

MINUTES

of

Ordinary Council Meeting



**Adelaide
Plains
Council**

Pursuant to the provisions of Section 84 (1) of the
Local Government Act 1999

HELD IN

**Council Chamber
Redbanks Road
Mallala**

on

Monday 23 May 2022 at 6.30pm

The Mayor formally declared the meeting open at 6.31pm.

1. ATTENDANCE RECORD

1.1 Present:

Mayor Mark Wasley

Councillor Marcus Strudwicke Mallala/Dublin Ward

Councillor John Lush Mallala/Dublin Ward

Councillor Terry-Anne Keen Mallala/Dublin Ward *by electronic means*

Councillor Kay Boon Two Wells Ward

Councillor Joe Daniele Two Wells Ward

Councillor Frank Maiolo Two Wells Ward

Councillor Brian Parker Lewiston Ward

Councillor Carmine Di Troia Lewiston Ward

Councillor Margherita Panella Lewiston Ward *by electronic means*

Also in Attendance:

Chief Executive Officer

Mr James Miller

General Manager – Governance and Executive Office

Ms Sheree Schenk

General Manager – Development and Community

Mr Darren Starr

General Manager – Finance and Business

Mr Rajith Udugampola

General Manager – Infrastructure and Environment

Mr Thomas Jones

Manager Governance and Administration/Minute Taker

Ms Alyssa Denicola

Manager Library and Community (*for Items 14.4, 21.3 and 21.4*)

Ms Anne Sawtell

Strategic Project Officer (*for Item 21.4*)

Mr David Bailey

Administration and Executive Support Officer

Ms Stacie Shrubsole

Information Technology Support Officer

Mr Sean Murphy

Thursday 28 April 2022

Meeting – Two Wells Regional Action Team – Two Wells Twinkling

Friday 29 April 2022

LGA Briefing – Local Government Reform – Zoom

Wednesday 4 May 2022

Meeting – Mayor/Chief Executive Officer – Various Matters

Thursday 5 May 2022

LGA Briefing – Local Government Reform – Zoom

Friday 6 May 2022

Meeting – Mayor/Chief Executive Officer – Various Matters

Monday 9 May 2022

Meeting – Mayor, Chief Executive Officer, Hickenbotham Group, Catholic Education SA – Infrastructure Leadership Strategy

Friday 13 May 2022

Meeting – Mayor/Chief Executive Officer/McArthur Management – CEO Annual Performance Review Discussions

Meeting – Mayor/Chief Executive Officer – Various Matters

LGA Briefing – Local Government Reform – Zoom

Monday 16 May 2022

Meeting – Mayor/Chief Executive Officer – Various Matters

Workshop – Legatus Group Mayors, Balaklava

Tuesday 17 May 2022

Adelaide Plains Council – National Volunteer Week Celebration Event, Gawler Cinema

8. REQUESTED DOCUMENTS/CORRESPONDENCE TO BE TABLED

Nil

9. DEPUTATIONS

Nil

10. PRESENTATIONS/BRIEFINGS

Ms Jaclyn Thorne, Director, McGregor Tan provided an 11 minute briefing to Elected Members regarding the upcoming Community Survey.

11. PETITIONS

Nil

Manager Recruitment and Human Resources Consulting, McArthur, is a 'qualified independent person' on the basis that she:

1. Is not a member or an employee of Council; and
2. Has appropriate qualifications and experience in human resource management as set out within Attachment 1 to this Report."

CARRIED

14.4 Draft Hart Reserve Master Plan – Feedback and Endorsement

The Chief Executive Officer returned to the meeting at 7.10pm.

Moved Councillor Strudwicke Seconded Councillor Parker 2022/ 133

"that Council, having considered Item 14.4 – *Draft Hart Reserve Master Plan – Feedback and Endorsement*, dated 23 May 2022, receives and notes the report and in doing so:

1. Adopts 'Option 1' as the Hart Reserve Master Plan as presented at Attachment 1 to this Report; and
2. Instructs the Chief Executive Officer to undertake detailed investigation into the cost of a skate park ('Option 2') within Hart Reserve and bring back a report in relation to those investigations."

