

# 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

**Monday 27 September 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 Kay Boon	Two Wells Ward
Councillor Joe Daniele	Two Wells Ward
Councillor Carmine Di Troia	Lewiston Ward
Councillor Brian Parker	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 (by audio-visual link)	Mr Sean Murphy
Chair of the Board, Norman Waterhouse Lawyers ( <i>by audio-visual link from 7.49pm</i> )	Mr Sean Keenihan

**1.2 Apologies:**

Councillor Terry-Anne Keen	Mallala/Dublin Ward
Councillor Frank Maiolo	Two Wells Ward

**1.3 Leave of Absence:**

Councillor Margherita Panella	Lewiston Ward
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## 2. CONFIRMATION OF MINUTES

### 2.1 Confirmation of Council Minutes – Ordinary Council Meeting held on 23 August 2021

Moved Councillor Di Troia                      Seconded Councillor Parker                      **2021/ 338**

**“that the minutes of the Ordinary Council Meeting held on 23 August 2021 (MB Folios 17436 to 17444 inclusive), be accepted as read and confirmed.”**

**CARRIED**

### 2.2 Confirmation of Council Minutes – Special Council Meeting held 1 September 2021

Moved Councillor Daniele                      Seconded Councillor Boon                      **2021/ 339**

**“that the minutes of the Special Council Meeting held on 1 September 2021 (MB Folios 17445 to 17449 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 due to 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 19 August 2021 to Wednesday 22 September 2021

Friday 20 August 2021

Meeting – Mayor/Chief Executive Officer – Various Matters

Monday 23 August 2021

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

Ordinary Council Meeting

Wednesday 25 August 2021

Meeting – Mayor/Chief Executive Officer – Various Matters

Thursday 26 August 2021

Meeting – Chief Executive Officer, Acting General Manager – Governance and Executive Office and Two Wells Regional Action Group – Two Wells Twinkling

Two Wells Village Green Walk-Over

Meeting – Mayor/Chief Executive Officer – Various Matters

Monday 30 August 2021

Meeting – Legatus Group – Waste and Resource Recovery Strategy and Action Plan Workshop, Clare

Tuesday 31 August 2021

Meeting – Mayor/Chief Executive Officer – Various Matters

Local Government Association of SA – COVID-19 Vaccination Roll Out Briefing

Wednesday 1 September 2021

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

Special Council Meeting

Friday 3 September 2021

Legatus Group – Annual General Meeting, Orroroo

Legatus Group – Ordinary Meeting, Orroroo

Tuesday 7 September 2021

RAAF – Graveside Acknowledgement at Mallala War Cemetery

RAAF Base Mallala Commemorative Ceremony

Monday 13 September 2021

Meeting – Mayor/Chief Executive Officer – Various Matters

Tuesday 14 September 2021

Adelaide Plains Council Library – Author Event – Allen Tiller, Two Wells Bowling Club

Port Parham Action Group Annual General Meeting

Thursday 16 September 2021

Photography Session – The Plains Producer, Two Wells Village Green

Meeting – Chief Executive Officer and Ms Penny Pratt, Liberal Candidate for Frome

Meeting – Chief Executive Officer and Adelaide Plains Kennel & Obedience Club

Meeting – Mayor/Chief Executive Officer – Various Matters

Friday 17 September 2021

Citizenship Ceremony, Two Wells

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

Nil

**9. DEPUTATIONS**

- 9.1 Mr Alvin Jenkin, spokesperson for Parham and District Action Group, gave an eight minute deputation in relation to the management of the Port Parham Camp Ground.

**MOTION WITHOUT NOTICE**

- 9.1 Moved Councillor Strudwicke Seconded Councillor Lush **2021/ 340**

**“that Council give in principle support to the direction that Parham and District Action Group and the Mallala and District Lions Club are taking with regard to the Parham Campground negotiations and the management thereof.”**

**CARRIED UNANIMOUSLY**

- 9.2 Ms Maxine Symes, spokesperson for Port Parham Sports and Social Club Incorporated, gave a three minute deputation seeking assistance from Council for the upgrade of the Port Parham Sports and Social Club car park.

