



**MINUTES OF SPECIAL COUNCIL MEETING
FOR THE TOWN OF GAWLER
HELD TUESDAY 5 DECEMBER 2017, CONFERENCE ROOM,
TOWN OF GAWLER ADMINISTRATION CENTRE
43 HIGH STREET, GAWLER EAST, COMMENCING AT 6:00PM**

1. Statement of Acknowledgement

Mayor: *We would like to acknowledge this land that we meet on today is the traditional lands for the Kaurna people and that we respect their spiritual relationship with their country. We also acknowledge the Kaurna people as the custodians of the greater Adelaide region and that their cultural and heritage beliefs are still as important to the living Kaurna people today.*

2. Attendance Record

2.1 Present

Mayor
Deputy Mayor
Area Councillors

Karen Redman
Ian Tooley
Kevin Fischer
Beverley Gidman
David Hughes
Paul Koch
Merilyn Nicolson
Adrian Shackley
Jim Vallelonga (6.09pm)

Staff in Attendance

Henry Inat
Sam Dilena

Ryan Viney

Paul Horwood

Erin Findlay

David Barrett

Angelo Lanzilli
Chris Haynes
Sara Preece

Chief Executive Officer
Manager Infrastructure & Engineering
Services
Manager Development, Environment
& Regulatory Services
Manager Finance & Corporate
Services
Manager Library & Community
Services
Manager Business Enterprises &
Communications
Senior Projects Manager
Minute Taker
Minute Taker

**TOWN OF GAWLER
SPECIAL COUNCIL MEETING MINUTES
TUESDAY 5 DECEMBER 2017**

2.2 Apologies

Cr Robin Symes

2.3 Motions to Grant Leave of Absence

Moved by Cr Fischer
Seconded by Cr Nicolson
Motion No: 2017:12:457

That Cr R Symes be granted a leave of absence from 30 December 2017 to 12 January 2018 inclusive.

CARRIED UNANIMOUSLY

2.4 Leave of Absence

Nil

2.5 Non-attendance

Nil

3. Public Open Forum

Mr Graeme Williamson spoke to Members regarding Gawler East Link Road

6.09pm Cr J Vallelonga entered the Conference Room

Mayor Redman thanked Mr Williamson for his presentation

4. Business

5. Questions without Notice

Nil

6. Motions Without Notice

Nil

**TOWN OF GAWLER
SPECIAL COUNCIL MEETING MINUTES
TUESDAY 5 DECEMBER 2017**

7. Confidential Reports

Item 7.1 – Gawler East Link Road Update Report (CC17/448)

Moved by Cr A Shackley
Seconded by Cr K Fischer
Motion No: 2017:12:458

That:

- 1. Pursuant to Sections 90(2) and 90(3)(b) & (j) of the Local Government Act 1999 (the Act), the Council orders that the public be excluded from attendance at that part of this meeting relating to Item 7.1 excepting the following persons:**

- **Chief Executive Officer**
- **Manager Development, Environment & Regulatory Services**
- **Manager Infrastructure & Engineering Services**
- **Manager Library & Community Services**
- **Manager Finance & Corporate Services**
- **Manager Business Enterprises & Communications**
- **Senior Projects Manager**
- **Minute Takers**

to enable the Council to consider Item 7.1 in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 7.1:

- (b) information the disclosure of which—**
- (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and**
 - (ii) would, on balance, be contrary to the public interest;**

and

- (j) information the disclosure of which—**
- (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and**
 - (ii) would, on balance, be contrary to the public interest;**

Specifically, the present matter relates to the Gawler East Link Road and information which has been provided to the Council by the Department of Planning Transport and Infrastructure, pertaining to contract procurement, project delivery and related legal advice. This information was communicated to the Council on a confidential basis.

**TOWN OF GAWLER
SPECIAL COUNCIL MEETING MINUTES
TUESDAY 5 DECEMBER 2017**

The Council has considered the public interest in relation to whether to make this order. The prevailing public interest in these circumstances is the delivery by the State Government, in partnership with the Council, of a major public works project. The release of this information at this stage may compromise the delivery of a proposed significant roadwork project, which is intended to benefit the Gawler Community and the public in general. The Council considers that, on balance, disclosure would be contrary to the public interest at this time.

