

# 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

**Tuesday 27 April 2021 at 6.00pm**

The Mayor formally declared the meeting open at 6.01pm.

**1. ATTENDANCE RECORD**

**1.1 Present:**

Mayor Mark Wasley	
Councillor John Lush	Mallala/Dublin Ward
Councillor Marcus Strudwicke	Mallala/Dublin Ward
Councillor Terry-Anne Keen	Mallala/Dublin Ward
Councillor Kay Boon	Two Wells Ward
Councillor Joe Daniele	Two Wells Ward
Councillor Brian Parker	Lewiston Ward
Councillor Carmine Di Troia	Lewiston Ward

**Also in Attendance:**

Chief Executive Officer	Mr James Miller
Acting General Manager – Governance and Executive Office	Ms Alyssa Denicola
General Manager – Development and Community	Mr Darren Starr
General Manager – 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 ( <i>by audio-visual link</i> )	Mr Sean Murphy

**1.2 Apologies:**

Councillor Frank Maiolo	Two Wells Ward
Councillor Margherita Panella	Lewiston Ward

## 2. CONFIRMATION OF MINUTES

### 2.1 Confirmation of Council Minutes – Ordinary Council Meeting held on 22 March 2021

Moved Councillor Parker Seconded Councillor Di Troia **2021/ 145**

**“that the minutes of the Ordinary Council Meeting held on 22 March 2021 (MB Folios 17329 to 17343 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 during 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 18 March 2021 to Wednesday 21 April 2021

#### Monday 22 March 2021

Meeting – Mayor/Chief Executive Officer – Various Matters

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

Ordinary Council Meeting

#### Tuesday 23 March 2021

Photograph Opportunity – Two Wells Village Green

Meeting – Mayor/Chief Executive Officer/The Barossa Council – Floodplain Management Issues

#### Wednesday 24 March 2021

Regional Development Australia – Barossa Gawler Light and Adelaide Plains Meeting, Dublin

Coalition of Coastal Communities Meeting

Monday 29 March 2021

Meeting – Mayor/Chief Executive Officer – Various Matters

Inspections – Light Regional Council

Meeting – Mayor/Chief Executive Officer/Light Regional Council – Light and Adelaide Plains Region  
Development Authority Discussions

Wednesday 7 April 2021

Meeting – Mayor/Chief Executive Officer/Councillor Lush/General Manager Infrastructure and  
Environment/Acting General Manager Governance and Executive Office – Motion on Notice

Saturday 10 April 2021

Laurena Smythe's 100th Birthday Celebrations, Mallala RSL Hall

Monday 12 April 2021

Audit Committee Meeting

Tuesday 13 April 2021

Corporate Photographs

Wednesday 14 April 2021

Local Government Association SA – Sector briefing with Premier Steven Marshall and Deputy  
Premier Vickie Chapman, Zoom

Monday 19 April 2021

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

Informal Gathering – Draft 2021/2022 Annual Business Plan and Budget

Tuesday 20 April 2021

Informal Gathering – Adelaide Plains Council and Light Regional Council – Light and Adelaide Plains  
Region Economic Development Authority

Wednesday 21 April 2021

Adelaide Plains Business Advisory Group – Business Breakfast, Mallala Motorsport Park

Opening of Xavier College, Two Wells Function – Hosted by Hickinbotham Group

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

Nil

## 9. DEPUTATIONS

- 9.1 Mr Angelo Conti, Spokesperson for the Conti family, gave a 10 minute deputation, including questions from Council Members, in relation to the sealing of Johns Road, Two Wells.

## 10. PRESENTATIONS/BRIEFINGS

- 10.1 Adelaide Plains Council Audit Committee Chair, Mr Alan Rushbrook, gave a 15 minute presentation, including questions from Council Members, in relation to Council's financial performance.

## 11. PETITIONS

Nil

## 12. COMMITTEE MEETINGS

- 12.1 Adelaide Plains Historical Committee Meeting – 7 April 2021

Moved Councillor Boon Seconded Councillor Keen **2021/ 146**

**“that Council receives and notes the minutes of the Adelaide Plains Council Historical Committee meeting held on 7 April 2021.”**

**CARRIED**

- 12.2 Audit Committee Meeting – 12 April 2021

Moved Councillor Lush Seconded Councillor Strudwicke **2021/ 147**

**“that Council receives and notes the minutes of the Audit Committee Meeting held on 12 April 2021 as presented at Attachment 1 to this Report.”**

