

# 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 13 December 2021 at 6.00pm**

The Mayor formally declared the meeting open at 6.01pm.

# **1. ATTENDANCE RECORD**

## **1.1 Present:**

Mayor Mark Wasley		<i>by electronic means</i>
Councillor Marcus Strudwicke	Mallala/Dublin Ward	<i>by electronic means</i>
Councillor John Lush	Mallala/Dublin Ward	<i>by electronic means</i>
Councillor Terry-Anne Keen	Mallala/Dublin Ward	<i>by electronic means</i>
Councillor Kay Boon	Two Wells Ward	<i>by electronic means</i>
Councillor Joe Daniele ( <i>from 6.04pm</i> )	Two Wells Ward	<i>by electronic means</i>
Councillor Frank Maiolo	Two Wells Ward	<i>by electronic means</i>
Councillor Margherita Panella	Lewiston Ward	<i>by electronic means</i>
Councillor Brian Parker	Lewiston Ward	<i>by electronic means</i>
Councillor Carmine Di Troia	Lewiston Ward	<i>by electronic means</i>

## **Also in Attendance by electronic means:**

Chief Executive Officer	Mr James Miller
General Manager – Governance and Executive Office	Ms Sheree Schenk
General Manager – Development and Community	Mr Darren Starr
General Manager – Infrastructure and Environment	Mr Thomas Jones
Manager Governance and Administration	Ms Alyssa Denicola
Manager Library and Community ( <i>from 8.54pm</i> )	Ms Anne Sawtell
Administration and Executive Support Officer/Minute Taker	Ms Stacie Shrubsole
Information Technology Support Officer	Mr Sean Murphy
Chair of the Board, Norman Waterhouse Lawyers ( <i>from 8.19pm</i> )	Mr Sean Keenihan

## 2. CONFIRMATION OF MINUTES

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

Moved Councillor Boon                      Seconded Councillor Maiolo                      2021/ 436

**“that the minutes of the Ordinary Council Meeting held on 22 November 2021 (MB Folios 17489 to 17499 inclusive), be accepted as read and confirmed.”**

**CARRIED**

### 2.2 Confirmation of Council Minutes – Special Council Meeting held 29 November 2021

Moved Councillor Boon                      Seconded Councillor Maiolo                      2021/ 437

**“that the minutes of the Special Council Meeting held on 29 November 2021 (MB Folios 17500 to 17505 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

Councillor Daniele connected to the meeting at 6.04pm.

Nil

## 6. ADJOURNED BUSINESS

Nil

## 7. MAYOR'S REPORT

### 7.1 Mayor's Report

Reporting Period – Thursday 18 November 2021 to Wednesday 8 December 2021

#### Monday 22 November 2021

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

Ordinary Council Meeting

#### Tuesday 23 November 2021

Meeting – Mayor/General Manager – Governance and Executive Office – Various Matters

#### Thursday 25 November 2021

Meeting – Mayor/Chief Executive Officer – Various Matters

Friday 26 November 2021

Meeting – Mayor/Chief Executive Officer – Various Matters

Monday 29 November 2021

Special Council Meeting

Wednesday 1 December 2021

Meeting – Parham and District Action Group Representative, Port Parham

Local Government Association of SA – Mayors and Chief Executive Officers COVID-19 briefing with SA Health and SAPOL, Zoom

Adelaide Plains Council Infrastructure and Environment Committee Meeting

Friday 3 December 2021

Legatus Group Special Meeting

Two Wells Twinkling Launch Event

Tuesday 7 December 2021

Meeting – Mayor/Chief Executive Officer – Various Matters

## 8. REQUESTED DOCUMENTS/CORRESPONDENCE TO BE TABLED

Nil

## 9. DEPUTATIONS

- 9.1 Mr Brenton Bell, spokesperson for Mallala and District Lions Club, gave an eight minute deputation in relation to the lease for the Parham Camping Ground, including questions from Council Members.

Councillor Panella disconnected from the meeting at 6.12pm.

Councillor Keen disconnected from the meeting at 6.14pm.

Councillor Keen reconnected to the meeting at 6.15pm.

- 9.2 Mr Anthony Renaglia, spokesperson for Two Wells Golf Club, gave a 22 minute deputation in relation to redevelopment of the Two Wells Golf Course, including questions from Council Members.

Councillor Panella reconnected to the meeting at 6.19pm.