- 9.3 Ms Anna White, Ms Rachael Squires and Mr Jack Harris, spokespersons for Two Wells Regional Action Team, gave a 10 minute deputation in relation to the Two Wells Twinkling initiative.

- 9.4 Mrs Debbie Heinze, spokesperson for Adelaide Plains Kennel and Obedience Club, gave a 14 minute deputation in relation to the Adelaide Plains Kennel and Obedience Club relocation project.

**10. PRESENTATIONS/BRIEFINGS**

Nil

**11. PETITIONS**

Nil

**12. COMMITTEE MEETINGS**

- 12.1 Adelaide Plains Council Historical Committee Meeting – 1 September 2021

Moved Councillor Strudwicke Seconded Councillor Boon **2021/ 341**

**“that Council receives and notes the minutes of the Adelaide Plains Council Historical Committee meeting held 1 September 2021.”**

**CARRIED**

**13. SUBSIDIARY MEETINGS**

13.1 Gawler River Floodplain Management Authority Meeting – 19 August 2021

Moved Councillor Lush Seconded Councillor Parker **2021/ 342**

**“that Council receives and notes the minutes of Gawler River Floodplain Management Authority Meeting held on 19 August 2021.”**

**CARRIED UNANIMOUSLY**

13.2 Legatus Group – Annual General Meeting and Ordinary Meeting – 3 September 2021

Moved Councillor Boon Seconded Councillor Daniele **2021/ 343**

**“that Council receives and notes the minutes of the Legatus Group Annual General Meeting and Ordinary Meeting held on 3 September 2021.”**

**CARRIED UNANIMOUSLY**

**14. REPORTS FOR DECISION**

14.1 Hours of Operation – Christmas 2021

Moved Councillor Parker Seconded Councillor Boon **2021/ 344**

**“that Council, having considered Item 14.1 – *Hours of Operation – Christmas 2021*, dated 27 September 2021, receives and notes the report and in doing so resolves the following hours of operation for the Christmas 2021 period:**

- 1. Mallala Principal Office, Two Wells Service Centre and Mallala Depot Administration to close at 12pm on Thursday 23 December 2021 and re-open at 9am on Tuesday 4 January 2022.**
- 2. Two Wells Library to close at 7pm on Wednesday 22 December 2021 and re-open at 9am on Tuesday 4 January 2022.**
- 3. Mallala Library to close at 12pm on Wednesday 22 December 2021 and re-open at 10am on Wednesday 5 January 2022.**
- 4. Two Wells Transfer Station to close at 3.30pm on Wednesday 22 December 2021 and re-open at 9am on Sunday 2 January 2022.”**

**CARRIED UNANIMOUSLY**

14.2 Proposed Variation to Legatus Group Charter

Moved Councillor Strudwicke Seconded Councillor Di Troia **2021/ 345**

**“that Council, having considered Item 14.2 – *Proposed Variation to Legatus Group Charter*, dated 27 September 2021, receives and notes the report and in doing so instructs the Chief Executive Officer to notify the Legatus Group that it endorses the proposed changes to the Legatus Group Charter Clause 7.2.2 as set out within Attachment 2 to this Report.”**

**CARRIED UNANIMOUSLY**

## 14.3 Local Government Reform Update and Implementation – September 2021

Moved Councillor Parker Seconded Councillor Daniele 2021/ 346

**“that Council, having considered Item 14.3 – *Local Government Reform Update and Implementation – September 2021*, dated 27 September 2021, receives and notes the report and in doing so acknowledges that the *Statutes Amendment (Local Government Review) Act (Commencement) Proclamation 2021* was made on Thursday 16 September 2021, with various changes taking effect on Monday 20 September 2021.”**

**CARRIED UNANIMOUSLY**

## 14.3 Moved Councillor Lush Seconded Councillor Boon 2021/ 347

**“that Council, having considered Item 14.3 – *Local Government Reform Update and Implementation – September 2021*, dated 27 September 2021 and, in consideration of the repeal of references to informal gatherings in sections 90(8) to (8e) of, and insertion of the new Section 90A to, the *Local Government Act 1999*, revokes Council’s *Informal Gatherings Policy*.”**

