

MINUTES

of

Ordinary Council Meeting



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

HELD IN

**Council Chamber
Redbanks Road
Mallala**

on

Monday 25 October 2021 at 6.00pm

The Mayor formally declared the meeting open at 6.00pm.

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

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

Also in Attendance:

Chief Executive Officer

Mr James Miller

Acting General Manager – Governance and Executive Office

Ms Alyssa Denicola

General Manager – Development and Community

Mr Darren Starr

General Manager – Infrastructure and Environment

Mr Thomas Jones

Administration and Executive Support Officer/Minute Taker

Ms Stacie Shrubsole

Information Technology Support Officer – *by electronic means*

Mr Sean Murphy

2. CONFIRMATION OF MINUTES

2.1 Confirmation of Council Minutes – Ordinary Council Meeting held on 27 September 2021

Moved Councillor Boon Seconded Councillor Strudwicke **2021/ 367**

“that the minutes of the Ordinary Council Meeting held on 27 September 2021 (MB Folios 17450 to 17462 inclusive), be accepted as read and confirmed.”

CARRIED

2.2 Confirmation of Council Minutes – Special Council Meeting held 30 September 2021

Moved Councillor Lush Seconded Councillor Parker **2021/ 368**

“that the minutes of the Special Council Meeting held on 30 September 2021 (MB Folios 17463 to 17465 inclusive), be accepted as read and confirmed.”

CARRIED

2.3 Confirmation of Council Minutes – Adjourned Special Council Meeting held 5 October 2021

Moved Councillor Keen Seconded Councillor Daniele **2021/ 369**

“that the minutes of the Adjourned Special Council Meeting held on 5 October 2021 (MB Folios 17466 to 17469 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

Councillor Daniele declared a conflict of interest in relation to an item later in the agenda.

6. ADJOURNED BUSINESS

Nil

7. MAYOR'S REPORT

7.1 Mayor's Report

Reporting Period – Thursday 23 September 2021 to Wednesday 20 October 2021

Thursday 23 September 2021

Meeting – Mayor/Chief Executive Officer – Various Matters

Sunday 26 September 2021

Mallala Lions Club – 40th Anniversary Handover Dinner

Monday 27 September 2021

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

Training Session – Local Government Reform

Ordinary Council Meeting

Wednesday 29 September 2021

Elected Member Tour of Xavier College, Two Wells Campus

Thursday 30 September 2021

Meeting – South Australia Coastal Councils Alliance

Special Council Meeting

Tuesday 5 October 2021

Reconvened Special Council Meeting

Thursday 7 October 2021

Meeting – Mayor/Chief Executive Officer/Acting General Manager – Governance and Executive Office – Various Matters

Wednesday 13 October 2021

Meeting – Mayor/Chief Executive Officer – Various Matters

Meeting – Mayor/Acting General Manager – Governance and Executive Office – Two Wells Village Green Opening Event Planning

Elected Member Region Bus Tour

Elected Member Briefing/Information Session – Tourism and Economic Development Strategy and Office Accommodation Review

Friday 15 October 2021

Meeting – Mayor/Chief Executive Officer/Acting General Manager – Governance and Executive Office – Two Wells Village Green Official Opening Planning

Saturday 16 October 2021

Two Wells Village Green Official Opening

Tuesday 19 October 2021

Regional Development Australia Barossa Gawler Light Adelaide Plains – Transforming Business 2021 Event

8. REQUESTED DOCUMENTS/CORRESPONDENCE TO BE TABLED

Nil

9. DEPUTATIONS

- 9.1 Mr Trevor Applebee, spokesperson for Parham and District Action Group, gave a 17 minute deputation requesting to commence formal planning of proposals for the communities of Parham, Webb Beach and Dublin.

MOTION WITHOUT NOTICE

Moved Councillor Lush Seconded Councillor Keen 2021/ 370

“that Council gives in principal support for the precinct development of Port Parham.”

