

# MINUTES

of

## Ordinary Council Meeting



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

HELD

**by electronic means**

on

**Monday 28 September 2020 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 John Lush	Mallala/Dublin Ward	<i>By audio-visual link</i>
Councillor Terry-Anne Keen	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 Frank Maiolo	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>
Councillor Carmine Di Troia	Lewiston Ward	<i>By audio-visual link</i>

**Also in Attendance by audio-visual link:**

Chief Executive Officer	Mr James Miller
General Manager – Governance and Executive Office	Ms Sheree Schenk
General Manager – Finance and Business	Mr Rajith Udugampola
General Manager – Infrastructure and Environment	Mr Thomas Jones
General Manager – Development and Community	Mr Darren Starr
Manager Governance and Administration/Minute Taker	Ms Alyssa Denicola
Information Technology Officer	Mr Thomas Harris-Howson

**1.2 Not Present:**

Councillor Marcus Strudwicke	Mallala/Dublin Ward
------------------------------	---------------------

## 2. CONFIRMATION OF MINUTES

### 2.1 Confirmation of Council Minutes – Ordinary Council Meeting held on 24 August 2020

Moved Councillor Di Troia                      Seconded Councillor Boon                      **2020/ 297**

**“that the minutes of the Ordinary Council Meeting held on 24 August 2020 (MB Folios 17193 to 17203 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 at Council Meetings held by electronic means during the COVID-19 public health emergency.

## 5. DECLARATION OF MEMBERS' INTEREST

Councillor Lush declared a perceived conflict of interest in Item 9.2 – *Deputation by Alvin Jenkin on behalf of the Coalition of Coastal Communities*, on the basis that he is the Chair of the Coalition of Coastal Communities.

## 6. ADJOURNED BUSINESS

Nil

## 7. MAYOR'S REPORT

### 7.1 Reporting Period – Thursday 20 August 2020 to Wednesday 23 September 2020

#### Friday 21 August 2020

Photoshoot with Mr Rowan Ramsey MP

#### Monday 24 August 2020

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

#### Wednesday 26 August 2020

Region Visit – Governor of South Australia, His Excellency Hieu Van Le  
Community Forum – Xavier College Two Wells

#### Wednesday 2 September 2020

Informal Gathering – APC Representation Review

#### Thursday 3 September 2020

Infrastructure and Environment Committee Meeting

Friday 4 September 2020

Legatus Group Annual General Meeting  
Legatus Group Ordinary Meeting

Thursday 10 September 2020

Drought Communities Programme Interview  
Governance Advisory Panel Meeting

Sunday 13 September 2020

Meet and Greet – Mallala RSL

Monday 14 September 2020

Meeting – GRFMA SMA Debrief – Mayor/CEO (GRFMA Board Member)/Councillor Keen (GRFMA Board Member)/Councillor Lush (GRFMA Proxy Member)/GMEO (GRFMA Proxy Member)/GMIE

Thursday 17 September 2020

Citizenship Ceremony  
Audit Committee Meeting

Friday 18 September 2020

Meeting – Mayor and Chief Executive Officer – Various Matters

Regional Visit - His Excellency Hieu Van Le, Governor of South Australia

On Thursday, 9 July 2020 myself and Chief Executive Officer, James Miller were invited to an online discussion with the Governor of South Australia, the Honourable Mr Hieu Van Le. His Excellency was inquiring on matters within our Council area: – COVID-19 impacts, community resilience, horticulture and Northern Adelaide Irrigation Scheme (NAIS) water reuse, Councils ability to maintain operations as well as residential and business growth.

At the end of discussions, I invited His Excellency and Mrs Le to come and visit Adelaide Plains Council should his busy schedule permit and see for themselves the changes that are taking place. I was indeed pleasantly surprised when the Governor's office made contact and set 5 hours aside for an informal tour.