2. Accordingly, on this basis, the principle that meetings of the Council 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

6.14pm members of the public left the Conference Room
6.15pm confidential session commenced.

Moved by Cr Nicolson
Seconded by Cr Fischer
Motion No: 2017:12:459

That meeting procedures be suspended.

CARRIED

The Mayor, with approval of two-thirds of the members present suspended the meeting procedures pursuant to the *Local Government (Procedures at Meetings) Regulations 2013*, for a period sufficient to facilitate informal discussion in relation to the Gawler East Link Road Update and will resume at the discretion of the Mayor.

6.36pm meeting procedures suspended
7.23pm meeting procedures resumed

Moved by Cr A Shackley
Seconded by Cr J Vallelonga
Motion No: 2017:12:460

That the Special Council meeting be adjourned to allow the Infrastructure and Environmental Services Committee meeting to proceed, and this meeting to recommence once this meeting has been dealt with.

CARRIED UNANIMOUSLY

7.25pm meeting suspended
7.35pm meeting resumed

**TOWN OF GAWLER
SPECIAL COUNCIL MEETING MINUTES
TUESDAY 5 DECEMBER 2017**

Moved by Cr J Vallelonga
Seconded by Cr A Shackley

That Council:

1. Notes the Gawler East Link Road Update Report.
2. Accepts in consideration of the current project cost estimates, further cost risks, land acquisition timing and identified possible risks in the ability to acquire land for this alignment that the only deliverable Gawler East Link Road alignment using the existing project budget is the DPTI alignment.
3. Acknowledges that Council staff and project partners (Department of Planning, Transport & Infrastructure and Springwood) have furthered the design development of the Gawler East Link Road substantially on the Eckerman Avenue alignment whilst including all value management opportunities and design refinements that were available to reduce the estimated cost of the road without compromising its ability to function as a collector road.
4. In consideration of the current Gawler East Link Road project cost estimates, and further cost risks, acknowledges that this road cannot be delivered by the State Government within the \$55M budget allocated on the Eckerman Avenue alignment.
5. Kept confidential
6. Notes that DPTI will not tender the further design and construction of the road until such time as the land acquisition process is sufficiently advanced that confidence of obtaining the alignment corridor is achieved.
7. Has noted the DPTI senior executive staff advice that the \$55M project budget funding may be at risk after the State Election if its design and construction is not tendered and awarded prior to this time.
8. Acknowledges the DPTI alignment will still require a value engineered Gawler East Link Road to be delivered within the \$55M budget, with Potts Road Service Road and Deferred Infrastructure to be further considered (not guaranteed) in the context of further refinement of the design and costs for this project.
9. Advise DPTI that notwithstanding its existing project budget considerations, in accepting the DPTI alignment with a value engineered roadway, this significantly diminishes the feasibility of a future Tiver Road extension which was a key fundamental outcome for the Council in negotiations on the Gawler East Link Road with the State Government.
10. Notify the State Government that it accepts the Gawler East Link Road being constructed on the DPTI alignment on the basis that all trunk services are delivered as part of its construction to ensure the road becomes an enabler of development in the Gawler East residential development zones.
11. Advise the State Government that Council will accept the Gawler East Link Road alignment being the DPTI alignment, requests all legal deeds associated with the delivery of the road be updated to reflect this and authorises the Chief Executive Officer and Mayor to sign and seal all documents required to effect this change.
12. Notes the State Government will utilise their powers under the Highways Act to acquire the necessary land required on the DPTI alignment without requiring the Council's involvement directly in this process.

