

NOTICE OF COUNCIL MEETING

Pursuant to the provisions of section 83(2) of the
Local Government Act 1999

The Ordinary Meeting of the



will be held by

electronic means

on

Monday 26 July 2021 at 6.00pm

A handwritten signature in black ink, appearing to read "James Miller".

James Miller

CHIEF EXECUTIVE OFFICER

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3 BUSINESS ARISING

4 PUBLIC OPEN FORUM

Pursuant to Council's Code of Practice – Meeting Procedures, Council will not facilitate the holding of Public Open Forum at a Council Meeting during the COVID-19 public health emergency.

5 DECLARATION OF MEMBERS' INTEREST (material, actual, perceived)

6 ADJOURNED BUSINESS

Nil

COMMUNICATIONS

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9 DEPUTATIONS

Nil

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Nil

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Nil

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16 QUESTIONS ON NOTICE

Nil

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18 MOTIONS ON NOTICE

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	2. Confirmation of Minutes
Monday 26 July 2021	

2.1 Confirmation of Council Minutes – Ordinary Council Meeting held 28 June 2021

“that the minutes of the Ordinary Council Meeting held on 28 June 2021 (MB Folios 17373 to 17391 inclusive), be accepted as read and confirmed.”

2.2 Confirmation of Council Minutes – Special Council Meeting held 8 July 2021

“that the minutes of the Special Council Meeting held on 8 July 2021 (MB Folios 17392 to 17410 inclusive), be accepted as read and confirmed.”

2.3 Confirmation of Council Minutes – Special Council Meeting held 21 July 2021

“that the minutes of the Special Council Meeting held on 21 July 2021 (MB Folios 17411 to 17413 inclusive), be accepted as read and confirmed.”

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 28 June 2021 at 6.00pm

The Mayor formally declared the meeting open at 6.01pm.

1. ATTENDANCE RECORD

1.1 Present:

Mayor Mark Wasley

Councillor Terry-Anne Keen Mallala/Dublin Ward

Councillor John Lush Mallala/Dublin Ward

Councillor Kay Boon Two Wells Ward

Councillor Frank Maiolo Two Wells Ward

Councillor Joe Daniele Two Wells Ward

Councillor Brian Parker Lewiston Ward

Councillor Carmine Di Troia Lewiston Ward

Councillor Margherita Panella Lewiston Ward

by audio-visual link

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 – Finance and Business

Mr Rajith Udugampola

General Manager – Infrastructure and Environment

Mr Thomas Jones

Administration and Executive Support Officer/Minute Taker

Ms Stacie Shrubsole

Information Technology Support Officer *(by audio-visual link)*

Mr Sean Murphy

1.2 Apologies:

Councillor Marcus Strudwicke

Mallala/Dublin Ward

Councillor Panella sought leave of the meeting to stand up at intervals throughout the meeting. Leave was granted.

2. CONFIRMATION OF MINUTES

2.1 Confirmation of Council Minutes – Ordinary Council Meeting held on 24 May 2021

Moved Councillor Daniele Seconded Councillor Maiolo **2021/ 215**

“that the minutes of the Ordinary Council Meeting held on 24 May 2021 (MB Folios 17358 to 17369 inclusive), be accepted as read and confirmed.”

CARRIED

2.2 Confirmation of Council Minutes – Special Council Meeting held on 15 June 2021

Moved Councillor Parker Seconded Councillor Boon **2021/ 216**

“that the minutes of the Special Council Meeting held on 15 June 2021 (MB Folios 17370 to 17373 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 20 May 2021 to Wednesday 23 June 2021

Thursday 20 May 2021

Meeting – Mayor and Regional Development Australia Barossa Gawler Light Adelaide Plains Chair, Mr Rolf Binder, Two Wells

Two Wells Village Green Walk Through – Mayor/Deputy Mayor/Asset Engineer

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

Monday 24 May 2021

Two Wells Village Green Photo-shoot, the Plains Producer

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

Ordinary Council Meeting

Tuesday 25 May 2021

Meeting – Mayor/Chief Executive Officer – Various Matters

Monday 31 May 2021

South Australian Regional Organisation of Councils – Regional Waste Pathways Forum, Tanunda

Tuesday 1 June 2021

LGA Refresher Training – Effective Leadership for Elected Members, Light Regional Council, Kapunda

Meeting – NiVan Independence Day Working Party

Wednesday 2 June 2021

Meeting – Mayor/Chief Executive Officer – Various Matters

Meeting – Hon David Speirs MP, Minister for Environment and Water, Hon John Dawkins MLC, President of the Legislative Council, Penny Pratt, Liberal Candidate for Frome and Chief Executive Officer – Two Wells/Middle Beach

Monday 7 June 2021

2021 Mainstreet SA Conference, Clare

Adelaide Plains Council Audit Committee Meeting

Tuesday 8 June 2021

2021 Mainstreet SA Conference, Clare

Informal Gathering

Thursday 10 June 2021

Meeting – Mayor/Chief Executive Officer – Various Matters

Friday 11 June 2021

Legatus Group Ordinary Meeting, Mallala Football Club

Workshop – Working with Aboriginal People, Communities and Organisations, Mallala Football Club

Tuesday 15 June 2021

Site Visit – Middle Beach Boat Ramp and Middle Beach Mangroves – Coastal Protection Board Inquiry Board

Pre-Council Meeting – Mayor/Acting General Manager Governance and Executive Office

Special Council Meeting

Infrastructure and Environment Committee Meeting

Wednesday 16 June 2021

Meeting – NiVan Independence Day Working Party

Thursday 17 June 2021

Gawler River Floodplain Management Authority Meeting

Saturday 19 June 2021 – Wednesday 23 June 2021

Australian Local Government Association – National General Assembly, Canberra

Mayor Wasley acknowledged the 35 years of service, and upcoming retirement, of Council's Manager – Operations, Mr Keith Earl.

8. REQUESTED DOCUMENTS/CORRESPONDENCE TO BE TABLED

Nil

9. DEPUTATIONS

Nil

10. PRESENTATIONS/BRIEFINGS

- 10.1 John Comrie of JAC Comrie Pty Ltd gave a 37 minute presentation, and took questions from Members, in relation to Mallala Community Wastewater Management Scheme – Review of Charges.

11. PETITIONS

Nil

12. COMMITTEE MEETINGS

- 12.1 Adelaide Plains Historical Committee Meeting – 2 June 2021

Moved Councillor Keen Seconded Councillor Boon **2021/ 217**

“that Council receives and notes the minutes of the Adelaide Plains Council Historical Committee meeting held 2 June 2021.”

CARRIED

- 12.2 Audit Committee Meeting – 7 June 2021

Moved Councillor Panella Seconded Councillor Boon **2021/ 218**

Councillor Di Troia left the meeting at 6.47pm.

“that Council receives and notes the minutes of the Audit Committee Meeting held on 7 June 2021 as presented at Attachment 1 to this Report.”

CARRIED

Councillor Di Troia returned to the meeting 6.49pm.

- 12.2 Moved Councillor Keen Seconded Councillor Lush **2021/ 219**
“that Council endorses resolution 2021/025 of the Audit Committee and in doing so acknowledges the public submissions received on the draft 2021/2022 Annual Business Plan and Budget and their contribution made toward the annual business plan process of Adelaide Plains Council.”
CARRIED
- 12.2 Moved Councillor Panella Seconded Councillor Boon **2021/ 220**
“that Council endorses recommendation 2021/026 of the Audit Committee and in doing so adopts the Audit Committee Terms of Reference as presented in Attachment 3 to this report.”
CARRIED
- 12.2 Moved Councillor Parker Seconded Councillor Lush **2021/ 221**
“that Council endorses resolution 2021/027 of the Audit Committee and in doing so acknowledges the progress made to complete the activities identified for Audit Committee during 2020/2021 Financial Year.”
CARRIED
- 12.3 Infrastructure and Environment Committee Meeting – 15 June 2020
 Moved Councillor Boon Seconded Councillor Keen **2021/ 222**
“that Council receives and notes the minutes of the Infrastructure and Environment Committee Meeting held 15 June 2021.”
CARRIED
- 12.3 Moved Councillor Keen Seconded Councillor Parker **2021/ 223**
“that Council endorses resolution 2021/012 of the Infrastructure and Environment Committee and in doing so instructs the Chief Executive Officer to bring back a report to Council with options to restrict vehicle access to Thompson Beach.”
CARRIED UNANIMOUSLY
- 12.3 Moved Councillor Maiolo Seconded Councillor Boon **2021/ 224**
“that Council endorses resolution 2021/013 of the Infrastructure and Environment Committee and in doing so instructs the Chief Executive Officer to apply to Heritage list a portion of Assessment Number 29108/34348/34348 Title ID CT5372/262, CT5346/891, CT5346/890 identified in Attachment 1 under the Native Vegetation Heritage Agreement Program.”
LOST
- 12.3 Moved Councillor Lush Seconded Councillor Parker **2021/ 225**
“that Council endorses resolution 2021/014 of the Infrastructure and Environment Committee and in doing so adopts the draft Light Fleet, Plant and Heavy Vehicles Replacement Policy as presented at Attachment 2 to this Report.”
CARRIED

- 12.3 Moved Councillor Keen Seconded Councillor Boon **2021/ 226**
“that Council endorses resolution 2021/015 of the Infrastructure and Environment Committee and in doing so instructs the Chief Executive Officer to bring back a report to the Infrastructure and Environment Committee into the financial costing structure of the Mallala Community Wastewater Scheme.”

CARRIED

- 12.3 Moved Councillor Parker Seconded Councillor Keen **2021/ 227**
“that Council endorses resolution 2021/016 of the Infrastructure and Environment Committee and in doing instructs the Chief Executive Officer to bring back a further report to the Infrastructure and Environment Committee in relation to a potential community waste education process.”

CARRIED

- 12.3 Moved Councillor Boon Seconded Councillor Parker **2021/ 228**
“that Council endorses resolution 2021/017 of the Infrastructure and Environment Committee and in doing so assigns the following road names to the Stages 5-8 of the Liberty land division, as set out within Attachment 4 to this Report:

1. Reid Road
2. Wilder Lane
3. Mill Avenue
4. Friedman Grove
5. Kelly Street
6. Washington Boulevard
7. Hancock Avenue
8. Goldstein Street
9. Coolidge Grove.”

CARRIED

13. SUBSIDIARY MEETINGS

13.1 Legatus Group Ordinary Meeting – 11 June 2021

- Moved Councillor Parker Seconded Councillor Keen **2021/ 229**
“that Council receives and notes the minutes of the Legatus Group Ordinary Meeting held on 11 June 2021.”

CARRIED

13.2 Gawler River Floodplain Management Authority Meeting – 17 June 2021

- Moved Councillor Keen Seconded Councillor Lush **2021/ 230**
“that Council receives and notes the minutes of Gawler River Floodplain Management Authority Meeting held on 17 June 2021.”

CARRIED UNANIMOUSLY

14. REPORTS FOR DECISION

14.1 Adelaide Plains Council Representation Review – Second Submissions Report

Mr Greville Knight, representing the Adelaide Plains Ratepayers and Residents Association Inc. (APRRA), connected to the meeting at 7.24pm to be heard in relation to APRRA's submission in accordance with Section 12(10) of the Local Government Act 1999. Mr Knight spoke for 9 minutes and disconnected from the meeting at 7.33pm.

Moved Councillor Parker Seconded Councillor Boon **2021/ 231**

Councillor Panella raised a Point of Order to clarify that Management's recommendation was being moved as one motion. The Mayor did not make a ruling, however confirmed that the recommendation was being moved as one motion.

"that Council, having considered Item 14.1 – Adelaide Plains Council Representation Review – Second Submissions Report, dated 28 June 2021, receives and notes the report and in doing so:

- 1. Acknowledges that public consultation was undertaken from 24 March 2021 until 26 April 2021 in relation to Council's in principle decisions for the principal member of Council to continue to be a Mayor elected by the community, wards to be abolished and the future elected body of Council comprise the Mayor and nine area councillors (the In Principle Decisions)**
- 2. Receives and notes the four submissions received during public consultation and presented as Attachment 1 to this Report and the Second Submissions Report prepared by C L Rowe & Associates and presented as Attachment 2 to this Report**
- 3. Reaffirms the In Principle Decisions and**
- 4. Instructs the Chief Executive Officer to prepare and forward the necessary report and documentation to the Electoral Commissioner of South Australia pursuant to sections 12(11) and 12(12) of the Local Government Act 1999 in order to give effect to the Council's representation review."**

CARRIED

Councillor Daniele called for a division.

The Mayor declared the vote set aside.

Members voting in the affirmative: Councillors Maiolo, Boon, Panella, Parker, Lush and Keen.

Members voting in the negative: Councillors Di Troia and Daniele.

The Mayor declared the motion **CARRIED**.

14.2 Strategic Plan 2021-2024

Moved Councillor Boon Seconded Councillor Parker **2021/ 232**

"that Council, having considered Item 14.2 – Strategic Plan 2021-2021, dated 28 June 2021, receives and notes the report and in doing so acknowledges that the COVID-19 public health emergency has delayed finalisation and delivery of Council's Strategic Plan and, in turn, other strategic documents that flow on from that including but not limited to the Tourism and Economic Development Strategy, Infrastructure and Asset Management Plan and Long Term Financial Plan."

CARRIED

- 14.2 Moved Councillor Lush Seconded Councillor Keen **2021/ 233**
“that Council having considered Item 14.2 – *Strategic Plan 2021-2021*, dated 28 June 2021, instructs the Chief Executive Officer to facilitate an Informal Gathering in July/August 2021, to be attended also by the Chairpersons of both the Audit Committee and the Infrastructure and Environment Committee, as a means of populating projects and priorities from the Strategic Plan 2021-2024 into the Infrastructure and Asset Management Plan and Long Term Financial Plan.”
CARRIED
- 14.2 Moved Councillor Boon Seconded Councillor Parker **2021/ 234**
“that Council having considered Item 14.2 – *Strategic Plan 2021-2021*, dated 28 June 2021, instructs that the Long Term Financial Plan is reviewed and updated by no later than 31 December 2021, noting that by that time determinations will have been made and resolutions likely adopted in relation to a number of strategic projects which carry significant expenditure.”
CARRIED
- 14.2 Moved Councillor Keen Seconded Councillor Parker **2021/ 235**
“that Council having considered Item 14.2 – *Strategic Plan 2021-2021*, dated 28 June 2021, and in doing so:
 - 1. Acknowledges the work of Management in the preparation of a draft Growth Strategy**
 - 2. Notes the unparalleled and unprecedented level of growth currently on foot and forecast to continue and the inevitable impact that such growth will have on services, infrastructure, resourcing and Council’s financial position.**
 - 3. Instructs the Chief Executive Officer to bring back further reports pertaining to the preparation of a Growth Strategy ahead of adopting the Long Term Financial Plan.”****CARRIED**
- 14.3 Policy Review – Code of Practice – Meeting Procedures
 Moved Councillor Keen Seconded Councillor Panella **2021/ 236**
 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 14.3 – Policy Review – Code of Practice – Meeting Procedures. Leave was granted.
 The meeting was suspended at 7.58pm.
 The meeting resumed at 8.14pm.
“that Council, having considered Item 14.3 – *Policy Review – Code of Practice – Meeting Procedures*, dated 28 June 2021, receives and notes the report and in doing so adopts the Code of Practice – Meeting Procedures as presented at Attachment 1 to this report subject to:
 - 1. Deletion of clauses 15(9), 15(10) and 15(12) and**
 - 2. Moving the current clause 15(13) to appear after the current 15(4) and to become 15(5).”****CARRIED**

14.4 Consultation on the Local Government Information Framework

Councillor Boon left the meeting at 8.22pm

Moved Councillor Lush Seconded Councillor Parker **2021/ 237**

Councillor Boon returned to the meeting at 8.24pm

“that Council, having considered Item 14.4 – *Consultation on the Local Government Information Framework*, dated 28 June 2021, receives and notes the report and in doing so acknowledges the opportunity to provide feedback, however, confirms that it does not wish to make a formal submission to the Office for Local Government in relation to the Local Government Information Framework at this time.”

CARRIED

14.5 2021 Local Government Association Annual General Meeting – Proposed Items of Business

Moved Councillor Lush Seconded Councillor **2021/ 238**

“that Council, having considered Item 14.5 – *2021 Local Government Association Annual General Meeting – Proposed Items of Business*, dated 28 June 2021 submits the following Proposed Item of Business to SAROC for approval and inclusion in the agenda of the Local Government Association Annual General Meeting to be held on 29 October 2021:

- **That in the interests of securing long-overdue investment for the inner-north regarding the Northern Adelaide Irrigation Scheme, the Local Government Association calls on the State Government, the Minister for Environment and Water, SA Water and other relevant stakeholders to determine a strategy that unlocks potential investment opportunities and ensures NAIS water pricing allows for private sector take-up.”**

Councillor Panella raised a Point of Order on the basis that a staff recommendation to receive and note the report had not been dealt with. The Mayor accepted the Point of Order and Councillor Lush, as the mover, varied 2021/238.

14.5 2021 Local Government Association Annual General Meeting – Proposed Items of Business

Moved Councillor Lush Seconded Councillor Keen **2021/ 238**

“that Council, having considered Item 14.5 – *2021 Local Government Association Annual General Meeting – Proposed Items of Business*, dated 28 June 2021 receives and notes the report and in doing so submits the following Proposed Item of Business to SAROC for approval and inclusion in the agenda of the Local Government Association Annual General Meeting to be held on 29 October 2021:

- **That in the interests of securing long-overdue investment for the inner-north regarding the Northern Adelaide Irrigation Scheme, the Local Government Association calls on the State Government, the Minister for Environment and Water, SA Water and other relevant stakeholders to determine a strategy that unlocks potential investment opportunities and ensures NAIS water pricing allows for private sector take-up.”**

CARRIED UNANIMOUSLY

14.6 Council Assessment Panel – Membership

Moved Councillor Boon

Seconded Councillor Panella

2021/ 239

“that Council, having considered Item 14.6 – *Council Assessment Panel – Membership*, dated 28 June 2021, receives and notes the report and in doing so:

- 1. Appoints Nathan Cunningham, Aaron Curtis, Paul Mickan and Ian O’Loan as Independent Members of the Council Assessment Panel pursuant to Section 83(1)(b) of the Planning, Development and Infrastructure Act 2016 for the term commencing 1 July 2021 and ending 30 June 2022, and subject to any accreditation requirements under Section 83(1)(c) of the Act;**
- 2. Appoints Susan Giles as Deputy Independent Member of the Council Assessment Panel pursuant to Section 83(1)(b) of the Planning, Development and Infrastructure Act 2016 for the term commencing 1 July 2021 and ending 30 June 2022, and subject to any accreditation requirements under Section 83(1)(c) of the Act;**
- 3. Appoints Councillor Margherita Panella as a Council Member of the Council Assessment Panel pursuant to Section 83(1)(b) of the Planning, Development and Infrastructure Act 2016 for the term commencing 1 July 2021 and ending 30 June 2022, having been satisfied that Councillor Panella is appropriately qualified to act as a member of the assessment panel on account of the person’s experience in local government, as required by Section 83(2) of the Act;**
- 4. Appoints Councillor Brian Parker as a Deputy Council Member of the Council Assessment Panel pursuant to Section 83(1)(b) of the Planning, Development and Infrastructure Act 2016 for the term commencing 1 July 2021 and ending 30 June 2022, having been satisfied that Councillor Parker is appropriately qualified to act as a member of the assessment panel on account of the person’s experience in local government, as required by Section 83(2) of the Act;**
- 5. Appoints Nathan Cunningham as the Presiding Member of the Council Assessment Panel pursuant to Section 83(1)(b)(vi) of the Planning, Development and Infrastructure Act 2016 for the term commencing 1 July 2021 and ending 30 June 2022, and subject to any accreditation requirements under Section 83(1)(c) of the Act;**
- 6. Determines in accordance with Section 83(1)(b) of the Planning, Development and Infrastructure Act 2016 that the appointment of Independent, Council and Deputy Members to the Council Assessment Panel is subject to their compliance with and acceptance of the Terms of Reference for the Council Assessment Panel adopted by Council on 3 March 2021;**
- 7. Sets the sitting fee for members of the Council Assessment Panel (excluding Council Members) at \$450 per meeting for Presiding Member and \$350 per meeting for Independent Member.”**

CARRIED UNANIMOUSLY

14.7 Building Fire Safety Committee – Establishment, Terms of Reference, Membership

Moved Councillor Keen

Seconded Councillor Lush

2021/ 240

“that Council, having considered Item 14.7 – *Building Fire Safety Committee – Establishment, Terms of Reference and Membership*, dated 28 June 2021, receives and notes the report and in doing so:

- 1. Acknowledges that the previous Building and Fire Safety Committee, established under the Development Act 1993, ceased to exist on repeal of that Act and**
- 2. Establishes the Adelaide Plains Building Fire Safety Committee pursuant to section 157(17) of the Planning, Development and Infrastructure Act 2016 and**
- 3. Designates the Adelaide Plains Building Fire Safety Committee as an appropriate authority pursuant to Section 157(16) of the Planning, Development and Infrastructure Act 2016.”**

CARRIED UNANIMOUSLY

14.7 Moved Councillor Parker

Seconded Councillor Boon

2021/ 241

“that Council, having considered Item 14.7 – *Building Fire Safety Committee – Establishment, Terms of Reference and Membership*, dated 28 June 2021, adopts the Terms of Reference as presented at Attachment 1 to this Report as the terms of reference of the Adelaide Plains Building Fire Safety Committee.”

CARRIED UNANIMOUSLY

14.7 Moved Councillor Boon

Seconded Councillor Daniele

2021/ 242

“that Council, having considered Item 14.7 – *Building Fire Safety Committee – Establishment, Terms of Reference and Membership*, dated 28 June 2021, appoints to the Adelaide Plains Building Fire Safety Committee the following members, for a term of three (3) years, pursuant to section 157(17) of the Planning, Development and Infrastructure Act 2016 (the Act):

- 1. Mr Peter Harmer, as a person who holds prescribed qualifications in building surveying pursuant to regulation 113 of the Planning, Development and Infrastructure (General) Regulation 2017 and subject to the condition that they retain such prescribed qualifications for the term of their appointment;**
- 2. Mr Julian Aggiss (and Messrs Colin Paton and Darren Chapman as deputy members) Country Fire Service as a person nominated by the Chief Officer of the SA Country Fire Service and as a person with expertise in the area of fire safety;**
- 3. Mr Michael Essex, as a person selected by Council.”**

CARRIED

- 14.7 Moved Councillor Daniele Seconded Councillor Keen **2021/ 243**
- “that Council, having considered Item 14.7 – Building Fire Safety Committee – Establishment, Terms of Reference and Membership, dated 28 June 2021:***
- 1. Appoints Mr Peter Harmer as the Presiding Member of the Adelaide Plains Building Fire Safety Committee, pursuant to section 157(17) of the Planning, Development and Infrastructure Act 2016 for a term of three years subject to the condition that Mr Harmer remains a member of the Adelaide Plains Building Fire Safety Committee for the term of his appointment.**
 - 2. Determine that the remuneration for the Presiding Member of the Adelaide Plains Building Fire Safety Committee will be \$175.00 (ex GST) per hour.”**

CARRIED

Councillor Di Troia left the meeting at 8.50pm.

- 14.8 Adelaide Plains Council Historical Committee – Terms of Reference Review
- Moved Councillor Parker Seconded Councillor Boon **2021/ 244**
- “that Council, having considered Item 14.8 – Adelaide Plains Council Historical Committee – Terms of Reference Review, dated 28 June 2021, receives and notes the report and in doing so:***
- 1. Revokes the current Adelaide Plains Council Historical Committee Terms of reference as presented as Attachment 2 to this Report; and**
 - 2. Adopts the amended Adelaide Plains Council Historical Committee Terms of Reference as presented as Attachment 1 to this Report.”**

CARRIED

Councillor Di Troia returned to the meeting at 8.52pm.

- 14.9 Barossa, Light and Lower North Regional Disability Access and Inclusion Plan – Addendum to Update Status of Document
- Moved Councillor Boon Seconded Councillor Keen **2021/ 245**
- “that Council, having considered Item 14.9 – Barossa, Light and Lower North Regional Disability Access and Inclusion Plan – Addendum to Update Status of Document, dated 28 June 2021, receives and notes the report and in doing so adopts the amended Barossa Light and Lower North Regional Disability Access and Inclusion Plan – Background Document as presented in Attachment 1 to this Report.”***

CARRIED

14.10 Approval of Expenditure Prior to the Adoption of the 2021/2022 Annual Budget

Moved Councillor Parker Seconded Councillor Lush 2021/ 246

“that Council, having considered Item 14.10 – Approval of Expenditure Prior to the Adoption of the 2021/2022 Annual Budget, dated 28 June 2021, receives and notes the report and in doing so:

1. Acknowledges that the 2021/2022 Annual Business Plan and Budget of Council is not proposed to be adopted until 8 July 2021;
2. Pending the adoption of the 2021/2022 Annual Business Plan and Budget, approves the expenditure of Council funds on the works, services and operations of the Council as follows:
 - a. Employee costs
 - b. Materials, contractors and other
 - c. Loan repayments and short term borrowings
 - d. Interest expenses
3. Authorises the Chief Executive Officer to expend the Council’s funds approved in paragraph 2 of this resolution; and
4. Acknowledges that the Chief Executive Officer may authorise such other employees of the Council to expend the funds approved in paragraph 2 of this resolution.”

CARRIED

It being 8.55pm, 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 Parker Seconded Councillor Lush 2021/ 247

“that the meeting be extended until 9.30pm.”

CARRIED

15. REPORTS FOR INFORMATION

15.1 Council Resolutions – Status Report

Moved Councillor Di Troia Seconded Councillor Keen 2021/ 248

“that Council, having considered Item 15.1 – Council Resolutions – Status Report, dated 28 June 2021, receives and notes the report.”

CARRIED

15.2 Infrastructure and Environment Department – Monthly Report – June 2021

Moved Councillor Panella Seconded Councillor Parker 2021/ 249

“that Council, having considered Item 15.2 – Infrastructure and Environment Department – Monthly Report – June 2021, dated 28 June 2021 receives and notes the report.”

CARRIED

15.3 Drought Communities Programme – Final Report – June 2021

Moved Councillor Keen Seconded Councillor Panella **2021/ 250**

“that Council, having considered Item 15.3 – Drought Communities Programme – Final Report – June 2021, dated 28 June 2021 receives and notes the report.”

CARRIED

15.4 Regional Development Australia Barossa Gawler Light Adelaide Plains – Update June 2021

Moved Councillor Lush Seconded Councillor Keen **2021/ 251**

“that Council, having considered Item 15.4 – Regional Development Australia Barossa Gawler Light Adelaide Plains – Update June 2021, dated 28 June 2021, receives and notes the report.”

CARRIED

15.5 Cemeteries Capacity Review

Moved Councillor Daniele Seconded Councillor Keen **2021/ 252**

“that Council, having considered Item 15.5 – Cemeteries Capacity Review, dated 28 June 2021, receives and notes the report.”

CARRIED

15.6 Potential Relocation of Protest Structures

Moved Councillor Lush Seconded Councillor Boon **2021/ 253**

“that Council, having considered Item 15.6 – Potential Relocation of Protest Structures, dated 28 June 2021, receives and notes the report.”

CARRIED

15.7 Parham Road and Settlement – 5 Tonne Load Limit

Moved Councillor Keen Seconded Councillor Parker **2021/ 254**

“that Council, having considered Item 15.7 – Parham Road and Settlement – 5 Tonne Load Limit, dated 28 June 2021, receives and notes the report.”

CARRIED

15.8 Projects Expected to be Carry Over to 2021/2022 Financial Year

Moved Councillor Keen Seconded Councillor Boon **2021/ 255**

“that the Council, having considered Item 15.8 – Projects Expected to be Carry Over to 2021/2022 Financial Year, dated 28 June 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 Lush Seconded Councillor Parker **2021/ 256**

“that Council instructs the Chief Executive Officer to bring a report back to Council that explores opportunities surrounding uplift in building facades in the Two Wells Main Street. Such a report may examine, amongst other items:

- similar initiatives undertaken by Wakefield Regional Council to improve the visual amenity of the Hamley Bridge Main Street
- funding/co-funding opportunities
- business incentive schemes
- business engagement strategies
- Two Wells Main Street masterplanning and design.”

CARRIED

19.2 Moved Councillor Lush Seconded Councillor Maiolo **2021/ 257**

“that Council instructs the Chief Executive Officer to bring a report back to Council that explores opportunities to advance a caravan park proposal within the Dublin township, with such a report to examine, amongst other items:

- land tenure opportunities/constraints
- zoning opportunities/constraints
- draft Tourism and Economic Development Strategy considerations
- preliminary dialogue with SA Tourism, RDA and Caravan and Camping Industries Association of SA so as to understand supply/demand
- soft market testing/EoI for the market place (process and procedure).”

CARRIED

20. URGENT BUSINESS

Nil

21. CONFIDENTIAL ITEMS**21.1 Crown Land, Two Wells – June 2021**

Moved Councillor Keen

Seconded Councillor Boon

2021/ 258**“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, Acting General Manager – Governance and Executive Office, General Manager – Finance and Business, General Manager – Infrastructure and Environment, General Manager – Development and Community, Administration and Executive Support Officer/Minute Taker and Information Technology Officer be excluded from attendance at the meeting of Council for Agenda Item 21.1 – *Crown Land, Two Wells – June 2021*;**
- 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 – June 2021* 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 ongoing negotiations in relation to 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

21.1 Moved Councillor Keen

Seconded Councillor Lush

2021/ 259

“that Council, having considered Item 21.1 – *Crown Land, Two Wells – June 2021* dated 28 June 2021, receives and notes the report.”

CARRIED

21.1 Moved Councillor Keen

Seconded Councillor Parker

2021/ 260

“that Council, having considered the matter of Item 21.1 – *Crown Land, Two Wells – June 2021* 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 Attachment 1 pertaining to Item 21.1 – *Crown Land, Two Wells – June 2021* remain confidential and not available for public inspection until further order of the Council;**
- 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, the Mayor declared the meeting closed at 9.29pm.

Confirmed as a true record.

Mayor:

Date: ____/____/____

Subject to confirmation

MINUTES

of

Special Council Meeting



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

HELD IN

**Council Chamber
Redbanks Road
Mallala**

on

Thursday 8 July 2021 at 6.00pm

The Mayor formally declared the meeting open at 6.00pm.

1. ATTENDANCE RECORD

1.1 Present:

Mayor Mark Wasley

Councillor John Lush Mallala/Dublin Ward

Councillor Terry-Anne Keen Mallala/Dublin Ward

Councillor Marcus Strudwicke Mallala/Dublin Ward

Councillor Kay Boon 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 – Infrastructure and Environment

Mr Thomas Jones

General Manager – Finance and Business

Mr Rajith Udugampola

General Manager – Development and Community

Mr Darren Starr

Administration and Executive Support Officer/Minute Taker

Ms Stacie Shrubsole

IT Support Officer – *By audio-visual link*

Mr Sean Murphy

1.2 Apologies:

Councillor Frank Maiolo

Two Wells Ward

Councillor Joe Daniele

Two Wells Ward

2. ADJOURNED BUSINESS

Nil

3. DECLARATION OF MEMBERS' INTEREST

Councillor Panella noted a potential conflict of interest in relation to Item 5.1 – *Trans-Tasman Energy Group Claim* on the basis that she is a member of the Council Assessment Panel. The Chief Executive Officer advised that Item 5.1 – *Trans-Tasman Energy Group Claim* does not relate to the Council Assessment Panel.

4. REPORTS FOR DECISION

4.1 Adoption of 2021/2022 Annual Business Plan and Budget and Declaration of Rates for 2021/2022

The Chief Executive Officer and General Manager – Finance and Business gave a 29 minute presentation in relation to the 2021/2022 Annual Business Plan and Budget and answered questions from Council Members.

Moved Councillor Strudwicke Seconded Councillor Parker **2021/ 261**

“that Council, having considered Item 4.1 – *Adoption of 2021/2022 Annual Business Plan and Budget and Declaration of Rates for 2021/2022*, dated 8 July 2021 receives and notes the report and in doing so, in accordance with the powers contained in Chapters 8, 9 and 10 of the Local Government Act 1999 and in respect to the Financial Year ending 30 June 2022 Council resolves the below-mentioned resolutions.”

CARRIED

4.1 Moved Councillor Lush Seconded Councillor Boon **2021/ 262**

“that Council, having considered Item 4.1 – *Adoption of 2021/2022 Annual Business Plan and Budget and Declaration of Rates for 2021/2022*, dated 8 July 2021:

- 1. For the Financial Year ending 30 June 2022, pursuant to Section 123 of the Local Government Act 1999 and Regulation 6 of the *Local Government (Financial Management) Regulations 2011*, having considered all submissions in accordance with Section 123(6) of the *Local Government Act 1999*, adopts the Annual Business Plan as presented in Attachment 1 (subject to minor editorial changes which the Chief Executive Officer is authorised to make); and**
- 2. Further that the Chief Executive Officer be delegated authority to prepare an abridged or summary version of the Annual Business Plan for distribution to the ratepayers with the first quarterly rate notice.”**

CARRIED UNANIMOUSLY

4.1 Moved Councillor Parker Seconded Councillor Panella 2021/ 263

“that Council, having considered Item 4.1 – Adoption of 2021/2022 Annual Business Plan and Budget and Declaration of Rates for 2021/2022, dated 8 July 2021:

1. In accordance with section 123(7) of the Local Government Act 1999 and Regulation 7 of the Local Government (Financial Management) Regulations 2011 having considered the budget in conjunction with, and determined it to be consistent with Council’s adopted Annual Business Plan, the budget for the Financial Year ending 30 June 2022 comprising;
 - a) Budgeted Income Statement;
 - b) Budgeted Balance Sheet;
 - c) Budgeted Cash Flow Statement;
 - d) Budgeted Statement of Changes in Equity;
 - e) Budgeted Uniform Presentation of Finances; and
 - f) Statement of Financial Indicators

involving –

- (1) an estimated operating expenditure of \$16,446,589 inclusive of an estimated depreciation expense of \$2,861,531;
- (2) an estimated operating income from sources other than rates of \$5,087,575; and;
- (3) a total amount required to be raised from rates of \$11,185,817 comprising –

General rate: \$10,092,780

Annual Services Charges:

- Kerbside Waste Collection \$ 650,585
- Community Wastewater Management Systems Disposal \$ 250,391

Northern and Yorke Regional Landscape Levy \$ 192,061

(and subject to necessary modifications to give effect to the amendments to the Annual Business Plan outlined above (if any)), is adopted.”

CARRIED UNANIMOUSLY

4.1 Moved Councillor Di Troia Seconded Councillor Panella 2021/ 264

“that Council, having considered Item 4.1 – Adoption of 2021/2022 Annual Business Plan and Budget and Declaration of Rates for 2021/2022, dated 8 July 2021 for the Financial Year ending 30 June 2022, pursuant to Section 167(2)(a) of the Local Government Act 1999, adopts the most recent valuations of the Valuer-General of South Australia that are available to the Council of the capital value of land in the Council area for rating purposes (subject to alteration) and that will govern the assessment of rates in the Council area for the financial year commencing 1 July 2021, and totalling \$2,227,483,100, of which \$2,199,935,189 relates to the valuations for rateable land.”

CARRIED UNANIMOUSLY

4.1 Moved Councillor Boon Seconded Councillor Strudwicke 2021/ 265

“that Council, having considered Item 4.1 – Adoption of 2021/2022 Annual Business Plan and Budget and Declaration of Rates for 2021/2022, dated 8 July 2021, for the financial year ending 30 June 2022, having taken into account the general principles of rating outlined in section 150 of the Local Government Act 1999 and the requirements of sections 151, 152 and 153(2) of the Local Government Act 1999, and pursuant to sections 153(1)(b) and 156(1)(a) of the Act, declares the following general rates, consisting of two components, the first being the fixed charge specified in the resolution below, and the second being a differential rate based on the capital value of rateable land varying according to the land use category as provided for in Regulation 14 of the Local Government (General) Regulations 2013:

- a) on all rateable land attributed Land Use Category (a) – Residential, a rate of 0.445709 cents in the dollar;
- b) on all rateable land attributed Land Use Category (b) – Commercial Shop, Land Use Category (c) – Commercial Office, Land Use Category (d) – Commercial Other, Land Use Category (e) – Industry Light, and Land Use Category (f) – Industry Other a rate of 0.579381 cents in the dollar;
- c) on all rateable land attributed Land Use Category (g) – Primary Production, a rate of 0.405200 cents in the dollar; and
- d) on all rateable land attributed Land Use Category (h) – Vacant Land and Land Use Category (i) - Other, a rate of 0.445709 cents in the dollar.”

CARRIED

4.1 Moved Councillor Parker Seconded Councillor Keen 2021/ 266

“that Council, having considered Item 4.1 – Adoption of 2021/2022 Annual Business Plan and Budget and Declaration of Rates for 2021/2022, dated 8 July 2021 pursuant to Sections 151 and 152(1)(c) of the Local Government Act 1999, for the Financial Year ending 30 June 2022, sets the fixed charge component of the general rate of \$112 .00 on all rateable land within its area.”

CARRIED UNANIMOUSLY

4.1 Moved Councillor Keen Seconded Councillor Boon 2021/ 267

“that Council, having considered Item 4.1 – Adoption of 2021/2022 Annual Business Plan and Budget and Declaration of Rates for 2021/2022, dated 8 July 2021 determines not to fix a maximum increase in the general rate to be charged on rateable land within its area that constitutes the principal place of residence of a principal ratepayer in accordance with Section 153(3) of the Local Government Act 1999 for the Financial Year ending 30 June 2022”.

CARRIED UNANIMOUSLY

4.1 Moved Councillor Keen Seconded Councillor Di Troia 2021/ 268

“that Council, having considered Item 4.1 – Adoption of 2021/2022 Annual Business Plan and Budget and Declaration of Rates for 2021/2022, dated 8 July 2021, for the Financial Year ending 30 June 2022, pursuant to Section 155 of the Local Government Act 1999, Council imposes the following annual service charges based on the nature of the service on each assessment in respect of all land, whether vacant or occupied, to which the Council provides or makes available the prescribed service of the collection, treatment or disposal of waste as part of a Community Wastewater Management Scheme (CWMS) service.

CWMS Service	Annual Service Charge (\$)
Middle Beach – Large Tank	443
Middle Beach – Small Tank	443
Mallala	659.”
CARRIED	

4.1 Moved Councillor Parker Seconded Councillor Keen 2021/ 269

“that Council, having considered Item 4.1 – Adoption of 2021/2022 Annual Business Plan and Budget and Declaration of Rates for 2021/2022, dated 8 July 2021:

- 1. For the Financial Year ending 30 June 2022, pursuant to Section 155 of the Local Government Act 1999, imposes an annual service charge of \$167.00 per assessment in respect of all land, except for vacant land, to which Council provides or makes available the prescribed service of kerbside waste collection 3-bin service, within the townships of Mallala, Two Wells and Dublin.**
- 2. Commercial/Industrial properties within the townships can apply to have the mandatory waste levy rebated provided they supply written documentation to the council detailing how they will dispose of their waste in an environmentally sustainable manner.**
- 3. That Council, for the Financial Year ending 30 June 2022, pursuant to Section 155 of the Local Government Act 1999, imposes an annual service charge of \$167.00 per assessment in respect of all land, except for vacant land, to which Council provides the prescribed service of kerbside waste collection 2-bin service, outside the townships of Mallala, Two Wells and Dublin upon the (existing or future) application to participate in such service by the ratepayer on the basis that the sliding scale provided for in Regulation 13 of the Local Government (General) Regulations 2013 will apply to reduce the service charge payable, as prescribed.**
- 4. That Council, for the Financial Year ending 30 June 2022, pursuant to Section 188(1)(b) of the Local Government Act 1999, imposes following fees and charges for additional bin services:**

Additional Bin Service	Fees & Charges (\$)
Additional Organic Bin	72.00
Additional Recycle Bin	55.00
Additional General Waste Bin	80.00”

CARRIED UNANIMOUSLY

4.1 Moved Councillor Lush Seconded Councillor Keen 2021/ 270

“that Council, having considered Item 4.1 – Adoption of 2021/2022 Annual Business Plan and Budget and Declaration of Rates for 2021/2022, dated 8 July 2021, for the financial year ending 30 June 2022 in exercise of the powers contained in the Landscape South Australia Act 2019, and Section 154 of the Local Government Act 1999, and in order to reimburse the Council for the amount contributed to the Northern and Yorke Landscape Board, being \$192,061 declares a separate rate of 0.008792 cents in the dollar of the capital value of land, in respect of all rateable land in the Council’s area and in the area of that Board the capital value of such land totalling \$2,184,533,181”.

CARRIED UNANIMOUSLY

4.1 Moved Councillor Strudwicke Seconded Councillor Boon 2021/ 271

“that Council, having considered Item 4.1 – Adoption of 2021/2022 Annual Business Plan and Budget and Declaration of Rates for 2021/2022, dated 8 July 2021:

1. Pursuant to and in accordance with Sections 161 (community services) of the Local Government Act 1999, the Council grants a rebate of 75% of the rates imposed for the year ending 30 June 2022 on the following assessments:

Assessment No	Organisation
13144	Junction Australia
48181	Junction Australia
48199	Junction Australia

2. Pursuant to and in accordance with Section 165 (educational purposes) of the Local Government Act 1999, the Council grants a rebate of 75% of the rates imposed for the year ending 30 June 2022 on the assessment 58347 (Xavier College, Two Wells);
3. Pursuant to and in accordance with Sections 162 (religious purposes), 163 (public cemeteries) and Section 165 (educational purposes) of the Local Government Act 1999, the Council grants a rebate of 100% of the rates imposed for the year ending 30 June 2022 on the following assessments:

Assessment No	Organisation	Section of the LGA Act 1999
12948	Uniting Church Cemetery, Lewiston	163
20164	Catholic Cemetery, Mallala	163
20180	Grace Plains Cemetery	163
20230	Barabba Cemetery	163
20495	Mallala Cemetery	163
30387	Dublin Cemetery	163
40295	Two Wells Cemetery	163
41855	Shannon Cemetery (Calomba)	163
20099	Anglican Church, Mallala	162
20123	Catholic Church Mallala	162

20149	Uniting Church Mallala	162
30536	Uniting Church Windsor	162
36947	Catholic Church Two Wells	162
40303	Uniting Church Two Wells - Church/Sunday School	162
40378	Anglican Church Two Wells	162
43125	Catholic Church Endowment Society – Church Hall	162
43133	Catholic Church Endowment Society – Church Land	162
43158	Catholic Church Endowment Society – Car Park	162
13037	Mallala Primary School	165
40410	Two Wells Primary School	165
40675	University of Adelaide Storage Shed	165
41798	Mallala Primary School	165
44057	Two Wells Childcare Centre	165

4. That Council, for the Financial Year ending 30 June 2022, in accordance with the discretionary powers given to Council under Section 166(1)(c) of the *Local Government Act 1999* in relation to the granting of rates rebates, grants a discretionary rebate of 100% of the rates imposed on the following rateable assessments (represented by their assessment number) to enable the preservation of buildings or places of historic significance:

Assessment No	Organisation
20206	Moquet Le
30395	Windsor Institute
30486	Long Plains Memorial Hall

5. That Council, for the Financial Year ending 30 June 2022, in accordance with the discretionary powers given to Council under Section 166(1)(h) of the *Local Government Act 1999* in relation to the granting of rates rebates, grants a discretionary rebate of 100% of the rates imposed on the following rateable assessments (represented by their assessment number) on the basis that the land is being used to provide accommodation for aged persons:

Assessment No	Organisation
20081	Adelaide Plains Council - Unit 1
47662	Adelaide Plains Council - Chivell Street Unit
47944	Adelaide Plains Council - Unit 2
47951	Adelaide Plains Council - Unit 3
47969	Adelaide Plains Council - Unit 4
47977	Adelaide Plains Council - Unit 5

47985 Adelaide Plains Council - Unit 6

47993 Adelaide Plains Council - Unit 7

6. That Council, for the Financial Year ending 30 June 2022, in accordance with the discretionary powers given to Council under Section 166(1)(j) of the *Local Government Act 1999* in relation to the granting of rates rebates, grants a discretionary rebate of 100% of the rates imposed on the following rateable assessments (represented by their assessment number) on the basis that the land is being used by an organisation which, in the opinion of the Council, provides a benefit or service to the local community:

Assessment No	Organisation
1784	Two Wells Golf Club
12922	Adelaide Plains Equestrian Club Inc
12971	Two Wells Pony Club
13722	Mallala Bowling Club
20263	Redbank Community Hall
20271	Mallala Netball Club
20289	Mallala Netball Club
20362	St John Ambulance Service Inc
21576	Adelaide Pistol Club
22350	SA Sport Parachute Club (Club House only)
23689	SA Rifle Association Incorporated
29207	Port Parham Social Club
30510	Long Plains Recreation Oval
30833	Dublin Cricket Club
38935	United Pistol & Shooting Club
40337	Two Wells Football Club
40345	Two Wells Community Centre
40386	Two Wells Bowling Club
40451	Two Wells Golf Club
40543	Two Wells Trotting Trainers and Owners Association
40550	Adelaide Plains Dog and Obedience Club
43059	Mallala Football Club
43067	Mallala RSL Club
43190	Mallala CWA
43117	Mallala Tennis Club
46268	SA Rifle Association Incorporated
56150	Two Wells RSL
56192	Mallala Mens Shed

7. That Council, for the Financial Year ending 30 June 2022, in accordance with the discretionary powers given to Council under Section 166(1) (c) and (j) of the *Local Government Act 1999*, grants a 100% discretionary rebate of CWMS Annual Service charges imposed on the following properties described as:

Assessment No	Organisation
20099	Anglican Church, Mallala
13003	Mallala Oval Ablution Block
16055	Council Chamber, Mallala
20073	Council Depot, Mallala
20313	Council Office, Mallala
20370	Mallala Museum

8. That Council determines that the costs of the discretionary rebates of Mallala CWMS Annual Service charges granted above be funded from Council's general revenue (as distinct from the users of the service)
9. That Council, for the Financial Year ending 30 June 2022, in accordance with the discretionary powers given to Council under Section 166(1)(j) of the *Local Government Act 1999* in relation to the granting of rates rebates, grants a discretionary rebate of 100% of the annual waste levy charge to the following community groups and Council properties for the 2021/2022 Financial Year:

Property Description	Weekly	Fortnightly		
	240L Waste	140L Waste	240L Recycle	240L Organic
Mallala				
(1) Mallala Bowling Club, Joseph Street	-	1	1	1
(2) Mallala Institute, Dublin Road	-	1	1	-
(3) Council Office, Redbanks Road	-	3	3	1
(4) Council Depot, Aerodrome Road	-	4	4	-
(5) Uniting Church	-	1	1	-
(6) Mallala Oval Grandstand	4	-	-	-
(7) Mallala Oval - Secretary Building - RSL	3	-	-	-
(8) Mallala Lions Club Camp Ground	4	-	-	-
(9) Catholic Church	-	1	1	-
(10) Mallala CWA	-	1	1	-
(11) Mallala CFS	-	1	1	-
(12) Mallala Men's Shed	-	1	1	-
Two Wells				
(1) Bowling Club, Old Port Wakefield Road	-	1	2	-
(2) Library, Old Port Wakefield Road	-	2	2	-
(3) RSL, Old Port Wakefield Road	-	1	1	-
(4) Council Office, Old Port Wakefield Road	-	2	2	1

(5) Two Wells CFS	-	1	1	-
(6) Community Centre	4	-	-	-
(7) Club Rooms	8	-	-	-
(8) Dog Pound, Wells Road	-	1	1	-
(9) Uniting Church	-	1	1	-
(10) Catholic Church Society - Car Park	-	1	1	-
(11) Two Wells, Craft Shop	-	1	1	-
(12) Two Wells Golf Club	-	1	1	-
(13) Anglican Church	-	1	1	-
(14) Two Wells Craft Shop (Court House)	-	1	1	-

Dublin

(1) Dublin Institute, First Street	-	1	1	-
(2) CFS, First Street	-	1	1	-

Thompson Beach

(1) The Shed, Ruskin Road	-	1	1	-
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Long Plains

(1) Long Plains Hall	-	1	1	-
(2) Oval - Behind and in front of Club Rooms	10	-	-	-
(3) Oval - Netball Club Rooms	2	-	-	-

Parham

(1) Parham Sports and Social Club	-	6	6	-
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Total Community and Council Bins	35	38	39	3
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10. That Council determines that the costs of the discretionary Annual Waste Levy charges granted above be funded from Council's general revenue (as distinct from the users of the service)."

The Mover, with consent of the Seconder, sought leave of the meeting to vary motion 2021/271. Leave was granted.

MOTION 2021/271 AS VARIED

4.1 Moved Councillor Strudwicke Seconded Councillor Boon **2021/ 271**

“that Council, having considered Item 4.1 – Adoption of 2021/2022 Annual Business Plan and Budget and Declaration of Rates for 2021/2022, dated 8 July 2021:

1. Pursuant to and in accordance with Sections 161 (community services) of the Local Government Act 1999, the Council grants a rebate of 75% of the rates imposed for the year ending 30 June 2022 on the following assessments:

Assessment No	Organisation
13144	Junction Australia
48181	Junction Australia
48199	Junction Australia

2. Pursuant to and in accordance with Section 165 (educational purposes) of the Local Government Act 1999, the Council grants a rebate of 75% of the rates imposed for the year ending 30 June 2022 on the assessment 58347 (Xavier College, Two Wells);
3. Pursuant to and in accordance with Sections 162 (religious purposes), 163 (public cemeteries) and Section 165 (educational purposes) of the Local Government Act 1999, the Council grants a rebate of 100% of the rates imposed for the year ending 30 June 2022 on the following assessments:

Assessment No	Organisation	Section of the LGA Act 1999
12948	Uniting Church Cemetery, Lewiston	163
20164	Catholic Cemetery, Mallala	163
20180	Grace Plains Cemetery	163
20230	Barabba Cemetery	163
20495	Mallala Cemetery	163
30387	Dublin Cemetery	163
40295	Two Wells Cemetery	163
41855	Shannon Cemetery (Calomba)	163
20099	Anglican Church, Mallala	162
20123	Catholic Church Mallala	162
20149	Uniting Church Mallala	162
30536	Uniting Church Windsor	162
36947	Catholic Church Two Wells	162
40303	Uniting Church Two Wells - Church/Sunday School	162
40378	Anglican Church Two Wells	162
43125	Catholic Church Endowment Society – Church Hall	162
43133	Catholic Church Endowment Society – Church Land	162

43158	Catholic Church Endowment Society – Car Park	162
13037	Mallala Primary School	165
40410	Two Wells Primary School	165
40675	University of Adelaide Storage Shed	165
41798	Mallala Primary School	165
44057	Two Wells Childcare Centre	165

4. That Council, for the Financial Year ending 30 June 2022, in accordance with the discretionary powers given to Council under Section 166(1)(c) of the *Local Government Act 1999* in relation to the granting of rates rebates, grants a discretionary rebate of 100% of the rates imposed on the following rateable assessments (represented by their assessment number) to enable the preservation of buildings or places of historic significance:

Assessment No	Organisation
20206	Moquet Le
30395	Windsor Institute
30486	Long Plains Memorial Hall

5. That Council, for the Financial Year ending 30 June 2022, in accordance with the discretionary powers given to Council under Section 166(1)(h) of the *Local Government Act 1999* in relation to the granting of rates rebates, grants a discretionary rebate of 100% of the rates imposed on the following rateable assessments (represented by their assessment number) on the basis that the land is being used to provide accommodation for aged persons:

Assessment No	Organisation
20081	Adelaide Plains Council - Unit 1
47662	Adelaide Plains Council - Chivell Street Unit
47944	Adelaide Plains Council - Unit 2
47951	Adelaide Plains Council - Unit 3
47969	Adelaide Plains Council - Unit 4
47977	Adelaide Plains Council - Unit 5
47985	Adelaide Plains Council - Unit 6
47993	Adelaide Plains Council - Unit 7

6. That Council, for the Financial Year ending 30 June 2022, in accordance with the discretionary powers given to Council under Section 166(1)(j) of the *Local Government Act 1999* in relation to the granting of rates rebates, grants a discretionary rebate of 100% of the rates imposed on the following rateable assessments (represented by their assessment number) on the basis that the land is being used by an organisation which, in the opinion of the Council, provides a benefit or service to the local community:

Assessment No	Organisation
1784	Two Wells Golf Club
12922	Adelaide Plains Equestrian Club Inc
12971	Two Wells Pony Club
13722	Mallala Bowling Club
20263	Redbank Community Hall
20271	Mallala Netball Club
20289	Mallala Netball Club
20362	St John Ambulance Service Inc
21576	Adelaide Pistol Club
22350	SA Sport Parachute Club (Club House only)
23689	SA Rifle Association Incorporated
29207	Port Parham Social Club
30510	Long Plains Recreation Oval
30833	Dublin Cricket Club
38935	United Pistol & Shooting Club
40337	Two Wells Football Club
40345	Two Wells Community Centre
40386	Two Wells Bowling Club
40451	Two Wells Golf Club
40543	Two Wells Trotting Trainers and Owners Association
40550	Adelaide Plains Dog and Obedience Club
43059	Mallala Football Club
43067	Mallala RSL Club
43190	Mallala CWA
43117	Mallala Tennis Club
46268	SA Rifle Association Incorporated
56150	Two Wells RSL
56192	Mallala Mens Shed

7. That Council, for the Financial Year ending 30 June 2022, in accordance with the discretionary powers given to Council under Section 166(1) (c) and (j) of the *Local Government Act 1999*, grants a 100% discretionary rebate of CWMS Annual Service charges imposed on the following properties described as:

Assessment No	Organisation
20099	Anglican Church, Mallala
13003	Mallala Oval Ablution Block

16055	Council Chamber, Mallala
20073	Council Depot, Mallala
20313	Council Office, Mallala
20370	Mallala Museum

8. That Council determines that the costs of the discretionary rebates of Mallala CWMS Annual Service charges granted above be funded from Council's general revenue (as distinct from the users of the service)
9. That Council, for the Financial Year ending 30 June 2022, in accordance with the discretionary powers given to Council under Section 166(1)(j) of the *Local Government Act 1999* in relation to the granting of rates rebates, grants a discretionary rebate of 100% of the annual waste levy charge to the following community groups and Council properties for the 2021/2022 Financial Year:

Property Description	Weekly	Fortnightly		
	240L Waste	140L Waste	240L Recycle	240L Organic
Mallala				
(1) Mallala Bowling Club, Joseph Street	-	1	1	1
(2) Mallala Institute, Dublin Road	-	1	1	-
(3) Council Office, Redbanks Road	-	3	3	1
(4) Council Depot, Aerodrome Road	-	4	4	-
(5) Uniting Church	-	1	1	-
(6) Mallala Oval Grandstand	4	-	-	-
(7) Mallala Oval - Secretary Building - RSL	3	-	-	-
(8) Mallala Lions Club Camp Ground	4	-	-	-
(9) Catholic Church	-	1	1	-
(10) Mallala CWA	-	1	1	-
(11) Mallala CFS	-	1	1	-
(12) Mallala Men's Shed	-	1	1	1
(13) Mallala Museum	-	1	1	1
Two Wells				
(1) Bowling Club, Old Port Wakefield Road	-	1	2	-
(2) Library, Old Port Wakefield Road	-	2	2	-
(3) RSL, Old Port Wakefield Road	-	1	1	-
(4) Council Office, Old Port Wakefield Road	-	2	2	1
(5) Two Wells CFS	-	1	1	-
(6) Community Centre	4	-	-	-
(7) Club Rooms	8	-	-	-
(8) Dog Pound, Wells Road	-	1	1	-
(9) Uniting Church	-	1	1	-
(10) Catholic Church Society - Car Park	-	1	1	-
(11) Two Wells, Craft Shop	-	1	1	-
(12) Two Wells Golf Club	-	1	1	-
(13) Anglican Church	-	1	1	-

(14) Two Wells Craft Shop (Court House)	-	1	1	-
Dublin				
(1) Dublin Institute, First Street	-	1	1	-
(2) CFS, First Street	-	1	1	-
Thompson Beach				
(1) The Shed, Ruskin Road	-	1	1	-
Long Plains				
(1) Long Plains Hall	-	1	1	-
(2) Oval - Behind and in front of Club Rooms	10	-	-	-
(3) Oval - Netball Club Rooms	2	-	-	-
Parham				
(1) Parham Sports and Social Club	-	6	6	-
Total Community and Council Bins	35	39	40	5

10. That Council determines that the costs of the discretionary Annual Waste Levy charges granted above be funded from Council's general revenue (as distinct from the users of the service)."