Consequently on Wednesday, 26 August 2020, His Excellency travelled with Mr Miller and myself as we took him on an informal tour within the timeframe that had been allocated. We looked at key areas the Governor was interested in:

- Mallala Men's Shed – how it assists with mental health and recovery.
- Adelaide International Bird Sanctuary – importance to the environment and tourism potential.
- Greenwheat Freekeh – a locally grown business with big exports.
- Lunch at the Mallala Council Chambers to meet and greet Elected Members and staff – a chance to have informal conversations.
- Viewing the NAIS water project lagoons on Porter Road, Lower Light.
- Viewing Perfection Fresh – a massive horticultural enterprise.
- Liberty residential growth at Two Wells.
- Viewing the Xavier Two Wells Campus now under rapid construction.

- A walk at Two Wells Main Street area and viewing some proposed upgrade plans.

There is no doubt that our area is attracting attention for all the right reasons. Strengthening our state economy through agriculture, horticulture and business opportunities along with providing affordable living and lifestyles is our greatest asset and is being noticed.

I was very impressed with His Excellency's knowledge of what is happening on the Adelaide Plains and his passion for people being able to do so much good for the whole community.

It was my honour and pleasure to host our Governor on his informal brief tour and I believe we may see further visits in the future.

Provided as Attachment 1 to the Mayor's Report is a letter of appreciation received from The Honourable Hieu Van Le AC, Governor of South Australia dated 1 September 2020 following the regional visit.

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

Nil

## **9. DEPUTATIONS**

- 9.1 The Mayor advised that Greville Knight, spokesperson for Adelaide Plains Ratepayers and Residents Association, withdrew his deputation request in relation to *Development Application No 312/14/2020 – Agrisano Holdings Pty Ltd – Integrated* due to a pending appeal process.

- 9.2 Councillor Lush, having declared a perceived conflict of interest in Item 9.2, indicated that he would remain in the meeting however would not make any comments.

Alvin Jenkin, spokesperson for Coalition of Coastal Communities gave a 6 minute deputation in relation to the Coalition of Coastal Communities and Council's Tourism and Economic Development Strategy.

- 9.3 Barry Forrest, spokesperson for Gracewood Estate, gave a 9 minute deputation in relation to the Gracewood Project and Mallala Community Wastewater Management System.

## **10. PRESENTATIONS/BRIEFINGS**

- 10.1 Katarina Baumann of Jensen PLUS and Sally Phillips of Phillips/Pilkington Architects, were not present to deliver a presentation. Mayor Wasley indicated that the presentation would be heard later in the meeting.

## **11. PETITIONS**

Nil

## **12. COMMITTEE MEETINGS**

- 12.1 Adelaide Plains Council Historical Committee Meeting – 2 September 2020

Moved Councillor Lush

Seconded Councillor Boon

**2020/ 298**

**"that Council receives and notes the minutes of the Adelaide Plains Council Historical Committee meeting held 2 September 2020."**

**CARRIED**

## 12.2 Infrastructure and Environment Committee Meeting – 3 September 2020

Moved Councillor Boon Seconded Councillor Daniele **2020/ 299**

**“that Council receives and notes the minutes of the Infrastructure and Environment Committee meeting held 3 September 2020.”**

**CARRIED**

12.2 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 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.”**

**AMENDMENT**

12.2 Moved Councillor Di Troia Seconded Councillor Lush **2020/ 301**

**“insert the words ‘and Prime Beach’ after ‘Thompson Beach’”.**

**AMENDMENT CARRIED**

**MOTION 2020/300 AS AMENDED**

12.2 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**

12.2 Moved Councillor Boon Seconded Councillor Keen **2020/ 302**

**“that Council endorses resolution 2020/023 of the Infrastructure and Environment Committee and in doing so endorses the Road Naming List as presented as Attachment 2 to this Report.”**

**CARRIED**

12.2 Moved Councillor Parker Seconded Councillor Di Troia **2020/ 303**

**“that Council endorses resolution 2020/024 of the Infrastructure and Environment Committee and in doing so adopts the draft Borrow Pits Policy as presented as Attachment 3 to this Report.”**

**CARRIED**

- 12.2 Moved Councillor Lush Seconded Councillor Parker **2020/ 304**  
**“that Council endorses resolution 2020/025 of the Infrastructure and Environment Committee and in doing so resolves that it will establish strategically placed Borrow Pits with spatial relationships to the 4 year program to reduce haulage cost.”**