- 9.3 Mrs Debbie Heinze, spokesperson for Adelaide Plains Kennel and Obedience Club, gave a 14 minute deputation in relation to Adelaide Plains Kennel and Obedience Club relocation to Clara Harniman Reserve, including questions from Council Members.

## 10. PRESENTATIONS/BRIEFINGS

- 10.1 Mr James Miller, Chief Executive Officer, gave an 11 minute presentation in relation to the Two Wells Village Green.

## 11. PETITIONS

Nil

## 12. COMMITTEE MEETINGS

- 12.1 Infrastructure and Environment Committee Meeting – 1 December 2021

Moved Councillor Daniele Seconded Councillor Keen 2021/ 438  
 “that Council receives and notes the minutes of the Infrastructure and Environment Committee Meeting held 1 December 2021.”

**CARRIED**

Councillor Boon disconnected from the meeting at 7.08pm.

Councillor Boon reconnected to the meeting at 7.11pm.

- 12.1 Moved Councillor Parker Seconded Councillor Di Troia 2021/ 439  
 “that Council endorses resolution 2021/027 of the Infrastructure and Environment Committee and in doing so:

1. Instructs the Chief Executive Officer to engage a suitably qualified consultant in accordance with Council’s Procurement Policy to quantify the current Mallala CWMS infrastructure shortfalls and
2. Acknowledges that an allocation of \$15,000 will be incorporated into the second quarter 2021/2022 budget revision.”

**CARRIED**

- 12.1 Moved Councillor Daniele Seconded Councillor Di Troia 2021/ 440  
 “that Council endorses resolution 2021/028 of the Infrastructure and Environment Committee and in doing so instructs the Chief Executive Officer to seek funding through the Preparing Australian Communities – Local Stream funding stream for the Coastal Settlements Adaptation Study review project.”

**CARRIED**

- 12.1 Moved Councillor Boon Seconded Councillor Strudwicke 2021/ 441  
 “that Council endorses resolution 2021/031 of the Infrastructure and Environment Committee and in doing so instructs the Chief Executive Officer to write to the Minister for Infrastructure and Transport demanding urgent action on the delivery of the Mallala Road roundabout.”

**CARRIED**

### 13. SUBSIDIARY MEETINGS

Nil

### 14. REPORTS FOR DECISION

- 14.1 CEO Recommendation pursuant to Regulation 21 of the Local Government (Procedures at Meetings) Regulations 2013 – Adoption of Long Term Financial Plan

Moved Councillor Parker Seconded Councillor Keen 2021/ 442

***“that Council, having considered Item 14.1 – CEO Recommendation pursuant to Regulation 21 of the Local Government (Procedures at Meetings) Regulations 2013 – Adoption of Long Term Financial Plan, dated 13 December 2021, receives and notes the report and in doing so, and in light of Council Resolution 2021/413, revokes Council Resolution 2021/234 made on 28 June 2021 as follows:***

***“that Council having considered Item 14.2 – Strategic Plan 2021-2021, dated 28 June 2021, instructs that the Long Term Financial Plan is reviewed and updated by no later than 31 December 2021, noting that by that time determinations will have been made and resolutions likely adopted in relation to a number of strategic projects which carry significant expenditure.”***

**CARRIED**

- 14.2 Annual Review of Confidential Items

Moved Councillor Boon Seconded Councillor Keen 2021/ 443

***“that Council, having considered Item 14.2 – Annual Review of Confidential Items, dated 13 December 2021, receives and notes the report and acknowledges that a formal review of Council’s confidential items has been undertaken.”***

**CARRIED**

- 14.2 Moved Councillor Parker Seconded Councillor Boon 2021/ 444

***“that Council, having considered Item 14.2 – Annual Review of Confidential Items, dated 13 December 2021, resolves that the Section 91(7) of the Local Government Act 1999 order made on 17 December 2018 in relation to Item 21.1 – Australia Day Awards 2019 be revoked.”***

**CARRIED**

- 14.2 Moved Councillor Boon Seconded Councillor Di Troia 2021/ 445

***“that Council, having considered Item 14.2 – Annual Review of Confidential Items, dated 13 December 2021, resolves that the Section 91(7) of the Local Government Act 1999 order made on 22 July 2019 in relation to Item 21.2 – Drought Communities Programme be revoked.”***

