# **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 16 December 2019 at 6:00pm



The Mayor formally declared the meeting open at 6:02pm.

## 1. ATTENDANCE RECORD

## 1.1 Present:

Mayor Mark Wasley

Councillor John Lush Mallala/Dublin Ward

Councillor Terry-Anne Keen Mallala/Dublin Ward

Councillor Kay Boon Two Wells Ward

Councillor Joe Daniele Two Wells Ward

Councillor Frank Maiolo Two Wells Ward

Councillor Margherita Panella Lewiston Ward

Councillor Brian Parker Lewiston Ward

Councillor Carmine Di Troia Lewiston Ward

#### Also in Attendance:

Chief Executive Officer Mr James Miller

General Manager – Governance and Executive Office Ms Sheree Schenk

General Manager – Development and Community Mr Robert Veitch

General Manager – Finance and Business Mr Rajith Udugampola

General Manager – Infrastructure and Environment Mr Thomas Jones

Manager Governance and Administration/Minute Taker Ms Alyssa Denicola

Manager Library and Community Ms Anne Sawtell

Economic Development Officer Mr David Cowell

Administration and Executive Support Officer Ms Stacie Shrubsole

# 1.2 Apologies:

Councillor Marcus Strudwicke Mallala/Dublin Ward



#### 2. CONFIRMATION OF MINUTES

### 2.1 Confirmation of Council Minutes – Ordinary Council Meeting held on 25 November 2019

Moved Councillor Boon

Seconded Councillor Maiolo

2019/513

"that the minutes of the Ordinary Council Meeting held on 25 November 2019 (MB Folios 17014 to 17026 inclusive), be accepted as read and confirmed."

CARRIED

#### 3. BUSINESS ARISING

Nil

#### 4. PUBLIC OPEN FORUM

The Acting Mayor, with approval of two-thirds of members present suspended the meeting procedures pursuant to Regulation 20(1) of the *Local Government (Procedures at Meetings)* Regulations 2013, for a period of time sufficient to facilitate 'Public Open Forum'.

The meeting was suspended at 6.04pm.

Alvin Jenkin - Parham

• Liquor licence - Port Parham Sports and Social Club

The meeting resumed at 6.14pm.

#### 5. DECLARATION OF MEMBERS' INTEREST

Councillor Keen declared a perceived interest in Item 14.5 – Request for Leave of Absence – Councillor Keen. Councillor Keen indicated that she would deal with the interest at the appropriate time.

Councillor Boon declared an interest in Item 21.1 – *Australia Day Awards 2020* on the basis that she is a member of one of the groups that has been nominated for an award. Councillor Boon indicated that she would leave the meeting prior to the item being considered.

## 6. ADJOURNED BUSINESS

Nil

# 7. MAYOR'S REPORT

# 7.1 Acting Mayor's Report

Reporting Period - Thursday 21 November to Wednesday 11 December 2019

Friday 22 November 2019

Opening and Blessing of Auditorium, Xavier College, Gawler



## Sunday 24 November 2019

Moquet Lee Pinery Fire Memorial Launch

## Monday 25 November 2019

Pre-Council Meeting – Deputy Mayor, Chief Executive Officer and General Managers Ordinary Council Meeting

#### Wednesday 27 November 2019

Two Wells Photograph Opportunity – The Advertiser and Chief Executive Officer Opening, Two Wells Community Nursery

## Friday 29 November 2019

Legatus Group Meeting

## 7.2 Mayor's Report

Reporting Period - Thursday 21 November to Wednesday 11 December 2019

# Thursday 14 November 2019 to Tuesday 3 December 2019

Leave of Absence

## Wednesday 4 December 2019

Meeting - Two Wells Main Street - Chief Executive Officer, General Managers, Jensen Plus

#### Thursday 5 December 2019

Meeting – Mayor and Chief Executive Officer – Various Mallala Christmas Parade

## Monday 9 December 2019

Meeting – Mayor and General Manager Governance and Executive Office – Various Informal Gathering

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

Nil 🌑

#### 9. DEPUTATIONS

9.1 Tony Lange, Spokesperson for Two Wells Regional Action Team, gave a 15 minute deputation in relation to the Two Wells pump track/skate park in Hart Reserve.