**CARRIED**

- 12.2 Moved Councillor Parker Seconded Councillor Lush **2020/ 305**  
**“that Council endorses resolution 2020/027 of the Infrastructure and Environment Committee and in doing so:**

- 1. Adopts Liberty Central Reserve landscape plans and the outcomes of open space assessment as presented in Attachment 5 and Attachment 6 to this Report; and**
- 2. Instructs the Chief Executive Officer to negotiate with The Hickinbotham Group on extended maintenance periods being greater than two financial years for the Liberty Central Reserve and greater than five financial years for the “Entry Statement” Water Body Reserve, to reduce the financial impact on Council.”**

**CARRIED**

- 12.2 Moved Councillor Boon Seconded Councillor Di Troia **2020/ 306**  
**“that Council endorses resolution 2020/028 of the Infrastructure and Environment Committee and in doing so:**

- 1. Instructs the Chief Executive Officer to carry out maintenance work on all 8 modules of the pump track at Hart Reserve; and**
- 2. Acknowledges that the appropriate budget variations will be made at the first quarter budget review.”**

**CARRIED**

- 12.2 Moved Councillor Lush Seconded Councillor Di Troia **2020/ 307**  
**“that Council endorses resolution 2020/022 of the Infrastructure and Environment Committee and in doing so instructs the Chief Executive Officer to continue to negotiate with the developer with a view to having the Gracewood development connect into the existing Mallala CWMS, subject to the parties entering into a suitable legal instrument to ensure that Council’s financial risks are mitigated.”**

**CARRIED**

Councillor Panella disconnected from the meeting at 6.47pm and did not reconnect.

- 12.3 Governance Advisory Panel Meeting – 10 September 2020  
 Moved Councillor Daniele Seconded Councillor Lush **2020/ 308**  
**“that Council receives and notes the minutes of the Governance Advisory Panel Meeting held 10 September 2020.”**

**CARRIED**

- 12.3 Moved Councillor Keen Seconded Councillor Parker **2020/ 309**  
**“that Council endorses resolution 2020/021 of the Governance Advisory Panel and in doing so:**  
**1. Revokes the current Register of Interests Policy; and**  
**2. Adopts the Draft Register of Interests Policy as presented as Attachment 2 to this Report.”**  
**CARRIED**

Councillor Maiolo disconnected from the meeting at 6.48pm.

Councillor Maiolo reconnected to the meeting at 6.50pm.

- 12.3 Moved Councillor Keen Seconded Councillor Di Troia **2020/ 310**  
**“that Council endorses resolution 2020/022 of the Governance Advisory Panel and in doing so:**  
**1. Revokes the current Smoke Free Workplace Policy; and**  
**2. Acknowledges that a smoke free workplace framework is being developed internally to address various WHS and HR requirements.”**  
**CARRIED**

- 12.3 Moved Councillor Lush Seconded Councillor Parker **2020/ 311**  
**“that Council endorses resolution 2020/023 of the Governance Advisory Panel and in doing so instructs the Chief Executive Officer to bring back a report to Council in relation to undertaking public consultation in accordance with Council’s *Public Consultation Policy* for the designation of smoke free areas in accordance with Clause 5.7.2 of Council’s By-Law No 2 of 2019 – Local Government Land.”**  
**CARRIED**

## **10. PRESENTATIONS**

- 10.1 Katarina Baumann of Jensen PLUS and Sally Phillips of Phillips/Pilkington Architects gave a 40 minute presentation, including questions from Council Members, in relation to the Two Wells Main Street 70% Detailed Design.

