

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 26 June 2023 at 4.30pm

mw

The Mayor formally declared the meeting open at 4.31pm

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 Terry-Anne Keen
Councillor John Lush
Councillor Dante Mazzeo
Councillor Margherita Panella
Councillor David Paton
Councillor Marcus Strudwicke

Staff in Attendance:

Chief Executive Officer	Mr James Miller
Director Corporate Services	Ms Sheree Schenk
Director Finance	Mr Rajith Udugampola
Director Growth and Investment	Mr Darren Starr
Director Infrastructure and Environment	Mr Thomas Jones
Group Manager – Development and Community	Mr Michael Ravno
Executive Assistant to the CEO and Mayor	Ms Susan Cook
Governance Administration Officer/Minute Taker	Ms Stacie Shrubsole
Information Technology Officer	Mr Sean Murphy
Marketing and Communications Officer	Clarisse Semler-Hanlon
Administration Support Officer – Infrastructure and Environment	Ms Lauren Bywaters

Apologies:

Councillor Eddie Stubing
Councillor Kay Boon

3 MINUTES

3.1 CONFIRMATION OF MINUTES – ORDINARY COUNCIL MEETING – 22 MAY 2023

RESOLUTION 2023/140

Moved: Councillor Mazzeo

Seconded: Councillor Keen

“that the minutes of the Ordinary Council Meeting held on 22 May 2023 (MB Folios 17795 to 17805 inclusive) be accepted as read and confirmed.”

CARRIED

3.2 CONFIRMATION OF MINUTES – SPECIAL COUNCIL MEETING – 22 MAY 2023

RESOLUTION 2023/141

Moved: Councillor Lush

Seconded: Councillor Bombardieri

“that the minutes of the Special Council Meeting held on 22 May 2023 (MB Folios 17806 to 17808 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 ACTING MAYOR'S REPORT – JUNE 2023

RESOLUTION 2023/142

Moved: Councillor Panella

Seconded: Councillor Keen

“that Council, having considered Item 7.1 – *Acting Mayor's Report – June 2023*, dated 26 June 2023, receives and notes the report.”

CARRIED

7.2 MAYOR'S REPORT – JUNE 2023

RESOLUTION 2023/143

Moved: Councillor Panella

Seconded: Councillor Strudwicke

“that Council, having considered Item 7.2 – *Mayor's Report – June 2023*, dated 26 June 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

Nil

13 SUBSIDIARY MEETINGS

13.1 LEGATUS GROUP ORDINARY MEETING HELD 19 MAY 2023

RESOLUTION 2023/144

Moved: Councillor Panella

Seconded: Councillor Lush

“that Council receives and notes the Minutes of the Legatus Group Ordinary Meeting held on 19 May 2023.”

CARRIED

13.2 LEGATUS GROUP SPECIAL MEETING HELD 2 JUNE 2023

RESOLUTION 2023/145

Moved: Councillor Panella

Seconded: Councillor Paton

“that Council receives and notes the Minutes of the Legatus Group Special Meeting held on 2 June 2023.”

CARRIED

13.3 GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY – BOARD MEETING HELD ON 15 JUNE 2023

RESOLUTION 2023/146

Moved: Councillor Lush

Seconded: Councillor Keen

“that Council receives and notes the minutes of Gawler River Floodplain Management Authority Board Meeting held on 15 June 2023.”

CARRIED

14 REPORTS FOR DECISION

14.1 POLICY REVIEW – CODE OF PRACTICE – MEETING PROCEDURES

RESOLUTION 2023/147

Moved: Councillor Strudwicke

Seconded: Councillor Lush

“that Council, having considered Item 14.1 – *Policy Review – Code of Practice – Meeting Procedures*, dated 26 June 2023, 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 the following amendment:-

- **the deletion of Clause 15, Sub Clauses 10, 11 and 12.”**

CARRIED UNANIMOUSLY

14.2 REVIEW OF DELEGATIONS**RESOLUTION 2023/148****Moved:** Councillor Keen**Seconded:** Councillor Paton

“that Council, having considered Item 14.2 – *Review of Delegations*, dated 26 June 2023, receives and notes the report.”

