

MINUTES

of

Ordinary Council Meeting



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

HELD

by electronic means

on

Monday 31 January 2022 at 6.30pm

The Chief Executive Officer formally declared the meeting open at 6.31pm.

1. ATTENDANCE RECORD

1.1 Present:

Councillor John Lush	Mallala/Dublin Ward	<i>by electronic means</i>
Councillor Terry-Anne Keen	Mallala/Dublin Ward	<i>by electronic means</i>
Councillor Kay Boon	Two Wells Ward	<i>by electronic means</i>
Councillor Joe Daniele (from 6.37pm)	Two Wells Ward	<i>by electronic means</i>
Councillor Frank Maiolo	Two Wells Ward	<i>by electronic means</i>
Councillor Margherita Panella	Lewiston Ward	<i>by electronic means</i>
Councillor Brian Parker	Lewiston Ward	<i>by electronic means</i>
Councillor Carmine Di Troia	Lewiston Ward	<i>by electronic means</i>

Also in Attendance by electronic means:

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 – Infrastructure and Environment	Mr Thomas Jones
Manager Governance and Administration/Minute Taker	Ms Alyssa Denicola
Administration and Executive Support Officer	Ms Stacie Shrubsole
Information Technology Support Officer	Mr Sean Murphy
Chair of the Board, Norman Waterhouse Lawyers (from 9.06pm)	Mr Sean Keenihan

Apologies:

Mayor Mark Wasley	
Councillor Marcus Strudwicke	Mallala/Dublin Ward

Moved Councillor Lush Seconded Councillor Keen **2022/ 001**

“that in the absence of Mayor Mark Wasley and Deputy Mayor Marcus Strudwicke, and pursuant to section 86(2) of the *Local Government Act 1999*, Council chooses Councillor Brian Parker to preside at this Ordinary Council Meeting.”

CARRIED

Councillor Parker assumed the role of Presiding Member at 6.34pm.

2. CONFIRMATION OF MINUTES

2.1 Confirmation of Council Minutes – Ordinary Council Meeting held 13 December 2021

Moved Councillor Keen

Seconded Councillor Maiolo

2022/ 002

“that the minutes of the Ordinary Council Meeting held on 13 December 2021 (MB Folios 17506 to 17520 inclusive), be accepted as read and confirmed.”

CARRIED

3. BUSINESS ARISING

Nil

4. PUBLIC OPEN FORUM

Pursuant to Council’s *Code of Practice – Meeting Procedures*, Council did not facilitate the holding of Public Open Forum due to the COVID-19 public health emergency.

5. DECLARATION OF MEMBERS’ INTEREST

Nil

6. ADJOURNED BUSINESS

Nil

7. MAYOR’S REPORT

7.1 Mayor’s Report

Reporting Period – Thursday 9 December 2021 to Wednesday 26 January 2022

Friday 10 December 2021

Legatus Group Ordinary Meeting, Kadina

Monday 13 December 2021

Pre-Council Meeting – Mayor/Chief Executive Officer/Executive Management Team

Ordinary Council Meeting

Tuesday 21 December 2021

Meeting – Mayor/Deputy Mayor/Chief Executive Officer – Various Matters

Monday 10 January 2022

Information Briefing Session – Local Roads and Community Infrastructure Program – Round 3

Information Briefing Session – Long Term Financial Plan

Wednesday 12 January 2022

Meeting – Mayor/Acting Chief Executive Officer – Various Matters

Thursday 13 January 2022

Meeting – Mayor/Acting Chief Executive Officer – Various Matters

Friday 14 January 2022

Meeting – Mayor/Acting Chief Executive Officer – COVID-19 Update and Response

Tuesday 18 January 2022

Elected Member Training – Conflicts of Interest

Information Briefing Session – Heritage Review

Thursday 20 January 2022

Meeting – Mayor/Acting Chief Executive Officer – Various Matters

Wednesday 26 January 2022

Australia Day Ceremony – Two Wells Oval Complex

8. REQUESTED DOCUMENTS/CORRESPONDENCE TO BE TABLED

Nil

9. DEPUTATIONS

Nil

10. PRESENTATIONS/BRIEFINGS

Councillor Daniele connected to the meeting at 6.37pm.

- 10.1 The Honourable John Dawkins MLC, President of the State Legislative Council, gave a 7 minute address reflecting on his time in office and, in particular, his experiences with the Adelaide Plains Council.