**CARRIED**



- 14.2 Moved Councillor Daniele Seconded Councillor Boon 2021/ 446  
 “that Council, having considered Item 14.2 – Annual Review of Confidential Items, dated 13 December 2021, resolves that the Section 91(7) of the *Local Government Act 1999* order made on 26 August 2019 in relation to Item 21.1 – Drought Communities Programme be revoked.”  
 CARRIED
- 14.2 Moved Councillor Parker Seconded Councillor Panella 2021/ 447  
 “that Council, having considered Item 14.2 – Annual Review of Confidential Items, dated 13 December 2021, resolves that the Section 91(7) of the *Local Government Act 1999* order made on 16 December 2019 in relation to Item 21.1 – Australia Day Awards 2020 be revoked.”  
 CARRIED
- 14.2 Moved Councillor Keen Seconded Councillor Di Troia 2021/ 448  
 “that Council, having considered Item 14.2 – Annual Review of Confidential Items, dated 13 December 2021, resolves that the Section 91(7) of the *Local Government Act 1999* order made on 24 February 2020 in relation to Item 21.3 – Drought Communities Programme – Stage 1 Amendment be revoked.”  
 CARRIED
- 14.2 Moved Councillor Daniele Seconded Councillor Boon 2021/ 449  
 “that Council, having considered Item 14.2 – Annual Review of Confidential Items, dated 13 December 2021, resolves that the Section 91(7) of the *Local Government Act 1999* order made on 14 December 2020 in relation to Item 21.2 – Australia Day Awards 2021 be revoked.”  
 CARRIED
- 14.2 Moved Councillor Keen Seconded Councillor Parker 2021/ 450  
 “that Council, having considered Item 14.2 – Annual Review of Confidential Items, dated 13 December 2021, resolves that the Section 91(7) of the *Local Government Act 1999* order made on 14 December 2020 in relation to Item 21.2 – Australia Day Awards 2021 be revoked.”
- 14.2 Moved Councillor Daniele Seconded Councillor Parker 2021/ 451  
 “that Council, having considered Item 14.2 – Annual Review of Confidential Items, dated 13 December 2021, resolves that the Section 91(7) of the *Local Government Act 1999* order made on 22 March 2021 in relation to Item 21.5 – Wheller Road, Two Wells – Land Division Application 312/357/2018 be revoked.”  
 CARRIED

14.2 Moved Councillor Keen Seconded Councillor Di Troia 2021/ 452

"that Council, having considered Item 14.2 – *Annual Review of Confidential Items*, dated 13 December 2021, resolves that the Section 91(7) of the *Local Government Act 1999* order made on 9 March 2021 in relation to Item 4.1 – Carslake Road Funding Deed be revoked."

CARRIED

14.2 Moved Councillor Parker Seconded Councillor Di Troia 2021/ 453

"that Council, having considered Item 14.2 – *Annual Review of Confidential Items*, dated 13 December 2021, resolves that:

1. Pursuant to Section 91(9)(a) of the *Local Government Act 1999*, having reviewed the confidential order made on 14 May 2018 under Sections 90(2) and 90(3)(d) of the *Local Government Act 1999*, the Council, pursuant to Section 91(7) of the *Local Government Act 1999* orders that Attachment 1 relating to Item 4.1 – Chief Executive Officer – Performance Review dated 14 May 2018 continue to be retained in confidence and not available for public inspection until further order of Council, and that this order be reviewed every 12 months on the basis that the item contains information that may prejudice the commercial position of the person who supplied the information, and that the report and resolution 2018/175 be released and made available for public inspection; and
2. Pursuant to Section 91(9)(c) of the *Local Government Act 1999*, Council delegates the authority to the Chief Executive Officer to revoke this confidentiality order."

CARRIED

14.2 Moved Councillor Di Troia Seconded Councillor Boon 2021/ 454

"that Council, having considered Item 14.2 – *Annual Review of Confidential Items*, dated 13 December 2021, resolves that:

1. Pursuant to Section 91(9)(a) of the *Local Government Act 1999*, having reviewed the confidential order made on 22 August 2019 under Sections 90(2) and 90(3)(a) of the *Local Government Act 1999*, the Council, pursuant to Section 91(7) of the *Local Government Act 1999* orders that the Attachment 1 relating to Item 4.1 – Final Summary Report on Chief Executive Officer Performance Review dated 22 August 2019 continue to be retained in confidence and not available for public inspection until further order of Council, and that this order be reviewed every 12 months on the basis that the item contains information that may prejudice the commercial position of the person who supplied the information, and that resolution 2019/345 be released and made available for public inspection; and
2. Pursuant to Section 91(9)(c) of the *Local Government Act 1999*, Council delegates the authority to the Chief Executive Officer to revoke this confidentiality order."