**TOWN OF GAWLER
SPECIAL COUNCIL MEETING MINUTES
TUESDAY 5 DECEMBER 2017**

13. Notes all other fundamental principles underpinning the Council's original decisions for the Gawler East Link Road deeds would remain in place, namely;
 - a. The Council accept ownership of the road and bridge crossing over the South Para River
 - b. The State Government will be reimbursed \$8.2M over time by the Council using funds collected from land developers at the time land division occurs in the Gawler East Development Zones.
 - c. The Council commit \$2.4M upfront to the Gawler East Link Road project as its contribution to the upgrade of Potts Road. Noting this contribution is reimbursed to the Council by way of the relevant separate rate as land development occurs.
 - d. That the Gawler East Link Road extend through Springwood to the location of the future Village Centre as part of the project's delivery within the \$55M budget. It is noted that the extra cost of this road through Springwood is estimated at \$1.9M which will be otherwise funded from the State Government's \$55M project budget.
14. Requests DPTI communicate this decision to the directly impacted property owners and the broader community in consultation with Council.
15. Informs the State Government's Department of Planning Transport & Infrastructure of its decision.
16. Work with DPTI to implement a Community Information Strategy that will seek to immediately inform key stakeholders and the broader community of this decision.

Amendment

Moved by Cr M Nicolson
Seconded by Cr B Gidman
Motion No: 2017:12:461

That dot point 8 be amended to read:

- 8. Acknowledges the DPTI alignment will still require a value engineered Gawler East Link Road to be delivered within the \$55M budget, with Potts Road Service Road, as a deliverable, and Deferred Infrastructure to be further considered (not guaranteed) in the context of further refinement of the design and costs for this project.**

CARRIED

The amendment was Carried on the casting vote of the Mayor

Motion as Amended

Moved by Cr J Vallelonga
Seconded by Cr A Shackley

That Council:

1. Notes the Gawler East Link Road Update Report.
2. Accepts in consideration of the current project cost estimates, further cost risks, land acquisition timing and identified possible risks in the ability to acquire land for this alignment that the only deliverable Gawler East Link Road alignment using the existing project budget is the DPTI alignment.

**TOWN OF GAWLER
SPECIAL COUNCIL MEETING MINUTES
TUESDAY 5 DECEMBER 2017**

3. Acknowledges that Council staff and project partners (Department of Planning, Transport & Infrastructure and Springwood) have furthered the design development of the Gawler East Link Road substantially on the Eckerman Avenue alignment whilst including all value management opportunities and design refinements that were available to reduce the estimated cost of the road without compromising its ability to function as a collector road.
4. In consideration of the current Gawler East Link Road project cost estimates, and further cost risks, acknowledges that this road cannot be delivered by the State Government within the \$55M budget allocated on the Eckerman Avenue alignment.
5. Kept confidential
6. Notes that DPTI will not tender the further design and construction of the road until such time as the land acquisition process is sufficiently advanced that confidence of obtaining the alignment corridor is achieved.
7. Has noted the DPTI senior executive staff advice that the \$55M project budget funding may be at risk after the State Election if its design and construction is not tendered and awarded prior to this time.
8. Acknowledges the DPTI alignment will still require a value engineered Gawler East Link Road to be delivered within the \$55M budget, with Potts Road Service Road as a deliverable and Deferred Infrastructure to be further considered (not guaranteed) in the context of further refinement of the design and costs for this project.
9. Advise DPTI that notwithstanding its existing project budget considerations, in accepting the DPTI alignment with a value engineered roadway, this significantly diminishes the feasibility of a future Tiver Road extension which was a key fundamental outcome for the Council in negotiations on the Gawler East Link Road with the State Government.
10. Notify the State Government that it accepts the Gawler East Link Road being constructed on the DPTI alignment on the basis that all trunk services are delivered as part of its construction to ensure the road becomes an enabler of development in the Gawler East residential development zones.
11. Advise the State Government that Council will accept the Gawler East Link Road alignment being the DPTI alignment, requests all legal deeds associated with the delivery of the road be updated to reflect this and authorises the Chief Executive Officer and Mayor to sign and seal all documents required to effect this change.
12. Notes the State Government will utilise their powers under the Highways Act to acquire the necessary land required on the DPTI alignment without requiring the Council's involvement directly in this process.
13. Notes all other fundamental principles underpinning the Council's original decisions for the Gawler East Link Road deeds would remain in place, namely;
 - a. The Council accept ownership of the road and bridge crossing over the South Para River
 - b. The State Government will be reimbursed \$8.2M over time by the Council using funds collected from land developers at the time land division occurs in the Gawler East Development Zones.