CARRIED

4.1 Moved Councillor Lush Seconded Councillor Keen 2021/ 272

"that Council, having considered Item 4.1 – *Adoption of 2021/2022 Annual Business Plan and Budget and Declaration of Rates for 2021/2022*, dated 8 July 2021 resolves that:

- Pursuant to section 181(2) of the Local Government Act 1999, rates and charges imposed in respect of the Financial Year ending 30 June 2022, shall be payable in four equal or approximately equal instalments, such instalments being due and payable by:
 - Friday, 3 September 2021 (first instalment)
 - Friday, 3 December, 2021 (second instalment)
 - Friday, 4 March, 2022 (third instalment) and
 - Friday, 3 June, 2022 (final instalment)

provided that in cases where the initial account requiring payment of rates is not sent at least 30 days prior to this date, or an amended account is required to be sent, authority to fix the date by which rates must be paid in respect of those assessments affected is delegated to the Chief Executive Officer: and
- In exercise of the powers contained in section 44 of the Local Government Act 1999, the Council delegates this 8th day of July 2021 to the Chief Executive Officer of the Council the power pursuant to Section 181(4)(b) of the *Local Government Act 1999*, in any case where he considers it necessary or desirable to do so, to agree with the Principal Ratepayer that rates will be payable in such instalments falling due on such days as may be specified in the agreement and in that event that ratepayers rates will thereby be payable accordingly."

CARRIED UNANIMOUSLY

4.1 Moved Councillor Parker Seconded Councillor Strudwicke **2021/ 273**

“that Council, having considered Item 4.1 – *Adoption of 2021/2022 Annual Business Plan and Budget and Declaration of Rates for 2021/2022*, dated 8 July 2021 resolves that:

- 1. Pursuant to the provisions of Sections 134 and 135 of the Local Government Act 1999, the Adelaide Plains Council does hereby order that the Council shall borrow by means of Convertible Cash Advance Debenture Loan, on the security of the general rate revenue of the Council, an amount up to the sum of \$2,708,000 from the Local Government Finance Authority of South Australia on a floating variable/fixed rate for a maximum period of fifteen (15) years, the purpose of which is to finance Council’s operations including its capital works programs; and**
- 2. Further, pursuant to Section 38 of the Local Government Act 1999, Council hereby authorises the Mayor and the Chief Executive Officer to execute under the Common Seal of Council, documentation associated with the aforementioned loan borrowing facility.”**

CARRIED UNANIMOUSLY

4.2 Consideration of Projects to be Carried Forward from 2020/2021 to 2021/2022

Moved Councillor Strudwicke Seconded Councillor Parker **2021/ 274**

“that Council, having considered Item 4.2 – *Consideration of Projects to be Carried Forward from 2020/2021 to 2021/2022*, dated 8 July 2021, receives and notes the report and in doing so instructs the Chief Executive Officer to:

- 1. Carry forward projects not completed by 30 June 2021 and continue with the implementation in 2021/2022 Financial Year as identified in the Attachment 1;**
- 2. Make necessary budget revision in 2021/2022 Financial Year to account for the carry over amounts as identified in the Attachment 1 on the condition that the total budget for the projects in the Attachment 1 do not exceed the combined budgets for 2020/2021 and 2021/2022 Financial Years; and**
- 3. Advise the Council regarding final carry over amounts as part of the September 2021 Budget Review.”**

CARRIED UNANIMOUSLY

5. CONFIDENTIAL ITEM

5.1 Trans-Tasman Energy Group Claim

Moved Councillor Keen

Seconded Councillor Lush

2021/ 275

“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, Acting General Manager – Governance and Executive Office, General Manager – Finance and Business, General Manager – Infrastructure and Environment, General Manager – Development, Community, Administration and Executive Support Officer/Minute Taker and IT Support Officer be excluded from attendance at the meeting of Council for Agenda Item 5.1 – *Trans-Tasman Energy Group Claim*
2. Council is satisfied that pursuant to section 90(3)(h) and 90(3)(i) of the Local Government Act 1999, Agenda Item 5.1 – *Trans-Tasman Energy Group Claim* contains:
 - a. Legal advice, being advice from HWL Ebsworth in relation to the Trans-Tasman Energy Group Claim and
 - b. Information relating to litigation that the Council believes on reasonable grounds will take place involving the Council, being details of the Trans-Tasman Energy Group Claim 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

5.1 Moved Councillor Boon

Seconded Councillor Di Troia

2021/ 276

“that Council, having considered Item 5.1 – *Trans-Tasman Energy Group Claim*, dated 8 July 2021, receives and notes the report.”

CARRIED

5.1 Moved Councillor Keen

Seconded Councillor Parker

2021/ 277

“that Council, having considered the matter of Item 5.1 – *Trans-Tasman Energy Group Claim* in confidence under sections 90(2) and 90(3)(h) and 90(3)(i) of the Local Government Act 1999, resolves that:

1. The report pertaining to Item 5.1 – *Trans-Tasman Energy Group Claim* remain confidential and not available for public inspection until further order of the Council;
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, the Mayor declared the meeting closed 7.13pm.

Confirmed as a true record.

Mayor:

Date: ____/____/____

Subject to confirmation

MINUTES

of

Special Council Meeting



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

HELD

by electronic means

on

Wednesday 21 July 2021 at 6.00pm

The Mayor formally declared the meeting open at 6.00pm.

1. ATTENDANCE RECORD

1.1 Present:

Mayor Mark Wasley		<i>By audio-visual link</i>
Councillor Marcus Strudwicke	Mallala/Dublin Ward	<i>By audio-visual link</i>
Councillor Terry-Anne Keen	Mallala/Dublin Ward	<i>By audio-visual link</i>
Councillor John Lush	Mallala/Dublin Ward	<i>By audio-visual link</i>
Councillor Kay Boon	Two Wells Ward	<i>By audio-visual link</i>
Councillor Joe Daniele	Two Wells Ward	<i>By audio-visual link</i>
Councillor Margherita Panella	Lewiston Ward	<i>By audio-visual link</i>
Councillor Brian Parker	Lewiston Ward	<i>By audio-visual link</i>

Also in Attendance by audio-visual link:

Chief Executive Officer	Mr James Miller
Acting General Manager – Governance and Executive Office	Ms Alyssa Denicola
Administration and Executive Support Officer/Minute Taker	Ms Stacie Shrubsole
Information Technology Officer	Mr Thomas Harris-Howson

1.2 Apologies:

Councillor Frank Maiolo	Two Wells Ward
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1.3 Not Present:

Councillor Carmine Di Troia	Lewiston Ward
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2. ADJOURNED BUSINESS

Nil

3. DECLARATION OF MEMBERS' INTEREST

Nil

4. REPORTS FOR DECISION**4.1 Council Meetings, Committee Meetings and Informal Gatherings to Take Place by Electronic Means – Level 5 Restrictions and Stay at Home Requirement**

Moved Councillor Keen

Seconded

Councillor Parker

2021/ 278

“that Council, having considered 4.1 – Council Meetings, Committee Meetings and Informal Gatherings to Take Place by Electronic Means – Level 5 Restrictions and Stay at Home Requirement, dated 21 July 2021, receives and notes the report and in doing so resolves that when the direction issued under the Emergency Management Act 2004 (SA) imposes Level 5 restrictions or a ‘Stay at Home’ requirement, Council meetings, Committee meetings and informal gatherings will take place via electronic means, being a virtual meeting room.”


CARRIED**5. CLOSURE**

There being no further business, the Mayor declared the meeting closed at 6.05pm.

Confirmed as a true record.

Mayor:

Date: ____/____/____

 Adelaide Plains Council	7.1	Mayor's Report	
	Document No:		D21/31463
Report Date:	26 July 2021	Prepared for:	Mayor Mark Wasley

Reporting Period – Thursday 24 June 2021 to Wednesday 21 July 2021

Friday 25 June 2021

Meeting – Mayor/Chief Executive Officer – Various Matters

Monday 28 June 2021

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

Ordinary Council Meeting

Thursday 1 July 2021

South Australian Coastal Communities Committee Meeting

Friday 2 June 2021

Meeting – Mayor/Chief Executive Officer – Various Matters

Thursday 8 July 2021

Meeting – Mayor/Chief Executive Officer – Various Matters

Special Council Meeting


Friday 9 July 2021

Citizenship Ceremony, Two Wells


Monday 19 July 2021

Meeting – Mayor/Chief Executive Officer – Various Matters

Informal Gathering

 Adelaide Plains Council	10. Presentations/Briefings
Monday 26 July 2021	

- 10.1 Mr James Miller, Chief Executive Officer, Adelaide Plains Council – Presentation of Drought Communities Programme Rounds 1 and 2 Outcomes Video

 Adelaide Plains Council	12.1	Adelaide Plains Council Historical Committee Meeting – 7 July 2021	
	Department:	Development and Community	
	Report Author:	Manager Library and Community	
Date:	26 July 2021	Document Ref:	D21/31310

OVERVIEW

The purpose of this report is to facilitate the receiving and noting of the minutes from the 7 July 2021 Adelaide Plains Council Historical Committee (APCHC) meeting.

Seven members were present at the meeting and were able to form a quorum to discuss business. At the June 2021 APCHC meeting, members agreed to rename the Upstairs Gallery to the Margaret Tiller Gallery. A decision report was presented at the July APCHC meeting to progress the necessary arrangements. The Manager Library and Community will consult and work closely with the Tiller family to ensure their wishes are reflected in the selection of the plaque (and the wording), as well as the proposed invitation-only official launch, likely to be held on a Sunday afternoon in late August 2021.

Mallala Primary School is keen for their classes to visit the Museum in Term 3. Committee members expressed their interest in assisting with these school tours and it was considered best to pair more experienced tour mentors with novice guides. Not only are tours a valuable means for the students to learn about Mallala's history, but they also generate some income (charge of \$3 per pupil).

One of the Museum's volunteers, who has attended the APCHC meetings in recent months as an observer, is keen to serve on the Committee. A decision report will be considered by Members at the July 2021 Ordinary Council meeting on the membership Expression of Interest.

RECOMMENDATION

"that Council receives and notes the minutes of the Adelaide Plains Council Historical Committee meeting held 7 July 2021."

Attachment

1. Minutes of Adelaide Plains Council Historical Committee meeting held 7 July 2021

MINUTES

of

Adelaide Plains Council Historical Committee Meeting of the



Pursuant to the provisions of section 88 (1) of the
Local Government Act 1999

HELD IN

**Mallala Museum
1 Dublin Road
Mallala**

on

Wednesday 7 July 2021

The Presiding Member formally declared the meeting open at 7.03pm.

1. ATTENDANCE

1.1 Present

Mr S M Strudwicke (Presiding Member)

Mr P Angus

Mr R Bevan

Mr J Franks

Ms L Parsons

Mr G Tucker

Mrs C Young

Also in attendance for the meeting:

Manager Library and Community

Ms Anne Sawtell

Mr V Chenoweth

1.2 Apologies

Mr A Tiller

1.3 Not Present / Leave of Absence

Nil

2. CONFIRMATION OF MINUTES

2.1

Committee Resolution

2021/045

Moved Mrs Young Seconded Mr Angus

“that the minutes of Adelaide Plains Council Historical Committee meeting held on Wednesday 2 June 2021 (MB Folio 121 to 125 inclusive), be accepted as read and confirmed.”

CARRIED

3. BUSINESS ARISING

Nil

4. DECLARATION OF MEMBERS INTEREST (Material, actual, perceived)

Nil

5. ADJOURNED BUSINESS

Nil

6. REPORTS FOR INFORMATION

6.1 Resolutions Actions Report – June 2021

Committee Resolution	2021/ 046
Moved Mr Bevan Seconded Mr Angus	
“that the Adelaide Plains Historical Committee, having considered Item 6.1 – <i>Resolution Actions Report – June 2021</i> dated 7 July 2021, receives and notes the report.”	
CARRIED	

6.2 Monthly Financial Report – June 2021

Committee Resolution	2021/ 047
Moved Mr Franks Seconded Mrs Young	
“that the Adelaide Plains Council Historical Committee, having considered Item 6.2 – <i>Monthly Financial Report – June 2021</i> dated 7 July 2021, receives and notes the report.”	
CARRIED	

6.3 Monthly Correspondence, School & Group Visits Report – June 2021

Committee Resolution	2021/ 048
Moved Ms Parsons Seconded Mr Tucker	
“that the Adelaide Plains Council Historical Committee, having considered Item 6.3 – <i>Monthly Correspondence, School and Group Visits Report – June 2021</i> dated 7 July 2021, receives and notes the report.”	
CARRIED	

7. REPORTS FOR DECISION

7.1 Margaret Tiller Gallery - Renaming

Committee Resolution	2021/ 049
Moved Mr Franks Seconded Mrs Young	
“that the Adelaide Plains Council Historical Committee, having considered Item 7.1 – <i>Margaret Tiller Gallery – Renaming</i>, dated 7 July 2021, receives and notes the report and in doing so authorises the Manager Library and Community to consult with Mr Don Tiller and family before proceeding with purchasing a plaque and arranging an opening ceremony as detailed in this report.”	
CARRIED	

8. QUESTIONS ON NOTICE

Nil

9. QUESTIONS WITHOUT NOTICE

Nil

10. MOTIONS ON NOTICE

Nil

11. MOTIONS WITHOUT NOTICE

11.1 Donation - Miss Dow's musical organ

Committee Resolution

2021/ 050

Moved Mr Tucker Seconded Mr Angus

"that the Adelaide Plains Council Historical Committee accepts Mr Ian Wilson's offer to donate Miss Dow's musical organ to the Mallala Museum."

CARRIED

11.2 Volunteer Apparel

Committee Resolution

2021/ 051

Moved Mr Tucker Seconded Mrs Young

"that the Adelaide Plains Council Historical Committee agrees to accept the quote from TADS to supply and embroider branded tops for Museum volunteers, and Mr Franks to bring a selection of options to the August 2021 meeting."

CARRIED

12. URGENT BUSINESS

Nil

13. CONFIDENTIAL ITEMS

Nil

14. NEXT MEETING

14.1 Wednesday 4 August 2021


15. CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 8.50pm.

Confirmed as a true record.

Presiding Member:

Date: ____/____/____

	14.1	Request to Fly the Rainbow Flag
	Department: Report Author:	Governance and Executive Office Acting General Manager – Governance and Executive Office
Date: 26 July 2021	Document Ref:	D21/30977

EXECUTIVE SUMMARY

- Council has received a request (**Attachment 1**) from the organiser of Feast Festival to fly the rainbow flag for the month of November to recognise ‘Pridevember’ – a month long celebration of inclusivity and diversity in South Australia.
- This year, there are two new/additional initiatives open to Council:
 - hosting a morning tea or local community/networking event to coincide with a ceremony of raising the rainbow flag and/or
 - decorating offices or community centres with Feast program marketing materials, such as posters, programs and stickers.
- Participating councils will be added to the Feast Festival ‘roll call’ in the 2021 Feast Program Guide.
- It is for Council to consider and determine whether it wishes to again fly the rainbow flag in 2021 (if so, it is recommended that the flag be flown at East Reserve, Mallala during business hours) and whether it wishes to participate in either of the new initiatives set out above. It is noted that the rainbow flag has been updated since last flown and, accordingly, if Council resolves to fly the flag it is recommended that a new rainbow flag be purchased at a cost of \$22.

RECOMMENDATION

Option 1 – Fly the Flag

“that Council, having considered Item 14.1 – *Request to Fly the Rainbow Flag*, dated 26 July 2021, receives and notes the report and in doing so instructs the Chief Executive Officer to fly the rainbow flag on the flag pole at East Reserve, Mallala during business hours for the month of November 2021, and acknowledges that Adelaide Plains Council will be listed as a supporter in the Feast Program Guide and on the Feast website.”

OR

Option 2 – Fly the Flag, Host a Community Event and Decorate the Office

“that Council, having considered Item 14.1 – *Request to Fly the Rainbow Flag*, dated 26 July 2021, receives and notes the report and in doing so instructs the Chief Executive Officer to:

1. Fly the rainbow flag on the flag pole at East Reserve, Mallala during business hours for the month of November 2021
2. Coordinate a community event to take place upon raising the flag on Monday 1 November 2021 and
3. Order marketing material to display at Council’s Mallala Principal Office and Two Wells Service Centre throughout November 2021

and acknowledges that Adelaide Plains Council will be listed as a supporter in the Feast Program Guide and on the Feast website.”

OR

Option 3 – Do Not Participate

“that Council, having considered Item 14.1 – *Request to Fly the Rainbow Flag* dated 26 July 2021, receives and notes the report and in doing so instructs the Chief Executive Officer to respond to Feast Festival advising that Adelaide Plains Council will not be participating in the initiative to fly the rainbow flag.”

BUDGET IMPACT

Estimated Cost:	\$22.00 (new flag)
Future ongoing operating costs:	Nil
Is this Budgeted?	No

RISK ASSESSMENT

Members may recall that the rainbow flag was the subject of explicit vandalism in 2020. A replacement flag was immediately arranged, and raised and lowered daily, for the remainder of 2020. While the vandalism was extremely disappointing, the cost of replacing the flag and labor associated with raising and lowering daily, was minimal and, therefore, the risk of this occurring again need not deter Members from resolving that Council participate in the Feast Festival initiative should this otherwise be the wish of the Chamber.

Attachments

1. Copy of letter dated 23 June 2021.

DETAILED REPORT

Purpose

The purpose of this report is for Council to consider if it wishes to fly the rainbow flag for the month of November 2021.

Background/History

'Feast' is Adelaide's Lesbian, Gay, Bisexual, Transgender, Intersex and Questioning (LGBTIQ+) Queer Arts and Cultural Festival.

Adelaide Plains Council first resolved to fly the rainbow flag in 2015, and the rainbow flag was displayed at the administration building during the 2015 Feast Festival.

In 2018, 2019 and 2020 Council, again, supported the initiative, and the rainbow flag was flown in East Reserve adjacent to the Mallala Museum.

Discussion

If Council chooses to participate by flying the rainbow flag during the month of November administration will action accordingly.

Participating councils will be added to the festival roll call, appearing on a dedicated page in the 2021 Feast Program Guide which is distributed nationally in hard copy and is available for global access on the website.

Members may recall that the rainbow flag was the subject of explicit vandalism in 2020. A replacement flag was immediately arranged, and raised and lowered daily, for the remainder of 2020. While the vandalism was extremely disappointing, the cost of replacing the flag and labor associated with raising and lowering daily, was minimal and, therefore, the risk of this occurring again need not deter Members from resolving that Council participate in the Feast Festival initiative should this otherwise be the wish of the Chamber.

Finally, it is noted that the rainbow flag has been updated since last flown and, accordingly, if Council resolves to fly the flag it is recommended that a new rainbow flag be purchased at a cost of \$22.

Conclusion

It is for Council to determine whether it wishes to fly the rainbow flag in November 2021.

References

Legislation

Local Government Act 1999

Council Policies/Plans

Strategic Plan 2021-2024

Enviably Lifestyle

2 Provide, support and acquire facilities, assets, services and programs that build community capacity, health and connection; and

3 Advocate for increased health, education, aged care and youth services, welfare and emergency facilities and services.

Proactive Leadership

2 Actively engage with and inform our communities.

Wed 23rd June 2021

Mark Wasley
Mayor
Adelaide Plains Council
PO Box 18
Mallala SA 5502

Pridevember - Flying the Rainbow Flag – Celebrating Diversity in November

Dear Mark,

We would like to congratulate you and your municipal Council on your participation in the 2020 Feast Festival *Flying the Rainbow Flag – Celebrating Diversity* project and would like to invite you to continue the tradition in 2021.

Last year 27 Councils state-wide flew rainbow flags to celebrate diversity and promote greater social wellbeing for local LGBTIQ+ people and their families. We are once again inviting every Council in the State to participate in the *Flying the Rainbow Flag – Celebrating Diversity* project.

COVID-19, Feast Festival and Flying the Rainbow Flag Project

Feast is currently busy planning its November Festival. If these plans are affected by COVID-19 we still encourage all Councils to fly the rainbow flag as a sign of solidarity and support for your local LGBTIQ+ communities.

As in previous years, we are proposing that Councils fly the rainbow flag for the **whole month of November** (1st – 30th Nov) to coincide with the Feast developed initiative “**Pridevember**” – a month-long celebration of inclusivity and diversity in South Australia. Council’s participation in this initiative will help Feast continue its important role of supporting LGBTIQ+ communities and create a vibrant, fun, and safe South Australian Pride experience.

If your Council cannot fly the flag for the month of November, we still encourage you to fly the rainbow flag from the **6th to the 28th November 2021**.

New in 2021

Raising the Rainbow Flag Ceremonies and Networking Events

This year we want to encourage deeper engagement that goes beyond flying the rainbow flag. Ideas include your Council hosting a morning tea or local community/business networking event that could coincide with a ceremony of raising the rainbow flag. This would be run by your Council however Feast will support (if required) by providing guest speakers or potential artists to attend the event/s.

Marketing Materials

To show your support and your inclusion in the Feast program we want to send you marketing materials such as posters, programs, and stickers, so you can decorate your offices or community centres. Please provide us with the best delivery address for these materials when you respond to this email.

Optional new Pride Flag

Recently, many organisations have been using the latest rainbow flag called a 'Progress Pride' flag (pictured below). This design now includes the transgender and people-of-colour communities. There is no right or wrong flag to use, however investing in the progress flag is encouraged and we suggest donating previous rainbow flags to local community groups or events to demonstrate your continued support and engagement with the LGBTIQ+ community.



The new Pride Flag or the original rainbow flag (polyester), 3 feet by 5 feet, are available for purchase online for \$22.00 through www.rainbowstore.com.au or a small number are available for loan from the Feast Festival office.

Acknowledgement

Participating Councils will be added to our roll call, appearing on a dedicated page in our 2021 Feast Program Guide. Hardcopies of the program will be distributed nationally, and an electronic version will be available for global access on our webpage. Through continued positive engagement and strategic partnerships, we can actively contribute to the health and wellbeing of the whole community.

If you wish to continue your support of the *Flying the Rainbow Flag – Celebrating Diversity* project, please register with Feast prior to **Friday 30th July 2021** to ensure you make the Program. Register **ATT James Landseer** to marketing@feast.org.au or by post at Feast Festival, 54 Hyde St ADELAIDE SA 5000. During the Festival, take a photo of your flying rainbow flag and we will proudly share it on our website and social media channels.

On behalf of Feast Festival, I would like to extend my heartfelt thanks for your choice to support greater understanding, acceptance, and celebration of our LGBTIQ+ communities. If you have any questions about the 2021 project, please do not hesitate to contact me and I will be happy to answer them for you.

Yours sincerely,

Helen Sheldon
General Manager
Feast Festival

Discussion

Management has, accordingly, completed the relevant Submission Form and, in doing so, has set out detailed Supporting Information to provide better context to the motion.

Prior to submitting same, Management is seeking Council Members' endorsement of the Supporting Information that has been provided.

It is noted that any changes to the actual proposed motion would need to occur by way of amendment to 2021/238 and therefore cannot occur at the July Ordinary Council Meeting without notice.

Summary

It is for Council to consider, and endorse, the submission form for Local Government Association Proposed Item of Business – Northern Adelaide Irrigation Scheme (NAIS) Water Pricing and Connection Costs which gives effect to Council Resolution 2021/238.

RECOMMENDATION

“that Council, having considered Item 14.2 – Endorse Form to Submit Proposed Item of Business to Local Government Association Annual General Meeting – Northern Adelaide Irrigation Scheme Water Pricing and Connection Costs, dated 26 July 2021, receives and notes the report and endorses the Submission Form presented as Attachment 1 to this Report to be submitted to the South Australian Regional Organisation of Councils to give effect to Resolution 2021/238.”

Attachments

1. Draft Submission Form – LGA General Meeting – Proposed Item of Business

References

Legislation

Local Government Act 1999

Council Policies/Plans

Strategic Plan 2021-2024

Proactive Leadership


LGA General Meeting – Proposed Item of Business

The purpose of this form is to request consideration by SAROC, GAROC or the Board of Directors of an item of business to be included on the agenda of an LGA General Meeting - refer Clause 16.3.1 of the LGA Constitution. Prior to submitting a proposed Item of Business, please refer to the Considering Proposed Items of Business for LGA General Meetings Guidelines.

Council Name	Adelaide Plains Council
The body the item is being referred to <i>Proposals may only be submitted to the ROC of which council is a member, or to the LGA Board of Directors.</i>	SAROC
Subject of the proposed item of business	Northern Adelaide Irrigation Scheme (NAIS) Water Pricing and Connection Costs
Proposed motion for the General Meeting	That the Annual / Ordinary General Meeting requests the LGA to: In the interests of securing long-overdue investment for the inner-north regarding the Northern Adelaide Irrigation Scheme, the Local Government Association calls on the State Government, the Minister for Environment and Water, SA Water and other relevant stakeholders to determine a strategy that unlocks potential investment opportunities and ensures NAIS water pricing allows for private sector take-up.
Supporting information <i>Provide a summary of the issue(s), relevant background information, description of the impact on the sector and evidence that this is an item of strategic importance to local government.</i>	<p>The Northern Adelaide Irrigation Scheme (NAIS) is intended to provide recycled water to be used to irrigate crops, particularly horticulture. The project jointly funded by the South Australian and Australian Governments involved the development of new water treatment facilities built within the Bolivar precinct to increase its production of recycled irrigation water.</p> <p>The Scheme, which is delivered by SA Water, was intended to unlock 12GL of quality water to be used in agricultural food production to support the development of over 300 hectares of high-technology horticulture, and a further 2,700 hectares of advanced agri-food production.</p> <p>However to date there has been extremely low rates of take up of NAIS water, with the horticulture industry citing high capital contribution/connection costs, infrastructure augmentation requirements, access to NAIS infrastructure and the high cost and quality of water as barrier to using the scheme. This results in water</p>

	<p>reuse through the scheme being low and economic development, particularly horticulture, not being stimulated.</p> <p>Capital contribution, availability charges and consumption charges all form part of access water via NAIS.</p> <p>https://www.sawater.com.au/naais/invest-in-naais</p> <p>The development of the NAIS project to its full potential would lead to significant economic activity within the Northern Adelaide Plains and South Australia. Uneconomic pricing of water is hindering economic development and job creation.</p> <p>As is set out the in LGA policy manual, Local government acknowledges its role in enabling, facilitating and enhancing economic opportunities and recognises that councils have complimentary roles to play in achieving economic outcomes. Councils should contribute equitably to secure economic growth, notwithstanding the significant responsibilities of federal and state government.</p>
<p>LGA Policy Manual</p> <p><i>Does this item require a change to the LGA Policy Manual (new policy or amendment to existing policy)?</i></p>	N/A
<p>LGA Strategic Plan reference</p>	<p>Advocate: Achieve greater influence for local government</p> <p>Governments rely on our proactive contribution to policy and legislation that impacts councils, leading to better outcomes for communities.</p>
<p>Council Contact Officer submitting form</p>	<p>Stacie Shrubsole, Administration and Executive Support Officer</p> <p>info@apc.sa.gov.au</p> <p>08 8527 0200</p>
<p>Council Meeting minute reference and date of meeting</p>	<p>2021/238</p> <p>28 June 2021</p>
<p>Date submitted to LGA</p>	

Please return Word version of completed form to lgasa@lga.sa.gov.au.
Refer to [LGA Latest News](#) in respect to deadlines for upcoming General Meetings.

 Adelaide Plains Council	14.3	Draft Lease for Public Consultation – Portion of Mallala Oval to Mallala and Districts Lions Club
	Department: Report Author:	Infrastructure and Environment General Manager – Infrastructure and Environment
Date: 26 July 2021	Document Ref:	D21/31757

EXECUTIVE SUMMARY

- The purpose of this report is for Council to consider the draft lease, provided as **Attachment 1** to this report, which is intended to be the subject of public consultation in accordance with Council Resolution 2021/164.
- Council, at its Ordinary Meeting on 27 April 2021, considered a request from the Mallala and District Lions Club (Mallala Lions Club) to issue a lease over a portion of Allotment 20 DP 95617, Mallala (known as the Mallala Oval) and comprised in Certificate of Title Volume 6163 Folio 218 and, in doing so, instructed the Chief Executive Officer to commence a public consultation process in relation to the leasing of the Mallala Oval (as well as change of land use under the relevant Community Land Management Plan).
- Accordingly, Management has met with representatives of the Mallala Lions Club and a draft lease has been prepared reflecting negotiations to date.
- It is for Council to consider, and endorse, the draft lease for public consultation in accordance with Council Resolution 2021/164.

RECOMMENDATION

“that Council, having considered Item 14.3 – Draft Lease for Public Consultation – Portion of Mallala Oval to Mallala and Districts Lions Club, dated 26 July 2021, receives and notes the report and in doing so endorses the draft Lease, presented as Attachment 1 to this report, to be released for public consultation in accordance with Council Resolution 2021/164, and notes that any future execution will be conditional upon the necessary approvals being granted.”

BUDGET IMPACT

Estimated Cost:	Approx. \$500 (pubic consultation advertising)
Future ongoing operating costs:	Nil
Is this Budgeted?	No

RISK ASSESSMENT

Council has instructed the Chief Executive Officer to commence a public consultation process in relation to the leasing of the Mallala Oval (as well as change of land use under the relevant Community Land Management Plan). Prior to doing so, Management wishes to seek Council's specific endorsement of the proposed draft lease terms.

Attachments

1. Copy of Draft Lease.
2. Copy of Item 14.4 - *Mallala and Lions District Club – Mallala Oval Clubroom Proposal*, dated 27 April 2021 with attachments.

DETAILED REPORT

Purpose

The purpose of this report is for Council to consider the draft lease, provided as Attachment 1 to this report, which is intended to be the subject of public consultation in accordance with Council Resolution 2021/164.

Background/History

Council, at its Ordinary Meeting on 27 April 2021, considered a request from the Mallala and District Lions Club (Mallala Lions Club) to issue a lease over a portion of Allotment 20 DP 95617, Mallala (known as the Mallala Oval) and comprised in Certificate of Title Volume 6163 Folio 218. A copy of the relevant report and its attachments is provided as **Attachment 2** to this report. Council resolved as follows:

14.4 Mallala and Lions District Club – Mallala Oval Clubroom Proposal

Moved Councillor Parker Seconded Councillor Lush 2021 164

“that Council, having considered item 14.4 – Mallala and District Lions Club – Mallala Oval Clubroom Proposal, dated 27 April 2021, receives and notes the report and in support of the proposal instructs the Chief Executive to commence the public consultation process pursuant to Section 202 of the Local Government Act 1999 and in accordance with the Council’s Public Consultation Policy, in regard to change of land use under the Community Land Management Plan and the leasing of a portion of Allotment 20 DP 95617, Mallala, known as Mallala Oval and comprised in Certificate of Title Volume 6163 Folio 218.

CARRIED

Discussion

Accordingly, Management has met with representatives of the Mallala Lions Club and a draft lease, presented as **Attachment 1** to this report, has been prepared reflecting negotiations to date.

Key elements to the draft lease are summarised as follows:

- Ground lease for the purposes of a Mallala and District Lions facility and associated activities.
- Lease period of 15 years with option for renewal for a further 5 years
- Defined lease area

Conclusion

In support of the Mallala Lions Club proposal, Council has already resolved to undertake public consultation in relation to the change of land use under the Community Land Management Plan and the leasing of a portion of Allotment 20 DP 95617, Mallala, known as Mallala Oval and comprised in Certificate of Title Volume 6163 Folio 218. Prior to commencing public consultation on the draft lease, Management is seeking Council’s endorsement of the document.

It is for Council to consider, and endorse, the draft lease for public consultation in accordance with Council Resolution 2021/164.

References

Legislation

Local Government Act 1999

Council Policies/Plans

Community Land Management Plan

Public Consultation Policy

Strategic Plan 2021-2024

GROUND LEASE

ADELAIDE PLAINS COUNCIL

LIONS CLUB OF MALLALA AND DISTRICTS INC

DATE

PARTIES

ADELAIDE PLAINS COUNCIL of 2A Wasleys Road, Mallala SA 5502 (**Council**)

LIONS CLUB OF MALLALA AND DISTRICTS INC A7626 of PO Box 90, Mallala SA 5502 (**Lessee**)

BACKGROUND

- A. The Council is the registered proprietor of the Land.
- B. The Lessee has requested a ground lease of the Premises (being portion of the Land) for the purpose of it developing and using the Premises for the Permitted Use.
- C. The Council has resolved to grant the Lessee a lease of the Premises.
- D. The Council and Lessee wish to record the terms of their agreement in this Lease.

AND THE PARTIES AGREE as follows:

1. **ACKNOWLEDGEMENT OF BACKGROUND**

The preceding statements are accurate and form part of this Lease.

2. **DEFINED TERMS AND INTERPRETATION**

2.1 **Introductory**

In the Lease, unless the contrary intention appears:

- 2.1.1 a reference to this Lease is a reference to this document;
- 2.1.2 words beginning with capital letters are defined in clause 2.2;
- 2.1.3 a reference to a clause is a reference to a clause in this Lease;
- 2.1.4 a reference to an Item is a reference to an item in the First Schedule;
- 2.1.5 a reference to a Schedule is a reference to a schedule of this Lease;
and
- 2.1.6 a reference to an Annexure is a reference to an annexure to this Lease.

2.2 **Defined Terms**

In this Lease:

Act means the *Retail and Commercial Leases Act 1995*.

Agreed Consideration means the Rent and all other consideration (whether in money or otherwise) to be paid or provided by the Lessee for any supply or use of the Premises and any goods, services or other things provided by the Council under this Lease (other than tax payable under clause 18).

Approvals means all approvals required under any Legislation or by any Statutory Authorities.

Business Day means a day which is not a Saturday, Sunday or public holiday in South Australia.

Commencement Date means the commencement date of the Initial Term described in Item 2.

Common Areas means those areas of the Land marked as 'common areas' on the plan in Annexure A to this Lease which are not leased or tenanted and which are for common use by tenants and lessees of the Land and their invitees and customers (which areas may be changed by the Council from time to time by written notice to the Lessee).

Council means the party described as "Council" in this Lease and where the context permits includes the employees, contractors, agents and other invitees of the Council.

Council's Equipment means all fixtures and fittings, plant, equipment, services, chattels and other goods installed or situated in or on the Premises (if any) and made available for use by the Lessee.

Default Rate means 2% per annum above the Local Government Finance Authority Cash Advance Debenture Rate and if there is more than one rate published the highest of those rates.

GST has the same meaning as given to that term in the GST Legislation.

GST Legislation means the *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any ancillary or similar legislation.

GST Rate means 10% or such other percentage equal to the rate of GST imposed from time to time under the GST Legislation.

Initial Term means the initial term of this Lease commencing on the Commencement Date and for the period described in Item 2.

Institute means the South Australian Division of the Australian Property Institute.

Land means the land described in Item 1(b).

Legislation includes any relevant Statute or Act of Parliament (whether State or Federal) and any regulation or by-law including by-laws issued by any local government body or authority.

Lessee means the party described as "Lessee" in this Lease and where the context permits includes the employees, contractors, agents, customers and other invitees of the Lessee.

Lessee's Equipment means any and all fixtures and fittings (excluding the New Improvements) and other equipment installed in or brought on to the Premises by the Lessee.

Lessee's Share means the proportion the lettable area of the Premises bears from time to time to the total lettable area of the Land as measured in accordance with the method of measurement recommended for such Premises by the Institute's guidelines current as at the Commencement Date or such other Institute method of measurement as the Council notifies the Lessee.

Native Vegetation has the meaning given to it in section 3(1) of the *Native Vegetation Act 1991*(SA).

New Improvements has the meaning given to it in clause 6.2.1.1.

Permitted Use means the use described in Item 6.

Premises means the land described in Item 1(a) including the Council's Equipment.

Rates and Taxes means all present and future rates, charges, levies, assessments, duty and charges of any Statutory Authority (including the Council in its separate capacity as local government authority), other department or authority having the power to raise or levy any such amounts in respect of the use, ownership or occupation of the Premises and includes water and sewer charges, council rates, emergency services levy and land tax (on a single holding basis).

Renewal Term means the term of renewal described in Item 3.

Rent means the amount described in Item 4.

Services includes all services (including gas, electricity and water and all plant, equipment, pipes, wires and cables in connection with them as applicable) to, within or associated with the Premises supplied by any authority, the Council or any other person the Council authorises.

Statutory Authorities means any government (local, State or Federal) or authorities created by or under any relevant Legislation.

Statutory Requirements means all relevant and applicable Legislation and all lawful conditions, requirements, notices and directives issued or applicable under any such Legislation or by any Statutory Authorities.

Term means the Initial Term, the Renewal Term and any period during which the Lessee holds over or remains in occupation of the Premises.

2.3 Interpretation

Unless the contrary intention appears:

2.3.1 headings are for convenience only and do not affect interpretation;

2.3.2 the singular includes the plural and vice-versa;

- 2.3.3 a reference to an individual or person include a corporation, partnership, joint venture, authority, trust, state or government and vice versa;
- 2.3.4 a reference to any party in this Lease, or any other document or arrangement referred to in this Lease, includes that party's executors, administrators, substitutes, successors and permitted assigns;
- 2.3.5 a reference to any document (including this Lease) is to that document as varied, novated, ratified or replaced from time to time;
- 2.3.6 a reference to any Legislation includes any statutory modification or re-enactment of it or any Legislation substituted for it, and all by-laws, regulations and rules issued under it;
- 2.3.7 a provision is not construed against a party only because that party drafted it;
- 2.3.8 a reference in this Lease to the Council's approval or consent, is to the Council's prior written approval or consent which may be granted or withheld in the absolute discretion of the Council;
- 2.3.9 a reference to this Lease includes any schedules and annexures to this Lease;
- 2.3.10 "including" and similar expressions are not and must not be treated as words of limitation;
- 2.3.11 the covenants and powers implied in leases by virtue of Sections 124 and 125 of the *Real Property Act 1886* will apply and be implied in this Lease unless they are expressly or impliedly excluded or modified; and
- 2.3.12 an expression defined in the *Corporations Act 2001* (Cth) has the meaning given by that act at the date of this Lease.

2.4 **Retail and Commercial Leases Act**

- 2.4.1 The parties acknowledge and agree that this Lease has been entered into on the basis that the Act does **not** apply to this Lease due to:
 - 2.4.1.1 the Premises being vacant land only at the time that the Lease was entered into;
 - 2.4.1.2 the Premises being incapable of being used by the Lessee for the Permitted Use at the time that the Lease was entered into; and
 - 2.4.1.3 the Premises being incapable of being used by the Lessee for the Permitted Use unless and until the Lessee obtains the necessary approvals for, and constructs or erects, the New Improvements on the Premises.
- 2.4.2 If:

- 2.4.2.1 a Court of competent jurisdiction determines that the Act does apply to this Lease; or
 - 2.4.2.2 any Legislation is adopted or changed that has the effect of the Act applying to this Lease;
- then the Council may (at its election):
- 2.4.2.3 immediately terminate this Lease at any time after such Court determination or change in Legislation by written notice to the Lessee; or
 - 2.4.2.4 require the Lessee to remove any or all New Improvements from the Premises that at that time require structural repairs or that will reasonably require structural repairs during the remainder of the Term (in the Council's option); or
 - 2.4.2.5 require the Lessee to consent to an application pursuant to the Act for a decision or order that the Act not apply to this Lease.

3. GRANT OF LEASE

The Council grants and the Lessee accepts a ground lease of the Premises for the Term on the terms and conditions set out in this Lease.

4. RENT

The Lessee must pay to the Council the Rent in advance on the Commencement Date and each anniversary of the Commencement Date during the Term (if demanded).

5. RATES, TAXES, POWER AND OTHER UTILITIES

5.1 Liability for Rates and Taxes

- 5.1.1 The Lessee must pay or reimburse the Council all Rates and Taxes levied, assessed, charged or otherwise incurred in respect of the Premises or upon the owner or occupier of the Premises.
- 5.1.2 The Rates and Taxes must be adjusted between the Council and the Lessee as at the Commencement Date and the end or earlier termination date of this Lease.
- 5.1.3 If any of the Rates and Taxes are not separately assessed or charged in respect of the Premises, then the Lessee must pay the Lessee's Share of any such Rates and Taxes or Outgoings assessed or charged in respect of the Land.

5.2 Power and Other Utilities and Services

- 5.2.1 The Lessee must pay when they are due for payment, all costs for the use of telephone, lights and other facilities and the consumption of electricity, gas, water and any and all other services and utilities supplied to or used from the Premises.

- 5.2.2 Subject to clause 11.6, if there is no separate meter for recording or measuring the services and utilities consumed on or from the Premises, then the Lessee must install the necessary meters at its own cost.
- 5.2.3 Without limiting the generality of this clause 5.2, the Lessee will comply in all respects with the *Electricity (General) Regulations 2012* and any other applicable electricity laws.

6. USE OF PREMISES

6.1 Permitted Use

- 6.1.1 The Lessee must use the Premises only for the Permitted Use and must not use or allow the Premises to be used for:
 - 6.1.1.1 residential purposes; or
 - 6.1.1.2 any other use;(without the Council's prior written consent).
- 6.1.2 The Lessee must develop the Premises for, and commence use of the Premises for, the Permitted Use within two years of the Commencement Date.
- 6.1.3 If the Lessee does not comply with its obligation pursuant to clause 6.1.2, the Council may terminate this Lease at any time by written notice to the Lessee.

6.2 Lessee's Improvements

- 6.2.1 The parties acknowledge and agree that:
 - 6.2.1.1 the Lessee intends to construct or erect improvements on the Premises to make the Premises suitable for the Permitted Use (**New Improvements**);
 - 6.2.1.2 the New Improvements may only be constructed or erected in accordance with the requirements of this clause 6.2.
- 6.2.2 The Lessee must not carry out, permit or allow for the construction of any New Improvements without Council's prior written consent.
- 6.2.3 The Lessee must provide full written details of any proposed New Improvements to the Council.
- 6.2.4 The Council may impose any conditions it considers necessary if it gives its approval, including requiring the Lessee to obtain the Council's consent to any agreements that the Lessee enters into in relation to any New Improvements.
- 6.2.5 The Lessee must carry out any approved New Improvements:
 - 6.2.5.1 in a proper and workmanlike manner;

- 6.2.5.2 in accordance with the conditions imposed by the Council and with the approvals made by Council in its capacity as lessor under this Lease;
- 6.2.5.3 in accordance with all Statutory Requirements; and
- 6.2.5.4 in a way to minimise disturbance to others.
- 6.2.6 Unless otherwise agreed in writing between the parties, and despite any rule of law to the contrary, all New Improvements constructed or erected on the Premises:
 - 6.2.6.1 will remain the sole property of the Lessee; and
 - 6.2.6.2 may be severed and removed from the Premises by the Lessee at any time during the Term.
- 6.2.7 Unless otherwise agreed in writing between the parties, the Lessee must remove any New Improvements from the Premises at the expiry or earlier determination of this Lease.
- 6.2.8 The Lessee must pay all of the Council's costs (if any) howsoever incurred (including consultant's costs and legal costs) as a result of considering whether to consent to the New Improvements.

6.3 **Offensive Activities**

The Lessee must not carry on any offensive or dangerous activities on or from the Premises or create a nuisance or disturbance either:

- 6.3.1 for the Council; or
- 6.3.2 for the owners or occupiers of any adjoining property; and

must ensure at all times that activities conducted on or from the Premises will not bring any discredit upon the Council.

6.4 **Use of Facilities**

- 6.4.1 The Lessee must ensure that the Services are used carefully and responsibly and in accordance with any directions that may be given by the Council from time to time.
- 6.4.2 The Lessee must repair or correct any damage or malfunction which results from any misuse or abuse of the Services by the Lessee.

6.5 **Statutory Requirements**

The Lessee, at its own cost, must comply with all Statutory Requirements (including any obligations under the *Work Health and Safety Act 2012* (SA)) and reasonable directive of the Council relating to:

- 6.5.1 the Lessee's use and occupation of the Premises; and
- 6.5.2 the nature of the Permitted Use conducted on the Premises by the Lessee.

6.6 Approvals

- 6.6.1 The Council does not warrant that it has any or all relevant Approvals for any current or proposed use of the Premises by the Lessee.
- 6.6.2 The Lessee acknowledges that it is solely responsible for obtaining any Approvals required for its occupation and use of the Premises during the Term.
- 6.6.3 Prior to making any application for any Approvals, the Lessee must first obtain the Council's consent as lessor to such application.

6.7 No alcohol

The Lessee must not:

- 6.7.1 serve, sell or provide to persons; or
 - 6.7.2 consume or allow persons to consume;
- alcoholic beverages on the Premises without the Council's consent.

6.8 Signs

The Lessee must not place any signs or advertisements on the Premises or on the outside or inside (if they can be seen from outside) of the New Improvements (if any), except a sign or signs which:

- 6.8.1 are approved by the Council; and
- 6.8.2 comply with any relevant Statutory Requirements.

6.9 Dangerous Equipment and Installations

The Lessee may only install or use within the Premises equipment and facilities which are reasonably necessary for and normally used in connection with the Permitted Use and must not install or bring onto the Premises:

- 6.9.1 any electrical, gas powered or other machinery or equipment which may pose a danger, risk or hazard;
- 6.9.2 any chemicals or other dangerous substances which may pose a danger, risk or hazard; or
- 6.9.3 any heavy equipment or items which may damage the Premises.

6.10 Fire Precautions

The Lessee must, at its own cost:

- 6.10.1 comply with all requirements and directives of the Council with regard to fire safety systems and procedures including fire evacuation drills and other procedures;
- 6.10.2 comply with all Statutory Requirements relating to fire safety and procedures including any structural works or modifications or other

building works which are required as a consequence of the Lessee's particular use of the Premises; and

- 6.10.3 without limiting clauses 6.10.1 and 6.10.2, the Lessee must undertake maintenance of any fire safety equipment.

6.11 Notice of defect

The Lessee must:

- 6.11.1 give the Council prompt notice of any circumstance or event which the Lessee should reasonably be aware might cause danger, risk or hazard to the Premises or the Land or to any person in the Premises or on the Land; and
- 6.11.2 if required by the Council, promptly rectify any defect or want of repair to make the Premises safe from any danger, risk or hazard.

6.12 Security

The Lessee must keep the Premises secure at all times to prevent the escape of animals from the Premises.

6.13 Native Vegetation

- 6.13.1 The Lessee must not carry out, permit or suffer any damage to, disturbance of, interfere with or clearance of any Native Vegetation on the Premises or the Land without the prior written consent of the Council.
- 6.13.2 The Lessee must permit the Council access to the Premises at all reasonable time for purposes associated with auditing, inspecting and maintaining Native Vegetation on the Premises.

6.14 No Warranty

The Council makes no warranty or representation regarding the suitability of the Premises (structural or otherwise) for the Permitted Use or any other purpose.

6.15 Access

The Lessee must provide public access at all times through the existing Wasleys Road access points.

7. INSURANCE

7.1 Lessee must insure

The Lessee must keep current during the Term in connection with the Premises:

- 7.1.1 public risk insurance for at least the amount in Item 7 (or any other amount the Council reasonably requires) for each claim and unlimited in the annual aggregate;

- 7.1.2 building insurance in respect of the Lessee's New Improvements and contents insurance for the Lessee's Equipment for their full replacement value; and
- 7.1.3 other insurances required by any Statutory Requirement or which the Council reasonably requires.

7.2 Requirements for policies

Each policy the Lessee takes out under this clause 7 must:

- 7.2.1 be with an insurer and on terms reasonably approved by the Council;
- 7.2.2 be in the name of the Lessee and note the interest of the Council and any other person the Council requires;
- 7.2.3 note and cover the indemnity provided by the Lessee to the Council pursuant to this Lease;
- 7.2.4 cover events occurring during the policy's currency regardless of when claims are made; and
- 7.2.5 note that despite any similar policies of the Council, the Lessee's policies will be primary policies.

7.3 Evidence of Insurance

The Lessee must give the Council copies of certificates evidencing the currency of the policies the Lessee has taken out under this clause 7. During the Term the Lessee must:

- 7.3.1 pay each premium when it is due for payment;
- 7.3.2 give the Council copies of certificates of currency each year when the policies are renewed and at other times the Council requests;
- 7.3.3 not allow any insurance policy to lapse or vary or cancel it without the Council's consent; and
- 7.3.4 notify the Council immediately if a policy is cancelled or if an event occurs which could prejudice or give rise to a claim under a policy.

7.4 Insurance affected

- 7.4.1 The Lessee must not do anything that may:
 - 7.4.1.1 prejudice any insurance of the Premises or Land; or
 - 7.4.1.2 increase the premium for that insurance.
- 7.4.2 If the Lessee does anything (with or without the Council's consent) that increases the premium of any insurance the Council has in connection with the Land, the Lessee must on demand pay the amount of that increase to the Council.

8. REPAIR AND MAINTENANCE

8.1 Repair, Maintain and Replace

8.1.1 The Lessee must, at its own cost:

- 8.1.1.1 maintain the Premises in a good and safe condition including maintain, repair and replace any part of the Council's Equipment, Lessee's Equipment and any New Improvements so that the Council's Equipment, Lessee's Equipment and any New Improvements are kept in a good and safe condition. For the avoidance of doubt, this clause 8.1.1.1 includes any structural maintenance and repair required to the Lessee's Equipment and any New Improvements to ensure such equipment and improvements are kept in a good and safe condition;
- 8.1.1.2 without limiting clause 8.3 of this Lease, obtain inspections of and maintain pest control in respect of the Premises;
- 8.1.1.3 repair any graffiti or vandalism to any New Improvement's (if any) within 14 days of the Lessee becoming aware of such graffiti or vandalism; and
- 8.1.1.4 keep and maintain any Services situated in, on or under the Premises and which exclusively service the Premises and/or the New Improvements (if any).

- 8.1.2 If the Council requires the Lessee to do so, the Lessee must, at its own cost, promptly repair any damage caused or contributed to by the act, omission, negligence or default of the Lessee.

8.2 Alterations by Lessee

- 8.2.1 Without limiting clause 6.2, the Lessee must not carry out any alterations, or make any additions, to the Premises without the Council's consent.
- 8.2.2 The Lessee must provide full details of the proposed alterations and additions to the Council.
- 8.2.3 The Council may impose any conditions it considers necessary if it gives its approval, including requiring the Lessee to obtain the Council's consent to any agreements that the Lessee enters into in relation to the alterations or additions.
- 8.2.4 The Lessee must carry out any approved alterations and additions:
 - 8.2.4.1 in a proper and workmanlike manner;
 - 8.2.4.2 in accordance with the conditions imposed by the Council and with the approvals made by Council in its capacity as lessor under this Lease;
 - 8.2.4.3 in accordance with all Statutory Requirements; and

8.2.4.4 in a way to minimise disturbance to others.

8.2.5 unless otherwise agreed in writing between the parties, the Lessee must remove all alterations and additions from the Premises at the expiry or termination of this Lease.

8.2.6 The Lessee must pay all of the Council's costs (including consultant's costs and legal costs) as a result of the Lessee's alterations and additions.

8.3 Cleaning

8.3.1 The Lessee must keep and ensure that its invitees keep the Premises, any New Improvements and the Lessee's Equipment clean and tidy.

8.3.2 Without limiting clause 8.3.1, the Lessee must keep the Premises clean and tidy and in a safe condition.

8.3.3 The Lessee must keep the Premises free of vermin, insects and other pests.

8.3.4 The Lessee must control dust on the Premises to ensure that it does not interfere with the use of other parts of the Land by other tenants or the use of adjoining land.