CARRIED



14.2 Moved Councillor Keen Seconded Councillor Di Troia 2021/ 455

“that Council, having considered Item 14.2 – *Annual Review of Confidential Items*, dated 13 December 2021, resolves that:

1. Pursuant to Section 91(9)(a) of the *Local Government Act 1999*, having reviewed the confidential order made on 12 August 2020 under Sections 90(2) and 90(3)(a) of the *Local Government Act 1999*, the Council, pursuant to Section 91(7) of the *Local Government Act 1999* orders that the Attachment 1 relating to Item 4.1 – Summary Report on Chief Executive Officer Annual Performance Review July 2020 dated 12 August 2020 continue to be retained in confidence and not available for public inspection until further order of Council, and that this order be reviewed every 12 months on the basis that the item contains information that may prejudice the commercial position of the person who supplied the information, and that resolution 2020/276 be released and made available for public inspection; and
2. Pursuant to Section 91(9)(c) of the *Local Government Act 1999*, Council delegates the authority to the Chief Executive Officer to revoke this confidentiality order.”

CARRIED

14.2 Moved Councillor Daniele Seconded Councillor Keen 2021/ 456

“that Council, having considered Item 14.2 – *Annual Review of Confidential Items*, dated 13 December 2021, resolves that:

1. Pursuant to Section 91(9)(a) of the *Local Government Act 1999*, having reviewed the confidential order made on 24 May 2021 under Sections 90(2) and 90(3)(d) of the *Local Government Act 1999*, the Council, pursuant to Section 91(7) of the *Local Government Act 1999* orders that the Attachment 1 relating to Item 21.2 – Appoint Consultant – Chief Executive Officer Performance Review 2021-2023 dated 24 May 2021 continue to be retained in confidence and not available for public inspection until further order of Council, and that this order be reviewed every 12 months on the basis that it contains information that may prejudice the commercial position of the person who supplied the information or confer a commercial advantage on a third party, and that the report be released and made available for public inspection; and
2. Pursuant to Section 91(9)(c) of the *Local Government Act 1999*, Council delegates the authority to the Chief Executive Officer to revoke this confidentiality order.”

CARRIED

14.3 Management of the Parham Camping Reserve

Moved Councillor Parker Seconded Councillor Boon 2021/ 457

“that Council, having considered Item 14.3 – *Management of the Parham Camping Reserve*, dated 13 December 2021, receives and notes the report and in doing so:

1. Acknowledges the Mallala and District Lions Club request to enter into a lease with Council in relation to the Parham Camping Reserve
2. Resolves that it wishes to consider options for the management of the Parham Camping Reserve and
3. Instructs the Chief Executive Officer to bring back a report outlining the necessary considerations, including but not limited to procurement and consultation.”

CARRIED

- 14.4 2022 Local Government Association Ordinary General Meeting – Proposed Items of Business  
 Moved Councillor Keen Seconded Councillor Daniele 2021/ 458  
 “that Council, having considered Item 14.4 – *2022 Local Government Association Ordinary General Meeting – Proposed Items of Business*, dated 13 December 2021, receives and notes the report.”  
 CARRIED
- 14.5 Two Wells Land Division – Road Naming  
 Moved Councillor Parker Seconded Councillor Keen 2021/ 459  
 “that Council, having considered Item 14.5 – *Two Wells Land Division – Road Naming*, dated 13 December 2021, receives and notes the report and in doing so, assign the road name Brumby Court to the road reserve East of Longview Road and South of Fisher Street presented as Attachment 1.”  
 CARRIED
15. REPORTS FOR INFORMATION
- 15.1 Council Resolutions – Status Report  
 Moved Councillor Parker Seconded Councillor Di Troia 2021/ 460  
 “that Council, having considered Item 15.1 – *Council Resolutions – Status Report*, dated 13 December 2021, receives and notes the report.”  
 CARRIED
- 15.2 Infrastructure and Environment Department – Monthly Report – December 2021  
 Moved Councillor Keen Seconded Councillor Daniele 2021/ 461  
 “that Council, having considered Item 15.2 – *Infrastructure and Environment Department – Monthly Report – December 2021*, dated 13 December 2021 receives and notes the report.”  
 CARRIED
- 15.3 Adelaide Plains Kennel and Obedience Club Project – Summary  
 Moved Councillor Strudwicke Seconded Councillor Parker 2021/ 462  
 “that Council, having considered Item 15.3 – *Adelaide Plains Kennel and Obedience Club Project – Summary*, dated 13 December 2021 receives and notes the report.”  
 CARRIED
- 15.4 Sale of Land for Non-Payment of Rates – December 2021 Update  
 Moved Councillor Boon Seconded Councillor Daniele 2021/ 463  
 “that Council, having considered Item 15.4 – *Sale of Land for Non-Payment of Rates – December 2021 Update*, dated 13 December 2021, receives and notes the report.”  
 CARRIED