CARRIED

Councillor Daniele called for a division.

The Mayor declared the vote set aside.

Members Voting in the Affirmative – Councillors Maiolo, Strudwicke, Di Troia, Keen, Parker and Lush

Members Voting in the Negative – Councillors Boon, Panella and Daniele

The Mayor declared the motion CARRIED

14.5 Proposed Discretionary Fees & Charges for 2022/2023

Moved Councillor Boon Seconded Councillor Keen 2022/ 134

"that Council, having considered Item 14.5 – *Proposed Discretionary Fees & Charges for 2022/2023*, dated 23 May 2022, receives and notes the report and in doing so adopts the draft Schedule of Discretionary Fees and Charges for the 2022/2023 Financial Year as provided at Attachment 1 to this Report."

CARRIED

14.6 Third Budget Update 2021/2022

Moved Councillor Parker Seconded Councillor Strudwicke 2022/ 135

"that Council, having considered Item 14.6 – *Third Budget Update 2021/2022*, dated 23 May 2022, receives and notes the report and in doing so:

1. Receives and note the project progress reports contained in Attachments 1 and 2 to this Report; and
2. Pursuant to Regulation 9(1)(a) of the *Local Government (Financial Management) Regulations 2011*, adopts the revised 2021/2022 Budgeted Financial Statements and revised financial indicators as contained within Attachment 3 that has been updated

following the Third Budget Update changes identified in Table 1 of this report and Attachments 1 and 2.”

CARRIED

14.7 Request for Reimbursement of Printing Costs

Councillor Boon, having declared a perceived conflict of interest in Item 14.7 – *Request for Reimbursement of Printing Costs*, left the meeting at 7.37pm.

Moved Councillor Strudwicke Seconded Councillor Parker 2022/ 136

“that Council, having considered Item 14.7 – *Request for Reimbursement of Printing Costs*, dated 23 May 2022, receives and notes the report and in doing so:

1. Resolves to reimburse \$300 printing costs of the April 2022 edition of the Mallala Crossroads Chronicle as a goodwill gesture and
2. Instructs the Chief Executive Officer to advise the Mallala Crossroads Chronicle that no further reimbursements will be provided.”

AMENDMENT TO MOTION 2022/136

Moved Councillor Keen Seconded Councillor Maiolo 2022/ 137

“At paragraph 1, replace “\$300” with “\$600”.”

AMENDMENT CARRIED

MOTION 2022/136 AS AMENDED

Moved Councillor Strudwicke Seconded Councillor Parker 2022/ 136

“that Council, having considered Item 14.7 – *Request for Reimbursement of Printing Costs*, dated 23 May 2022, receives and notes the report and in doing so:

1. Resolves to reimburse \$600 printing costs of the April 2022 edition of the Mallala Crossroads Chronicle as a goodwill gesture and
2. Instructs the Chief Executive Officer to advise the Mallala Crossroads Chronicle that no further reimbursements will be provided.”

CARRIED

Councillor Boon returned to the meeting at 7.56pm.

15. REPORTS FOR INFORMATION

15.1 Council Resolutions – Status Report

Moved Councillor Parker Seconded Councillor Keen 2022/ 138

“that Council, having considered Item 15.1 – *Council Resolutions – Status Report*, dated 23 May 2022, receives and notes the report.”