The Mover, with consent of the Seconder, sought leave of the meeting to vary motion 2021/370. Leave was granted.

MOTION 2021/370 AS VARIED

Moved	Councillor	Lush	Seconded	Councillor	Keen	2021/ 370
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“that Council favourably received the presentation of Mr Applebee.”

The Mover sought leave of the meeting to withdraw motion 2021/370. Leave was granted.

MOTION WITHDRAWN

10. PRESENTATIONS/BRIEFINGS

Mr Simon Millcock, Chief Executive Officer, Legatus Group, gave an 18 minute presentation in relation to the Legatus Group Annual Business Plan 2021/2022.

Councillor Di Troia left the meeting at 6.52pm.

Councillor Di Troia returned to the meeting at 6.56pm.

11. PETITIONS

Nil

12. COMMITTEE MEETINGS

- 12.1 Adelaide Plains Council Historical Committee Meeting – 6 October 2021

Moved	Councillor	Boon	Seconded	Councillor	Strudwicke	2021/371
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“that Council receives and notes the minutes of the Adelaide Plains Council Historical Committee meeting held 6 October 2021.”

CARRIED

13. SUBSIDIARY MEETINGS

13.1 Gawler River Floodplain Management Authority Board Special Meeting – 27 September 2021

Moved Councillor Keen Seconded Councillor Panella **2021/ 372**

“that Council receives and notes the minutes of Gawler River Floodplain Management Authority Board Special Meeting held on 27 September 2021.”

CARRIED UNANIMOUSLY

14. REPORTS FOR DECISION

14.1 Outcome of Public Consultation – Draft Infrastructure and Asset Management Strategy and Plans

Moved Councillor Parker Seconded Councillor Panella **2021/ 373**

“that Council, having considered Item 14.1 – *Outcome of Public Consultation – Draft Infrastructure Asset Management Strategy, and Plans*, dated 25 October 2021, receives and notes the report and in doing so, acknowledges that public consultation in relation to the Draft Infrastructure and Asset Management Strategy and Plans was undertaken from 1 September 2021 to 24 September 2021 in accordance with Council’s Public Consultation Policy and no submissions were received.”

CARRIED

14.1 Moved Councillor Panella Seconded Councillor Parker **2021/ 374**

“that Council, having considered Item 14.1 – *Outcome of Public Consultation – Draft Infrastructure Asset Management Strategy, and Plans*, dated 25 October 2021:

- 1. Adopts the Infrastructure and Asset Management Strategy and Plans presented as Attachment 1 to this Report and**
- 2. Authorises the Chief Executive Officer to make any necessary final minor and administrative amendments to the Infrastructure and Asset Management Strategy and Plans.”**

CARRIED UNANIMOUSLY

14.2 Adoption of Annual Report 2020-2021

Moved Councillor Lush Seconded Councillor Strudwicke **2021/ 375**

“that Council, having considered Item 14.2 – *Adoption of Annual Report 2020-2021*, dated 25 October 2021, receives and notes the report and in doing so:

- 1. Adopts the Annual Report 2020-2021 as presented in Attachment 1 to this Report, subject to endorsement of the Audited Annual Financial Statements 2020-2021 and**
- 2. Authorises the Chief Executive Officer to make any necessary final minor and administrative amendments to the Annual Report.”**

CARRIED UNANIMOUSLY

14.3 Appointment of Deputy Mayor

Moved Councillor Strudwicke Seconded Councillor Boon 2021/ 376

“that Council, having considered Item 14.3 – *Appointment of Deputy Mayor*, dated 25 October 2021, receives and notes the report and in doing so resolves that:

- 1. The term of office for the position of Deputy Mayor for the Adelaide Plains Council be from 22 November 2021 until the expiration of the current term of Council, being the date of the next General Election in November 2022**
- 2. The method of choosing a Deputy Mayor be indicative vote to determine the preferred person and**
- 3. Upon completion of the vote Council will, by subsequent resolution, appoint the successful Council Member as its Deputy Mayor.”**

CARRIED UNANIMOUSLY

14.3 Moved Councillor Boon Seconded Councillor Lush 2021/ 377

Councillor Strudwicke declared a conflict of interest and left the meeting at 7.38pm.