**TOWN OF GAWLER
SPECIAL COUNCIL MEETING MINUTES
TUESDAY 5 DECEMBER 2017**

- c. The Council commit \$2.4M upfront to the Gawler East Link Road project as its contribution to the upgrade of Potts Road. Noting this contribution is reimbursed to the Council by way of the relevant separate rate as land development occurs.
 - d. That the Gawler East Link Road extend through Springwood to the location of the future Village Centre as part of the project's delivery within the \$55M budget. It is noted that the extra cost of this road through Springwood is estimated at \$1.9M which will be otherwise funded from the State Government's \$55M project budget.
14. Requests DPTI communicate this decision to the directly impacted property owners and the broader community in consultation with Council.
15. Informs the State Government's Department of Planning Transport & Infrastructure of its decision.
16. Work with DPTI to implement a Community Information Strategy that will seek to immediately inform key stakeholders and the broader community of this decision.

LOST

The Motion was Lost on the casting vote of the Mayor.

Deputy Mayor I Tooley called for a division.

The Mayor declared the vote set aside

For: Deputy Mayor Tooley, Cr Nicolson, Cr Vallelonga
Against: Cr Fischer, Cr Shackley, Cr Koch, Cr Hughes

Council meeting held on 12 December 2017, Motion 2017:12:467.

That the Minutes of the Special Council Meeting of 5 December 2017 as presented be taken as read and are hereby confirmed as a true and correct record, with amendment to

Page 8

Addition of Cr Gidman as For the motion.

The Mayor declared the motion Lost on the casting vote of the Mayor.

Moved by Cr K Fischer
Seconded by Cr A Shackley

That Council:

1. Notes the Gawler East Link Road Update Report.
2. Accepts in consideration of the current project cost estimates, further cost risks, land acquisition timing and identified possible risks in the ability to acquire land for this alignment that the only deliverable Gawler East Link Road alignment within the existing project budget is the DPTI alignment.
3. Acknowledges that Council staff and project partners (Department of Planning, Transport & Infrastructure and Springwood) have furthered the design development of the Gawler East Link Road substantially on the Revised Eckerman Avenue alignment whilst including all value management opportunities and design refinements that were available to reduce the estimated cost of the road without compromising its ability to function as a collector road.
4. In consideration of the current Gawler East Link Road project cost estimates, and further cost risks, acknowledges that this road cannot be delivered by the State Government within the \$55M budget allocated on the Revised Eckerman Avenue alignment.

**TOWN OF GAWLER
SPECIAL COUNCIL MEETING MINUTES
TUESDAY 5 DECEMBER 2017**

5. Kept confidential
6. Notes that DPTI will not tender the further design and construction of the road until such time as the land acquisition process is sufficiently advanced that confidence of obtaining the alignment corridor is achieved.
7. Considers the DPTI senior executive staff advice that the \$55M project budget funding may be at risk after the State Election if its design and construction is not tendered and awarded prior to this time.
8. Advise DPTI that notwithstanding its existing project budget considerations, in accepting the DPTI alignment with a value engineered roadway, this significantly diminishes the feasibility of a future Tiver Road extension which was a key fundamental outcome for the Council in negotiations on the Gawler East Link Road with the State Government.
9. Notify the State Government that it accepts the Gawler East Link Road being constructed on the DPTI alignment on the basis that;
 - a. All previously identified deferred infrastructure is delivered upfront;
 - b. Potts Road Service Road is a project deliverable;
 - c. No further scope reductions are sought other than those currently identified as part of the value managed DPTI alignment (ie granular pavement)
 - d. That all trunk services are considered as part of its construction to ensure the road becomes an enabler of development in the Gawler East residential development zones.
10. Note that by resolving to pursue a greater deliverable outcome for the DPTI alignment, and thus inevitable project budget overrun, the community is at risk of losing the State Government's \$55M investment in Gawler.
11. Authorise all legal deeds associated with the delivery of the road to be updated to reflect the Council's decision, on the basis the State Government accept Item 9 of this motion, and authorises the Chief Executive Officer and Mayor to sign and seal all documents required to effect this change.
12. Notes that the DPTI alignment will diminish the benefit of a future extension of the Gawler East Link Road to Tiver Road, through reduced future volumes of traffic which will use this route against the Potts Road and Main North Road option.
13. Notes the State Government will utilise their powers under the Highways Act to acquire the necessary land required on the DPTI alignment without requiring the Council's involvement directly in this process.
14. Notes all other fundamental principles underpinning the Council's original decisions for the Gawler East Link Road deeds would remain in place, namely;
 - a. The Council accept ownership of the road and bridge crossing over the South Para River
 - b. The State Government will be reimbursed \$8.2M over time by the Council using funds collected from land developers at the time land division occurs in the Gawler East Development Zones.
 - c. The Council commit \$2.4M upfront to the Gawler East Link Road project as its contribution to the upgrade of Potts Road.
 - d. That the Gawler East Link Road extend through Springwood to the location of the future Village Centre as part of the project's delivery within the \$55M budget.

