

MINUTES

GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY BOARD

9:45am Thursday 21 October 2021

Council Chambers – Adelaide Plains Council – 2a Wasleys Road, Mallala

1. Meeting of the Board

1.1 Welcome by the GRFMA Chairperson

Mr Ian Baldwin formally welcomed Board Members, Deputy Board Members, Mayor Mark Wasley, Observers and the Executive Officer and opened the 129th meeting of the Board.

1.2 Present

- Mr Ian Baldwin, Independent Board Member, Chair
- Cr Terry-Anne Keen, Adelaide Plains Council, Board Member
- Mr James Miller, Adelaide Plains Council, Board Member
- Cr Malcolm Herrmann, Adelaide Hills Council, Board Member
- Mr Ashley Curtis, Adelaide Hills Council, Board Member
- Cr Russell Johnstone, The Barossa Council, Deputy Board Member
- Mr Gary Mavrinac, The Barossa Council, Board Member
- Cr Paul Koch, Town of Gawler, Board Member
- Mr Sam Dilena, Town of Gawler, Board Member
- Mr Greg Pattinson, City of Playford, Board Member
- Mr David Hitchcock, Executive Officer

1.3 Apologies

- Mayor Bim Lange, The Barossa Council, Board Member
- Cr William Close, Light Regional Council, Board Member
- Mr Brian Carr, Light Regional Council, Board Member

1.4 Appointment of Observers

GRB 21/81 Observers
Moved: Cr T Keen
Seconded: Mr J Miller

That Cr J Lush Adelaide Plains Council, Deputy Board Member, be appointed as Observer.

CARRIED UNANIMOUSLY

1.5 Declarations of Interest

Nil

2. Confirmation of Minutes

2.1 GRFMA Ordinary Meeting Minutes

GB21/82 GRFMA Ordinary Meeting Minutes

Moved: Cr M Herrmann

Seconded: Mr R Johnstone

That the Minutes of the Gawler River Floodplain Management Authority Board meeting held 19 August 2021, as amended, be confirmed as a true and accurate record of that meeting.

CARRIED UNANIMOUSLY

Amendments noted as:

- Inserting notation that the GRFMA Chair recognised and extended welcome to Mayor Redman, Town of Gawler.
- Item 5.1 to identify that the presentation by Ms Sally Jenkins was provided via electronic means.

2.2 GRFMA Special Meeting Minutes

GB21/83 GRFMA Special Meeting Minutes

Moved: Mr G Mavrinac

Seconded: Mr M Miller

That the Minutes of the Gawler River Floodplain Management Authority Special Board meeting held 27 September 2021 be confirmed as a true and accurate record of that meeting.

CARRIED UNANIMOUSLY

2.3 GRFMA Confidential Meeting Minutes

GB21/84 GRFMA Confidential Meeting Minutes

Moved: Mr G Mavrinac

Seconded: Mr S Dilella

That the confidential Minutes of the Gawler River Floodplain Management Authority Special Board meeting held 27 September 2021 be confirmed as a true and accurate record of that meeting.

CARRIED UNANIMOUSLY

2.4 Actions on Previous Resolutions

The Executive Officer noted that investigations regarding CCTV at the BENPFM Dam are in progress and removal (painting over) of the Graffiti is scheduled.

3. Questions on Notice

Nil

4. Motions on Notice

Nil

5. Presentations

Nil

6. Audit Committee

Nil

7. Technical Assessment Panel

Refer confidential item 10.1.

8. Reports

8.1 Financial Report

GB21/85 Financial Report
Moved: Cr M Herrmann
Seconded: Cr T Keen

That the GRFMA Board receives the financial report as of 30 September 2021 showing a balance of \$238,111.93 total funds available.

CARRIED UNANIMOUSLY

8.2 Stormwater Management Plan Progress Report

GB21/86 Stormwater Management Plan Progress Report
Moved: Mr G Pattinson
Seconded: Mr J Miller

That the GRFMA Board receives the report.