“that Council, having considered Item 14.3 – *Appointment of Deputy Mayor*, dated 25 October 2021, appoints Councillor Strudwicke as Deputy Mayor for the Adelaide Plains Council from 22 November 2021 until the expiration of the current term of Council.”

CARRIED UNANIMOUSLY

Councillor Strudwicke returned to the meeting at 7.39pm.

14.4 Ordinary Council Meeting Schedule 2022

Moved Councillor Panella Seconded Councillor Daniele 2021/ 378

“that Council, having considered Item 14.4 – *Ordinary Council Meeting Schedule 2022*, dated 25 October 2021, receives and notes the report and in doing so resolves that Ordinary Council Meetings for the 2022 calendar year will be held in the Mallala Council Chamber at 6.30pm on the fourth Monday of the month with the exception of:

- 1. January 2022, where the Ordinary Council Meeting will be held on the fifth Monday of the month due to the Australia Day public holiday**
- 2. April 2022, where the Ordinary Council Meeting will be held on the fourth Tuesday of the month due to the ANZAC Day public holiday and**
- 3. December 2022, where the Ordinary Council Meeting will be held on the third Monday of the month due to the Christmas closure/holiday period.”**

CARRIED UNANIMOUSLY

14.5 Consultation – Proposed Community Engagement Charter

Moved Councillor Panella Seconded Councillor Boon 2021/ 379

“that Council, having considered Item 14.5 – Consultation – Proposed Community Engagement Charter, dated 25 October 2021, receives and notes the report and acknowledges the opportunity to provide feedback to the Local Government Act in relation to the proposed Community Engagement Charter presented as Attachment 2 to this Report.”

CARRIED UNANIMOUSLY

14.5 Moved Councillor Panella Seconded Councillor Boon 2021/ 380

“that Council, having considered Item 14.5 – Consultation – Proposed Community Engagement Charter, dated 25 October 2021, instructs the Chief Executive Officer to notify the Local Government Association that it supports the proposed Community Engagement Charter as presented at Attachment 2 to this Report.”

CARRIED UNANIMOUSLY

Councillor Daniele declared a conflict of interest in relation to Item 14.6 – *Ombudsman SA Final Report and Recommendations* and left the meeting at 7.49pm.

The Mayor sought leave of the meeting to suspend meeting procedures pursuant to Regulation 20(1) of the Local Government (Procedures at Meetings) Regulations 2013 for a period of time sufficient to facilitate informal discussions in relation to Item 14.6 – *Ombudsman SA Final Report and Recommendations*. Leave was granted.

The meeting was suspended at 7.51pm.

The meeting resumed at 8.12pm.

14.6 Ombudsman SA Final Report and Recommendations

Moved Councillor Parker Seconded Councillor Boon 2021/ 381

“that Council, having considered Item 14.6 – Ombudsman SA Final Report and Recommendations, dated 25 October 2021 receives and notes the report and in doing so acknowledges the Ombudsman SA’s:

- 1. Opinion that Councillor Daniele committed misconduct in public administration for the purposes of section 5(3)(a) of the Independent Commissioner Against Corruption Act 2012 by contravening the provisions of clause 3.13 of Part 3 of the Code of Conduct for Council Members in failing to deal with a perceived conflict of interest during the council meeting on 28 January 2020 and**
- 2. Recommendation, made under section 25(2) of the Ombudsman Act 1972 (SA), that Council reprimand Councillor Daniele.”**