**CARRIED**

- 12.2 Moved Councillor Strudwicke Seconded Councillor Lush **2021/ 148**

**“that Council endorses resolution 2021/017 of the Audit Committee and in doing so resolves that:**

- 1. No new applications for COVID-19 Rate Relief be accepted after 1 May 2021;**
- 2. Current applicants on COVID-19 Rate Relief be provided with a grace period of one (1) month to 1 June 2021 to pay in full outstanding rates without incurring any fines or interest;**
- 3. After 1 June 2021, current applicants on COVID-19 Rate Relief are charged with statutory fines and interest for overdue rates under Section 181 (8) of the Local Government Act 1999; and**
- 4. Subject to paragraph 2 above, instructs the Chief Executive Officer to commence the recovery of overdue rates as per Council's *Rates Arrears and Debtor Management Policy* after the current COVID-19 Rate Relief expires on 1 May 2021.”**

**CARRIED**

- 12.2 Moved Councillor Keen Seconded Councillor Di Troia **2021/ 149**  
**“that Council endorses resolution 2021/020 of the Audit Committee and in doing so adopts the draft Procurement Policy as presented at Attachment 2 to this Report.”**

**CARRIED**

- 12.2 Moved Councillor Parker Seconded Councillor Boon **2021/ 150**  
**“that Council endorses resolution 2021/019 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**

### **13. SUBSIDIARY MEETINGS**

- 13.1 Gawler River Floodplain Management Authority Special Meeting – 17 March 2021

Moved Councillor Keen Seconded Councillor Lush **2021/ 151**

**“that Council receives and notes the minutes of Gawler River Floodplain Management Authority Special Meeting held on 17 March 2021.”**

Councillor Keen raised a Point of Order on the basis that that motion 2021/151 must be voted on prior to a further motion being moved. The Mayor accepted the Point of Order and in doing so put motion 2021/151 to a vote.

**CARRIED**

### **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**

- 13.2 Gawler River Floodplain Management Authority Meeting – 15 April 2021

Moved Councillor Parker Seconded Councillor Boon **2021/ 153**

**“that Council receives and notes the minutes of Gawler River Floodplain Management Authority Meeting held on 15 April 2021.”**

**CARRIED**

Mayor Wasley sought, and was granted, leave of the meeting to bring forward Item 18.3 – *Motion on Notice – Sealing Johns Road*.

18.3 Motion on Notice – Sealing Johns Road

Moved Councillor Boon Seconded Councillor Di Troia **2021/ 154**

**“that Johns Road be included in the next budget to be sealed.”**

**LOST**

Councillor Daniele called for a division.

The Mayor declared the vote set aside.

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

Members voting in the negative: Councillors Strudwicke, Boon, Keen, Lush and Parker.

The Mayor declared the motion **LOST**.

Moved Councillor Strudwicke Seconded Councillor Keen **2021/ 155**

**“that Council consider Johns Road position in the matrix as part of the upcoming review of the Infrastructure and Asset Management Plan in 2021.”**

**CARRIED UNANIMOUSLY**

**14. REPORTS FOR DECISION**

14.1 Draft 2021/2022 Annual Business Plan and Budget for Public Consultation

Moved Councillor Lush Seconded Councillor Di Troia **2021/ 156**

**“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.”**

**CARRIED UNANIMOUSLY**

## 14.2 Dog Registration Fees 2021/2022 – Dogs and Cats Online (DACO)

Moved Councillor Keen Seconded Councillor Strudwicke 2021/ 157

**“that Council, having considered Item 14.2 – Dog Registration Fees 2021/2022 – Dogs and Cats Online (DACO), dated 27 April 2021, sets the 2021/2022 registration fee for a:**

- 1. Non-Standard dog at \$70; and**
- 2. Standard dog (desexed and microchipped) at \$35 (50% off the Non-Standard dog fee as previously recommended by the Dog and Cat Management Board).”**

**CARRIED**

## 14.2 Moved Councillor Boon Seconded Councillor Parker 2021/ 158

**“that Council, having considered Item 14.2 – Dog Registration Fees 2021/2022 – Dogs and Cats Online (DACO), dated 27 April 2021, sets the 2021/2022 dog business registration fees at:**

- \$365 for 1-19 business dogs (no additional rebates)**
- \$470 for 20 or more business dogs (no additional rebates)”**

**CARRIED**

## 14.2 Moved Councillor Boon Seconded Councillor Strudwicke 2021/ 159

**“that Council, having considered Item 14.2 – Dog Registration Fees 2021/2022 – Dogs and Cats Online (DACO), dated 27 April 2021, continues to offer an Assistance Dog registration category in 2021/2022, with no fee, as required by the Dog and Cat Management Act 1995.”**

**CARRIED**

## 14.2 Moved Councillor Boon Seconded Councillor Keen 2021/ 160

**“that Council, having considered Item 14.2 – Dog Registration Fees 2021/2022 – Dogs and Cats Online (DACO), dated 27 April 2021, offers the following discretionary dog registration fee rebates in 2021/2022:**