CARRIED UNANIMOUSLY

8.3 GRFMA Charter Review 2 – Funding Model

GB21/87 GRFMA Charter Review 2 – Funding Model
Moved: Cr T Keen
Seconded: Cr M Herrmann

That the GRFMA Board:

- 1. Receives the report.*
- 2. Notes the pending 29 October 2021 GRFMA Strategic Plan discussions with the respective Mayors and Chief Executive Officers.*
- 3. Receives a further report at the December 2021 GRFMA meeting.*

CARRIED UNANIMOUSLY

In discussion of item 8.3 members noted the draft model is currently conceptual and will require further discussion and Council feedback before any further progress is made. It is not to be considered as a proposal or solution.

It was agreed that any discussion on percentages of contributions will be a challenging conversation and noted the clear view that the framework reinforces the position that funding of any large flood mitigation infrastructure will be beyond the capacity of Constituent Councils without State and Federal funding.

In considering consultation with Constituent Councils the meeting determined that should any Council wish additional detailed presentation of the model components, to assist discussion, then this would be at Councils discretion and cost.

It was also agreed that the above comments should be relayed to the 29 October 2021 GRFMA Strategic Plan discussions with the respective Mayors and Chief Executive Officers.

8.4 GRFMA Strategic Plan

GB21/88 GRFMA Strategic Plan

Moved: Mr G Pattinson

Seconded: M G Mavrinac

That the GRFMA Board:

1. *Notes the "on hold" status of the GRFMA Strategic Plan.*
2. *Receives a further report on outcomes of discussions with the respective Mayors and Chief Executive Officers.*

CARRIED UNANIMOUSLY

9. Correspondence

Nil

10. Confidential

10.1 Tenders – Bruce Eastick North Para Flood Mitigation Dam Repairs

GB21/89 Tenders – Bruce Eastick North Para Flood Mitigation Dam Repairs

Moved: Cr R Johnstone

Seconded: Cr T Keen

That:

1. *Pursuant to Section 90(2) of the Local Government Act 1999, an Order is made that the public be excluded from attendance at the meeting, with the exception of:*
 - *Executive Officer; and*
 - *Observers**in order to consider in confidence agenda item 10.1 pursuant to Section 90(3)(k) of the Local Government Act 1999 on the basis of : tenders for the supply of goods, the provision of services or the carrying out of works.*
2. *This matter is confidential because the information herein provides commercial terms and conditions for Tenders received for Bruce Eastick North Para Flood Mitigation Dam (BENPFM Dam) repairs and would provide advantage to a third party for negotiations regarding the service.*
3. *On the basis of this information, the principle that meetings of the GRFMA Board should be conducted in a place open to the public has been outweighed in this instance: the Board consider it necessary to consider this matter in confidence.*

CARRIED

10:50am – confidential session commenced.

11:15am – the meeting adjourned for a short break.

11:30am – the meeting reconvened.

GB21/90 Tenders – Bruce Eastick North Para Flood Mitigation Dam Repairs

Moved: Mr A Philpott

Seconded: Mr G Pattinson

- Kept Confidential

GB21/91 Tenders – Bruce Eastick North Para Flood Mitigation Dam Repairs

Moved: Cr M Herrmann

Seconded: Cr T Keen

That:

1. *Pursuant to Section 90(2) and Section 91(7) of the Local Government Act 1999, the GRFMA orders that the following aspects of item 10.1 Tenders received for Bruce Eastick North Para Flood Mitigation Dam repairs be kept confidential in accordance with the GRFMA Boards reasons to deal with this item in confidence pursuant to section 90(3)(k) of the Local Government Act 1999:*
 - *Minutes*
 - *Report for Item 10.1*
 - *Attachments relating to deliberations of report 10.1*
2. *This order shall operate until reviewed and determined as part of the annual review by the Authority in accordance with Section 91(9)(a) of the Local Government Act 1999.*

CARRIED UNANIMOUSLY

11:34am – confidential session concluded.

The Board brought forward item 10.3.