**CARRIED UNANIMOUSLY**

## 14.3 Moved Councillor Daniele Seconded Councillor Parker 2021/ 348

**“that Council, having considered Item 14.3 – *Local Government Reform Update and Implementation – September 2021*, dated 27 September 2021 and, in consideration of the repeal of references to informal gatherings in sections 90(8) to (8e) of, and insertion of the new Section 90A to, the *Local Government Act 1999*, and the new Section 90(3)(o) which allows a council or council committee to order that the public be excluded from attendance at a meeting to receive, discuss or consider information relating to a proposed reward recipient before the presentation of the award, adopts the revised version of *Council’s Code of Practice – Access to Council Meetings and Documents* as presented as Attachment 1 to this Report.”**

**CARRIED UNANIMOUSLY**

## 14.4 Outcome of Public Consultation – Draft Hart Reserve Master Plan

Moved Councillor Lush Seconded Councillor Daniele 2021/ 349

**“that Council, having considered Item 14.4 – *Outcome of Public Consultation – Draft Hart Reserve Master Plan* dated 27 September 2021, receives and notes the report and acknowledges that public consultation in relation to the Draft Hart Reserve Master Plan was undertaken and that three submissions, presented as Attachments 1-3 to this report, were received.”**

**CARRIED UNANIMOUSLY**

## 14.4 Moved Councillor Strudwicke Seconded Councillor Parker 2021/ 350

**“that Council, having considered Item 14.4 – *Outcome of Public Consultation – Draft Hart Reserve Master Plan* dated 27 September 2021:**

- 1. Instructs the Chief Executive Officer to prepare an updated Draft Hart Reserve Master Plan that incorporates a skate park/ramp in a suitable location and bring back a further report to Council and**
- 2. Acknowledges that a further round of public consultation, in accordance with Council’s *Public Consultation Policy*, will be required in relation to the Draft Hart Reserve Master Plan once a skate park/ramp is incorporated.”**

**CARRIED**

## 14.5 Two Wells Community Fund Committee – Member Appointment

Moved Councillor Strudwicke Seconded Councillor Boon 2021/ 351

**“that Council, having considered Item 14.5 – Two Wells Community Fund Committee – Membership Appointment, dated 27 September 2021, receives and notes the report and in doing so:**

- 1. Appoints:**
  - 1.1 the Hon John Dawkins MLC as the Committee’s Independent Chairperson until 30 September 2022 (as per Terms of Reference clause 3.3);**
  - 1.2 Council’s General Manager Development and Community as Council’s representative to the Two Wells Community Fund Committee and the General Manager Infrastructure and Environment as the ‘Alternate Member’ until 30 September 2022 (as per Terms of Reference clauses 3.1 and 3.4); and**
- 2. Acknowledges the appointment of Ruth Vagnarelli as Hickinbotham’s representative to the Two Wells Community Fund Committee and Gillies Wilson as Hickinbotham’s ‘Alternate Member’ until 30 September 2022 (as per Terms of Reference clauses 3.2 and 3.4).**
- 3. And in exercise of the power contained in Section 44 of the Local Government Act 1999, the Council hereby delegates this 27th day of September 2021 to the person occupying the office of General Manager Development and Community and in their absence the General Manager Infrastructure and Environment as the ‘Alternate Member’ of the Council:**
  - 3.1 The power pursuant to Section 137 of the Local Government Act 1999 to expend the funds of the Council that have been paid into the Community Fund pursuant to the Development Deed between the Council and Hickinbotham Developments (Two Wells No.1) Pty Ltd, Hickinbotham Agricultural Projects Pty Ltd and Hickinbotham Developments (Two Wells No.4) Pty Ltd (collectively referred as “the Developer”) dated 7 November 2012 (the Deed) up to a maximum amount of \$10,000 in any one transaction;**
  - 3.2 The power pursuant to Section 36(1)(c) of the Local Government Act 1999 to approve expenditure from the Community Fund or actually make such expenditure for the purpose of funding the provision of community facilities or community programs up to a maximum of \$25,000 per particular facility, program or project.**
- 4. The powers delegated in paragraph 2 are subject to the following conditions:**
  - 4.1 The delegate/s must, in exercising all of the delegated powers, have regard to the decisions of the Community Fund Committee established pursuant to the Deed;**
  - 4.2 The delegate/s must before exercising the delegated power in paragraph 2.2, obtain the approval of the Developer.”**