CARRIED**RESOLUTION 2023/149****Moved:** Councillor Strudwicke**Seconded:** Councillor Mazzeo

“that Council, having considered Item 14.2 – *Review of Delegations*, dated 26 June 2023, having conducted its mandatory review of the powers and functions previously delegated to the Chief Executive Officer, and others, in accordance with s44 of the *Local Government Act 1999*:

That Council in exercise of the power contained in s44 of the *Local Government Act 1999*, the powers and functions under the following acts and specified in the proposed Instruments of Delegation contained in attachments to this report are hereby delegated on 23 July 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 such proposed Instrument of Delegation.

- **Adelaide Plains Council By-laws 1-5 (inclusive)**
- **Burial and Cremation Act 2013**
- **Burial and Cremation Regulations 2014**
- **Community Titles Act 1996**
- **Cost of Living Concessions Act 1986**
- **Crown Land Management Act 2009**
- **Disability Inclusion Act 2018**
- **Disability inclusion Regulations 2019**
- **Dog and Cat Management Act 1995**
- **Dog and Cat Management Regulations 2017**
- **Electricity (Principles of Vegetation Clearance) Regulations 2021**
- **Environment Protection Act 1993**
- **Environment Protection Regulations 2009**

- **Environment Protection (Air Quality) Policy 2016**
- **Environment Protection (Noise) Policy 2007**
- **Environment Protection (Used Packaging Materials) Policy 2012**
- **Environment Protection (Waste to Resources) Policy 2010**
- **Electricity Act 1996**
- **Expiation of Offences Act 1996**
- **Fines Enforcement and Debt Recovery Act 2017**
- **Freedom of Information Act 1991**
- **Freedom of Information (fees and charges) Regulations 2018**
- **Gas Act 1997**
- **Fire and Emergency Services Act 2005**
- **Fire and Emergency Services Regulations 2021**
- **Joint Criminal Rules 2022**
- **Heavy Vehicle (Mass Dimension and Loading) National Regulation (NSW)**
- **Independent Commissioner Against Corruption Act 2012**
- **Labour Hire Licensing Act 2017**
- **Land and Business (Sale and Conveyancing) Act 1994**
- **Landscape South Australia (General) Regulations 2020**
- **Landscape South Australia (Water Management) Regulations 2020**
- **Landscape South Australia Act 2019**
- **Liquor Licensing Act 1997**
- **Local Government (Financial Management) Regulations 2011**
- **Local Government (Forestry Reserves) Act 1944**
- **Local Government (General) Regulations 2013**
- **Local Government (Members Allowances and Benefits) Regulations 2010**
- **Local Government (Procedures at Meetings) Regulations 2013**
- **Local Government (Building Upgrade Agreements) Regulations 2017**
- **Local Government (Elections) Act 1999**
- **Local Government Act 1999**

- Mining Act 1971
 - Mining Regulations 2020
 - Ombudsman Act 1972
 - Private Parking Areas Act 1986
 - Real Property Act 1886
 - Road Traffic Act 1961
 - Road Traffic Act 1961, Road Traffic (Miscellaneous) Regulations 2014
 - Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014
 - Roads (Opening & Closing) Act 1991
 - South Australian Public Health (General) Regulations 2013
 - South Australian Public Health (Legionella) Regulations 2013
 - South Australian Public Health (Wastewater) Regulations 2013
 - South Australian Public Health Act 2011
 - Safe Drinking Water Regulations 2012
 - State Records Act 1997
 - Strata Titles Act 1988
 - Water Industry Act 2012
 - Water Industry Regulations 2012
1. 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 s44 of the *Local Government Act 1999*, and Section 100 of the *Planning, Development and Infrastructure Act 2016*, the powers and functions under the 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), are hereby delegated effective from 23 July 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.
2. 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 s44 of the *Local Government Act 1999*, and Section 100 of the *Planning, Development and Infrastructure Act 2016*, the powers and functions under the *Planning, Development and Infrastructure Act 2016* Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Relevant Authority– (Instrument B), are hereby delegated effective from 23 July 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.