**TOWN OF GAWLER
SPECIAL COUNCIL MEETING MINUTES
TUESDAY 5 DECEMBER 2017**

15. Note that the \$8.2M reimbursement paid over time by the Council to the State Government as development occurs should be considered in the context of the total budget, and that the additional \$1.9M over budget cost of the Gawler East Link Road through the Springwood Development should not be funded through the total project budget of \$55M.
16. Requests DPTI communicate this decision to the directly impacted property owners and the broader community in consultation with Council.
17. Informs the State Government's Department of Planning Transport & Infrastructure of its decision.

LOST

Moved by Cr A Shackley
Seconded by Cr P Koch

That Council:

1. Notes the Gawler East Link Road Update Report, the presentation by DPTI staff at the Special Council meeting on 28 November and the various correspondence and recent media commentary related to the project and thanks all contributors for assisting with resolution of outstanding issues.
2. Notes the estimates of cost escalation and the difficulty of funding the Council preferred Eckerman alignment given current funding restraints, and the potential for delay.
3. Notes the DPTI senior executive staff advice about the changed role that DPTI is considering, particularly related to land acquisition, and that the State \$55M project funding may be at risk.
4. Notes that the DPTI alignment will diminish the benefit of a future extension of the Gawler East Link Road to Tiver Road, through reduced future volumes of traffic which will use this route against the Potts Road and Main North Road option.
5. Notes that the physical components of both the Eckerman and DPTI alignments have significant issues to resolve including the design and cost of lights at Potts Road/Main North Road, the design and cost of an access lane and noise protection on Potts Road, the South Para bridge, the design and cost of crossing the creek/s between South Para River and Gawler - One Tree Hill Road and south of Gawler - One Tree Hill Road, the standard of road construction and the extent of works to be deferred as part of "value engineering".
6. Notes issues with alignment, cost and funding of GELR through Springwood land and issues with State Government additional funding of works within Springwood land potentially reducing funding available for the remainder of the project.
7. Notes Council considers that the Project Deed would need to be rewritten if Council adopts the DPTI alignment and that issues including related to Potts Road, deferred works, trunk services, Council ownership of assets and separate rates would need to be clarified.
8. Notes that the DPTI alignment will diminish the benefit of a future extension of the Gawler East Link Road to Tiver Road, through reduced future volumes of traffic which will use this route against the Potts Road and Main North Road option.