**CARRIED UNANIMOUSLY**



- 14.6 Outcome of Public Consultation – Draft Lease Portion of Mallala Oval to Mallala and Districts Lions Club

Moved Councillor Strudwicke Seconded Councillor Lush 2021/ 352

**“that Council, having considered 14.6 – Outcome of Public Consultation – Draft Lease Portion of Mallala Oval to Mallala and Districts Lions Club, dated 27 September 2021, receives and notes the report and in doing so:**

1. Authorises the Chief Executive to negotiate and finalise the Lease Agreement between Council and the Mallala and District Lions Club for the lease of a portion of land Allotment 20 DP 95617, Mallala (known as the Mallala Oval) and comprised in Certificate of Title Volume 6163 Folio 218, to the Mallala and District Lions Club. and
2. Authorises, pursuant to section 44 of the Local Government Act 1999, the Mayor and Chief Executive Officer to execute the lease agreement between the Adelaide Plains Council and the Mallala and District Lions Club upon the necessary approvals being granted.”

**CARRIED**

## **15. REPORTS FOR INFORMATION**

- 15.1 Council Resolutions – Status Report

Moved Councillor Parker Seconded Councillor Di Troia 2021/ 353

**“that Council, having considered Item 15.1 – Council Resolutions – Status Report, dated 27 September 2021, receives and notes the report.”**

**CARRIED UNANIMOUSLY**

- 15.2 Infrastructure and Environment Department – Monthly Report – September 2021

Moved Councillor Parker Seconded Councillor Di Troia 2021/ 354

**“that Council, having considered Item 15.2 – Infrastructure and Environment Department – Monthly Report – September 2021, dated 27 September 2021 receives and notes the report.”**

**CARRIED UNANIMOUSLY**

- 15.3 Adelaide Plains Council Representation Review Update – September 2021

Moved Councillor Lush Seconded Councillor Parker 2021/ 355

**“that Council, having considered Item 15.3 – Adelaide Plains Council Representation Review Update – September 2021, dated 27 September 2021, receives and notes the report.”**

**CARRIED**

## 15.4 Potential for Caravan Park in Dublin – September 2021

Councillor Di Troia left the meeting at 7.23pm.

Moved Councillor Boon Seconded Councillor Parker **2021/ 356**

**“that Council, having considered Item 15.4 – *Potential for Caravan Park in Dublin – September 2021*, dated 27 September 2021, receives and notes the report.”**

Councillor Di Troia returned to the meeting at 7.25pm.

**CARRIED UNANIMOUSLY**

## 15.5 Friendship City Agreement

Moved Councillor Parker Seconded Councillor Daniele **2021/ 357**

**“that Council, having considered Item 15.5 – *Friendship City Agreement*, dated 27 September 2021, receives and notes the report.”**

**CARRIED**

## 15.6 Horse Float Parking Parham Update – September 2021

Moved Councillor Parker Seconded Councillor Lush **2021/ 358**

**“that Council, having considered Item 15.6 – *Horse Float Parking Parham Update – September 2021*, dated 27 September 2021 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 Motion on Notice – Mallala Cricket Club – Water Costs for the Cricket Pitch on the Mallala Oval

Moved Councillor Lush Seconded Councillor Strudwicke **2021/ 359**

**“that Council instructs the Chief Executive Officer to bring back a report setting out the necessary considerations in order for Council to determine whether to fund the water costs for the cricket pitch on the Mallala Oval that are currently funded by the Mallala Cricket Club.”**

