

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 28 February 2022 at 6.30pm

The Mayor formally declared the meeting open at 6.31pm.

1. ATTENDANCE RECORD

1.1 Present:

Mayor Mark Wasley		<i>by electronic means</i>
Councillor Marcus Strudwicke	Mallala/Dublin Ward	<i>by electronic means</i>
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	Two Wells Ward	<i>by electronic means</i>
Councillor Frank Maiolo (from 6.40pm)	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
Acting General Manager – Infrastructure and Environment	Mr Michael Ravno
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 8.07pm)	Mr Sean Keenihan
Principal, Alinea Group (from 8.07pm)	Mr Ben Koop

2. CONFIRMATION OF MINUTES

2.1 Confirmation of Council Minutes – Ordinary Council Meeting held 31 January 2022

Moved Councillor Daniele

Seconded Councillor Parker

2022/ 035

“that the minutes of the Ordinary Council Meeting held on 31 January 2022 (MB Folios 17521 to 17534 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 27 February 2022 to Wednesday 23 February 2022

Thursday 10 February 2022

Information Briefing Session – Annual Business Plan and Budget

Monday 14 February 2022

Legatus Group – Special Meeting

Audit Committee Meeting

Tuesday 15 February 2022

Meeting – Mayor/Chief Executive Officer/General Manager – Development and Community/
Resident – Development Matters

Thursday 17 February 2022

Meeting – Mayor/Chief Executive Officer – Various Matters

Monday 21 February 2022

Legatus Group – Special Meeting

Tuesday 22 February 2022

Information Briefing Session – Growth Strategy

Wednesday 23 February 2022

Meeting – Chief Executive Officer and Honourable John Dawkins MLC, President of the Legislative Council, Parliament House

Meeting – Mayor/Chief Executive Officer – Various Matters

Summer Reading Club Presentations – Adelaide Plains Library

8. REQUESTED DOCUMENTS/CORRESPONDENCE TO BE TABLED

Nil

9. DEPUTATIONS

Nil

10. PRESENTATIONS/BRIEFINGS

Nil

11. PETITIONS

Nil

12. COMMITTEE MEETINGS

12.1 Audit Committee Meeting – 14 February 2022

Moved Councillor Boon Seconded Councillor Daniele **2022/036**

“that Council receives and notes the minutes of the Audit Committee Meeting held on 14 February 2022 as presented at Attachment 1 to this Report.”

CARRIED

12.1 Moved Councillor Di Troia Seconded Councillor Parker 2022/037

“that Council endorses resolution 2022/008 of the Audit Committee and in doing so adopts the revised Budget Management Policy as presented at Attachment 2 to this Report.”

CARRIED UNANIMOUSLY

12.1 Moved Councillor Keen Seconded Councillor Lush 2022/038

“that Council endorses resolution 2022/010 of the Audit Committee and in doing so acknowledges the progress made to complete the activities identified for Audit Committee during 2021/2022 Financial Year.”

CARRIED UNANIMOUSLY

13. SUBSIDIARY MEETINGS

13.1 Legatus Group Special Meeting – 14 February 2022

Moved Councillor Di Troia Seconded Councillor Boon **2022/ 039**

“that Council receives and notes the minutes of the Legatus Special Meeting held on 14 February 2022.”

CARRIED

13.2 Gawler River Floodplain Management Authority Meeting – 17 February 2022

Moved Councillor Daniele Seconded Councillor Lush **2022/ 040**

Councillor Maiolo connected to the meeting at 6.40pm.

“that Council receives and notes the minutes of Gawler River Floodplain Management Authority Meeting held on 17 February 2022.”

CARRIED UNANIMOUSLY

13.3 Legatus Group Special Meeting – 21 February 2022

Moved Councillor Di Troia Seconded Councillor Keen **2022/ 041**

“that Council receives and notes the minutes of the Legatus Special Meeting held on 21 February 2022.”