CARRIED

- 15.2 Infrastructure and Environment Department – Monthly Report – May 2022
 Moved Councillor Strudwicke Seconded Councillor Maiolo 2022/ 139
 “that Council, having considered Item 15.2 – *Infrastructure and Environment Department – Monthly Report – May 2022*, dated 23 May 2022, receives and notes the report.”
 CARRIED
- 15.3 APC Community Satisfaction Survey 2022
 Moved Councillor Parker Seconded Councillor Keen 2022/ 140
 “that Council, having considered Item 15.3 – *APC Community Satisfaction Survey 2022*, dated 23 May 2022, receives and notes the report and in doing so, acknowledges the Chief Executive Officer’s appointment of consultant McGregor Tan to undertake the Adelaide Plains Council Community Satisfaction Survey for 2022.”
 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 – Campground/Caravan Park at Dublin
 Moved Councillor Lush Seconded Councillor 2022/ 141
 “that Council instruct the Chief Executive Officer to bring back a report outlining the options for the establishment of a Campground/Caravan Park located on the land between South Terrace and Parklands Road, Dublin (Portion of Section 637 comprised in Certificate of Title Volume 5392 Folio 9 between South Terrace and Parklands Road Dublin).”
- The Mayor, with approval of two-thirds of members present, suspended the meeting procedures pursuant to Regulation 20(1) of the *Local Government (Procedures at Meetings) Regulations 2013*, for a period of up to 10 minutes to facilitate informal discussions in relation to Item 18.1 – *Motion on Notice – Campground/Caravan Park at Dublin*.
- The meeting was suspended at 8.12pm.
 The meeting resumed at 8.23pm.

3. Council is satisfied that the principle that Council meetings should be conducted in a place open to the public has been outweighed by the need to keep the information, matter and discussion confidential.”

CARRIED

Councillor Parker left the meeting at 8.39pm.

Councillor Di Troia left the meeting at 8.39pm

Councillor Parker returned to the meeting at 8.41pm.

Councillor Di Troia returned to the meeting at 8.41pm.

- 21.1 Moved Councillor Parker Seconded Councillor Keen 2022/ 143
 “that Council, having considered Item 21.1 – *Crown Land, Two Wells – May 2022*, dated 23 May 2022, receives and note the report.”

CARRIED

Councillor Maiolo left the meeting at 8.47pm.

- 21.1 Moved Councillor Keen Seconded Councillor Di Troia 2022/ 144
 “that Council, having considered the matter of Item 21.1 – *Crown Land, Two Wells – May 2022* in confidence under sections 90(2) and 90(3)(b) of the *Local Government Act 1999*, resolves that:
1. The report pertaining to Item 21.1 – *Crown Land, Two Wells – May 2022* remain confidential and not available for public inspection until further order of the Council except such disclosure as the Chief Executive Officer determines necessary or appropriate for the purpose of furthering the discussions or actions contemplated;
 2. Pursuant to section 91(9)(a) of the *Local Government Act 1999*, the confidentiality of the matter will be reviewed every 12 months; and
 3. Pursuant to section 91(9)(c) of the *Local Government Act 1999*, the Committee delegates the power to revoke this confidentiality order to the Chief Executive Officer.”

CARRIED

- 21.2 International Translational Horticulture Centre – May 2022

Councillor Maiolo returned to the meeting at 8.49pm.

Moved Councillor Daniele Seconded Councillor Di Troia 2022/ 145

“that:

1. Pursuant to section 90(2) of the *Local Government Act 1999*, Council orders that all members of the public, except Chief Executive Officer, General Manager – Governance and Executive Office, General Manager – Finance and Business, General Manager – Infrastructure and Environment, General Manager – Development and Community, Manager Governance and Administration/Minute Taker, Administration and Executive Support Officer and Information Technology Support Officer be excluded from attendance at the meeting of Council for Agenda Item 21.2 – *International Translational Horticulture Centre – May 2022*;
2. Council is satisfied that pursuant to section 90(3)(b) of the *Local Government Act 1999*, Item 21.2 – *International Translational Horticulture Centre – May 2022* concerns

commercial information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting business, or to prejudice the commercial position of Council, being information relating to the proposed International Translational Horticulture Centre;

3. Council is satisfied that the principle that Council meetings should be conducted in a place open to the public has been outweighed by the need to keep the information, matter and discussion confidential.”