**CARRIED UNANIMOUSLY**

**19. MOTIONS WITHOUT NOTICE**

Nil

**20. URGENT BUSINESS**

Nil

**21. CONFIDENTIAL ITEMS****21.1 Crown Land, Two Wells – September 2021**

Moved Councillor Daniele Seconded Councillor Strudwicke **2021/ 360**

**“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 and Executive Support Officer/Minute Taker, Information Technology Support Officer, Mr Sean Keenihan, Chair, Norman Waterhouse Lawyers be excluded from attendance at the meeting of Council for Agenda Item 21.1 – *Crown Land, Two Wells – September 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 – September 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 and would on balance be contrary to the public interest; and
  - b. legal advice, being a verbal briefing by Mr Sean Keenihan, Chair of the Board, 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**

Mr Sean Keenihan, Chair of the Board, Norman Waterhouse Lawyers connected to the meeting, by audio-visual link, at 7.49pm and gave a verbal briefing in relation to the matter of Crown Land, Two Wells.

21.1 Moved Councillor Lush Seconded Councillor Boon **2021/ 361**

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

**CARRIED UNANIMOUSLY**

Mr Sean Keenihan, Chair of the Board, Norman Waterhouse Lawyers disconnected from the meeting at 8.06pm and did not return.

- 21.1 Moved Councillor Daniele Seconded Councillor Parker **2021/ 362**
- “that Council, having considered the matter of Item 21.1 – *Crown Land, Two Wells – September 2021* in confidence under sections 90(2) and 90(3)(b) of the *Local Government Act 1999*, resolves that:**
- 1. The report, Attachment 1, Attachment 2 and Attachment 3 of the meeting pertaining to Item 21.1 – *Crown Land, Two Wells – September 2021* 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

## 21.2 Sale of Land for Non-Payment of Rates

Moved Councillor Boon Seconded Councillor Lush **2021/ 363**

**“that:-**

- 1. Pursuant to section 90(2) of the *Local Government Act 1999*, the Council orders that all members of the public, except Chief Executive Officer, Acting General Manager – Governance and Executive Office, General Manager – Development and Community, General Manager – Infrastructure and Environment, General Manager – Finance and Business, Administration and Executive Support Officer/Minute Taker and Information Technology Support Officer be excluded from attendance at the meeting of the Council for Agenda Item 21.2 – *Sale of Land for Non-Payment of Rates*;**
- 2. Council is satisfied that pursuant to section 90(3)(a) of the *Local Government Act 1999*, Item 21.2 – *Sale of Land for Non-Payment of Rates* concerns information of a confidential nature the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), constituting information relevant to the sale of land for non-payment of rates; and**
- 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

21.2 Moved Councillor Strudwicke Seconded Councillor Boon 2021/ 364

**“that Council, having considered Item 21.2 – *Sale of Land for Non-Payment of Rates*, dated 27 September 2021, receives and notes the report and in doing so:**

- 1. Authorises the Chief Executive Officer to take action pursuant to Section 184 of the Local Government Act 1999 to recover outstanding rates in accordance with Rates Arrears and Debtor Management Policy from properties listed in Attachment 1 to this Report**
- 2. Pursuant to Section 38 and 44 of the Local Government Act 1999 authorises the Chief Executive Officer and the Mayor to execute the necessary documents in relation to the sale of the respective properties (if any) under common seal and**
- 3. Authorises the Chief Executive Officer or his delegate to call for Expressions of Interest from Licensed Real Estate Agents/Auctioneers to undertake the Auction of those properties that proceed to Public Auction (if any) to recover outstanding rates pursuant to Section 184 of the Local Government Act 1999.”**

**CARRIED UNANIMOUSLY**

21.2 Moved Councillor Parker Seconded Councillor Strudwicke 2021/ 365

**“that Council, having considered the matter of Agenda Item 21.2 – *Sale of land for Non-Payment of Rates* in confidence under sections 90(2) and 90(3)(a) of the Local Government Act 1999, resolves that:**

- 1. Attachment 1 to Agenda Item 21.2 – *Sale of Properties for Non-Payment of Rates* remains confidential and not available for public inspection until further order of 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, Council delegates the power to revoke this confidentiality order to the Chief Executive Officer.”**

**CARRIED UNANIMOUSLY**

There being no further business, the Mayor declared the meeting closed at 8.19pm.

Confirmed as a true record.

Mayor: .....

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_