**TOWN OF GAWLER
SPECIAL COUNCIL MEETING MINUTES
TUESDAY 5 DECEMBER 2017**

9. Notes that a commitment to a second stage extension to Tiver Road has the potential to save significant cost associated with lights, access lanes, noise protection and other costs along Potts Road as well as deferring for a significant time any requirements to alter Main North Road between Potts Road and the southern end of the Gawler Bypass to a 4 lane road as well as reduce the negative effects of major traffic dividing the Evanston Park communities north and south of Potts Road.
10. Notes that Council would need to undertake appropriate public consultation if a change of GELR alignment is to occur.
11. Requests Minister of Transport/DPTI and Springwood as partners with Council in the Project Deed to undertake urgent negotiations and consultation to resolve outstanding issues with the Eckerman and DPTI alignments so that a timely decision can be made to proceed with an agreed Gawler East Link Road.
12. Informs the Department of Planning Transport & Infrastructure and Springwood of its decision. Informs other interested parties as appropriate.

LOST

Moved by Deputy Mayor I Tooley
Seconded by Cr J Vallelonga

That Council:

1. Notes the Gawler East Link Road Update Report.
2. Accepts in consideration of the current project cost estimates, further cost risks, land acquisition timing and identified possible risks in the ability to acquire land for this alignment that the only deliverable Gawler East Link Road alignment using the existing project budget is the DPTI alignment.
3. Acknowledges that Council staff and project partners (Department of Planning, Transport & Infrastructure and Springwood) have furthered the design development of the Gawler East Link Road substantially on the Eckerman Avenue alignment whilst including all value management opportunities and design refinements that were available to reduce the estimated cost of the road without compromising its ability to function as a collector road.
4. In consideration of the current Gawler East Link Road project cost estimates, and further cost risks, acknowledges that this road cannot be delivered by the State Government within the \$55M budget allocated on the Eckerman Avenue alignment.
5. Kept confidential
6. Notes that DPTI will not tender the further design and construction of the road until such time as the land acquisition process is sufficiently advanced that confidence of obtaining the alignment corridor is achieved.
7. Has noted the DPTI senior executive staff advice that the \$55M project budget funding may be at risk after the State Election if its design and construction is not tendered and awarded prior to this time.
8. Acknowledges the DPTI alignment will still require a value engineered Gawler East Link Road to be delivered within the \$55M budget, with Potts Road Service Road and Deferred Infrastructure to be further considered (not guaranteed) in the context of further refinement of the design and costs for this project.

**TOWN OF GAWLER
SPECIAL COUNCIL MEETING MINUTES
TUESDAY 5 DECEMBER 2017**

9. Advise DPTI that notwithstanding its existing project budget considerations, in accepting the DPTI alignment with a value engineered roadway, this significantly diminishes the feasibility of a future Tiver Road extension which was a key fundamental outcome for the Council in negotiations on the Gawler East Link Road with the State Government.
10. Notify the State Government that it accepts the Gawler East Link Road being constructed on the DPTI alignment on the basis that all trunk services are considered as part of its construction to ensure the road becomes an enabler of development in the Gawler East residential development zones.
11. Advise the State Government that Council will accept the Gawler East Link Road alignment being the DPTI alignment, requests all legal deeds associated with the delivery of the road be updated to reflect this and authorises the Chief Executive Officer and Mayor to sign and seal all documents required to effect this change.
12. Notes the State Government will utilise their powers under the Highways Act to acquire the necessary land required on the DPTI alignment without requiring the Council's involvement directly in this process.
13. Notes all other fundamental principles underpinning the Council's original decisions for the Gawler East Link Road deeds would remain in place, namely;
 - a. The Council accept ownership of the road and bridge crossing over the South Para River
 - b. The State Government will be reimbursed \$8.2M over time by the Council using funds collected from land developers at the time land division occurs in the Gawler East Development Zones.
 - c. The Council commit \$2.4M upfront to the Gawler East Link Road project as its contribution to the upgrade of Potts Road. Noting this contribution is reimbursed to the Council by way of the relevant separate rate as land development occurs.
 - d. That the Gawler East Link Road extend through Springwood to the location of the future Village Centre as part of the project's delivery within the \$55M budget. It is noted that the extra cost of this road through Springwood (currently estimated at \$1.9M by DPTI) should not be funded from the State Government's \$55M project budget.
14. Requests DPTI communicate this decision to the directly impacted property owners and the broader community in consultation with Council.
15. Informs the State Government's Department of Planning Transport & Infrastructure of its decision.
16. Work with DPTI to implement a Community Information Strategy that will seek to immediately inform key stakeholders and the broader community of this decision.