10.3 Review of the Register of Confidential Items

GB21/95 Review of the Register of Confidential Items

Moved: Mr J Miler

Seconded: Cr R Johnstone

That:

1. *Pursuant to Section 90(2) of the Local Government Act 1999, the meeting orders that the public be excluded from attendance at this part of the meeting relating to Item 10.3 Review of the Register of Confidential Items, excepting the following persons:*
 - *Executive Officer; and*
 - *Observers**to enable the meeting to consider in confidence agenda Item 10.3 on the basis that the meeting considers it necessary and appropriate to act in a meeting closed to the public (excepting the persons listed above) pursuant to Sections 90(3)(a)(d)(e)(k) of the Local Government Act 1999 in order to receive, discuss or consider in confidence the information or matter relating to Item 10.3:*
 - (a) *information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)*
 - (d)(i) *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*

- (d)(ii) commercial information of a confidential nature (not being a trade secret) the disclosure of which would, on balance, be contrary to the public interest Ordinary Council Meeting Agenda 28 September 2021
- (e) matters affecting the security of the council, members or employees of the council, or council property; or the safety of any person
- (k) tenders for the supply of goods, the provision of services or the carrying out of works
2. Accordingly, on this basis, the principle that meetings of the GRFMA Board should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

CARRIED UNANIMOUSLY

11:35am – confidential session commenced.

GB 21/96 Review of the Register of Confidential Items

Moved: R T Keen

Seconded: Mr G Mavrinac

That the GRFMA Board:

1. *Releases the following items from confidence:*

20/96	10/12/20	10.1	Bruce Eastick North Para Flood Mitigation Dam	Report and attachments
21/15	11/02/21	10.1	Executive Officer Review	Report and attachment
21/19	17/03/21	2.1	Tenders Storm Water Management Plan	Report, attachments and minutes
21/35	15/04/21	10.1	Tenders Strategic Plan	Report and attachment
21/51	17/06/21	10.1	Tenders Records Management	Report and attachments

2. Pursuant to Section 90(2) and Section 91(7) of the Local Government Act 1999, the GRFMA orders that the following items from the Board meeting held 13/6/2019 for item 10.1 Lower level outlet pipe and stilling basin repairs Bruce Eastick North Para Flood Mitigation Dam remain confidential in accordance with the GRFMA Boards reasons to deal with this item in confidence pursuant to section 90(3)(d) of the Local Government Act 1999:

- Minutes for Item 10.1
- Discussion for Item 10.1
- Report for Item 10.1
- Attachments for Item 10.1

This order shall operate until reviewed and determined as part of the 2022 annual review by the Authority in accordance with Section 91(9)(a) of the Local Government Act 1999.

3. Pursuant to Section 90(2) and Section 91(7) of the Local Government Act 1999, the GRFMA orders that the following items from Board resolution 19/82 item 10.1 Bruce Eastick North Para Flood Mitigation Dam remain confidential in accordance with the GRFMA Boards reasons to deal with this item in confidence pursuant to section 90(3)(d) of the Local Government Act 1999:

- Report for Item 10.1
- Attachments for Item 10.1

This order shall operate until reviewed and determined as part of the 2022 annual review by the Authority in accordance with Section 91(9)(a) of the Local Government Act 1999.

4. Pursuant to Section 90(2) and Section 91(7) of the Local Government Act 1999, the GRFMA orders that the following items from Board resolution 0/36 item 10.2 Lower Level Outlet Pipe Basin remain confidential in accordance with the GRFMA Boards reasons to deal with this item in confidence pursuant to section 90(3)(d) of the Local Government Act 1999:
 - Report for Item 10.2.
 - Attachments for item 10.2.

This order shall operate until reviewed and determined as part of the 2022 annual review by the Authority in accordance with Section 91(9)(a) of the Local Government Act 1999.
5. Pursuant to Section 90(2) and Section 91(7) of the Local Government Act 1999, the GRFMA orders that the following items from Board resolution 20/79 item 10.1 Lower Level Outlet Pipe remain confidential in accordance with the GRFMA Boards reasons to deal with this item in confidence pursuant to section 90(3)(d) of the Local Government Act 1999:
 - Report for Item 10.1
 - Attachments for Item 10.1

This order shall operate until reviewed and determined as part of the 2022 annual review by the Authority in accordance with Section 91(9)(a) of the Local Government Act 1999.
6. Pursuant to Section 90(2) and Section 91(7) of the Local Government Act 1999, the GRFMA orders that the following items from Board resolution 21/54 item 10.2 Lower Level Outlet Pipe remain confidential in accordance with the GRFMA Boards reasons to deal with this item in confidence pursuant to section 90(3)(d) of the Local Government Act 1999:
 - Report for Item 10.2
 - Attachments for Item 10.2