8.4 No responsibility by Council

With the exception of the specific works that the Council has agreed to undertake pursuant to clause 11.6, the Lessee acknowledges and agrees that the Council has no responsibility in any way for the maintenance, repair or cleaning of the Premises, including in respect of the Council's Equipment, Lessee's Equipment and any New Improvements.

8.5 Common Area access

Subject to the terms of this Lease, the Lessee is reasonable entitled to access and use of the Common Areas.

9. TRANSFERRING, SUBLETTING AND CHARGING

9.1 Transfer

The Lessee may only transfer its interest in this Lease provided:

9.1.1 the proposed transferee does not change the Permitted Use:

9.1.2 the Lessee has satisfied the Council that appropriate arrangements are in place for the transfer of any New Improvements to the proposed transferee or for the removal of the New Improvements from the Premises

9.1.3 the proposed transferee is able to meet the financial and legal obligations under the Lease;

9.1.4 the Lessee has complied with the Council's procedural requirements for obtaining the Council's consent and the Lessee has obtained the

prior written consent of Council which may be withheld at Council's absolute discretion.

9.2 Subletting

The Lessee must not sublet or sublicense any part of the Premises without the prior written consent of the Council.

9.3 Charging

9.3.1 The Lessee must not charge the Lessee's interest in this Lease or the New Improvements (if any) or the Lessee's Equipment without the Council's consent.

9.3.2 If the Council consents to a charge on the Lessee's Equipment or the New Improvements (if any) then the Lessee must enter into a deed in a form required by the Council that ensures the charge is subject to the Council's rights under this Lease.

9.4 Hiring out of the Premises

The Lessee may hire out part of the Premises and the New Improvements (if any) on a casual basis without the prior consent of the Council subject to:

9.4.1 the use being consistent with the Permitted Use set out in Item 6; and

9.4.2 the hire agreement between the Lessee and the hirer being in a form approved by the Council and which may be varied so as to include such terms and conditions as may be required by the Council from time to time.

9.5 Deemed Assignment

If the Lessee is a corporation (not being a company with its shares listed on any Stock Exchange in Australia) or an association, any change in the beneficial ownership of 20% or more of the voting shares in the corporation or any change in the effective control of the corporation or association, will be deemed to be an assignment of the Premises requiring the consent of Council under this Lease.

9.6 Costs

The Lessee must pay all costs reasonably incurred by the Council (including the costs of any consultant or any legal fees) in relation to any dealing, including in considering whether or not to grant any consent to a request by the Lessee under this clause 9.

10. LESSEE GOVERNANCE

10.1 The Lessee must provide to the Council a copy of its constitution and any other documents that regulate the governance and operations of the Lessee upon reasonable request by the Council.

10.2 As and when the Council may reasonably require, the Lessee must provide to the Council such information in relation to the Lessee's use and occupation of

the Premises as required by the Council including financial information of the Lessee (excluding details of the Lessee's turnover).

- 10.3 The Lessee must forward to the Council a copy of any amendments made to its constitution within fourteen (14) days of those amendments being made.

11. COUNCIL'S OBLIGATIONS AND RIGHTS

11.1 Quiet Enjoyment

Subject to the Council's rights and to the Lessee complying with the Lessee's obligations under this Lease, the Lessee may occupy the Premises during the Term without interference from the Council.

11.2 Right to enter

The Council may (except in the case of emergency when no notice will be required) enter the Premises after giving the Lessee reasonable notice:

- 11.2.1 to see the state of repair of the Premises;
- 11.2.2 to do repairs to the Premises or other works which cannot reasonably be done unless the Council enters the Premises;
- 11.2.3 to verify the Lessee's compliance with the terms of this Lease;
- 11.2.4 to do anything the Council must or may do under this Lease or must do under any Legislation or to satisfy the requirements of any Statutory Authority; and
- 11.2.5 to show prospective lessees through the Premises during the last six (6) months of the Term.

11.3 Emergencies

- 11.3.1 In an emergency the Council may:

- 11.3.1.1 close the Premises and prevent the Lessee from entering the Premises; and/or
- 11.3.1.2 require the Lessee to make the Premises available for use as an evacuation and assembly point for persons and/or animals (including but not limited to horses); and/or
- 11.3.1.3 take control of the Premises during the period of the emergency (which period will be as determined by the Council) for purposes associated with the matters described in clauses 11.3.1.1 and 11.3.1.2.

- 11.3.2 Prior to the Commencement Date and immediately after any lock is installed or replaced at or on the Premises (including at, on or as part of any New Improvements), the Lessee must give the Council a copy of the keys for all locks at or on the Premises (including at, on or as part of any New Improvements) for use by the Council only in an emergency and to enable the Council to exercise its rights pursuant to this clause 11.3.

11.4 Restrictions

- 11.4.1 The Council may install, use, maintain, repair, alter, and interrupt Services during the Term.
- 11.4.2 The Council must (except in cases of emergency) take reasonable steps to minimise interference with the Lessee's use and occupation of the Premises when exercising its rights pursuant to clause 11.4.1.

11.5 Right to Rectify

Council may at the Lessee's cost do anything which the Lessee should have done under this Lease but which the Lessee has not done or which the Council reasonably considers the Lessee has not done properly.

11.6 Council's Works

- 11.6.1 The Council will slash grass within the Premises on not more than six occasions per year (the total number and timing of slashing work to be determined by the Council in its absolute discretion and in consultation with the Lessee).
- 11.6.2 All slashing of grass within the Premises that the Lessee considers is required in addition to the slashing to be undertaken by the Council in accordance with clause 11.6.1 is to be undertaken by the Lessee at its sole cost.
- 11.6.3 All fencing required by the Lessee at or around the boundary of the Premises must be undertaken by the Lessee at its sole cost.

12. DAMAGE OR DESTRUCTION

12.1 Termination for destruction or damage

- 12.1.1 If the New Improvements (if any) are destroyed or damaged so that the Premises is unfit for the Permitted Use then within 3 months after the damage or destruction occurs, the Lessee must give the Council a notice either:
 - 12.1.1.1 terminating this Lease (on a date at least 1 month after the Lessee gives notice); or
 - 12.1.1.2 advising the Council that the Lessee intends to repair the New Improvements (if any) (as the case may be) so that the Lessee can access, occupy and use the Premises.
- 12.1.2 If the Lessee gives a notice under clause 12.1.1.2 but does not carry out the intention within a reasonable time, the Council may give notice to the Lessee that the Council intends to end the Lease if the Lessee does not do whatever is necessary to make the Premises accessible and fit for use and occupation by the Lessee within a reasonable time (having regard to the nature of the required work).

- 12.1.3 If the Lessee does not comply with clause 12.1.1 or with the Council's notice under clause 12.1.2, the Council may end this Lease by giving the Lessee not less than 1 month's notice.

13. REDEVELOPMENT, ASSET RATIONALISATION AND DEMOLITION

If as part of any redevelopment, asset rationalisation or other project conducted by the Council that includes the Premises and/or the Land (**Redevelopment**), or for any other reason, the Council wishes to acquire vacant possession of the Premises or any part of the Land, then the Council will be entitled to:

13.1 terminate this Lease subject to the following provisions:

- 13.1.1 the Council must provide the Lessee with details of the proposed Redevelopment sufficient to indicate a genuine proposal to carry out that Redevelopment within a reasonably practical time after this Lease is to be terminated;
- 13.1.2 the Council may at any time after providing the Lessee with the information specified in clause 13.1.1, give the Lessee a written notice of termination of this Lease (**Termination Notice**) specifying the date on which this Lease is to come to an end being a date not less than 6 months after the Termination Notice is given. This Lease will, unless terminated earlier by the Lessee under clause 13.1.3, come to an end at midnight on the day specified in the Termination Notice;
- 13.1.3 at any time after receiving a Termination Notice under clause 13.1.1, the Lessee may terminate this Lease by giving not less than 7 days' written notice to the Council; and
- 13.1.4 when this Lease is terminated (whether by the Council under clause 13.1.2 or by the Lessee under clause 13.1.3), the rights and obligations of the Council and the Lessee hereunder will come to an end but if any breach by either party still exists at that time then the rights of the other party with regard to that existing breach will continue; or

13.2 require the Lessee, upon reasonable notice, to vacate the Premises and to occupy an alternative site owned by the Council subject to the following conditions:

- 13.2.1 the Council must provide the Lessee with details of the proposed Redevelopment sufficient to indicate a genuine proposal to carry out that Redevelopment within a reasonably practical time after this Lease is to be terminated;
- 13.2.2 the Council may at any time after providing the Lessee with the information specified in clause 13.2.1, give the Lessee a written notice of termination of this Lease (**Relocation Notice**) specifying the date on which the Lessee must relocate being a date not less than 6 months after the Relocation Notice is given;
- 13.2.3 the Lessee must relocate to the alternative site on the date stipulated in the Relocation Notice and shall give to the Lessee all such assistance and cooperation as may be necessary to give effect to this

clause and to the relocation including the execution of any documents or instruments which the Lessee reasonably requires;

13.2.4 the alternative site must, in the reasonable opinion of the Council, be of comparable quality and utility to the Premises;

13.2.5 any reasonable costs incurred in relocating the Lessee shall be borne by the Council; and

13.2.6 the Lessee's occupation of the alternative site will be on the terms and conditions of this Lease with such amendments as are necessary for the terms and conditions of this Lease to apply to the Lessee's occupation of the alternative site; or

13.3 negotiate with the Lessee as to the necessary financial and maintenance contribution which is required from the Lessee in order for the Council to reconsider undertaking the Redevelopment. The Council may, at any reasonable time during these negotiations exercise any of its other rights under this clause 13.

14. RENEWAL

14.1 Right of Renewal

If a right of renewal has been granted to the Lessee as described in Item 3 and the Lessee wishes to exercise that right of renewal, then the Lessee must serve a written notice on the Council not less than 6 months and not more than 9 months prior to the expiry of the Initial Term stating its desire to renew this Lease for the period of the renewal specified in Item 3 (**Renewal Term**). If such notice is given, then the Council will, subject to clause 14.2, be obliged to renew this Lease for the Renewal Term on the same terms and conditions as are contained in this Lease except for the exclusion of this clause 14.1 commencing immediately after the Initial Term expires.

14.2 No Renewal Entitlement

The Lessee will not be entitled to a right of renewal pursuant to clause 14.1 if:

14.2.1 the Lessee has been in breach of this Lease at any time before giving notice of the Lessee's desire to exercise the right of renewal (notice);

14.2.2 the Lessee is in breach of this Lease at the time of giving that notice; or

14.2.3 the Lessee is in breach or commits any breach under this Lease after giving that notice but before commencement of the Renewal Term.

15. RIGHTS AND OBLIGATIONS ON EXPIRY

15.1 Expiry

This Lease will come to an end at midnight on the last day of the Term unless it is terminated earlier by the Council or the Lessee under any other provision of this Lease.

15.2 Handover of Possession

15.2.1 Before this Lease comes to an end, the Lessee will:

15.2.1.1 remove all of the Lessee's Equipment from the Premises and repair any damage caused by such removal;

15.2.1.2 no later than 1 month before this Lease comes to an end, provide the Council with a written summary of all alterations, additions and New Improvements made to the Premises by the Lessee, whether those alterations, additions and New Improvements were authorised by the Council or not;

15.2.1.3 unless otherwise agreed by the Council, remove all of the New Improvements and any alterations and additions made to the Premises by the Lessee and reinstate the Premises to the standard and condition it was in prior to the New Improvements, alterations and additions being made; and

15.2.1.4 complete any maintenance and repairs which the Lessee is obliged to carry out under this Lease such that the Premises is handed over in good and neat condition and repair.

15.3 Abandoned Goods

If, when this Lease comes to an end, the Lessee leaves any goods or equipment on the Premises, the Council will be entitled to deal with and dispose of those goods subject to and in accordance with the requirements of the *Unclaimed Goods Act 1987* (SA).

15.4 Holding Over

If, with the Council's consent, the Lessee continues to occupy the Premises after the end of this Lease, the Lessee does so as a monthly tenant which:

15.4.1 either party may terminate on one month's notice given at any time; and

15.4.2 is on the same terms as this Lease.

16. BREACH

16.1 Payment Obligations

16.1.1 The Lessee must make payments due under this Lease:

16.1.1.1 without demand (unless this Lease provides demand must be made);

16.1.1.2 without set-off, counter-claim, withholding or deduction;

16.1.1.3 to the Council or as the Council directs; and

16.1.1.4 by direct debit or such other means as directed by the Council.

16.1.2 If a payment is stated to be due on a particular payment date and there is no such payment date, the Lessee must make that payment on demand.

16.2 Set Off

The Council may, by notice to the Lessee, set off against any amount due and payable under this Lease by the Council to the Lessee, any amount due and payable by the Lessee to the Council under this Lease or under any other agreement or arrangement.

16.3 Council's Rights on Breach

16.3.1 The Council may come onto the Premises and remedy a breach of this Lease without notice:

16.3.1.1 in an emergency; or

16.3.1.2 if the Lessee breaches any provision of this Lease and fails to remedy the breach within 14 days after receiving notice requiring it to do so.

16.3.2 The Lessee must pay or reimburse the Council on demand for all costs of remedying the breach.

16.4 Default, Breach and Re-Entry

If:

16.4.1 the Lessee fails to pay a sum of money when due and fails to remedy that failure within seven days after receiving notice requiring it to do so;

16.4.2 the Lessee breaches any other provision of this Lease and fails to remedy the breach within 14 days after receiving notice requiring it to do so;

16.4.3 the Lessee ceases to be able to pay its debts as they become due;

16.4.4 any step is taken by a mortgagee to take possession or dispose of the whole or any part of the Lessee's assets, operations or business;

16.4.5 any step is taken to enter into any arrangement between the Lessee and its creditors;

16.4.6 any step is taken to appoint a receiver, a receiver and manager, a trustee in bankruptcy, a liquidator, a provisional liquidator, an administrator or other like person of the whole or any part of the Lessee's assets or business;

- 16.4.7 the Lessee is deregistered or dissolved or any step is taken by any person towards that;
- 16.4.8 the Lessee is a natural person and commits an act of bankruptcy;
- 16.4.9 the Lessee is convicted of an indictable offence (other than a traffic offence);
- 16.4.10 execution is levied against the Lessee and not discharged within 14 days; or
- 16.4.11 the Premises is unoccupied for one month or more without the Council's consent;

then despite any other clause of this Lease, the Council:

- 16.4.12 may re-enter and repossess the Premises, without prejudice to its other rights; and
- 16.4.13 is discharged from any claim by or obligation to the Lessee under this Lease.

16.5 Rights of Council not Limited

The rights of the Council under this Lease and at law resulting from a breach of this Lease by the Lessee shall not be excluded or limited in any way by reason of the Council having or exercising any powers under this clause 16.

16.6 Landlord and Tenant Act

In the case of a breach or default of any term of this Lease where notice is required to be given pursuant to Section 10 of the *Landlord and Tenant Act* 1936, such notices will provide that the period of fourteen (14) days is the period within which the Lessee is to remedy any such breach or default if it is capable of remedy or to make reasonable compensation in money to the satisfaction of the Council. No period of notice is required for the non-payment of rent payable pursuant to this Lease.

16.7 Repudiation and Damages

- 16.7.1 The Lessee acknowledges that the following obligations under this Lease are essential terms:
 - 16.7.1.1 the obligations and prohibitions in relation to use of the Premises;
 - 16.7.1.2 the obligations and restrictions in relation to the New Improvements (if any), additions and alterations to the Premises;
 - 16.7.1.3 the obligations and restrictions in relation to the Premises during an emergency;
 - 16.7.1.4 the obligations and restrictions in relation to Native Vegetation; and

16.7.1.5 the restriction on assignment, sub-letting, mortgaging and licensing.

16.7.2 If the Council accepts payment of Rent or any other moneys late or does not act or exercise any rights immediately or at all in respect of any breach of an essential term, that conduct on the part of the Council will not be deemed to amount to a waiver of the essential nature of that essential term.

16.7.3 If the Lessee breaches any essential term, that conduct on the part of the Lessee will be deemed to constitute a repudiation of this Lease and the Council may at any time thereafter rescind this Lease by accepting that repudiation.

16.7.4 The Lessee agrees that if this Lease is terminated by the Council because of a breach by the Lessee of an essential term, or if the Lessee repudiates this Lease and the Council accepts that repudiation thereby rescinding this Lease, the Lessee will be obliged to pay compensation to the Council including Rent and other moneys which the Council would otherwise have received under this Lease for the balance of the Term had the Lessee not breached an essential term or repudiated this Lease. In those circumstances the Council will be obliged to take reasonable steps to mitigate its losses and to endeavour to lease the Premises at a reasonable rent and on reasonable terms.

16.7.5 The rights of the Council under this clause 16.7 and any action taken by the Council hereunder do not exclude or limit any other rights or entitlements which the Council has under this Lease or at law in respect of any breach or repudiatory conduct on the part of the Lessee.

16.8 Interest on Overdue Amounts

If the Lessee does not pay an amount when it is due, it must pay interest on that amount on demand from when the amount becomes due until it is paid in full. Interest is calculated on outstanding daily balances at the Default Rate.

17. INDEMNITY AND RELEASE

17.1 Risk

The Lessee occupies and uses the Premises at the Lessee's risk and with the knowledge that the Council does not warrant that the Premises is safe or suitable for the Permitted Use.

17.2 Indemnity

The Lessee is liable for and indemnifies the Council against all actions, liabilities, penalties, claims or demands for any loss, damage, injury or death incurred or suffered directly or indirectly including in connection with:

17.2.1 any act or omission of the Lessee;

- 17.2.2 the overflow or leakage of sewerage, water or any other harmful agent into or from the Premises;
- 17.2.3 any fire on or from the Premises;
- 17.2.4 loss or damage to property or injury or death to any person caused by the Lessee, the use of the Premises by the Lessee or otherwise relating to the Premises;
- 17.2.5 a breach of this Lease by the Lessee; or
- 17.2.6 the Lessee's use or occupation of the Premises.

17.3 Release

The Lessee releases the Council from all actions, liabilities, penalties, claims or demands for any damage, loss, injury or death occurring on the Premises except to the extent that they are caused by the Council's negligence.

17.4 Indemnities are independent

Each indemnity is independent from the Lessee's other obligations and continues during this Lease and after this Lease ends.

17.5 Limitation of liability

Despite anything else in this Lease, the Council is not liable (except to the extent of any negligence of the Council) for any loss or damage, and the Lessee has no right to terminate this Lease or reduce payments under this Lease, for any interruption to or defect or malfunction in any Services.

18. GOODS AND SERVICES TAX

- 18.1 If a GST applies to impose tax on the Agreed Consideration or any part of it or if the Council is liable to pay GST in connection with this Lease or any goods, services or other things supplied under this Lease then:
 - 18.1.1 the Agreed Consideration for that supply is exclusive of GST;
 - 18.1.2 the Council may increase the Agreed Consideration or the relevant part of the Agreed Consideration by a percentage amount which is equal to the GST Rate; and
 - 18.1.3 the Lessee shall pay the increased Agreed Consideration on the due date for payment by the Lessee of the Agreed Consideration.
- 18.2 Where the Agreed Consideration is to be increased to account for GST under this clause 18, the Council shall, on or before the date on which the Agreed Consideration is payable, issue a tax invoice to the Lessee.
- 18.3 If the Lessee does not comply with its obligations under this Lease or with its obligations under GST Legislation in connection with this Lease and as a result the Council becomes liable for penalties or interest for late payment of GST, then the Lessee must pay the Council on demand an amount equal to the amount of the penalties and interest.

19. RULES AND REGULATIONS

- 19.1 The Council may from time to time make such rules and regulations that the Council considers necessary for the management, safety, security, care of or cleanliness of the Land, including the Premises and the Common Areas.
- 19.2 The Council reserves the right to amend from time to time the rules and regulations.
- 19.3 The rules and regulations bind the Lessee when it receives notices of the rules and regulations from the Council.
- 19.4 If there is any inconsistency between this Lease and the rules and regulations, then this Lease prevails.
- 19.5 A failure by the Lessee to comply with the rules and regulations is a breach of this Lease.

20. GENERAL

20.1 Costs

The Lessee must, on request, pay or reimburse to the Council:

- 20.1.1 one half of all preparatory costs incurred by the Council for this Lease. For the purposes of this sub-clause, "preparatory costs" has the meaning described in the Act;
- 20.1.2 all costs including legal and other expenses incurred by the Council in connection with the preparing, negotiating, revising, engrossing and executing any document required to record any renewal, extension or variation of this Lease; and
- 20.1.3 all legal and other costs and expenses incurred by the Council in consequence of any actual or threatened breach by the Lessee hereunder or in exercising or enforcing (or attempting to do so) any rights or remedies of the Council hereunder or at law or otherwise arising in consequence of any actual or threatened breach by the Lessee.

20.2 Waiver

If the Council accepts or waives any breach by the Lessee, that acceptance or waiver cannot be taken as an acceptance or waiver of any future breach of the same obligation or of any other obligation under this Lease.

20.3 Notice

- 20.3.1 Without excluding any other form of service, any notice required to be given or served will be sufficiently given or served as follows:
 - 20.3.1.1 in the case of the Lessee, if left at the Premises, or if the Lessee has vacated the Premises, then if posted by pre-paid post to the last known address of the Lessee;

20.3.1.2 in the case of the Council, if posted by pre-paid post to the Council at its principal place of business in South Australia (which is taken to be the address stated in this Lease unless the Lessee is or ought reasonably be aware that that is not the Council's principal place of business at the relevant time).

20.3.2 Notice served by pre-paid post will be deemed to have been given or served five Business Days after posting.

20.4 Severance

If any part of this Lease is found to be invalid or void or unenforceable, then that part will be severed from this Lease and the remainder of this Lease will continue to apply.

20.5 Entire Agreement

The Council and the Lessee acknowledge and agree that this Lease contains and represents the entire agreement reached between them with regard to the Premises and that no promises, representations or undertakings, other than those contained in this Lease, were made or given or relied upon.

20.6 Resumption

If the Council receives notice of resumption or acquisition of the Premises or the Land (or any part thereof) from or by any Statutory Authority or any governmental or semi-governmental body, then the Council may terminate this Lease by giving not less than three months' written notice to the Lessee. When such termination takes effect, the rights and obligations of the Council and the Lessee hereunder will come to an end but if any breach by either party still exists at that time then the rights of the other party with regard to that existing breach will continue.

EXECUTED as an agreement

COUNCIL

Signed for Adelaide Plains Council by
its authorised delegate in the
presence of:

.....
Signature of witness

.....
Signature of authorised delegate

.....
Name of witness (print)

.....
Name of authorised delegate (print)

.....
Position of authorised delegate

LESSEE

Signed for Mallala and District Lions
by its authorised delegate in the
presence of:

.....
Signature of witness

.....
Signature of authorised delegate

.....
Name of witness (print)

.....
Name of authorised delegate (print)

.....
Position of authorised delegate

FIRST SCHEDULE


<p>Item 1 (a) Premises</p> <p>(b) Land</p>	<p>The portion of the land comprised in Certificates of Title Volume 6163 Folio 218 (Allotment 20 DP 95617) being the area outlined in RED in the plan at Annexure A</p> <p>The whole of the land comprised in Certificates of Title Volume 6163 Folio 218 (Allotment 20 DP 95617)</p>
<p>Item 2 Initial Term</p>	<p>Fifteen (15) years commencing on XXXX (Commencement Date) and expiring at midnight on XXXX</p>
<p>Item 3 Renewal(s)</p>	<p>At Council's discretion, one option of renewal for Five (5) years, commencing on XXXX and expiring at midnight on XXXX</p>
<p>Item 4 Rent</p>	<p>\$1.00 per annum (exclusive of GST)</p>
<p>Item 5 Rent Review</p>	<p>Not applicable</p>
<p>Item 6 Permitted Use</p>	<p>Mallala and District Lions Facility.</p>
<p>Item 7 Public Risk Insurance</p>	<p>Twenty Million dollars (\$20,000,000.00)</p>

SECOND SCHEDULE

Development Approval required

Annexure A
PLAN OF THE PREMISES



 Adelaide Plains Council	14.4	Mallala and District Lions Club – Mallala Oval Clubroom Proposal
	Department: Report Author:	Infrastructure and Environment General Manager – Infrastructure and Environment
Date: 27 April 2021	Document Ref:	D21/16391

EXECUTIVE SUMMARY

- The purpose of this report is for Council to consider a request to issue a lease over a small portion of land at Mallala Oval to establish a Clubroom for the Mallala and District Lions Club.
- This parcel of land currently sits within the Major Sports and Recreation Precincts classification in the Community Land Management Plan. Mallala and District Lions Club existing Clubroom is located within this reserve.
- Leasing is permitted under the Community Land Management Plan.
- Council, at its Ordinary Council Meeting held on 27 January 2021 resolved to seek funding through the Open Space and Places for People funding stream for the following project: Two Wells Oval and Mallala Oval MasterPlan. The outcome of the applications will be released by June 2021.
- Management have considered the Mallala and District Lions Club proposal and believe its location to be the most suitable within the Mallala Oval precinct and is unlikely to compromise the outcome of the MasterPlan.
- As the subject land is classified as Community Land, prior to entering into a lease agreement, Council is required to undertake public consultation pursuant to Section 202 of the Local Government Act 1999 and in accordance with Council's Public Consultation Policy.

RECOMMENDATION

“that Council, having considered 14.4 – *Mallala and District Lions Club – Mallala Oval Clubroom Proposal*, dated 27 April 2021, receives and notes the report and in doing so instructs the Chief Executive to commence the public consultation process pursuant to Section 202 of the Local Government Act 1999 and in accordance with the Council's Public Consultation Policy, in regard to the leasing of a portion of Allotment 20 DP 95617, Mallala, known as Mallala Oval and comprised in Certificate of Title Volume 6163 Folio 218.”

BUDGET IMPACT

Estimated Development Cost:	Approx. \$500 (public consultation advertising)
Future ongoing operating costs:	Nil
Is this Budgeted?	No

RISK ASSESSMENT

In establishing a lease over the parcel of land, it provides an element of care and control for the lessee to manage and maintain that parcel and in doing so, relieves Council from that same responsibility.

Attachments

1. Mallala and District Lions Clubroom proposal.
2. Proposed site location.
3. Mallala Football Club support letter.

Leasing is permitted under the Community Land Management Plan provided that the lease can address one or more of the following:

- support community recreation;
- provide meeting spaces for community groups and organisations;
- support the ongoing occupation, use, management and upkeep of buildings and other community facilities;
- enable temporary use of buildings and other community facilities for specific functions, activities and events;

The objectives of the Community Facilities Community Land Management Plan are to:

- provide community facilities that are safe for community use and suitable for the purposes for which they are used.
- provide safe and amenable outdoor areas associated with community facilities.
- allocate appropriate tenancies for the occupation and utilisation of community facilities and ensure that land is managed by tenants in accordance with the terms of relevant leases and licences.

As the subject land is classified as Community Land, prior to entering into a lease agreement, Council is required to undertake public consultation pursuant to Section 202 of the Local Government Act 1999 and in accordance with Council's Public Consultation Policy.

Open Space Master Plan

Council, at its Ordinary Council Meeting held on 27 January 2021 resolved to seek funding through the Open Space and Places for People funding stream for the following project: Two Wells Oval and Mallala Oval MasterPlan. The outcome of the applications will be released by June 2021.

Management have considered the Mallala and District Lions Club proposal and believe its location to be the most suitable within the Mallala Oval precinct and is unlikely to compromise the outcome of the MasterPlan.

Lease

Management considers that any Ground Lease agreement with Mallala and District Lions Club for the long term use of Mallala Oval should include the following terms and conditions;

- Initial Term – Ten years
- Right of Renewal – one right of renewal of ten years
- Rent - \$1.00 per annum (exclusive of GST) payable on demand
- Public Liability Insurance - \$20 million
- Improvements – construction of improvements on the land will be subject to Council consent and at the lessees cost including ongoing maintenance
- Costs – Lessee to pay 50% of advertising costs for public consultation required under the Local Government Act 1999 for leasing of Community Land and preparation of the Lease Agreement

- Rates and Taxes – responsibility of Lessee subject to Rebate of Council Rates under Section 166 of the Local Government Act 1999
- Specific Lease area
- Car parking provision

Council staff will commence preliminary discussions with the Mallala and District Lions Club regarding the Terms and Conditions to be included in a Lease Agreement.

Development Approval

The construction of a new clubroom building, associated use of the land for clubrooms, provision of car parking and landscaping are among a series of issues that will be addressed by the requirement to submit a development application and obtain development approval. A development application will be assessed by Council planning staff against the provisions of the Planning and Design Code and if necessary a recommendation will be put to the Council Assessment Panel.

Conclusion

As the subject land is classified as community land, public consultation will be required pursuant to Section 202(2) of the Local Government Act 1999, before entering into a long term lease agreement. It is now for the Elected body to consider the request.

References

Legislation

Local Government Act 1999

Retail and Commercial Leases Act 1995

Council Policies/Plans

Council Strategic Plan



MALLALA AND DISTRICTS LIONS CLUB

Dear Tom,

Firstly thanks very much for catching up with me at short notice once again, to discuss the latest option for proposed construction for the new Lions building at the oval complex.

I have previously emailed you the concept plans for the location and layout of the new building.

I've attached a response from the Mallala Football Club, who considered the proposal I put forward to them, and unanimously voted in favour of effectively constructing the new building in the location of the old skate park.

The actual area as per the plan I sent:

Between the western end of the skate park (small fence on western border), to the western main strainer post for the 9mtr wide gate in the north easter corner.

From the Wasleys Rd fence to the small fences in front of the southern side of the old skate park.

During negotiations for the camping ground lease it was proposed that the Lions include all the area from the ablution block and Wasleys Rd, a concern from the Football Club was they had a requirement to have access to that emergency egress gate, our proposal satisfies their requirements.

As I discussed with you the other day, when more area becomes available (e.g. when the recycled water sprinklers are relocated), the Lions Club would like to get together with other community groups (football, cricket, netball and school), and the council to develop a long term plan to develop a recreational area which could include walking / fitness track, bike track etc, this should satisfy the question from the football club regarding the skate park.

I believe this is the most practical solution to enable construction of the new building, and effectively decreases construction costs significantly.

If you agree with this proposal can you please forward to CEO and chamber for consideration, if there are any issues can you please contact me to discuss.

Cheers and once again thanks

Brenton Bell OAM
Secretary

Mallala and Districts Lions Club
0498492114

28/03/21

President and Committee Members,

Due to issues beyond the control of the Lions Club, the RSL has approached the council to end the agreement between Mallala and Districts Lions Club and RSL (they want to use the "Lions Den" to upgrade toilets etc.), although the Lions Club extension to the RSL was built by the Lions Club in 1991.

After consultation the Lions Club have agreed that if we can obtain a suitable location we will build a new building, the option proposed by council was to build in the area adjacent to the new camping ground (where the recycled water sprinklers are), SA Water have advised we cannot build on that land or on the Old Marshman Road.

We believe a viable location would be in the area where the old skate park was, (see attachments PLAN and New Building), in effect it would start at the small wire fence on the western side of the old skate park and extend eastwards finishing at the western post of the existing emergency egress gate, (3 metres past the existing small wire fence on the eastern end of the skate park. The current egress path to the gate would remain the same.

One of the issues with the Lions Club no longer being able to use the RSL hall, is what would happen in the event of another major emergency such as the Pinery Fires, as most people would be aware the Lions Club and families were instrumental in running of the Relief Centre at the RSL, and we believe we are the best community group to do this (we already have the Emergency Relief trailer).

Our overall plan is to make a hub for such emergencies providing for:

1. Accommodation: If required in the event of an emergency, it is our plan to evacuate the camping ground to enable people affected by the fire accommodation, (we will be advertising to ask people if they would be willing to lend their vans in the event of an emergency, (maintaining a list at all times).
2. Enabling suitable venues to house donated items, to enable this we have obtained a grant to build a 9m X 12M x 3M shed in the exiting camping ground, and the new building would be suitable for smaller items and a cool place for emergency services to cool off whilst resting, (we couldn't do this using the RSL hall).
3. If Blaze Aid were to have made their hub here during the Pinery fires, it would have substantially increased revenue to the local community, we would be better suited to accommodate Blaze Aid or such like in the future.
4. We have been very successful with the camping ground in the first 5 months, with close to 50% occupancy rates, interest has been shown by RV associations to book out all sites, so we have a requirement to enable them to have a communal meeting place.

Over the next few years it is envisaged that we will substantially increase the size of the camping ground (whenever the recycled water issue is resolved), therefore requiring more ablution facilities, as part of this new building we will effectively double the available ablutions to camping ground.

If we are to move out of the "Lions Den" we would require a meeting place, so the building would also be used for that.

From coming in the gates, past the shelter, the netball shelter, playground and bbq's, coaches boxes around to the ablution block and camping ground, all these have been funded either fully or partially by the Mallala & Districts Lions Clubs, indicating our level of support for our community and as we can only spend monies on projects in our local area, that level of support will continue, (probably a

greater rate and higher values as a result of camping ground income, we have made a profit of over \$8,000 in the first 5 months of operating).

Advantages to Football Club

1. Provide second bar for the football clubs use for major events.
2. Provide second kitchen for the football clubs use for major events.
3. Provide additional ablution facilities (double) for the football club use for major events.
4. Extra income would be available from Lions Club for projects.

Disadvantages to Football

1. Allowing use of skate park, that is currently not being used.
2. Allowing use of 3 metres by 15 metres between exiting skate park and gate.

Advantages to Lions Club

1. Throughout development of ablution block, camping ground and new shed infrastructure for power, water and CWMS is close, enabling big savings to the project.
2. Enables a "hub" for Lions Club.
3. Adequate parking is readily available (building not used during football games).

Disadvantages to Lions Club Nil.

In closing I'm forwarding this as the Secretary of the Lions Club, I believe by being honest and upfront I will not be compromising my position on the Football Club Committee, as most would realise to get things done in a small community, people tend to get involved with several groups, as in my case. If this is put to a vote I will abstain from voting to ensure integrity or any perceived conflict of interest.

Cheers and thanks

Belly

Brenton Bell OAM

EXISTING OVAL BOUNDARY

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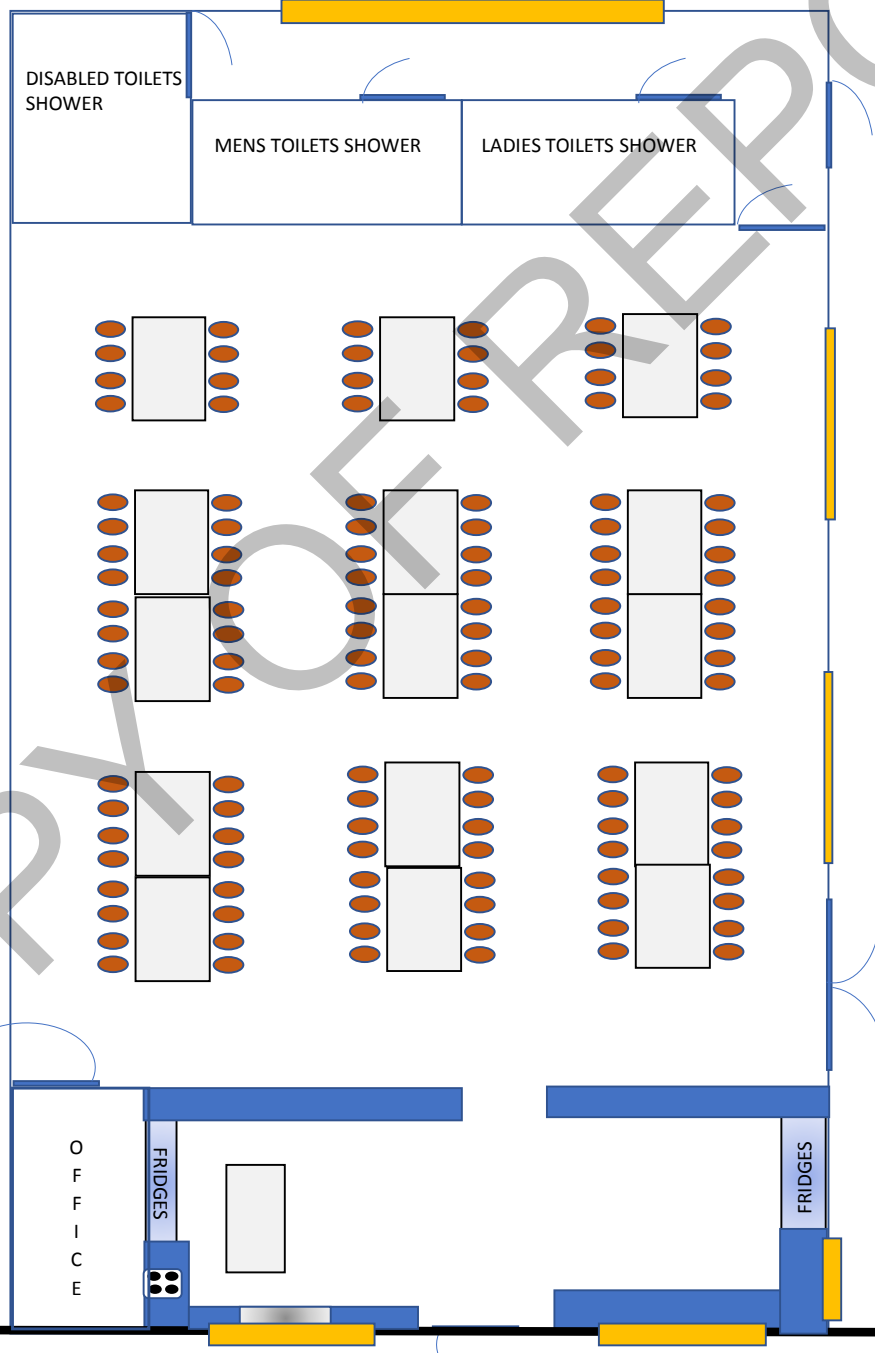
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FENCE





Contact Details

Adelaide Plains Council
PO Box 18, Mallala, SA 5502
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E: info@apc.sa.gov.au

Disclaimer

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Mallala Football Club Inc



Premiers: 1912, 1913, 1914, 1915, 1919, 1920, 1921, 1923, 1924, 1925, 1953, 1955, 1959, 1962, 1963, 1970, 1974, 1978, 1979, 1990, 1993, 1997, 2007, 2009, 2010, 2013, 2016, 2020

Post Office Box 85
MALLALA SA 5502

Phone 8527 2207

Email: mallala.footballclub@gmail.com

ABN 79 938 251 886

24th of March 2021

Re: Proposal to build New Building

To whom it may concern:

Thank you for your letter outlining the reasons for and against the Building of a new 'Lions Club Hub'.

We agree that the reasons you have listed will benefit the Mallala and Districts Lions Club, the Mallala Football Club, but also the Mallala community and beyond.

We are grateful for the ongoing work that the Lions Club has completed within the community and especially in close proximity to the Football Club.

We support the Mallala and Districts Lions Club and if approved, we look forward to seeing the progress as the 'Hub' evolves.

We do feel that there does need to be a skate park available for the youth of the community and ask that you consider working towards this in the future.

The Football Club has for a long time, had a close relationship with Lions Club, and without their involvement in the local Community would be a huge loss to the players, families and the greater Community of all ages as well as our own Club.

We look forward to being able to utilize the facilities to increase the services we will be able to offer to our patrons and community.


In closing, the Mallala Football Club and Mallala and Districts Lions Club are both clubs that are proud of their history and achievements, and we look forward to continuing this in the future. Generations to come will be able to enjoy and utilise what both our clubs have to offer now, and in the future.

Yours sincerely

Brian Tiller
Secretary

0419804414
bootiller21@gmail.com



	14.4	Environment and Food Production Area Review – Response to Consultation
	Department: Report Author:	Development and Community Strategic Project Officer
Date: 26 July 2021	Document Ref:	D21/29120

EXECUTIVE SUMMARY

- The State Planning Commission is undertaking the first, five yearly review of the Environment and Food Production Area (EFPA).
- The EFPA spatially covers the majority of the land that comprises Adelaide Plains.
- The EFPA generally aligns with Council’s strategic goals of fostering agricultural areas for those purposes and townships for residential development.
- The lack of the EFPA rules being explicitly communicated in the Planning and Design Code means, for example, the Code indicates Rural Living Zoned land can be subdivided for housing but the EFPA says it can-not. This misalignment should be corrected.
- Advice received is that the EFPA allows subdivision for housing with ‘primary production’ but that does not include dog or horse keeping. This should be corrected as this lack of clarity is a handbrake on envisaged development in Rural Living Zones and the Animal Husbandry Subzone.
- An inability to build a dwelling on Rural Living zoned land has the potential to place pressure on primary production and horticulture zoned land. Council questions the rational for the EFPA to apply to Rural Living Zone land.
- Which Planning and Design Code Zones the EFPA applies to and not to have been reviewed. It is suggested Council request the Commission to lift the EFPA from certain areas of land to provide a level of consistency within the Council area.

RECOMMENDATION 1

“that Council, having considered Item 14.4 – *Environment and Food Production Area Review*, dated 26 July 2021, receives and notes the report and in doing so instructs the Chief Executive Officer to finalise and submit the submission to the State Planning Commission as presented in Attachment 1 to this Report with particular focus on the following:

1. The Environment and Food Production Area generally aligns with Council’s vision for Adelaide Plains as identified in the Strategic Plan 2020 - 2024, noting the following aspects of the Environment and Food Production Area require review and amendment:

- a. The Environment and Food Production Area not allowing subdivision for housing associated with horse keeping or dog kennelling, where it is consistent with zoning policy, requires immediate review and clarification. The current statutory arrangements are limiting investment for envisaged development within the Animal Husbandry Subzone, Rural Living Zone, Rural Horticulture Zone and Rural Zone and causing confusion within the community.
- b. The Environment and Food Production Area provisions should be explicitly communicated directly in the Planning and Design Code. The current system providing for the Code to express one thing about land and the Environment and Food Production Area to express the opposite needs amendment. The current arrangements are confusing and a handbrake on investment.
- c. The Environment and Food Production Area precluding the ability to build a dwelling on Rural Living zoned land has the potential to place pressure for urban development (housing) on primary production and horticulture zoned land. Council questions the rationale for the Environment and Food Production Area applying to Rural Living zoned land.
- d. The Environment and Food Production Area should not apply in the following locations:
 - i. The Rural Living Zone at Mallala. Mallala's Rural Living Zone has a similar siting to Dublin's Rural Living Zone. If the Environment and Food Production Area is lifted, it would allow subdivision for Rural Living, this being a different housing offer to other Zones in Mallala, and the anticipated housing forms in the Gracewood development.
 - ii. Within the Area of the proposed and funded Two Wells levee. Council expresses interest in investigations commencing with respect to the Rural Living Zone within this area.
 - iii. East of Magnolia Boulevard, Two Wells. These lots are part of the Eden subdivision and have approvals for Rural Living. The Environment and Food Production Area serves no policy purpose.
- e. The Environment and Food Production Area should apply consistently to employment land on both sides of Port Wakefield Road at Two Wells.
- f. Council is open to the Environment and Food Production Area continuing in place over Two Wells / Rural Living Zone and Animal Husbandry Subzone until, noting further detailed investigations on the impact of the EFPA restrictions over time to be undertaken, subject to:
 - i. The barrier of the Environment and Food Production Area limiting subdivision for low intensity residential living where associated with horse or dog keeping being corrected.
 - ii. The lack of the Environment and Food Production Area being explicitly communicated directly in the Rural Living Zone and Animal Husbandry

Subzone of the Planning and Design Code (perhaps as an Overlay) being corrected.

- g. The 30 Year Plan for Greater Adelaide should better reflect the Animal Husbandry Zone as a business cluster and the envisaged development of horticulture in the southern third of Adelaide Plains.
- h. Recognising the Environment and Food Production Area surrounds Two Wells' planned urban growth, Council intend to continue investigating, planning, delivering and advocating for the necessary economic and social infrastructure to support liveable growth at Two Wells. Council welcomes further dialogue with the Commission about this."

BUDGET IMPACT

Estimated Cost:	Nil
Future ongoing operating costs:	Nil
Is this Budgeted?	Not Applicable

RISK ASSESSMENT

Nil.

Attachments

1. Draft Submission to State Planning Commission

DETAILED REPORT

Purpose

The State Planning Commission has undertaken a review of the Environment and Food Production Area (EFPA). The purpose of this report is to provide background and a draft submission for Council to consider.

Background

At its meeting on 23 September 2019, Council resolved:

“that Council, having considered Item 21.5 – *Environment and Food Production Areas*, dated 23 September 2019, receives and notes the report and in doing so authorises the Chief Executive Officer to:-

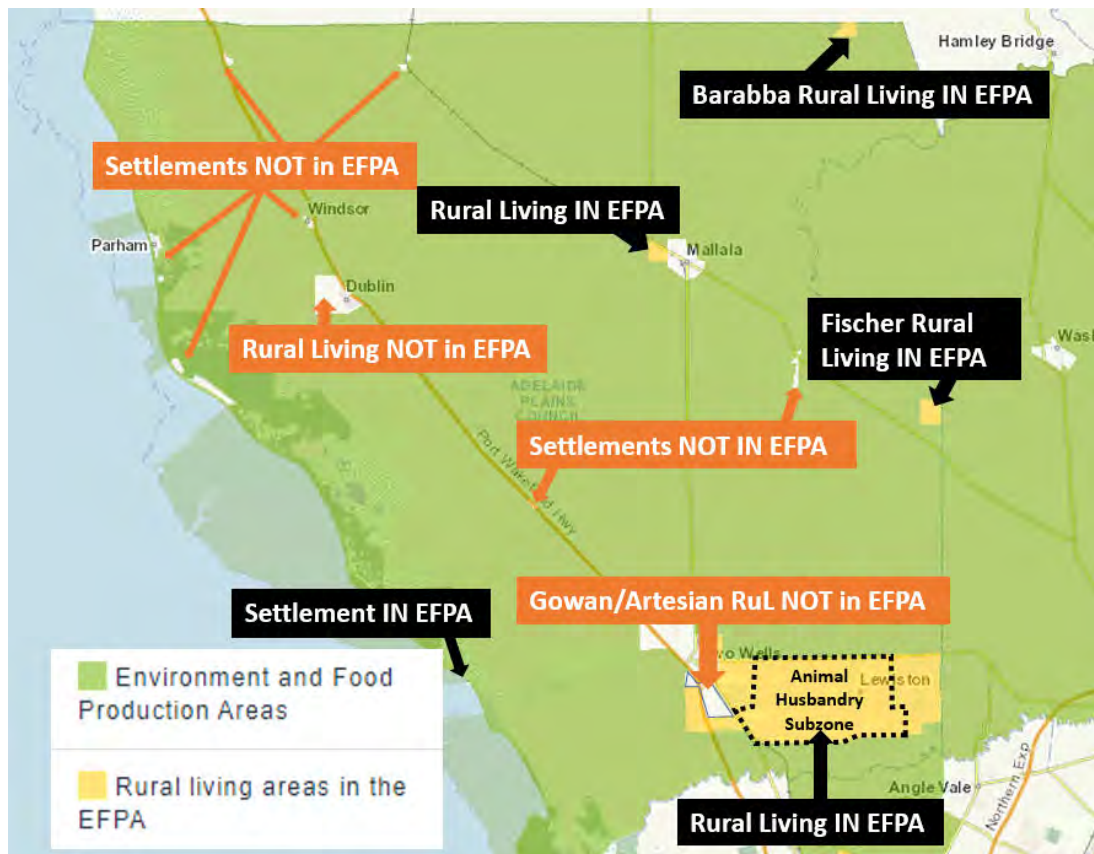
- 1) progress the review of relevant strategic holdings that are currently impacted by the *Environment and Food Production Areas* legislation with the *Department of Planning, Transport and Infrastructure* and the *State Planning Commission* as part of the 5 yearly review of the *Planning, Development and Infrastructure Act 2016 (Section 7)*.
- 2) provide in-principle letters of support to Leinad Land Developments (Dublin) Pty Ltd and the Hicks Group to enable both parties to advocate for boundary changes to the Environment and Food Production Areas and allow the future progression of long term rezoning objectives as outlined in Attachments 1 and 2 to this Report.”

On 4 June 2021, the State Planning Commission released its Statement of Position and EFPA Report and invited comments by 30 July 2021. These documents are available from www.plan.sa.gov.au

About the EFPA

The EFPA covers the entire spatial area of Adelaide Plains including most Rural Living areas.

The EFPA does not include township and settlement areas, Dublin’s Rural Living or the Gowan/Artesian Rural Living area south of Two Wells. Most but not all employment zones are in the EFPA.



Zones In and Not In the EFPA

The EFPA¹ was introduced to achieve the following goals:

- Protect our valuable food producing and rural areas as well as conserving our prized natural landscapes, and tourism and environmental resources
- Support our sustainable growth and encourage the building of new homes in our existing urban footprint where supporting infrastructure already exists
- Provide more certainty to food and wine producers as well as developers on the direction of future development in metropolitan Adelaide.

These goals are given legal effect through the *Planning, Development and Infrastructure Act 2016*.

The PDI Act directs that if a development application proposes lots for residential development within the EFPA, the relevant authority MUST REFUSE the development authorisation.

Being in the Act, this power is direct. The only time for review is through the legislated five yearly review of the EFPA. This is the review the subject of this report.

The EFPA was introduced around 2015 with its statutory powers coming into effect in March 2019.

Officers Review of the EFPA

Council officers have discussed their experience of the EFPA and how it impacts community, residents and land owners, how it aligns with Council's strategic plan, and how the EFPA relates with the Planning and Design Code.

There are three main comments:

1 - A land owner can read the Planning and Design Code and conclude, for example, that Rural Living Zoned land can be subdivided for housing. However, nowhere does the Code say the land can-not be subdivided due to the EFPA.

Irrespective of what the EFPA 'rules' are, the rules should be explicitly communicated in the Planning and Design Code directly. This would enable potential investors, purchasers and developers to have ready access to understand what the 'rules' are. The current 'twin' system and consequent uncertainty is not supported.

2 – The PDI Act allows subdivision for housing² in the EFPA where it is directly associated with 'primary production'. Advice received by Council staff is that 'primary production' does NOT include horse keeping or dog kennels as these uses, while agricultural in nature, do not result in the 'production' of a naturally occurring food or consumable item.

¹

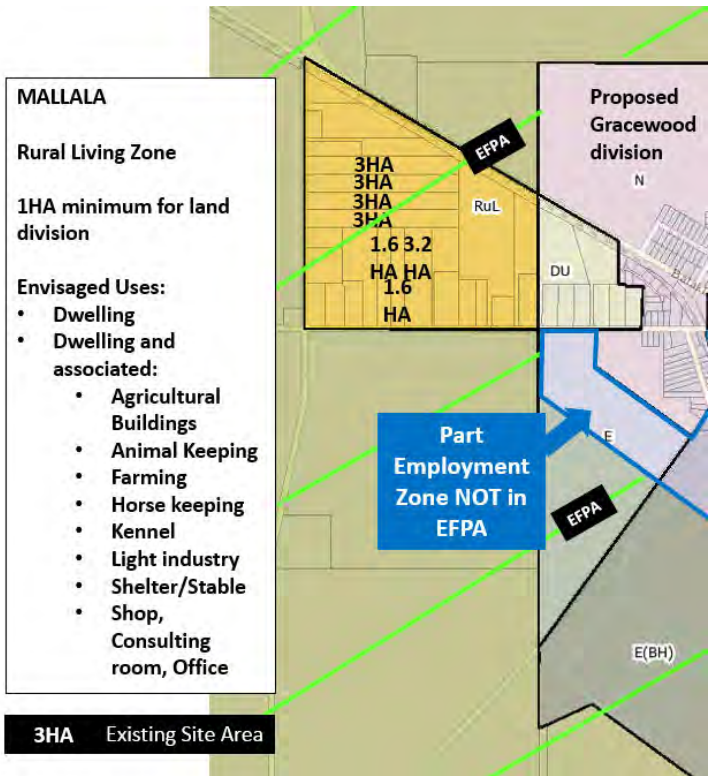
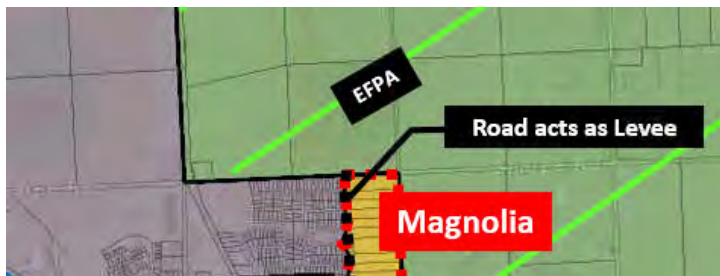
plan.sa.gov.au/our_planning_system/instruments/planning_instruments/environment_and_food_production_areas#have_your_say_on_the_efpa_review

² Section 7(18) of the *Planning Development and Infrastructure Act 2016* nominates that for the purposes of the EFPA, "'residential development' means development primarily for residential purposes but does not include— (a) the use of land for the purposes of a hotel or motel or to provide any other form of temporary residential accommodation for valuable consideration; or (b) a dwelling for residential purposes on land used primarily for primary production purposes."

The EFPA not allowing subdivision for housing associated with horse keeping or dog kennelling needs review. The current EFPA arrangements are limiting investment for envisaged development within the Animal Husbandry Subzone, Rural Living Zone, Rural Horticulture Zone and Rural Zone of Adelaide Plains and is inconsistent with the zone provisions within the Planning and Design Code.

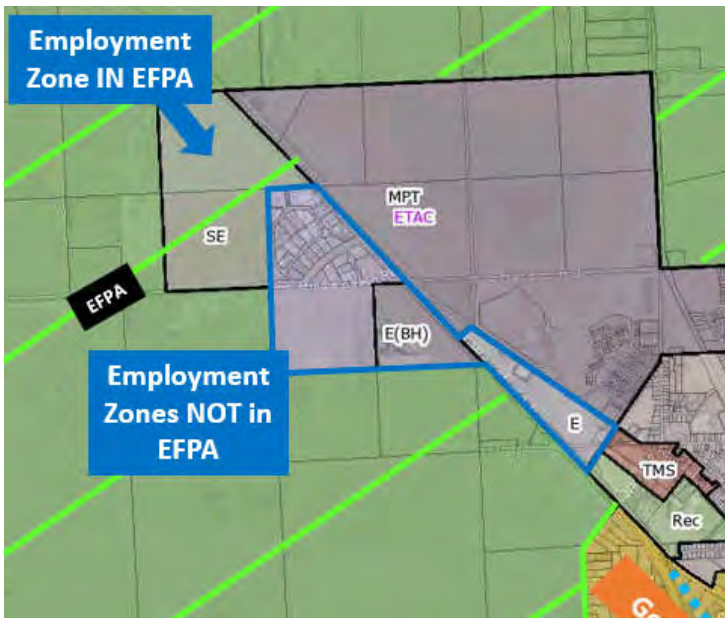
3 - Which Planning and Design Code Zones the EFPA applies to and not to have been reviewed.