### **12.4 Audit Committee Meeting – 17 September 2020**

- Moved Councillor Keen Seconded Councillor Parker **2020/ 312**  
**“that Council receives and notes the minutes of the Audit Committee Meeting held 17 September 2020.”**  
**CARRIED**

- 12.4 Moved Councillor Di Troia Seconded Councillor Daniele **2020/ 313**  
**“that Council endorses resolution 2020/034 of the Audit Committee and in doing so acknowledges the progress made to complete the activities identified for the Audit Committee during 2019/2020 Financial Year.”**  
**CARRIED**



- 12.4 Moved Councillor Parker Seconded Councillor Boon **2020/ 314**  
**“that Council endorses resolution 2020/036 of the Audit Committee and in doing so adopts the revised Asset Management Policy as presented at Attachment 2 to this Report.”**

**CARRIED**

- 12.4 Moved Councillor Parker Seconded Councillor Daniele **2020/ 315**  
**“that Council endorses resolution 2020/037 of the Audit Committee and in doing so instructs the Chief Executive Officer to:**

- 1. Commence a tender process to engage a suitably qualified consultant to undertake a review of Council’s rating strategy; and**
- 2. Include in the tender brief, amongst other items, the following:**
  - a. Differential Rating Strategy**
  - b. Fixed Charge.”**

**CARRIED**

- 12.4 Moved Councillor Boon Seconded Councillor Daniele **2020/ 316**  
**“that Council endorses resolution 2020/038 of the Audit Committee and in doing so:**

- 1. Instructs the Chief Executive Officer to obtain discounted convertible cash advance debenture loan facility for three years from the Local Government Financing Authority as part of the management of Council’s daily cash flows; and**
- 2. Pursuant to section 38 of the Local Government Act 1999, authorises the Mayor and Chief Executive Officer to execute under the Common Seal of Council documentation associated with the aforementioned loan borrowing facility.”**

**CARRIED**

### **13. SUBSIDIARY MEETINGS**

- 13.1 Legatus Group – 2019/2020 Annual Report – Annual General Meeting and Ordinary Meeting – 4 September 2020

Moved Councillor Di Troia Seconded Councillor Keen **2020/ 317**

**“that Council receives and notes the Legatus Group 2019/2020 Annual Report and the minutes of the Legatus Group Annual General Meeting and Ordinary Meeting held on 4 September 2020.”**

**CARRIED**



The Chief Executive Officer gave a 21 minute presentation in relation to Item 14.1 – *Prosperity on the Plains: Economic Zone Indenture*.

**“that Council, having considered Item 14.1 – *Prosperity on the Plains: Economic Zone Indenture*, dated 28 September 2020, receives and notes the report and in doing so:**

- CARRIED**

**“that Council, having considered Item 14.2 – *Hours of Operation – Christmas 2020*, dated 28 September 2020, receives and notes the report and in doing so resolves the following hours of operation for the Christmas 2020 period:**

- CARRIED**

## 14.3 Election – Local Government Association President 2020-2022

Moved Councillor Boon Seconded Councillor Keen **2020/ 320**

**“that Council, having considered Item 14.3 – *Election – Local Government Association President 2020-2022*, dated 28 September 2020, receives and notes the report and in doing so nominates Mayor Jan-Claire Wisdom to be elected as LGA President for the period 2020-2022.”**

**CARRIED**

## 14.4 Prudential Review – Council Office Accommodation

Moved Councillor Parker Seconded Councillor Daniele **2020/ 321**

**“that Council, having considered Item 14.4 – *Prudential Review – Council Office Accommodation*, dated 28 September 2020, receives and notes the report and in doing so:**

- 1. Acknowledges that the elected body allocated an amount of \$10,000 in the 2020/2021 Annual Business Plan and Budget to undertake a prudential review of office accommodation;**
- 2. Instructs the Chief Executive Officer to schedule a strategic workshop to be held with Council Members in order to facilitate information sharing and discussion in relation to the Prudential Review tender brief; and**
- 3. Instructs the Chief Executive Officer to present a further report to Council in relation to the engagement of a suitably qualified consultant to undertake the Prudential Review, including recommended inclusions in the tender brief as well as anticipated costs.”**

