

MINUTES

of the

Ordinary Council Meeting



Held, pursuant to the provisions of the
Local Government Act 1999, in the

Council Chamber
Redbanks Road
Mallala

on

Monday 27 February 2023 at 4.30pm

A handwritten signature in blue ink, appearing to be "M. W.", is located in the bottom right corner of the page.

The Mayor formally declared the meeting open at 4.30pm.

1 ACKNOWLEDGEMENT OF COUNTRY

Council acknowledges that we meet on the traditional country of the Kurna people of the Adelaide Plains and pays respect to elders past, present and emerging. We recognise and respect their cultural heritage, beliefs and relationship with the land and we acknowledge that they are of continuing importance to the Kurna people living today.

2 ATTENDANCE RECORD

Present:

Mayor Mark Wasley
Councillor Alana Bombardieri
Councillor Kay Boon
Councillor Terry-Anne Keen
Councillor John Lush
Councillor Dante Mazzeo
Councillor Margherita Panella
Councillor David Paton
Councillor Marcus Strudwicke
Councillor Eddie Stubing

Staff in Attendance:

Chief Executive Officer	Mr James Miller
General Manager – Governance and Executive Office	Ms Sheree Schenk
General Manager – Finance and Business	Mr Rajith Udugampola
General Manager – Infrastructure and Environment	Mr Thomas Jones
General Manager – Development and Community	Mr Darren Starr
Marketing and Communications Officer	Clarisse Semler-Hanlon
Administration and Executive Support Officer/Minute Taker	Ms Stacie Shrubsole
Information Technology Support Officer	Mr Sean Murphy

Invited Guests:Kelledy Jones Lawyers (*for Item 14.1*)

Mr Michael Kelledy

Director, Southfront Engineers (*for Item 14.1*)

Mr Drew Jacobi

Managing Director, McGregor Tan (*for Item 15.3 by electronic means*)

Mr Tom Hannon-Tan

3 CONFIRMATION OF COUNCIL MEETING MINUTES**3.1 CONFIRMATION OF MINUTES – ORDINARY COUNCIL MEETING – 30 JANUARY 2023****RESOLUTION 2023/032****Moved:** Councillor Mazzeo**Seconded:** Councillor Boon

“that the minutes of the Ordinary Council Meeting held on 30 January 2023 (MB Folios 17732 to 17741 inclusive) be accepted as read and confirmed.”

CARRIED**3.2 CONFIRMATION OF MINUTES – SPECIAL COUNCIL MEETING – 6 FEBRUARY 2023****RESOLUTION 2023/033****Moved:** Councillor Keen**Seconded:** Councillor Strudwicke

“that the minutes of the Special Council Meeting held on 6 February 2023 (MB Folios 17742 to 17747 inclusive) be accepted as read and confirmed.”

CARRIED**4 BUSINESS ARISING**

Nil

5 DECLARATION OF MEMBERS' INTEREST

Nil

6 ADJOURNED BUSINESS

Nil

7 MAYOR'S REPORT**7.1 MAYOR'S REPORT – FEBRUARY 2023****RESOLUTION 2023/034**

Moved: Councillor Keen

Seconded: Councillor Stubing

“that Council, having considered Item 7.1 – *Mayor's Report – February 2023*, dated 27 February 2023, receives and notes the report.”

CARRIED

8 REQUESTED DOCUMENTS/CORRESPONDENCE TO BE TABLED

Nil

9 DEPUTATIONS**9.1 DEPUTATION – MS ANNA WHITE – THE TWINKLING CHRISTMAS CELEBRATIONS**

Ms Anna White gave a 12-minute presentation to Council Members regarding aspirations to expand the Christmas Twinkling events to the wider Adelaide Plains Council region.

10 PRESENTATIONS/BRIEFINGS

Nil

11 PETITIONS

Nil

12 COMMITTEE MEETING MINUTES**12.1 MINUTES OF THE SPECIAL AUDIT COMMITTEE MEETING HELD 31 JANUARY 2023****RESOLUTION 2023/035**

Moved: Councillor Keen

Seconded: Councillor Strudwicke

“that Council receives and notes the minutes of the Minutes of the Special Audit Committee Meeting held 31 January 2023.”

