

# MINUTES

of the

## Ordinary Council Meeting



Held, pursuant to the provisions of the  
*Local Government Act 1999*, in the

**Council Chamber  
Redbanks Road  
Mallala**

on

**Monday 24 April 2023 at 4.30pm**

A handwritten signature in blue ink, appearing to be "A. A.", located in the bottom right corner of the page.

The Mayor formally declared the meeting open at 4.30pm.

## **1 ACKNOWLEDGEMENT OF COUNTRY**

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

## **2 ATTENDANCE RECORD**

### **Present:**

Mayor Mark Wasley  
Councillor Alana Bombardieri  
Councillor Kay Boon  
Councillor Terry-Anne Keen  
Councillor John Lush  
Councillor Dante Mazzeo  
Councillor Margherita Panella (from 4.31pm)  
Councillor David Paton  
Councillor Marcus Strudwicke  
Councillor Eddie Stubing

### **Staff in Attendance:**

Chief Executive Officer  
Director Corporate Services  
Director Finance  
Director Growth and Investment  
Director Infrastructure and Environment  
Group Manager – Development and Community  
Governance Administration Officer/Minute Taker  
Information Technology Officer

Mr James Miller  
Ms Sheree Schenk  
Mr Rajith Udugampola  
Mr Darren Starr  
Mr Thomas Jones  
Mr Michael Ravno  
Ms Stacie Shrubsole  
Mr Sean Murphy

### **Apologies:**

Nil



### **3 MINUTES**

Councillor Panella joined the meeting at 4.31pm.

#### **3.1 CONFIRMATION OF MINUTES – ORDINARY COUNCIL MEETING – 27 MARCH 2023**

##### **RESOLUTION 2023/087**

Moved: Councillor Strudwicke

Seconded: Councillor Boon

“that the minutes of the Ordinary Council Meeting held on 27 March 2023 (MB Folios 17764 to 17775 inclusive) be accepted as read and confirmed.”

**CARRIED**

### **4 BUSINESS ARISING**

Nil

### **5 DECLARATION OF MEMBERS' INTEREST**

Nil

### **6 ADJOURNED BUSINESS**

Nil

### **7 MAYOR'S REPORT**

#### **7.1 MAYOR'S REPORT - APRIL 2023**

##### **RESOLUTION 2023/088**

Moved: Councillor Lush

Seconded: Councillor Keen

“that Council, having considered Item 7.1 – *Mayor's Report – April 2023*, dated 24 April 2023, receives and notes the report.”

**CARRIED**

### **8 REQUESTED DOCUMENTS/CORRESPONDENCE TO BE TABLED**

Nil

### **9 DEPUTATIONS**

Nil



**10 PRESENTATIONS/BRIEFINGS**

Nil

**11 PETITIONS**

Nil

**12 COMMITTEE MEETING MINUTES**

**12.1 MINUTES OF THE AUDIT COMMITTEE MEETING HELD 3 APRIL 2023**

**RESOLUTION 2023/089**

Moved: Councillor Strudwicke

Seconded: Councillor Boon

**“that Council receives and notes the minutes of the Minutes of the Audit Committee Meeting held 3 April 2023 as presented at Attachment 1 to this Report.”**

**CARRIED**

**RESOLUTION 2023/090**

Moved: Councillor Strudwicke

Seconded: Councillor Boon

**“that Council endorses resolution 2023/022 of the Audit Committee and in doing so adopts the response outlined within Attachment 2 to this report as the Council’s response to the ESCOSA Local Government Advice – February 2023.”**

**CARRIED**

**RESOLUTION 2023/091**

Moved: Councillor Keen

Seconded: Councillor Strudwicke

**“that Council endorses resolution 2023/023 of the Audit Committee and in doing so acknowledges the progress made to complete the activities identified for the Audit Committee during the 2022/2023 Financial Year.”**

**CARRIED**

**12.2 MINUTES OF THE ADELAIDE PLAINS COUNCIL HISTORICAL COMMITTEE MEETING HELD 4 APRIL 2023**

**RESOLUTION 2023/092**

Moved: Councillor Strudwicke

Seconded: Councillor Keen

**“that Council receives and notes the minutes of the Minutes of the Adelaide Plains Council Historical Committee Meeting held 4 April 2023 as presented at Attachment 1 to this Report.”**