CARRIED

21.2 Moved Councillor Keen Seconded Councillor Daniele 2022/ 147

“that Council, having considered the matter of Item 21.2 – *International Translational Horticulture Centre – May 2022* in confidence under section 90(2), 90(3)(b) of the *Local Government Act 1999*, resolves that:

1. The report, minutes and attachment pertaining to Item 21.2 – *International Translational Horticulture Centre – May 2022* remain confidential and not available for public inspection until further order of the Council except such disclosure as the Chief Executive Officer determines necessary or appropriate for the purpose of furthering the discussions or actions contemplated;
2. Pursuant to section 91(9)(a) of the *Local Government Act 1999*, the confidentiality of the matter will be reviewed every 12 months; and
3. Pursuant to section 91(9)(c) of the *Local Government Act 1999*, the Committee delegates the power to revoke this confidentiality order to the Chief Executive Officer.”

CARRIED

21.3 Council Owned Units – Mallala, Rent Review

Having declared an actual conflict of interest in relation to Item 21.3 – *Council Owned Units – Mallala, Rent Review*, Mayor Wasley left the meeting at 8.56pm.

Deputy Mayor Strudwicke assumed the role of Presiding Member.

Moved Councillor Boon Seconded Councillor Parker 2022/ 148

“that:

1. Pursuant to section 90(2) of the *Local Government Act 1999*, the Council orders that all members of the public, except Chief Executive Officer, General Manger – Governance and Executive Office, General Manager – Development and Community, General Manager – Finance and Business, General Manager – Infrastructure and Environment, Manager Governance and Administration/Minute Taker, Manager Library and Community, Administration and Executive Support Officer and Information Technology Support

Officer be excluded from attendance at the meeting of the Council for Agenda Item 21.3 – *Council Owned Units – Mallala, Rent Review*;

2. Council is satisfied that pursuant to section 90(3)(a) of the *Local Government Act 1999*, Item 21.3 – *Council Owned Units – Mallala, Rent Review* concerns information of a confidential nature the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person, and it would be unreasonable to disclose this information; and
3. Council is satisfied that the principle that Council meetings should be conducted in a place open to the public has been outweighed by the need to keep the information, matter and discussion confidential.”

CARRIED

21.3 Moved Councillor Keen Seconded Councillor Daniele 2022/ 149

“that Council, having considered Item 21.3 – *Council Owned Units – Mallala, Rent Review* dated 23 May 2022, receives and notes the report and in doing so:

1. Increases current tenant rent in line with 5% CPI;
2. Increases tenant rent annually in line with Adelaide CPI prior to the beginning of each financial year;
3. Sets rent for incoming tenants in line with current rental fees at the time of entry; and
4. Instructs the Chief Executive Officer to write to all tenants advising them of Council’s decision.”

CARRIED

Mayor Wasley returned to the meeting 9.09pm and resumed the role of Presiding Member.

21.4 Heritage Survey Review

Moved Councillor Boon Seconded Councillor Strudwicke 2022/ 150

“that:

1. Pursuant to section 90(2) of the *Local Government Act 1999*, the Council orders that all members of the public, except Chief Executive Officer, General Manager – Governance and Executive Office, General Manager – Development and Community, General Manager – Finance and Business, General Manager – Infrastructure and Environment, Manager Governance and Administration/Minute Taker, Manager Library and Community, Strategic Projects Officer, Administration and Executive Support Officer and Information Technology Support Officer be excluded from attendance at the meeting of the Council for Agenda Item 21.4 – *Heritage Survey Review*;
2. Council is satisfied that pursuant to section 90(3)(a) of the *Local Government Act 1999*, Item 21.4 – *Heritage Service Review* concerns information of a confidential nature the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person, and it would be unreasonable to disclose this information; and
3. Council is satisfied that the principle that Council meetings should be conducted in a place open to the public has been outweighed by the need to keep the information, matter and discussion confidential.”

CARRIED

Councillor Di Troia left the meeting at 9.11pm.

Councillor Daniele declared an actual conflict of interest in relation to Item 21.4 – *Heritage Survey Review*, on the basis that he owns property subject of the Heritage Review. Councillor Daniele left the meeting at 9.13pm and did not return.

Di Troia returned to the meeting at 9.12pm.