3. **Delegation to Fire Protection Officers under the Fire and Emergency Services Act 2005**

As set out in Division 8, Part 4 of the *Fire and Emergency Services Act 2005* the powers and functions pursuant to Section 93 of the *Fire and Emergency Services Act 2005* are hereby delegated effective from 23 July 2023 to the person/s occupying the position(s) of Fire Protection Officer (and anyone acting in that position) subject to the conditions and/or limitations specified herein or in the Schedule of Conditions

4. **Delegations made under Food Act 2001**

In exercise of the powers contained in s91 of the *Food Act 2001*, the powers and functions under the *Food Act 2001* and Food Regulations 2017 contained in the proposed Instrument of Delegation, are hereby delegated effective from 23 July 2023 to the person occupying the office of the Chief Executive Officer ('the head of the enforcement agency' for the purposes of the *Food Act 2001*) and anyone acting in that position.

Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.

5. **Delegations made under Local Nuisance and Litter Control Act 2016**

In exercise of powers under s10 of the *Local Nuisance and Litter Control Act 2016*, the powers and functions under the *Local Nuisance and Litter Control Act 2016* and Local Nuisance and Litter Control Regulations 2017 contained in the proposed Instrument of Delegation are hereby delegated effective from 23 July 2023 to the person occupying the office of Chief Executive Officer and anyone acting in that position.

Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation

6. **Delegations under Supported Residential Facilities Act 1992**

In exercise of the power contained in s9 of the *Supported Residential Facilities Act 1992*, the powers and functions under the *Supported Residential Facilities Act 1992* and Supported Residential Facilities Regulations 2009 contained in the proposed Instrument of Delegation are hereby delegated effective from 23 July 2023 to the person occupying the office of the Chief Executive Officer and anyone acting in that position.

Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation

7. Delegations under the Heavy Vehicle National Law (South Australia) Act 2013

In exercise of the powers contained in s44 of the *Local Government Act 1999* and s22B of the *Heavy Vehicle National Law (South Australia) Act 2013* (as relevant) the powers and functions under the *Heavy Vehicle National Law (South Australia) Act 2013* contained in the proposed Instrument of Delegation are hereby delegated effective from 23 July 2023 to the person occupying the office of the Chief Executive Officer and anyone acting in that position.

Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation

8. Delegations under the Safe Drinking Water Act 2011

In exercise of the powers contained in s43 of the *Safe Drinking Water Act 2011* the powers and functions under the *Safe Drinking Water Act 2011* and *Safe Drinking Water Regulations 2012* contained in the proposed Instrument of Delegation are hereby delegated effective from 23 July 2023 to the person occupying the office of the Chief Executive Officer and anyone acting in that position.

Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation."

CARRIED

RESOLUTION 2023/150

Moved: Councillor Strudwicke

Seconded: Councillor Keen

"that Council, having considered Item 14.2 – *Review of Delegations*, dated 26 June 2023, having conducted its mandatory review of the powers and functions previously delegated to the Chief Executive Officer, and others, in accordance with s44 of the *Local Government Act 1999*:

Authorisations under the Ministers Instrument of General Approval and Delegation to Council under the *Road Traffic Act 1961*

That the Council resolves to grant the sub-delegation of powers under the *Road Traffic Act* as provided for in accordance with the Instrument of General Approval and Delegation to Council (dated 22 August 2013) from the Minister for Infrastructure and