11. PETITIONS

Nil

12. COMMITTEE MEETINGS

Nil

13. SUBSIDIARY MEETINGS

- 13.1 Gawler River Floodplain Management Authority Board Meeting – 9 December 2021

Moved Councillor Di Troia Seconded Councillor Keen **2022/003**
“that Council receives and notes the minutes of Gawler River Floodplain Management Authority Board Meeting held on 9 December 2021.”

CARRIED UNANIMOUSLY

13.2 Legatus Group Ordinary Meeting – 10 December 2021

Moved Councillor Daniele Seconded Councillor Di Troia **2022/ 004**

“that Council receives and notes the minutes of the Legatus Group Ordinary Meeting held on 10 December 2021.”

CARRIED UNANIMOUSLY

14. REPORTS FOR DECISION

14.1 Gawler River Floodplain Management Authority – Update

Moved Councillor Lush Seconded Councillor Maiolo **2022/ 005**

“that Council, having considered Item 14.1 – *Gawler River Floodplain Management Authority – Update*, dated 31 January 2022, receives and notes the report and in doing so acknowledges that the Chief Executive Officer intends to bring back a further and more detailed report ahead of the 17 February 2022 Gawler River Floodplain Management Authority Meeting.”

CARRIED

14.2 Governance Advisory Panel – Independent Membership

Moved Councillor Keen Seconded Councillor Boon **2022/ 006**

“that Council, having considered Item 14.2 – *Governance Advisory Panel – Independent Membership*, dated 31 January 2022, receives and notes the report and in doing so:

- 1. Re-appoints the following independent members to Council’s Governance Advisory Panel from 23 February 2022 until 25 July 2022 in accordance with clause 3.1 of the Panel’s Terms of Reference:**
 - Isobel Redmond
 - Cimon Burke
 - Lachlan Miller; and
- 2. Acknowledges that, in accordance with Clause 4.1 of the Panel’s Terms of Reference, the Chief Executive Officer will re-appoint Isobel Redmond as the Panel Chairperson.”**

CARRIED UNANIMOUSLY

14.2 Moved Councillor Keen Seconded Councillor Lush **2022/ 007**

“that Council, having considered Item 14.2 – *Governance Advisory Panel – Independent Membership*, dated 31 January 2022:

- 1. Instructs the Chief Executive Officer to call for expressions of interest (EOI) in relation to three (3) independent member positions on Council’s Governance Advisory Panel;**
- 2. Appoints Mayor Wasley and Deputy Mayor Strudwicke to join Council’s Governance Staff on the interview panel; and**
- 3. Acknowledges that a report will be brought back to Council in relation to the outcome of the EOI process.”**

CARRIED UNANIMOUSLY

14.3 Consultation on Proposed Behavioural Standards for Council Members – Local Government Reform

Moved Councillor Panella Seconded Councillor Maiolo **2022/ 008**

“that Council, having considered Item 14.3 – *Consultation on Proposed Behavioural Standards for Council Members – Local Government Reform*, dated 31 January 2022, receives and notes the report and, in doing so:

- 1. Acknowledges the opportunity to provide feedback to the Office of Local Government (OLG) in relation to the proposed Behavioural Standards, presented as Attachment 1 to this Report**
- 2. Resolves that it does not wish to provide feedback to the OLG and**
- 3. Notes that Members may provide individual feedback in their personal capacity via the State Government’s online consultation hub, YourSay.”**

CARRIED UNANIMOUSLY

14.4 Call for Motions – Australian Local Government Association – National General Assembly 2022

Councillor Panella raised a Point of Order on the basis that Councillor Keen had already spoken. The Presiding Member rejected the Point of Order, ruling that the recommendation had not yet been moved and, in doing so, sought a mover.

Moved Councillor Panella Seconded Councillor Boon **2022/ 009**

“that Council, having considered Item 14.4 – *Call for Motions – Australian Local Government Association – National General Assembly 2022*, dated 31 January 2022, 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 and authorises the Chief Executive Officer to finalise the wording of any Notices of Motion both prior to inclusion in the relevant Council Agenda and prior to submission to ALGA to ensure that all Notices of Motion meet the criteria set by ALGA within the Discussion Paper as provided for at Attachment 2 to this Report.”