- Working livestock dog \$30.00 flat fee (no additional rebates)**
- Racing greyhound \$30.00 flat fee (no additional rebates)**
- Concession card 50%.”**

**CARRIED**

## 14.2 Moved Councillor Boon Seconded Councillor Parker 2021/ 161

**“that Council, having considered Item 14.2 – Dog Registration Fees 2021/2022 – Dogs and Cats Online (DACO), dated 27 April 2021, offers dog registration fee rebates in 2021/2022 to holders of the following Centrelink concession cards :**

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

**CARRIED**



- 14.2 Moved Councillor Boon Seconded Councillor Parker **2021/ 162**  
**“that Council, having considered Item 14.2 – Dog Registration Fees 2021/2022 – Dogs and Cats Online (DACO), dated 27 April 2021, sets the following dog management fees for 2021/2022:**
- Late registration \$25.00
  - Impounding \$55.00
  - Daily pound holding \$25.00
  - Surrender \$250.00.”
- CARRIED**
- 14.3 Policy Revocation – Building and Swimming Pool Inspection Policy  
 Moved Councillor Daniele Seconded Councillor Keen **2021/ 163**  
**“that Council, having considered Item 14.3 – Policy Revocation – Building and Swimming Pool Inspection Policy, dated 27 April 2021, receives and notes the report and in doing so:**
1. Acknowledges that Council’s Building and Swimming Pool Inspection Policy, presented at Attachment 1 to this Report, has been superseded by Practice direction 8 – Council Swimming Pool Inspections 2019 and Practice Direction 9 – Council Inspection 2020; and
  2. Accordingly, revokes the Building and Swimming Pool Inspection Policy.”
- CARRIED**
- 14.4 Mallala and District Lions 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**
- 15. REPORTS FOR INFORMATION**
- 15.1 Council Resolutions – Status Report  
 Moved Councillor Boon Seconded Councillor Parker **2021/ 165**  
**“that Council, having considered Item 15.1 – Council Resolutions – Status Report, dated 7 April 2021, receives and notes the report.”**
- CARRIED**
- 15.2 Infrastructure and Environment Department – Monthly Report – April 2021  
 Moved Councillor Keen Seconded Councillor Di Troia **2021/ 166**  
**“that Council, having considered Item 15.2 – Infrastructure and Environment Department – Monthly Report – April 2021, dated 27 April 2021 receives and notes the report.”**
- CARRIED**

- 15.3 Two Wells Village Green – Monthly Report – April 2021  
 Moved Councillor Keen Seconded Councillor Daniele **2021/ 167**  
**“that Council, having considered Item 15.3 – Two Wells Village Green - Monthly Report – April 2021, dated 27 April 2021 receives and notes the report.”**  
**CARRIED**
- 15.4 Drought Communities Programme – Monthly Report – April 2021  
 Moved Councillor Parker Seconded Councillor Boon **2021/ 168**  
**“that Council, having considered Item 15.4 – Drought Communities Programme – Monthly Report – April 2021, dated 27 April 2021 receives and notes the report.”**  
**CARRIED**
- 15.5 Planning and Design Code Update April 2021  
 Moved Councillor Parker Seconded Councillor Keen **2021/ 169**  
**“that Council, having considered Item 15.5 – Planning and Design Code Update April 2021, dated 27 April 2021 receives and notes the report.”**  
**CARRIED**
- 15.6 Tourism and Economic Development Strategy Update  
 Moved Councillor Daniele Seconded Councillor Keen **2021/ 170**  
**“that Council, having considered Item 15.6 – Tourism and Economic Development Strategy Update, dated 27 April 2021, receives and notes the report.”**  
**CARRIED**
- 15.7 State and Federal Funding Applications Update  
 Moved Councillor Lush Seconded Councillor Di Troia **2021/ 171**  
**“that Council, having considered Item 15.7 – State and Federal Funding Applications Update, dated 27 April 2021 receives and notes the report.”**  
**CARRIED**
- 15.7 Moved Councillor Parker Seconded Councillor Lush **2021/ 172**  
**“that Council, having considered Item 15.7 – State and Federal Funding Applications Update, dated 27 April 2021, thanks The State Government – The Hon Rob Lucas for funding 50% (\$2,340,000) of the Rural Road Sealing – Freight and Tourism project.”**  
**CARRIED**
16. **QUESTIONS ON NOTICE**  
 Nil



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

Moved	Councillor	Lush	Seconded	Councillor	Keen	<b>2021/ 173</b>
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**CARRIED**

Moved Councillor Lush                      Seconded Councillor Keen                      **2021/ 174**

**CARRIED**

Councillor Di Troia returned to the meeting at 8.24pm.

## 18.1 Motion on Notice – Sealing Coastal Roads

Moved	Councillor	Lush	Seconded	Councillor	Keen	<b>2021/ 175</b>
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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.”