This order shall operate until reviewed and determined as part of the 2022 annual review by the Authority in accordance with Section 91(9)(a) of the Local Government Act 1999.
7. Pursuant to Section 90(2) and Section 91(7) of the Local Government Act 1999, the GRFMA orders that the following items from Board TAP resolution 21/03 item 5 Tenders Bruce Eastick Dam remain confidential in accordance with the GRFMA Boards reasons to deal with this item in confidence pursuant to section 90(3)(d) of the Local Government Act 1999:
 - Report for Item 5
 - Attachments for Item 5

This order shall operate until reviewed and determined as part of the 2022 annual review by the Authority in accordance with Section 91(9)(a) of the Local Government Act 1999.
8. Pursuant to Section 90(2) and Section 91(7) of the Local Government Act 1999, the GRFMA orders that the following items from Board TAP resolution 21/06 item 6 Tenders Bruce Eastick Dam remain confidential in accordance with the GRFMA Boards reasons to deal with this item in confidence pursuant to section 90(3)(d) of the Local Government Act 1999:
 - Report for Item 6
 - Attachments for Item 6

This order shall operate until reviewed and determined as part of the 2022 annual review by the Authority in accordance with Section 91(9)(a) of the Local Government Act 1999.

9. Pursuant to Section 90(2) and Section 91(7) of the Local Government Act 1999, the GRFMA orders that the following items from Board resolution 21/70 item 10.1 TAP Tenders Bruce Eastick Dam remain confidential in accordance with the GRFMA Boards reasons to deal with this item in confidence pursuant to section 90(3)(k) of the Local Government Act 1999:

- Report for Item 10.1
- Attachments for Item 10.1

This order shall operate until reviewed and determined as part of the 2022 annual review by the Authority in accordance with Section 91(9)(a) of the Local Government Act 1999.

CARRIED UNANIMOUSLY

11:42am – confidential session concluded.

10.2 Executive Officer Review 2021

GB21/92 Executive Officer Review 2021

Moved: Mr G Mavrinac

Seconded: Mr G Pattinson

That:

1. Pursuant to Section 90(2) of the Local Government Act 1999, an Order is made that the public be excluded from attendance at the meeting, with the exception of:
 - Observers*in order to consider in confidence agenda item 10.2 Executive Officer Contract pursuant to Section 90(3)(a) of the Local Government Act 1999 on the basis of : containing information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).*
2. *This matter is confidential because the information herein provides commercial terms and conditions for the position of GRFMA Executive Officer.*
3. *On the basis of this information, the principle that meetings of the GRFMA Board should be conducted in a place open to the public has been outweighed in this instance: the Board consider it necessary to consider this matter in confidence.*

CARRIED UNANIMOUSLY

11:43am – confidential session commenced.

11:43am – Executive Officer David Hitchcock left the meeting.

GB21/93 Executive Officer Review 2021

Moved: Mr G Mavrinac

Seconded: Mr A Curtis

- Kept Confidential

GB21/94 Executive Officer Review 2021

Moved: Mr A Curtis

Seconded: Cr R Johnstone

That:

1. Pursuant to Section 90(2) and Section 91(7) of the Local Government Act 1999, the GRFMA orders that the following aspects of item 10.2 Executive Officer Contract be kept confidential in accordance with the GRFMA Boards reasons to deal with this item in confidence pursuant to section 90(3)(a) of the Local Government Act 1999:
 - Minutes
 - Report for Item 10.2
 - Attachments relating to deliberations of report 10.2

2. *This order shall operate until reviewed and determined as part of the annual review by the Authority in accordance with Section 91(9)(a) of the Local Government Act 1999.*

CARRIED UNANIMOUSLY

11:50am – confidential session concluded.

11:50am – Executive Officer David Hitchcock returned to the meeting.

11. Urgent Matters Without Notice

Mr S Dilena advised that Mr Ben DeGilio has resigned from the GRFMA as a Deputy Board member as he is leaving employment with the Town of Gawler. A replacement Deputy Board member will be appointed in due course.

12. Next Meeting

Date and Time: 9:45am – 9 December 2021
Host: City of Playford

13. Closure

The Chairperson thanked the members for their attendance and contributions, thanked the Adelaide Plains Council for hosting and closed the meeting at 11.51am.

Chair _____ Date _____