The Environment and Food Production Area should **NOT** apply in the following locations:

Location for EFPA to NOT apply	Map
<p>The Rural Living Zone at Mallala. Mallala's Rural Living Zone has a similar siting to Dublin's Rural Living Zone. If the Environment and Food Production Area is lifted, it would allow subdivision for Rural Living, this being a different housing offer to other Zones in Mallala, and the anticipated housing forms in the Gracewood development.</p>	 <p>MALLALA</p> <p>Rural Living Zone</p> <p>1HA minimum for land division</p> <p>Envisaged Uses:</p> <ul style="list-style-type: none"> • Dwelling • Dwelling and associated: <ul style="list-style-type: none"> • Agricultural Buildings • Animal Keeping • Farming • Horse keeping • Kennel • Light industry • Shelter/Stable • Shop, Consulting room, Office <p>3HA Existing Site Area</p> <p>Part Employment Zone NOT in EFPA</p> <p>Proposed Gracewood division</p> <p>RuL</p> <p>DU</p> <p>E(BH)</p> <p>EFPA</p>
<p>Within the Area of the proposed and funded Two Wells flood levee. Council expresses interest in investigations commencing with respect to the Rural Living Zone within this area</p>	 <p>EFPA</p> <p>Road acts as Levee</p> <p>Magnolia</p>

East of Magnolia Boulevard, Two Wells. These lots are part of the Eden subdivision and have approvals for Rural Living. The Environment and Food Production Area serves no policy purpose.	
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The Environment and Food Production Area **SHOULD** apply in the following locations:

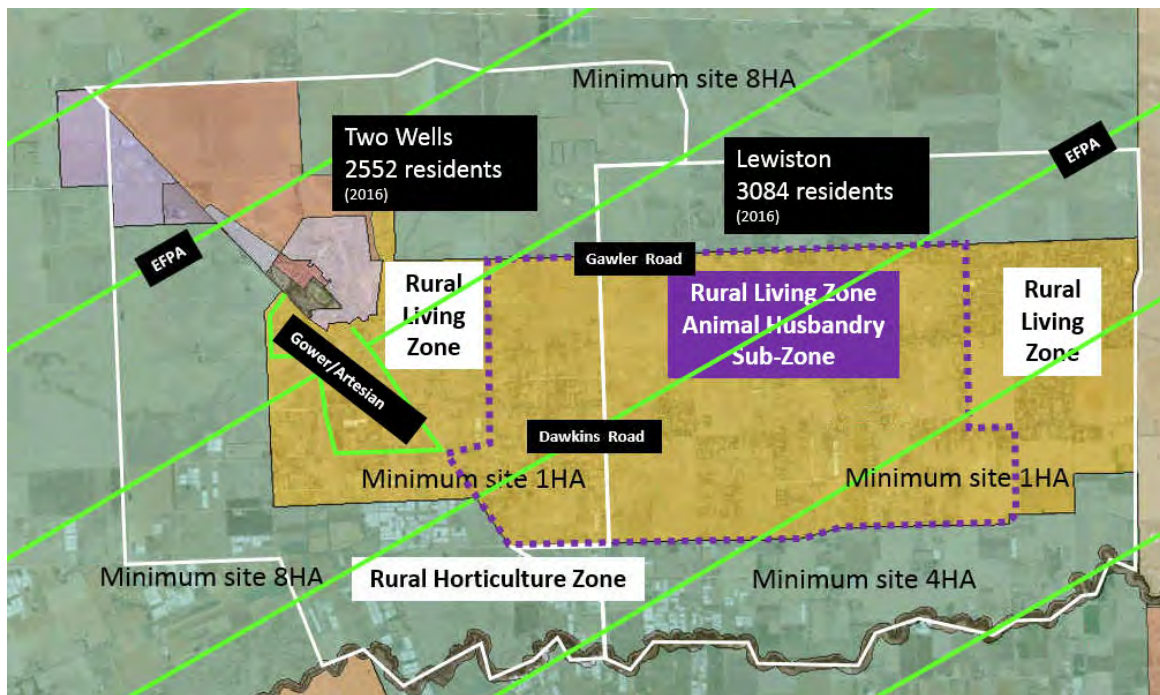
Location for EFPA to Apply	Map
<p>Consistently to employment zones on both sides of Port Wakefield Road at Two Wells.</p> <p>Employment Zones at Carslake Road and adjacent Mallala Raceway are in the EFPA.</p> <p>There is no apparent reason for these employment zones to not be within the EFPA.</p>	

With respect to the Two Wells Lewiston Rural Living and Animal Husbandry Area being precluded from subdivision for rural living residential purposes, Council recognises the grace period enabled several rural living subdivisions to be lodged. These are anticipated to be brought to the market over the next few years. Council also notes that several lots lend themselves for subdivision for rural living in the Gowan/Artesian area, and if divided, these would reinforce the Two Wells Township.

On this basis, it is not-unreasonable to be open to the EFPA continuing in Two Wells Lewiston until the next review in 2026, subject to:

- The barrier raised earlier about the EFPA limiting subdivision for low intensity residential living where associated with horse or dog keeping is being corrected.
- The lack of the EFPA being explicitly communicated directly in the Rural Living Zone and Animal Husbandry Subzone of the Planning and Design Code (perhaps as an Overlay) being corrected.

This period of time also enables further investigations on the impact of the EFPA provisions to be undertaken.



Discussion

The statutory impact of the EFPA is that it mandates that a proposed subdivision for residential purposes alone must be refused.

On the whole, the EFPA works in concert with the Planning and Design Code to achieve strategic goals, be it Council's or as expressed in the 30 Year Plan for Greater Adelaide. There are however examples of where it works against the provisions of the State Wide Planning and Design Code and prior to the introduction of the Code the Council Development Plan.

This five year review is the first of the EFPA. Being the first review, it's reasonable to anticipate matters needing review and fine-tuning. Officer's assessment of matters needing more work is outlined in the body of this report and in the draft submission.

Conclusion

The draft submission offers to the Commission high level support of the EFPA as well as technical matters needing change. The submission is recommended for support.

References

Legislation

Planning, Development and Infrastructure Act 2016

Council Policies/Plans

Nil

ENVIRONMENT AND FOOD PRODUCTION AREAS REVIEW



• Submission to State Planning Commission

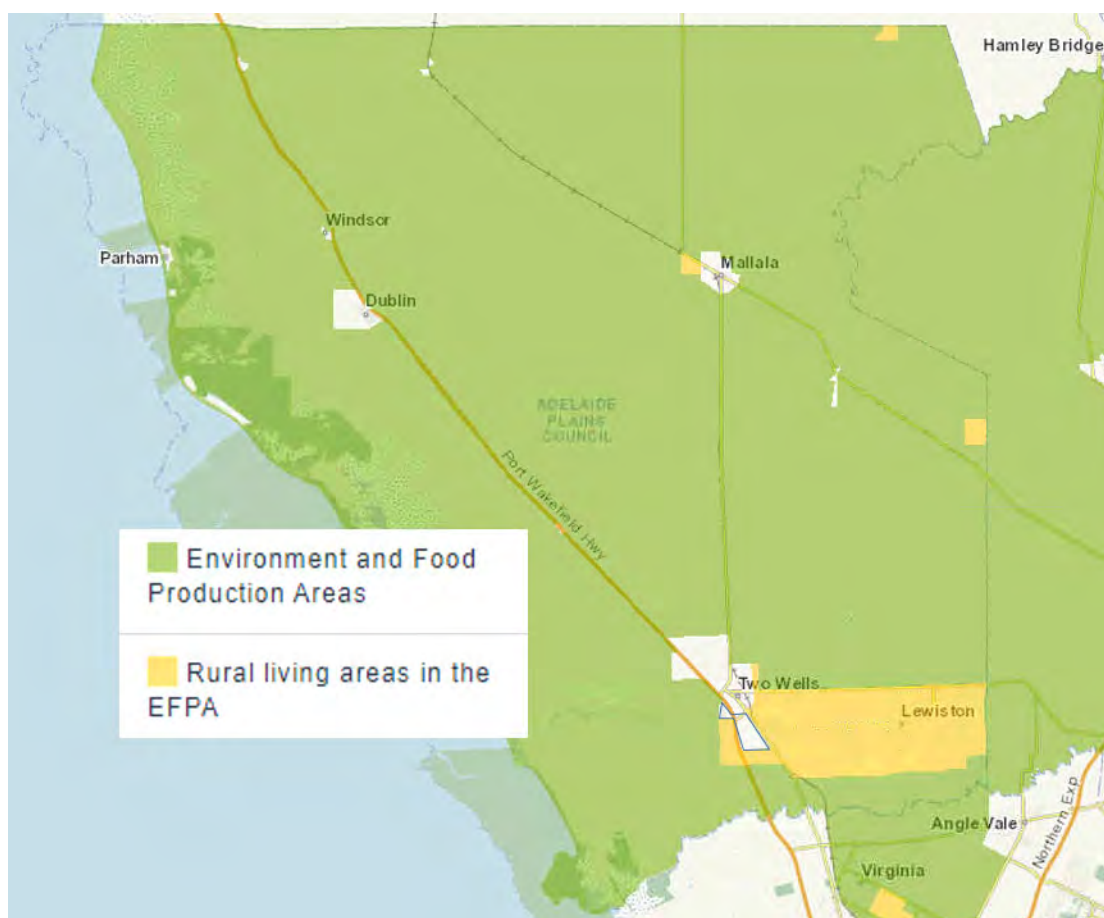
July 2021

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Council acknowledges that we are 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. We acknowledge that they are of continuing importance to the Kurna people living today.

SCOPE OF REVIEW



The vast majority of land in Adelaide Plains is impacted by the EFPA

Adelaide Plains Council (Council) acknowledges the opportunity to provide input to the Commission with respect to the Environment and Food Production Areas (EFPA) Review.

The Commission is satisfied there is sufficient supply of land across Greater Adelaide to support housing and employment growth over the next 15 years. Therefore, the Commission's review is confined only to consideration of variations to the boundary which are trivial in nature and will address a recognised anomaly¹.

Comment to Commission:

The matters raised in Council's submission fit within the EFPA review scope of being a recognised anomaly or trivial in nature.

¹ The Planning, Development and Infrastructure Act 2016 sets out that when considering any proposed variances to the EFPA, the Commission must be satisfied with the following tests:

- Test 1: area/s within Greater Adelaide outside the EFPA are unable to support the principle of urban renewal and consolidation of existing urban areas, and
- Test 2: adequate provision cannot be made within Greater Adelaide outside the EFPA to accommodate housing and employment growth over a minimum 15-year period; or
- Test 3: variation is trivial in nature and will address a recognised anomaly.

ABOUT THE EFPA

The EFPA² has been introduced to achieve the following goals:

- Protect our valuable food producing and rural areas as well as conserving our prized natural landscapes, and tourism and environmental resources
- Support our sustainable growth and encourage the building of new homes in our existing urban footprint where supporting infrastructure already exists
- Provide more certainty to food and wine producers as well as developers on the direction of future development in metropolitan Adelaide.

These goals are given legal effect through the *Planning, Development and Infrastructure Act 2016* having a direct role in the ability to subdivide land for residential purposes within the EFPA. This is summarised below.

SUMMARY OF PDI ACT REQUIREMENTS FOR PROPOSED LAND DIVISION FOR RESIDENTIAL PURPOSES WITHIN THE EFPA	
Summary of Act	Implications
If the proposed development creates lots for residential development , the relevant authority must refuse development authorisation	Development proposing lots for residential purposes MUST be refused.
<p>If the proposed development creates 1 or more lots, a planning authority (such as CAP or staff under delegation), must not grant development authorisation unless the Commission concurs.</p> <p>If the Commission is the relevant authority, the Commission must not grant development authorisation unless the council concurs</p> <p>No appeal lies against a refusal to grant development authorisation</p> <p>Development authorisation is subject to the condition that the lots created will not be used for residential development.</p>	A planning authority's proposed decision to approve lots for non-residential purposes MUST be concurred with by the Commission and any approval IS SUBJECT to the condition that the lots not be used for residential purposes.
<p>Development proposing lots for the following purposes may be consented:</p> <ul style="list-style-type: none">• dwelling for residential purposes on land used primarily for primary production.• hotel	Dwelling with primary production, motel, hotel or other temporary residential accommodation can be considered regarding the Planning and Design Code.

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plan.sa.gov.au/our_planning_system/instruments/planning_instruments/environment_and_food_production_areas#have_your_say_on_the_efpa_review

<ul style="list-style-type: none"> • motel • any other form of temporary residential accommodation for valuable consideration 	Primary production may not include horticulture, or animal husbandry depending on the specific nature of the activity
Land division for residential purposes able to be assessed during a transitional period that expired 31 March 2019	The two year period enabled divisions for residential purposes to be lodged. Such development applications are no longer possible.

Frequently asked questions about the EFPA are available via [plan.sa.gov.au/_data/assets/pdf_file/0011/282935/FAQ - Environment and Food Production Areas.pdf](http://plan.sa.gov.au/_data/assets/pdf_file/0011/282935/FAQ_-_Environment_and_Food_Production_Areas.pdf)

OBSERVATIONS

Discussions with planning assessment staff and their experience of assisting customers understand how they can develop their land has informed Council's views about the EFPA.

EFPA Generally Aligns with Strategic Goals of Adelaide Plains

Council's Strategic Plan 2020 – 2024 identifies a vision for the Council area. How the EFPA relates to that vision is commented on below:

Vision	How EFPA aligns?
Adelaide Plains is:	
Productive: A leading supplier of primary produce to local, national and international markets. Proximity to markets and natural growing conditions provide competitive advantages for primary producers on the Adelaide Plains that has seen our economy emerge as a key contributor to the region's prosperity.	EFPA aligns well with the primary production role of agricultural areas.
Diverse: A more diverse community with access to a greater mix of local opportunities. Increased employment, services and education attracts and retains a diverse community that chooses to live, learn and work in the region.	EFPA aligns well with the primary production role of agricultural areas, undergirding the suitability of these areas for related investment
Location: A lifestyle location connected to the Barossa, Coast and Adelaide. Adelaide Plains is a quiet community that offers residents time and space with convenient access to the benefits of Greater Adelaide, the coast and the Barossa region.	No clear alignment
Welcoming: A proud, spirited and generous community. This is a place that everyone belongs, where community connection and care is strong and someone is always available to help when a neighbour is in need.	No clear alignment
Ambition: Advancing infrastructure and technology to foster a competitive local economy. Modern practice, research and innovation, and efficient access to export centres and local markets builds an economic environment and reputation that rivals the State's major primary productions regions. With employment opportunities diversifying and new housing products in abundance, Adelaide Plains will become the place of choice for the Northern Adelaide Plains.	EFPA aligns well with the primary production role of agricultural areas, undergirding the suitability of these areas for related investment, including infrastructure and technology

Vision	How EFPA aligns?
<p>Leadership: A decisive and proactive Council.</p> <p>Our Elected Members share a vision of prosperity founded on courage, robust deliberation, transparency and forward thinking and investing</p>	<p>Council has the opportunity every five years to deliberate about the EFPA and its alignment with the vision of the Council area</p>
<p>Attractive: A Place of choice for businesses, residents and visitors.</p> <p>Our townships are inviting, well cared for, filled with character and provide a range of services, facilities and accommodation that caters for all people and our landscapes, events and infrastructure provide memorable experiences.</p>	<p>EFPA aligns well with the suitability of townships for residential development, undergirding their role in providing services.</p> <p>This submission identifies observations about the EFPA that warrant review in order to ensure maximum alignment with Council's vision.</p>

Comment to Commission:

The EFPA generally aligns with Council's vision for Adelaide Plains as identified in the Strategic Plan 2020 - 2024, noting various matters are observed as warranting further work.

EFPA Not Allowing Housing with Horse Keeping or Dog Kennelling Needs Review

The PDI Act allows subdivision for housing³ in the EFPA where it is directly associated with 'primary production'.

Advice received is that 'primary production' does not include horse keeping or dog kennels as these uses, while agricultural in nature, do not result in the 'production' of a naturally occurring food or consumable item.

This means, for example, subdivision for a dwelling with horse keeping or dog kennelling triggers the EFPA whereas the same division for dwelling with primary production would not.

This presents a fundamental problem for the development of land in Zones where the Code envisages subdivision for dwellings with horse keeping or dog kennelling, such as the Rural Living Zone and Animal Husbandry Sub-Zone.

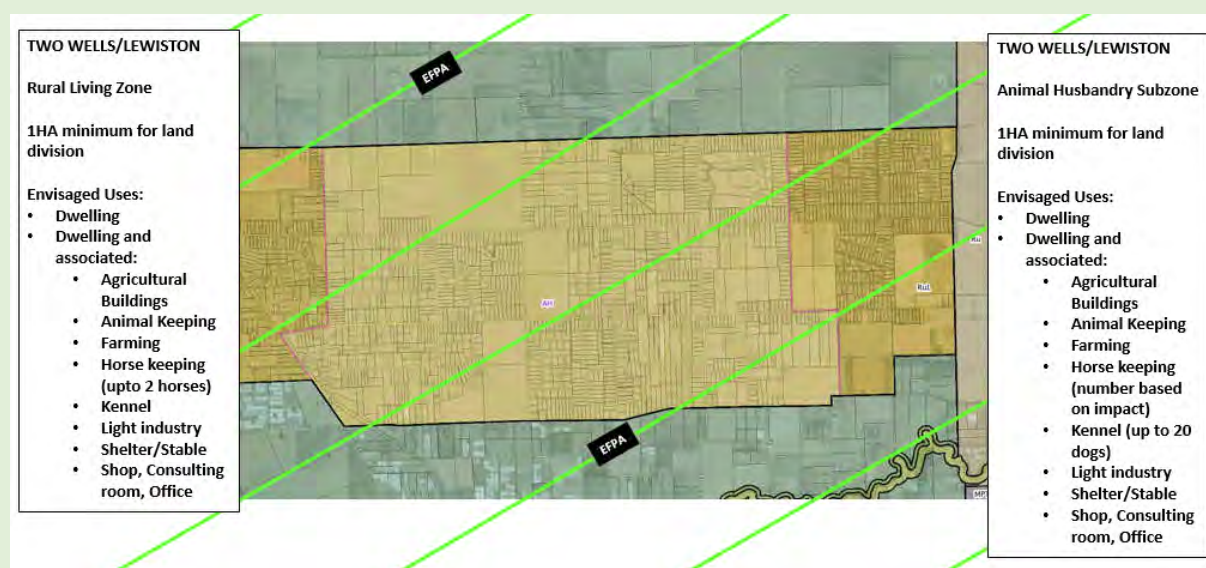
ZONES WHICH ENVISAGE SUBDIVISION FOR A DWELLING WITH HORSE KEEPING OR DOG KENNELING		
Zone	Dwelling with Horse Keeping	Dwelling with Dog Keeping
Animal Husbandry Sub Zone	Yes	Yes
Rural Living	Yes	Yes
Rural Horticulture	Yes	Less certain
Rural	Yes	Less certain

This is a particular problem with the Animal Husbandry Subzone. The prime purpose of the Zone is 'Large-scale horse keeping and dog kennelling in association with detached dwellings on large allotments'⁴. This zone/sub-zone has been in place in the Mallala Development Plan and now Planning and Design Code for many years, and the character of the area is largely influenced by the many dog kennels, dog breeding and horse keeping land uses.

³ Section 7(18) of the *Planning Development and Infrastructure Act 2016* nominates that for the purposes of the EFPA, "'residential development' means development primarily for residential purposes but does not include— (a) the use of land for the purposes of a hotel or motel or to provide any other form of temporary residential accommodation for valuable consideration; or (b) a dwelling for residential purposes on land used primarily for primary production purposes."

⁴ Planning and Design Code 2021

About the Two Wells Lewiston Animal Husbandry SubZone



The Animal Husbandry Subzone can be developed with large-scale horse keeping and dog kennelling in association with dwellings. The prime difference from Rural Living is the Animal Husbandry Zone explicitly provides for up to 20 dogs/lot (as Deemed to Satisfy) and unlike the Rural Living Zone, does not limit horses to two/lot.

This area of Two Wells/Lewiston has been planned – including through the SA planning system – for more than 30 years for animal husbandry and associated residential development.

Comment to Commission:

The EFPA not allowing subdivision for housing associated with horse keeping or dog kennelling needs review. The current EFPA arrangements are limiting investment for envisaged development within the Animal Husbandry Subzone, Rural Living Zone, Rural Horticulture Zone and Rural Zone.

EFPA Rules Not being reflected in the Planning and Design Code is Discordant and Needs Immediate Change

A land owner can read the Planning and Design Code and conclude Rural Living Zoned land can be subdivided for housing. However, nowhere does the Code say the land can-not be subdivided due to the EFPA.

This challenge can be called discordant and a policy misalignment. It also leads to poor outcomes for customers of the planning system who are trying to make informed investment decisions.

Council planning officers undertake innumerable conversations with people seeking to acquire property having to explain that whilst the Code says one thing, the EFPA says the opposite. This occurs for instance, in all Rural Living Zones, but is a particular issue in Two Wells/Lewiston Rural Living Zone, Animal Husbandry Subzone due to the large size of the area. This is not an ideal planning system.

The Planning and Design Code is emerging as a customer friendly and easily navigable digital statutory planning instrument. The Code is being used by landowners, investors, land agents, businesses, residents, developers and planners.

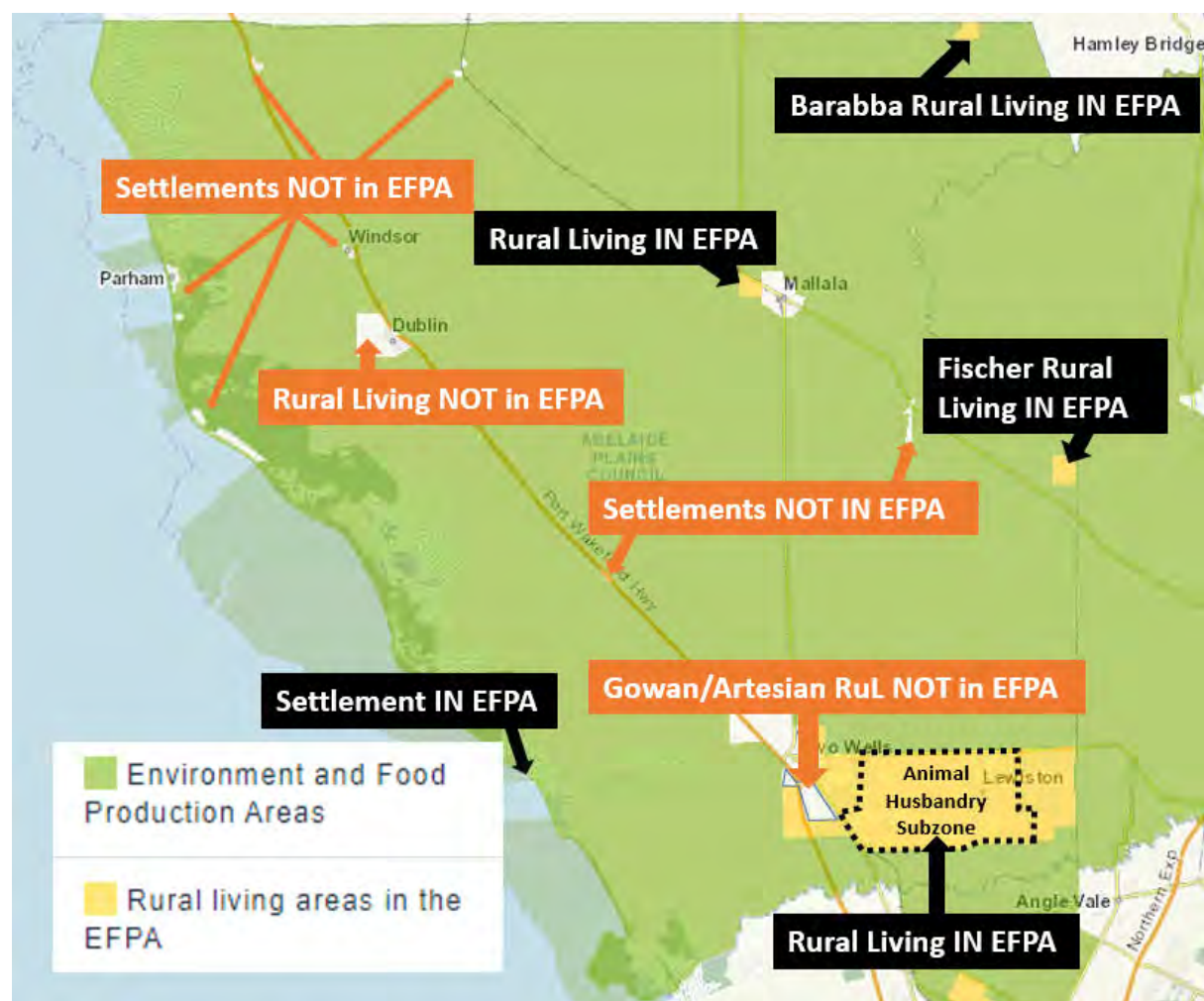
The Commission and PLUS's ongoing work fine-tuning the Planning and Design Code is supported.

Given the user value of the Planning and Design Code for certainty, the lack of the EFPA 'rules' being reflected directly in the Code needs change.

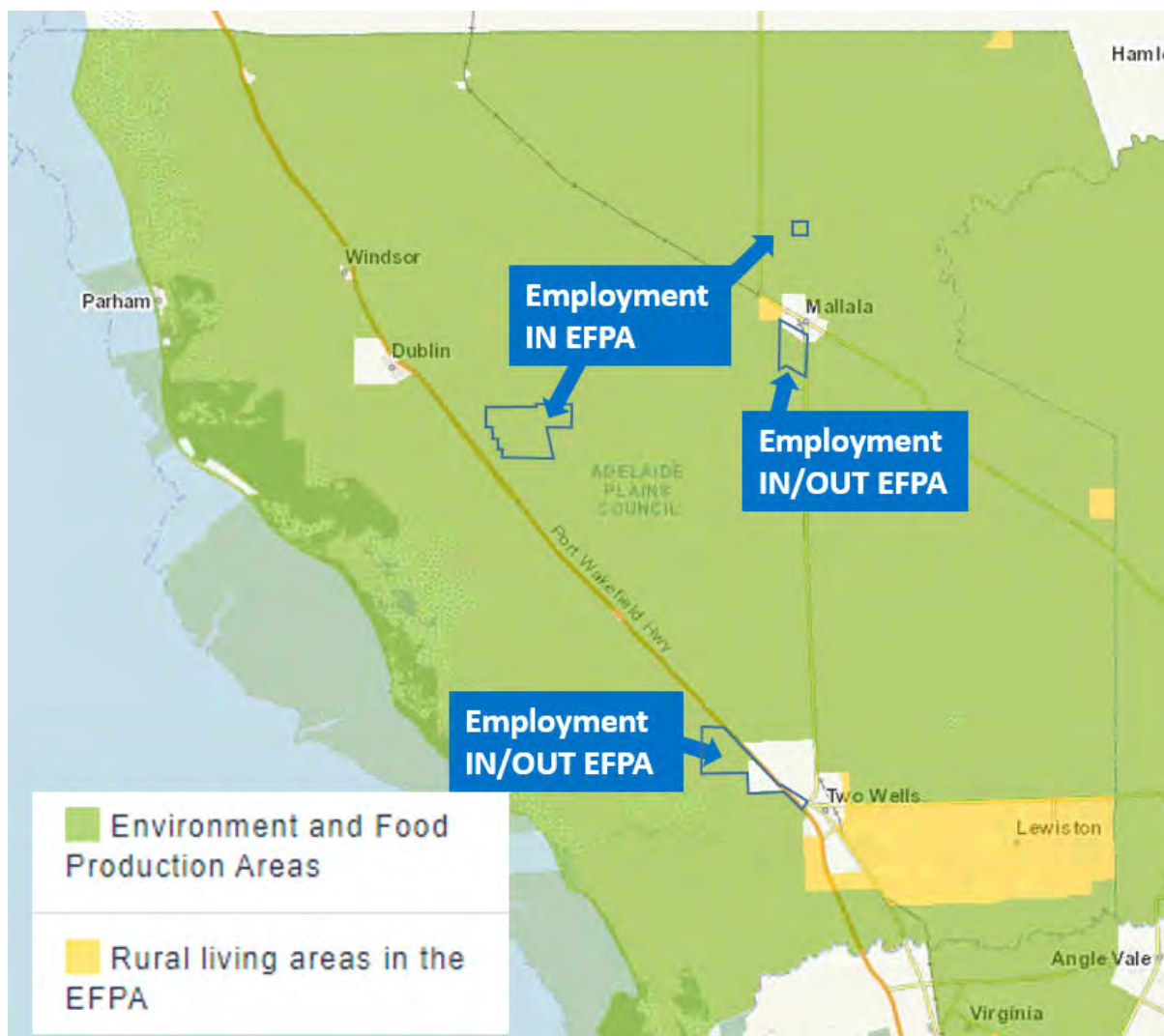
Comment to Commission:

Irrespective of what the EFPA 'rules' are, the rules should be explicitly communicated in the Code directly. This would enable potential investors, purchasers and developers to have ready access to understand what the 'rules' are. The current 'twin' system and consequent uncertainty is not supported.

EFPA Rural Living Settlement Employment Needs Review



Zoning	IN the EFPA	NOT In the EFPA
Rural Living	Barabba, Mallala, Fischer, Two Wells, Lewiston	Dublin and Gower/Artesian
Settlements	Middle Beach	Wild Horse Plains, Long Plains, Windsor, Light, Redbanks, Parham, Webb Beach and Thompsons Beach
Employment Land	Part South West Mallala Part West of Two Wells Carslake Road Adjacent Mallala Raceway	Part South West Mallala Part West of Two Wells

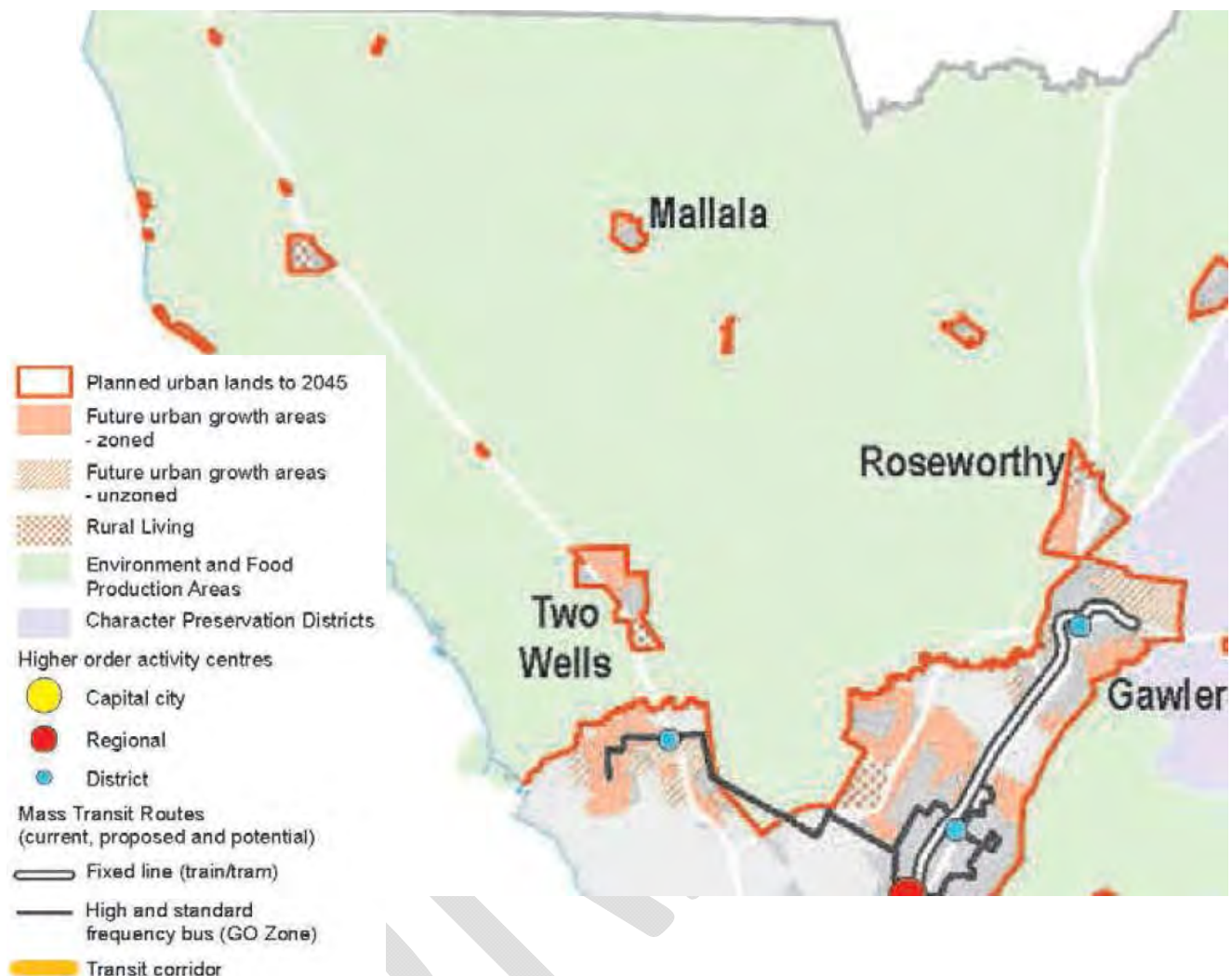


Rural Living Areas NOT included within the EFPA (being Dublin and Gowan/Artesian) seem to correlate with being planned as 'urban lands' in the 30 Year Plan for Greater Adelaide. Conversely, Rural Living Areas WITHIN the EFPA (e.g. Mallala, Two Wells and Lewiston) seem to correlate with not being planned as 'urban lands' in the 30 Year Plan for Greater Adelaide.

Whilst the Rural Living Zone itself provides certainty that subdivision into 1HA lots for residential purposes is appropriate, the EFPA mandates that land division for residential purposes must NOT be approved.

Therefore Rural Living Zoned land within the EFPA is not able to be subdivided for housing alone, despite the intent of the zone in the Planning and Design Code. Existing lots can be developed for housing, or for other uses envisaged in the Rural Living Zone, but no further lots for residential/rural living purposes alone can be created. Further lots can be created for housing and primary production, or housing and some form of non-residential use. The current arrangement creates unnecessary conflict for applicants and authorities when it comes to attempting to divide parcels of land consistent with the intent of the zone.

Within the settlements, subject to the Planning and Design Code, subdivision for residential can obtain consent. Middle Beach is recognised as at greater inundation risk and various investigations have informed the risk management measures in place.



Map of the EFPA and Planned Urban Lands to 2045 - Map 3 30 Year Plan for Greater Adelaide

The below table provides background and analysis about each Rural Living Area

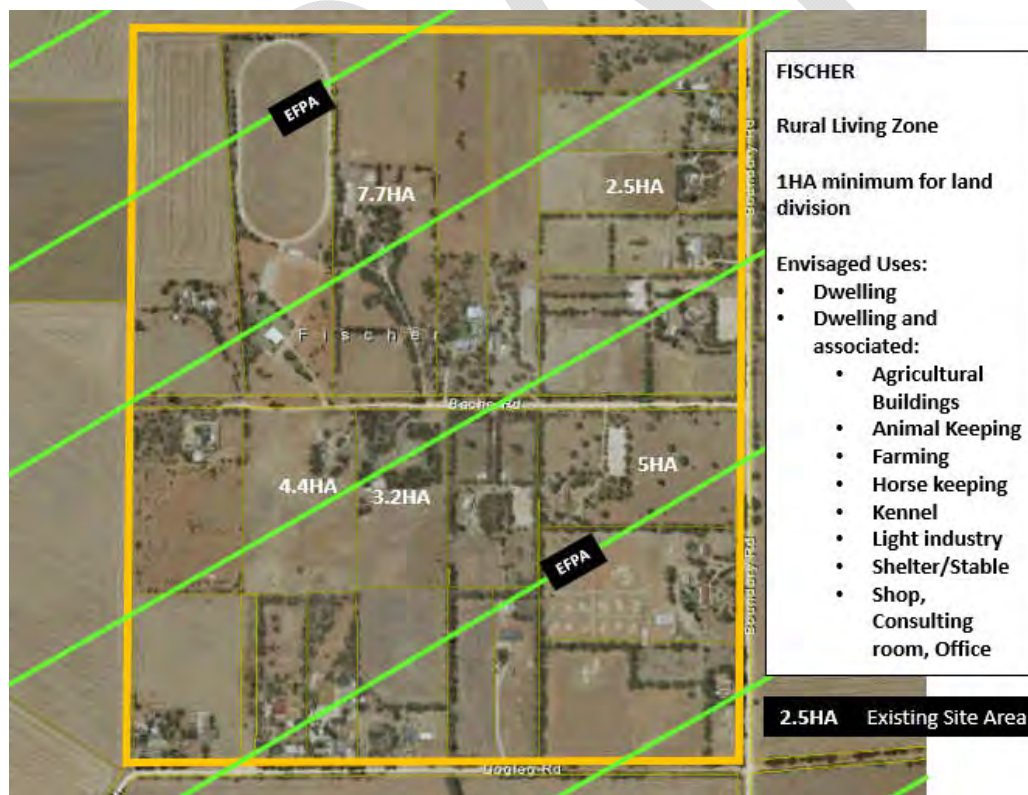
Rural Living - Employment – Settlement Zones EFPA Background

BARABBA



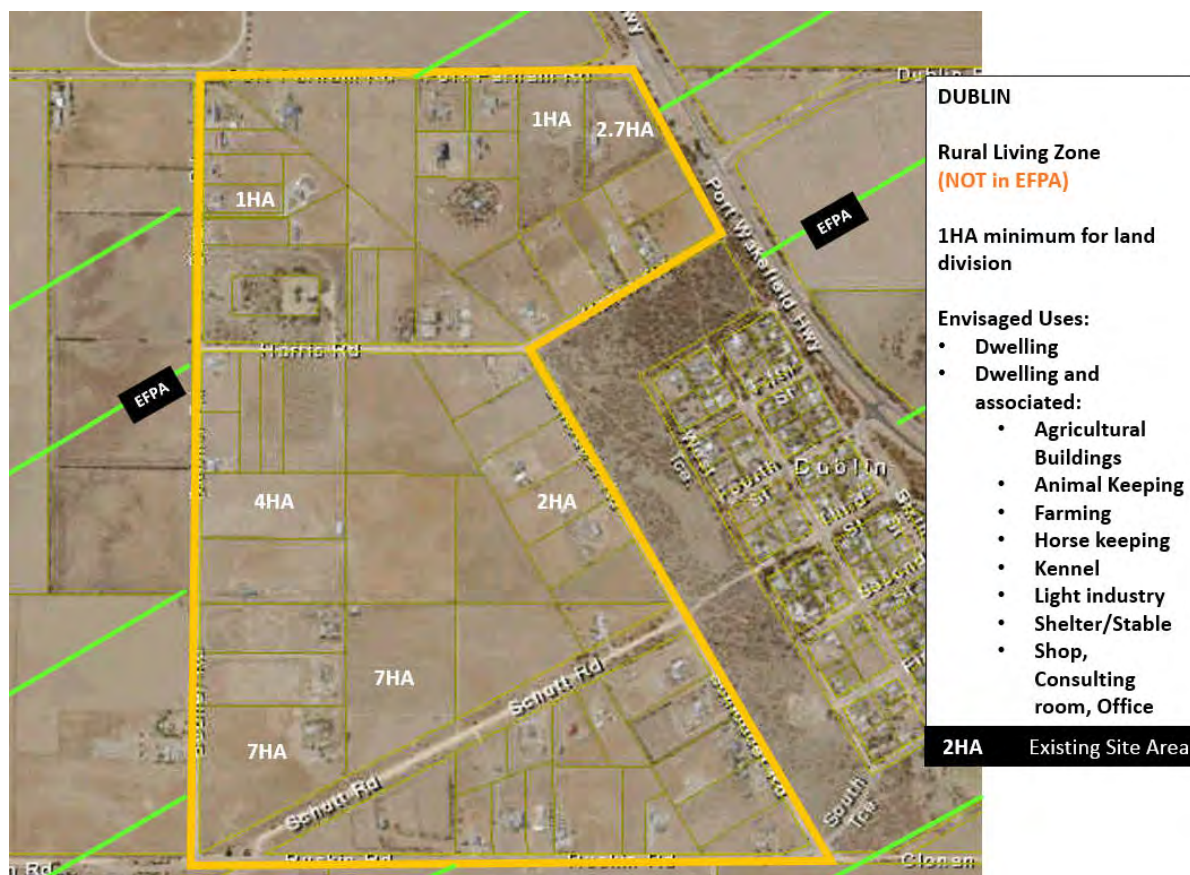
The EFPA limits potential residential subdivision into 1HA lots of the nine lots greater than 2HA

FISCHER



The EFPA limits potential residential subdivision into 1HA lots of approximately 18 lots greater than 2HA.

DUBLIN



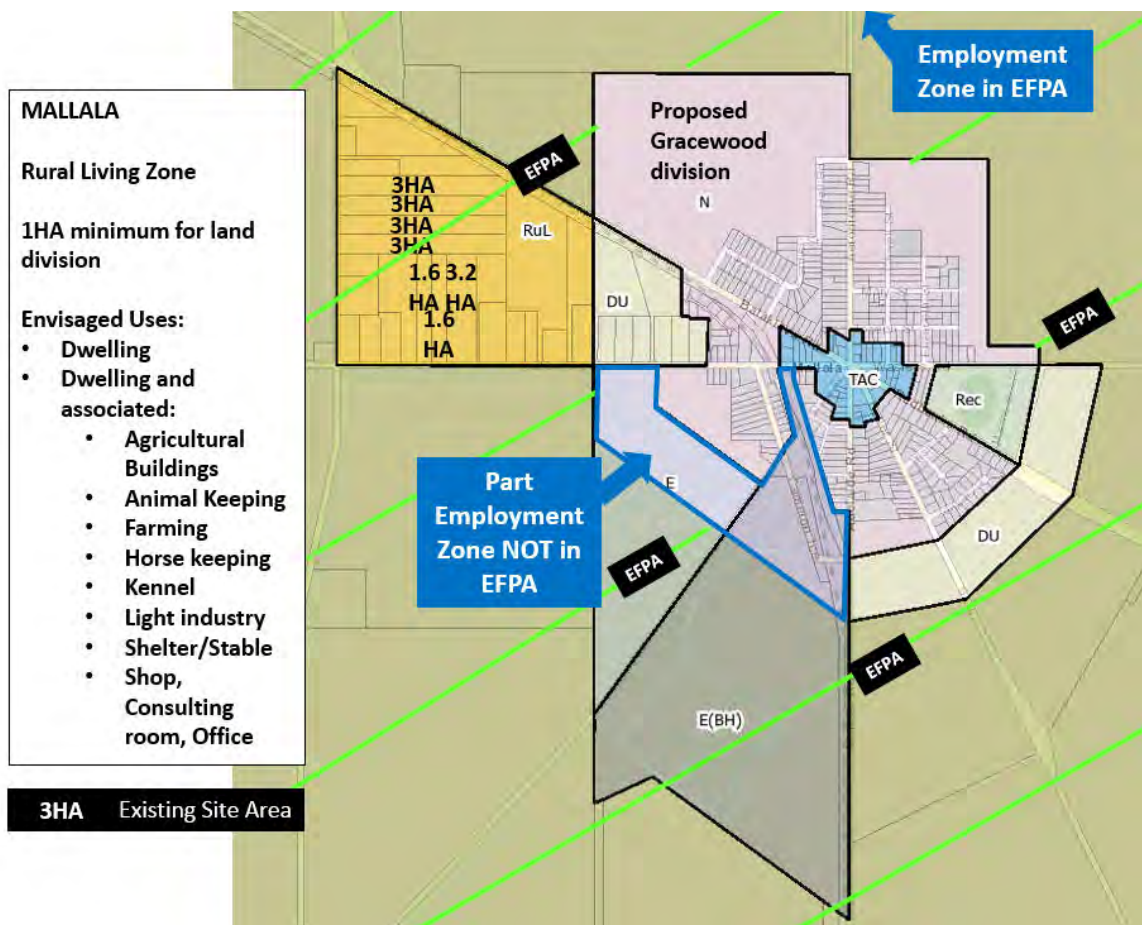
At Dublin, the EFPA does NOT apply. Some 20 lots are greater than 2HA and with potential for subdivision into 1HA lots for rural living (without an associated non-residential use) subject to assessment regarding the Planning and Design Code

Council provided an in-principle letter of support to Leinad Land Developments (Dublin) Pty Ltd (Attachment A) to advocate for boundary change to the EFPA. This letter arose from a Council decision of 23 September 2019:

“that Council, having considered Item 21.5 – *Environment and Food Production Areas*, dated 23 September 2019, receives and notes the report and in doing so authorises the Chief Executive Officer to:-

- 1) progress the review of relevant strategic holdings that are currently impacted by the *Environment and Food Production Areas* legislation with the *Department of Planning, Transport and Infrastructure* and the *State Planning Commission* as part of the 5 yearly review of the *Planning, Development and Infrastructure Act 2016 (Section 7)*.
- 2) provide in-principle letters of support to **Leinad Land Developments (Dublin) Pty Ltd** and the Hicks Group to enable both parties to advocate for boundary changes to the Environment and Food Production Areas and allow the future progression of long term rezoning objectives as outlined in Attachments 1 and 2 to this Report.”

MALLALA



In Mallala's Rural Living Zone, the EFPA limits potential residential subdivision into 1HA lots of approximately 12 lots greater than 2HA.

The Rural Living area is west of land zoned as Deferred Urban. The Deferred Urban Zoning holds the land for future urban development to be released through a future rezoning. The Deferred Urban zone was applied around 2015 to land formerly zoned Rural Living. This is also the case for Deferred Urban Land to the south east. The 2015 rezoning created a suitable zoning framework for the Gracewood development. Noting discussions are ongoing, Gracewood is yet to obtain a formal planning consent.

The employment zoned land to the south west is part in/part not the EFPA. Noting the EFPA precludes subdivision for housing, and noting other land available for this purpose, the EFPA poses no barrier. This is also the case for the land adjacent the Raceway

Comment to Commission:

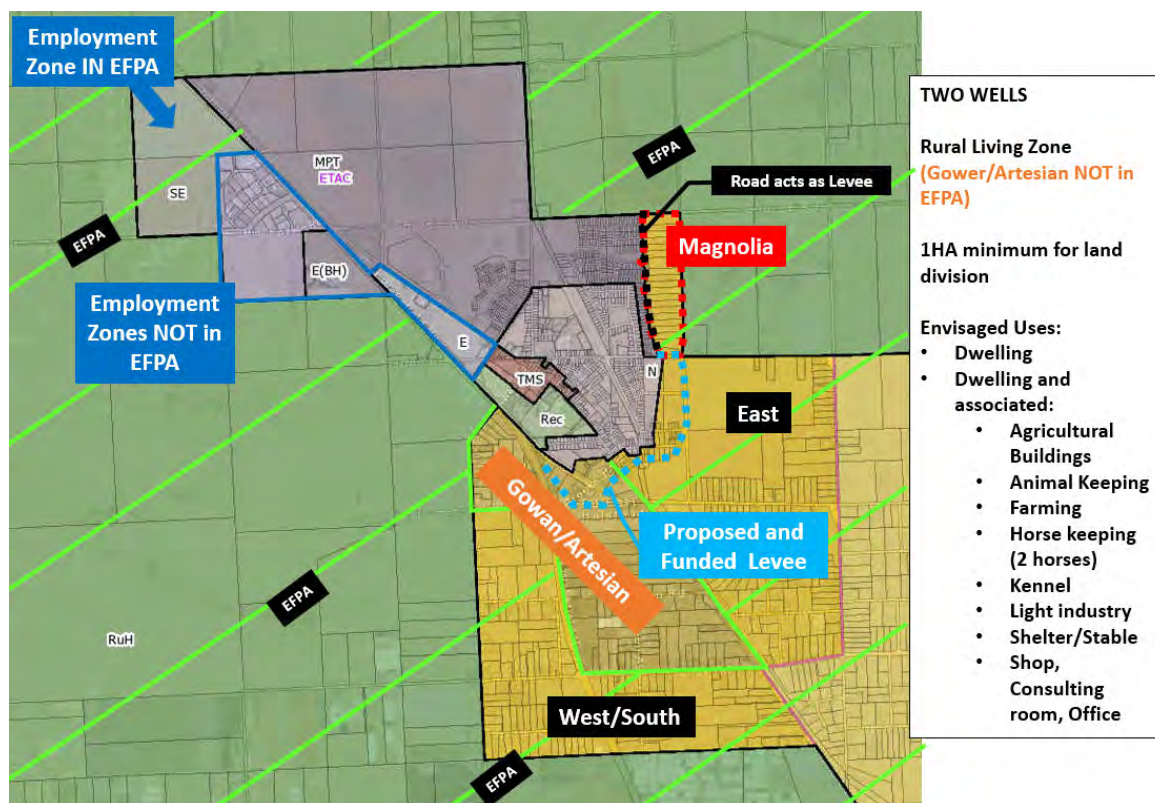
Council requests the EFPA be lifted from the Rural Living land

The rationale for not allowing subdivision for rural living is not clear.

Mallala's Rural Living Area has a similar siting to Dublin's Rural Living Area.

If the EFPA is lifted, it would allow subdivision for Rural Living, this being a different housing offer to other Zones in Mallala, and the anticipated housing forms in the Gracewood development.

TWO WELLS TOWNSHIP



The EFPA does NOT apply to the Gowan/Artesian part of the Rural Living Zone immediately south of Two Wells. This means subdivision for rural living (without an associated non-residential use) of numerous larger lots is possible subject to assessment regarding the Planning and Design Code.

A levee is proposed and funded east and south of Two Wells, and to be constructed over the next two years. The levee alignment is based on a key creek catchment flow. Outside the Gowan/Artesian area, and within the levee area, the EFPA limits potential residential subdivision of several larger lots and numerous lots around 1000sqm and greater. The EFPA should be lifted from within the Levee area as should also the Rural Living Zoning.

North of Gawler Road are Rural Living lots east of Magnolia Boulevard in the Eden development and being developed for housing. A stormwater easement is over part of the lots. Lots are 1 – 1.3HA aside from the Lot fronting Sharpe Road which is larger than 2HA. It's unclear what purpose the EFPA serves by applying and this should be reviewed.

The employment zoned land either side of Port Wakefield Road has the EFPA apply inconsistently. Given the EFPA's limit on residential subdivision, the rationale for this inconsistent approach is not apparent.

Council provided an in-principle letter of support to the Hicks Group (Attachment A) to advocate for boundary change to the EFPA. This letter arose from a Council decision of 23 September 2019:

"that Council, having considered Item 21.5 – *Environment and Food Production Areas*, dated 23 September 2019, receives and notes the report and in doing so authorises the Chief Executive Officer to:-

- 1) progress the review of relevant strategic holdings that are currently impacted by the *Environment and Food Production Areas* legislation with the *Department of Planning, Transport and Infrastructure* and the *State Planning Commission* as part of the 5 yearly review of the *Planning, Development and Infrastructure Act 2016 (Section 7)*.
- 2) provide in-principle letters of support to Leinad Land Developments (Dublin) Pty Ltd and the Hicks Group to enable both parties to advocate for boundary changes to the Environment and Food Production Areas and allow the future progression of long term rezoning objectives as outlined in Attachments 1 and 2 to this Report.”

Comment to Commission:

Rural Living Zoned Land

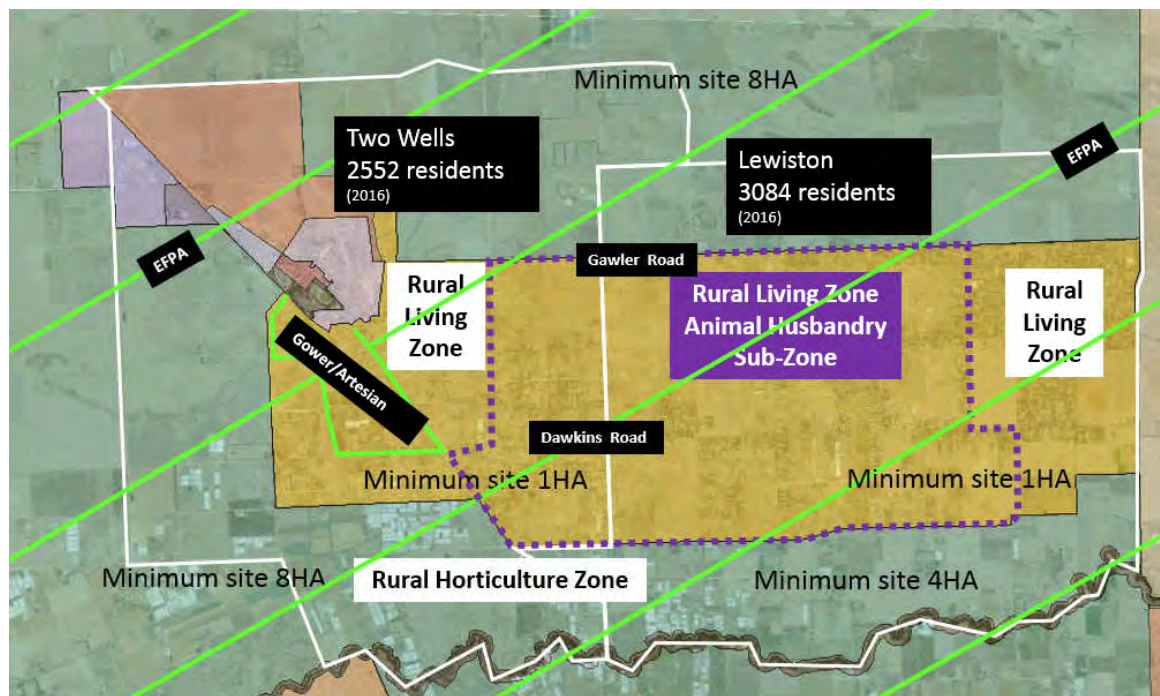
The EFPA applying within the area of the funded levee should be lifted. Council expresses interest in investigations commencing with respect to the Rural Living Zoning within this area. This should also have regard to investigations underway with regard to a CWMS system for Two Wells Township.