Moved	Councillor	Strudwicke	Seconded	Councillor	Parker	<b>2021/ 176</b>
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**CARRIED**

- 18.1 Moved Councillor Lush Seconded Councillor Keen **2021/ 177**  
**“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.”**

**FORMAL MOTION**

- Moved Councillor Strudwicke Seconded Councillor Parker **2021/ 178**  
**“that motion 2021/177 lay on the table.”**

**CARRIED**

- 18.2 Motion on Notice – Rescind Motion 2021/005

- Moved Councillor Parker Seconded Councillor Lush **2021/ 179**  
**“that the following Resolution be rescinded:**

**2021/005:**

***“that Council endorses resolution 2020/038 of the Infrastructure and Environment Committee and in doing so instructs the Chief Executive Officer to continue to pursue an Infrastructure Agreement with the developer to detail the required infrastructure upgrades, being:***

***upgrade to the existing portion of Wheller Road - 10m wide pavement with a 7.5m 14/7 two-coat spray seal and drainage swales on both sides of the road with 100% of cost borne by developer.””***

**FORMAL MOTION**

- Moved Councillor Strudwicke Seconded **2021/ 180**  
**“that motion 2021/179 be put.”**

- 18.2 Motion on Notice – Rescind Motion 2021/005

- Moved Councillor Parker Seconded Councillor Lush **2021/ 179**  
**“that the following Resolution be rescinded:**

**2021/005:**

***“that Council endorses resolution 2020/038 of the Infrastructure and Environment Committee and in doing so instructs the Chief Executive Officer to continue to pursue an Infrastructure Agreement with the developer to detail the required infrastructure upgrades, being:***

***upgrade to the existing portion of Wheller Road - 10m wide pavement with a 7.5m 14/7 two-coat spray seal and drainage swales on both sides of the road with 100% of cost borne by developer.””***

**CARRIED**

*[Handwritten signature]*

18.2 Moved Councillor Parker Seconded Councillor Daniele 2021/ 181

**“that Council:**

1. **Accepts the developer’s offer (set out within the letter from Botten Levinson Lawyers to Council dated 15 March 2021) of \$34,000 as their contribution to the sealing of Wheller Road, Two Wells in respect of the development application DA 312/357/2018 Lot 12A Wheller Road, Two Wells**
2. **Acknowledges that the remaining costs to construct and seal Wheller Road, Two Wells will be incorporated into a future budget revision, following the completion of detailed design at which time the full costs of the works will be known.”**

**CARRIED**

## **19. MOTIONS WITHOUT NOTICE**

Nil

## **20. URGENT BUSINESS**

Nil

## **21. CONFIDENTIAL ITEMS**

### **21.1 Crown Land, Two Wells – April 2021**

Moved Councillor Keen Seconded Councillor Lush 2021/ 182

**“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 Support Officer be excluded from attendance at the meeting of Council for Agenda Item 21.1 – *Crown Land, Two Wells – April 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 – April 2021* concerns:**
  - a. **commercial information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting business, or to prejudice the commercial position of Council, being information relating to ongoing negotiations in relation to Crown Land at Two Wells; and**
  - b. **legal advice, being advice received from Norman Waterhouse Lawyers in relation to the matter of Crown Land at Two Wells;**
3. **Council is satisfied that the principle that Council meetings should be conducted in a place open to the public has been outweighed by the need to keep the information, matter and discussion confidential.”**

**CARRIED**



Councillor Boon left the meeting at 8.33pm.

Mr Sean Keenihan, Chair and Mr Peter Psaltis, Principal, of Norman Waterhouse Lawyers connected to the meeting at 8.34pm and provided verbal advice, and answered questions from Council Members, in relation to Item 21.1 - Crown Land, Two Wells.

Councillor Boon returned to the meeting at 8.36pm.

Mr Sean Keenihan and Mr Peter Psaltis disconnected from the meeting at 8.53pm and did not return.

It being 8.57pm, 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 Boon                      Seconded Councillor Strudwicke                      **2021/ 183**

**“that the meeting be extended by 30 minutes.”**

**CARRIED**

21.1 Moved Councillor Keen                      Seconded Councillor Boon                      **2021/ 184**

**“that Council, having considered Item 21.1 – *Crown Land, Two Wells – April 2021* dated 27 April 2021, receives and notes the report.”**

**CARRIED**

21.1 Moved Councillor Keen                      Seconded Councillor Strudwicke                      **2021/ 185**

**“that Council, having considered the matter of Item 21.1 – *Crown Land, Two Wells – April 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, Attachment 1 and Attachment 2 pertaining to Item 21.1 – *Crown Land, Two Wells – April 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 9.14pm.

Confirmed as a true record.



Mayor: .....

Date: 24 May 2021