CARRIED

12.2 MINUTES OF THE ADELAIDE PLAINS COUNCIL HISTORICAL COMMITTEE MEETING HELD 7 FEBRUARY 2023**RESOLUTION 2023/036****Moved: Councillor Strudwicke****Seconded: Councillor Boon**

“that Council receives and notes the minutes of the Adelaide Plains Council Historical Committee meeting held 7 February 2023.”

CARRIED**12.3 MINUTES OF THE AUDIT COMMITTEE MEETING HELD 13 FEBRUARY 2023****RESOLUTION 2023/037****Moved: Councillor Strudwicke****Seconded: Councillor Boon**

Councillor Panella raised a Point of Order in relation to Councillor Keen on the basis that the recommendation is to receive and note only, and that questions or comments should be raised at the time of the relevant recommendation.

The Mayor accepted the Point of Order, and in doing so recommended that the current recommendation be dealt with prior to debate and questions in relation to later recommendations. The Mayor sought Councillor Keen's preference as to whether to continue with her question at this juncture or to raise questions at the relevant time.

“that Council receives and notes the minutes of Minutes of the Audit Committee Meeting held 13 February 2023 as presented at Attachment 1 to this Report.”

CARRIED**RESOLUTION 2023/038****Moved: Councillor Boon****Seconded: Councillor Panella**

“that Council endorses resolution 2023/010 of the Audit Committee and in doing so acknowledges the progress made to complete the activities identified for the Audit Committee during the 2022/2023 Financial Year.”

CARRIED**RESOLUTION 2023/039****Moved: Councillor Strudwicke****Seconded: Councillor Keen**

Councillor Strudwicke raised a Point of Order in relation to Councillor Panella on the basis that there was no mover or seconder, stating that if a councillor has questions, they can ask questions, however a motion needs to be moved before discussion or debate can take place.

The Mayor accepted the Point of Order, ruling that a motion is required for debate to occur, however questions in relation to the agenda item may be asked.

“that Council endorses resolution 2023/011 of the Audit Committee and in doing so adopts the revised Rating Policy as presented at Attachment 2 to this Report.”

CARRIED

MOTION 2023/040

Moved: Councillor Panella

“that Council endorses resolution 2023/012 of the Audit Committee and in doing so adopts the revised Disposal of Land and Other Assets Policy as presented at Attachment 3 to this Report, subject to the removal of the following clauses:-

- 6.1.6 Council will not dispose of Land to any Council Member, or employee of the Council who has been involved in any process related to a decision to dispose of the Land and/or the establishment of a reserve price.; and**
- 6.2.5 Council will not dispose of Assets to any Council Member or employee of the Council unless the purchase is via a public tender process or a public auction, and the tender submitted or bid made is the highest.”**

MOTION LAPSED FOR WANT OF A SECONDER

RESOLUTION 2023/041

Moved: Councillor Strudwicke

Seconded: Councillor Paton

“that Council endorses resolution 2023/012 of the Audit Committee and in doing so adopts the revised Disposal of Land and Other Assets Policy as presented at Attachment 3 to this Report, subject to the insertion of the word “to” following the word “due” at clause 6.2.3.7.”

CARRIED

Councillor Panella called for a division.

The Mayor declared the vote set aside.

In Favour: Councillors Lush, Strudwicke, Boon, Paton, Mazzeo, Keen and Stubing.

Against: Councillors Bombardieri and Panella.

THE MAYOR DECLARED THE MOTION CARRIED 7/2

RESOLUTION 2023/042

Moved: Councillor Panella

Seconded: Councillor Keen

“that Council endorses resolution 2023/013 of the Audit Committee and in doing so adopts the revised Credit Card Policy as presented at Attachment 4 to this Report.”

CARRIED

13 SUBSIDIARY MEETINGS**13.1 GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY – BOARD MEETING HELD 16 FEBRUARY 2023****RESOLUTION 2023/043****Moved: Councillor Panella****Seconded: Councillor Strudwicke**

“that Council receives and notes the minutes of Gawler River Floodplain Management Authority Meeting held on 16 February 2023.”