CARRIED UNANIMOUSLY

14.5 2022/2023 Annual Business Plan and Budget Development Framework

Moved Councillor Panella Seconded Councillor Di Troia **2022/ 010**

“that Council, having considered Item 14.5 – *2022/2023 Annual Business Plan and Budget Development Framework*, dated 31 January 2022, 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 2022/2023 Annual Business Plan and Budget; and**
- 2. Endorses the schedule set out in Table 2 within this Report as the process to be undertaken in the preparation of the 2022/2023 Annual Business Plan and 2022/2023 Budget, subject to any date changes that the Chief Executive Officer determines necessary.”**

CARRIED UNANIMOUSLY

14.6 Regional Public Health Plan – Draft for Consultation

Moved Councillor Boon Seconded Councillor Panella **2022/ 011**

“that Council, having considered Item 14.6 – *Regional Public Health and Wellbeing Plan*, dated 31 January 2022, receives and notes the report and in doing so:

- 1. Endorses the Draft Regional Public Health Plan as attached to this report for consultation.**
- 2. Authorises the Chief Executive Officer or his delegate, to enter a phase of public consultation for the period 9 February 2022 to 7 March 2022, in accordance with the attached Communications Plan and Council’s Public Consultation Policy in collaboration with the partner councils.”**

CARRIED UNANIMOUSLY

14.7 Mallala CWMS Connections

Moved Councillor Di Troia Seconded Councillor Keen **2022/ 012**

“that Council, having considered Item 14.7 – *Mallala CWMS Connections*, dated 31 January 2022, receives and notes the report and in doing so instructs the Chief Executive Officer to:

- 1. Extend the waiving of the administration fee for applications to connect to the Mallala CWMS up to and including 30 June 2023 and**
- 2. Write to the owners of all Mallala township properties not yet approved for connection to the CWMS, outlining the fee waiver period and promoting the benefits of connection to the system.”**

CARRIED UNANIMOUSLY

14.8 Legatus Group – Waste and Resource Recovery Strategy and Action Plan 2021-2026

Moved Councillor Panella Seconded Councillor Daniele **2022/ 013**

“that Council, having considered Item 14.8 – *Legatus Group – Waste and Resource Recovery Strategy and Action Plan 2021-2026*, dated 31 January 2021, receives and notes the report.”

CARRIED

14.8 Moved Councillor Daniele Seconded Councillor Panella **2022/ 014**

“that Council, having considered Item 14.8 – *Legatus Group – Waste and Resource Recovery Strategy and Action Plan 2021-2026*, dated 31 January 2021, instructs the Chief Executive Officer to advise Simon Millcock, Chief Executive Officer of the Legatus Group, that Council supports the draft Waste and Resource Recovery Strategy and Action Plan 2021-2026.”

CARRIED UNANIMOUSLY

14.9 State and Federal Funding Opportunities

The Presiding Member sought leave of the meeting to suspend meeting procedures pursuant to Regulation 20(1) of the *Local Government (Procedures at Meetings) Regulation 2013* for a period of time sufficient to facilitate informal discussion in relation to Item 14.9 – *State and Federal Funding Opportunities*.

The meeting was suspended at 7.45pm.

The meeting resumed at 8.24pm.

Moved Councillor Lush Seconded Councillor Keen **2022/ 015**

“that Council, having considered Item 14.9 – *State and Federal Funding Opportunities*, dated 31 January 2022, receives and notes the report and in doing so:

- 1. Instructs the Chief Executive Officer to seek funding through the Building Better Regions Fund funding stream for the Mallala and Districts Lions Club – Mallala Community Complex project**
- 2. Acknowledges that, subject to an offer of funding under the Building Better Regions Fund, Council’s contribution of \$70,000 (being 25% of the total cost of the project, \$280,000) will be incorporated into the third quarter 2021/2022 budget revision.”**

The Mover, with the consent of the Seconder, sought leave of the meeting to vary Motion 2022/015. Leave was granted.