**CARRIED**



**13 SUBSIDIARY MEETINGS**

**13.1 GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY – SPECIAL BOARD MEETING HELD 16 MARCH 2023**

**RESOLUTION 2023/093**

**Moved: Councillor Keen**

**Seconded: Councillor Lush**

**“that Council receives and notes the minutes of Gawler River Floodplain Management Authority Special Board Meeting held on 16 March 2023 as presented as Attachment 1 to this report.”**

**CARRIED**

**14 REPORTS FOR DECISION**

**14.1 COUNCIL MEMBERS BEHAVIOURAL SUPPORT POLICY**

**RESOLUTION 2023/094**

**Moved: Councillor Keen**

**Seconded: Councillor Strudwicke**

**“that Council, having considered Item 14.1 – *Council Members Behavioural Support Policy*, dated 24 April 2023, receives and notes the report and having considered the requirements of section 75F of the *Local Government Act 1999*, resolves not to adopt a Behavioural Support Policy at this time.”**

**CARRIED UNANIMOUSLY**

**14.2 REVIEW OF DELEGATIONS – EXPIATION OF OFFENCES ACT 1996 AND PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016**

**RESOLUTION 2023/095**

**Moved: Councillor Boon**

**Seconded: Councillor Bombardieri**

**“that Council, having considered Item 14.2 – *Review of Delegations - Expiation of Offences Act 1996 and Planning, Development and Infrastructure Act 2016*, dated 24 April 2023, receives and notes the report and in doing so having conducted a review of the powers and functions previously delegated to the Chief Executive Officer, and others, in accordance with s44(1) of the *Local Government Act 1999* and s100 of the *Planning, Development and Infrastructure Act 2016* Council:**

**1. Revocations**

**Hereby revokes the powers and functions under the following Acts and Regulations (as individually identified below) its previous delegations to the Chief Executive Officer and all other Council officers of those powers and functions, effective from 28 April 2023:**

**i. *Expiation of Offences Act 1996*;**

- ii. *Delegations made under Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017, Planning & Design Code and Practice Directions of Powers of a Council as a Council, a Designated Authority; a Designated Entity – (Instrument A)*
  - iii. *Delegations made under Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017, Planning & Design Code and Practice Directions of Powers of a Council as a Relevant Authority – (Instrument B)*
2. **Adoption of Delegations**

In exercise of the power contained in section 44 of the *Local Government Act 1999*, the powers and functions under the following Acts and specified in the proposed *Instruments of Delegation* contained in this report's attachments (each of which is individually identified as indicated below) are hereby delegated effective from 28 April 2023 to the person occupying the office of Chief Executive Officer (and anyone acting in that position) subject to the conditions and/or limitations specified herein or in the Schedule of Conditions in each proposed Instrument of Delegation.

  - ***Expiation of Offences Act 1996***

Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the *Local Government Act 1999* as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.
3. ***Delegations made under Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council, a Designated Authority; a Designated Entity – (Instrument A)***

In exercise of the power contained in s100 of the *Planning, Development and Infrastructure Act 2016*, the powers and functions under the *Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017*, *Planning & Design Code and Practice Directions of Powers of a Council as a Council, a Designated Authority; a Designated Entity – (Instrument A)*, contained in Attachment 1 to this report, are hereby delegated effective from 28 April 2023 to the person occupying or acting in the Office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions.

Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 100(2)(c) of the *Planning, Development and Infrastructure Act 2016* as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation
4. ***Delegations made under Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Relevant Authority – (Instrument B)***

In exercise of the power contained in s100 of the *Planning, Development and Infrastructure Act 2016*, the powers and functions under the *Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017*, *Planning & Design Code and Practice Directions of Powers of a Council as a Relevant Authority – (Instrument B)*, contained in Attachment 1 to this report, are hereby delegated effective from 28<sup>th</sup> day of April 2023 to the person occupying or acting in the Office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions.



Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 100(2)(c) of the *Planning, Development and Infrastructure Act 2016* as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.”

CARRIED UNANIMOUSLY

**14.3 LEGATUS GROUP STRATEGIC PLAN 2023-2027, ANNUAL BUSINESS PLAN AND BUDGET 2023-2024 AND LONG TERM FINANCIAL PLAN**

**RESOLUTION 2023/096**

Moved: Councillor Keen

Seconded: Councillor Lush

“that Council, having considered Item 14.3 – *Legatus Group Strategic Plan 2023-2027, Annual Business Plan and Budget 2023-2024 and Long Term Financial Plan*, dated 24 April 2023, receives and notes the report and in doing so:-

1. Supports the proposed outcomes, strategies and actions contained within the Legatus Group Draft Strategic Plan for 2023-2027, Draft Long Term Financial Plan 2023-2027, Draft Business Plan 2023-2024 and Draft Budget 2023-2024 and thereby endorses the Strategic Documents (Attachment 1 to 4); and
2. Include in its 2023-2024 Draft Annual Business Plan and Budget an amount of \$12,760 as its Member Council contribution to support the operations of Legatus.”