**CARRIED**

## 14.5 Recommencement of Review of Strategic Plan and Preparation of Tourism and Economic Development Strategy

Moved Councillor Keen Seconded Councillor Daniele **2020/ 322**

**“that Council, having considered Item 14.5 – *Recommencement of Review of Strategic Plan and Preparation of Tourism and Economic Development Strategy*, dated 28 September 2020, receives and notes the report and in doing so instructs the Chief Executive Officer to recommence work on the draft Adelaide Plains Council Strategic Plan.”**

**CARRIED**

14.5 Moved Councillor Daniele Seconded Councillor Di Troia **2020/ 323**

**“that Council, having considered Item 14.5 – *Recommencement of Review of Strategic Plan and Preparation of Tourism and Economic Development Strategy*, dated 28 September 2020, receives and notes the report and in doing so instructs the Chief Executive Officer to recommence work on the Tourism and Economic Development Strategy.”**

**CARRIED**

## 14.6 Revised APC Disability Access and Inclusion Plan

Councillor Boon left the meeting at 8.28pm.

Councillor Boon returned to the meeting at 8.31pm.

Moved Councillor Boon Seconded Councillor Parker **2020/ 324**

**“that Council, having considered Item 14.6 – *Revised APC Disability Access and Inclusion Plan*, dated 28 September 2020 receives and notes the report and in doing so:**

- 1. Adopts the *Revised Disability Access and Inclusion Plan (DAIP)* as presented in Attachment 4 to this Report; and**
- 2. Delegates authority to the Chief Executive Officer to make any minor administrative amendments necessary to finalise the revised *DAIP* document.”**

**CARRIED**

## 14.7 Two Wells Main Street Public Realm Redevelopment – Village Green 70% Detailed Design – September 2020

Moved Councillor Keen Seconded Councillor Di Troia **2020/ 325**

**“that Council, having considered Item 14.7 – *Two Wells Main Street Public Realm Redevelopment – Village Green 70% Detailed Design – September 2020*, dated 28 September 2020 receives and notes the report and in doing so endorses the 70% detailed design presented as Attachment 2 to this Report.”**

**CARRIED**


## 14.8 Port Prime Land Revocations

Moved Councillor Boon Seconded Councillor Daniele **2020/ 326**

**“that Council, having considered Item 14.8 – *Port Prime Land Revocations*, dated 28 September 2020, receives and notes the report and in doing so:**

- 1. Instructs the Chief Executive Officer to undertake public consultation in relation to the proposed revocation of the Community Land classification of Certificate of Title 5687/238 is released for public consultation in accordance with Council’s Public Consultation Policy; and**
- 2. That upon completion of the public consultation period, a report detailing all submissions received, be returned to Council for consideration; and**
- 3. In the event of no submissions being received, that the attached report and plan regarding the proposed revocation of the Community Land classification of Certificate of Title 5687/238 is to be forwarded to the Minister for review including advice detailing that no submissions were received.”**