MOTION 2022/015 AS VARIED

Moved Councillor Lush Seconded Councillor Keen **2022/ 015**

“that Council, having considered Item 14.9 – *State and Federal Funding Opportunities*, dated 31 January 2022, receives and notes the report and in doing so:

- 1. Instructs the Chief Executive Officer to advise the Mallala and Districts Lions Club that Council supports its funding application under the Building Better Regions Fund funding stream for the Mallala and Districts Lions Club – Mallala Community Complex project**
- 2. Acknowledges that, subject to an offer of funding under the Building Better Regions Fund, Council’s contribution of \$70,000 (being 25% of the total cost of the project, \$280,000) will be incorporated into the third quarter 2021/2022 budget revision.”**

CARRIED

14.9 Moved Councillor Daniele Seconded Councillor Panella **2022/ 016**

“that Council, having considered Item 14.9 – *State and Federal Funding Opportunities*, dated 31 January 2022, receives and notes the report and in doing so:

- 1. Acknowledges that Adelaide Plains Council has been offered \$690,918 under the Local Roads and Community Infrastructure (LRCI) Program Round 3 funding stream and**
- 2. Takes this opportunity to express its sincere thanks and gratitude to the Australian Government for the support and financial assistance being provided to the Adelaide Plains Community.”**

CARRIED UNANIMOUSLY

14.9 Moved Councillor Daniele Seconded Councillor Panella **2022/ 017**

“that Council, having considered Item 14.9 – *State and Federal Funding Opportunities*, dated 31 January 2022 determines the allocation of \$690,918 funding under the Local Roads and Community Infrastructure Round 3 Program funding stream as follows:

- 1. Glover Road**
- 2. Buckland Park Road**

subject to approval by the Federal Government.”

The Presiding Member disconnected from the meeting at 8.45pm.

Councillor Panella raised a Point of Order on the basis that meeting procedures had not been suspended.

The Presiding Member reconnected to the meeting at 8.47pm.

Councillor Panella raised a Point of Order to respond to Councillor Lush. The Presiding Member ruled that the Mover, with consent of the Seconder, could seek leave of the meeting to vary the motion or the motion in its current form could be put to a vote.

Councillor Panella raised a Point of Order that the motion be put. The Presiding Member did not make a ruling.

FORMAL MOTION

Moved Councillor Panella Seconded Councillor Boon **2022/ 018**

“that Motion 2022/017 be put.”

CARRIED

- 14.9 Moved Councillor Daniele Seconded Councillor Panella **2022/ 017**
- “that Council, having considered Item 14.9 – *State and Federal Funding Opportunities*, dated 31 January 2022 determines the allocation of \$690,918 funding under the Local Roads and Community Infrastructure Round 3 Program funding stream as follows:**
- 1. Glover Road**
 - 2. Buckland Park Road**
- subject to approval by the Federal Government.”**

CARRIED

Councillor Keen raised a Point of Order on the basis that she had called for a division. The Presiding Member accepted the Point of Order and declared the vote set aside.

Members voting in the Affirmative: Councillors Di Troia, Maiolo, Panella, Daniele and Boon

Members voting Against: Councillors Lush and Keen

The Presiding Member declared the motion **CARRIED**

- 14.9 Moved Councillor Panella Seconded Councillor Di Troia **2022/ 019**
- “that Council, having considered Item 14.9 – *State and Federal Funding Opportunities*, dated 31 January 2022 and in light of Resolution 2022/018 above, acknowledges that subject to an offer of funding under the Local Roads and Community Infrastructure Round 3 Program, Council’s contribution of \$55,000 will be incorporated into the third quarter 2021/2022 budget revision.”**

CARRIED UNANIMOUSLY

15. REPORTS FOR INFORMATION

15.1 Council Resolutions – Status Report

Moved Councillor Panella Seconded Councillor Boon **2022/ 020**

“that Council, having considered Item 15.1 – *Council Resolutions – Status Report*, dated 31 January 2022, receives and notes the report.”

CARRIED

15.2 Local Government Reform Update and Round 3 Amendments – January 2022

Moved Councillor Panella Seconded Councillor Boon **2022/ 021**

“that Council, having considered Item 15.2 – *Local Government Reform Update and Round 3 Amendments – January 2022*, dated 31 January 2022, receives and notes the report.”

CARRIED UNANIMOUSLY

15.3 Administration Deputy Board Member – Gawler River Floodplain Management Authority

Moved Councillor Boon Seconded Councillor Panella **2022/ 022**

“that Council, having considered Item 15.3 – *Administration Deputy Board Member – Gawler River Floodplain Management Authority*, dated 31 January 2022, receives and notes the report.”

CARRIED

15.4 Draft Tourism and Economic Development Strategy – Public Consultation Summary

Moved Councillor Lush Seconded Councillor Panella **2022/ 023**

“that Council, having considered Item 15.4 – *Draft Tourism and Economic Development Strategy – Public Consultation Summary*, dated 31 January 2022, receives and notes the report.”