CARRIED UNANIMOUSLY

**14.4 THOMPSON BEACH VEHICLE ACCESS – PUBLIC CONSULTATION**

Councillor Strudwicke raised a Point of Order on the basis that the recommendation is in relation to endorsing the discussion paper for public consultation, and there will be an opportunity if the motion is successful to update the facts within the discussion paper presented.

Mayor Wasley accepted the Point of Order, and in doing so noted that the motion had been moved and seconded, and opened the motion up for discussion.

**RESOLUTION 2023/097**

Moved: Councillor Strudwicke

Seconded: Councillor Keen

“that Council, having considered Item 14.4 – *Thompson Beach Vehicle Access – Public Consultation*, dated 24 April 2023, receives and notes the report and in doing so:-

1. Endorses in principle undertaking public consultation about a seasonal vehicle closure of Thompson Beach to inform a Council resolution under the *Local Government Land By-Law 2019*.

2. Instructs the Chief Executive Officer to prepare the Thompson Beach Seasonal Vehicle Closure Discussion Paper and to bring it to Council for endorsement for use for public consultation.”

CARRIED UNANIMOUSLY

#### 14.5 DOG REGISTRATION FEES 2023/2024

##### RESOLUTION 2023/098

Moved: Councillor Keen

Seconded: Councillor Bombardieri

“that Council, having considered Item 14.5 – *Dog Registration Fees 2023/2024*, dated 24 April 2023, receives and notes the report and in doing so sets the 2023/2024 registration fee for a:

1. Non-Standard dog at \$80; and
2. Standard dog (desexed and microchipped) at \$40.00 (50% off the Non-Standard dog fee as previously recommended by the Dog and Cat Management Board).”

CARRIED UNANIMOUSLY

##### RESOLUTION 2023/099

Moved: Councillor Strudwicke

Seconded: Councillor Boon

“that Council, having considered Item 14.5 – *Dog Registration Fees 2023/2024*, dated 24 April 2023, sets the 2023/2024 dog business registration fees at:

- \$417 for 1-19 business dogs (no additional rebates)
- \$539 for 20 or more business dogs (no additional rebates).”

CARRIED UNANIMOUSLY

##### RESOLUTION 2023/100

Moved: Councillor Boon

Seconded: Councillor Lush

“that Council, having considered Item 14.5 – *Dog Registration Fees 2023/2024*, dated 24 April 2023, offers an Assistance Dog and Assistance Dog in Training registration category in 2023/2024, with no fees, as required by the *Dog and Cat Management Act 1995*.”

CARRIED UNANIMOUSLY



**MOTION****Moved:** Councillor Keen**Seconded:** Councillor Boon

**“that Council, having considered Item 14.5 – *Dog Registration Fees 2023/2024*, dated 24 April 2023, offers the following discretionary dog registration fee rebates in 2023/2024:**

- Working livestock dog            \$35 flat fee (no additional rebates)
- Racing greyhound                \$35 flat fee (no additional rebates)
- Concession card                   50%.”

**AMENDMENT****Moved:** Councillor Strudwicke**Seconded:** Councillor Paton

**“to remove:**

- Working livestock dog            \$35 flat fee (no additional rebates)
- Racing greyhound                \$35 flat fee (no additional rebates)’.”

**AMENDMENT LOST****RESOLUTION 2023/101****Moved:** Councillor Keen**Seconded:** Councillor Boon

**“that Council, having considered Item 14.5 – *Dog Registration Fees 2023/2024*, dated 24 April 2023, offers the following discretionary dog registration fee rebates in 2023/2024:**

- Working livestock dog            \$35 flat fee (no additional rebates)
- Racing greyhound                \$35 flat fee (no additional rebates)
- Concession card                   50%.”

Councillor Boon called for a division. The Mayor declared the vote set aside.

Members voting in the Affirmative: Councillors Keen, Lush, Bombardieri, Stubing, Panella, Boon, Mazzeo and Strudwicke.

Members voting in the Negative: Councillor Paton

The Mayor declared the motion **CARRIED**

**MOTION****Moved:** Councillor Bombardieri**Seconded:** Councillor Panella

“that Council, having considered Item 14.5 – *Dog Registration Fees 2023/2024*, dated 24 April 2023, offers dog registration fee rebates in 2023/2024 to holders of the following Centrelink concession cards :

- DVA Gold Card
- Pensioner Card - All
- Seniors Health Card
- Health Care Card.”