CARRIED**14 REPORTS FOR DECISION****14.1 GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY – OVERVIEW AND RISK ASSESSMENT – REPORT 2**

The Chief Executive Officer gave a 21-minute presentation and briefing in relation to Council's involvement with the Gawler River Floodplain Management Authority, including advice from Drew Jacobi and Michael Kelledy.

RESOLUTION 2023/044**Moved: Councillor Keen****Seconded: Councillor Bombardieri**

“that Council, having considered Item 14.1 – *Gawler River Floodplain Management Authority – Overview and Risk Assessment - Report 2*, dated 27 February 2023, receives and notes the report.”

CARRIED UNANIMOUSLY**RESOLUTION 2023/045****Moved: Councillor Paton****Seconded: Councillor Stubing**

“that Council, having considered Item 14.1 – *Gawler River Floodplain Management Authority – Overview and Risk Assessment – Report 2*, dated 27 February 2023, notes that the Chief Executive Officer has acted with diligence and prudence in channelling resolution 2022/326 through the 19 December 2022 meeting of Council (extensive background and context), the 30 January 2023 meeting of Council (status update and presentation by GRFMA Chair and Executive Officer) and the 13 February 2023 Audit Committee meeting (sounding board and risk analysis) to enable Council to make an informed and responsible decision on matters concerning the GRFMA, including consideration of risks posed in either remaining or withdrawing from the subsidiary.”

CARRIED UNANIMOUSLY

RESOLUTION 2023/046**Moved: Councillor Boon****Seconded: Councillor Lush**

“that Council, having considered Item 14.1 – *Gawler River Floodplain Management Authority – Overview and Risk Assessment – Report 2*, dated 27 February 2023, notes the resolutions adopted by the Audit Committee at its meeting held on 13 February 2023 and in doing so:-

- 1. Acknowledges that the Chief Executive Officer has engaged Mr Michael Kelledy of Kelledy Jones Lawyers and Mr Drew Jacobi of Southfront Engineers to provide input and strategic advice on the matter.**
- 2. Is cognisant of the various resolutions and policy positions adopted by both the Council and Gawler River Floodplain Management Authority (GRFMA) that may influence financial risk and liability on the Council.**
- 3. Notes that Council had previously attempted to withdraw from the GRFMA in 2017 citing concerns regarding:-**
 - i. the GRFMA Charter and associated inequalities regarding funding contributions of constituent councils**
 - ii. the lack of a Stormwater Management Plan for the catchment**
 - iii. a lack of exploration into upstream flood mitigation infrastructure options (i.e. raising of Bruce Eastick Dam)**
- 4. Acknowledges that considerable work has been done since Council began lobbying the GRFMA in 2017 to see action taken on addressing 3(i), 3(ii) and 3(iii) above.”**

CARRIED UNANIMOUSLY**RESOLUTION 2023/047****Moved: Councillor Keen****Seconded: Councillor Paton**

“that Council, having considered Item 14.1 – *Gawler River Floodplain Management Authority – Overview and Risk Assessment – Report 2*, dated 27 February 2023, endorses the position of the Audit Committee that the Council is under a legal obligation to make informed and responsible decisions as it relates to ‘risks posed in either remaining or withdrawing from the subsidiary’, and, at this juncture, Council is not in a position to comply with this obligation. The consideration of risk issues, therefore, will not be reconsidered until the following bodies of work are substantially completed:-

- GRFMA Charter Review**
- Stormwater Management Plan**
- DEW Business Case.”**

CARRIED UNANIMOUSLY

RESOLUTION 2023/048**Moved:** Councillor Strudwicke**Seconded:** Councillor Keen

“that Council, having considered Item 14.1 – *Gawler River Floodplain Management Authority – Overview and Risk Assessment – Report 2*, dated 27 February 2023, having duly considered the Gawler River Floodplain Management Authority Chairperson’s correspondence dated 10 February 2023 and request for a financial contribution toward the Department for Environment and Water-led Business Case, resolves to allocate an amount not exceeding \$52,000 in Council’s draft 2023/2024 Annual Business Plan and Budget. This allocation is premised upon:-

- 1. All constituent councils contributing an equal amount towards the Business Case (i.e. not a lesser amount derived from the inequitable capital contributions under the current Charter).**
- 2. An understanding that the State Government is unwavering in their position that a financial contribution by local government is required in order to progress and further the Business Case.**
- 3. Benefits to be derived in completing the Business Case to inform future flood mitigation priorities and costs.”**

CARRIED UNANIMOUSLY

Councillor Bombardieri left the meeting at 6.07pm.