21.4 Moved Councillor Strudwicke Seconded Councillor Keen 2022/ 151

“that Council, having considered Item 21.4 – *Heritage Survey Review*, dated 23 May 2022, receives and notes the report and in doing so:

1. Notes the Heritage Review Report in Attachment 1 to this Report includes:
 - a. The Local Heritage Assessment Sheets identifying 34 properties as being of local heritage value;
 - b. The Buckland Park State Heritage Assessment identifying the property as being of State heritage value;
2. Endorses in principle commencing an Amendment to the Planning and Design Code:
 - a. To formally designate as local heritage places the 34 properties identified in Attachment 1 to this report;
 - b. With early commencement of the Amendment to enable the buildings being listed on an interim basis to prevent risk of demolition during consultation.
3. Endorses in principle nominating the Buckland Park Station complex of buildings to the SA Heritage Council for consideration as a potential State heritage place;
4. Authorises the Chief Executive Officer to commence the statutory processes:
 - a. To initiate an amendment to the Planning and Design Code including engagement with property owners under the *Planning, Development and Infrastructure Act 2016*;
 - b. To nominate the Buckland Park Station complex of buildings to the SA Heritage Council for consideration as a potential State heritage place, noting the Department of Environment and Water are the lead agency for engagement with property owners, under the *Heritage Places Act 1993*;
5. Notes administration intent to include an allocation of up to \$10,000 in the draft budget for 2023/24 for the purpose of a local heritage incentives and advisory service.”

CARRIED

It being 9.27pm, Council resolved to extend the meeting for 30 minutes in accordance with Division 2, Clause 7(6) of Council’s *Code of Practice - Meeting Procedures*.

Moved Councillor Keen Seconded Councillor Boon 2022/ 152

“that the meeting be extended by 30 minutes.”

CARRIED

21.4 Moved Councillor Boon Seconded Councillor Maiolo 2022/ 153

“that Council, having considered the matter of Agenda Item 21.4 – *Heritage Survey Review 2022* in confidence under sections 90(2) and 90(3)(a) of the *Local Government Act 1999*, resolves that:

1. The report, Attachment 1 and Attachment 2 pertaining to Agenda 21.4 – *Heritage Survey Review 2022* remain confidential and not available for public inspection until further order of the Council except such disclosure as the Chief Executive Officer determines necessary or appropriate for the purpose of furthering the discussions or actions contemplated;
2. Pursuant to section 91(9)(a) of the *Local Government Act 1999*, the confidentiality of the matter will be reviewed every 12 months; and
3. Pursuant to section 91(9)(c) of the *Local Government Act 1999*, Council delegates the power to revoke this confidentiality order to the Chief Executive Officer.”

CARRIED

21.5 Feedback on ESCOSA Proposed Framework and Approach – S122 Strategic Management Plan Advice Scheme

Moved Councillor Keen Seconded Councillor Lush 2022/ 154

“that:

1. Pursuant to section 90(2) of the *Local Government Act 1999*, Council orders that all members of the public, except Chief Executive Officer, General Manager – Governance and Executive Office, General Manager – Finance and Business, General Manager – Infrastructure and Environment, General Manager – Development and Community, Manager Governance and Administration/Minute Taker, Administration and Executive Support Officer and Information Technology Support Officer be excluded from attendance at the meeting of Council for Agenda Item 21.5 – *Feedback on ESCOSA Proposed Framework and Approach – S122 Strategic Management Plan Advice Scheme*;
2. Council is satisfied that pursuant to section 90(3)(j) of the *Local Government Act 1999*, Item 21.5 – *Feedback on ESCOSA Proposed Framework and Approach – S122 Strategic Management Plan Advice Scheme* concerns information the disclosure of which would:
 - Divulge information provided on a confidential basis by a public authority, being the Local Government Association of SA (LGA);
 - On balance, be contrary to the public interest, being information provided by the LGA in relation to proposed advocacy and sector wide submission in response to the Essential Services Commission of SA ‘Draft Framework and Approach’ that the LGA has requested be kept confidential at this stage; and
 - On balance, be contrary to the public interest because it is in the public interest for the Council to be able to communicate on a confidential basis with the LGA about proposed sector advocacy and thereby act cooperatively with the LGA in achieving positive outcomes for the local government sector and
3. Council is satisfied that the principle that Council meetings should be conducted in a place open to the public has been outweighed by the need to keep the information, matter and discussion confidential.”