Likewise, noting Magnolia Boulevard serves as a levee, the EFPA serves no purpose applying to land zoned Rural Living and being developed in that manner on the east side of Magnolia Boulevard. Council requests the EFPA be lifted from this area.

Employment Land

The application of the EFPA inconsistently to employment land either side of Port Wakefield Road should be reviewed. Noting the EFPA’s function to preclude subdivision for housing, and the envisaged significant residential growth of Two Wells, the potential need for this land for housing is not apparent whereas employment land for town based commercial, non-town centre uses is anticipated. On this basis, Council requests the EFPA apply to the employment zoned land either side of Port Wakefield Road.

TWO WELLS/LEWISTON RURAL LIVING AND ANIMAL HUSBANDRY



The EFPA limits potential subdivision for rural purposes (without an associated non-residential use) of lots larger than 2HA throughout Two Wells and Lewiston.

The Code envisages both the Animal Husbandry Sub Zone and Rural Living being able to be subdivided and developed for housing along with horse keeping, dog kennelling, horticulture, shop, consulting, offices and light industry. The Animal Husbandry Subzone can be developed with large-scale horse keeping and dog kennelling in association with dwellings.

Both the Rural Living Zone and Animal Husbandry sub-zone anticipate subdivision for residential development in its own right meaning applicants don't necessarily have to breed dogs or keep horses. Development can be purely for a rural residential lifestyle.

The prime difference from Rural Living is the Animal Husbandry Zone explicitly provides for up to 20 dogs/lot as Deemed to Satisfy and unlike the Rural Living Zone, does not limit horses to two/lot.

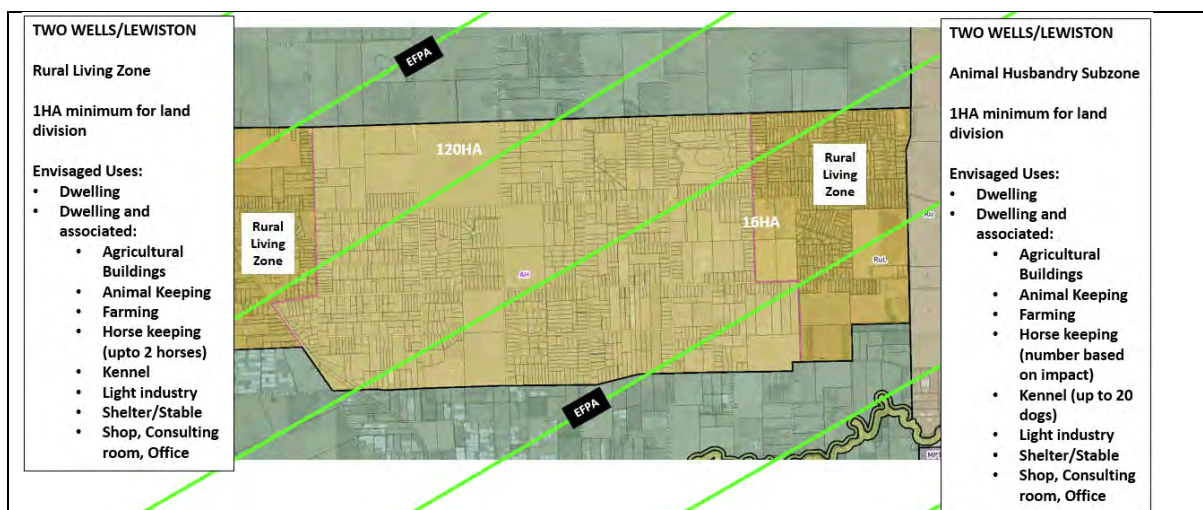
This area of Two Wells/Lewiston has been planned – including through the SA planning system – for more than 30 years for animal husbandry.



The Animal Husbandry Subzone envisages sites developed for housing with horse keeping or dog breeding businesses. Standalone Residential Living is also envisaged. Photo near Hams Park, Lewiston, May 2021



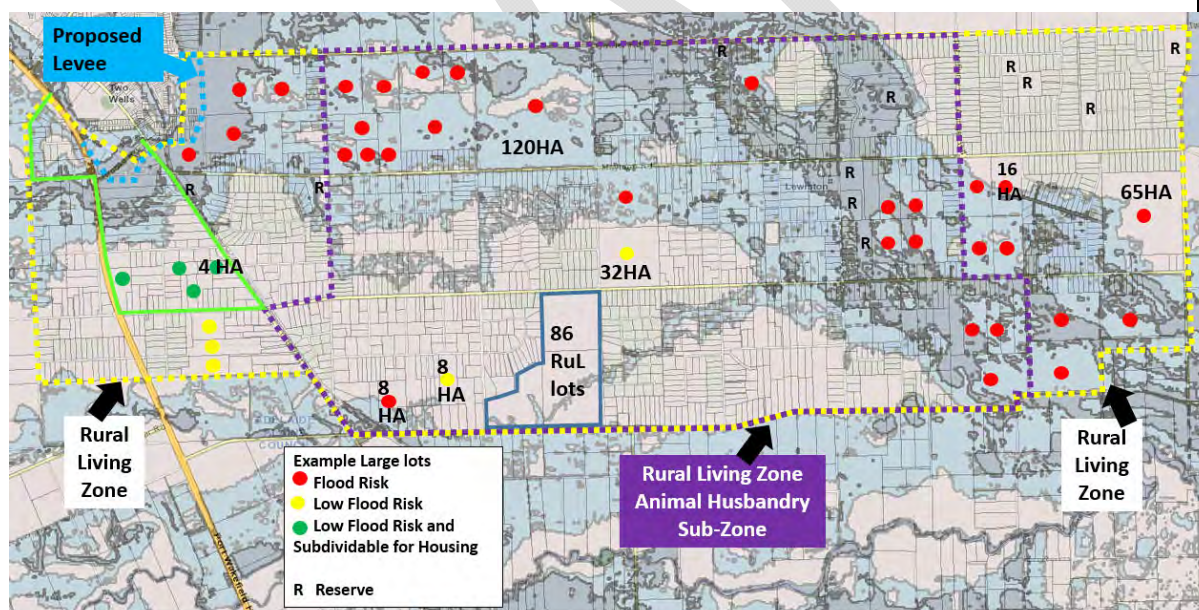
Rural Living Lots form Dunlop Boulevard, Lewiston, having been developed since 2015



Council made submissions in 2019 and 2020 to consultation on the draft Planning and Design Code (Code). With the operation of the Code from March 2021, this submission takes the opportunity to inform the Commission about the Council's experience of the EFPA and the Code with respect to the Two Wells/Lewiston Rural Living and Animal Husbandry area.

Note 1: the barrier raised earlier about the EFPA limiting subdivision for low intensity residential living where associated with horse or dog keeping is assumed as being corrected.

Note 2: the lack of the EFPA being explicitly communicated directly in the Rural Living Zone and Animal Husbandry Subzone is assumed as being corrected.



Base Map SA Property and Planning Atlas 13 7 21

Two Wells Lewiston Larger Lots and Flood Risk

The Two Wells Lewiston Larger Lots and Flood Risk map shows:

- Flood risk impacts about half the area
- The red dots are 32 example large lots (typically larger than 8HA) impacted by flood risk
- The yellow dots are 2 example large lots with low flood risk
- Rural living lots are typically 20 times larger than the average suburban block.
- Remnant larger land holdings are mostly surrounded by 1 hectare land holdings.

- 86 rural living residential lots are being developed. These were lodged prior the EFPA limiting residential subdivision becoming operational in March 2019.
- There are several large lots able to be subdivided for residential rural living in the Gowan/Artesian area
- Excluding the Gowan/Artesian area, Rural Living (including Animal Husbandry) comprises 34 square kilometres.

Whilst the Planning and Design Code envisages the Rural Living and Animal Husbandry as being able to be subdivided to 1HA for housing, since March 2019, that is precluded by the EFPA.

Along with inquiries about subdivision for rural living in Two Wells/Lewiston's Rural Living Zone, Council's planners also receive numerous inquiries about building a house on 8HA lots in the Rural Horticulture Zone. Inquirers outline that land is hard to find in Lewiston. The extent that this is a risk for land in the Rural Horticulture Zone should be investigated. An inability to build a dwelling on Rural Living zoned land has the potential to place pressure on primary production and horticulture zoned land.

The EFPA's limit was introduced in 2019 after a period enabling residential subdivisions to be lodged, and subdivisions – including the 86 lot proposal - are yet to be brought to market.

The Gowan/Artesian Area is able to be subdivided for rural living housing, this presenting potential supply with several larger lots that could be subdivided over the next five years. Siting adjacent to Two Wells acts to reinforce the township.

Comment to Commission:

The Two Wells Lewiston Rural Living and Animal Husbandry Area is precluded from subdivision for rural living residential purposes. Council recognises the grace period enabled several rural living subdivisions to be lodged and these are anticipated to be brought to the market over the next few years. Council also notes that several lots lend themselves for subdivision for rural living in the Gowan/Artesian area, and if divided, these would reinforce Two Wells Township.

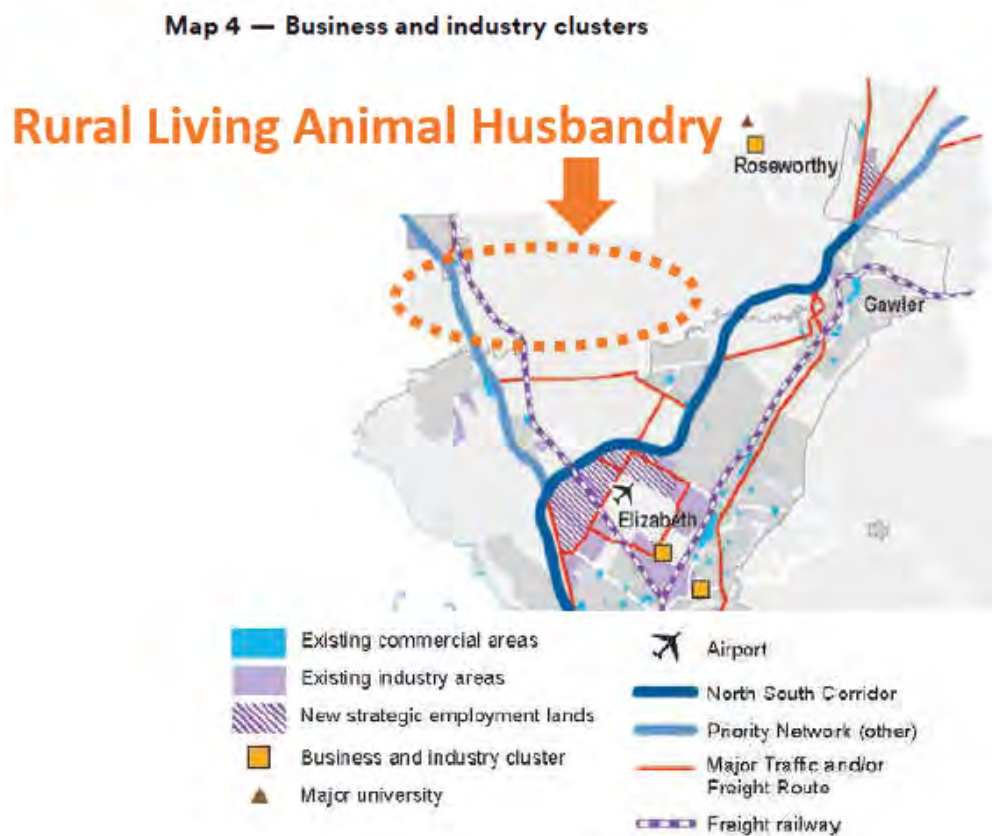
On this basis, Council is open to the EFPA continuing to be in place over Two Wells Lewiston until the next review in 2026, subject to:

- **The barrier raised earlier about the EFPA limiting subdivision for low intensity residential living where associated with horse or dog keeping is being corrected.**
- **The lack of the EFPA being explicitly communicated directly in the Rural Living Zone and Animal Husbandry Subzone of the Planning and Design Code (perhaps as an Overlay) being corrected.**

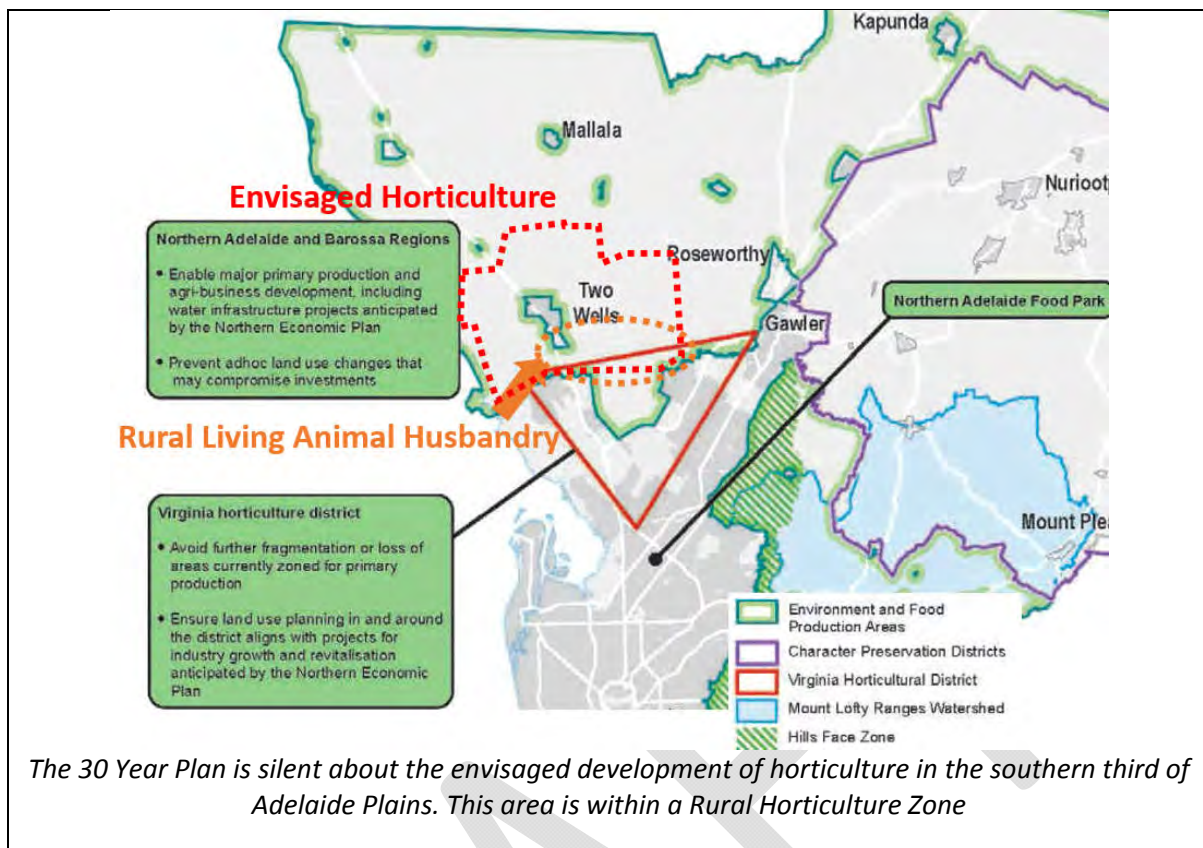
This period of time also enables further investigations to be undertaken.

30 YEAR PLAN FOR GREATER ADELAIDE

The 30 Year Plan for Greater Adelaide includes the Rural Living Animal Husbandry Area within the EFPA. The 30 Year Plan is however silent about the areas business future and also the wider areas envisaged horticultural future.



The 30 Year Plan is silent about the Animal Husbandry area as a form of business cluster



Comment to Commission:

The 30 Year Plan for Greater Adelaide includes the Rural Living Animal Husbandry Area within the EFPA. The 30 Year Plan is silent about the Animal Husbandry area as a form of business cluster and is also silent about the envisaged development of horticulture in the southern third of Adelaide Plains.

Given the long term planning function of the 30 Year Plan for Greater Adelaide, Council requests these observations be considered by the Commission in regards to the EFPA's application in practice and also for future updates of the 30 Year Plan.

Two Wells Planned Urban Growth Challenges and Opportunities

A portion of Adelaide Plains including Two Wells is sited within the 'Outer North' of Greater Adelaide. Analysis of housing and employment land supply is contained within the Land Supply Reports⁵ for Greater Adelaide released by the Commission (see [Relevant Extracts for APC from the Land Supply Reports](#))

For Adelaide Plains, the land supply reports provide updated numbers associated with Two Wells housing estates. The commentary affirms the impact of the northern connector in terms of reduced vehicle travel times to Greater Adelaide underpinning demand for land for housing and employment purposes.

Recognising the EFPA supports planned urban growth, it is suggested the following comments be provided to the Commission about planned urban growth

Comment to Commission:

Planned Urban Growth

A rezoning at Two Wells in 2013 envisaged Two Wells township growth to around 12,000 people. Since that time, working with developers and with deeds in place, the various estates are progressively being developed. The northern connector enabling reduced vehicle times is supporting this demand.

Building applications have increased from around 60/annum to above 100, with 2020/21 having 260⁶ to the end of April. This is a significant rate of building activity.

Council intend to continue investigating, planning, delivering and advocating for the necessary economic and social infrastructure to support the planned urban growth at Two Wells.

⁵

plan.sa.gov.au/our_planning_system/instruments/planning_instruments/environment_and_food_production_areas#have_your_say_on_the_efpa_review

⁶ profile.id.com.au/adelaide-plains/building-approvals

Relevant Extracts for APC from the Land Supply Reports

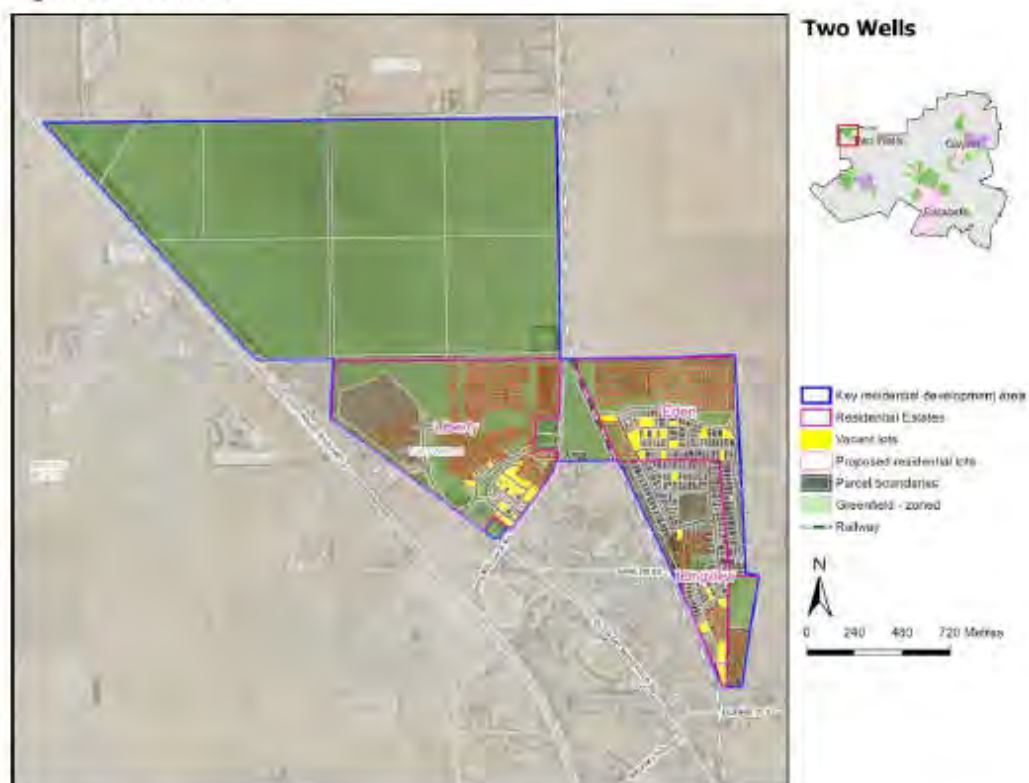
GREENFIELD LAND SUPPLY – OUTER NORTH

LAND SUPPLY REPORT FOR GREATER ADELAIDE

Table 4: Greenfield land supply by sub-region and key development front - Outer North, June 2020

STATUS	DEVELOPMENT READY		UNDEVELOPED ZONED		FUTURE URBAN GROWTH AREA	
Sub Region & Development Fronts	Area (ha)	Lots	Area (ha)	Estimated Lots	Area (ha)	Estimated Lots
GAWLER						
Gawler East	180	1,521	3	29	-	-
Gawler South	18	151	58	490	-	-
Evanston Gardens	41	391	40	388	43	410
Evanston South	4	75	57	973	-	-
Roseworthy	102	871	237	2,030	29	248
Concordia	-	-	-	-	949	10,000
TOTAL	345	3,009	396	3,910	1,021	10,658
PLAYFORD						
Playford Alive	10	221	101	2,278	-	-
Playford North Extension	96	1,402	409	5,996	7	107
Munno Para	16	295	89	1,615	-	-
Munno Para West	13	205	15	234	-	-
Blakeview	7	123	289	5,360	-	-
Angle Vale	198	2,431	314	3,848	3	36
Eyre	10	165	82	1,305	-	-
TOTAL	350	4,842	1,299	20,635	10	143
VIRGINIA/TWO WELLS						
Virginia	59	723	103	1,250	301	3,663
Buckland Park	315	3,344	560	5,953	526	5,587
Two Wells	62	478	273	2,108	-	-
TOTAL	436	4,545	936	9,312	827	9,250
OUTER NORTH TOTAL	1,131	12,396	2,631	33,857	1,858	20,051

Figure 23: Two Wells



KEY MEASURES

Year Commenced	Pre-2010
Estimated dwelling capacity	2,875
Dwellings built since 2010	203
Average dwellings built per annum	19
Remaining Potential Capacity	2,672
Vacant lots	75
Development Ready (proposed lots)	478
Undeveloped Zoned	2,108

ANALYSIS

- 3 estates currently under development.
- Since 2018 the rate of development has markedly increased, with over 70 dwelling completions recorded in 2018.
- There are current infrastructure deed arrangements in place. The availability of financial contributions to fund infrastructure is dependent on the rate of development. This needs to be continually monitored to ensure infrastructure bottle necks do not occur.
- Two Wells is not connected to a SA Water trunk sewer main and currently relies on a community waste water scheme to service dwellings.
- SA Water's potable water infrastructure is currently being upgraded in the area, including 4,500m of new pipework to improve water pressure and support projected growth.

2.4 Greenfield land supply to 2030

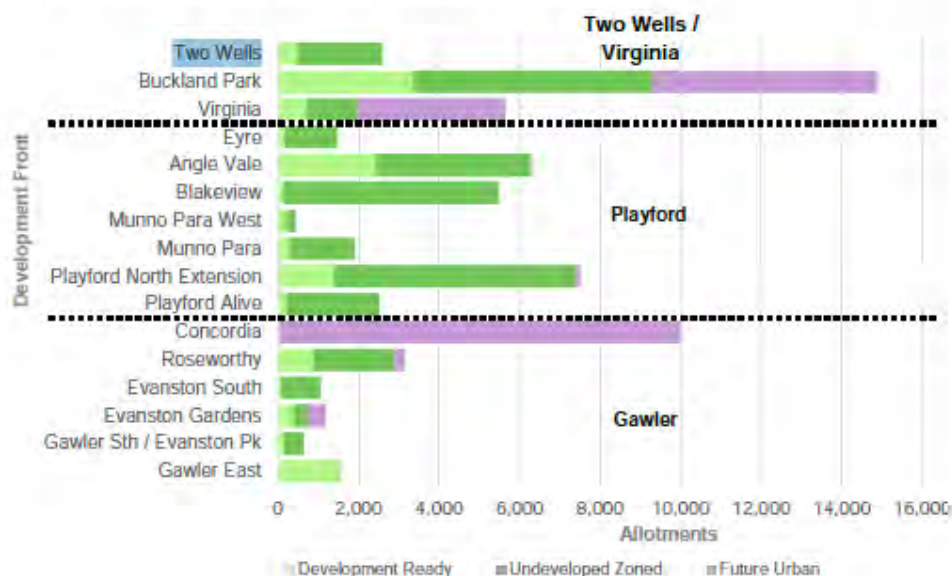


Over the last decade Greenfield development has accounted for 80% of all dwellings built in the region. This trend is assumed to continue into the next decade as additional land comes to the market and major infrastructure projects make land more accessible and desirable to a larger portion of the market.

A stocktake of Greenfield land supply within the region is illustrated in Figure 9 and Table 4, and shows the following:

- 19% of land supply is Development Ready.
- Over 5,400 Development Ready allotments are located within the Playford sub-region, with just under half these allotments located within the Angle Vale precinct.
- Over 50% of estimated allotment potential is located within Undeveloped Zoned land.
- It is estimated that undeveloped zoned land within the Playford sub-region could yield in excess of 20,000 allotments. The Playford North Extension will account for approximately 6,000 of these allotments.
- Future Urban Growth area land is estimated to yield 30% of total allotment potential for the region with land at Concordia estimated to have a total potential to create 10,000 allotments.

Figure 9: Greenfield land supply by development front, June 2020



2. EMPLOYMENT LAND SUPPLY – OUTER NORTH

2.1 Overview

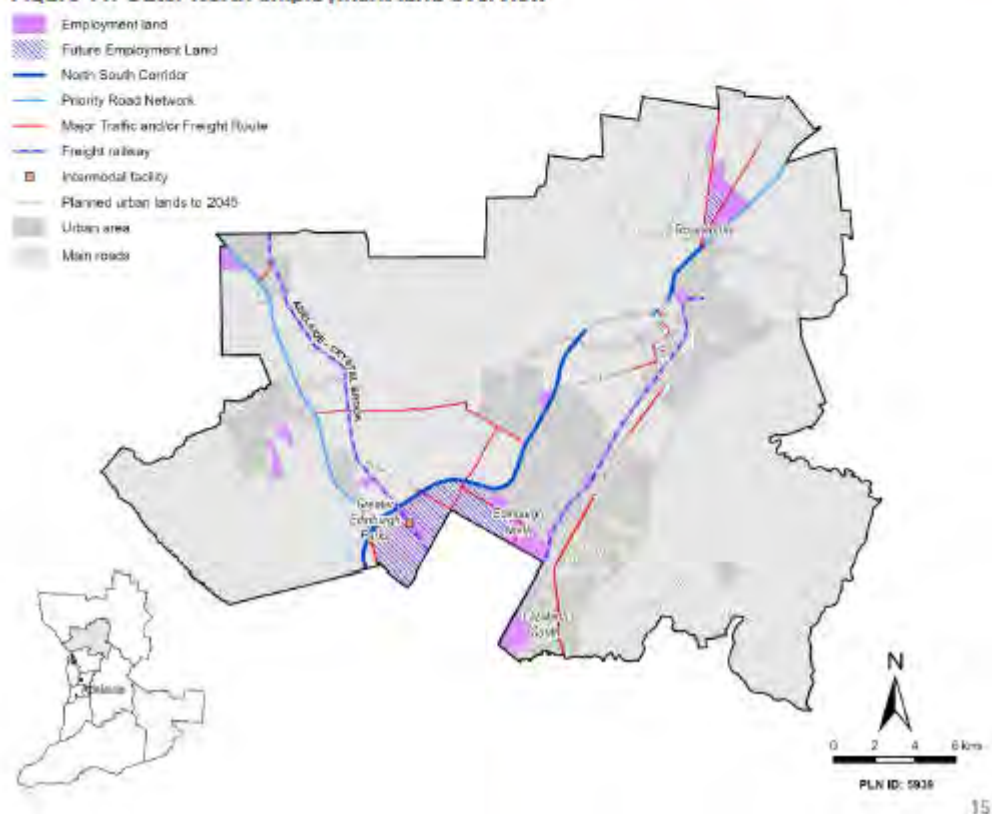


The Outer North region, as illustrated in Figure 11, accommodates an estimated 11% of total zoned employment land within Greater Adelaide and over 95% of all identified future employment land.

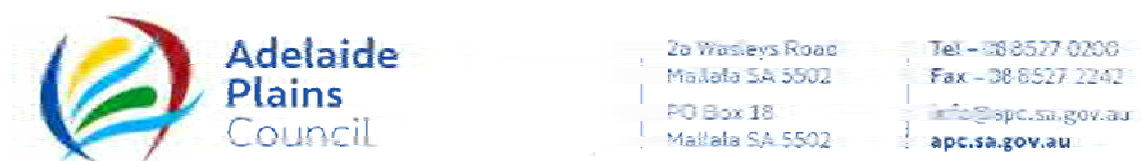
In 2020 it was estimated the regions zoned employment lands supported an estimated 5,500 jobs. Over 55% of these jobs were aligned with traditional employment activities, with manufacturing a significant contributor. Its share is projected to grow over the next ten years to 2030 as more land becomes available, and recently completed infrastructure makes land more accessible to key distribution networks and trade gateways.

Projected population growth in Two Wells, Gawler and Roseworthy will provide opportunities to facilitate growth of the regions employment lands driving demand for more population serving activities. This, along with further investigations into the future development of the Greater Edinburgh Parks, present the greatest opportunities for the region to over the next 10 years.

Figure 11: Outer North employment land overview



Attachment A Council Decision 23 Sept 2019 Hicks and Leinad Land



ABN - 58 384 968 672

D19/50876

24 October 2019

BH and SA Hicks Pty Ltd
Mallala Road
TWO WELLS SA 5501

Dear Mr Hicks

In-Principle Council Support for North East Two Wells Expansion – Hicks Group

As you are aware, Environment and Food Production Areas (EFPAs) were introduced through the Planning, Development and Infrastructure (PDI) Act 2016 to prohibit the further subdivision of land for housing to protect vital food and agricultural lands. The majority of the Adelaide Plains Council area is located within an EFPA and the effect of this legislation is to restrict land divisions for residential development to Council's main townships (Two Wells, Mallala and Dublin) and a number of other existing settlements only.

At an Informal Gathering on 25 March 2019, planning consultant Grazio Maiorano of URPS presented to Council Members on behalf of the Hicks Group in relation to the potential urban rezoning of land adjoining the Two Wells township in the medium to long term. The urban rezoning could facilitate approximately 850 new dwellings together with an appropriate level of recreation, open space and community facilities.

As you are aware, an amendment to the EFPA boundaries will be necessary before a potential rezoning and future development application can be progressed for this development proposal.

Following a formal request by the Hicks Group, as well as a separate request from Leinad Land Developments (Dublin) Pty Ltd, regarding a potential expansion of the Dublin township, Council at its Ordinary Meeting on 23 September 2019, resolved as follows:-

Item 21.5: Environment and Food Production Areas

Moved Councillor Maiolo Seconded Councillor Lush 2019/412

"that Council, having considered Item 21.5 – Environment and Food Production Areas, dated 23 September 2019, receives and notes the report and in doing so authorises the Chief Executive Officer to:-

- 1) progress the review of relevant strategic holdings that are currently impacted by the Environment and Food Production Areas legislation with the Department of Planning, Transport and Infrastructure and the State Planning Commission as part of the 5 yearly review of the Planning, Development and Infrastructure Act 2016 (Section 7).
- 2) provide in-principle letters of support to Leinad Land Developments (Dublin) Pty Ltd and the Hicks Group to enable both parties to advocate for boundary changes to the

apc.sa.gov.au

Environment and Food Production Areas and allow the future progression of long-term rezoning objectives as outlined in Attachments 1 and 2 to this Report."

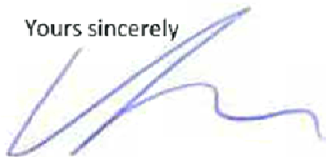
CARRIED UNANIMOUSLY

As per Council Resolution 2019/412 above, Adelaide Plains Council is pleased to provide in-principle support to the Hicks Group to advocate for boundary changes to the EPPA to allow for the future progression of long term rezoning objectives for the North East Two Wells expansion.

Subject to availability, Council staff will be keen to attend meetings with Grazio Maiorano of URPS and the Department of Planning, Transport and Infrastructure to progress this matter.

If you require any further information, please contact Rob Veitch, General Manager Development and Community on (08) 8527 0200 or rveitch@apc.sa.gov.au

Yours sincerely



James Miller
Chief Executive Officer

DRAFT

D19/50832

24 October 2019

Mr Daniel Palumbo
Leinad Land Developments (Dublin) Pty Ltd
55 Stanbel Road
SALISBURY PLAINS SA 5109

Dear Mr Palumbo,

Dublin Township Expansion – Leinad Land Developments

As you are aware, *Environment and Food Production Areas (EFPAs)* were introduced through the *Planning, Development and Infrastructure (PDI) Act 2016* to prohibit the further subdivision of land for housing to protect vital food and agricultural lands. The majority of the Adelaide Plains Council area is located within an EFPA and the effect of this legislation is to restrict land divisions for residential development to Council's main townships (Twe Wells, Mallala and Dublin) and a number of other existing settlements only.

The potential expansion of the Dublin township was previously supported by Council back in 2014, when Leinad Land Developments proposed a development Development Plan Amendment (DPA) to rezone land to the south of Dublin for residential purposes. Council endorsed the DPA together with a Funding Deed to finance the DPA. However, the DPA Statement of Intent (SOI) was rejected by the then Minister for Planning, the Hon. John Rau, on 20 February 2015 as the proposals were not considered to be in accordance with the State Planning Strategy at that time.

The DPA was intrinsically linked to a proposal for the construction of a local shopping centre at Dublin comprising 1700 square metres of gross floor area, including a small supermarket and five speciality shops. Development Plan Consent was granted for the shopping centre on 12 November 2015 and the operative period of this Development Plan Consent remains 'live' until 4 August 2020.

Since the granting of the Development Plan Consent and the rejection of the DPA, the introduction of the EFPA legislation through the 2016 PDI Act has prevented any further progress on the development proposals from occurring.

Following a presentation by planning consultant Richard Dwyer of Ekistics to Council Members on behalf of Leinad Land Development on 8 July 2019, a Motion on Notice was made at the Ordinary Council Meeting on 22 July 2019, which resulted in the following resolution:-

Environment Food Production Areas

Moved Councillor Keen

Seconded Councillor Lush

2019/323

“that the Chief Executive Officer formally write to the Department of Planning, Transport and Infrastructure and the Minister for Planning to give advanced notice of Adelaide Plains Council’s desire to have strategic holdings reviewed throughout the Council area as part of the imminent Environment Food Production Areas review process.”

CARRIED

As per the above resolution, I wrote to the Hon. Stephen Knoll MP, Minister for Transport, Infrastructure and Local Government on 23 July 2019. To date, no reply has been received.

Following formal requests by both Leinad Land Developments, as well as the Hicks Group regarding a potential development at Two Wells, Council at its Ordinary Meeting on 23 September 2019, resolved as follows:-

Item 21.5: Environment and Food Production Areas

Moved Councillor Maiolo

Seconded Councillor Lush

2019/412

“that Council, having considered Item 21.5 – Environment and Food Production Areas, dated 23 September 2019, receives and notes the report and in doing so authorises the Chief Executive Officer to:-

- 1) progress the review of relevant strategic holdings that are currently impacted by the Environment and Food Production Areas legislation with the Department of Planning, Transport and Infrastructure and the State Planning Commission as part of the 5 yearly review of the Planning, Development and Infrastructure Act 2016 (Section 7).*
- 2) provide in-principle letters of support to Leinad Land Developments (Dublin) Pty Ltd and the Hicks Group to enable both parties to advocate for boundary changes to the Environment and Food Production Areas and allow the future progression of long term rezoning objectives as outlined in Attachments 1 and 2 to this Report.”*

CARRIED UNANIMOUSLY



As per Council Resolutions 2019/323 and 2019/412 above, Adelaide Plains Council is pleased to provide in-principle support to Leinad Land Developments to advocate for boundary changes to the EFPA to allow for the future progression of long term rezoning objectives for the expansion of the Dublin township.


If you require any further information, please contact Rob Veitch, General Manager Development and Community on (08) 8527 0200 or rveitch@apc.sa.gov.au

Yours sincerely



James Miller
Chief Executive Officer

DRAFT

 Adelaide Plains Council	14.5	Draft Hart Reserve Master Plan Community Consultation
	Department: Report Author:	Development and Community Community Development Office
Date: 26 July 2021	Document Ref:	D21/29606

EXECUTIVE SUMMARY

- The purpose of this report is to present Council with a draft Masterplan for Hart Reserve, seeking endorsement to commence community consultation as per Council's Public Consultation Policy.
- Council staff have already actively engaged with the local community including holding two on-site meetings on Wednesday 17 March 2021. The Two Wells Primary School – Student Environmental Action Team also provided valuable input into the project.
- A Community Reference Group was formed and subsequently met on Wednesday 2 June 2021 providing feedback to the Jensen Plus first draft plan.
- Jensen Plus have duly amended the Draft Plan (**Attachment 3**).
- As the Hart Reserve Masterplan has been driven by direct community engagement, staff are seeking feedback from the community at large.
- Council will receive a further report after the completion of the community consultation process.

RECOMMENDATION

“that Council, having considered Item 14.5 – *Draft Hart Reserve Masterplan*, dated 26 July 2021, receives and notes the report and in doing so receives the final Hart Reserve Master Plan Draft Report from Jensen PLUS and hereby endorses the Draft Plan for public consultation and instructs the Chief Executive Officer to commence Community Consultation as per Council's Public Consultation Policy.”

BUDGET IMPACT

Estimated Cost:	\$ 9800 –Jensen Plus
Future ongoing operating costs:	\$ 450 - advertisement
Is this Budgeted?	Yes

RISK ASSESSMENT

Council is required to adhere to the requirements of its Public Consultation Policy to ensure it meets the requirements of the Local Government Act 1999.

Attachments

1. Hart Reserve – Initial Consultation feedback
2. Hart Reserve – Community Reference Group/TWPS SEAT Feedback
3. Hart Reserve (Draft) Masterplan – Jensen Plus

DETAILED REPORT

Purpose

For Council to be presented with a draft Masterplan for Hart Reserve, and seek endorsement to commence community consultation process, as per Council's Public Consultation Policy.

Background/History

In October 2019 a report was presented to Council recommending the creation of a master plan for 'Hart Reserve' in Two Wells, to provide a blueprint to develop the site into a vibrant community space. Council resolved to appoint the services of Jensen Plus to undertake the design.

21.4 Hart Reserve – Proposed Masterplan

Moved Councillor

Seconded Councillor

2019/ 437

“that Council, having considered Item 21.4 – Hart Reserve Masterplan, dated 23 September 2019, receives and notes the report and in doing so instructs the Chief Executive Officer to appoint the services of Jensen Plus to prepare a master plan for Hart Reserve.”

CARRIED


Jensen Plus were subsequently engaged and staff attended their offices in November 2019, with workshop posters tentatively prepared for December 2019. With the impending school holidays, community consultation sessions were delayed to February/March 2020, to engage parents of children attending Two Wells Primary School.

With the outbreak of COVID-19, and subsequent 'lock-downs' commencing in March 2020, the project was placed on hold until restrictions were eased.

In early 2021 information posters were positioned at Hart Reserve, advertisements were placed in local newspapers, and letters were sent to 17 landowners of properties surrounding the Reserve, Two Wells Primary School and Xavier College, Two Wells inviting people to attend one of two site meetings held on Wednesday 17 March 2021.

Attendees participated in a site walk with interactive discussions and were given a questionnaire to provide feedback. They also received an A3 aerial image of the site inviting them to design their vision for the reserve. All were offered the opportunity to become a member of a Community Reference Group for the project. Community services staff were also invited, and attended, a meeting to address the Governing Council at the Two Wells Primary School.

Feedback from those attending the site walk, as well as feedback from students from the Two Wells Primary School Student Environmental Action Team (*TWPS SEAT*), was collated and provided to Jensen Plus to develop an initial draft plan. The Community Reference Group (CRG) was formed consisting of eight members, plus representation from the *TWPS SEAT* who were presented with the initial plan and again provided feedback. Jensen Plus were provided with the responses with amendments made to the draft plan taking this feedback into consideration. Below are some examples of the children's responses.

What do you LOVE about HART RESERVE? Bike track Skate Park	What DON'T you LOVE about HART RESERVE? There is too much trees.	What NEEDS to be fixed in HART RESERVE? grow grass grow some flowers
Has a Pump track	it has a old play	the Pump track and the Path.
What do you LOVE about HART RESERVE? the Pump track the trees	What DON'T you LOVE about HART RESERVE? some of the trees the dirt	What NEEDS to be fixed in HART RESERVE? the foot path
What do you LOVE about HART RESERVE? It has a lot of nature	What DON'T you LOVE about HART RESERVE? doesn't have Shade sails/benches or a play ground	What NEEDS to be fixed in HART RESERVE? nothing
If money was no object, what would you chose to see in HART RESERVE? another Bike Park for older kids 10-15		
If money was no object, what would you chose to see in HART RESERVE? toilets moovys pond chrey hose drink tapes bakrey irivins rock garden and 		
Anything else? petting zoo (at Monday and wednesday at 4:00 - 6:00 pm)		

Discussion

The site walk and subsequent discussions with members of the community were very positive with almost all attendees engaged and eager to see positive change.

A common 'theme' for the site has emerged, with a particular focus on the removal of the Aleppo Pines, planting new trees and creating shared paths, tracks, and places to ride for all ages and abilities which are accessible for walkers, cyclists, prams and wheelchairs. These 'trails' will complement the existing pump track, making it a great place for a family walk and adventure, bike ride or sharing a picnic. The students from the Two Wells Primary School also really wanted a tree house and would like to be involved in planting new trees and works in the park.

Many reported the old garden on the corner of Old Mallala and Gawler Roads, needed to be updated with new signage denoting the Reserve's name including the history of the site. Green space was considered very important and an option for the reconfiguration of the existing stormwater drain running along the fence line of Noble Court was to create a meandering 'creek' style watercourse to slow the water (which currently runs onto Old Mallala Road and pools until it evaporates) and soaking into the reserve with associated landscaping. A dedicated school bus stop with shelter and bus parking zone was highlighted as of a great need, along with footpaths along the Gawler Road verge.

The Draft MasterPlan has also includes a future option for public toilets – a must when designing a space for families.

A copy of the Draft Plan has been included for endorsement (**Attachment 3**). Although there is no budget in 2021/2022 to commence actioning the Draft Plan, there could be future opportunities where Council could apply for grant funding and deliver some of the plan.

As per Council's Public Consultation Policy (Class 2 Decision – Community Land- Management Plan), a notice will be published in the local newspaper and placed on Council's website. This notice will invite interested persons to write submissions in relation to the Draft Hart Reserve Masterplan within a period being at least twenty-one days from the date of the notice. In addition, letters will be sent to residences surrounding Hart Reserve, advising them of the Draft Plan and seeking their input.

Conclusion

That the Draft Hart Master Plan be endorsed for community consultation and Council's staff commence community consultation as outlined in Council's Public Consultation Policy.

References

Legislation

Local Government Act 1999

Council Policies/Plans

Open Space Plan

Community Land Management Plans – Recreation Reserves

Public Consultation Policy

HART RESERVE MASTER PLAN– SITE WALK FEEDBACK

What do you love about Hart Reserve?
<p>The space! It is a lovely refuge in a sea of buildings and the birds love it. Together with <i>(name withheld)</i>, I have worked for years to clear the caltrop and have been mostly successful.</p> <p>I love it when it's green after rain and in winter when there is fog amongst the trees as I walk my dog there every morning.</p>
Large blank canvas to work with
<p>How big it is</p> <p>Its location – centre of town – next to school</p> <p>Lots of trees</p>
<p>Having a large area of public land utilised as a reserve so close to the town centre is a wonderful long term asset for Two Wells</p> <p>Is an area of tranquillity in an ever increasing time of activity within the Two Wells township</p> <p>Being adjacent to the school, the park like setting has facilitated a safe drop off point for school children</p>
What I love about Hart Reserve is the size, the large trees and open space. It's a shortcut from Old Mallala Road to Gawler Road.
Open space
<p>The size</p> <p>Its potential</p>
<p>It's picturesque but weeds need attention</p> <p>The location is ideal</p> <p>It has so much potential</p> <p>The water catchment area</p>
What don't you love about Hart Reserve?
<p>The weeds and dirt when it is dry.</p> <p>It is a disgrace really and so many people driving past and heaps of caravans going both ways. Travellers need a nice place to pull up and have a break and walk the dog.</p> <p>The garden on the corner is a mess.</p>
Pine trees – Aleppo Pines (declared weeds under the Natural Resources Management Act 2004) be removed immediately
<p>Away from main street</p> <p>Currently underutilised</p>
<p>Lack of grassed area to attract people to sit/use the area.</p> <p>Lack of seats/tables staggered around the reserve.</p>

No shelter or seats to sit under.
<p>Lack of through foot path</p> <p>Lack of around foot path</p> <p>Lack of formal school bus stop resulting in school bus blocking Old Mallala Road every morning!</p> <p>Lack of green sitting area</p>
<p>No attractions, nowhere to sit, no decent paths to walk along and offers no reason to stay.</p> <p>The drain along the fence is unattractive, a potential danger and easily floods after minimal rain.</p> <p>The bottom of the reserve also floods after continual rain.</p> <p>The footpath is difficult to walk down, often losing footing on loose stones and difficult to walk down with strollers</p> <p>The front corner is unattractive, overgrown and serves no purpose (if ever?)</p>
<p>Some of the trees (pine)</p> <p>Dry and dusty in summer</p> <p>Weeds</p> <p>The vet across the road – dogs are using it as a toilet and pet owners are parking in the reserve</p> <p>The garden on the corner needs to be replaced with stone entrance wall</p>
<p>Pine trees need trimming</p> <p>Corner garden blocks view and too straggly</p> <p>Needs irrigating and greening</p> <p>Needs a footpath along the road</p> <p>Toilets and a BBQ would be great</p>
What needs to be fixed in Hart Reserve?
<p>Remove the garden (<i>on the corner</i>) and trees, provide a sealed lined Carpark along the whole side of old Mallala Road with 1 hr. parking to prevent long stayers such as vet staff.</p> <p>A paved area up to the school and a secure fence into the school with a lockable gate.</p> <p>Remove the pine trees (Aleppo Pine) and plant flowering gums.</p> <p>Irrigated grass and seating. Love the idea of capturing the stormwater in underground tank for irrigation.</p>
<p>Lighting</p> <p>Visibility</p> <p>Irrigation</p> <p>Planting</p>

<p>(install) Footpath down from road winding through trees from Old Mallala Road to Gawler Road area</p> <p>Large steam roller or similar for kids to play on</p> <p>Slippery dip from (Gawler) road height to lower area is a good idea</p> <p>Story telling board</p> <p>Better reserve signage</p> <p>Overgrown garden area. Remove and start again (?)</p>
<p>Corner garden</p> <p>Replace pine trees with trees that attract native birds</p> <p>Tree removal</p> <p>Should probably be done all at once</p> <p>A skate park and track</p>
<p>Formal school bus stop with 'NO PARKING' between school pick up and set down hours (I know the difference between No Parking and No Standing)</p> <p>More/safer walking tracks</p>
<p>Is the old implement an OH&S risk in its present position?</p> <p>Shift the pump track</p>
<p>Plant more trees on the northern side in the large bare area</p> <p>Staggered planting times of flowering native trees watered from the meter on Hart Reserve</p> <p>More seating and tables</p> <p>Steps in SE corner (<i>off Gawler Road</i>)</p> <p>Remove undergrowth in SW corner and erect signage</p> <p>Upgrade the path to the school boundary from the drop off point</p> <p>Footpath on S boundary and trimming or removal of large pepper tree</p> <p>Toilets</p>
<p>Move succulent section to a more visible/appropriate place (<i>corner garden</i>)</p>
<p>Fix everything I don't love – the drain, the flooding, the footpath (Old Mallala Road), the front garden</p>
<p>Good walking paths particularly on Gawler Road side, plus a safe entrance to the park from Gawler Road (totally unsafe at present)</p>
<p>The drain needs to be fixed</p> <p>Needs footpaths (Gawler Road)</p> <p>Footpaths on old Mallala Road hard to push strollers and prams</p>
<p>If the pump track stays then BBQ and toilet facilities</p> <p>At least 50% of the pines to be replaced with flowering gums, jacaranda's etc.</p>

If money was not an object, what would you chose to see in Hart Reserve?

Scalp it and start again like the Village Green. Take out all the trees unless a horticulturalist says they should stay. Plant gum trees to attract native birds but not corellas who love pine trees and their cones.

Provide a paved walk from a sealed parking area to the school.

Capture storm water for irrigation in underground tanks and get rid of the drain eyesore from the school.

Put up a fence to the school – high one that you can see through and a lockable gate only to prevent entry from the park.

Take out the pump track and put in toilets.

Put native grasses on the slope to wave in the breeze and lawn.

Construct shade and tables.

I do think it would be a good idea to provide a safer entry from Gawler Road rather than the steep slope that is there now.

Concrete pump track as original trial of temporary one was a success.

And bike track

Huge grassed areas with planned trees for shade

Storm water retention system to irrigate grassed areas and garden

Adult gym equipment

Overnight caravan park

Carpark for parents to pick up children from school

Swimming pool

2 BBQ areas with shelters

Natural amphitheatre area

Shelter near intersection of Gawler Road & Old Mallala Road

Much larger storm water tank, then use it for trees and some lawn area

Have a roof on the new skate park

Retain all the stormwater in underground tanks also running into the system then irrigate from this with a top up facility from the mains, toilets, BBQ, seating, tracks

Swimming pool

Move BMX track to the reserve to complement the pump track

Make it a 'youth hub' – call it Teen Green

Erect a large shed for the Scouts and a youth meeting area for after school professionally run programme to support social, emotional, cognitive and academic development as well as reducing risky behaviours, promoting physical health.

The availability of a hub would provide a safe, inviting and supportive environment for the youth of our area

Wells Walk-in/Youth Shack

- for 12-18 year olds
- Vibrantly painted (graffiti-ed) by youth themselves
- To be open e.g. 3.00pm to 8.00pm Sunday-Thursday & 3-10pm Friday & Saturday
- Space for study, games, sit and chat
- Toilet and kitchen facilities
- Information services e.g. health, education
- Employment opportunities, volunteering engagements

Youth area is so much needed in the area – there is nothing for teens to do in the area.

Have provided overhead map with notes and images

Walking/bike tracks

Fitness equipment stations

Lighting

Water for drinking

Toilets

Solar charging stations for devices

Irrigation

Planting & removal

Tactile gardens/zones

History

Nature trails from Wells to garden green to Hart Reserve

Fairy gardens

Benches/tables

Visibility

BBQ areas and toilets and seats and shelter

Large irrigated lawn areas

Lots of new deciduous trees – jacaranda's and trees with red coloured leaves and lots of colour

Stone entrance wall and gates

Bike paths and walking paths with solar lighting

Garden beds with irrigation and nice gardens

I like the idea of embankment slide

Drinking fountains

Make drain into creek

Save stormwater and use (on reserve)

History signs
Seats and picnic tables
Maybe BBQ facilities
Anything else?
<p>I don't believe it needs a playground, bike track or pump track but maybe fitness stations is a good idea.</p> <p>However a neat and tidy area with parking and pathways would be great.</p> <p>I also think it is time for the Education Department to fence the whole Two Wells Primary School to prevent vandalism.</p> <p>Finally – thank you to Lynette for your vision and options.</p>
Caravans prohibited from area
It is clearly a very important pick-up / drop-off area for the school children and the pathway needs to be in good condition and the park mowed regularly
Keep the name and don't make it a car park
<p>Outdoor events</p> <p>Stormwater management</p> <p>Fence to stop access to school after hours (vandalism last Saturday at school)</p> <p>Visibility and safety paramount</p>

HART RESERVE – DRAFT MASTERPLAN – COMMUNITY REFERENCE GROUP FEEDBACK

Would like to see exercise ring/push ups/pull ups/sit ups/step ups etc.

Angle parking on Old Mallala Road if possible

More BBQ's

Bollard lighting along all paths

Water feature (i.e. – spring up bursts of water)

Two sided seating near pump and BMX track

Relocate Toilet block and shelter (closer to Gawler Road)

Minimise creek as drawn

½ court basketball & hoops

Add BMX track (relocate from oval)

Continue path along some parts of Gawler Road

Marked formal parking spaces along Gawler road

Chess tables

Relocated old farm implements

New path into reserve from corner entrance

Remove outdoor classroom

Remove sheltered seating (school responsibility)

Remove parent seating near school (plenty of room at the school)

Relocate old farm implements and add information signs

Would like additional links to path from Gawler Road

Remove trees along Old Mallala Road (footpath) that drop nuts and suckers come up

Relocate toilets closer to Gawler Road

Install bus shelter on Gawler Road

Add benches/tables

Like nature play space - Add stone steppers/rope tunnel/pole maze/timber tee pee

Relocate shelter (6) closer to centre amphitheatre

Add half-court basketball

Retain and improve school drop off (Kiss and drop) with allocated parking spots

Don't think turf is necessary (2)

Remove fire pit and replace with BBQ

Question – where did plough come from? Does it link to TW history?