14.2 POLICY REVIEW – COMMUNITY ENGAGEMENT STRATEGY (FORUMS ACROSS ADELAIDE PLAINS COUNCIL)**RESOLUTION 2023/049****Moved:** Councillor Lush**Seconded:** Councillor Stubing

“that Council, having considered Item 14.2 – *Policy Review – Community Engagement Strategy (Forums across Adelaide Plains Council)*, dated 27 February 2023, receives and notes the report and in doing so adopts the revised Community Engagement Policy – Public Forums, as presented as Attachment 1 to this report.”

CARRIED UNANIMOUSLY**14.3 CALL FOR MOTIONS – AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – NATIONAL GENERAL ASSEMBLY 2023**

Councillor Bombardieri returned to the meeting at 6.10pm.

RESOLUTION 2023/050**Moved:** Councillor Strudwicke**Seconded:** Councillor Boon

“that Council, having considered Item 14.3 – *Call for Motions – Australian Local Government Association – National General Assembly 2023*, dated 27 February 2023, receives and notes the report and in doing so acknowledges the relevant timeframes and policy requirements in order to



submit Notices of Motion to the Australian Local Government Association (ALGA) National General Assembly."

CARRIED

14.4 2023/2024 ANNUAL BUSINESS PLAN, BUDGET AND 2024-2033 LONG TERM FINANCIAL PLAN DEVELOPMENT FRAMEWORK

Councillor Keen left the meeting at 6.16pm.

Councillor Paton left the meeting at 6.16pm.

Councillor Paton returned to the meeting at 6.18pm.

Councillor Keen returned to the meeting at 6.18pm.

RESOLUTION 2023/051

Moved: Councillor Strudwicke

Seconded: Councillor Stubing

"that Council, having considered Item 14.4 – *2023/2024 Annual Business Plan, Budget and 2024-2033 Long Term Financial Plan Development Framework*, dated 27 February 2023, receives and notes the report and in doing so:-

1. Endorse the budget parameters and assumptions set out in Table 1 within this Report for the purpose of preparing the draft 2023/2024 Annual Business Plan, Budget and 2024-2033 Long Term Financial Plan; and
2. Endorse the schedule set out in Table 2 within this Report as the process to be undertaken in the preparation of the 2023/2024 Annual Business Plan, Budget and 2024-2033 Long Term Financial Plan, subject to any date changes that the Chief Executive Officer determines necessary."

CARRIED UNANIMOUSLY

14.5 HART RESERVE - DETAILED DESIGN UPDATE (50% STAGE)

RESOLUTION 2023/052

Moved: Councillor Strudwicke

Seconded: Councillor Paton

"that Council, having considered Item 14.5 – *Hart Reserve - Detailed Design Update (50% Stage)*, dated 27 February 2023, receives and notes the report and in doing so:-

1. Endorses the design direction of the 50% Hart Reserve detailed design plans presented as Attachment 1 to this report.
2. Instructs the Chief Executive Officer to progress detailed design documentation to 90% and undertake an itemised schedule of costs.
3. Notes that at the completion of the 90% detailed design phase, a further report be presented to Council outlining a public consultation strategy for Council's approval."

CARRIED UNANIMOUSLY

14.6 TWO WELLS TOWNSHIP - COMMUNITY WASTE WATER MANAGEMENT SYSTEM (CWMS) - FEASIBILITY STUDY**RESOLUTION 2023/053****Moved: Councillor Panella****Seconded: Councillor Boon**

“that Council, having considered Item 14.6 – *Two Wells Township – Community Waste Water Management System (CWMS) – Feasibility Study*, dated 27 February 2023, receives and notes the report and in doing so:-

