

MINUTES

of

Special Council Meeting



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

HELD IN

**Council Chamber
Redbanks Road
Mallala**

on

Monday 29 November 2021 at 6.00pm

The Mayor formally declared the meeting open at 6.01pm.

1. ATTENDANCE RECORD

1.1 Present:

Mayor Mark Wasley

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

By audio-visual link

Councillor Frank Maiolo Two Wells Ward

Councillor Brian Parker Lewiston Ward

Councillor Carmine Di Troia Lewiston Ward

By audio-visual link

Also in Attendance:

Chief Executive Officer

Mr James Miller

General Manager – Governance and Executive Office

Ms Sheree Schenk

General Manager – Development and Community

Mr Darren Starr

Manager Governance and Administration/Minute Taker

Ms Alyssa Denicola

IT Support Officer – *By audio-visual link*

Mr Sean Murphy

Chair of the Board, Norman Waterhouse Lawyers

Mr Sean Keenihan

1.2 Apologies:

Councillor John Lush

Mallala/Dublin Ward

Councillor Margherita Panella

Lewiston Ward

2. ADJOURNED BUSINESS

Nil

3. DECLARATION OF MEMBERS' INTEREST

Councillor Daniele declared a perceived conflict of interest on Item 5.1 – *Crown Land, Two Wells* and indicated that he would deal with the conflict at the relevant time.

4. REPORTS FOR DECISION

4.1 Review of Code of Practice – Meeting Procedures

Moved Councillor Strudwicke Seconded Councillor Maiolo **2021/ 431**

“that Council, having considered Item 4.1 – *Review of Code of Practice – Meeting Procedures*, dated 29 November 2021, receives and notes the report and in doing so adopts the *Code of Practice – Meeting Procedures* as presented as a marked-up document at Attachment 1 to this Report, noting the following amendments:

- 1. At Clause 9(1), delete the words ‘five (5)’ and insert the words ‘seven (7)’ and**
- 2. At Clause 12(1), delete the words ‘five (5)’ and insert the words ‘seven (7)’.”**

CARRIED UNANIMOUSLY

4.2 Chief Executive Officer Recommendation pursuant to Regulation 21 of the Local Government (Procedures at Meetings) Regulations 2013 – Process – Revocation of Community Land Classification – Two Wells

Moved Councillor Keen Seconded Councillor Parker **2021/ 432**

“that Council, having considered Item 4.2 – *Chief Executive Officer Recommendation pursuant to Regulation 21 of the Local Government (Procedures at Meetings) Regulations 2013 – Process – Revocation of Community Land Classification – Two Wells*, dated 29 November 2021, receives and notes the report and in doing so notes that as a result of recent amendments to the *Crown Land Management Act 2009*, the approval of the Minister for Planning and Local Government and a subsequent resolution of Council is no longer required to revoke the community land status of Section 180 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5984 Folio 730 and Section 716 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5755 Folio 739.”

CARRIED

4.2 Moved Councillor Keen Seconded Councillor Maiolo 2021/ 433

“that Council, having considered Item 4.2 – Chief Executive Officer Recommendation pursuant to Regulation 21 of the Local Government (Procedures at Meetings) Regulations 2013 – Process – Revocation of Community Land Classification – Two Wells, dated 29 November 2021, and in light of resolution 2021/432 above, rescinds Council Resolution 2021/403 made on 8 November 2021 as follows:

‘that Council, having considered Item 5.2 – Outcome of Public Consultation – Revocation of Community Land Classification, dated 8 November 2021, and after having completed public consultation on the Proposal and having considered the submission received on the Proposal in response to the public consultation described in paragraphs 1 and 2 of the Resolution above:

- 1. Resolves to seek the formal consent of the Minister for Environment and Water (as the owner of the land) to the Proposal as required under section 194(1)(d) of the Local Government Act 1999 (the Act), to the extent that such consent has not already been provided***
- 2. Resolves to prepare a report on all submissions received in response to the public consultation described in paragraphs 1 and 2 of the Resolution above and submit this report and the Proposal to the Minister for Planning and Local Government (as the Minister responsible for the administration of the Act) seeking approval for the Proposal***
- 3. Authorises the Chief Executive Officer to attend to the preparation of all documents and correspondence and all other matters required to give effect to the above resolution***
- 4. Instructs that a further report be prepared for the Council notifying of the response received from the Minister for the Council to decide whether to pass a resolution to give effect to the Proposal and***
- 5. Acknowledges that the process for formally revoking the dedication of the relevant land will be dealt with subsequently under the Crown Land Management Act 2009, in conjunction with the broader acquisition proposal.”***

CARRIED

4.2 Moved Councillor Keen Seconded Councillor Di Troia 2021/ 434

“that Council, having considered Item 4.2 – Chief Executive Officer Recommendation pursuant to Regulation 21 of the Local Government (Procedures at Meetings) Regulations 2013 – Process – Revocation of Community Land Classification – Two Wells, dated 29 November 2021, and after having considered the submission received in response to the public consultation on the proposal to revoke the community land classification applying to Section 180 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5984 Folio 730 and Section 716 Hundred of Port Gawler in the area named Two Wells, Crown Record Volume 5755 Folio 739, which is dedicated Crown land under the Council’s care, control and management (Relevant Land):

- 1. Resolves, in accordance with sections 24 and 25 of the Crown Land Management Act 2009, to proceed with requesting the Minister for Environment and Water to declare the Relevant Land surplus and commit to disposing of the Relevant Land to Council, on terms to be subsequently agreed by Council and***
- 2. Authorises the Chief Executive Officer to attend to the preparation of all documents and correspondence and all other matters required to give effect to the above resolution.”***

CARRIED

5. CONFIDENTIAL ITEM

5.1 Crown Land, Two Wells – November 2021

Councillor Strudwicke called a Point of Order on the basis that Councillor Daniele, having declared a conflict of interest, must resolve that conflict before the meeting goes into confidence. The Mayor accepted the Point of Order and invited Councillor Daniele to indicate how he would deal with his declared conflict of interest.

Having declared a perceived conflict of interest in Item 5.1 – *Crown Land, Two Wells – November 2021*, Councillor Daniele left the meeting at 6.12pm and did not return.

Moved Councillor Di Troia Seconded Councillor Keen **2021/ 435**

“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, General Manager – Governance and Executive Office, General Manager – Finance and Business, General Manager – Infrastructure and Environment, General Manager – Development and Community, Manager Governance and Administration/Minute Taker, Information Technology Support Officer and Mr Sean Keenihan of Norman Waterhouse Lawyers be excluded from attendance at the meeting of Council for Agenda Item 5.1 – Crown Land, Two Wells November 2021**
- 2. Council is satisfied that pursuant to section 90(3)(b) and 90(3)(h) of the Local Government Act 1999, Item 5.1 – Crown Land, Two Wells – November 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 a verbal briefing relating to ongoing negotiations and would on balance be contrary to the public interest and**
 - b. legal advice, being a verbal briefing by Mr Sean Keenihan, Chair, 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

The Mayor sought leave of the meeting to suspend meeting procedures pursuant to *Regulation 20(1) of the Local Government (Procedures at Meetings) Regulations 2013* for a period of time sufficient to facilitate informal discussions in relation to Item 5.1 – *Crown Land, Two Wells – November 2021*. Leave was granted.

The meeting was suspended at 6.14pm.

Mr Sean Keenihan, Norman Waterhouse Lawyers, gave a 20 minute presentation, including questions from Members, in relation to Item 5.1 – *Crown Land, Two Wells – November 2021*.

The meeting resumed at 6.59pm.

There being no further business, the Mayor declared the meeting closed at 7.00pm

Confirmed as a true record.

Mayor:

Date: ____/____/____

Subject to confirmation