8.47pm Cr Vallelonga left the meeting room

8.47pm Cr Koch left the meeting room

8.52pm Cr Vallelonga returned to the meeting

8.52pm Cr Koch returned to the meeting

**TOWN OF GAWLER
SPECIAL COUNCIL MEETING MINUTES
TUESDAY 5 DECEMBER 2017**

Amendment

Moved by Cr A Shackley
Seconded by Cr P Koch

That a dot point be inserted at 10 to read

Notify the State Government that it accepts the Gawler East Link Road being constructed on the DPTI alignment on the basis that;

- a. All previously identified deferred infrastructure is delivered upfront;
- b. Potts Road Service Road is a project deliverable;
- c. No further scope reductions are sought other than those currently identified as part of the value managed DPTI alignment (ie granular pavement)

LOST

Moved by Deputy Mayor I Tooley
Seconded by Cr J Vallelonga
Motion No: 2017:12:462

That Council:

- 1. Notes the Gawler East Link Road Update Report.**
- 2. Accepts in consideration of the current project cost estimates, further cost risks, land acquisition timing and identified possible risks in the ability to acquire land for this alignment that the only deliverable Gawler East Link Road alignment using the existing project budget is the DPTI alignment.**
- 3. Acknowledges that Council staff and project partners (Department of Planning, Transport & Infrastructure and Springwood) have furthered the design development of the Gawler East Link Road substantially on the Eckerman Avenue alignment whilst including all value management opportunities and design refinements that were available to reduce the estimated cost of the road without compromising its ability to function as a collector road.**
- 4. In consideration of the current Gawler East Link Road project cost estimates, and further cost risks, acknowledges that this road cannot be delivered by the State Government within the \$55M budget allocated on the Eckerman Avenue alignment.**
- 5. Kept confidential**
- 6. Notes that DPTI will not tender the further design and construction of the road until such time as the land acquisition process is sufficiently advanced that confidence of obtaining the alignment corridor is achieved.**
- 7. Has noted the DPTI senior executive staff advice that the \$55M project budget funding may be at risk after the State Election if its design and construction is not tendered and awarded prior to this time.**

**TOWN OF GAWLER
SPECIAL COUNCIL MEETING MINUTES
TUESDAY 5 DECEMBER 2017**

8. Acknowledges the DPTI alignment will still require a value engineered Gawler East Link Road to be delivered within the \$55M budget, with Potts Road Service Road and Deferred Infrastructure to be further considered (not guaranteed) in the context of further refinement of the design and costs for this project.
9. Advise DPTI that notwithstanding its existing project budget considerations, in accepting the DPTI alignment with a value engineered roadway, this significantly diminishes the feasibility of a future Tiver Road extension which was a key fundamental outcome for the Council in negotiations on the Gawler East Link Road with the State Government.
10. Notify the State Government that it accepts the Gawler East Link Road being constructed on the DPTI alignment on the basis that all trunk services are considered as part of its construction to ensure the road becomes an enabler of development in the Gawler East residential development zones.
11. Advise the State Government that Council will accept the Gawler East Link Road alignment being the DPTI alignment, requests all legal deeds associated with the delivery of the road be updated to reflect this and authorises the Chief Executive Officer and Mayor to sign and seal all documents required to effect this change.
12. Notes the State Government will utilise their powers under the Highways Act to acquire the necessary land required on the DPTI alignment without requiring the Council's involvement directly in this process.
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 - b. The State Government will be reimbursed \$8.2M over time by the Council using funds collected from land developers at the time land division occurs in the Gawler East Development Zones.
 - c. The Council commit \$2.4M upfront to the Gawler East Link Road project as its contribution to the upgrade of Potts Road. Noting this contribution is reimbursed to the Council by way of the relevant separate rate as land development occurs.
 - d. That the Gawler East Link Road extend through Springwood to the location of the future Village Centre as part of the project's delivery within the \$55M budget. It is noted that the extra cost of this road through Springwood (currently estimated at \$1.9M by DPTI) should not be funded from the State Government's \$55M project budget.
14. Requests DPTI communicate this decision to the directly impacted property owners and the broader community in consultation with Council.
15. Informs the State Government's Department of Planning Transport & Infrastructure of its decision.
16. Work with DPTI to implement a Community Information Strategy that will seek to immediately inform key stakeholders and the broader community of this decision.