- 1. Receives and notes the Two Wells Feasibility Study as presented at Attachment 1.**
- 2. Instructs the Chief Executive Officer to pursue the Local Government Association, CWMS Management Committee for funding to enable the next steps to implement a CWMS for Two Wells township, comprising the development of a concept design, design report, financial analysis and costs.”**

CARRIED UNANIMOUSLY**RESOLUTION 2023/054****Moved: Councillor Boon****Seconded: Councillor Panella**

“that Council, having considered Item 14.6 – *Two Wells Township – Community Waste Water Management System (CWMS) – Feasibility Study*, dated 27 February 2023, instructs the Chief Executive Officer to bring back a report:-

- 1. Outlining the outcome of the funding request, and**
- 2. In the event that funding is successful map out a consultation strategy for Council approval.”**

CARRIED UNANIMOUSLY**14.7 TWO WELLS COMMUNITY FUND COMMITTEE – MEMBERSHIP APPOINTMENT AND TERMS OF REFERENCE****RESOLUTION 2023/055****Moved: Councillor Strudwicke****Seconded: Councillor Boon**

“that Council, having considered Item 14.7 – *Two Wells Community Fund Committee – Membership Appointment and Terms of Reference*, dated 27 February 2023, receives and notes the report and in doing so:

- 1. Appoints**
 - 1.1 John Dawkins as the Committee’s Independent Chairperson until 30 June 2024 (as per Terms of Reference clause 3.3);**
 - 1.2 Council’s General Manager Development and Community as Council’s representative to the Two Wells Community Fund Committee and the General**

Manager Infrastructure and Environment as the 'Alternate Member' until 30 June 2024 (as per Terms of Reference clauses 3.1 and 3.4); and

- 2. Acknowledges the appointment of Ruth Vagnarelli as Hickinbotham's representative to the Two Wells Community Fund Committee and Gillies Wilson as Hickinbotham's 'Alternate Member' until 30 June 2024 (as per Terms of Reference clauses 3.2 and 3.4).**
- 3. In exercise of the power contained in Section 44 of the *Local Government Act 1999*, the Council hereby delegates this 27th day of February 2023 to the person occupying the office of General Manager Development and Community and in their absence the General Manager Infrastructure and Environment as the 'Alternate Member' of the Council:**
 - 3.1 The power pursuant to Section 137 of the *Local Government Act 1999* to expend the funds of the Council that have been paid into the Community Fund pursuant to the Development Deed between the Council and Hickinbotham Developments (Two Wells No.1) Pty Ltd, Hickinbotham Agricultural Projects Pty Ltd and Hickinbotham Developments (Two Wells No.4) Pty Ltd (collectively referred as "the Developer") dated 7 November 2012 (the Deed) up to a maximum amount of \$10,000 in any one transaction;**
 - 3.2 The power pursuant to Section 36(1)(c) of the *Local Government Act 1999* to approve expenditure from the Community Fund or actually make such expenditure for the purpose of funding the provision of community facilities or community programs up to a maximum of \$25,000 per particular facility, program or project.**
- 4. The powers delegated in paragraph 2 are subject to the following conditions:**
 - 4.1 The delegate/s must, in exercising all of the delegated powers, have regard to the decisions of the Community Fund Committee established pursuant to the Deed;**
 - 4.2 The delegate/s must, before exercising the delegated power in paragraph 2.2, obtain the approval of the Developer."**

CARRIED UNANIMOUSLY

RESOLUTION 2023/056

Moved: Councillor Keen

Seconded: Councillor Panella

"that Council, having considered Item 14.7 – *Two Wells Community Fund Committee – Membership Appointment and Terms of Reference*, dated 27 February 2023, and in doing so adopts the revised Two Wells Community Fund Committee's Terms of Reference as presented as Attachment 2 to this report."

CARRIED UNANIMOUSLY



15 REPORTS FOR INFORMATION**15.1 COUNCIL RESOLUTIONS – STATUS REPORT****RESOLUTION 2023/057****Moved: Councillor Boon****Seconded: Councillor Panella**

“that Council, having considered Item 15.1 – *Council Resolutions – Status Report*, dated 27 February 2023, receives and notes the report.”