CARRIED

15.5 Dog and Cat Management Plan Update January 2022

Moved Councillor Keen Seconded Councillor Di Troia **2022/ 024**

“that Council, having considered Item 15.5 – *Dog and Cat Management Plan Update January 2022*, dated 31 January 2022, receives and notes the report.”

CARRIED

15.6 Library and Community Services Report – October to December 2021

Moved Councillor Boon Seconded Councillor Keen **2022/ 025**

“that Council, having considered Item 15.6 – *Library and Community Services – Report – October to December 2021*, dated 31 January 2022, receives and notes the report.”

CARRIED

15.7 Projects Expected to be Carry Over to 2022/2023 Financial Year

Moved Councillor Lush

Seconded Councillor Daniele

2022/ 026

“that Council, having considered Item 15.7 – Projects Expected to Carry Over to 2022/2023 Financial Year, dated 31 January 2022, receives and notes the report.”

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

Nil

19. MOTIONS WITHOUT NOTICE

Nil

20. URGENT BUSINESS

Nil

21. CONFIDENTIAL ITEMS

21.1 Crown Land, Two Wells – January 2022

Moved Councillor Keen

Seconded Councillor Di Troia

2022/ 027

“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, Information Technology Support Officer and Mr Sean Keenihan of Norman Waterhouse Lawyers be excluded from attendance at the meeting of Council for Agenda Item 21.1 – Crown Land, Two Wells – January 2022**
- 2. Council is satisfied that pursuant to section 90(3)(b) and 90(3)(h) of the Local Government Act 1999, Item 21.1 – Crown Land, Two Wells – January 2022 concerns:**
 - a. 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**

21.1 Moved Councillor Panella Seconded Councillor Boon 2022/ 032

“that Council, having considered the matter of Item 21.1 – *Crown Land, Two Wells – January 2022*, in confidence under sections 90(2) and 90(3)(b) of the Local Government Act 1999, resolves that:

- 1. The report, Attachment 1, Attachment 2 and the minutes of the meeting pertaining to Item 21.1 – *Crown Land, Two Wells* 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

Mr Sean Keenihan, Chair of the Board, Norman Waterhouse Lawyers disconnected from the meeting at 9.31pm and did not return.

21.2 Options for Management of the Parham Camping Reserve

Moved Councillor Keen Seconded Councillor Panella 2022/ 033

“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 – *Options for Management of the Parham Camping Reserve***
- 2. Council is satisfied that pursuant to section 90(3)(b) of the Local Government Act 1999, 21.2 – *Options for Management of the Parham Camping Reserve* concerns commercial information the disclosure of which could reasonably be expected to prejudice the commercial position of Council, being information relating to options for management of the Parham Camping Reserve and would on balance be contrary to the public interest 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

21.2 Moved Councillor Lush Seconded Councillor Daniele 2022/ 034

“that Council, having considered Item 21.2 – Options for Management of the Parham Camping Reserve, dated 31 January 2022, receives and notes the report and in doing so:

- 1. Having considered Council’s Procurement Policy, instructs the Chief Executive Officer to deal directly with the Mallala and Districts Lions Club (Mallala Lions Club) in relation to entering into a lease for the Parham Camping Reserve in order for the Mallala Lions Club to operate same (as set out as Option 3 within this Report), on the basis that the Mallala Lions Club:**
 - a. Has a proven track record in managing campgrounds (namely the Mallala Campgrounds) using a similar model as is proposed for the Parham Camping Ground**
 - b. Presents the only proposal, with the exception of Council continuing to manage the Parham Camping Ground, that guarantees investment of profits back into the community**
 - c. Has collaborated with the Parham and District Action Group (PADAG) in relation to a profit sharing model and PADAG has indicated its support of the Mallala Lions Club proposal**
 - d. Is ready and able to manage the Parham Camping Reserve. With Council soon to commence a significant upgrade to the Parham Camping Ground, it will be important that an appropriate management structure is in place immediately upon the upgrades and**
 - e. Has indicated a preparedness to reinvest in the Parham Camping Reserve on an ongoing basis and**
- 2. Acknowledges that further report/s will be presented to Council as necessary, including in relation to the terms of a draft lease agreement.”**

CARRIED

There being no further business, the Presiding Member declared the meeting closed at 9.52pm.

Confirmed as a true record.

Mayor:

Date: ____/____/____