CARRIED

14.6 Moved Councillor Strudwicke Seconded Councillor Parker 2021/ 382

“that Council, having considered Item 14.6 – *Ombudsman SA Final Report and Recommendations*, dated 25 October 2021, and in accordance with the recommendations made by the Ombudsman SA under section 25(2) of the *Ombudsman Act 1972 (SA)*:

1. Resolves to reprimand Councillor Joe Daniele through notice in the local newspapers, the Plains Producer and the Bunyip stating that *“Council reprimands Councillor Joe Daniele for contravening the provisions of clause 3.13 of Part 3 of the Code of Conduct for Council Members in failing to deal with a perceived conflict of interest during the council meeting on 28 January 2020”* and
2. Instructs the Chief Executive Officer to report to the Ombudsman by 29 December 2021 on the steps that have been taken by Council to give effect to the Ombudsman’s recommendation, including details of the actions that have been commenced or completed and relevant dates of the actions taken to implement the recommendation.”

CARRIED

Councillor Panella called for a division.

The Mayor declared the vote set aside.

Members voting in the Affirmative: Councillors Maiolo, Strudwicke, Di Troia, Parker, Lush and Keen.

Members voting in the Negative: Councillors Boon and Panella.

The Mayor declared the motion **CARRIED**.

MOTION WITHOUT NOTICE

Moved Councillor Strudwicke Seconded Councillor Keen 2021/ 383

“that the Chief Executive Officer coordinate training on the subject of “Conflicts of Interest” for Councillor Daniele, and any other Councillors wishing to attend.”

CARRIED UNANIMOUSLY

Councillor Daniele returned to the meeting at 8.20pm.

14.7 Request for Forum/Meeting – Thompson Beach Progress Association

Moved Councillor Strudwicke Seconded Councillor Boon 2021/ 384

“that Council, having considered Item 14.7 – *Request for Forum/Meeting – Thompson Beach Progress Association*, dated 25 October 2021, receives and notes the report.”

CARRIED

14.8 Dog and Cat Management Plan Review

Moved Councillor Parker Seconded Councillor Keen **2021/ 385**

“that Council, having considered Item 14.8 – *Dog and Cat Management Plan Review*, dated 25 October 2021, receives and notes the report and in doing so instructs the Chief Executive Officer to:

- 1. Commence public consultation on the draft Dog and Cat Management Plan presented as Attachment 1 to this report, in accordance with Council’s Public Consultation Policy subject to the clarification of the requirements of and exemptions from de-sexing and**
- 2. Report back to Council following completion of the public consultation process.”**

CARRIED UNANIMOUSLY

14.9 Outcome of Public Consultation – Wasleys Bridge Closure or Load Limit Reduction

Moved Councillor Keen Seconded Councillor Lush **2021/ 386**

“that Council, having considered Item 14.9 – *Outcome of Public Consultation – Wasleys Bridge Closure or Load Limit Reduction*, dated 25 October 2021, receives and notes the report and in doing so, acknowledges that Public Consultation was undertaken from 1 September 2021 to 24 September 2021 in accordance with Council’s Public Consultation Policy and that 12 submissions were received.”

CARRIED UNANIMOUSLY

14.9 Moved Councillor Strudwicke Seconded Councillor Lush **2021/ 387**

“that Council, having considered Item 14.9 – *Outcome of Public Consultation – Wasleys Bridge Closure or Load Limit Reduction*, dated 25 October 2021, and in doing so, instructs the Chief Executive Officer to:

- 1. In accordance with the provisions of Section 32 of the Road Traffic Act 1961, apply a load limit of 6.5 tonnes, emergency vehicles, Council vehicles and service vehicles exempted, to Wasleys Road Bridge (Light River), Barabba**
- 2. Relinquish the Bridge Renewal Program – Round 5 funding of \$107,500 and**
- 3. Apply for Bridge Renewal Program – Round 6, with Council’s contribution to be confirmed upon determination of the application.”**

Councillor Strudwicke raised a Point of Order on the basis that Councillor Panella continued to interrupt the debate and, having already had her speech, should not be speaking to the motion again. The Mayor accepted the Point of Order.