CARRIED UNANIMOUSLY

14. REPORTS FOR DECISION

14.1 Australian Local Government Association – National General Assembly 2022 – Mayor and Chief Executive Officer Attendance

Moved Councillor Boon Seconded Councillor Panella **2022/ 042**

“that Council, having considered Item 14.1 – *Australian Local Government Association – National General Assembly 2022 – Mayor and Chief Executive Officer Attendance*, dated 28 February 2022, receives and notes the report and in doing so endorses the attendance of Council’s Mayor and Chief Executive Officer at the National General Assembly to be held in Canberra from 19-22 June 2022.”

CARRIED UNANIMOUSLY

14.2 Two Wells Golf Club Working Party Proposal

Moved Councillor Di Troia Seconded Councillor Parker **2022/ 043**

“that Council, having considered Item 14.2 – *Two Wells Golf Club Working Party Proposal*, dated 28 February 2022, receives and notes the report and in doing so instructs the Chief Executive Officer to formally write to the Two Wells Golf Club Inc committee to advise that Council pledges its support to the notion of establishing a Two Wells Golf Club led working party with Council representation and input to be provided on an as-needs basis.”

CARRIED UNANIMOUSLY

14.3 Hart Reserve – Updated Draft Master Plan – Release for Public Consultation

Moved Councillor Parker Seconded Councillor Boon **2022/ 044**

“that Council, having considered Item 14.3 – Hart Reserve – Updated Draft Master Plan – Release for Public Consultation, dated 28 February 2022, receives and notes the report and in doing so instructs the Chief Executive Officer to undertake public consultation on the updated Draft Master Plan, as presented at Attachment 1 to this Report, in accordance with Council’s Public Consultation Policy.”

CARRIED UNANIMOUSLY

14.4 Dog and Cat Management Plan Approval

Moved Councillor Parker Seconded Councillor Strudwicke **2022/ 045**

“that Council, having considered Item 14.4 – Dog and Cat Management Plan Approval, dated 28 February 2022, receives and notes the report and in doing so:

- 1. Notes submissions as presented in Attachment 1 to this report, and recommended response to submissions as presented in Attachment 2 to this report;***
- 2. Notes the Dog and Cat Management Board approval of proposed amendments, as presented in Attachment 4 to this report;***
- 3. Endorses the Dog and Cat Management Plan with amendments following public consultation presented as Attachment 3 to this report; and***
- 4. Authorises the Chief Executive Officer to undertake editorial but not policy amendments and create the final version of the Dog and Cat Management Plan.”***

CARRIED UNANIMOUSLY

14.5 Clarification of Council Resolution 2022/017 – Segment of Road to be Constructed and Sealed – Local Roads and Community Infrastructure Program Round 3

Moved Councillor Parker Seconded Councillor Panella **2022/ 046**

“that Council, having considered Item 14.5 – Buckland Park Road, Construct and Seal Segment Clarification, dated 28 February 2022 receives and notes the report and in doing so, clarifies, further to Resolution 2022/017, construction and seal of the following segments through Local Roads and Community Infrastructure Round 3 Program funding stream:

- 1. Glover Road in its entirety; and***
- 2. Buckland Park Road from Port Wakefield Road to Halstead Road West.”***

CARRIED UNANIMOUSLY

14.6 Mid-Year Budget Review 2021/2022

Moved Councillor Parker Seconded Councillor Daniele 2022/ 047

“that Council, having considered Item 14.6 – Mid-Year Budget Review 2021/2022, dated 28 February 2022, receives and notes the report and in doing so:

- 1. Receives and note the project progress reports contained in Attachment 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 Mid-Year Budget Review changes identified in Table 1 of this report.”**

CARRIED UNANIMOUSLY

14.7 Adoption of Draft 2023-2032 Long Term Financial Plan

Moved Councillor Lush Seconded Councillor Boon 2022/ 048

“that Council, having considered Item 14.7 – Adoption of Draft 2023-2032 Long Term Financial Plan, dated 28 February 2022, receives and notes the report, and in doing so acknowledges:

- 1. Public consultation was undertaken, from 10 November 2021 to 30 November 2021, in accordance with the Local Government Act 1999 and Council’s Public Consultation Policy; and**
- 2. Four (4) submissions were received as presented at Attachments 1 – 4 to this report.”**

CARRIED UNANIMOUSLY

14.7 Moved Councillor Parker Seconded Councillor Strudwicke 2022/ 049

“that Council, having considered Item 14.7 – Adoption of Draft 2023-2032 Long Term Financial Plan, dated 28 February 2022, endorses resolution 2022/009 of the Audit Committee and in doing so adopts the Draft 2023-2032 Long Term Financial Plan as contained in Attachment 5.”