CARRIED**15.2 CAPITAL WORKS AND OPERATING PROGRAM MONTHLY UPDATE – FEBRUARY 2023****RESOLUTION 2023/058****Moved: Councillor Mazzeo****Seconded: Councillor Keen**

“that Council, having considered Item 15.2 – *Capital Works and Operating Program Monthly Update – February 2023*, dated 27 February 2023, receives and notes the report.”

CARRIED UNANIMOUSLY**15.3 2022 COMMUNITY SURVEY RESULTS**

Mr Hanlon-Tan connected to the meeting at 6.54pm.

Mr Hanlon-Tan gave a 25-minute briefing, including taking questions of Elected Members, in relation to the results of the 2022 Community Survey.

Councillor Boon left the meeting at 6.56pm.

Councillor Boon returned to the meeting at 6.59pm.

Councillor Lush left the meeting at 7.09pm.

Councillor Lush returned to the meeting at 7.10pm.

Councillor Mazzeo left the meeting at 7.15pm.

Councillor Mazzeo returned to the meeting at 7.18pm.

RESOLUTION 2023/059**Moved: Councillor Keen****Seconded: Councillor Stubing**

“that Council, having considered Item 15.3 – *2022 Community Survey Results*, dated 27 February 2023, receives and notes the report.”

CARRIED

15.4 THOMPSON BEACH VEHICLE ACCESS**RESOLUTION 2023/060****Moved: Councillor Boon****Seconded: Councillor Mazzeo**

“that Council, having considered Item 15.4 – *Thompson Beach Vehicle Access*, dated 27 February 2023, receives and notes the report.”

CARRIED**RESOLUTION 2023/061****Moved: Councillor Keen****Seconded: Councillor Strudwicke**

“that the meeting be extended by 30 minutes.”

CARRIED**RESOLUTION 2023/062****Moved: Councillor Keen****Seconded: Councillor Strudwicke**

“that Council, having considered item 15.4 – *Thompson Beach Vehicle Access*, dated 27 February 2023, instructs the Chief Executive Officer to bring back a report addressing the intention of Council to undertake public consultation on the possible seasonal closure of Thompson Beach for vehicle access.”

CARRIED**16 QUESTIONS ON NOTICE**

Nil

17 QUESTIONS WITHOUT NOTICE

Not recorded in Minutes in accordance with Regulation 9(5) of the *Local Government (Procedures at Meetings) Regulations 2013*.

18 MOTIONS ON NOTICE**18.1 MOTION ON NOTICE – COUNCILLOR LUSH – TOURISM WORKSHOP****MOTION 2023/063****Moved: Councillor Lush****Seconded: Councillor Stubing**

“that the Chief Executive Officer facilitate a workshop for the information of Elected Members on the Tourism and Economic Development Strategy and the potential for a campground at Dublin.”

AMENDMENT 2023/064**Moved: Councillor Boon****Seconded: Councillor Strudwicke**

“that the Chief Executive Officer facilitate a workshop for the information of Elected Members on the Tourism and Economic Development opportunities embodied within potential campgrounds in the Adelaide Plains Council area.”

CARRIED**MOTION 2023/063 AS AMENDED.****Moved: Councillor Lush****Seconded: Councillor Stubing**

“that the Chief Executive Officer facilitate a workshop for the information of Elected Members on the Tourism and Economic Development opportunities embodied within potential campgrounds in the Adelaide Plains Council area.”

CARRIED**19 MOTIONS WITHOUT NOTICE****MOTION 2023/065****Moved: Councillor Panella**

Councillor Strudwicke raised a Point of Order on the basis that there is a cost involved with the intention of the motion (being public consultation), and that a Notice on Motion is required for motions with costs associated.

“that Council, instructs the Chief Executive Officer to go back out to public consultation regarding the Two Wells Main Street Median Strip design, and once consultation closes, to bring back a report updating Council on the results from the public consultation, design changes, costing, and when council intends to start work on the Two Wells Main Street Median Strip upgrade.”

MOTION WITHDRAWN

20 URGENT BUSINESS

Nil

21 CONFIDENTIAL ITEMS

Nil

22 CLOSURE

There being no further business, the Mayor declared the meeting closed at 7.56pm.

Confirmed as a true record.

Mayor: 

Date: 27 / 3 / 2023.