**AMENDMENT****Moved:** Councillor Strudwicke

“Remove ‘Health Care Card’.”

**AMENDMENT WITHDRAWN****RESOLUTION 2023/102****Moved:** Councillor Bombardieri**Seconded:** Councillor Panella

“that Council, having considered Item 14.5 – *Dog Registration Fees 2023/2024*, dated 24 April 2023, offers dog registration fee rebates in 2023/2024 to holders of the following Centrelink concession cards :

- DVA Gold Card
- Pensioner Card - All
- Seniors Health Card
- Health Care Card.”

**CARRIED UNANIMOUSLY****RESOLUTION 2023/103****Moved:** Councillor Keen**Seconded:** Councillor Bombardieri

“that Council, having considered Item 14.5 – *Dog Registration Fees 2023/2024*, dated 24 April 2023, sets the following dog management fees for 2023/2024:

- Late registration                      \$25
- Impounding                              \$70
- Daily pound holding                  \$27 Weekday and \$43 Weekends”

**CARRIED UNANIMOUSLY**

**RESOLUTION 2023/104**

**Moved:** Councillor Panella  
**Seconded:** Councillor Bombardieri

**“that Council, having considered Item 14.5 – *Dog Registration Fees 2023/2024*, dated 24 April 2023, sets the surrender fee for 2023/2024 to match the re-homing fee set by the Animal Welfare League (AWL) for 2023/2024 and provided by the AWL to Council prior to 30 June 2023.”**

**CARRIED UNANIMOUSLY**

Councillor Bombardieri left the meeting at 5.35pm.

**14.6 TWO WELLS OVAL MASTER PLAN BRIEF**

Councillor Bombardieri returned to the meeting at 5.38pm.

**RESOLUTION 2023/105**

**Moved:** Councillor Boon  
**Seconded:** Councillor Paton

**“that Council, having considered Item 14.6 – *Two Wells Oval Master Plan Brief*, dated 24 April 2023, receives and notes the report and in doing so:**

- 1. Endorses in principle the Two Wells Oval Master Plan Brief as presented in Attachment 1 to this Report; and**
- 2. Instructs the Chief Executive Officer to finalise the brief, noting the brief will be used to seek a suitable consultant team.”**

**CARRIED UNANIMOUSLY**

**14.7 UPDATED ADELAIDE PLAINS GROWTH STRATEGY**

**RESOLUTION 2023/106**

**Moved:** Councillor Stubing  
**Seconded:** Councillor Strudwicke

**“that Council, having considered Item 14.7 – *Updated Adelaide Plains Growth Strategy*, dated 24 April 2023, receives and notes the report and in doing so:**

- 1. Adopts the updated Adelaide Plains Growth Strategy and Action Plan, as presented in Attachment 1 to this report.**
- 2. Adopts the updated Background Paper, as presented in Attachment 2 to this report.**
- 3. Instructs the Chief Executive Officer to undertake editorial but not policy amendments to the documents.”**

**CARRIED UNANIMOUSLY**

**15 REPORTS FOR INFORMATION**

**15.1 COUNCIL RESOLUTIONS – STATUS REPORT**

**RESOLUTION 2023/107**

Moved: Councillor Lush

Seconded: Councillor Keen

“that Council, having considered Item 15.1 – *Council Resolutions – Status Report*, dated 24 April 2023, receives and notes the report.”

**CARRIED UNANIMOUSLY**

**15.2 CAPITAL WORKS AND OPERATING PROGRAM MONTHLY UPDATE – APRIL 2023**

**RESOLUTION 2023/108**

Moved: Councillor Keen

Seconded: Councillor Mazzeo

“that Council, having considered Item 15.2 – *Capital Works and Operating Program Monthly Update - April 2023*, dated 24 April 2023, receives and notes the report.”

**CARRIED UNANIMOUSLY**

**15.3 PROJECTS EXPECTED TO BE CARRY OVER TO 2023/2024 FINANCIAL YEAR**

**RESOLUTION 2023/109**

Moved: Councillor Panella

Seconded: Councillor Boon

“that Council, having considered Item 15.3 – *Projects Expected to be Carry Over to 2023/2024 Financial Year*, dated 24 April 2023, receives and notes the report.”