CARRIED

21.5 Moved Councillor Parker Seconded Councillor Lush 2022/ 155

“that Council, having considered Item 21.5 – *Feedback on ESCOSA Proposed Framework and Approach – S122 Strategic Management Plan Advice Scheme*, dated 23 May 2022, receives and notes the report and in doing so Adelaide Plains Council endorses the Local Government Association (LGA) advocacy position in relation to the scheme established in section 122 of the Local Government Act 1999 under which the Essential Services Commission of SA (ESCOSA) will provide advice to councils in relation to strategic management plans, and notes the following concerns in response to the ESCOSA proposed framework and approach:

- 1. The scope of information requested by ESCOSA should be directly relevant to and used for the purpose of provision of advice regarding councils Long-Term Financial Plan, Infrastructure and Asset Management Plans and total revenue sources, in accordance with the requirements of section 122 of the *Local Government Act 1999*.**
- 2. The first four years of operation of the scheme should be used to set a baseline for each council and then, using a risk-based approach, the scope of the review could be scaled up for a particular council if a need is identified. This is consistent with ESCOSA’s espoused “better regulation” approach, which it describes as being risk-based, proportionate to the problem that is being addressed and subject to continuous improvement and monitoring.**
- 3. The period for which historical data is provided should reflect the timeframe anticipated within the proposed scheme, i.e. four years, and a request for historical information for a longer period is not supported.**
- 4. The costs associated with the proposed scheme are far in excess of what was anticipated, and the scope of the proposed scheme should be reduced to address the unreasonable costs.**
- 5. The removal of the discretion provided in the *Local Government Act 1999* for Council to determine the reasonable assumptions to be used in the development of the Long-term Financial Plan is strongly rejected. These assumptions may include consideration of the Local Government Price Index (which accounts for the costs of items usually purchased by councils as opposed to CPI which accounts for the costs of items usually purchased by households), endorsed Enterprise Bargaining Agreements, the ABS wage price index and other actual cost factors which collectively provide a more accurate representation of inflation pressures to be considered by Council.**
- 6. The use of the term ‘CPI constrained’ will lead to unreasonable criticism of councils that justifiably increase rates greater than CPI and will have a practical effect of capping council rates to the CPI rate. ‘Rate capping’ was not supported by Parliament. The assertion that councils should be CPI constrained is rejected.”**

CARRIED UNANIMOUSLY

21.5 Moved Councillor Keen Seconded Councillor Boon 2022/ 156

“that Council, having considered the matter of Item 21.5 – *Feedback on ESCOSA Proposed Framework and Approach – S122 Strategic Management Plan Advice Scheme* in confidence under sections 90(2) and 90(3)(j) of the *Local Government Act 1999*, resolves that:

1. The report, the attachments and the minutes pertaining to Item 21.5 – *Feedback on ESCOSA Proposed Framework and Approach – S122 Strategic Management Plan Advice Scheme* remain confidential and not available for public inspection until further order of the Council, except such disclosure as the Chief Executive Officer determines necessary or appropriate for the purpose of furthering the discussions or actions contemplated on the grounds that the documents relate to information provided on a confidential basis by a public authority, being the Local Government Association of SA (LGA) the disclosure of which would, on balance be contrary to the public interest, being information provided by the LGA in relation to proposed sector advocacy that the LGA has requested be kept confidential at this stage;
2. Pursuant to section 91(9)(a) of the *Local Government Act 1999*, the confidentiality of the matter shall operate until 30 June 2022; and
3. Pursuant to section 91(9)(c) of the *Local Government Act 1999*, the Council delegates to the Chief Executive Officer the power to revoke this order in whole or part.”

CARRIED

There being no further business, the Mayor declared the meeting closed at 9.39pm.

Confirmed as a true record.

Mayor:

Date: ___/___/___