FORMAL MOTION

Moved Councillor Keen Seconded Councillor Di Troia **2021/ 388**

“that motion 2021/387 lay on the table.”

CARRIED

It being 8.59pm, Council resolved to extend the meeting until 9.30pm in accordance with Division 2, Clause 7(6) of Council's *Code of Practice – Meeting Procedures*.

Moved Councillor Keen Seconded Councillor Boon **2021/ 389**

“that the meeting be extended by 30 minutes.”

CARRIED

Moved Councillor Keen Seconded Councillor **2021/ 390**

“that motion 2021/387 be called back off the table.”

MOTION REFUSED

15. REPORTS FOR INFORMATION

15.1 Council Resolutions – Status Report

Moved Councillor Di Troia Seconded Councillor Keen **2021/ 391**

“that Council, having considered Item 15.1 – *Council Resolutions – Status Report*, dated 25 October 2021, receives and notes the report.”

CARRIED

15.2 Infrastructure and Environment Department – Monthly Report – October 2021

Moved Councillor Parker Seconded Councillor Daniele **2021/ 392**

“that Council, having considered Item 15.2 – *Infrastructure and Environment Department – Monthly Report – October 2021*, dated 25 October 2021, receives and notes the report.”

CARRIED UNANIMOSLY

Councillor Di Troia left the meeting at 9.06pm.

15.3 Outcome of SafeWork SA Investigation

Moved Councillor Keen Seconded Councillor Panella **2021/ 393**

“that Council, having considered Item 15.3 – *Outcome of SafeWork SA Investigation*, dated 25 October 2021, receives and notes the report.”

Councillor Di Troia returned to the meeting 9.09pm.

FORMAL MOTION

Moved Councillor Lush Seconded Councillor Parker **2021/ 394**

“that motion 2021/393 be put.”

CARRIED

15.3 Outcome of SafeWork SA Investigation

Moved Councillor Keen Seconded Councillor Panella **2021/ 393**

“that Council, having considered Item 15.3 – *Outcome of SafeWork SA Investigation*, dated 25 October 2021, receives and notes the report.”

CARRIED UNANIMOUSLY

15.4 Two Wells Main Street Building Facades Upgrade

Councillor Daniele declared a conflict of interest in relation to Item 15.4 – *Two Wells Main Street Building Facades Upgrade*.

Councillor Strudwicke raised a Point of Order on the basis that Councillor Daniele was out of his chair and addressing the meeting from the gallery. The Mayor accepted the Point of Order, ruling that Councillor Daniele must confirm his conflict of interest and how he intended to deal with same.

Councillor Daniele left the meeting due to a conflict of interest at 9.17pm and did not return.

Moved Councillor Lush Seconded Councillor Di Troia **2021/ 395**

“that Council, having considered Item 15.4 – *Two Wells Main Street Building Facades Upgrade*, dated 25 October 2021, receives and notes the report.”

FORMAL MOTION

Moved Councillor Strudwicke Seconded Councillor Keen **2021/ 396**

“that motion 2021/395 be put.”

CARRIED

15.4 Two Wells Main Street Building Facades Upgrade

Moved Councillor Lush Seconded Councillor Di Troia **2021/ 395**

“that Council, having considered Item 15.4 – *Two Wells Main Street Building Facades Upgrade*, dated 25 October 2021, receives and notes the report.”

CARRIED UNANIMOUSLY

15.5 Library and Community Services Report – July to September 2021

Moved Councillor Keen Seconded Councillor Boon **2021/ 397**

“that Council, having considered Item 15.5 – *Library and Community Services Report – July to September 2021*, dated 25 October 2021, receives and notes the report.”

CARRIED UNANIMOUSLY

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

Nil

There being no further business, the Mayor declared the meeting closed at 9.23pm.

Confirmed as a true record.

Mayor:

Date: ____/____/____