Keep drain close to houses – however water lays at end from heavy rain. Consider raising with more soil

Plant Jacarandas along fence line and along Gawler Road side

Keep drain along fence line but slight meander and plant out

Love the walking & bike trails

Love the wide compacted quarry footpaths

Add BMX/jumps between path to school and fence to make site all bike related activities

Relocate larger shelter (6) to amphitheatre shelter (5)

Retain 'kiss and drop' zone

Love irrigated turf

Add links to paths along Gawler road side

Add school bus shelter on Gawler Road side

Provide designated bus parking zone for school bus times

Add plantings near drain hole behind corner garden

Add stone entrance with history of Hart Reserve

Love plantings along fence-line

Add grass covered mounding's around pump track to mitigate noise and provide soft landing

love the tree house

Relocate toilets facility closer to Gawler Road or Mallala Road
Like fire pit but not practical or safe in this location
Would like to see drain kept but planted with reeds
Love the turf amphitheatre
Would like a new garden on the corner
Would like a bigger pump track and skate park
Relocate toilets to corner of old Mallala road or Gawler road side
Remove fire-pit

I like the planting schedule except crepe myrtle
Retain drain along fence-line but create meandering route (creek idea is good but not so long)
Keep kiss and drop and small car park
Really like amphitheatre and associated shelter
Really like corner entrance statement
Really like pump track shelter
Really like footpath along Gawler road but add another link to path to school (otherwise they will make a 'goat track')
Get rid of weed trees (e.g. Aleppo pines and pepper trees)
Add school bus stop
Not sure about toilets – we already get occasional free campers, may encourage more

Shelter only (6)
Change fire pit to BBQ
Leave school drop off zone as is
Relocate toilets to Gawler road side
Add linking path from Gawler road to internal footpath

The Student Action Team - Environment Team met and provided some student voice feedback.

PROS (things they are feeling excited about)
The "up in the trees" themed nature play (tree house?)
Rope tunnel/bridge (pictured in materials section)
Bridges over water course
The water course for storm water
Fire pit location
Turf mound (for rolling down when grass is present)

CONS (issues they discussed)
No bike jumps - were hoping for larger bike jumps such as tabletop style dirt mounds (students said they are happy to build these!)
Concerned about graffiti or vandalism (discussed having students report this in a timely manner so it can be attended to and the tone set that it will be removed quickly so to discourage continuation).
Suggestions (also see above in cons)
Bike track with jumps (large and small jumps)
BBQs at #5 locations on map. Will they already be included - unclear on diagram but blurb inset into diagram implies their presence. Students wanted to suggest these were lockable and notices were displayed to advise patrons to keep them clean.

Thank you for considering the students' input. They love being a part of the process and are very excited to see the changes.

First of all, thank you for initiating this Master Plan. The Hart Reserve is massively underutilised and an eyesore, particularly in summer when it is dusty and dry. Please keep in mind this is a residential area and noise should be always kept to a minimum as well as the safety and privacy of those residents.

- The idea of a creek bed and water feature is lovely however, it could not rely on the drain from the school as it only flows when it rains. It is dry in summer, and it would make sense to put in a drainpipe from the school outlet to the drain under Old Mallala Road because when it does fill up and floods it is a drowning hazard and dangerous. It would be cheaper to connect by pipe than fence it, one or the other in my view.
- My objection to the pump track remains as the other 80% of respondents to the initial survey. It is better adjacent to the sports oval and courts, near toilets and a permanent structure. Then it could be utilised during sports events for those children not involved in the sport activities to keep them occupied. Near the BMX track is good as this has never caused a problem to the Bowling Club or the Sports facility.
- The back fence of the school at the eastern side of the park should be fenced by the Education Dept. with a lockable gate to prevent entry out of school hours.
- Use some of the soil left over from the bowling green upgrade to amend the slope at the Southeast corner on Gawler Road. This is a popular drop off point for the school and a gradual slope path could be built. Not steps.
- Definitely remove the Aleppo Pines and Pepper trees and plant native trees.
- The paths on the Master Plan look great and I think would be useful for bike riding for younger children. I like the new crushed gravel path around the Wells area and low maintenance too.
- The school needs to provide a proper drop off point for children near the Community Children's centre. They have plenty of space that could be utilised with a proper path/road on the Eastern side of the school and maybe a drive through kiss and drop.
- The current dirt parking area on the Western side adjacent Old Mallala Road needs attention. Once the garden on the Southwest corner is removed, maybe that whole area could be uniform organised parking, again with crushed gravel to allow caravan users to park to enjoy a break on their journey. Today it is a muddy mess after rain.
- Toilets or BBQs are not necessary, there are already two toilet blocks in town and signs could point to these. The cost would be too high as evidenced with the Village Green toilets. There is plenty of parking for travellers with caravans near the sports oval to use the toilets if required. More seating in this Reserve would be good and tables. Please keep in mind this is a residential area and noise should be kept to a minimum as well as the safety and privacy of those residents.
- A tree house is great however, probably a risk management and OH&S nightmare.
- Irrigated turf sounds good but is the cost achievable? I love the idea of native grasses waving in the breeze. Also, I like the idea of an Indigenous Garden and information board.
- I do not think lights are necessary as this should be a daytime area. If any then maybe the path to the school in solar bollard type, not any that impacts on houses nearby.
- I cannot see why events would need to be held in this reserve and therefore no structure is needed for this. Again, the impact on nearby residents needs to be considered.
- A shelter near the school gate is a good idea but I cannot imagine the Education Dept. will think so.
- Entry Statement is good idea with old farming implements and an info board.

Hart Reserve Master Plan

Draft Report



Prepared for Adelaide Plains Council

**JENSEN
PLUS**

Planning
Landscape Architecture
Urban Design
Social Planning



1. Community Engagement Summary

What we heard...

“Council undertook strategic consultation with key users of the site to capture the community’s vision and aspirations for Hart Reserve.”

Stakeholders were asked to provide their feedback and observations while on site and following the community meetings. Questions were asked that promoted visioning for the future of Hart Reserve. What we heard:

What do you love about Hart Reserve?

- _ The space! It is a lovely refuge
- _ Its location - centre of town
- _ Lots of trees
- _ Area of tranquillity
- _ Open space
- _ The size
- _ Its potential

What don't you love about Hart Reserve?

- _ Its currently underutilised
- _ The front corner is unattractive
- _ The Aleppo Pines (declared weeds under the National Resources Management Act 2004)
- _ Lack of grassed area or green sitting area
- _ Lack of seats/tables staggered around the reserve
- _ No through footpath or path around the

reserve

- _ It's dry and dusty in summer
- _ It offers no reason to stay
- _ The bottom of the reserve floods after continual rain
- _ Lack of irrigating and greening
- _ No toilet or BBQ
- _ The drain along the fenceline

What needs to be fixed in Hart Reserve?

- _ Remove the garden and trees on the corner
- _ Upgrade the school boundary with secure fencing to the school with lockable gate, improve pedestrian entry and drop off area
- _ Irrigated grass and seating
- _ Capturing of stormwater for irrigation
- _ Lighting
- _ Winding footpath through trees from Old Mallala Road to Gawler Road
- _ Replacement of pine trees that attract native birds
- _ Move corner garden to more visible/appropriate place
- _ Improvements to drain and drainage
- _ Footpaths, including suitability for strollers and prams

If money was not an object, what would you choose to see in Hart Reserve?

- _ Start again like the Village green and plant more gum trees to attract native birds
- _ Put up a fence to the school
- _ Provide a paved footpath from a sealed parking area to the school
- _ Native grasses on the slope to wave in the breeze and lawn
- _ A stormwater retention system and re-use of water in the reserve
- _ More trees and BBQ areas with a shelter, toilets, shade, picnic tables and solar lighting
- _ A large irrigated lawn area and improved entrance, perhaps with some stone walls
- _ Permanent pump track and bike track. More pathways for all to use.
- _ Stormwater retention system to help irrigate
- _ Adult gym equipment
- _ BBQ facilities and shelters
- _ Natural amphitheatre area
- _ Large shed for the Scouts and a youth meeting area

2. Vision + Draft Master Plan

A reinvigorated Hart Reserve for all!

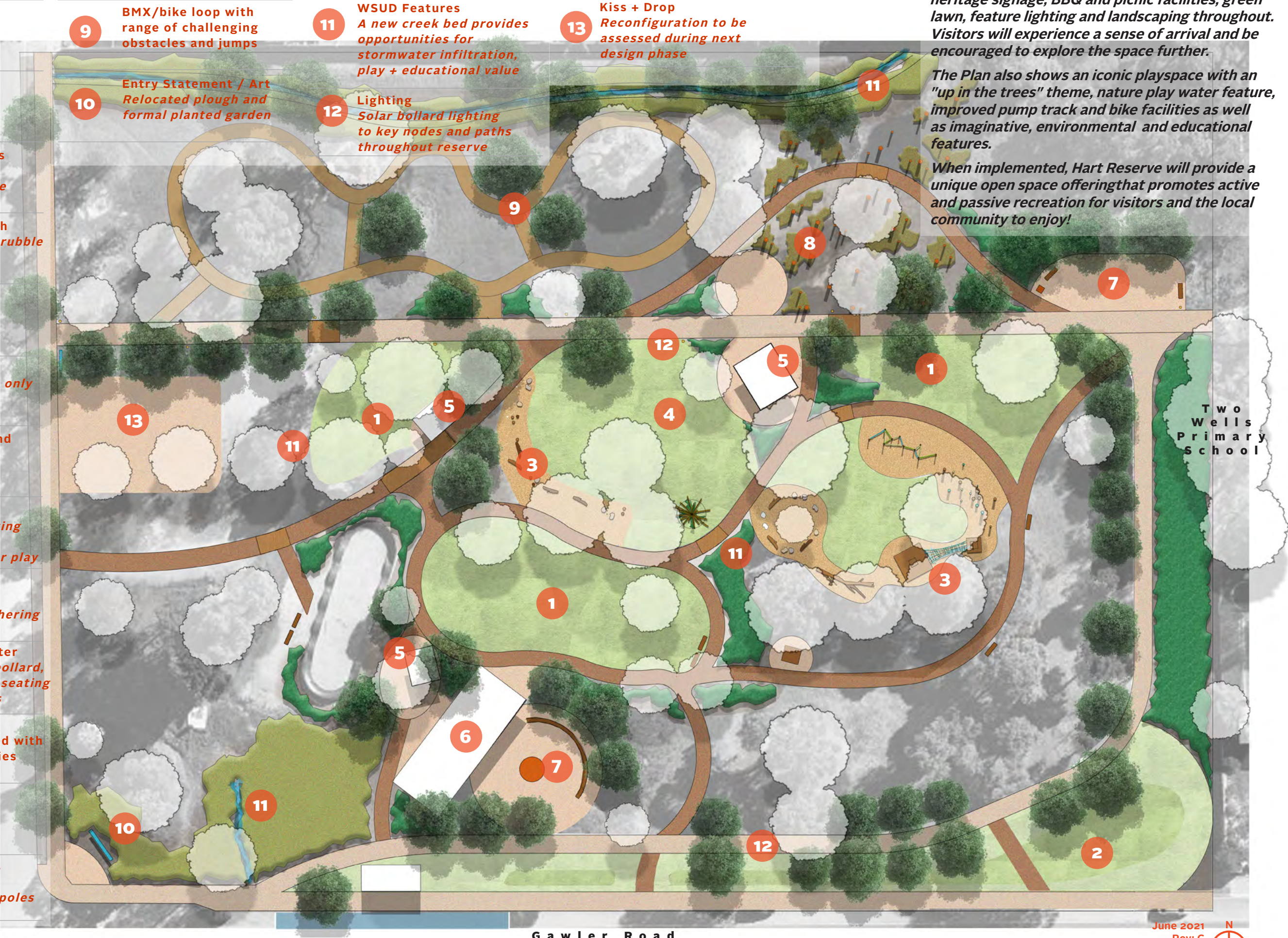
“The Vision for Hart Reserve is one of implementing strategic improvements to parts of the Reserve to enhance its educational, aesthetic and active features.

Its just a short walk (or bike ride) down Petticoat Lane from the main street to a place that has different play features, colourful trees and plants, can host a party or event and tells a story about Two Wells and its environment.

The park will be a pleasant and inviting place for the community to visit that encourages use by the adjacent Primary School and by local families.”

Legend

- Existing trees
To be retained + protected
- Native planting
Bird + butterfly attracting species
- Walking/Bike Trails
Informal track throughout Reserve
- 3.5m Wide Footpath
Compacted quarry rubble
- Native Trees
- 1 Irrigated Turf
Strategic locations only
- 2 Irrigated Turf Mound
(Existing)
- 3 Nature Playspace
Incorporating existing trees, treehouse structure and water play
- 4 Turf Amphitheatre
Passive recreation, events space + gathering
- 5 Amphitheatre Shelter
To contain power bollard, drink fountain and seating to facilitate events
- 6 Potential shelter
structure intergated with public toilet facilities
- 7 Seating node with
natural shade
- 8 Indigenous gardens
Storytelling + educational totem poles



The Master Plan illustrates the creation of a new entry to Hart Reserve with new pathways, heritage signage, BBQ and picnic facilities, green lawn, feature lighting and landscaping throughout. Visitors will experience a sense of arrival and be encouraged to explore the space further.

The Plan also shows an iconic playspace with an "up in the trees" theme, nature play water feature, improved pump track and bike facilities as well as imaginative, environmental and educational features.

When implemented, Hart Reserve will provide a unique open space offering that promotes active and passive recreation for visitors and the local community to enjoy!



3. Landscape Toolkit

A guide to planting species, furniture + fixtures selections + playspace design

Planting

- 1 Native Trees
- 2 Large Trees
- 3 Small Trees
- 4 Native planting
- 5 Indigenous gardens planting
- 6 WSUD planting

TREES



Eucalyptus sideroxylon 'Ironbark'



Eucalyptus socialis 'Red Mallee'



Eucalyptus leucoxylon ssp. leucoxylon 'Yellow Gum'



Acacia bailyana purpurea 'Cootamundra Wattle'



Cupaniopsis anacardioides 'Tuckeroo'



Lagerstroemia indica 'Natchez' - Crêpe Myrtle



Dodonaea viscosa 'Hopbush'

SHRUBS



Alyogyne hakeifolia 'Melissa Anne'



Calytrix tetragona 'Common Fringe Myrtle'



Anigozanthos sp. 'Everlasting Amber'



Westringia fruticosa 'Grey Box'



Enchylaenea tomentosa 'Ruby Saltbush'



Kunzea pomifera 'Muntries'



Helichrysum petiolare 'Licorice Plant'



SHRUBS



Olearia pimeleodites 'Showy Daisy Bush'



Santalum acuminatum 'Quandong'



Podocarpus elatus 'Illawara Plum'

GRASSES



Lomandra longifolia 'Tanika'



Poa poiiformis 'Kingsdale'



Dianella caerulea 'Little Jess'



Ficinia nodosa 'Knobby Club Rush'



Juncus palidus 'Pale Rush'

GROUNDCOVERS



Eremophila glabra 'Kalbarri Carpet'



Hardenbergia violacea 'Meema'



Myoporum parvifolium 'Creeping Boobialla'



Viola hederacea 'Native Violet'



Chrysocephalum apiculatum 'Yellow Buttons'



Goodenia ovata 'Hop Goodenia'



Brachyscome angustifolia 'Rock Daisy'



Scaevola aemula 'Purple Fanfare'

Surfaces



_ Fitzgerald Quarries
Compacted Quarry
Sand with cement
stabiliser



_ Adbri Ecotrihex
Interlocker and
Permeable Pave
_ Charcoal and Urban



_ Turf, Eureka Kikuyu



_ Jefferies Playscape
Softfall Mulch

Furniture +
Fixtures



_ Spark Precinct Seat and
Bench
_ Oiled Australian
hardwood, black
powdercoated frame
_ 1.8m long



_ SPARK Focus Picnic
Setting
_ Oiled Australian
hardwood with black
powdercoated frame



_ SPARK Pod Seat
_ Oiled Australian
hardwood, black
powdercoated frame



_ SPARK Panel Sided Bin
_ Oiled Australian
hardwood timber frame,
black powdercoated
frame



_ Terrain Urban Bike Rack
_ Stainless Steel



_ All4cycling Bike repair
station



_ Christie A Series Single
Bench Barbecue - All
Accessible
_ Stainless steel, electric
cook top



_ Terrain Akiva Shelter
_ Adonised aluminium
timber match with black
trim



_ Valen Solar Bollard
_ Powdercoated black



_ Bespoke art / totem
poles

Play



_ Stone yarning circle
_ Just Rocks Riverland
Limestone



_ Timber steppers
_ Australian hardwood



_ Stone steppers
_ Just Rocks Riverland
Limestone



_ Colourful pole maze
_ Brightly coloured
Australian hardwood



_ Timber teepee
_ Australian hardwood +
play rope



_ Balance Run
_ Australian hardwood



_ Bespoke timber towers/
nest
_ Australian hardwood



_ Rope tunnel
_ Play rope +
powdercoated steel
frame



_ Insect hotel
_ Community made



_ Loom
_ Australian hardwood +
cotton/wool string

Signage



_ Entry signage
_ Australian hardwood
+ powdercoated steel
with integrated lighting



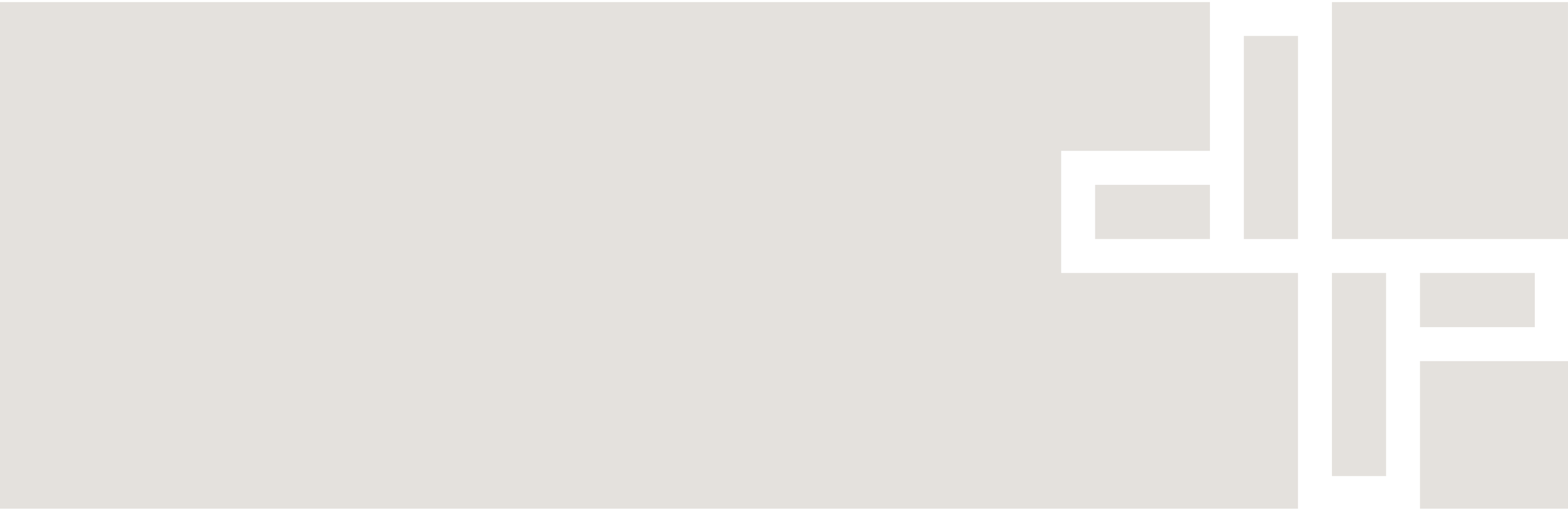
_ Wayfinding signage
_ Australian hardwood +
powdercoated steel




_ Informative signage
_ Australian hardwood +
powdercoated steel



Thank You



Planning
Landscape Architecture
Urban Design
Social Planning

 Adelaide Plains Council	14.6	Adelaide Plains Historical Committee – Membership Appointment
	Department: Report Author:	Development and Community Manager Library and Community
Date: 26 July 2021	Document Ref:	D21/31513

EXECUTIVE SUMMARY

- The Adelaide Plains Council Historical Committee’s Terms of Reference (TOR) was adopted by Council at its June 2021 meeting. The TOR determines the Committee’s membership numbers and composition.
3.1 Membership of the Committee shall consist of up to ten Community Members. Council may also appoint one Elected Member to be on the Committee.
- Currently there are seven (7) Community Members and one (1) Elected Member who are appointed to serve on the Adelaide Plains Council Historical Committee (APCHC) to 1 January 2023. Therefore, up to three (3) more Community Members could be appointed to this Committee.
- One of the Mallala Museum’s newest volunteers, Mr Vaughan Chenoweth, is keen to serve on the APCHC.
- As per this Section 41 Committee’s TOR, he has submitted an Expression of Interest (EOI) Form. Council needs to determine if Mr Chenoweth meets the selection criteria listed in detail in the ‘discussion’ section of this report. If Mr Chenoweth is appointed to this Committee, Council will also need to determine his term of appointment.

RECOMMENDATION

“that Council, having considered Item 14.6 – *Adelaide Plains Council Historical Committee – Membership Appointment*, dated 26 July 2021, receives and notes the report and in doing so appoints Mr Vaughan Chenoweth to the Adelaide Plains Council Historical Committee until 1 January 2023.”

BUDGET IMPACT

Estimated Cost:	Nil
Future ongoing operating costs:	Nil
Is this Budgeted?	No

RISK ASSESSMENT

This Committee does need to consider a long term succession work plan, to ensure that its various activities and critical functions are carried out, so it can continue to meet its obligations as a Section 41 Committee, under the Local Government Act 1999.

Attachment

1. Adelaide Plains Council Historical Committee – Expression of Interest Form – redacted

DETAILED REPORT

Purpose

For Council to consider and assess Mr Vaughan Chenoweth's redacted Expression of Interest application (**Attachment 1**) to determine if he should be appointed to the Adelaide Plains Council Historical Committee (as well as the length of time he will serve on this Section 41 Committee).

Background/History

The Adelaide Plains Council Historical Committee's Terms of Reference clearly states the process of appointing new Community Members. Presently, there are up to three (3) vacancies for Community Membership.

3.2 Council will determine the appointment of all new Community Members. All potential members will be required to complete an Expression of Interest Form (EOI) and the Manager Library and Community will provide a report for Council's consideration.

Mr Vaughan Chenoweth has recently commenced working as a volunteer at the Mallala Museum and he has been assisting with progressing the structural work of the newly developed Transport Gallery. He has attended the last three (3) Committee meetings as an observer. At the 7 July 2021 APCHC meeting he advised the Manager Library and Community that he was very interested in becoming a Committee Member. He was advised he would need to complete an Expression of Interest Form, which has been duly submitted, and that Council would assess his application and determine his suitability for appointment.

Discussion

To assist and guide Members with reviewing Mr Chenoweth's application, the Manager Library and Community has compiled a criteria list based on the APCHC's Terms of Reference and has provided Mr Chenoweth's attributes in response in italics. Additionally, the Manager Library and Community had the opportunity to recently speak to Mr Chenoweth and his relevant verbal replies have been incorporated into the below responses.

1. Make recommendations to Council on historical and heritage matters.

Mr Chenoweth has strong family and community links/connections in the Mallala/Long Plains areas and he is keen to extend his historical knowledge.

2. Respond to local and family history enquiries relating to Adelaide Plains Council.

He is rostered to work on Sunday afternoons when the Mallala Museum is open to the general public, which includes assisting the public with local enquiries.

3. Coordinate the management of the Mallala Museum facility.

Has had many years of experience running his own business and extensive skills in project management, which he is currently putting to use as a member of the Mallala Lions Club.

Mr Chenoweth has been 'hands on' with the Transport Gallery renovations. In his role as a Mallala Lions Club member he is aware of the importance of being a team player and working collaboratively with his colleagues on Club projects. Mr Chenoweth is well known and is actively involved in the Mallala community. Moreover, he shows genuine enthusiasm and interest in current and future Mallala Museum projects

Lastly as per the APCHC's TOR:

3.3 Appointment to the Committee (including newly appointed Community Members) shall be for a term determined by Council.

It is recommended that Members appoint Mr Chenoweth to serve the same term on the APCHC as the current Community Members who have been appointed by Council to January 2023.

Conclusion

Mr Chenoweth is a valuable Mallala Museum volunteer who has an active interest in the Mallala Museum and local heritage. He has volunteered for many years serving on community based committees such as the Lock Hill Progress Association, CFS and the Mallala Lions Club. It is recommended to Council that he is a suitable candidate to be appointed to the APCHC.

References

Legislation

Local Government Act (SA) 1999

Council Policies/Plans

Adelaide Plains Council Historical Committee Terms of Reference

Adelaide Plains Council
RECEIVED
14 JUL 2021



EXPRESSION OF INTEREST FORM

ADELAIDE PLAINS COUNCIL HISTORICAL COMMITTEE (APCHC)

Name: VAUGHAN LINDSAY CHENOWETH

Home Address: [REDACTED]

Postal Address: [REDACTED]

(if different)

Contact Telephone: [REDACTED]

Email: [REDACTED]

Please include a concise statement in support of your expression of interest highlighting your relevant skills and knowledge that you would bring to the APCHC:

I WAS APPROACHED BY MEMBERS TO
JOIN THE COMMITTEE.
BUILDING AND MAINTENANCE WOULD BE
MY SKILLS.
MEETING AND TALKING TO PEOPLE WITH
A FAIR KNOWLEDGE OF DISTRICT
WOULD ALSO BE A PLUS.

Have you been involved previously in a historical committee or community based committee

☒ Yes

☐ No

If yes, please describe your involvement:

Loch Hill Progress Association

Brigade Captain - CFS

Mallala Lions Club

Are you available to attend meetings to be held at the Mallala Museum on a Wednesday night from 7 pm?

☒ Yes


☐ No

Please include contact details of two referees who can comment on your community involvement

Name: Jim FRANKS

Community Group and Position: COMMITTEE MEMBER

Telephone:

Name: *GREG TUCKER*
Community Group and Position: *Committee Member*
Telephone: 

Expression of Interest Close

Friday 18 December 2020

Please return completed form to:

Anne Sawtell

Manager Library and Community

APCHC Expression of Interest - Confidential

Adelaide Plains Council

PO Box 18

MALLALA SA 5501

Or email to:- info@apc.sa.gov.au

– subject heading – APCHC Expression of Interest – Confidential

Or deliver in person in a sealed envelope to:

Mallala Principal Office

Two Wells Service Centre

2A Wasleys Road

69 Old Port Wakefield Road


MALLALA SA 5502

TWO WELLS SA 5501

Two Wells Library

61 Old Port Wakefield Road

TWO WELLS SA 5501

	15.1	Council Resolutions – Status Report
	Department: Report Author:	Governance and Executive Office Acting General Manager – Governance and Executive Office
Date: 26 July 2021	Document Ref:	D21/31490

OVERVIEW

The purpose of this report is to provide an update in relation to the status of Council Resolutions currently being actioned, for Council Members’ information and monitoring.

Attachment 1 provides the status of Council Resolutions that have not yet been finalised for the period February 2019 to May 2021. Previously outstanding items that have been finalised since the last report to Council are included by way of update. The Council Resolutions for June 2021 and July 2021 are provided, in full, for Council Members’ information.

Management acknowledges the efficiencies afforded to both Council Members and staff by regular reporting and monitoring of the status of Council Resolutions. The practice of providing transparent updates also facilitates performance monitoring and builds confidence.

RECOMMENDATION

“that Council, having considered Item 15.1 – *Council Resolutions - Status Report*, dated 26 July 2021, receives and notes the report.”

Attachments

1. Resolution Status Report

References

Legislation

Local Government Act 1999 (SA)

Local Government (Procedures at Meetings) Regulations 2013 (SA)

Resolution Register - June 2021 - All						
Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department
15-Jun-21	4.1	Gawler River Floodplain Management Authority - Draft 2021/2022 Annual Business Plan and Budget	<p>“that Council, having considered Item 4.1 – Gawler River Floodplain Management Authority 2021/2022 Annual Business Plan and Budget, dated 15 June 2021, receives and notes the report and in doing so:-</p> <ol style="list-style-type: none"> 1. Notes the GRFMA's intentions to prioritise advocacy and funding for the Northern Floodway, a project not yet forecast nor foreshadowed as a priority through the abridged Stormwater Management Plan currently underway. 2. Notes the GRFMA's intentions to prioritise partnerships (and in doing so presumably co-contributions) for the delivery of the \$9 million four 'no regrets' projects as is evidenced by correspondence dated 9 June 2021 from the CEO of the Department for Environment and Water. 3. Recognises Council's adopted resolutions in relation to 1 and 2 above and indeed the resolutions of the GRFMA that speak to flood mitigation works being fully funded by the State and Federal Government. 4. Notes Council's recently adopted position to narrow the focus of the GRFMA Charter to the management and maintenance of the Bruce Eastick Dam and its reluctance to support the co-contribution model for the delivery of the four 'no regrets' projects. 5. Acknowledges that in consideration of 1 through 4 above, Council does not support the draft 2021/2022 Annual Business Plan and Budget in its current format.” 	2021/212	Completed	Governance and Executive Office
15-Jun-21	4.1	Gawler River Floodplain Management Authority - Draft 2021/2022 Annual Business Plan and Budget	<p>“that Council, having considered Item 4.1 – Gawler River Floodplain Management Authority 2021/2022 Annual Business Plan and Budget, dated 15 June 2021, receives and notes the report and in doing so instructs the Chief Executive Officer to write to the GRFMA Chair and Executive Officer to advise that Adelaide Plains Council will support the draft 2021/2022 Annual Business Plan and Budget on the premise of:-</p> <ol style="list-style-type: none"> 1. Removing all references to the Northern Floodway project as the Stormwater Management Plan is not yet completed. 2. Acknowledging that not all councils have committed to the co-contribution model for the four \$9 million 'no regrets' projects. 3. Pursuing amending the GRFMA Charter to ensure it reverts back to the management and maintenance of the Bruce Eastick Dam.” 	2021/213	Completed	Governance and Executive Office
15-Jun-21	4.2	Regional Development Australia Barossa Gawler Light Adelaide Plains - Appointment of Deputy Chair	<p>“that Council, having considered Item 4.2 – Regional Development Australia Barossa Gawler Light Adelaide Plains – Appointment of Deputy Chair, dated 15 June 2021, receives and notes the report and in doing so endorses the appointment of Mr Tony Clark as Deputy Chair to the Regional Development Australia Barossa Gawler Light Adelaide Plains Board.”</p>	2021/214	Completed	Governance and Executive Office
28-Jun-21	2.1	Confirmation of Minutes	<p>“that the minutes of the Ordinary Council Meeting held on 24 May 2021 (MB Folios 17358 to 17369 inclusive), be accepted as read and confirmed.”</p>	2021/215	Completed	Governance and Executive Office
28-Jun-21	2.2	Confirmation of Minutes	<p>“that the minutes of the Special Council Meeting held on 15 June 2021 (MB Folios 17370 to 17373 inclusive), be accepted as read and confirmed.”</p>	2021/216	Completed	Governance and Executive Office
28-Jun-21	12.1	Committee Meetings	<p>“that Council receives and notes the minutes of the Adelaide Plains Council Historical Committee meeting held 2 June 2021.”</p>	2021/217	Completed	Development and Community
28-Jun-21	12.2	Committee Meetings	<p>“that Council receives and notes the minutes of the Audit Committee Meeting held on 7 June 2021 as presented at Attachment 1 to this Report.”</p>	2021/218	Completed	Finance and Business
28-Jun-21	12.2	Committee Meetings	<p>“that Council endorses resolution 2021/025 of the Audit Committee and in doing so acknowledges the public submissions received on the draft 2021/2022 Annual Business Plan and Budget and their contribution made toward the annual business plan process of Adelaide Plains Council.”</p>	2021/219	Completed	Finance and Business
28-Jun-21	12.2	Committee Meetings	<p>“that Council endorses recommendation 2021/026 of the Audit Committee and in doing so adopts the Audit Committee Terms of Reference as presented in Attachment 3 to this report.”</p>	2021/220	Completed	Finance and Business
28-Jun-21	12.2	Committee Meetings	<p>“that Council endorses resolution 2021/027 of the Audit Committee and in doing so acknowledges the progress made to complete the activities identified for Audit Committee during 2020/2021 Financial Year.”</p>	2021/221	Completed	Finance and Business
28-Jun-21	12.3	Committee Meetings	<p>“that Council receives and notes the minutes of the Infrastructure and Environment Committee Meeting held 15 June 2021.”</p>	2021/222	Completed	Infrastructure and Environment

28-Jun-21	12.3	Committee Meetings	"that Council endorses resolution 2021/012 of the Infrastructure and Environment Committee and in doing so instructs the Chief Executive Officer to bring back a report to Council with options to restrict vehicle access to Thompson Beach."	2021/223	Agenda - 26 July 2021	Infrastructure and Environment
28-Jun-21	12.3	Committee Meetings	"that Council endorses resolution 2021/013 of the Infrastructure and Environment Committee and in doing so instructs the Chief Executive Officer to apply to Heritage list a portion of Assessment Number 29108/34348/34348 Title ID CT5372/262, CT5346/891, CT5346/890 identified in Attachment 1 under the Native Vegetation Heritage Agreement Program."	2021/224	LOST	Infrastructure and Environment
28-Jun-21	12.3	Committee Meetings	"that Council endorses resolution 2021/014 of the Infrastructure and Environment Committee and in doing so adopts the draft Light Fleet, Plant and Heavy Vehicles Replacement Policy as presented at Attachment 2 to this Report."	2021/225	Completed	Infrastructure and Environment
28-Jun-21	12.3	Committee Meetings	"that Council endorses resolution 2021/015 of the Infrastructure and Environment Committee and in doing so instructs the Chief Executive Officer to bring back a report to the Infrastructure and Environment Committee into the financial costing structure of the Mallala Community Wastewater Scheme."	2021/226	I&E Committee Forward Agenda - 4 August 2021	Infrastructure and Environment
28-Jun-21	12.3	Committee Meetings	"that Council endorses resolution 2021/016 of the Infrastructure and Environment Committee and in doing instructs the Chief Executive Officer to bring back a further report to the Infrastructure and Environment Committee in relation to a potential community waste education process."	2021/227	I&E Committee Forward Agenda - 4 August 2021	Infrastructure and Environment
28-Jun-21	12.3	Committee Meetings	"that Council endorses resolution 2021/017 of the Infrastructure and Environment Committee and in doing so assigns the following road names to the Stages 5-8 of the Liberty land division, as set out within Attachment 4 to this Report: 1. Reid Road 2. Wilder Lane 3. Mill Avenue 4. Friedman Grove 5. Kelly Street 6. Washington Boulevard 7. Hancock Avenue 8. Goldstein Street 9. Coolidge Grove."	2021/228	Completed	Infrastructure and Environment
28-Jun-21	13.1	Subsidiary Meetings	"that Council receives and notes the minutes of the Legatus Group Ordinary Meeting held on 11 June 2021."	2021/229	Completed	Governance and Executive Office
28-Jun-21	13.2	Subsidiary Meetings	"that Council receives and notes the minutes of Gawler River Floodplain Management Authority Meeting held on 17 June 2021."	2021/230	Completed	Governance and Executive Office
28-Jun-21	14.1	Adelaide Plains Council Representation Review - Second Submissions Report	"that Council, having considered Item 14.1 – Adelaide Plains Council Representation Review – Second Submissions Report, dated 28 June 2021, receives and notes the report and in doing so: 1. Acknowledges that public consultation was undertaken from 24 March 2021 until 26 April 2021 in relation to Council's in principle decisions for the principal member of Council to continue to be a Mayor elected by the community, wards to be abolished and the future elected body of Council comprise the Mayor and nine area councillors (the In Principle Decisions) 2. Receives and notes the four submissions received during public consultation and presented as Attachment 1 to this Report and the Second Submissions Report prepared by C L Rowe & Associates and presented as Attachment 2 to this Report 3. Reaffirms the In Principle Decisions and 4. Instructs the Chief Executive Officer to prepare and forward the necessary report and documentation to the Electoral Commissioner of South Australia pursuant to sections 12(11) and 12(12) of the Local Government Act 1999 in order to give effect to the Council's representation review."	2021/231	Ongoing. Consultant preparing final report.	Governance and Executive Office
28-Jun-21	14.2	Strategic Plan 2021-2024	"that Council, having considered Item 14.2 – Strategic Plan 2021-2024, dated 28 June 2021, receives and notes the report and in doing so acknowledges that the COVID-19 public health emergency has delayed finalisation and delivery of Council's Strategic Plan and, in turn, other strategic documents that flow on from that including but not limited to the Tourism and Economic Development Strategy, Infrastructure and Asset Management Plan and Long Term Financial Plan."	2021/232	Completed	Governance and Executive Office

28-Jun-21	14.2	Strategic Plan 2021-2024	“that Council having considered Item 14.2 – Strategic Plan 2021-2024, dated 28 June 2021, instructs the Chief Executive Officer to facilitate an Informal Gathering in July/August 2021, to be attended also by the Chairpersons of both the Audit Committee and the Infrastructure and Environment Committee, as a means of populating projects and priorities from the Strategic Plan 2021-2024 into the Infrastructure and Asset Management Plan and Long Term Financial Plan.”	2021/233	Ongoing. Date to be confirmed.	Governance and Executive Office
28-Jun-21	14.2	Strategic Plan 2021-2024	“that Council having considered Item 14.2 – Strategic Plan 2021-2024, dated 28 June 2021, instructs that the Long Term Financial Plan is reviewed and updated by no later than 31 December 2021, noting that by that time determinations will have been made and resolutions likely adopted in relation to a number of strategic projects which carry significant expenditure.”	2021/234	Ongoing	Governance and Executive Office
28-Jun-21	14.2	Strategic Plan 2021-2024	“that Council having considered Item 14.2 – Strategic Plan 2021-2024, dated 28 June 2021, and in doing so: 1. Acknowledges the work of Management in the preparation of a draft Growth Strategy 2. Notes the unparalleled and unprecedented level of growth currently on foot and forecast to continue and the inevitable impact that such growth will have on services, infrastructure, resourcing and Council’s financial position. 3. Instructs the Chief Executive Officer to bring back further reports pertaining to the preparation of a Growth Strategy ahead of adopting the Long Term Financial Plan.”	2021/235	Ongoing	Governance and Executive Office
28-Jun-21	14.3	Policy Review - Code of Practice - Meeting Procedures	“that Council, having considered Item 14.3 – Policy Review – Code of Practice – Meeting Procedures, dated 28 June 2021, receives and notes the report and in doing so adopts the Code of Practice – Meeting Procedures as presented at Attachment 1 to this report subject to: 1. Deletion of clauses 15(9), 15(10) and 15(12) and 2. Moving the current clause 15(13) to appear after the current 15(4) and to become 15(5).”	2021/236	Completed	Governance and Executive Office
28-Jun-21	14.4	Consultation on Local Government Information Framework	“that Council, having considered Item 14.4 – Consultation on the Local Government Information Framework, dated 28 June 2021, receives and notes the report and in doing so acknowledges the opportunity to provide feedback, however, confirms that it does not wish to make a formal submission to the Office for Local Government in relation to the Local Government Information Framework at this time.”	2021/237	Completed	Governance and Executive Office
28-Jun-21	14.5	2021 Local Government Association Annual General Meeting - Proposed Items of Business	“that Council, having considered Item 14.5 – 2021 Local Government Association Annual General Meeting – Proposed Items of Business, dated 28 June 2021 receives and notes the report and in doing so submits the following Proposed Item of Business to SAROC for approval and inclusion in the agenda of the Local Government Association Annual General Meeting to be held on 29 October 2021: • That in the interests of securing long-overdue investment for the inner-north regarding the Northern Adelaide Irrigation Scheme, the Local Government Association calls on the State Government, the Minister for Environment and Water, SA Water and other relevant stakeholders to determine a strategy that unlocks potential investment opportunities and ensures NAIS water pricing allows for private sector take-up.”	2021/238	Agenda - 26 July 2021	Governance and Executive Office

Resolution Register - February 2019 - May 2021 - Ongoing						
Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Forward Agenda, Agenda, Completed')	Responsible Department
25-Feb-19	19.1	Motion Without Notice	<p>“that the Chief Executive Officer bring back a report to Council, with accompanying proposed policy in relation to the management of horses on the coastal beaches of the Adelaide Plains Council. The Policy should take into account:-</p> <ol style="list-style-type: none"> 1. Consistency with the Adelaide International Bird Sanctuary Management Plan; 2. The ability to safely park horse floats in the proximity of areas allowed for exercising of horses; 3. The health and safety of the general public, horses and handlers; and 4. The potential impact on flora and fauna in coastal areas.” 	2019/080	Forward Agenda - Late 2021. Discussion paper under preparation to be presented to members regarding horses and the coast.	Development and Community
25-Mar-19	12.2	Infrastructure and Environment Committee Meeting - 13 March 2019	<p>“that Council endorses resolution 2019/020 of the Infrastructure and Environment Committee, and in doing so instructs the Chief Executive Officer to have particular regard to the financial impact of relevant design specifications, in assessing Eden and Liberty development applications, until a policy is adopted.”</p>	2019/119	A framework will be developed through the IAMP review	Infrastructure and Environment
25-Mar-19	18.2	Motion on Notice - APC Services	<p>“that the Chief Executive Officer initiate a review of services administered by Adelaide Plains Council to identify any areas of cost efficiency and or new processes not covered by the organisational review.”</p>	2019/129	Preliminary service review has been incorporated into scope of works for Review of Office Accommodation	Governance and Executive Office
23-Apr-19	18.5	Motion on Notice - Cemetery Expansion at Two Wells and Mallala	<p>“that in consideration of forecast growth at both Two Wells and Mallala, coupled with the diminishing space at the Two Wells Cemetery, the Chief Executive Officer bring a report back to Council that explores opportunities for cemetery expansion to service the townships of Two Wells and Mallala.”</p>	2019/184	Completed	Development and Community
23-Sep-19	14.9	Two Wells Scout Group Relocation	<p>“that Council, having considered Item 14.9 – Two Wells Scout Group Relocation, dated 23 September 2019, receives and notes the report and in doing so, authorises the Chief Executive Officer to:-</p> <ol style="list-style-type: none"> 1. Undertake engagement with relevant stakeholders including but not limited to Two Wells Bowling Club, Two Wells Tennis Club, Two Wells Football and Netball Club; 2. Formally request of the Two Wells Scout Group that Council be provided with the following information:- <ol style="list-style-type: none"> a. Proposed facility concept plan; b. Development Assessment Application; 3. To bring back a further report at the appropriate juncture.” 	2019/389	Ongoing. Council is working with the Two Wells Scouts Group in relation to obtaining the necessary information prior to engaging with stakeholders including meeting with Scouts SA	Governance and Executive Office/ Infrastructure and Environment
28-Oct-19	14.5	Horse Management In Coastal Areas	<p>“that Council having considered Item 14.5 – Horse Management in Coastal Areas, dated 28 October 2019, instructs the Chief Executive Officer to investigate with the Department of Environment and Water and Natural Resources Management and Department of Planning, Transport and Infrastructure, and introduce appropriate signage to promote Parham as an area suitable for well managed and environmentally sensitive horse float parking and horse riding, subject to a horse float parking area being approved at Section 631 The Esplanade, Parham, CR:6202/438.”</p>	2019/457	Ongoing. Application has been made to DEW for access to land. Most recent update provided at Ordinary Meeting on 23 November 2020	Development and Community
16-Dec-19	19.1	Motion Without Notice	<p>“that Members instruct the Chief Executive Officer to provide a letter of support to Port Parham Sports and Social Club in relation to their application to remove the restriction on the newly issued Liquor Licence which restricts liquor sales for consumption of the licenced premises to members only.”</p>	2019/529	Agenda - 26 July 2021	Governance and Executive Office

24-Feb-20	14.7	Two Wells District Tennis Club Lease Request	<p>“that Council, having considered Item 14.7 – Two Wells District Tennis Club Lease Request, dated 24 February 2020, receives and notes the report and in doing so:</p> <p>1. Authorises the Chief Executive to seek the assistance of Norman Waterhouse Lawyers and to negotiate and finalise the Lease Agreement between Council and the Two Wells District Tennis Club Inc for the lease of a portion of land within Crown Reserve 5753, Folios 647, adjacent to the Two Wells Netball Club on Old Port Wakefield Road, Two Wells</p> <p>2. Authorises, pursuant to section 44 of the Local Government Act 1999, the Mayor and Chief Executive Officer to execute the lease agreement between the Adelaide Plains Council and the Two Wells District Tennis Club and</p> <p>3. In accordance with section 166(1)(j) of the Local Government Act 1999, Council, being satisfied that the whole of a portion of land within Crown Reserve 5753, Folios 647, adjacent to the Two Wells Netball Club on Old Port Wakefield Road, Two Wells, is being used by an organisation which, in the opinion of Council, provides a benefit or service to the local community, grants a discretionary rebate of 100% of the rates imposed, effective from the 2020/21 rating year.”</p>	2020/055	Ongoing. Tennis Club has executed the lease. APC Mayor and CEO to execute upon receipt of Ministerial consent	Governance and Executive Office/ Infrastructure and Environment
23-Nov-20	14.6	Mallala Resource Recovery Centre - Twelve Month Closure Review	<p>“that Council, having considered Item 14.6 – Mallala Resource Recovery Centre – Twelve Month Closure Review, dated 23 November 2020, instructs the Chief Executive Officer to bring back a report to Council exploring future land use/disposal options in relation to the former Mallala Resource Recovery Centre site.”</p>	2020/407	Forward Agenda - August - I&E Committee 2021	Infrastructure and Environment
14-Dec-20	14.6	Recommendation Review of Infrastructure and Asset Management Plan	<p>“that Council, having considered Item 14.6 – Recommendation Review of Infrastructure and Asset Management Plan, dated 14 December 2020, receives and notes the report and in doing so instructs the Chief Executive Officer to recommence work on the review of Infrastructure and Asset Management Plan post adoption of the Strategic Plan 2020-2024.”</p>	2020/447	Forward Agenda - I&E Committee 2021	Infrastructure and Environment
14-Dec-20	14.7	Third Creek Road Closure - Outcome of Public Consultation	<p>“that Council, having considered Item 14.7 – Third Creek Road Closure – Outcome of Public Consultation, dated 14 December 2020, receives and notes the report and in doing so:</p> <p>1. Acknowledges that public consultation was undertaken in relation to the proposed closure of Third Creek Road and that no submissions were received; and</p> <p>2. Instructs the Chief Executive Officer to finalise Third Creek Road closure in accordance with the Roads (Opening and Closing) Act 1991.”</p>	2020/448	Ongoing	Infrastructure and Environment
27-Jan-21	9	Motion Without Notice	<p>“that the Chief Executive Officer contact all relevant government agencies and stakeholder groups with a view of facilitating a community forum that seeks to address escalating trends associated with public nuisance/public safety throughout the Council area.”</p>	2021/002	Forward Agenda - August 2021	Development and Community
28-Jan-21	14.12	Donaldson Road - Two Wells	<p>“that Council, having considered Item 14.12 – Donaldson Road – Two Wells, dated 27 January 2021 receives and notes the report and in doing so, endorses that a portion of Donaldson Road (D112594 Lot 53 to Elizabeth Street) is renamed to Longview Road.”</p>	2021/030	Ongoing	Infrastructure and Environment
22-Feb-21	9	Motion Without Notice	<p>“that the Chief Executive Officer investigate and bring back a report on the cost and options of providing a green waste collection in the coastal communities of Middle Beach, Parham, Webb Beach and Thompson Beach consulting with residents and ratepayers as necessary.”</p>	2021/051	Completed	Infrastructure and Environment
22-Feb-21	14.1	Light & Adelaide Plains Region Economic Development Authority - Regional Subsidiary Charter	<p>“that Council, having considered Item 14.1 – Light & Adelaide Plains Region Economic Development Authority – Regional Subsidiary Charter, dated 22 February 2021, receives and notes the report and in doing so:</p> <p>1. Confirms its intention to establish a regional subsidiary under section 43 of the Local Government Act 1999, to be known as the Light & Adelaide Plains Region Economic Development Authority (the Regional Subsidiary) and</p> <p>2. Instructs the Chief Executive Officer to, on the Council’s behalf, and following a further joint Informal Gathering between Adelaide Plains Council and Light Regional Council, apply to the relevant Minister, under Schedule 2 Part 2 of the Local Government Act 1999, in relation to the proposed establishment of the Regional Subsidiary.”</p>	2021/062	Ongoing. Awaiting response from Minister.	Governance and Executive Office
22-Feb-21	14.6	Planning Reform Update February 2021	<p>“that Council, having considered Item 14.6 – Planning Reform Update February 2021– Phase 3 Planning and Design Code Introduction , dated 22 February 2021 in consideration of 1 and 2 above, instructs the CEO to, as part of the upcoming budget process, bring back detailed reports, trends, statistics and analysis in relation to the impacts of urban growth on APC and the need to ensure resourcing is commensurate with workload impost.”</p>	2021/075	Forward Agenda - August 2021	Development and Community

23-Feb-21	19.1	Motion on Notice	"that the Chief Executive Officer bring back a report naming all the subsidiaries and like organisations to which APC subscribes, attends, and is otherwise involved, and the annual fees applicable to each, including attendance requirements/costs and a cost benefit analysis."	2021/093	Completed	Governance and Executive Office
23-Feb-21	21.1	Crown Land, Two Wells Update - February 2021	Confidential Item	2021/098	Ongoing	Governance and Executive Office
27-Apr-21	13.1	Motion Without Notice	"that the Chief Executive Officer bring back a report on the confidentiality provisions of the confidential minutes of the Gawler River Floodplain Management Authority Board Meetings and how they can be made available to constituent councils on a confidential basis."	2021/152	Agenda - 26 July 2021	Governance and Executive Office
27-Apr-21	14.1	Draft 2021/2022 Annual Business Plan and Budget for Public Consultation	"that Council, having considered Item 14.1 – Draft 2021/2022 Annual Business Plan and Budget for Public Consultation, dated 27 April 2021, receives and notes the report and in doing so: 1. Council has considered its draft Annual Business Plan and Budget for the 2021/2022 Financial Year, presented as Attachment 1 to this Report, and instructs the Chief Executive Officer to commence a period of public consultation in accordance with section 123 of the Local Government Act 1999 and Council's Public Consultation Policy, in regard to its proposals for a period of not less than 21 days inviting the public to make written submissions in order that Council is able to consider any feedback from members of the public with regard to its draft Annual Business Plan and Budget for the 2021/2022 Financial Year; 2. Acknowledges that as a result of the Public Access and Public Consultation Notice (No 2) 2020, in particular the suspension of section 123(4)(a)(i), and in accordance with Council's Public Consultation Policy, Council will not hold a public meeting or a special meeting in order to hear public submissions; and 3. Instruct that the Chief Executive Officer or his delegate prepare a report on written submissions received during the public consultation period for Council consideration."	2021/156	Completed	Finance and Business
27-Apr-21	14.4	Mallala and District Lions Club - Mallala Oval Clubroom Proposal	"that Council, having considered item 14.4 – Mallala and District Lions Club – Mallala Oval Clubroom Proposal, dated 27 April 2021, receives and notes the report and in support of the proposal instructs the Chief Executive to commence the public consultation process pursuant to Section 202 of the Local Government Act 1999 and in accordance with the Council's Public Consultation Policy, in regard to change of land use under the Community Land Management Plan and the leasing of a portion of Allotment 20 DP 95617, Mallala, known as Mallala Oval and comprised in Certificate of Title Volume 6163 Folio 218."	2021/164	Agenda - 26 July 2021	Infrastructure and Environment/ Governance and Executive Office
27-Apr-21	16.1	Motion Without Notice	"that the Chief Executive Officer bring back a report as to the 5t limit on Parham Road and whether it can be removed."	2021/173	Completed	Infrastructure and Environment
27-Apr-21	16.1	Motion Without Notice	"that the Chief Executive Officer bring back a report in relation to relevant matters regarding the potential relocation of the protest structures to Dublin, with a view to enhancing tourism."	2021/174	Completed	Infrastructure and Environment/ Development and Community
27-Apr-21	18.1	Motion on Notice	"that Council: 1. Instructs the Chief Executive Officer to undertake detailed design in relation to the construction and sealing of Thompson Beach Esplanade (end of road north of Kestrel Crescent to car park east of Heron Crescent – 3.39km), Parham Esplanade (north Parham Road to end of road south of Wilson Street – 1.32km) and Webb Beach Road (Parham Road to boat ramp – 1.88km) and 2. Acknowledges that an allocation of \$70,000 will be incorporated into the third quarter 2020/2021 budget revision."	2021/175	Agenda - 26 July 2021. Lay on the table (refer 2021/176)	Governance and Executive Office
27-Apr-21	18.1	Motion on Notice	"that Council instructs the Chief Executive Officer to explore all relevant funding opportunities with relevant stakeholder groups and interested parties in relation the construction and sealing of Thompson Beach Esplanade (end of road north of Kestrel Crescent to car park east of Heron Crescent – 3.39km), Parham Esplanade (north Parham Road to end of road south of Wilson Street – 1.32km) and Webb Beach Road (Parham Road to boat ramp – 1.88km) and associated tourism and business opportunities."	2021/177	Agenda - 26 July 2021 Lay on the table (refer 2021/178)	Governance and Executive Office
24-May-21	18.1	Motion on Notice	"that Council instructs the Chief Executive Officer to bring back a report outlining the relevant process and other considerations regarding a potential review of the Dogs By -Law 2019, with a view to allowing some off leash dog activity on coastal beaches and tidal flats."	2021/203	Agenda - 26 July 2021	Development and Community