**CARRIED**



- 14.9 Appointment of Independent Members to Council Audit Committee  
 Moved Councillor Boon Seconded Councillor Keen **2020/ 327**  
**“that Council, having considered Item 14.9 – Appointment of Independent Members to Council Audit Committee, dated 28 September 2020, and in doing so extend the appointment of Mr Alan Rushbrook and Mr Peter Fairlie-Jones as an Independent Member of the Audit Committee until 30 June 2021.”**  
**CARRIED**
- 14.9 Moved Councillor Keen Seconded Councillor Boon **2020/ 328**  
**“that Council, having considered Item 14.9 – Appointment of Independent Members to Council Audit Committee, dated 28 September 2020, appoints Mr Alan Rushbrook as the Independent Chairman of Council Audit Committee until 30 June 2021.”**  
**CARRIED**
- 14.10 Election – Local Government Finance Authority – Representative Members of the Board of Trustees  
 Moved Councillor Keen Seconded Councillor Di Troia **2020/ 329**  
**“that Council, having considered Item 14.10 – Election – Local Government Finance Authority – Representative Members of the Board of Trustees, dated 28 September 2020, receives and notes the report and in doing so nominates Michael Sedgman to be elected as Representative Board Member for the a term of two (2) years.”**  
**CARRIED**
- 14.10 Moved Councillor Boon Seconded Councillor Daniele **2020/ 330**  
**“that Council, having considered Item 14.10 – Election – Local Government Finance Authority – Representative Members of the Board of Trustees, dated 28 September 2020, receives and notes the report and in doing so nominates Annette Martin to be elected as Representative Board Member for the a term of two (2) years.”**  
**CARRIED**
- 14.11 Coalition of Coastal Communities – Coastal Development Priorities  
 Moved Councillor Keen Seconded Councillor Boon **2020/ 331**  
**“that Council, having considered Item 14.11 – Coalition of Coastal Communities – Coastal Development Priorities, dated 28 September 2020, receives and notes the report and in doing so:**  
  - 1. Acknowledges the Coalition of Coastal Communities’ (Coalition) correspondence dated 21 September 2020;**
  - 2. Commends the Coalition for their appetite to engage with Council in the development of the Tourism and Economic Development Strategy (TEDS);**
  - 3. Notes the Coalition’s suite of priority projects as set out in their correspondence, with the focus being on campground/caravan park facilities, developing visitor friendly precincts and sealing of road networks along the coastline; and**
  - 4. Instructs the Chief Executive Officer to formally furnish TEDS consultant, Holmes Dyer, with the Coalition’s suite of priority projects and requests that these be considered as part of Council’s Strategic Planning Workshop, scheduled for October 2020.”**  
**CARRIED**

## 15. REPORTS FOR INFORMATION

### 15.1 Council Resolutions – Status Report

Moved Councillor Daniele Seconded Councillor Lush **2020/ 332**

**“that Council, having considered Item 15.1 – *Council Resolutions – Status Report*, dated 28 September 2020, receives and notes the report.”**

**CARRIED**

### 15.2 Infrastructure and Environment Department – Monthly Report – September 2020

Moved Councillor Di Troia Seconded Councillor Daniele **2020/ 333**

**“that Council, having considered Item 15.2 – *Infrastructure and Environment Department – Monthly Report – September 2020*, dated 28 September 2020 receives and notes the report.”**

**CARRIED**

It being 8.59pm, Council resolved to extend the meeting for a further 30 minutes in accordance with Division 2, Clause 7(6) of Council’s *Code of Practice – Meeting Procedures*.

Moved Councillor Keen Seconded Councillor Boon **2020/ 334**

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

**CARRIED**

### 15.3 Drought Communities Programme – Monthly Report – September 2020

Moved Councillor Lush Seconded Councillor Daniele **2020/ 335**

**“that Council, having considered Item 15.3 – *Drought Communities Programme – Monthly Report – September 2020*, dated 28 September 2020 receives and notes the report.**

Mayor Wasley disconnected from the meeting at 9.01pm.

Moved Councillor Boon Seconded Councillor Lush **2020/ 336**

**“that in the absence of Mayor Wasley, Councillor Keen chair the meeting until Mayor Wasley returns.”**

**CARRIED**

Mayor Wasley reconnected to the meeting at 9.03pm and took the chair.

### 15.3 Drought Communities Programme – Monthly Report – September 2020

Moved Councillor Lush Seconded Councillor Daniele **2020/ 335**

**“that Council, having considered Item 15.3 – *Drought Communities Programme – Monthly Report – September 2020*, dated 28 September 2020 receives and notes the report.**

**CARRIED**

- 15.4 Gawler River Floodplain Management Authority Update – September 2020  
 Moved Councillor Lush Seconded Councillor Maiolo **2020/ 337**  
**“that Council, having considered Item 15.4 – Gawler River Floodplain Management Authority Update – September 2020, dated 28 September 2020, receives and notes the report.”**  
**CARRIED**
- 15.5 Adelaide Plains Council Representation Review – Update  
 Moved Councillor Boon Seconded Councillor Keen **2020/ 338**  
**“that Council, having considered Item 15.5 – Adelaide Plains Council Representation Review – Update, dated 28 September 2020, receives and notes the report.”**  
**CARRIED**
- 15.6 Electronic Participation in Council Meetings – Update – September 2020  
 Moved Councillor Di Troia Seconded Councillor Maiolo **2020/ 339**  
**“that Council, having considered Item 15.6 – Electronic Participation in Council Meetings – Update – September 2020, dated 28 September 2020, receives notes the report and acknowledges the need to continue holding Council Meetings via electronic means until such time that the relevant declarations (under the South Australian Public Health Act 2011 and the Emergency Management Act 2004) have been revoked.”**  
**CARRIED**
- 15.7 Planning Reform Update – September 2020  
 Moved Councillor Keen Seconded Councillor Lush **2020/ 340**  
**“that Council, having considered Item 15.7 – Planning Reform Update – September 2020, dated 28 September 2020, receives and notes the report.”**  
**CARRIED**
- 15.8 Future Aged Care Needs and Current Services  
 Moved Councillor Daniele Seconded Councillor Maiolo **2020/ 341**  
**“that Council, having considered Item 15.8 – Future Aged Care Needs and Current Services, dated 28 September 2020, receives and notes the report.”**  
**CARRIED**
- 15.9 Options to Renegotiate Lease or Amend Maintenance Schedule – Mallala RSL Sub Branch  
 Moved Councillor Boon Seconded Councillor Maiolo **2020/ 342**  
**“that Council, having considered Item 15.9 – Options to Renegotiate Lease or Amend Maintenance Schedule – Mallala RSL Sub Branch, dated 28 September 2020, receives and notes the report.”**  
**CARRIED**

## 15.10 Mallala RSL Request to Amend Lease

Moved Councillor Daniele

Seconded Councillor Lush

2020/ 343

**“that Council, having considered Item 15.10 – *Mallala RSL Request to Amend Lease*, dated 28 September 2020, receives and notes the report.”**

**CARRIED****16. QUESTIONS ON NOTICE**

16.1 Councillor Panella gave notice of her intention to ask the following questions:

**Question: What are the total legal costs incurred by Adelaide Plains Council in relation to the following:**

- a) Legal advice on mitigation of risks involving environmental risk and hazards identified in the area
- b) Motions passed by council that may be conflicting with any legislation
- c) Drafting of contracts, leases, policies, procurement
- d) Elected members training, conflict of interests not declared by all, confidentiality breaches, operational matters
- e) S270 reviews and any advice or legal representation on matters where legal proceedings have been commenced against APC or CEO as council representative

**covering financial years, 2016/2017, 2017/2018, 2018/ 2019, 2019/2020.**

**Answer:**

- a) Legal advice on mitigation of risks involving environmental risk and hazards identified in the area:

2016/2017: \$6,812

2017/2018: \$24,928

2018/2019: \$56,340

2019/2020: \$6,936

- b) Motions passed by council that may be conflicting with any legislation:

2016/2017: \$486

2017/2018: \$2,279

2018/2019: \$1,400

2019/2020: \$3,618

*\*includes proposed motions on notice and questions on notice*

- c) Drafting of contracts, leases, policies, procurement:

2016/2017: \$15,260

2017/2018: \$14,474

2018/2019: \$31,176

2019/2020: \$16,443

*\*includes drafting/reviewing/advice*

*\*includes other legal instruments (such as Infrastructure Deeds)*

- d) Elected member training, conflict of interests not declared by all, confidentiality breaches, operational matters:

2016/2017: \$2,378

2017/2018: \$7,038





2018/2019: \$6,027

2019/2020: Nil

*\*includes Council member induction processes and Council member conduct*

- e) S270 reviews and any advice or legal representation on matters where legal proceedings have been commenced against APC or CEO as council representative:

2016/2017: \$11,741

2017/2018: \$1,163

2018/2019: \$965

2019/2020: \$37,809

*\*includes legal proceedings against the Council Assessment Panel (e.g. appeals)*

*NB: The categories within these questions do not align with the way in which Council's system, and the way in which legal providers, categorise certain legal expenditure. The responses have therefore been prepared following a manual cross-referencing exercise involving a degree of interpretation and are to the best of Management's knowledge, accurate.*

## 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 Motion on Notice – Mallala Broadacre Farming Study

Moved Councillor Lush Seconded Councillor Keen **2020/ 344**

**“that Council undertake a review of the ‘2015 Mallala Broadacre Farming Study’ to identify and extract relevant elements, with a view to having these incorporated (at the appropriate time) as Code Amendments to the Planning and Design Code.”**

**CARRIED**

## 19. MOTIONS WITHOUT NOTICE

Nil

## 20. URGENT BUSINESS

Nil

## 21. CONFIDENTIAL ITEMS

### 21.1 Infrastructure and Environment Committee Recommendation – The Road Infrastructure Design and Delivery Deed – Mallala Road Roundabout

Moved Councillor Daniele Seconded Councillor Maiolo **2020/ 345**

**“that:**

- 1. Pursuant to section 90(2) of the *Local Government Act 1999*, the Infrastructure and Environment Committee orders that all members of the public, except Chief Executive Officer, General Manager – Governance and Executive Office, General Manager – Infrastructure and Environment, General Manager – Development Community, General Manager – Finance and Business, Manager Governance and Administration/Minute**

Taker and Information Technology Officer be excluded from attendance for Agenda Item 21.1 – *Infrastructure and Environment Committee Recommendation – The Road Infrastructure Design and Delivery Deed – Mallala Road Roundabout*;

2. Council is satisfied that pursuant to section 90(3)(b) of the *Local Government Act 1999*, Item 21.1 – *Infrastructure and Environment Committee Recommendation – The Road Infrastructure Design and Delivery Deed – Mallala Road Roundabout* concerns information the disclosure of which could reasonably be expected to prejudice the commercial position of Council and would, on balance, be contrary to the public interest, being information relating to ongoing negotiations;
3. Council is satisfied that the principle that 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 Lush Seconded Councillor Keen **2020/ 346**
- “that Council endorses resolution 2020/030 of the Infrastructure and Environment Committee and in doing so:
1. Acknowledges that the roundabout at the intersection of Old Port Wakefield Road and Mallala Road is unlikely to be delivered prior to the school opening in January 2021 or the 150th home in Liberty being occupied; and
  2. Determines that there is a requirement for provisional infrastructure to provide safe pedestrian and vehicle access while the land acquisition and roundabout construction is delayed.”

**CARRIED**

- 21.1 Moved Councillor Boon Seconded Councillor Keen **2020/ 347**
- “that Council endorses resolution 2020/031 of the Infrastructure and Environment Committee and in doing so:
1. Adopts the Deed of Variation as presented at Attachment 1 to this Report; and
  2. Instructs the Chief Executive Officer to write to the Department for Infrastructure and Transport (DIT):
    - a. identifying the requirement for provisional infrastructure to provide safe pedestrian and vehicle access while the land acquisition and roundabout construction is delayed;
    - b. Determines that the provisional infrastructure design and construction costs be borne by DIT;
    - c. Request that DIT review the speed limit on Mallala Road with a view to reducing from 80kph to 50kph in the area where the roundabout is to be constructed until such time as it is constructed; and
    - d. That items identified in point b and c above be completed by Friday 22 January 2021.”

**CARRIED**

21.1 Moved Councillor Daniele Seconded Councillor Lush 2020/ 348

**“that Council, having considered the matter of Item 21.1 – *Infrastructure and Environment Committee Recommendation – The Road Infrastructure Design and Delivery Deed – Mallala Road Roundabout* in confidence under sections 90(2) and 90(3)(b) of the *Local Government Act 1999*, resolves that:**

- 1. Attachment 1 pertaining to Item 21.1 – *Infrastructure and Environment Committee Recommendation – The Road Infrastructure Design and Delivery Deed – Mallala Road Roundabout* 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**

Moved Councillor Boon Seconded Councillor Lush 2020/ 349

**“that Item 21.2 – *Audit Committee Recommendation – Overdue General Debts* be deferred to the next Ordinary Meeting of Council.”**

**CARRIED**

There being no further business, the Mayor declared the meeting closed at 9.29pm.

Confirmed as a true record.



Mayor: .....

Date: 26 October 2020