## 10. PRESENTATIONS/BRIEFINGS

10.1 The Mayor sought leave of the meeting to defer the Presentation by Jensen Plus to Item 14.1 – Drought Communities Programme Stage 2. Leave was granted.

#### 11. PETITIONS

Nil



#### 12. COMMITTEE MEETINGS

Nil

### 13. SUBSIDIARY MEETINGS

13.1 Legatus Group Meeting Held 29 November 2019

Moved Councillor Keen Seconded Councillor Lush

"that Council receives and notes the minutes of the Legatus Group Meeting held on 29 November 2019."

**CARRIED** 

2019/ 514

#### 14. REPORTS FOR DECISION

14.1 Drought Communities Programme Stage 2

The Chief Executive Officer gave a 10 minute presentation – *Drought Communities Programme Overview*.

Michael McKeown, Jensen Plus gave a 15 minute presentation – Two Wells 2020 Vision – Project Planning Overview.

Moved Councillor Keen

Seconded Councillor Parker

2019/ 515

"that Council, instructs the Chief Executive Officer to schedule an informal gathering in January 2020 for the purpose of workshopping Drought Communities Programme Stage 2."

CARRIED

14.2 Australia Local Government Association – National General Assembly 2020 – Attendance and Notices of Motion

Moved Councillor Keen

Seconded Councillor Parker

2019/516

"that Council, having considered Item 14.2 – Australian Local Government Association – National General Assembly 2020 – Attendance and Notices of Motion, dated 16 December 2019 receives and notes the report and in doing so endorses the attendance of Council's Mayor and Chief Executive Officer at the National General Assembly to be held in Canberra on 14-17 June 2020."

CARRIED

14.2 Moved Councillor Lush Seconded Councillor Keen 2019/517

"that Council, having considered Item 14.2 – Australian Local Government Association – National General Assembly 2020 – Attendance and Notices of Motion, dated 16 December 2019, acknowledges the relevant timeframes and policy requirements, and authorises the Chief Executive Officer to finalise the wording of any potential Notices of Motion prior to inclusion in the relevant Council Agenda, and prior to submission to the Australian Local Government Association (ALGA) National General Assembly, to ensure that all Notices of Motion meet the criteria set by the ALGA as provided for at Attachment 1 to this Report."



#### 14.3 Delegations – Planning, Development and Infrastructure Act 2016

Moved Councillor Panella Seconded Councillor Boon 2019/518

"that Council, having considered Item 14.3 – *Delegations – Planning, Development and Infrastructure Act 2016*, dated 16 December 2019, and having conducted a periodic review of the Council's Delegations Register, receives and notes the report and in doing so:

#### Revocation

1. Hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the Planning, Development and Infrastructure Act 2016.

## Delegation of Powers as Council, Designated Authority and Designated Entity

- 2. In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the Planning Development and Infrastructure Act 2016 contained in the proposed Instrument of Delegation (annexed to the Report dated 16 December 2019 and entitled Delegations Planning, Development and Infrastructure Act 2018 and marked Appendix 1) are hereby delegated this 16 of December 2019 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
- 3. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.

## Delegation of Powers as Relevant Authority

- 4. In exercise of the power contained in Section 100 of the Planning Development and Infrastructure Act 2016 the powers and functions under the Planning Development and Infrastructure Act 2016 contained in the proposed Instrument of Delegation (annexed to the Report dated 16 December2019 and entitled Delegations Planning, Development and Infrastructure Act 2018 and marked Appendix 2) are hereby delegated this 16 of December 2019 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
- 5. Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation."