CARRIED

Councillor Daniele called for a division.

The Mayor declared the vote set aside.

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

Members voting in the **Negative**: Councillors Panella and Daniele.

The Mayor declared the motion **CARRIED**

15. REPORTS FOR INFORMATION

15.1 Council Resolutions – Status Report

Moved Councillor Keen Seconded Councillor Di Troia 2022/ 050

“that Council, having considered Item 15.1 – Council Resolutions – Status Report, dated 28 February 2022, receives and notes the report.”

CARRIED UNANIMOUSLY

15.2 Infrastructure and Environment Department – Monthly Report – February 2022

Moved Councillor Di Troia Seconded Councillor Boon **2022/ 051**

“that Council, having considered Item 15.2 – Infrastructure and Environment Department – Monthly Report – February 2022, dated 28 February 2021 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

19.1 Moved Councillor Parker Seconded Councillor Panella **2022/ 052**

“that the Chief Executive Officer brings back a report detailing the benefits or otherwise to Adelaide Plains Council and its ratepayers in reducing the size of the Horticultural Land tenure sizes within areas of Adelaide Plains Council.”

Councillor Di Troia declared a perceived conflict of interest on the basis that he owns land in the horticultural land area and indicated that he would deal with the perceived conflict of interest by disconnecting from the meeting.

Councillor Di Troia disconnected from the meeting at 7.44pm.

The Mover, with consent of the Secunder, sought leave of the meeting to vary motion 2022/052. Leave was granted.

MOTION 2022/052 AS VARIED

19.1 Moved Councillor Parker Seconded Councillor Panella **2022/ 052**

“that the Chief Executive Officer brings back a report detailing the benefits or otherwise to Adelaide Plains Council and its ratepayers in reducing the size of the Horticultural Land tenure sizes within areas of Adelaide Plains Council and details the process involved and position of Department of Planning to support same.”

CARRIED

Councillor Di Troia reconnected to the meeting at 7.54pm.

20. URGENT BUSINESS

The Chief Executive Officer provided an 11 minute verbal briefing, including addressing questions from Members, in relation to the temporary closure of the Mallala Principal Office due to work health and safety concerns arising from a pest infestation.

Moved Councillor Strudwicke Seconded Councillor Keen **2022/ 053**

“that the Council:

- 1. Notes that due to identified work health and safety concerns arising from a pest infestation of the Council’s Mallala offices, the Chief Executive Officer has, acting under delegated authority, closed the Mallala offices and designated the Council’s Two Wells Service Centre as the Council’s principal office for the period commencing Friday, 18 February 2022 until Monday, 28 February 2022;**
- 2. Notes that the work health and safety concerns specified in paragraph 1 are ongoing, with remediation works in progress to enable the Mallala offices to be reopened;**
- 3. Approves the continued closure of the Mallala offices and designation of Council’s Two Wells Service Centre as the Council’s principal office until such time as the Chief Executive Officer is satisfied that the work health and safety concerns arising from the pest infestation have been remediated, noting that such a designation is temporary and has been made solely to enable an appropriate response to the identified work health and safety issues to be implemented;**
- 4. Determines that, while the Two Wells Service Centre remains designated as the Council’s principal office, its hours of operation will be 9.00am to 5.00pm Monday to Friday; and**
- 5. Authorises the Chief Executive Officer to reopen the Council’s Mallala office, and redesignate that office as the Council’s principal office under its pre-closure operating hours, when the Chief Executive Officer is satisfied that the work health and safety concerns arising from the pest infestation have been appropriately remediated.”**