**CARRIED UNANIMOUSLY**

**15.4 LIBRARY AND COMMUNITY SERVICES REPORT - JANUARY TO MARCH 2023**

**RESOLUTION 2023/110**

Moved: Councillor Panella

Seconded: Councillor Strudwicke

“that Council, having considered Item 15.4 – *Library and Community Services Report – January to March 2023*, dated 24 April 2023, receives and notes the report.”

**CARRIED UNANIMOUSLY**

**16 QUESTIONS ON NOTICE**

Nil



## 17 QUESTIONS WITHOUT NOTICE

Not recorded in Minutes in accordance with Regulation 9(5) of the *Local Government (Procedures at Meetings) Regulations 2013*.

## 18 MOTIONS ON NOTICE

### 18.1 NOTICE OF MOTION – COUNCILLOR PANELLA – TRAFFIC SAFETY CONCERNS TWO WELLS

#### RESOLUTION 2023/111

Moved: Councillor Panella

Seconded: Councillor Paton

“that Council instructs the Chief Executive Officer to undertake investigations into a traffic management plan for Old Port Wakefield Road (Brooks Road to Mallala Road), Two Wells, as included in the Draft 2023/2024 Financial Year Annual Business Plan and Budget.”

CARRIED UNANIMOUSLY

### 18.2 NOTICE OF MOTION – MAYOR MARK WASLEY – INCREASE IN GENERAL WASTE BINS FOR CAMPGROUNDS

#### MOTION

Moved: Mayor Wasley

Seconded: Councillor Keen

“that Council recognises a need for additional general waste bins at the Mallala and Parham Campgrounds with recommended total numbers described below:

1. 10 x 240 litre (general waste bins) weekly collected at the Mallala Campground and 10 x 240 litre (general waste bins) weekly collected at the Mallala Lions Club Parham Campground; and
2. For the period 24 April 2023 to 30 June 2024, 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 Mallala Lions Club Mallala and Parham Campgrounds.”

MOTION WITHDRAWN

**19 MOTIONS WITHOUT NOTICE****MOTION**

**Moved:** Councillor Paton

**“that Council donates an amount of \$500.00 to the Two Wells Regional Action Team (TWRAT) to assist with the expenditure of hosting and facilitating the Two Wells ANZAC Day breakfast for the community.”**

**MOTION REFUSED**

Councillor Panella, declared a general conflict of interest, as a member of the community group, however indicated that in accordance with clause 75A(2)(c) of the *Local Government Act 1999* she is exempt from the general conflict due to having a membership with a community group. Councillor Panella advised that she would deal with the conflict by remaining in room and abstaining from discussion and vote.

**20 URGENT BUSINESS**

Nil

Councillor Panella left the meeting at 6.36 pm

Councillor Panella returned to the meeting at 6.39pm.

Councillor Boon left the meeting at 6.39pm.

**21 CONFIDENTIAL ITEMS****21.1 TRANS-TASMAN ENERGY GROUP CLAIM – UPDATE****RESOLUTION 2023/112**

**Moved:** Councillor Keen

**Seconded:** Councillor Paton

**“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, Director Corporate Services, Director Finance, Director Infrastructure and Environment, Director Growth and Investment, Group Manager – Development and Community, Governance Administration Officer/Minute Taker and Information Technology Officer be excluded from attendance at the meeting of Council for Agenda Item 21.1 – *Trans-Tasman Energy Group Claim – Update*.**
- 2. Council is satisfied that pursuant to section 90(3)(h) and 90(3)(i) of the *Local Government Act 1999*, Agenda Item 21.1 – *Trans-Tasman Energy Group Claim – Update* 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

Councillor Boon returned to the meeting at 6.40pm.

## 21.1 TRANS-TASMAN ENERGY GROUP CLAIM – UPDATE

### RESOLUTION 2023/113

Moved: Councillor Keen

Seconded: Councillor Strudwicke

"that Council, having considered Item 21.1 – *Trans-Tasman Energy Group Claim – Update*, dated 24 April 2023, receives and notes the report."

CARRIED UNANIMOUSLY

### RESOLUTION 2023/114

Moved: Councillor Keen

Seconded: Councillor Boon

"that Council, having considered the matter of Item 21.1 – *Trans-Tasman Energy Group Claim – Update* 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 21.1 – *Trans-Tasman Energy Group Claim – 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."

CARRIED UNANIMOUSLY

## 22 CLOSURE

There being no further business, the Mayor declared the meeting closed at 6.46pm.

Confirmed as a true record.

Mayor:.....

Date: 22/05/2023