**CARRIED** 

## 14.4 Legatus Group – 2019/2020 Budget Amendment

Moved Councillor Keen Seconded Councillor Lush 2019/519

"that Council, having considered Item 14.4 – Legatus Group – 2019/2020 Budget Amendment, dated 16 December 2019, receives and notes the report and in doing so instructs the Chief Executive Officer to advise the Legatus Group that it approves the Legatus Group's revised budget for the 2019/2020 financial year."



14.5 Request for Leave of Absence – Councillor Keen

Having declared a perceived conflict of interest in Item 14.5 – Request for Leave of Absence – Councillor Keen, Councillor Keen indicated that she would remain in the meeting.

Moved Councillor Boon

Seconded

Councillor Di Troia

2019/520

"that Council, having considered Item 14.5 – Request for Leave of Absence – Councillor Keen, dated 16 December 2019, receives and notes the report and in doing so grants Councillor Keen a leave of absence for the period 23 January 2020 to 29 February 2020 (inclusive)."

Councillor Keen voted in the affirmative.

CARRIED

14.6 Australian Citizenship Ceremonies Code and Citizenship Ceremony Policy

Moved Councillor Panella

Seconded

Councillor Lush

2019/521

"that Council, having considered Item 14.6 – Australian Citizenship Ceremonies Code and Citizenship Ceremony Policy, dated 16 December 2019, receives and notes the report and in doing so:

- 1. Acknowledges the updated Australian Citizenship Ceremonies Code and
- 2. Adopts the revised Citizenship Ceremony Policy as presented at Attachment 3 to this Report."

CARRIED

14.7 Tourism and Economic Development Strategy – Brief for Consultancy Services

Moved Councillor Lush

Seconded Councillor Di Troia

2019/ 522

"that Council, having considered Item 14.7 – Tourism and Economic Development Strategy – Brief for Consultancy Services, dated 16 December 2019, receives and notes the report and in doing so authorises the Chief Executive Officer to undertake a competitive tender process to appoint a suitably qualified consultant to prepare Council's Tourism and Economic Development Strategy."

CARRIED

14.8 Alinta Energy – Request to SCAP for Extension of Time for Development Approval

Moved Councillor Panella

Seconded Councillor Maiolo

2019/ 523

"that Council, having considered Item 14.8 – Alinta Energy – Request to SCAP for Extension of Time for Development Approval, dated 16 December 2019, receives and notes the report and in doing so delegates to the Chief Executive Officer to provide no additional comment than previously provided."



14.9 Infrastructure and Asset Management Plan and Long Term Financial Plan – Update on Progress of Review

Moved Councillor Keen

Seconded Councillor Parker

2019/524

"that Council, having considered Item 14.9 – Infrastructure and Asset Management Plan and Long Term Financial Plan – Update on Progress of Review, dated 16 December 2019, receives and notes the report and in doing so recognises that in order to meet tight timeframes with the rollout of the Strategic Plan review, the Infrastructure and Asset Management Plan and Long Term Financial Plan reviews will be run in parallel with the Strategic Plan review process."

CARRIED

## 15. REPORTS FOR INFORMATION

15.1 Council Resolutions - Status Report

Moved Councillor Boon Seconded Councillor Daniele

"that Council, having considered Item 15.1 – Council Resolutions – Status Report, dated 16 December 2019, receives and notes the report."

**CARRIED** 

2019/525

15.2 Section 41 Committee Performance Review Survey Results

Moved Councillor Boon

Seconded Councillor Panella

2019/ 526

"that Council, having considered Item 15.2 – Section 41 Committee Performance Review Survey Results, dated 16 December 2019, receives and notes the report."

**CARRIED** 

15.3 Drought Communities Programme Extension – Monthly Report – December 2019

Moved Councillor Panella

Seconded Councillor Maiolo

2019/ 527

"that Council, having considered Item 15.3 – Drought Communities Programme Extension – Monthly Report – December 2019, dated 16 December 2019, receives and notes the report."

CARRIED

15.4 Infrastructure and Environment Department – