



**Minutes of the Ordinary Council  
Meeting held 17 May 2022 4.30pm  
at 3 Stuart Street Melrose and via  
Zoom**

**8. CONFIDENTIAL ITEMS**

5.47pm The Presiding Member advised that the meeting would move into confidence pursuant to Section 90(2) and 90(3) of the Local Government Act 1999 to consider item 8.1 and thanked the Gallery for their attendance.

The Gallery was cleared, the doors to the Chamber were closed and access to the Zoom ceased.

**8.1 Feedback on Essential Services Commission of SA (ESCOSA) proposed Framework and Approach**

Moved Cr Keller  
Seconded Cr Norton

That Council:

1. Orders (pursuant to the provisions of Section 90(2) of the Local Government Act 1999), that the public, with the exception of the following Council Staff – Sam Johnson, Chief Executive Officer, Jacqui Kelleher, Director Community & Corporate Services, Brenton Daw, Director Infrastructure & Regulatory Services, and Kathryn Crisp Executive Assistant be excluded from attendance at the meeting to discuss agenda report 8.1 - *Feedback on Essential Services Commission of SA (ESCOSA) proposed Framework and Approach - s122 Strategic Management Plan Advice Scheme* concerning the Essential Services Commission (ESCOSA) Submission.
2. Is satisfied that, pursuant to Section 90(3)(j) of the Act, the information to be received, discussed or considered in relation to this agenda item is information provided by the LGA in relation to proposed advocacy and sector wide submission in response to the Essential Services Commission of SA 'Draft Framework and Approach' that the LGA has requested be kept confidential at this stage. The disclosure of this information would, on balance, be contrary to the public interest because it is in the public interest for the Council to be able to communicate on a confidential basis with the LGA about proposed sector advocacy and thereby act cooperatively with the LGA in achieving positive outcomes for the local government sector.
3. Is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.

**Carried Unanimously**  
[099-2022]

Moved Cr Nottle

Seconded Cr McCarthy

That Council:

1. receives and notes the report;
2. endorses the Local Government Association (LGA) advocacy position in relation to the scheme established in section 122 of the Local Government Act 1999 under which the Essential Services Commission of SA (ESCOSA) will provide advice to councils in relation to strategic management plans; and
3. notes the following concerns in response to the ESCOSA proposed framework and approach:
  - a) the scope of information requested by ESCOSA should be directly relevant to and used for the purpose of provision of advice regarding councils Long-Term Financial Plan, Infrastructure and Asset Management Plans and total revenue sources, in accordance with the requirements of section 122 of the Local Government Act 1999;
  - b) the first four (4) years of operation of the scheme should be used to set a baseline for each council and then, using a risk-based approach, the scope of the review could be scaled up for a particular council if a need is identified. This is consistent with ESCOSA's espoused "better regulation" approach, which it describes as being risk-based, proportionate to the problem that is being addressed and subject to continuous improvement and monitoring;
  - c) the period for which historical data is provided should reflect the timeframe anticipated within the proposed scheme, ie four years, and a request for historical information for a longer period is not supported.
  - d) the costs associated with the proposed scheme are far in excess of what was anticipated, and the scope of the proposed scheme should be reduced to address the unreasonable costs;
  - e) the removal of the discretion provided in the Local Government Act 1999 for Council to determine the reasonable assumptions to be used in the development of the Long-term Financial Plan is strongly rejected. These assumptions may include consideration of the Local Government Price Index (which accounts for the costs of items usually purchased by councils as opposed to CPI which accounts for the costs of items usually purchased by households), endorsed Enterprise Bargaining Agreements, the ABS wage price index and other actual cost factors which collectively provide a more accurate representation of inflation pressures to be considered by Council;
  - f) the use of the term 'CPI constrained' will lead to unreasonable criticism of councils that justifiably increase rates greater than CPI and will have a practical effect of capping council rates to the CPI rate. 'Rate capping' was not supported by Parliament. The assertion that councils should be CPI constrained is rejected.

**Carried Unanimously**

[100-2022]

Moved Cr McCarthy

Seconded Cr Nottle

That Council:

1. having considered agenda report 8.1 - *Feedback on Essential Services Commission of SA (ESCOSA) proposed Framework and Approach - s122 Strategic Management Plan Advice Scheme* in confidence under Section

90(2) and (3)(j) of the Act, the Council, pursuant to Section 91(7) of the Act orders that the report, attachments, discussions and minutes relating to this agenda item, be retained in confidence until 30 June 2022 or until such time as the information is made publicly available by the Local Government Association of SA (LGA) and that this order be reviewed annually; and

2. delegates, Pursuant to section 91(9)(c) of the Local Government Act 1999, the Chief Executive Officer the power to revoke this order in whole or part.

**Carried Unanimously**  
[101-2022]

## **9. OTHER BUSINESS**

### **9.1 15 Year Service Award – Cr CE Nottle**

Mayor Heaslip presented Cr Colin Nottle with an LGA service certificate recognising Cr Nottle's 15 years of service to local government, and conveyed congratulations on behalf of Council.

### **9.2 Willowie Water Scheme Project – Willowie Hall Committee**

Cr Nottle expressed concern in relation to various water supply issues at Willowie and the Willowie Water Scheme Project. Cr Nottle sought the advice of the CEO in relation to the potential for Council to assist the Willowie Hall Committee by way of a letter of support to SA Water in relation to the project given the dire situation at Willowie.

The CEO suggested that Cr Nottle submit a Motion on Notice to the June Council meeting in order to bring this matter to Council for consideration.

## **NEXT MEETING**

Tuesday 21 June 2022 at 4.30pm in the Wilmington Bowling Club, 49 Horrocks Highway, Wilmington

## **CLOSE**

The Presiding Member declared the meeting closed at 6.05pm.

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## **CONFIRMATION OF MINUTES**

Minutes confirmed at the Ordinary Meeting of Council held Tuesday 21 June 2022.

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**Presiding Member**