Transport (General Approval) the council authorises the following person(s) pursuant to Clause A.7 of the General Approval to endorse Traffic Impact Statements for the purposes of Clause A of the General approval provided that such person(s) shall take into account the matters specified in Clause A.7 of the General Approval in respect of Traffic Impact Statements:

Director, Infrastructure and Environment – Thomas Jones

Manager Operations – Scott Woodcock

Manager Engineering – Michael Ravno

In accordance with Clause A.7 of the General Approval, the council is of the opinion that the following person(s) is/are experienced traffic engineering practitioner(s) for the purposes of preparing a Traffic Impact Statement as required by Clause A.7 of the General Approval:

Director, Infrastructure and Environment – Thomas Jones

Manager Operations – Scott Woodcock

Manager Engineering – Michael Ravno

In accordance with Clause E.2 of the General Approval, the council is of the opinion that the following person(s) has (have) an appropriate level of knowledge and expertise in the preparation of Traffic Management Plans:

Director, Infrastructure and Environment – Thomas Jones

Manager Operations – Scott Woodcock

Manager Engineering – Michael Ravno.”

CARRIED UNANIMOUSLY

14.3 CONSULTATION – DRAFT SAROC ANNUAL BUSINESS PLAN 2023-2024

RESOLUTION 2023/151

Moved: Councillor Paton

Seconded: Councillor Lush

“that Council, having considered Item 14.3 – *Consultation – Draft SAROC Annual Business Plan 2023-2024*, dated 26 June 2023, receives and notes the report and acknowledges the opportunity to provide feedback on the Draft SAROC Annual Business Plan 2023-2024.”

CARRIED UNANIMOUSLY

RESOLUTION 2023/152

Moved: Councillor Panella

Seconded: Councillor Keen

“that Council, having considered Item 14.3 – *Consultation – Draft SAROC Annual Business Plan 2023-2024*, dated 26 June 2023 instructs the Chief Executive Officer to provide feedback to SAROC in relation to the Draft SAROC Annual Business Plan 2023-2024 to include advocacy for aged care services in the list of SAROC priorities.”

CARRIED UNANIMOUSLY

14.4 APPROVAL OF EXPENDITURE PRIOR TO THE ADOPTION OF THE 2023/2024 ANNUAL BUDGET**RESOLUTION 2023/153****Moved:** Councillor Keen**Seconded:** Councillor Paton

“that Council, having considered Item 14.4 – *Approval of Expenditure Prior to the Adoption of the 2023/2024 Annual Budget*, dated 26 June 2023, receives and notes the report and in doing so:

- 1. Acknowledges that the 2023/2024 Annual Business Plan and Budget of Council is not proposed to be adopted until 10 July 2023;**
- 2. Pending the adoption of the 2023/2024 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 UNANIMOUSLY**14.5 PROPOSED DISCRETIONARY FEES & CHARGES FOR 2023/2024 - TWO WELLS WASTE TRANSFER STATION****RESOLUTION 2023/154****Moved:** Councillor Strudwicke**Seconded:** Councillor Keen

“that Council, having considered Item 14.5 – *Proposed Discretionary Fees & Charges for 2023/2024 - Two Wells Waste Transfer Station*, dated 26 June 2023, receives and notes the report and in doing so adopts Two Wells Waste Transfer Station fees and charges for the 2023/2024 Financial Year as provided in Attachment 1 to this Report noting that a discount of 40% and 50% will be applied on general and green waste disposal respectively by concession cardholders who lives in the Adelaide Plains Council area.”

CARRIED UNANIMOUSLY

14.6 DOGS ON LEASH – LEWISTON WETLANDS AND RESERVES TRAILS

RESOLUTION 2023/155

Moved: Councillor Strudwicke

Seconded: Councillor Keen

“that Council, having considered Item 14.6 – *Dogs On Leash – Lewiston Wetlands and Reserves Trails*, dated 26 June 2023, receives and notes the report and in doing so:-

1. Endorses undertaking public consultation in relation to a proposal that dogs be on-leash in the Lewiston Wetlands and Reserves Trails to inform a Council resolution under the *Dogs By-Law 2019*.
2. Notes the Background Paper – Proposed Dogs On Leash in Lewiston Wetlands and Reserves Trails as outlined in Attachment 2 will be used to inform the public consultation process.
3. Authorises the Chief Executive Officer to undertake editorial changes to finalise the Background Paper for consultation.”