CARRIED

Deputy Mayor I Tooley called for a division

**TOWN OF GAWLER
SPECIAL COUNCIL MEETING MINUTES
TUESDAY 5 DECEMBER 2017**

For: Deputy Mayor Tooley, Cr Nicolson, Cr Gidman, Cr Vallelonga, Cr Fischer
Against: Cr Hughes, Cr Koch, Cr Shackley

Moved by Cr K Fischer
Seconded by Cr A Shackley
Motion No: 2017:12:463

That:

- 1. Pursuant to Section 91(7) of the Local Government Act 1999 (the Act), the Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(b) & (j) of the Act:**

- **The report and attachments of item no. 7.1 of 05-12-2017**

on the grounds that the document(s) (or part) is:

- (b) information the disclosure of which—**
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and**
 - (ii) would, on balance, be contrary to the public interest;**

and

- (j) information the disclosure of which—**
 - (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and**
 - (ii) would, on balance, be contrary to the public interest;**

Specifically, the present matter relates to the Gawler East Link Road.

This information was communicated to the Council on a confidential basis.

Specifically, the present matter relates to the Gawler East Link Road and information which has been provided to the Council by the Department of Planning Transport and Infrastructure, pertaining to contract procurement, project delivery and related legal advice. This information was communicated to the Council on a confidential basis.

The Council has considered the public interest in relation to whether to make this order. The public interest in open Council meetings is in this case outweighed by the competing and prevailing public interest in the delivery by the State Government, in partnership with the Council, of a major public works project which will benefit the community. The release of this information at this stage may compromise the delivery of a proposed significant roadwork project, which is intended to benefit the Gawler Community and the public in general. Further, the release of this information at this stage could reasonably be expected to prejudice the commercial position of the Council in relation to the delivery of this project. The Council considers that, on balance, disclosure would be contrary to the public interest at this time.

**TOWN OF GAWLER
SPECIAL COUNCIL MEETING MINUTES
TUESDAY 5 DECEMBER 2017**

2. This order shall operate for a period of 36 months unless revoked earlier by the Chief Executive Officer in accordance with paragraph 3 of this resolution and will be reviewed at least annually in accordance with the Act.
3. Pursuant to Section 91(9)(c) of the Act, the Council delegates to the Chief Executive Officer the power to revoke this order at any time, and directs the Chief Executive Officer to advise the Council of the revocation of this order as soon as possible after such revocation has occurred.

CARRIED UNANIMOUSLY

Moved by Cr K Fischer
Seconded by Cr A Shackley
Motion No: 2017:12:464

That:

1. Pursuant to Section 91(7) of the Local Government Act 1999 (the Act), the Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(j) of the Act:
 - Dot point 5 of the minutes of item no. 7.1 of 05-12-2017

on the grounds that the document(s) (or part) is:

- (j) information the disclosure of which—
 - (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and
 - (ii) would, on balance, be contrary to the public interest;

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2. The Mayor and CEO be authorised to make explanatory statements about the publicly available minutes.
3. This order shall operate for a period of 36 months unless revoked earlier by the Chief Executive Officer in accordance with paragraph 3 of this resolution and will be reviewed at least annually in accordance with the Act.
4. Pursuant to Section 91(9)(c) of the Act, the Council delegates to the Chief Executive Officer the power to revoke this order at any time, and directs the Chief Executive Officer to advise the Council of the revocation of this order as soon as possible after such revocation has occurred.

CARRIED UNANIMOUSLY

9.27pm confidential session concluded

- | | |
|---------------------------------|--|
| 8. Close | Meeting closed at 9.28pm |
| 9. Next Ordinary Meeting | Tuesday 12 December 2017 commencing 7:00pm |