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**

21.1

Moved Councillor Keen

Seconded Councillor Lush

2021/ 470

**“that Council, having considered the matter of Item 21.1 – *Crown Land, Two Wells – December 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, Attachment 3 and the minutes of the meeting pertaining to Item 21.1 – *Crown Land, Two Wells – December 2021* confidential and not available for public inspection until further order of the Council, except such disclosure as the Chief Executive Officer determines necessary or appropriate for the purpose of furthering the discussions or actions contemplated;**



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

Mr Sean Keenihan, Chair of the Board, Norman Waterhouse Lawyers disconnected from the meeting at 8.51pm and did not return.

## 21.2 Australia Day Awards 2022

Moved Councillor Keen Seconded Councillor Di Troia 2021/ 471

"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, General Manager – Governance and Executive Office, General Manager – Development and Community, General Manager – Finance and Business, General Manager – Infrastructure and Environment, Manager Governance and Administration, Manager Library and Community, 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 – *Australia Day Awards 2022*;
2. Council is satisfied that pursuant to section 90(3)(o) of the *Local Government Act 1999*, Item 21.2 – *Australia Day Awards 2022* concerns information relating to proposed Australia Day Award recipients before the presentation of the awards; 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 Boon Seconded Councillor Di Troia 2021/ 472

"that Council, having considered Item 21.2 – *Australia Day Awards 2022*, dated 13 December 2021, receives and notes the report."

CARRIED

21.2 Moved Councillor Daniele Seconded Councillor Strudwicke 2021/ 473

"that Council, having considered Item 21.2 – *Australia Day Awards 2022*, dated 13 December 2021, determines Allan Parker as the recipient of the Citizen of the Year Award."

CARRIED

21.2 Moved Councillor Keen Seconded Councillor Boon 2021/ 474

"that Council, having considered Item 21.2 – *Australia Day Awards 2022*, dated 13 December 2021, determines Chloe Sharpe as the recipient of the Young Citizen of the Year Award."

CARRIED

It being 8.57pm, Council resolved to extend the meeting for 30 minutes in accordance with Division 2, Clause 7(6) of Council's *Code of Practice – Meeting Procedures*.

Moved Councillor Strudwicke      Seconded Councillor Lush      2021/ 475

**"that the meeting be extended by 30 minutes."**

**CARRIED**

21.2      Moved Councillor Boon      Seconded Councillor Panella      2021/ 476

**"that Council, having considered Item 21.2 – *Australia Day Awards 2022*, dated 13 December 2021, determines Two Wells Regional Action Team as the recipient of the Community Group of the Year Award."**

**CARRIED**

21.2      Moved Councillor Keen      Seconded Councillor Boon      2021/ 477

**"that Council, having considered Item 21.2 – *Australia Day Awards 2022*, dated 13 December 2021, determines Dublin Cricket Club as the recipient of the Community Project of the Year Award."**

**CARRIED**

21.2      Moved Councillor Keen      Seconded Councillor Boon      2021/ 478

**"that Council, having considered the matter of Agenda Item 21.2 – *Australia Day Awards 2022* in confidence under sections 90(2) and 90(3)(o) of the *Local Government Act 1999*, resolves that:**

1. The staff report and the minutes pertaining to Agenda 21.2 – *Australia Day Awards 2022* remain confidential and not available for public inspection until all award recipients have been advised of the outcome;
2. Attachments 1-10 pertaining to Agenda 21.2 – *Australia Day Awards 2022* remain confidential and not available for public inspection until further order of Council;
3. Pursuant to section 91(9)(a) of the *Local Government Act 1999*, the confidentiality of the matter will be reviewed every 12 months; and
4. 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**

There being no further business, the Mayor declared the meeting closed at 9.01pm.

Confirmed as a true record.

Mayor: .....

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