28-Jun-21	14.6	Council Assessment Panel - Membership	<p>“that Council, having considered Item 14.6 – Council Assessment Panel – Membership, dated 28 June 2021, receives and notes the report and in doing so:</p> <ol style="list-style-type: none"> 1. Appoints Nathan Cunningham, Aaron Curtis, Paul Mickan and Ian O’Loan as Independent Members of the Council Assessment Panel pursuant to Section 83(1)(b) of the Planning, Development and Infrastructure Act 2016 for the term commencing 1 July 2021 and ending 30 June 2022, and subject to any accreditation requirements under Section 83(1)(c) of the Act; 2. Appoints Susan Giles as Deputy Independent Member of the Council Assessment Panel pursuant to Section 83(1)(b) of the Planning, Development and Infrastructure Act 2016 for the term commencing 1 July 2021 and ending 30 June 2022, and subject to any accreditation requirements under Section 83(1)(c) of the Act; 3. Appoints Councillor Margherita Panella as a Council Member of the Council Assessment Panel pursuant to Section 83(1)(b) of the Planning, Development and Infrastructure Act 2016 for the term commencing 1 July 2021 and ending 30 June 2022, having been satisfied that Councillor Panella is appropriately qualified to act as a member of the assessment panel on account of the person’s experience in local government, as required by Section 83(2) of the Act; 4. Appoints Councillor Brian Parker as a Deputy Council Member of the Council Assessment Panel pursuant to Section 83(1)(b) of the Planning, Development and Infrastructure Act 2016 for the term commencing 1 July 2021 and ending 30 June 2022, having been satisfied that Councillor Parker is appropriately qualified to act as a member of the assessment panel on account of the person’s experience in local government, as required by Section 83(2) of the Act; 5. Appoints Nathan Cunningham as the Presiding Member of the Council Assessment Panel pursuant to Section 83(1)(b)(vi) of the Planning, Development and Infrastructure Act 2016 for the term commencing 1 July 2021 and ending 30 June 2022, and subject to any accreditation requirements under Section 83(1)(c) of the Act; 6. Determines in accordance with Section 83(1)(b) of the Planning, Development and Infrastructure Act 2016 that the appointment of Independent, Council and Deputy Members to the Council Assessment Panel is subject to their compliance with and acceptance of the Terms of Reference for the Council Assessment Panel adopted by Council on 3 March 2021; 7. Sets the sitting fee for members of the Council Assessment Panel (excluding Council Members) at \$450 per meeting for Presiding Member and \$350 per meeting for Independent Member.” 	2021/239	Completed	Development and Community
28-Jun-21	14.7	Building Fire Safety Committee - Establishment, Terms of Reference and Membership	<p>“that Council, having considered Item 14.7 – Building Fire Safety Committee – Establishment, Terms of Reference and Membership, dated 28 June 2021, receives and notes the report and in doing so:</p> <ol style="list-style-type: none"> 1. Acknowledges that the previous Building and Fire Safety Committee, established under the Development Act 1993, ceased to exist on repeal of that Act and 2. Establishes the Adelaide Plains Building Fire Safety Committee pursuant to section 157(17) of the Planning, Development and Infrastructure Act 2016 and 3. Designates the Adelaide Plains Building Fire Safety Committee as an appropriate authority pursuant to Section 157(16) of the Planning, Development and Infrastructure Act 2016.” 	2021/240	Completed	Development and Community
28-Jun-21	14.7	Building Fire Safety Committee - Establishment, Terms of Reference and Membership	<p>“that Council, having considered Item 14.7 – Building Fire Safety Committee – Establishment, Terms of Reference and Membership, dated 28 June 2021, adopts the Terms of Reference as presented at Attachment 1 to this Report as the terms of reference of the Adelaide Plains Building Fire Safety Committee.”</p>	2021/241	Completed	Development and Community
28-Jun-21	14.7	Building Fire Safety Committee - Establishment, Terms of Reference and Membership	<p>“that Council, having considered Item 14.7 – Building Fire Safety Committee – Establishment, Terms of Reference and Membership, dated 28 June 2021, appoints to the Adelaide Plains Building Fire Safety Committee the following members, for a term of three (3) years, pursuant to section 157(17) of the Planning, Development and Infrastructure Act 2016 (the Act):</p> <ol style="list-style-type: none"> 1. Mr Peter Harmer, as a person who holds prescribed qualifications in building surveying pursuant to regulation 113 of the Planning, Development and Infrastructure (General) Regulation 2017 and subject to the condition that they retain such prescribed qualifications for the term of their appointment; 2. Mr Julian Aggiss (and Messrs Colin Paton and Darren Chapman as deputy members) Country Fire Service as a person nominated by the Chief Officer of the SA Country Fire Service and as a person with expertise in the area of fire safety; 3. Mr Michael Essex, as a person selected by Council.” 	2021/242	Completed	Development and Community

28-Jun-21	14.7	Building Fire Safety Committee - Establishment, Terms of Reference and Membership	<p>“that Council, having considered Item 14.7 – Building Fire Safety Committee – Establishment, Terms of Reference and Membership, dated 28 June 2021:</p> <p>1. Appoints Mr Peter Harmer as the Presiding Member of the Adelaide Plains Building Fire Safety Committee, pursuant to section 157(17) of the Planning, Development and Infrastructure Act 2016 for a term of three years subject to the condition that Mr Harmer remains a member of the Adelaide Plains Building Fire Safety Committee for the term of his appointment.</p> <p>2. Determine that the remuneration for the Presiding Member of the Adelaide Plains Building Fire Safety Committee will be \$175.00 (ex GST) per hour.”</p>	2021/243	Completed	Development and Community
28-Jun-21	14.8	Adelaide Plains Council Historical Committee - Terms of Reference Review	<p>“that Council, having considered Item 14.8 – Adelaide Plains Council Historical Committee – Terms of Reference Review, dated 28 June 2021, receives and notes the report and in doing so:</p> <p>1. Revokes the current Adelaide Plains Council Historical Committee Terms of reference as presented as Attachment 2 to this Report; and</p> <p>2. Adopts the amended Adelaide Plains Council Historical Committee Terms of Reference as presented as Attachment 1 to this Report.”</p>	2021/244	Completed	Development and Community
28-Jun-21	14.9	Barossa, Light and Lower North Regional Disability Access and Inclusion Plan - Addendum to Update Status of Document	<p>“that Council, having considered Item 14.9 – Barossa, Light and Lower North Regional Disability Access and Inclusion Plan – Addendum to Update Status of Document, dated 28 June 2021, receives and notes the report and in doing so adopts the amended Barossa Light and Lower North Regional Disability Access and Inclusion Plan – Background Document as presented in Attachment 1 to this Report.”</p>	2021/245	Completed	Development and Community
28-Jun-21	14.10	Approval of Expenditure Prior to the Adoption of the 2021/2022 Annual Budget	<p>“that Council, having considered Item 14.10 – Approval of Expenditure Prior to the Adoption of the 2021/2022 Annual Budget, dated 28 June 2021, receives and notes the report and in doing so:</p> <p>1. Acknowledges that the 2021/2022 Annual Business Plan and Budget of Council is not proposed to be adopted until 8 July 2021;</p> <p>2. Pending the adoption of the 2021/2022 Annual Business Plan and Budget, approves the expenditure of Council funds on the works, services and operations of the Council as follows:</p> <p>a. Employee costs</p> <p>b. Materials, contractors and other</p> <p>c. Loan repayments and short term borrowings</p> <p>d. Interest expenses</p> <p>3. Authorises the Chief Executive Officer to expend the Council’s funds approved in paragraph 2 of this resolution; and</p> <p>4. Acknowledges that the Chief Executive Officer may authorise such other employees of the Council to expend the funds approved in paragraph 2 of this resolution.”</p>	2021/246	Completed	Finance and Business
28-Jun-21		N/A	“that the meeting be extended until 9.30pm.”	2021/247	Completed	Governance and Executive Office
28-Jun-21	15.1	Council Resolutions - Status Report	“that Council, having considered Item 15.1 – Council Resolutions – Status Report, dated 28 June 2021, receives and notes the report.”	2021/248	Completed	Governance and Executive Office
28-Jun-21	15.2	Infrastructure and Environment Department - Monthly Report	“that Council, having considered Item 15.2 – Infrastructure and Environment Department – Monthly Report – June 2021, dated 28 June 2021 receives and notes the report.”	2021/249	Completed	Infrastructure and Environment
28-Jun-21	15.3	Drought Communities Programme - Final Report	“that Council, having considered Item 15.3 – Drought Communities Programme – Final Report – June 2021, dated 28 June 2021 receives and notes the report.”	2021/250	Completed	Development and Community
28-Jun-21	15.4	Regional Development Australia Barossa Gawler Light Adelaide Plains - Update June 2021	“that Council, having considered Item 15.4 – Regional Development Australia Barossa Gawler Light Adelaide Plains – Update June 2021, dated 28 June 2021, receives and notes the report.”	2021/251	Completed	Development and Community
28-Jun-21	15.5	Cemeteries Capacity Review	“that Council, having considered Item 15.5 – Cemeteries Capacity Review, dated 28 June 2021, receives and notes the report.”	2021/252	Completed	Development and Community
28-Jun-21	15.6	Potential Relocation of Protest Structures	“that Council, having considered Item 15.6 – Potential Relocation of Protest Structures, dated 28 June 2021, receives and notes the report.”	2021/253	Completed	Infrastructure and Environment
28-Jun-21	15.7	Parham Road and Settlement - 5 Tonne Load Limit	“that Council, having considered Item 15.7 – Parham Road and Settlement – 5 Tonne Load Limit, dated 28 June 2021, receives and notes the report.”	2021/254	Completed	Infrastructure and Environment


28-Jun-21	15.8	Projects Expected to be Carry Over to 2021/2022 Financial Year	“that the Council, having considered Item 15.8 – Projects Expected to be Carry Over to 2021/2022 Financial Year, dated 28 June 2021, receives and notes the report.”	2021/255	Completed	Finance and Business
28-Jun-21	18.1	Motion On Notice	“that Council instructs the Chief Executive Officer to bring a report back to Council that explores opportunities surrounding uplift in building facades in the Two Wells Main Street. Such a report may examine, amongst other items: <ul style="list-style-type: none"> • similar initiatives undertaken by Wakefield Regional Council to improve the visual amenity of the Hamley Bridge Main Street • funding/co-funding opportunities • business incentive schemes • business engagement strategies • Two Wells Main Street masterplanning and design.” 	2021/256	Forward Agenda - August/September 2021	Development and Community
28-Jun-21	18.2	Motion On Notice	“that Council instructs the Chief Executive Officer to bring a report back to Council that explores opportunities to advance a caravan park proposal within the Dublin township, with such a report to examine, amongst other items: <ul style="list-style-type: none"> • land tenure opportunities/constraints • zoning opportunities/constraints • draft Tourism and Economic Development Strategy considerations • preliminary dialogue with SA Tourism, RDA and Caravan and Camping Industries Association of SA so as to understand supply/demand • soft market testing/EoI for the market place (process and procedure).” 	2021/257	Forward Agenda - August/September 2021	Development and Community
28-Jun-21	21.1	Crown Land, Two Wells	“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, Acting General Manager – Governance and Executive Office, General Manager – Finance and Business, General Manager – Infrastructure and Environment, General Manager – Development and Community, Administration and Executive Support Officer/Minute Taker and Information Technology Officer be excluded from attendance at the meeting of Council for Agenda Item 21.1 – Crown Land, Two Wells – June 2021; 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 – June 2021 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 ongoing negotiations in relation to 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.”	2021/258	Completed	Governance and Executive Office
28-Jun-21	21.1	Crown Land, Two Wells	“that Council, having considered Item 21.1 – Crown Land, Two Wells – June 2021 dated 28 June 2021, receives and notes the report.”	2021/259	Completed	Governance and Executive Office
28-Jun-21	21.1	Crown Land, Two Wells	“that Council, having considered the matter of Item 21.1 – Crown Land, Two Wells – June 2021 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 Attachment 1 pertaining to Item 21.1 – Crown Land, Two Wells – June 2021 remain confidential and not available for public inspection until further order of the Council; 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.”	2021/260	Completed	Governance and Executive Office
8-Jul-21	4.1	Adoption of 2021/2022 Annual Business Plan and Budget and Declaration of Rates for 2021/2022	“that Council, having considered Item 4.1 – Adoption of 2021/2022 Annual Business Plan and Budget and Declaration of Rates for 2021/2022, dated 8 July 2021 receives and notes the report and in doing so, in accordance with the powers contained in Chapters 8, 9 and 10 of the Local Government Act 1999 and in respect to the Financial Year ending 30 June 2022 Council resolves the below-mentioned resolutions.”	2021/261	Completed	Finance and Business

8-Jul-21	4.1	Adoption of 2021/2022 Annual Business Plan and Budget and Declaration of Rates for 2021/2022	<p>“that Council, having considered Item 4.1 – Adoption of 2021/2022 Annual Business Plan and Budget and Declaration of Rates for 2021/2022, dated 8 July 2021:</p> <p>1. For the Financial Year ending 30 June 2022, pursuant to Section 123 of the Local Government Act 1999 and Regulation 6 of the Local Government (Financial Management) Regulations 2011, having considered all submissions in accordance with Section 123(6) of the Local Government Act 1999, adopts the Annual Business Plan as presented in Attachment 1 (subject to minor editorial changes which the Chief Executive Officer is authorised to make); and</p> <p>2. Further that the Chief Executive Officer be delegated authority to prepare an abridged or summary version of the Annual Business Plan for distribution to the ratepayers with the first quarterly rate notice.”</p>	2021/262	Completed	Finance and Business
8-Jul-21	4.1	Adoption of 2021/2022 Annual Business Plan and Budget and Declaration of Rates for 2021/2022	<p>that Council, having considered Item 4.1 – Adoption of 2021/2022 Annual Business Plan and Budget and Declaration of Rates for 2021/2022, dated 8 July 2021:</p> <p>1. In accordance with section 123(7) of the Local Government Act 1999 and Regulation 7 of the Local Government (Financial Management) Regulations 2011 having considered the budget in conjunction with, and determined it to be consistent with Council's adopted Annual Business Plan, the budget for the Financial Year ending 30 June 2022 comprising;</p> <p>a) Budgeted Income Statement;</p> <p>b) Budgeted Balance Sheet;</p> <p>c) Budgeted Cash Flow Statement;</p> <p>d) Budgeted Statement of Changes in Equity;</p> <p>e) Budgeted Uniform Presentation of Finances; and</p> <p>f) Statement of Financial Indicators</p> <p>involving –</p> <p>(1) an estimated operating expenditure of \$16,446,589 inclusive of an estimated depreciation expense of \$2,861,531;</p> <p>(2) an estimated operating income from sources other than rates of \$5,087,575; and;</p> <p>(3) a total amount required to be raised from rates of \$11,185,817 comprising –</p> <p>General rate: \$10,092,780</p> <p>Annual Services Charges:</p> <ul style="list-style-type: none"> • Kerbside Waste Collection \$ 650,585 • Community Wastewater Management Systems Disposal \$ 250,391 <p>Northern and Yorke Regional Landscape Levy \$ 192,061</p> <p>(and subject to necessary modifications to give effect to the amendments to the Annual Business Plan outlined above (if any)), is adopted.”</p>		Completed	Finance and Business
8-Jul-21	4.1	Adoption of 2021/2022 Annual Business Plan and Budget and Declaration of Rates for 2021/2022	<p>“that Council, having considered Item 4.1 – Adoption of 2021/2022 Annual Business Plan and Budget and Declaration of Rates for 2021/2022, dated 8 July 2021 for the Financial Year ending 30 June 2022, pursuant to Section 167(2)(a) of the Local Government Act 1999, adopts the most recent valuations of the Valuer-General of South Australia that are available to the Council of the capital value of land in the Council area for rating purposes (subject to alteration) and that will govern the assessment of rates in the Council area for the financial year commencing 1 July 2021, and totalling \$2,227,483,100, of which \$2,199,935,189 relates to the valuations for rateable land.”</p>		Completed	Finance and Business
8-Jul-21	4.1	Adoption of 2021/2022 Annual Business Plan and Budget and Declaration of Rates for 2021/2022	<p>“that Council, having considered Item 4.1 – Adoption of 2021/2022 Annual Business Plan and Budget and Declaration of Rates for 2021/2022, dated 8 July 2021, for the financial year ending 30 June 2022, having taken into account the general principles of rating outlined in section 150 of the Local Government Act 1999 and the requirements of sections 151, 152 and 153(2) of the Local Government Act 1999, and pursuant to sections 153(1)(b) and 156(1)(a) of the Act, declares the following general rates, consisting of two components, the first being the fixed charge specified in the resolution below, and the second being a differential rate based on the capital value of rateable land varying according to the land use category as provided for in Regulation 14 of the Local Government (General) Regulations 2013:</p> <p>a) on all rateable land attributed Land Use Category (a) – Residential, a rate of 0.445709 cents in the dollar;</p> <p>b) on all rateable land attributed Land Use Category (b) – Commercial Shop, Land Use Category (c) – Commercial Office, Land Use Category (d) – Commercial Other, Land Use Category (e) – Industry Light, and Land Use Category (f) – Industry Other a rate of 0.579381 cents in the dollar;</p> <p>c) on all rateable land attributed Land Use Category (g) – Primary Production, a rate of 0.405200 cents in the dollar; and</p> <p>d) on all rateable land attributed Land Use Category (h) – Vacant Land and Land Use Category (i) – Other, a rate of 0.445709 cents in the dollar.”</p>		Completed	Finance and Business

8-Jul-21	4.1	Adoption of 2021/2022 Annual Business Plan and Budget and Declaration of Rates for 2021/2022	"that Council, having considered Item 4.1 – Adoption of 2021/2022 Annual Business Plan and Budget and Declaration of Rates for 2021/2022, dated 8 July 2021 pursuant to Sections 151 and 152(1)(c) of the Local Government Act 1999, for the Financial Year ending 30 June 2022, sets the fixed charge component of the general rate of \$112.00 on all rateable land within its area."		Completed	Finance and Business
8-Jul-21	4.1	Adoption of 2021/2022 Annual Business Plan and Budget and Declaration of Rates for 2021/2022	"that Council, having considered Item 4.1 – Adoption of 2021/2022 Annual Business Plan and Budget and Declaration of Rates for 2021/2022, dated 8 July 2021 determines not to fix a maximum increase in the general rate to be charged on rateable land within its area that constitutes the principal place of residence of a principal ratepayer in accordance with Section 153(3) of the Local Government Act 1999 for the Financial Year ending 30 June 2022."		Completed	Finance and Business
8-Jul-21	4.1	Adoption of 2021/2022 Annual Business Plan and Budget and Declaration of Rates for 2021/2022	"that Council, having considered Item 4.1 – Adoption of 2021/2022 Annual Business Plan and Budget and Declaration of Rates for 2021/2022, dated 8 July 2021, for the Financial Year ending 30 June 2022, pursuant to Section 155 of the Local Government Act 1999, Council imposes the following annual service charges based on the nature of the service on each assessment in respect of all land, whether vacant or occupied, to which the Council provides or makes available the prescribed service of the collection, treatment or disposal of waste as part of a Community Wastewater Management Scheme (CWMS) service. CWMS Service Annual Service Charge (\$) Middle Beach – Large Tank 443 Middle Beach – Small Tank 443 Mallala 659."		Completed	Finance and Business
8-Jul-21	4.1	Adoption of 2021/2022 Annual Business Plan and Budget and Declaration of Rates for 2021/2022	"that Council, having considered Item 4.1 – Adoption of 2021/2022 Annual Business Plan and Budget and Declaration of Rates for 2021/2022, dated 8 July 2021: 1. For the Financial Year ending 30 June 2022, pursuant to Section 155 of the Local Government Act 1999, imposes an annual service charge of \$167.00 per assessment in respect of all land, except for vacant land, to which Council provides or makes available the prescribed service of kerbside waste collection 3-bin service, within the townships of Mallala, Two Wells and Dublin. 2. Commercial/Industrial properties within the townships can apply to have the mandatory waste levy rebated provided they supply written documentation to the council detailing how they will dispose of their waste in an environmentally sustainable manner. 3. That Council, for the Financial Year ending 30 June 2022, pursuant to Section 155 of the Local Government Act 1999, imposes an annual service charge of \$167.00 per assessment in respect of all land, except for vacant land, to which Council provides the prescribed service of kerbside waste collection 2-bin service, outside the townships of Mallala, Two Wells and Dublin upon the (existing or future) application to participate in such service by the ratepayer on the basis that the sliding scale provided for in Regulation 13 of the Local Government (General) Regulations 2013 will apply to reduce the service charge payable, as prescribed. 4. That Council, for the Financial Year ending 30 June 2022, pursuant to Section 188(1)(b) of the Local Government Act 1999, imposes following fees and charges for additional bin services: Additional Bin Service Fees & Charges (\$) Additional Organic Bin 72.00 Additional Recycle Bin 55.00 Additional General Waste Bin 80.00"		Completed	Finance and Business
8-Jul-21	4.1	Adoption of 2021/2022 Annual Business Plan and Budget and Declaration of Rates for 2021/2022	"that Council, having considered Item 4.1 – Adoption of 2021/2022 Annual Business Plan and Budget and Declaration of Rates for 2021/2022, dated 8 July 2021, for the financial year ending 30 June 2022 in exercise of the powers contained in the Landscape South Australia Act 2019, and Section 154 of the Local Government Act 1999, and in order to reimburse the Council for the amount contributed to the Northern and Yorke Landscape Board, being \$192,061 declares a separate rate of 0.008792 cents in the dollar of the capital value of land, in respect of all rateable land in the Council's area and in the area of that Board the capital value of such land totalling \$2,184,533,181".		Completed	Finance and Business

8-Jul-21	4.1	Adoption of 2021/2022 Annual Business Plan and Budget and Declaration of Rates for 2021/2022	<p>that Council, having considered Item 4.1 – Adoption of 2021/2022 Annual Business Plan and Budget and Declaration of Rates for 2021/2022, dated 8 July 2021:</p> <p>1. Pursuant to and in accordance with Sections 161 (community services) of the Local Government Act 1999, the Council grants a rebate of 75% of the rates imposed for the year ending 30 June 2022 on the following assessments:</p> <p>Assessment No Organisation</p> <p>13144 Junction Australia</p> <p>48181 Junction Australia</p> <p>48199 Junction Australia</p> <p>2. Pursuant to and in accordance with Section 165 (educational purposes) of the Local Government Act 1999, the Council grants a rebate of 75% of the rates imposed for the year ending 30 June 2022 on the assessment 58347 (Xavier College, Two Wells);</p> <p>3. Pursuant to and in accordance with Sections 162 (religious purposes), 163 (public cemeteries) and Section 165 (educational purposes) of the Local Government Act 1999, the Council grants a rebate of 100% of the rates imposed for the year ending 30 June 2022 on the following assessments:</p> <p>Assessment No Organisation Section of the LGA Act 1999</p> <p>12948 Uniting Church Cemetery, Lewiston 163</p> <p>20164 Catholic Cemetery, Mallala 163</p> <p>20180 Grace Plains Cemetery 163</p> <p>20230 Barabba Cemetery 163</p> <p>20495 Mallala Cemetery 163</p> <p>30387 Dublin Cemetery 163</p> <p>40295 Two Wells Cemetery 163</p> <p>41855 Shannon Cemetery (Calomba) 163</p> <p>20099 Anglican Church, Mallala 162</p> <p>20123 Catholic Church Mallala 162</p> <p>20149 Uniting Church Mallala 162</p> <p>30536 Uniting Church Windsor 162</p> <p>36947 Catholic Church Two Wells 162</p> <p>40303 Uniting Church Two Wells - Church/Sunday School 162</p>		Completed	Finance and Business
8-Jul-21	4.1	Adoption of 2021/2022 Annual Business Plan and Budget and Declaration of Rates for 2021/2022	<p>“that Council, having considered Item 4.1 – Adoption of 2021/2022 Annual Business Plan and Budget and Declaration of Rates for 2021/2022, dated 8 July 2021 resolves that:</p> <p>1. Pursuant to section 181(2) of the Local Government Act 1999, rates and charges imposed in respect of the Financial Year ending 30 June 2022, shall be payable in four equal or approximately equal instalments, such instalments being due and payable by:</p> <p>a) Friday, 3 September 2021 (first instalment)</p> <p>b) Friday, 3 December, 2021 (second instalment)</p> <p>c) Friday, 4 March, 2022 (third instalment) and</p> <p>d) Friday, 3 June, 2022 (final instalment)</p> <p>provided that in cases where the initial account requiring payment of rates is not sent at least 30 days prior to this date, or an amended account is required to be sent, authority to fix the date by which rates must be paid in respect of those assessments affected is delegated to the Chief Executive Officer: and</p> <p>2. In exercise of the powers contained in section 44 of the Local Government Act 1999, the Council delegates this 8th day of July 2021 to the Chief Executive Officer of the Council the power pursuant to Section 181(4)(b) of the Local Government Act 1999, in any case where he considers it necessary or desirable to do so, to agree with the Principal Ratepayer that rates will be payable in such instalments falling due on such days as may be specified in the agreement and in that event that ratepayers rates will thereby be payable accordingly.”</p>	2021/272	Completed	Finance and Business
8-Jul-21	4.1	Adoption of 2021/2022 Annual Business Plan and Budget and Declaration of Rates for 2021/2022	<p>“that Council, having considered Item 4.1 – Adoption of 2021/2022 Annual Business Plan and Budget and Declaration of Rates for 2021/2022, dated 8 July 2021 resolves that:</p> <p>1. Pursuant to the provisions of Sections 134 and 135 of the Local Government Act 1999, the Adelaide Plains Council does hereby order that the Council shall borrow by means of Convertible Cash Advance Debenture Loan, on the security of the general rate revenue of the Council, an amount up to the sum of \$2,708,000 from the Local Government Finance Authority of South Australia on a floating variable/fixed rate for a maximum period of fifteen (15) years, the purpose of which is to finance Council's operations including its capital works programs; and</p> <p>2. Further, pursuant to Section 38 of the Local Government Act 1999, Council hereby authorises the Mayor and the Chief Executive Officer to execute under the Common Seal of Council, documentation associated with the aforementioned loan borrowing facility.”</p>		Completed	Finance and Business

8-Jul-21	4.2	Consideration of Projects to be Carried Forward from 2020/2021 to 2021/2022	<p>“that Council, having considered Item 4.2 – Consideration of Projects to be Carried Forward from 2020/2021 to 2021/2022, dated 8 July 2021, receives and notes the report and in doing so instructs the Chief Executive Officer to:</p> <ol style="list-style-type: none"> 1. Carry forward projects not completed by 30 June 2021 and continue with the implementation in 2021/2022 Financial Year as identified in the Attachment 1; 2. Make necessary budget revision in 2021/2022 Financial Year to account for the carry over amounts as identified in the Attachment 1 on the condition that the total budget for the projects in the Attachment 1 do not exceed the combined budgets for 2020/2021 and 2021/2022 Financial Years; and 3. Advise the Council regarding final carry over amounts as part of the September 2021 Budget Review.” 		Completed	Finance and Business
8-Jul-21	5.1	Trans-Tasman Energy Group Claim	<p>“that:</p> <ol style="list-style-type: none"> 1. Pursuant to section 90(2) of the Local Government Act 1999, Council orders that all members of the public, except Chief Executive Officer, Acting General Manager – Governance and Executive Office, General Manager – Finance and Business, General Manager – Infrastructure and Environment, General Manager – Development, Community, Administration and Executive Support Officer/Minute Taker and IT Support Officer be excluded from attendance at the meeting of Council for Agenda Item 5.1 – Trans-Tasman Energy Group Claim 2. Council is satisfied that pursuant to section 90(3)(h) and 90(3)(i) of the Local Government Act 1999, Agenda Item 5.1 – Trans-Tasman Energy Group Claim contains: <ol style="list-style-type: none"> a. Legal advice, being advice from HWL Ebsworth in relation to the Trans-Tasman Energy Group Claim and b. Information relating to litigation that the Council believes on reasonable grounds will take place involving the Council, being details of the Trans-Tasman Energy Group Claim 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.” 		Completed	Governance and Executive Office
8-Jul-21	5.1	Trans-Tasman Energy Group Claim	“that Council, having considered Item 5.1 – Trans-Tasman Energy Group Claim, dated 8 July 2021, receives and notes the report.”		Completed	Governance and Executive Office
8-Jul-21	5.1	Trans-Tasman Energy Group Claim	<p>“that Council, having considered the matter of Item 5.1 – Trans-Tasman Energy Group Claim in confidence under sections 90(2) and 90(3)(h) and 90(3)(i) of the Local Government Act 1999, resolves that:</p> <ol style="list-style-type: none"> 1. The report pertaining to Item 5.1 – Trans-Tasman Energy Group Claim remain confidential and not available for public inspection until further order of the Council; 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.” 	2021/277	Completed	Governance and Executive Office
21-Jul-21	4.1	Council Meetings, Committee Meetings and Informal Gatherings to Take Place by Electronic Means – Level 5 Restrictions and Stay at Home Requirement	“that Council, having considered 4.1 – Council Meetings, Committee Meetings and Informal Gatherings to Take Place by Electronic Means – Level 5 Restrictions and Stay at Home Requirement, dated 21 July 2021, receives and notes the report and in doing so resolves that when the direction issued under the Emergency Management Act 2004 (SA) imposes Level 5 restrictions or a ‘Stay at Home’ requirement, Council meetings, Committee meetings and informal gatherings will take place via electronic means, being a virtual meeting room.”	2021/278	Completed	Governance and Executive Office

 Adelaide Plains Council	15.2	Access to Confidential Subsidiary Documents
	Department: Report Author:	Governance and Executive Office Acting General Manager – Governance and Executive Office
Date: 26 July 2021	Document Ref:	D21/20278

OVERVIEW

Purpose

The purpose of this report is to outline ‘how confidential subsidiary documents can be made available to Council Members on a confidential basis’, further to resolution 2021/152 (below).

Background

Council, at its Ordinary Meeting on 26 April 2021, resolved as follows:

Motion Without Notice

Moved Councillor Strudwicke Seconded Councillor Lush 2021/ 152

“that the Chief Executive Officer bring back a report on the confidentiality provisions of the confidential minutes of the Gawler River Floodplain Management Authority Board Meetings and how they can be made available to constituent councils on a confidential basis.”

CARRIED

Discussion

The Gawler River Floodplain Management Authority is a regional subsidiary established under Section 43 and Schedule 2 of the Local Government Act 1999 (the Act).

As a starting point, unlike for a council there is no requirement under the Act (or otherwise) for the agendas and minutes of subsidiary board meetings to be made publicly available. There is also no specific requirement under the Act, or otherwise, for agendas and minutes (public or confidential) to be automatically made available to the constituent councils.

However, Clause 27(1) of Schedule 2 to the Act provides:

A regional subsidiary must, at the written request of a constituent council, furnish to the council information or records in the possession or control of the subsidiary as the council may require in such manner and form as the council may require.

Accordingly, councils have the ability to make written requests to any regional subsidiary of which they are a constituent council for a copy of any document or record within the possession or control of the subsidiary, including a copy of confidential minutes of a meeting of the relevant board.

Any such request should be reasonable and made for the purposes associated with the exercise of a council's powers, functions and duties under the Act and, in particular, connected with the general oversight role that a council plays with respect to any regional subsidiary of which it is a constituent council.

Clause 27 of Schedule 2 to the Act also addresses a subsidiary's ability to protect its confidential information. Clause 27(2) provides that if the board of management of the subsidiary considers that information or a record furnished under the Clause contains matters that should be treated as confidential, the board of management may advise the council of that opinion. If such an opinion is formed, the subsidiary must give reasons for the opinion.

Clause 27(3) goes on to provide that if such an opinion is formed by the board of management, the council making the request is entitled to act on that advice as the council thinks fit but must, in doing so, ensure that it observes the duty of confidence if it is satisfied the subsidiary owes such a duty. The council is obliged to take that course unless the council is otherwise required to disclose the information in the proper performance of its functions or duties.

A complete extract of Clause 27 of Schedule 2 to the Act is provided as **Attachment 1** to this report.

Summary

Although there is no specific requirement for confidential minutes of a regional subsidiary to be provided to its constituent councils, a council can require a regional subsidiary of which it is a constituent council to furnish the council with confidential documents held by the subsidiary, including the minutes of confidential meetings of the subsidiary's board of management under Clause 27(1) of Schedule 2 to the Local Government Act.

Once such documents are provided (and assuming the board provides the indication foreshadowed under Clause 27(2)), the council is generally obliged to treat the documents confidentially if the council is satisfied the subsidiary owes a duty of confidence in respect of the information contained in the documents. If a council were to receive a regional subsidiary's confidential documents at a meeting, it should give proper consideration to whether or not the documents ought be received and retained in confidence under Sections 90 and 91 of the Act.

RECOMMENDATION

"that Council, having considered Item 15.2 – Access to Confidential Subsidiary Documents, dated 26 July 2021, receives and notes the report."

Attachments

1. Extract of Schedule 2 to the Local Government Act 1999 (Clause 27).

References

Legislation

Local Government Act 1999


Council Policies/Plans

Strategic Plan 2021-2024

Proactive Leadership

27—Provision of information

- (1) A regional subsidiary must, at the written request of a constituent council, furnish to the council information or records in the possession or control of the subsidiary as the council may require in such manner and form as the council may require.
- (2) If the board of management of the subsidiary considers that information or a record furnished under this clause contains matters that should be treated as confidential, the board of management may advise the council of that opinion giving the reason for the opinion and the council may, subject to subclause (3), act on that advice as the council thinks fit.
- (3) If the council is satisfied on the basis of the board of management's advice that the subsidiary owes a duty of confidence in respect of a matter, the council must ensure the observance of that duty in respect of the matter, but this subclause does not prevent a disclosure as required in the proper performance of the functions or duties of the council.

 Adelaide Plains Council	15.3	Thompson Beach Vehicle Access
	Department: Report Author:	Development and Community Manager Regulatory
Date: 26 July 2021	Document Ref:	D21/31201

OVERVIEW

Purpose

The purpose of this report is to provide Council with options and information regarding the potential restriction of motor vehicle access to Thompson Beach.

Background

At the Council meeting held 28 June 2021 Council resolved the following:

12.3 Moved Councillor Keen

Seconded Councillor Parker

2021/223

“that Council endorses resolution 2021/012 of the Infrastructure and Environment Committee and in doing so instructs the Chief Executive Officer to bring back a report to Council with options to restrict vehicle access to Thompson Beach.”

CARRIED UNANIMOUSLY

The above resolution followed a report to the Infrastructure and Environment Committee Meeting of 15 June 2021 (**Attachment 1**) which provided information on the success of the trial closure of Thompson Beach and Prime Beach to motor vehicles between 5 October 2020 and 30 May 2021.

The report recommended the undertaking of public consultation in relation to vehicles being prohibited on the beach at Thompson Beach, with the exception of emergency services, Council and Department of Environment and Water service vehicles or those launching and/or retrieving boats, and locally owned and registered jinkers.

Discussion

Council’s *Local Government Land By-Law 2019* (the By-Law) (**Attachment 2**) came into operation on 10 February 2020 and was introduced by Council *“For the management and regulation of the use of and access to all land vested in or under the control of the Council including the prohibition and regulation of particular activities on local government land.”*

The By-Law does not currently prohibit motor vehicles from driving on the foreshore and tidal flats adjoining the Thompson Beach settlement. The foreshore beach area is predominantly Crown Land under the care and control of Council, identified as Lot 102, CR 6219/115. It contains a significant amount of native vegetation, 17 pedestrian access points, and two dedicated car parks located

opposite the Ruskin Road intersection and at the southern end of the settlement, which also provide vehicle access to the beach.

The foreshore and associated mud flats provide critical habitat for Migratory Shorebirds which are protected under the *Environmental Protection and Biodiversity Act 1999* and align to Australia's commitments under international treaties such as the Bon Convention, Japan- Australia Migratory Bird Agreement, China-Australia Migratory Bird Agreement, Republic of Korea-Australia Migratory Bird Agreement.

The tidal flats adjoining Thompson Beach are predominantly contained in Crown Land under the care and control of Council to low tide mark. Currently the land has no specific legal identifier.

Clause 4.32 of the Local Government Land By-Law relates to vehicles, with Clause 4.32.2 allowing Council to make resolutions restricting motor vehicle movement on "any part of the land".

Prior to making any such resolution Council should first consider the following:

- Community consultation undertaken in accordance with Council's Public Consultation Policy
- Council's monitoring and enforcement capability - Community Safety staff currently work Monday to Friday with one Authorised Officer 'on call' after hours and weekends. On-call means for emergency call outs e.g. dog attacks and does not provide for beach patrols. In relation to weekends, every second weekend is covered by an Authorised Officer from Light Regional Council as part of a resource sharing roster arrangement

After hours service has traditionally been limited to responding to animal related emergencies only. Extending the service to conduct beach patrols and associated compliance enforcement after hours and on weekends (likely a community expectation and when most non-compliance e.g. vehicles access the beach would occur) would require additional resourcing.

- Need for permanent signage at car parks at southern end of Thompson Beach and opposite the Ruskin Road intersection, and at the entrance to the settlement, noting that signage may be vandalised
- Need for supporting educational material and/or a media campaign
- Need for monitoring and reporting to ensure intended benefits are occurring
- Emergency Service, Police, Council or Council Contractor motor vehicles are already exempted from the By-Law pursuant to Clause 8.1, and therefore would not need to be excluded in any resolution made by Council

Any resolution adopted would need to contain the following:

- Specific reference to the *Local Government Land By-Law 2019* Clause 4.32.2
- Specific reference to the subject land to which the exclusion applies, i.e. Lot 102, CR 6219/115 and Crown Land to low tide mark adjoining Thompson Beach
- Exemption of motor vehicles being driven or propelled in the dedicated car parks contained in Lot 102, CR 6219/115
- Exemption for specific motor vehicles, e.g. government department vehicles, vehicles launching and/or retrieving boats, registered jinkers, etc.
- Specific time periods if only a partial closure is proposed, e.g. from October to May each year

Summary

Council's *Local Government Land By-Law 2019* does not currently prohibit motor vehicles from driving on the foreshore and tidal flats adjoining the Thompson Beach settlement.

Clause 4.32 of the By-Law relates to vehicles, with Clause 4.32.2 allowing Council to make resolutions restricting motor vehicle movement on "any part of the land".

Prior to making any resolution to restrict motor vehicle access, Council should take into account a number of considerations. Any resolution made would also need to incorporate specific requirements, i.e. relating to By-Law referencing, subject land identification, exemptions and time periods (if applicable).

RECOMMENDATION 1

"that Council, having considered Item 15.3 – *Thompson Beach Vehicle Access*, dated 26 July 2021, receives and notes the report."

Attachments


1. Report to Infrastructure and Environment Committee Meeting – 15 June 2021
2. Local Government Land By-Law 2019

References

Legislation

Local Government Act 1999

Local Government Land By-Law 2019

 Adelaide Plains Council	7.1	Thompson Beach, Seasonal Closure of Beach to Vehicles	
	Department:	Infrastructure and Environment	
	Report Author:	Coastal Conservation Officer	
Date:	15 June 2021	Document Ref:	D21/25841

EXECUTIVE SUMMARY

- The purpose of this report is to provide the Infrastructure and Environment Committee (the Committee) information on the trial closure of Thompson Beach from motor vehicles between October 2020 and May 2021 with the view to extend the seasonal closure.
- On 11 November 2019 Management were approached by the Senior Ranger for the Adelaide International Bird Sanctuary, who requested a seasonal restriction on motor vehicles at Thompson Beach between September and May annually.
- Council, at its Ordinary Meeting on 26 October 2020, resolved to trial prohibiting vehicles on the beach at Thompson Beach and Prime Beach between 5 October 2020 and 30 May 2021.
- Migratory shorebirds utilise our coastal areas over the summer months to feed and fatten up in preparation for their annual migration to the northern hemisphere to breed. Disturbance by off road vehicles has been identified threat to migratory shorebirds.
- Migratory Shorebirds are protected under the Environmental Protection and Biodiversity Act 1999. Some of the species utilising Council's coastal areas are classified as critically endangered.
- Minimising human induced threats to migratory shorebirds in Australia is a key objective in Birdlife Australia's Migratory Shorebird Conservation Action Plan. This is supported by Council's Natural and Coastal Areas Management Plan which was developed to guide the management of the natural and coastal areas to ensure these lands remain a valuable natural resource for existing and future generations
- The closure has improved beach safety for migratory and residents birds, pedestrians, and recreational fishers. At the same time, reducing vehicle use and damage to vegetation and the sensitive mudflat from compaction and damage from vehicles getting bogged.
- It is recommended that vehicles be prohibited on the beach at Thompson Beach with the exception of emergency services, Council and Department of Environment and Water service vehicles or those launching and/or retrieving boats, and locally owned and registered jinkers to access the beach.
- The recommendation is support by Friends of the International Bird Sanctuary, Friends of Parks, Bird Life, Birds SA, National Parks and Wildlife and presented as **Attachment 1** to this report.
- Access management is important for recreational and environmental outcomes and the proposed recommendation seeks to balance visitor use whilst seeking to reduce the impact caused by off road vehicles.

RECOMMENDATION

“that the Infrastructure and Environment Committee, having considered Item 7.1 – *Thompson Beach, Seasonal Closure of Beach to Vehicles*, dated 15 June 2021, receives and notes the report and in doing so, recommends to Council that public consultations is undertaken in relation to vehicles being prohibited on the beach at Thompson Beach with the exception of emergency services, Council and Department of Environment and Water service vehicles or those launching and/or retrieving boats, and locally owned and registered jinkers to access the beach.”

BUDGET IMPACT

Estimated Cost:	\$1000 (signage installation at vehicle access points within Thompson Beach)
Future ongoing operating costs:	\$500 (signage replacement)
Is this Budgeted?	Yes

RISK ASSESSMENT

The recommendation will improve beach safety for pedestrians, fishers and crabbers. Reduced vehicle use will also lessen risk of damage to vegetation and levees surrounding the township. The proposed resolution and long term adoption of the recommendation would benefit natural assets and provide an improved visitor attraction to the region for bird tourism.

Attachments

1. Support letters - Friends of the International Bird Sanctuary, Friends of Parks, Bird Life, Birds SA, National Parks and Wildlife.

DETAILED REPORT

Purpose

The purpose of this report is to provide the Infrastructure and Environment Committee (the Committee) information on the trial closure of Thompson Beach from motor vehicles between October 2020 and May 2021 with the view to extend the seasonal closure.

Background/History

Council, at its Ordinary Meeting on 28 September 2020, resolved as follows:-

12.2 Infrastructure and Environment Committee Meeting – 3 September 2020

Moved Councillor Keen Seconded Councillor Parker 2020/ 300

“that Council endorses resolution 2020/022 of the Infrastructure and Environment Committee and in doing so resolves to trial prohibiting vehicles on the beach at Thompson Beach and Prime Beach between 5 October 2020 and 30 May 2021, with the exception of emergency services, Council and Department of Environment and Water service vehicles or those launching and/or retrieving boats.

CARRIED

Additionally Council, at its Ordinary Meeting on 26 October 2020, resolved as follows:-

18.1 Amend Resolution 2020/300 – Thompson Beach, Seasonal Closure of Beach to Vehicles

Moved Councillor Keen Seconded Councillor 2020/ 372
Strudwicke

“that Council resolves that resolution 2020/300, in relation to the trial prohibiting vehicles on the beach at Thompson Beach and Prime Beach between 5 October 2020 and 30 May 2021 with the exception of emergency services, Council and Department of Environment and Water service vehicles or those launching and/or retrieving boats, be amended to also permit locally owned and registered jinkers to access the beach at Thompson Beach during the trial prohibition period.”

CARRIED

Discussion

As a land manager Council has a responsibility to manage its land in line with its relevant Community Land Management plan. Council's Natural and Coastal Management plan objectives have a focus on strengthening biodiversity and habitat value and allowing for the management of access to protect natural values.

Migratory shorebirds have seen dramatic population declines and face a number of threats along their flyway. Thompson Beach is a terminal feeding site for many species, some of which are considered critically endangered. Management actions which reduce disturbance whilst the birds are present will assist in maintaining habitat condition within our local area.

Thompson Beach is a popular destination for fishers and crabbers with seasonal visitation over the summer months increasing. Maintaining legitimate access whilst reducing impacts from disturbance and habitat decline would be a desired outcome.

Thompson Beach currently has 2 vehicle access points and 17 pedestrian access points within a 3km stretch of coastline. This level of access provides multiple options for people to access the beach without the need to drive onto the sand. There are a small number of residents and visitors who launch a boats from Thompson Beach. By limiting vehicle access to those who launch and retrieve a vessel, the proposed restriction will still maintain legitimate activity whilst discouraging the north and south movement of vehicles. It is the north and south traffic which results in vehicles regularly becoming bogged, leading to the wide spread disturbance and compaction of soils.

The Department of Environment have installed infrastructure at the northern end of Thompson Beach to restrict vehicles accessing the beach area north of the township and infrastructure at Pt Prime to limit access from the south. When on the beach there are limited natural features which provide clear guidance to know when you are on Council Managed Land or National Park.

The proposed recommendation would provide clarity for visitors and residents regarding vehicle use on the beach and maintain access that provides for the recreational activities of fishing, crabbing and bird watching.

Closure Results

The closure has improved beach safety for migratory and residents birds, pedestrians, and recreational fishers. At the same time, reducing vehicle use and damage to vegetation and the sensitive mudflat from compaction and damage from vehicles getting bogged.

- During the high peak period of Summer School holidays, 2020/2021 vehicles were observed in large numbers on the beach, 30 in one day. Once more prominent signs were installed and coastal officer education was implemented, including removing vehicles from the beach, a sharp decline was noted
- Positive impacts on shorebirds and resident birds cannot be fully proven at this stage. Longer observations of 1-2 years is needed to see if seasonal counts have increased as a result of less disturbance on the beach by vehicles.
- Personal Communication with residents with Coastal Conservation Officer:
 - "Once larger signs were installed (no car and motorbike signs) in September 2020, noticeable change in beach usage by vehicles was observed."
 - "Rubbish on the beach has reduced dramatically, with noticeable decline and in many cases not finding toilet paper, baby wipes and nappies anymore."
 - "Decline in vehicles getting bogged during the period only observed two cars bogged in the early stages of the trial while signage was limited."

- "Regular Bird watchers noted an increase in bird observations since vehicle access to the beach was stopped."
- "Unruly Motorbikes behaviour on the beach noted reduction."

Next Steps

It is recommended to continue the closure with two methods of closure available, they are;

1. Permanent Closure (recommended) and supported by Friends of the International Bird Sanctuary, Friends of Parks, Bird Life, Birds SA, National Parks and Wildlife and presented as **Attachment 1** to this report.
 - Vehicles be prohibited on the beach at Thompson Beach with the exception of emergency services, Council and Department of Environment and Water service vehicles or those launching and/or retrieving boats, and locally owned and registered jinkers to access the beach.
 - Implementing of compliance (New signage)
2. Partial Closure during shorebird season February to October
 - Vehicles be prohibited on the beach at Thompson Beach with the exception of emergency services, Council and Department of Environment and Water service vehicles or those launching and/or retrieving boats, and locally owned and registered jinkers to access the beach.
 - Implementing of compliance and signage

Conclusion

As a responsible land manager, Council has a duty to manage its land for all user groups and to do so in accordance with relevant management plans. Access management is important for recreational and environmental outcomes and the proposed recommendation seeks to balance visitor use whilst seeking to reduce the impact caused by off road vehicles.

References

Legislation

Environmental Protection and Biodiversity Act 1999

Council Policies/Plans

Council's Natural and Coastal Areas Management Plan



Volunteers working for conservation

President: Mr Duncan MacKenzie OAM
4 Edinburgh Avenue, Stonyfell SA 5066
Telephone: 8332 1204
<http://www.friendsofparkssa.org.au/home>
ABN 32 457 858 155

Patrons: Dr. Barbara Hardy, AO; Mrs. Jean M^oLaren;
Hon. David Wotton AM; Mr Dene Cordes, PSM

24th of May 2021

Mr James Miller
CEO, Adelaide Plains Council
Po Box 18, Mallala SA 5502

Dear James,

Re: Support for permanent closure of Thompson Beach for vehicles post- trial.

The Friends of Parks Inc. and Adelaide International Bird Sanctuary would like to express our support for the continuation or permanent closure of Thompson Beach post the trial completed on May 31st 2021.

A continued closure would provide the added protection and reduce vehicle damage to fragile mudflats and shorelines where the migratory birds and resident birds feed and roost. Vehicles assessing the beach provide disturbance and an increased risk to the safety and welfare of the birds and other coastal species. A continued closure would also protect the assets of the Adelaide International Bird Sanctuary.

The Adelaide International Bird Sanctuary is one of the key feeding and roosting sites for migratory birds using the East-Asian Australasian Flyway. Many, including Red-necked Stints, Sharp-tailed Sandpipers and Pacific Golden Plovers, fly from as far away as Siberia and Alaska, passing through 22 countries. The flyway is a vital migratory route used by more than 5 million birds a year. Every summer, up to 25,000 shorebirds gather across the Sanctuary, and particularly at Thompson Beach, which is one of the most important feeding sites in the Sanctuary. More than 50 different species of migratory birds have been recorded across the Sanctuary, with many of these listed as threatened under the Australian Government EPBC Act 1999.

In addition, the beaches of the Sanctuary provide prime roosting areas and breeding sites for a number of shorebird species, so it is vital that vehicles are kept off beaches – such as Thompson's Beach – during the feeding and breeding season. During April 2021, a motorist driving on a Kangaroo Island beach where cars are banned, ran over and killed 20 Red-necked Stints.

We very much appreciate your efforts in closing off Thompsons Beach to protect the shorebirds and their food sources, and more than welcome continued closure, preferably on a permanent basis.

Yours Sincerely

Duncan MacKenzie OAM
Chairman, Adelaide International Bird Sanctuary
President, Friends of Parks Inc. SA
Board member, BirdLife Australia

May 27th 2021

Dear Mr. Miller and Elected Members,

On behalf of BirdLife Australia I am writing to congratulate Council on its positive decision to support the seasonal (Oct – May) closure of off-road vehicles on the foreshore and sabkha areas of Thompson Beach this past summer.

As you may be aware the tidal flats and backing clay-pans/sabkhas are critically important feeding and resting sites for our migratory shorebirds from early spring through summer and into April/May when the flocks depart for their northern hemisphere breeding grounds. This time on our shores and within the Adelaide International Bird Sanctuary and upper Gulf St Vincent is a crucial stage where they must rest and put on the weight needed to make their migrations to breed and thus continue to sustain their populations. Some of these birds are flying **non-stop for 7-10 days covering distances of 12,000 kms.**

Vehicles that drive on the beach cause great disturbance and can even in some instances cause death to shorebirds that are resting at the high tide. Vehicles on beaches can also have detrimental effects to the shorebirds food by crushing and compacting the mudflats where their prey inhabit.

The step Council has taken to close these areas off to motor vehicles has shown leadership and resolute action for the conservation of migratory shorebirds within your Council area. It is our hope that this has set a positive example and precedence for other Local Governments with a duty of care to manage important shorebird habitats in their areas.

We encourage Council to continue this leadership and positive momentum by establishing a **permanent closure** to all vehicles (Jinkers exempt) on the Thompson Beach foreshore.

BirdLife Australia's Sharing our Shores Project will continue to support and work alongside the Council and local community, including the Thompson Beach Progress Association, AIBS National Park, Friends of AIBS, and the

broader Community to deliver great outcomes for the Sanctuary, local residents, and the birds.

Kind regards,



Aleisa Lamanna
Sharing our Shores with Coastal Wildlife Project Coordinator
BirdLife Australia

Email: aleisa.lamanna@birdlife.org.au

Phone: 0435 544 939



The South Australian Ornithological Association Inc
Founded 1899

ABN: 76 339 976 789

Postal Address:
C/o South Australian Museum
North Terrace
ADELAIDE SA 5000
2 June 2021

To: James Miller – CEO Adelaide Plains Council

Re: Vehicle Restrictions – Thompson Beach

Dear James,

I am writing to you on behalf of the South Australian Ornithological Association (operating as Birds SA). Our membership is close to 1,000 strong. We are affiliated with the national birding organisation, BirdLife Australia.

Support for Vehicle Restrictions on Thompson Beach

Birds SA strongly supported the implementation of the trial ban for vehicles on Thompson Beach between 5 October 2020 and 30 May 2021. We also strongly support the continuation of a vehicle ban on Thompson Beach in future years.

Success of the Trial Ban

It is our view that the trial has been a success and we congratulate the Adelaide Plains Council for this initiative. Although we witnessed several transgressions throughout the trial period, anecdotal reports indicate that education and clear signage had a positive effect in reducing such incidents.

Positive Benefits of the Trial Ban

- There was far less disturbance to feeding birds. This is critically important for migratory birds that are fattening up for their return journey to the northern hemisphere.
- Sea grasses were not squashed by vehicles. This is particularly important for migratory birds such as the Ruddy Turnstone that seek food in the sea grass as well as using it for safe roosting.
- Pied Oystercatcher numbers recorded at Thompson Beach were higher than in any of the past six years with 31 recorded in January, 25 in March and 16 in April. This provides some confidence that there may be successful breeding of Oystercatchers on the beach in future years.
- Great Egrets and Little Egrets were seen in numbers greater than bird observers could ever remember at this site. These elegant birds can be easily disturbed by motor vehicles. On 6 May 2021, 65 Great Egret and 40 Little Egret were observed at Thompson Beach, a sight which would impress any tourist or expert birder alike.

Importance of Thompson Beach for Birdlife

Thompson Beach is an important terminal for migratory shorebirds utilising the East Asian - Australasian Flyway. It is a resource of international significance, hosting birds which are globally threatened including Eastern Curlew, Bar-tailed Godwit, Great Knot and Curlew Sandpiper. Thompson Beach also plays an important role in hosting local shorebirds such as the Pied Oystercatcher, Sooty Oystercatcher and Red-capped Plover. These birds breed on the beach between the months of August and February and their eggs and chicks can be destroyed by vehicle traffic on the beach.

Vehicles Destroy Important Bird Food Resources

The ban has not enabled us to fully evaluate the impact on molluscs and bi-valves, food resources upon which many of the shorebirds rely. We have plenty of evidence of the reverse occurring where highly abundant areas of molluscs have been decimated by vehicle traffic resulting in the birds being forced to leave those areas permanently.

Banning of Vehicles for the Whole Year

It is our hope that in the long-term, vehicles will be banned for the whole year, similar to what has been done in other Council areas and interstate, with exceptions for boat launching and emergency service vehicles.

Documentary Video on Off-road Vehicle Impact

Birds SA has produced a documentary on the impact of off-road vehicles in coastal areas. This will be released publicly within the next few months and we look forward to sharing it with you.

I sense that there is a genuine enthusiasm within your Council, within DEW, within Friends of the Adelaide International Bird Sanctuary and within birding organisations such as Birds SA to do everything within our power to give the birds at Thompson Beach the best chance of survival long-term. Birds SA looks forward to working with you to achieve this.