CARRIED

21. CONFIDENTIAL ITEMS**21.1 Crown Land, Two Wells – February 2022**

Moved Councillor Keen

Seconded Councillor Panella

2022/ 054**“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 – Development and Community, Acting General Manager – Infrastructure and Environment, Manager Governance and Administration, Executive Support Officer/Minute Taker, Information Technology Support Officer, Mr Sean Keenihan of Norman Waterhouse Lawyers and Mr Ben Koop of Alinea Group be excluded from attendance at the meeting of Council for Agenda Item 21.1 – *Crown Land, Two Wells – February 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 – February 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 relating to ongoing negotiations and would on balance be contrary to the public interest; and
 - b. legal advice, being a verbal briefing by Mr Sean Keenihan, Chair, Norman Waterhouse Lawyers in relation to the matter of Crown Land at Two Wells;
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 UNANIMOUSLY

Mr Sean Keenihan, Chair of the Board, Norman Waterhouse Lawyers and Mr Ben Koop, Principal Alinea Group, connected to the meeting, at 8.07pm for the purpose of providing advice in relation to the matter of Crown Land, Two Wells.

Councillor Boon disconnected from the meeting at 8.21pm.

Councillor Boon reconnected to the meeting at 8.29pm.

Subject to confirmation

- 21.1 Moved Councillor Keen Seconded Councillor Panella **2022/ 061**
- “that Council, having considered the matter of Item 21.1 – *Crown Land, Two Wells – February 2022* in confidence under sections 90(2), 90(3)(b) and 90(3)(h) of the *Local Government Act 1999*, resolves that:**
- 1. The report and the minutes of the meeting pertaining to Item 21.1 – *Crown Land, Two Wells – February 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

Mr Sean Keenihan and Mr Ben Koop disconnected from the meeting at 9.15pm and did not return.

21.2 Gawler River Floodplain Management Authority and State Government Four No Regrets Projects
 Moved Councillor Daniele Seconded Councillor Boon **2022/ 062**

“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 – Development and Community, Acting General Manager – Infrastructure and Environment, Manager Governance and Administration, Administration and Executive Support Officer/Minute Taker and Information Technology Support Officer be excluded from attendance at the meeting of Council for Agenda Item 21.2 – *Gawler River Floodplain Management Authority and State Government Four No Regrets Projects*;
2. That Council is satisfied that pursuant to section 90(3)(b) of the *Local Government Act 1999*, Item 21.2 – *Gawler River Floodplain Management Authority and State Government Four No Regrets Projects* 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 Gawler River Floodplain Management Authority 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

It being 9.25pm, Council resolved to extend the meeting until 10.00pm in accordance with Division 2, Clause 7(6) of Council’s *Code of Practice – Meeting Procedures*.

Moved Councillor Panella Seconded Councillor Boon **2022/ 063**

“that the meeting be extended by 30 minutes.”

Councillor Daniele disconnected from the meeting at 9.26pm and did not reconnect.

CARRIED

21.2 Moved Councillor Panella Seconded Councillor Keen **2022/ 064**

“that Council, having considered Item 21.2 – *Gawler River Floodplain Management Authority and State Government Four No Regrets Projects*, dated 28 February 2022, receives and notes the report and in doing so acknowledges Council’s previously adopted resolution (2021/047) which provides for no support for any co-contribution that is premised on the delivery of the four “No Regrets” projects, noting that Council is prepared to pledge in-kind support to projects 3 and 4, together with grant funding application support, if and when required.”

CARRIED UNANIMOUSLY

21.2 Moved Councillor Panella Seconded Councillor Lush 2022/ 065

“that Council, having considered the matter of 21.2 – *Gawler River Floodplain Management Authority and State Government Four No Regrets Projects*, in confidence under sections 90(2) and 90(3)(b) of the *Local Government Act 1999*, resolves that:

- 1. The supplementary detailed report pertaining to Item 21.2 – *Gawler River Floodplain Management Authority and State Government Four No Regrets Projects* 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

There being no further business, Mayor Wasley declared the meeting closed at 9.45pm.

Confirmed as a true record.

Mayor:

Date: ____/____/____