line with Council’s meeting procedures, but can seek leave.

The Mayor accepted the point of order.

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 6:28 pm.

Meeting resumed at 6:47 pm.

Moved Cr Heley  Seconded Cr Strudwick

"that Council effective from the next Ordinary meeting commence its Ordinary Council meetings at 7:00 pm."

CARRIED (2014/288)

Cr Strudwicke withdrew motion 8.2.1 – Ordinary Council Meeting – Open Forum Start Time (CON12/537).

9. QUESTIONS WHICH NOTICE HAS NOT BEEN GIVEN

Nil

10. PETITIONS

Nil
11. DEPUTATIONS

Nil

12. ITEMS FOR NOTING / INFORMATION / ACTIVITY REPORTS

12.1 Items for Information / Noting

Nil

12.2 Activity Reports

12.2.1 Infrastructure Services Activity Report (CON12/1191)
Moved Cr Daniele Seconded Cr Summerton

"that the Council, having considered Item 12.2.1 Infrastructure Services Activity Report dated 10 June 2014, receive the report."

CARRIED (2014/289)

12.2.2 Planning Services Activity Report (CON12/1191)
Moved Cr Wasley Seconded Cr Picard

"that Council, having considered Item 12.2.2 Planning Services Activity Report dated 10 June 2014, receive the report."

CARRIED (2014/290)

12.2.3 Development Plan Amendment Activity Report (CON12/248)
Moved Cr Daniele Seconded Cr Wasley

"that Council, having considered Item 12.2.3 Planning and Building Activity Report, dated 10 June 2014, receives the report."

CARRIED (2014/291)

13. ITEMS FOR DECISION

Moved Cr Picard Seconded Cr Keen

"that the Council having considered Item 13.1 Mandatory Code of Conduct - Council Members – LGA Proposal for Change – Request for Submissions Report dated 10 June 2014, notes and receives the Report and authorises the Mayor and Chief Executive Officer to provide a submission to the LGA."

CARRIED (2014/292)

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14. **URGENT BUSINESS**

14.1 *Taping or Recording of Council Meetings*

Moved Cr Keen  
Seconded Cr Jones

"that a report be brought back to Council with information, covering all relevant legislation, relating to the informal taping or recording of Council Meetings or part there of, by Councillors, and the use of that recording."

**CARRIED (2014/293)**

Cr Strudwicke called for a Point of Order that the meeting should proceed to the budget representations from the community.

The Mayor accepted the point of order.

Cr Strudwicke called for a Point of Order that the motion can not be voted for want of a seconder for item 14.1 – *Taping or Recording of Council Meetings.*

The Mayor ruled in the negative as there was a seconder.

The Mayor sought leave of the meeting to suspend Part 2 of the Local Government (Procedures at Meetings) Regulations 2000 for 'Draft Annual Business Plan and Budget 2014-15 Submissions'. The meeting was suspended at 7:10 pm.

**Verbal Submission to Council – Draft Annual Business Plan and Budget 2014-15 Annual Budget**

- Verbal submission provided by Mr Dean Cook which will be forwarded to staff to include as a formal submission as part of the consultation for the Draft Annual Business Plan and Budget 2014-15.

Meeting resumed at 7:20 pm.

15. **CONFIDENTIAL ITEMS**

15.1 Sale of Council Land – Germantown Road, Redbanks (Confidential) (CON12/893)

Moved Cr Keen  
Seconded Cr Wasley

"that the Council having considered Item 15.1 *Sale of Council Land – Germantown Road, Redbanks (Confidential)* dated 10 June 2014 and pursuant to Sections 90(2) and 90(3)(d) of the Local Government Act 1999, orders that the public be excluded from the meeting, with the exception of the Chief Executive Officer, General Manager Infrastructure and Planning, General Manager Corporate and Community Services and the Minute Secretary, as the matters pertaining to Report 15.1 *Sale of Council Land – Germantown Road (Confidential)* dated 10 June 2014, contains commercial information of a confidential nature (not being a trade secret) the disclosure of which – could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party."

**CARRIED (2014/294)**

10 June 2014
Moved Cr Keen Seconded Cr Summerton

"that the Council having considered Item 15.1 Sale of Council Land – Germantown Road, Redbanks (Confidential) dated 10 June 2014 that pursuant to Sections 91(7) and (9) of the Local Government Act 1999, the Council orders that the report and the information by way of the subject report 15.1 Sale of Council Land – Germantown Road, Redbanks (Confidential) dated 10 June 2014 and associated documents, remain confidential and not available for public inspection until after the sale of the property is finalised."

CARRIED (2014/296)

Cr Summerton called to adjourn the meeting until 8:00 pm.

The call to adjourn the meeting was withdrawn.

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 7:25 pm.

At this juncture 7:26 pm, Cr Picard left the chamber.
At this juncture 7:28 pm, Cr Strudwicke left the chamber.

The meeting resumed at 8:00 pm.

16. CLOSURE
There being no further business, the Mayor declared the meeting closed at 8:01 pm

Confirmed as a true record.

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

Date: 23/7/14

10 June 2014