CARRIED UNANIMOUSLY

15 REPORTS FOR INFORMATION

15.1 COUNCIL RESOLUTIONS - STATUS REPORT

RESOLUTION 2023/156

Moved: Councillor Bombardieri

Seconded: Councillor Mazzeo

“that Council, having considered Item 15.1– *Council Resolutions - Status Report*, dated 26 June 2023, receives and notes the report.”

CARRIED UNANIMOUSLY

15.2 CAPITAL WORKS AND OPERATING PROGRAM MONTHLY UPDATE – JUNE 2023

RESOLUTION 2023/157

Moved: Councillor Lush

Seconded: Councillor Panella

“that Council, having considered Item 15.2 – *Capital Works and Operating Program Monthly Update - June 2023*, dated 26 June 2023, receives and notes the report.”

CARRIED UNANIMOUSLY

15.3 REGIONAL REFORM ROUNDTABLE – MEMBER FOR LIGHT MEETING INVITATION

RESOLUTION 2023/158

Moved: Councillor Panella

Seconded: Councillor Paton

“that Council, having considered Item 15.3 – *Regional Reform Roundtable – Member for Light Meeting Invitation*, dated 26 June 2023, receives and notes the report.”

CARRIED UNANIMOUSLY

RESOLUTION 2023/159

Moved: Councillor Strudwicke

Seconded: Councillor Panella

“that resolution 2019/416 be amended to delete Clause 3.”

CARRIED UNANIMOUSLY

15.4 PROJECTS EXPECTED TO BE CARRY OVER TO 2023/2024 FINANCIAL YEAR

RESOLUTION 2023/160

Moved: Councillor Keen

Seconded: Councillor Panella

“that Council, having considered Item 15.4 – *Projects Expected to be Carry Over to 2023/2024 Financial Year*, dated 26 June 2023, receives and notes the report.”

CARRIED UNANIMOUSLY

15.5 MARKETING AND COMMUNICATIONS STRATEGY 2023-2024

Councillor Mazzeo left the meeting at 5.56 pm.

Councillor Mazzeo returned to the meeting at 5.59 pm.

RESOLUTION 2023/161

Moved: Councillor Keen

Seconded: Councillor Paton

“that Council, having considered Item 15.5 – *Marketing and Communications Strategy 2023-2024*, dated 26 June 2023, receives and notes the report.”

CARRIED UNANIMOUSLY

15.6 TWO WELLS COMMUNITY FUND – SEVENTH ROUND OUTCOMES

RESOLUTION 2023/162

Moved: Councillor Keen

Seconded: Councillor Bombardieri

“that Council, having considered Item 15.6 – *Two Wells Community Fund – Seventh Round Outcomes*, dated 26 June 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 – MAYOR MARK WASLEY – PARTIALLY RESCIND RESOLUTION 2023/048 – GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY, DEW BUSINESS CASE

RESOLUTION 2023/163

Moved: Mayor Wasley

Seconded: Councillor Strudwicke

“that part 1 of resolution 2023/048, namely Council’s conditional support for the DEW Business Case, be formally rescinded.”

CARRIED UNANIMOUSLY

19 MOTIONS WITHOUT NOTICE

Nil

20 URGENT BUSINESS

Mayor Wasley presented Councillor Keen with an award from the Local Government Association of South Australia, recognising Councillor Keen’s 20-years of service to Local Government.

21 CONFIDENTIAL ITEMS

Nil



Mayor: mm Warley
Date: 24/7/2023