For reference I have attached Birds SA's bird list for Thompson Beach which demonstrates just what an impressive site this is for bird diversity.

Yours sincerely,



Jeff Groves
Vice-President, Birds SA
jeff.groves@birdssa.asn.au
Ph 0401 125 510

Attached : Thompson Beach Bird List

www.birdssa.asn.au	Checklist for THOMPSON BEACH	
Black Swan	Lesser Sand Plover	White-winged Fairywren
Australian Shelduck	Greater Sand Plover	New Holland Honeyeater
Pacific Black Duck	Oriental Plover	White-fronted Chat
Grey Teal	Bar-tailed Godwit	Spiny-cheeked Honeyeater
Chestnut Teal	Black-tailed Godwit	Red Wattlebird
Stubble Quail	Whimbrel	Singing Honeyeater
Brown Quail	Far Eastern Curlew	White-browed Scrubwren
Hoary-headed Grebe	Marsh Sandpiper	Weebill
Australian White Ibis	Common Greenshank	White-browed Babbler
Royal Spoonbill	Terek Sandpiper	Black-faced Cuckooshrike
Nankeen Night Heron	Ruddy Turnstone	Gilbert's Whistler
Eastern Great Egret (Great Egret)	Great Knot	Grey Butcherbird
White-faced Heron	Red Knot	Australian Magpie
Little Egret	Red-necked Stint	Grey Shrike-thrush
Australian Pelican	Sharp-tailed Sandpiper	Willie Wagtail
Australasian Gannet	Curlew Sandpiper	Grey Fantail
Little Pied Cormorant	Silver Gull	Magpie-lark
Black-faced Cormorant	Pacific Gull	Little Raven
Little Black Cormorant	Gull-billed Tern	Australian Raven
Pied Cormorant	Caspian Tern	*Eurasian Skylark
Osprey	Greater Crested Tern	Welcome Swallow
Black-shouldered Kite	Fairy Tern	Fairy Martin
Swamp Harrier	Whiskered Tern	Tree Martin
Spotted Harrier	*Feral Pigeon	Brown Songlark
Black Kite	*Spotted Dove	Silvereye
Whistling Kite	Brush Bronzewing	*Common Starling
White-bellied Sea Eagle	Crested Pigeon	*Common Blackbird
Australian Crane	Horsfield's Bronze Cuckoo	*House Sparrow
Black-tailed Nativehen	Pacific Swift	Australian Pipit
Painted Buttonquail	Sacred Kingfisher	
White-headed Stilt	Nankeen Kestrel	
Banded Stilt	Australian Hobby	
Red-necked Avocet	Brown Falcon	
Pied Oystercatcher	Black Falcon	
Sooty Oystercatcher	Peregrine Falcon	
Spur-winged Plover (Masked Lapwing)	Galah	
Red-kneed Dotterel	Eastern Bluebonnet	
Pacific Golden Plover	Elegant Parrot	
Grey Plover	Blue-winged Parrot	
Red-capped Plover	Rock Parrot	
Double-banded Plover	Purple-crowned Lorikeet	

Mr James Miller
Chief Executive Officer
Adelaide Plains Council
PO Box 18
MALLALA SA 5502

Dear Mr Miller and Elected Members

I write on behalf of the Department of Environment to thank the Adelaide Plains Council for its trial closure prohibiting vehicles onto Thompson Beach.

We commend the Adelaide Plains Council for the leadership you have displayed in helping to protect this internationally important area and we support the continuation of seasonal closures to vehicles in the future.

Facilitating a safe and seamless transition for people between the park and adjacent townships is a key objective within the Management Plan. The closure to vehicles to Thompson Beach, has helped improve public safety for pedestrians utilising the beach, reduced fire risk from bogged vehicles and is a key step in contributing to shorebird management goals and raising awareness of the areas significance.

As you are already aware Thompson Beach offers important habitat over the summer months for migratory shorebirds to feed and fatten up in preparation for their annual migration to the northern hemisphere to breed. Migratory shorebirds are protected under the Environmental Protection and Biodiversity Act 1999 and the Adelaide International Bird Sanctuary forms part of the East Asian-Australian Flyway.

Disturbance by vehicles driving on the beach has been identified as a threat to both migratory and resident shorebirds. Managing access to the areas of habitat that shorebirds depend on is an important step to reduce the impact caused by off road vehicles.

We look forward to continuing to work with you to help protect this area long into the future.

Yours sincerely



Craig Nixon
National Parks and Wildlife Manager
NPW - Regional Operations - Yorke and Mid North

25/5/2021

ADELAIDE PLAINS COUNCIL

By-law made under the Local Government Act 1999

LOCAL GOVERNMENT LAND BY-LAW 2019**By-law No. 2 of 2019**

For the management and regulation of the use of and access to all land vested in or under the control of the Council including the prohibition and regulation of particular activities on local government land.

Part 1 – Preliminary**1. Short Title**

This by-law may be cited as the *Local Government Land By-law 2019*.

2. Commencement

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

3. Definitions

In this by-law:

- 3.1 **animal** includes birds, insects and fish;
- 3.2 **boat** includes a raft, canoe, personal watercraft or any other similar device;
- 3.3 **camping** means the occupation of a sleeping bag, tent, vehicle, caravan or other makeshift structure as temporary accommodation, but does not include a situation where a person is resting in a vehicle during a journey;
- 3.4 **children's playground** means any enclosed area in which there is equipment, apparatus or other installed devices for the purpose of children's play (or within 5 metres of such devices if there is no enclosed area);
- 3.5 **community garden** means an area of land set aside by the Council for the purposes of being gardened collectively by a group of people;
- 3.6 **domestic animal** includes any duck, reptile or fish;
- 3.7 **E-Cigarette** means:

- 3.7.1 a device that is designed to generate or release an aerosol or vapour for inhalation by its user in a manner similar to the inhalation of smoke from an ignited tobacco product; or
- 3.7.2 a device of a kind resolved by the Council and notified by notice in the *Gazette* to be an E-Cigarette;
- 3.8 **electoral matter** has the same meaning as in the *Electoral Act 1985* provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
- 3.9 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 3.10 **funeral ceremony** means a ceremony only (i.e. a memorial service) and does not include a burial;
- 3.11 **inflatable castle** includes a bouncy castle, jumping castle and any other inflatable structure used for recreational purposes;
- 3.12 **liquor** has the same meaning as defined in the *Liquor Licensing Act 1997*;
- 3.13 **local government land** has the same meaning as in the *Local Government Act 1999*, but does not include any road;
- 3.14 **open container** means a container which:
 - 3.14.1 after the contents thereof have been sealed at the time of manufacture and:
 - 3.14.1.1 being a bottle, has had its cap, cork or top removed (whether or not it has since been replaced);
 - 3.14.1.2 being a can, it has been opened or punctured;
 - 3.14.1.3 being a cask, has had its tap placed in a position to allow it to be used;
 - 3.14.1.4 being any form of container, it has been opened, broken, punctured or manipulated in such a way as to allow access to the contents thereof; or
 - 3.14.2 is a flask, glass or mug or other container used for drinking purposes;
- 3.15 **organised competition or sport** does not include social play;
- 3.16 **personal watercraft** means a device that:
 - 3.16.1 is propelled by a motor; and
 - 3.16.2 has a fully enclosed hull; and
 - 3.16.3 is designed not to retain water if capsized; and

- 3.16.4 is designed to be operated by a person who sits astride, stands, or kneels on the device,
- and includes the device commonly referred to as a jet ski;
- 3.17 **sand dune** means the sand dunes, coastal slopes, cliffs and other geomorphological coastal forms under the care, control, and management of the Council;
- 3.18 **smoke** means:
- 3.18.1 in relation to a tobacco product, smoke, hold, or otherwise have control over, an ignited tobacco product; or
- 3.18.2 in relation to an E-Cigarette, to inhale from, hold or otherwise have control over, an E-Cigarette that is in use;
- 3.19 **traffic control device** has the same meaning as in the *Road Traffic Act 1961*;
- 3.20 **variable message sign** includes a permanent, portable or vehicle mounted electronic sign (except when the sign is used as a traffic control device);
- 3.21 **waters** means any body of water including a pond, lake, river, creek or wetlands under the care, control and management of Council.

Part 2 – Management of Local Government Land

4. Activities Requiring Permission

A person must not on any local government land, without the permission of Council:

4.1 Access to Waters

subject to the provisions of the *Harbors and Navigation Act 1993*, enter any waters, or swim or use a boat in or on waters:

- 4.1.1 in an area where a nearby sign erected by the Council states that one or more of these activities is prohibited;
- 4.1.2 contrary to any condition or requirement stated on a nearby sign erected by the Council;

4.2 Advertising and Signage

- 4.2.1 display any sign for the purpose of commercial advertising, other than a moveable sign that is displayed in accordance with the *Moveable Signs By-law 2019*;
- 4.2.2 erect, install, place or display a variable message sign;
- 4.2.3 place or maintain any goods or sign on the road or park or stand a vehicle on the land for the purpose of:
- 4.2.3.1 soliciting any business from any person; or

4.2.3.2 offering or exposing goods or services for sale.

provided that this subparagraph 4.2.3 shall not apply to a person who is simply travelling along an area or road on local government land set aside by the Council;

4.3 **Aircraft**

subject to the *Civil Aviation Act 1988*, land or take off any aircraft on or from the land;

4.4 **Alteration to Local Government Land**

make an alteration to the land, including:

4.4.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property; or

4.4.2 erecting or installing a structure (including pipes, wires, cables, pavers, fixtures, fittings and other objects) in, on, across, under or over the land; or

4.4.3 changing or interfering with the construction, arrangement or materials of the land; or

4.4.4 changing, interfering with or removing a structure (including pipes, wires, cables, fixtures, fittings or other objects) associated with the land; or

4.4.5 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land;

4.5 **Amplification**

use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound to the public;

4.6 **Animals on Local Government Land**

4.6.1 cause or allow any animal to stray onto, move over, graze or be left unattended;

4.6.2 ride, lead or drive any horse, cattle or sheep, except on any track or car park on local government land that the Council has set aside (through the erection of signage) for the use by, or in connection with that animal;

4.6.3 cause or allow any animal under his or her control to swim or bathe in any waters to which Council has resolved this subparagraph will apply;

4.6.4 allow an animal in that persons control, charge or ownership to damage Council property;

4.6.5 release or leave any domestic animal;

4.7 Attachments

attach anything to a tree, plant, structure or fixture on local government land;

4.8 Bees

place, or allow to remain, any bee hive;

4.9 Boats

subject to the provisions of the *Harbors and Navigation Act 1993* and the *Marine Safety (Domestic Commercial Vessel) National Law* and to which the Council has resolved the subparagraph shall apply:

4.9.1 hire, offer for hire or use for commercial purposes a boat, raft, pontoon or other watercraft;

4.9.2 launch or retrieve a boat, raft, pontoon or other watercraft to or from any waters;

4.9.3 propel, float or otherwise use any boat, raft, pontoon or other watercraft on any waters;

4.9.4 tie or affix a boat to any jetty or pontoon;

4.10 Bridge and Jetty Jumping

4.10.1 jump from or dive from any bridge;

4.10.2 jump or dive from any jetty or pontoon to which the Council has resolved this subparagraph applies;

4.11 Buildings and Structures

4.11.1 erect or install a building;

4.11.2 use a building or structure other than for its intended purpose;

4.12 Camping

camp or stay overnight or erect any tent, booth, marquee or other structure for the purpose of habitation for a period of 24 hours or more except on any local government land designated by resolution of the Council for the purpose and in accordance with any such resolution;

4.13 Cemeteries

comprising a cemetery:

4.13.1 bury or inter any human or animal remains;

4.13.2 erect any memorial;

4.14 Closed Lands

enter or remain on any part of the land:

4.14.1 at any time during which the Council has declared that it shall be closed to the public, and which is indicated by a sign to that effect; or

4.14.2 where the land is enclosed with fences and/or walls and gates, at any time when the gates have been closed and locked; or

4.14.3 where admission charges are payable, without paying those charges;

4.15 Distribution

distribute anything to any bystander, passerby or other person;

4.16 Donations

ask for or receive or indicate that he or she desires a donation of money or any other thing;

4.17 Fires

light any fire except:

4.17.1 in a place provided by the Council for that purpose; or

4.17.2 in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material for a distance of at least four metres; and

4.17.3 in accordance with the *Fire and Emergency Services Act 2005*;

4.18 Fireworks

discharge any fireworks;

4.19 Fishing

4.19.1 fish in any waters on local government land to which the Council has resolved this subparagraph shall apply; or

4.19.2 fish from any bridge or other structure on local government land to which the Council has resolved this subparagraph shall apply;

4.20 Flora, Fauna and Other Living Things

subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*:

4.20.1 except in a community garden, damage, pick, or interfere with any plant, fungi or lichen thereon; or

- 4.20.2 tease, remove or cause harm to any animal or bird or the eggs or young of any animal or bird or aquatic creature;
- 4.20.3 use, possess or have control of any device for the purpose of killing or capturing any animal or bird;
- 4.21 **Funerals and Scattering Ashes**
 - conduct or participate in a funeral ceremony, or scatter ashes on land to which the Council has resolved this subparagraph will apply;
- 4.22 **Golf**
 - play or practice golf;
- 4.23 **Lighting**
 - 4.23.1 use or operate any fixed floodlight;
 - 4.23.2 use or operate any portable floodlight on land to which this subparagraph applies;
- 4.24 **Model Aircraft**
 - subject to the *Civil Aviation Act 1988*, fly or operate a model aircraft or drone aircraft;
- 4.25 **No Liquor**
 - 4.25.1 consume, carry or be in possession or charge of any liquor on any local government land constituting a park or reserve to which this subparagraph applies;
 - 4.25.2 excepting sealed containers, consume, carry or be in possession or charge of any liquor in an open container on any local government land constituting a park or reserve to which this subparagraph applies;
- 4.26 **Picking of Fruit, Nuts or Berries**
 - except in any community garden, pick fruit, nuts, seeds or berries from any plant;
- 4.27 **Preaching and Canvassing**
 - preach, canvass, harangue or otherwise solicit for religious purposes except on any land or part thereof where the Council has, by resolution, determined this restriction shall not apply;
- 4.28 **Public Exhibitions and Displays**
 - 4.28.1 sing, busk or play a musical instrument for the apparent purpose of either entertaining others or receiving money;

4.28.2 conduct or hold any concert, festival, show, public gathering, circus, performance or any other similar activity;

4.28.3 erect or inflate any inflatable castle;

4.28.4 cause any public exhibitions or displays;

4.29 Removing

carry away or remove any earth, rocks, minerals, plant material (dead or living), animal remains (including shells and fossils) or any part of the land;

4.30 Selling

sell anything or display anything for sale;

4.31 Skateboards and Small Wheeled Devices

subject to the *Road Traffic Act 1961*, and the *Local Government Act 1999*, ride on a skateboard or use roller skates or roller blades on land to which the Council has resolved this subparagraph will apply;

4.32 Vehicles

4.32.1 drive or propel a motor vehicle thereon, unless on an area or road constructed or set aside by the Council for the parking or travelling of motor vehicles;

4.32.2 drive or propel a motor vehicle on any part of the land to which the Council has resolved this subparagraph applies;

4.32.3 except on an area properly constructed for the purpose, promote, organise or take part in any race, test or trial of any kind in which motor vehicles, motor cycles, motor scooters or bicycles take part;

4.33 Weddings

conduct or participate in a marriage ceremony on land to which the Council has resolved this subparagraph will apply;

4.34 Wetlands

subject to the *Natural Resources Management Act 2004*, where that land constitutes a wetland:

4.34.1 operate a model boat;

4.34.2 fish, or take any aquatic creature;

4.34.3 introduce any fish or aquatic creature;

4.34.4 take or draw water;

4.35 Working on Vehicles

perform the work of repairing, washing, painting, panel beating or other work of any nature on or to any vehicle, except for running repairs in the case of breakdown.

5. Prohibited Activities

A person must not, on any local government land:

5.1 Annoyances

unreasonably annoy or interfere with any other person:

5.1.1 using the land;

5.1.2 occupying nearby premises,

by making a noise or creating a disturbance that has not been authorised by the Council;

5.2 Children's Playgrounds

use any device, equipment or apparatus installed in a children's playground if that person is over the age indicated by sign or notice as the age limit for using such equipment, apparatus or other installed device;

5.3 Fishing

deposit or leave any dead fish (in part or whole) or offal;

5.4 Interference with Permitted Use

interrupt, disrupt or interfere with any other person's use of local government land which is permitted or for which permission has been granted;

5.5 Playing Games

5.5.1 play or practice a game in any area where a sign indicates that the game is prohibited;

5.5.2 promote, organise or take part in any organised competition or sport in any area to which this subparagraph applies;

5.6 Sand Dunes

- 5.6.1 use a sand board or other item to slide down a sand dune, coastal slope or cliff;
- 5.6.2 destabilise sand on a sand dune, coastal slope or cliff so as to cause it to unnecessarily mass waste down slope;
- 5.6.3 destroy, remove or cause interference to live or dead vegetation within a sand dune, coastal slope or coastal cliff;
- 5.6.4 light or cause to be lit or permit to remain alight any fire within a sand dune or on a coastal slope or cliff;
- 5.6.5 introduce non-indigenous flora and fauna or dump any material in the sand dunes or down coastal slopes or coastal cliffs;
- 5.6.6 carry out any activity which may threaten the integrity of sand dunes, coastal slopes and cliffs in the area;

5.7 Smoking

smoke tobacco or any other substance:

- 5.7.1 in any building or part of any building; or
- 5.7.2 on any land to which this subparagraph applies;

5.8 Toilets

in any public convenience:

- 5.8.1 urinate other than in a urinal or pan or defecate other than in a pan provided for that purpose;
- 5.8.2 smoke tobacco or any other substance;
- 5.8.3 deposit anything in a pan, urinal or drain which is likely to cause a blockage;
- 5.8.4 use it for a purpose for which it was not designed or constructed;
- 5.8.5 enter any toilet that is set aside for use by the opposite sex except where:
 - 5.8.5.1 a child under the age of five years accompanied by an adult person of that other sex; and/or
 - 5.8.5.2 to provide assistance to a disabled person;

5.9 Use of Equipment

use any item of equipment or property belonging to the Council other than in the manner and for the purpose for which it was designed or set aside.

Part 3 – Miscellaneous**6. Directions**

A person must comply with any reasonable direction or request from an authorised person relating to:

- 6.1 that person's use of the land;
- 6.2 that person's conduct and behaviour on the land;
- 6.3 that person's safety on the land;
- 6.4 the safety and enjoyment of the land by other persons.

7. Removal of Animals and Exclusion of Persons

- 7.1 If any animal is found on local government land in breach of this by-law:
 - 7.1.1 any person in charge of the animal shall forthwith remove it from that land on the request of an authorised person; and
 - 7.1.2 any authorised person may remove any animal from the land if the person fails to comply with the request, or if no person is in charge of the animal.
- 7.2 An authorised person may direct any person who is considered to be committing, or has committed, a breach of this by-law to leave local government land and not return for a period of no longer than 24 hours.

8. Exemptions

- 8.1 The restrictions in this by-law do not apply to any Police Officer, Council Officer or Council employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council Officer, or to an emergency worker performing emergency duties.
- 8.2 The restrictions in paragraph 4.2.2, 4.5, 4.7, 4.15, 4.27, 4.28.2 and 4.28.4 of this by-law do not apply to:
 - 8.2.1 electoral matters authorised by a candidate and which relate to a Commonwealth or State election that occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day; or
 - 8.2.2 electoral matters authorised by a candidate and which relate to an election under the *Local Government Act 1999* or the *Local Government (Elections) Act 1999* that occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or

- 8.2.3 matters which relate to, and occur during the course of and for the purpose of a referendum.

9. Application


Any of paragraphs 4.6.3, 4.9, 4.10.2, 4.12, 4.19, 4.21, 4.23.2, 4.25, 4.31, 4.32.2, 4.33, 5.5.2 and 5.7.2 of this by-law shall apply only in such portion or portions of the area as the Council may by resolution direct from time to time in accordance with Section 246(3)(e) of the *Local Government Act 1999*.

10. Revocation

Council's *By-law No. 2 – Local Government Land*, published in the *Gazette* on 10 January 2013, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the Adelaide Plains Council on the 23rd day of September 2019 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

Mr James Miller
Chief Executive Officer

 Adelaide Plains Council	15.4	Review of Dogs By-Law 2019
	Department: Report Author:	Development and Community Manager Regulatory
Date: 26 July 2021	Document Ref:	D21/30960

OVERVIEW

Purpose

To provide Council with information regarding a potential review of the *Dogs By-Law 2019*.

Background

Following a Motion on Notice presented to the 24 May 2021 Ordinary meeting, Council made the following resolution:

18.1 Motion on Notice – Potential Review of Dogs By-Law 2019

Moved Councillor Lush

Seconded Councillor Maiolo

2021/ 204

“that Council instructs the Chief Executive Officer to bring back a report outlining the relevant process and other considerations regarding a potential review of the Dogs By-Law 2019, with a view to allowing some off leash dog activity on coastal beaches and tidal flats.”

CARRIED

The *Dogs By-Law 2019* (the By-Law) (**Attachment 1**) commenced operation on 10 February 2020, and exists *“For the management and control of dogs within the Council’s area.”*

The foreshore and tidal flats adjoining Council’s coastal settlements are a ‘wetland area’ within the meaning of clause 5.2.4 of the By-Law, as they are located within an area which is classified as a wetland of national importance. This area is shown in **Attachment 2**. They are therefore considered Dog On-Leash Areas under the By-Law, requiring dogs to be physically restrained by a strong leash not exceeding two metres in length at all times.

Ordinarily a foreshore area falls within the definition of a park under the *Dog and Cat Management Act 1995* where dogs may be off-leash so long as they are effectively controlled by command, with the dog being in close proximity to the person and the person being able to see the dog at all times.

Discussion

Under Section 246 (2) of the *Local Government Act 1999* (the Act) Council “has a general power to make by-laws for the good rule and government of the area, and for the convenience, comfort and safety of its community.”

Pursuant to Section 251(1) of the Act, the By-Law, unless it has been revoked, will only expire on 1 January 2027.

Council has the power to vary the By-Law, through a By-Law review, it is estimated that the cost of legal assistance with the review process would be in the order of approximately \$1,500-\$2,000. This amount is currently not within the recently adopted 2021/2022 budget. Staff time for a By-law review has also not been considered at this point, .likely staff and public consultation tasks/costs to facilitate a review process include:

- Compiling and provision of advice to legal firm outlining proposed provisions, new clauses, deletions, etc., to assist with drafting of proposed variation By-Law
- Conducting Council Member workshop to discuss considerations and possible legal questions
- Requesting feedback from relevant internal staff as required
- Consultation with Dog and Cat Management Board
- Preparation of Council report to consider draft By-Law for public consultation
- Preparation of public consultation documents and notices
- Undertake public consultation
- Summarising consultation and staff feedback received
- Preparation of Council report to make By-Law
- Notices in government gazette and newspaper of the making of the variation By-Law
- Inclusion of the By-Law in the Council’s By-Law register
- Community education/promotion and associated signage installation, etc.

The process to vary the By-Law, even for a minor amendment, needs to follow the process prescribed in Chapter 12 Part 1 of the Act, and could take up to six months to complete. Essentially the process consists of the following:

1. Council, with the assistance of staff, drafts the proposed variation by-law
2. At least 21 days before resolving to make the variation by-law, publish details of the proposed by-law in a local newspaper, including availability and the terms or nature and effect of the by-law
3. At least 21 days before resolving to make the variation by-law, make the by-law available for inspection at the Council Office
4. Consideration, by way of report, of the variation by-law in light of the Competition Principles Agreement (National Competition Policy), to determine if any part of the by-law has the potential to restrict competition
5. Obtaining a Solicitors Certificate for the variation by-law pursuant to Section 249(4) of the Act
6. Providing a report to the Legislative Review Committee which outlines the reasons and objectives of the variation by-law, the effect of each clause, administrative and policing strategies, the Council’s consideration of its obligations under the National Competition Policy and the consultation undertaken, including who was consulted, when and their response

7. Council consideration of the variation by-law, noting that any changes would require a fresh Solicitors Certificate, re-advertising, and possibly changes to the report to the Legislative Review Committee
8. Passing of the variation by-law, noting that at least two-thirds of the members of the Council must be present and the resolution is supported by an absolute majority of members
9. The Chief Executive Officer signing two copies of the variation by-law, immediately forwarding one copy to the Government Printer for publishing in the Gazette
10. Presenting the variation by-law to Parliament within six sitting days, requiring a number of documents to be forwarded to the secretary of the Legislative Review Committee. The variation by-law will take effect four months from the date of gazettal, but may be disallowed by Parliament, such notice published in the gazette.
11. Publishing a notice of the making of the variation by-law in a local newspaper
12. Including the variation by-law in the Council's by-law register, required by Section 252 of the Act
13. Making the variation by-law available on the internet (Council's website)

Any variation by-law made by Council will expire, unless revoked, on 1 January of the year following the year in which the seventh anniversary of the day on which the original By-law was made, being 1 January 2027.

Council should also consider the following before proceeding with the by-law variation process:

- Whether the Council wishes to completely remove the requirement that dogs be on-leash in wetlands
- Whether the 'on-leash in wetlands requirement' only applies during certain times of the day or parts of the year
- Whether the 'on-leash in wetlands requirement' only applies to certain parts of the Council's area, i.e. certain beaches/wetlands as determined by the Council
- A variation of the By-Law to potentially allow dogs off-leash on the coast would be inconsistent with management of the nearby Adelaide International Bird Sanctuary National Park – Winaityinaityi Pangkara, in which dogs must be kept on-leash at all times under National Parks and Wildlife legislation.
- From an environmental viewpoint and considering the national significance of Council's coastline, and the nearby International Bird Sanctuary, a proposal to allow dogs off-leash may not be supported.
- Council currently provides two off-leash dog parks, at Two Wells and Lewiston
- Council currently provides off-leash opportunities on other Council land
- Under the existing By-Law all Council parks (unless organised sport is being played or designated as a Dog On Leash Area or Dog Free Area by Council) are classed as Dog Exercise Areas. Within these areas dogs may be exercised off-leash but must remain under effective control at all times.
- If dogs were allowed off-leash, enforcement becomes more difficult, i.e. an Authorised Officer would need to form the opinion that a dog or dogs are under effective control (by command, the dog being in close proximity to the person, etc).

Council’s legal advisors have also advised that the Council should have a well-researched and detailed policy position on the by-law amendment prior to commencing the process. The position should include the positives and negatives of the proposed variation, and explain in detail why the positives outweigh the negatives, and should therefore proceed.

Summary

The *Dogs By-Law 2019* currently prohibits dogs from being off-leash on the foreshore, wetlands and tidal flats adjoining Council’s coastal settlements. Unless revoked the By-Law will only expire on 1 January 2027.

Council has the power to vary the By-Law with a view to allowing off-leash dog activity along the coastline, however a resolution to proceed should take into account associated costs, legislative processes, and other relevant considerations.

RECOMMENDATION

“That Council, having considered Item 15.4 – *Review of Dogs By-Law 2019*, dated 26 July 2021, receives and notes the report.”

Attachments

1. Dogs By-Law 2019
2. Wetlands of National Importance

References

Legislation

Dogs By-Law 2019

Local Government Act 1999

Dog and Cat Management Act 1995

ADELAIDE PLAINS COUNCIL

*By-law made under the Local Government Act 1999
and the Dog and Cat Management Act 1995*

DOGS BY-LAW 2019**By-law No. 4 of 2019**

For the management and control of dogs within the Council's area.

Part 1 – Preliminary**1. Short Title**

This by-law may be cited as the *Dogs By-law 2019*.

2. Commencement

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

3. Definitions

In this by-law:

- 3.1 **approved kennel establishment** means a building, structure or area approved by the relevant authority, pursuant to the *Development Act 1993* and the *Planning, Development and Infrastructure Act 2016* for the keeping of dogs on a temporary or permanent basis;
- 3.2 **assistance dog** means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled and includes a dog undergoing training of a kind approved by the Board for assistance dogs;
- 3.3 **Board** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.4 **children's playground** means any enclosed area in which there is equipment, apparatus or other installed devices for the purpose of children's play (or within 5 metres of such devices if there is no enclosed area);
- 3.5 **control**, in relation to a dog, includes the person having ownership, possession or charge of, or authority over, the dog;
- 3.6 **dog** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.7 **effective control** means a person exercising effective control of a dog either:
 - 3.7.1 by means of a physical restraint;

- 3.7.2 by command, the dog being in close proximity to the person, and the person being able to see the dog at all times;
- 3.8 **keep** includes the provision of food or shelter;
- 3.9 **leash** includes any chain, cord or leash;
- 3.10 **local government land** has the same meaning as in the *Local Government Act 1999*;
- 3.11 **park** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.12 **premises** includes:
 - 3.12.1 land;
 - 3.12.2 a part of any premises or land;
- 3.13 **public place** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.14 **small premises** means a premises comprising any self-contained dwelling where the premises associated with the dwelling contains a secured unobstructed yard area of less than 100 square metres;
- 3.15 **township** has the same meaning as in the *Local Government Act 1999*;
- 3.16 **wetland area** includes any park, reserve, scrub, trail or other land adjacent to a wetland;
- 3.17 **working livestock dog** means a dog:
 - 3.17.1 usually kept, proposed to be kept or worked on rural land by a person who is:
 - 3.17.1.1 a primary producer; or
 - 3.17.1.2 engaged or employed by a primary producer; and
 - 3.17.2 kept primarily for the purpose of herding, droving, protecting, tending or working stock, or training for herding, droving, protecting, tending or working stock.

Part 2 – Dog Management and Control

4. Dog Free Areas

- 4.1 A person must not allow a dog in that person's control to be in, or remain in a dog free area.
- 4.2 For the purposes of this paragraph, a **dog free area** is any:
 - 4.2.1 local government land; or

4.2.2 public place,

to which the Council has resolved this paragraph applies.

4.3 The restrictions in subparagraph 4.1 do not apply to any assistance dog.

5. Dog on Leash Areas

5.1 A person must not allow a dog under that person's control to be in, or remain in, a dog on leash area unless the dog is secured by a strong leash not exceeding two metres in length which is either:

5.1.1 tethered securely to a fixed object capable of securing the dog; or

5.1.2 held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.

5.2 For the purposes of this paragraph, a **dog on leash area** is any:

5.2.1 local government land or public place to which the Council has resolved that this paragraph applies;

5.2.2 park when organised sport is being played;

5.2.3 enclosed children's playground or if a children's playground is not enclosed land within five metres of children's playground equipment; or

5.2.4 wetland area.

6. Dog Exercise Areas

6.1 Subject to paragraphs 4 and 5, a person may enter any dog exercise area for the purpose of exercising a dog under his or her control.

6.2 For the purposes of this paragraph, a **dog exercise area** is any:

6.2.1 park; or

6.2.2 local government land that the Council has resolved is a dog exercise area.

6.3 A person must ensure that any dog under their control remains under effective control while the dog is in a dog exercise area.

7. Limit on Dog Numbers

7.1 A person must not, without permission, keep any dog on any premises where the number of dogs on the premises exceeds the prescribed limit.

7.2 Subject to subparagraph 7.3, the **prescribed limit** on the number of dogs to be kept on premises:

7.2.1 constituting a small premises is one dog;

- 7.2.2 within a township on premises other than a small premises is three dogs;
- 7.2.3 outside a township on premises other than a small premises within the Rural Living Zone as described in the Council's Development Plan or the Planning and Design Code is five dogs.
- 7.2.4 outside a township on premises other than a small premises within the Animal Husbandry Zone as described in the Council's Development Plan or the Planning and Design Code is nine dogs.
- 7.2.5 excluding 7.2.3 and 7.2.4, outside a township on any other premises other than a small premises is five dogs.
- 7.3 For the purposes of calculating the prescribed limit, the following dogs are to be disregarded:
 - 7.3.1 any dog that is under three months of age; and
 - 7.3.2 up to five working livestock dogs kept on premises outside a township.
- 7.4 The prescribed limit does not apply to:
 - 7.4.1 an approved kennel establishment;
 - 7.4.2 a veterinary practice;
 - 7.4.3 a pet shop;
 - 7.4.4 any premises that the Council has exempted from the requirements of this paragraph; or
 - 7.4.5 any business involving dogs provided that the business is registered in accordance with the *Dog and Cat Management Act 1995*.

Part 3 – Miscellaneous

8. Application

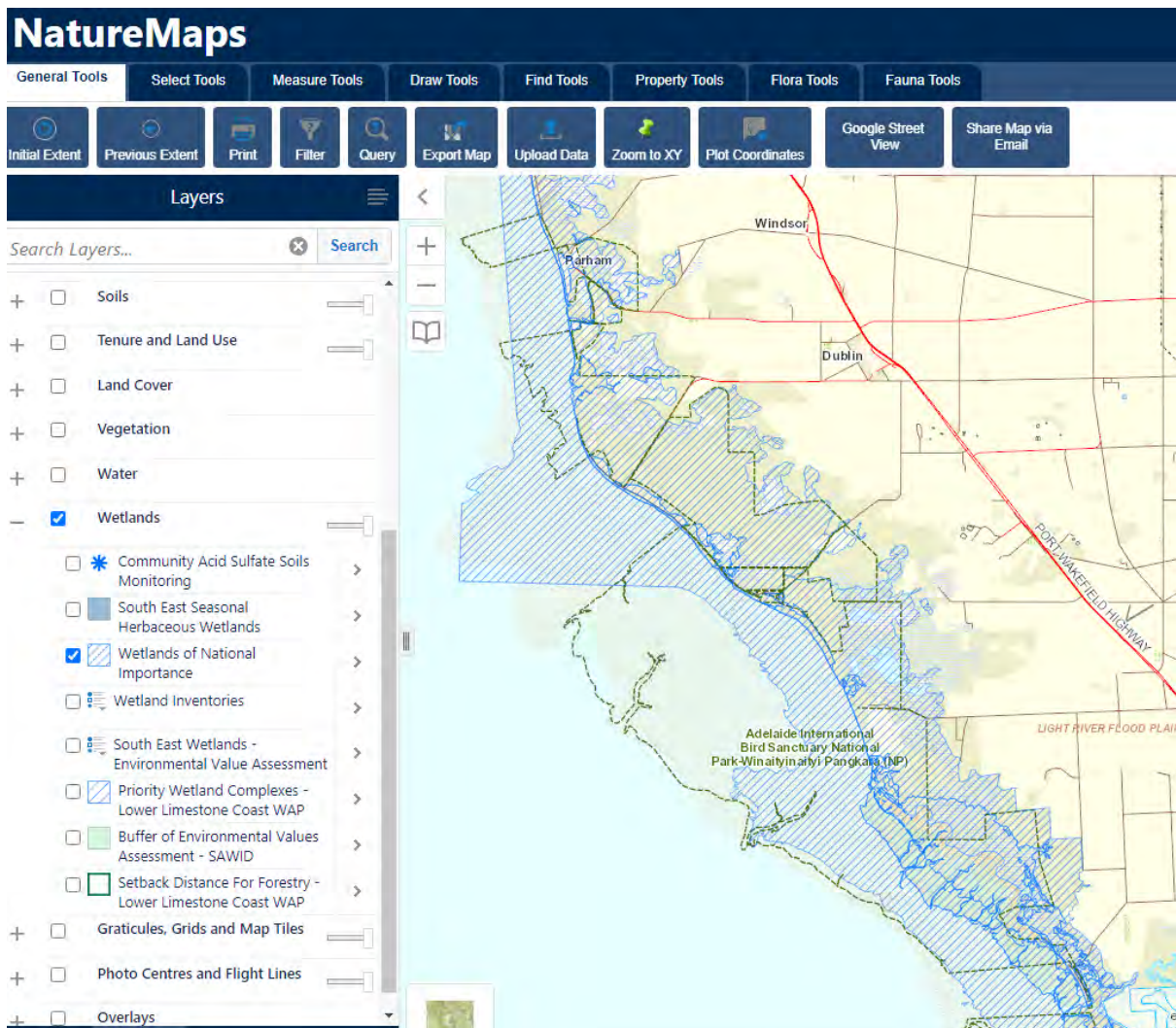
- 8.1 The Council may from time to time, by resolution, identify local government land as a dog exercise area in accordance with subparagraph 6.2.2 of this bylaw.
- 8.2 Any of subparagraphs 4 and 5.2.1 of this by-law shall apply only in such portion or portions of the area as the Council may from time to time, by resolution, direct in accordance with Section 246 of the *Local Government Act 1999*.
- 8.3 Where the Council makes a resolution under either of subparagraphs 8.1 or 8.2, the Council's Chief Executive Officer must ensure that:
 - 8.3.1 the area is denoted by signs erected by the Council; and
 - 8.3.2 information is provided to the public on the Council's website and in any other manner determined by the Council's Chief Executive Officer.


9. Revocation

Council's *By-law No. 4 – Dogs*, published in the *Gazette* on 6 September 2012, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the Adelaide Plains Council held on the 23rd day of September 2019 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

Mr James Miller
Chief Executive Officer



	15.5	Library and Community Services Report – May to June 2021
	Department: Report Author:	Development and Community Manager Library and Community
Date: 26 July 2021	Document Ref:	D21/31576

OVERVIEW

Purpose

To provide an update about the various events and programs developed and implemented by the Library and Community Services staff during May and June 2021.

Discussion

Listed below are the events and programs that have been held since 1 May 2021 through to 30 June 2021.

National Volunteer Week celebrations – 18 May 2021

Council was able to thank our hardworking volunteers, both Council and community-based, by inviting them to watch a film at the Gawler Cinema. A total of thirty volunteers enjoyed watching “*Wild Mountain Thyme*” in the morning session, or Australian film “*June Again*” which was the featured film in the evening.



Above – Guests waiting for “*Wild Mountain Thyme*” to commence

Mayor Wasley thanked our guests who represented a wide range of volunteer activities including the Two Wells Library Justices of the Peace, Long Plains Netball Club and Mallala Lions Club. This year's National Volunteer Week theme was very apt "*recognise, reconnect and reimagine*" as last year we had to cancel our annual volunteer celebrations due to COVID-19.

Tech Savvy for Seniors – May 2021

Once again, Library staff member Rose Cavanagh ran six IT classes for our older residents. These sessions included training on the use of apple devices, facebook and introduction to video calling. A total of twenty one people attended the classes which were held at the Two Wells and Mallala Libraries. Feedback from the attendees was very positive, and library staff are now supporting our 'seniors' by offering one-on-one training.



Left to right – Tech Savvy Seniors Participants – Judith Jenkin, Carol Hall, Kath Adams and course facilitator Rose Cavanagh

Mallala Primary School visit –27 May 2021

The COVID-19 pandemic's social distancing measures have restricted library staff from offering storytelling/craft activities/toddler read and rhyme sessions at the Two Wells or Mallala libraries. Library Officer, Rose Cavanagh, visited the Mallala Primary School and three classes (total of 60 pupils) enjoyed listening to the book "*Anything is possible*" being read to them followed by making an origami spinning top. A return visit to the Mallala Primary school is scheduled for term three.

Dean Jamieson – Author event – 8 June 2021

South Australian author Dean Jamieson kept forty guests entertained with his many interesting escapades about following his childhood dream of becoming a real-life cowboy in the outback. These stories have been captured in his book, "*They called me lightening*" with proceeds of his sold books

being donated to Fibrodysplasia Ossificans Progressive (FOP) which is an extremely rare bone disease his daughter lives with.

Afterwards, guests as always enjoyed partaking of afternoon tea prepared by the Two Wells Bowling Club members.

Below – Dean Jamieson speaking at the Two Wells Bowling Club



Citizenship Ceremony – 9 July 2021 (Constitution Day)

Mayor Wasley conducted a citizenship ceremony at the Two Wells Council Chambers and after the formalities, welcomed three residents as new Australian citizens. Limited family and friends were present (in line with COVID-19 government guidelines) to witness this special occasion.



Above - Mayor Wasley with new citizens – Elizabeth McMillan, Samantha Herzog and Michelle Kerr

July 2021 School Holidays

Two school holiday programs were offered in July 2021. On Thursday 8 July 2021 thirty children and their parents enjoyed learning about the fascinating world of invertebrates and they had the chance to 'touch' Egyptian beetles, stick insects, worms and snails.

Thirty children explored their artistic imagination on Tuesday 13 July 2021, where they learnt about the 'styles' of various famous painters such as Picasso and Monet, and were able to create their own masterpiece.

Both activities were held at the Two Wells Uniting Church Hall and staff received very positive feedback from the children and adults who attended.



Nora and Olive Lithgow at the Art Workshop



Jaden Kavanagh and Daniel Mockett at the Bug Show

Review of the former Heritage Survey

Staff have recently received a draft copy of the Heritage Survey Review and are currently assessing the document. The final version will be included in a future Council agenda and the consultants will attend an informal gathering workshop to provide Council Members with how best to progress the Review.

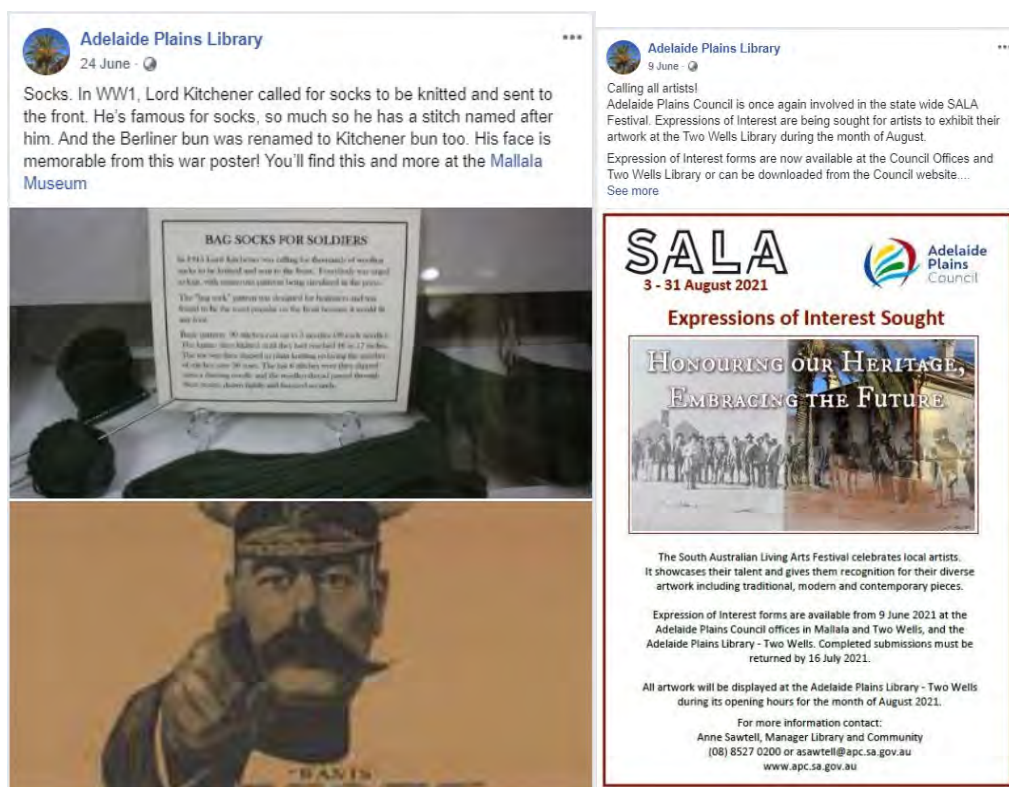


Above – An example of a local heritage listed item contained in the 1983 Heritage Review – Suspension bridge located at the Lower Light School

Adelaide Plains Library Facebook Page

The Library's facebook page continues to promote our events and services, as well as providing informative posts from the District's history. The library had just over 630 people following our page at the end of June 2021.

Below are some of our well received recent posts.



Library Facebook Activity	April-June 2020	July-Sept 2020	Oct-Dec 2020	Jan-Mar 2021	April-June 2021
Total number of posts	172 (57)	106 (35)	135 (45)	98 (32)	110 (37)
Total post views	37,807 <i>12,602</i>	22,303 <i>7,434</i>	32,966 <i>10,988</i>	47,854 <i>15,951</i>	25,846 <i>(8,615)</i>

(Monthly average in ITALICS)

The above table highlights Facebook statistics for the last year. Our Facebook page commenced back in October 2018 and in that first quarter a total of 28 posts were sent out and were viewed by 6,213 people.

Forthcoming Library and Community events – July to September 2021

Below is a list of events and programs staff are currently working on.

South Australian Living Artists (SALA) – August 2021

Staff are working in earnest with the preparations of our SALA event. This year's theme "*Honouring our heritage, embracing the future*" is likely to be reflected in the submitted artwork, which will be displayed at the Two Wells Library during August 2021.



Above – SALA flyer

Author event – Allen Tiller – Tuesday 14 September 2021

Mr Tiller will be speaking about the "*Ghosts of the Adelaide Plains*" when he visits Two Wells, sharing some of the region's more mysterious and hair-raising tales. Mr Tiller is one of Australia's leading paranormal historians and is the author of numerous books including "*The Haunts of Adelaide: history, mystery and the paranormal.*"

Allen Tiller

Come and join the Adelaide Plains Library as we present Allen Tiller. Allen is one of Australia's leading paranormal historians and the author of numerous books including *The Haunts of Adelaide: History, Mystery and the Paranormal*.

Allen was the recipient of the History Council of South Australia's Emerging Historian of the Year Award 2017, and has also featured on the paranormal reality television show *Haunting: Australia* which has aired in over 130 countries. He has written for the National Library of Australia and regularly blogs at hauntedadelaide.blogspot.com.

Where: Two Wells Bowling Club, Old Port Wakefield Road, Two Wells

When: 1:00 pm, Tuesday 14 September 2021


Afternoon tea is included

This is a FREE event



BOOKINGS ESSENTIAL

For more bookings and information

Tel 8520 2100 (during open hours) Email library@apc.sa.gov.au

 @Adelaideplainslibrary

Proudly presented by Adelaide Plains Library

Above – Allen Tiller flyer

RECOMMENDATION

“that Council, having considered Item 15.5 – *Library and Community Services – Report – May to June 2021*, dated 26 July 2021, receives and notes the report.”

Attachments

Nil


References

Legislation

Libraries Act 1982


Council Policies/Plans

Strategic Plan 2021-2024


 Adelaide Plains Council	18.1	Motion on Notice – Vanuatu Friendship City Arrangement	
	Document No:	D21/32398	
Report Date:	26 July 2021	Submitted by:	Mayor Wasley

Preamble:	<p>We have had Vanuatu workers in Mallala and surrounding districts for nearly six (6) years rotating on six (6) month contracts at Perfection Fresh and they have contributed greatly to the local economies of Mallala, Two Wells and beyond.</p> <p>Around 18 May 2021 an informal group was formed comprising Vanuatu workers and Mallala residents with a view to assisting the Vanuatu people of our community celebrate their Independence Day on 1 August 2021. Most of the workers have been in Mallala for 16 months or more, unable to return home to Vanuatu due to COVID-19 restrictions on travel.</p> <p>As part of the proposed celebration I felt it would be a good gesture if I could get either a video or audio message from the Vanuatu Prime Minister giving words of encouragement to the workers who are stuck in Mallala. I sent a letter of request to the Australian High Commission in Port Vila who have replied back very enthusiastically to the request but importantly have suggested better ties between Adelaide Plains Council (APC) and the people of Vanuatu.</p> <p>I received an official letter from Michael Crowe, Assistant Director, Vanuatu Section, Office of the Pacific, Department of Foreign Affairs and Trade, CANBERRA, inviting APC to consider either a Sister City Memorandum of Understanding (MOU) or a less formal Friendship City arrangement with a Vanuatu community.</p> <p>Attached was a formal letter from Mr Luke Wild, Director of Vanuatu Section, Department of Foreign Affairs and Trade, CANBERRA inviting APC to consider the above.</p> <p>A Sister City MOU is a formal agreement with some sort of investment from one or both cities, possible exchange programs and funding requirements.</p> <p>A Sister City arrangement aims to:</p> <ul style="list-style-type: none"> • Promote and celebrate historical and traditional links between the two communities • Share common interests and learnings in the areas of agriculture, tourism and education • Facilitate technical assistance where possible in fields where expertise can be shared in areas such as infrastructure, waste management, education and agriculture <p>In addition to the above, it is intended that further exchanges in fields that contribute to the prosperity and growth through this relationship will also be explored.</p>
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	<p>A Friendship City arrangement is far less formal with no financial commitment and can be formed and cancelled easily as needs dictate.</p> <p>A Friendship Agreement:</p> <ul style="list-style-type: none"> • requires meaningful historical, cultural, economic, industrial or educational links between the two cities • may be initiated by members of the Community, Councillors or by Council officers and is required to be formally considered at a Council meeting. • shall involve the exchange of a formal plaque or certificate for display in the respective Civic Buildings and may extend to the exchange of information for educational purposes. • shall not require expenditure from either party apart from hospitality associated with a Mayoral reception, and minor administrative expenses such as the preparation of reports and documents for signing. • may be terminated on request by either party. <p>“In short, you can really choose your own adventure with these relationships, and I would recommend starting small, with just a commitment to explore opportunities to engage on areas where there is already some interest/crossover (i.e. the agricultural seasonal workforce and cultural activities like that which you are already looking to celebrate).” (Michael Crowe letter).</p>
Motion:	<p>“that a report come back to Council with further information on a proposal for a Friendship City arrangement with Vanuatu to encourage social, welfare, educational and cultural links to strengthen the bond with Vanuatu workers here in the Adelaide Plains.”</p>

 Adelaide Plains Council		18.2	Motion on Notice – Rescind Motion 2019/529
		Document No:	D21/32401
Report Date:	26 July 2021	Submitted by:	Councillor Boon


Preamble:	I wish to move a motion at the July 2021 council meeting, to rescind the following motion without notice, due to the Club's failure to respond to council's request for a copy of the relevant application. It occurs to me the matter appears to have been resolved, as the PPSSC is operating without any apparent impediment.
Proposed Motion 1:	<p>"that the following Resolution be rescinded:</p> <p><i>2019/529:</i></p> <p><i>"that Members instruct the Chief Executive Officer to provide a letter of support to Port Parham Sports and Social Club in relation to their application to remove the restriction on the newly issued Liquor Licence which restricts liquor sales for consumption of the licenced premises to members only."</i></p>

 Adelaide Plains Council		18.3	Motion on Notice – Lift Motion Off Table – 2021/175
		Document No:	D21/32399
Report Date:	26 July 2021	Submitted by:	Councillor Lush

Preamble:	N/A
Motion:	“that motion 2021/175 be lifted from the table.”

 Adelaide Plains Council		18.4	Motion on Notice – Lift Motion Off Table – 2021/177
		Document No:	D21/32400
Report Date:	26 July 2021	Submitted by:	Councillor Lush

Preamble:	N/A
Motion:	“that motion 2021/177 be lifted from the table.”

 Adelaide Plains Council	21.1 Confidential Item
26 July 2021	

21.1 International Translational Horticulture Centre Update

RECOMMENDATION


“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, Acting General Manager – Governance and Executive Office, General Manager – Finance and Business, General Manager – Infrastructure and Environment, General Manager – Development and Community, Administration and Executive Support Officer/Minute Taker and Information Technology Officer be excluded from attendance at the meeting of Council for Agenda Item 21.1 – *International Translational Horticulture Centre Update*;**
- 2. Council is satisfied that pursuant to section 90(3)(b) and 90(3)(h) of the Local Government Act 1999, Item 21.1 – *International Translational Horticulture Centre Update* 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.”**

RECOMMENDATION

“that Council, having considered the matter of Item 21.1 – *International Translational Horticulture Centre Update* in confidence under sections 90(2), 90(3)(b) and 90(3)(h) of the *Local Government Act 1999*, resolves that:

- 1. The report, Attachment 1 and Attachment 2 pertaining to Item 21.1 – *International Translational Horticulture Centre Update* remain confidential and not available for public inspection until further order of the Council;**
- 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.”**

 Adelaide Plains Council	21.2 Confidential Item
26 July 2021	

21.2 Crown Land, Two Wells – July 2021

RECOMMENDATION


“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, Acting General Manager – Governance and Executive Office, General Manager – Finance and Business, General Manager – Infrastructure and Environment, General Manager – Development and Community, Administration and Executive Support Officer/Minute Taker and Information Technology Officer be excluded from attendance at the meeting of Council for Agenda Item 21.2 – *Crown Land, Two Wells – July 2021*;**
- 2. Council is satisfied that pursuant to section 90(3)(b) and 90(3)(h) of the Local Government Act 1999, Item 21.2 – *Crown Land, Two Wells – July 2021* 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 ongoing negotiations in relation to 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.”**

RECOMMENDATION

“that Council, having considered the matter of Item 21.2 – *Crown Land, Two Wells – July 2021* in confidence under sections 90(2), 90(3)(b) and 90(3)(h) of the *Local Government Act 1999*, resolves that:

- 1. The report pertaining to Item 21.2 – *Crown Land, Two Wells – July 2021* remain confidential and not available for public inspection until further order of the Council;**
- 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.”**

 Adelaide Plains Council	21.3 Confidential Item
26 July 2021	

21.3 Northern Adelaide Irrigation Scheme - Uptake and Investment

RECOMMENDATION

“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, Acting General Manager – Governance and Executive Office, General Manager – Infrastructure and Environment, General Manager – Finance and Business, General Manager – Development and Community, Administration Support Officer/Minute Taker, Information Technology Officer and Mr Ian O’Loan OAM Chairperson, Adelaide Plains Business Advisory Group be excluded from attendance at the meeting of the Council for Agenda Item 21.3 – *Northern Adelaide Irrigation Scheme - Uptake and Investment*;**
- 2. Council is satisfied that pursuant to section 90(3)(d) of the *Local Government Act 1999*, Item 21.3 – *Northern Adelaide Irrigation Scheme - Uptake and Investment* concerns commercial information of a confidential nature (not being a trade secret), being legal firm fee proposals, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party, being information in relation to potential private sector investment associated with the Northern Adelaide Irrigation Scheme**
- 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.”**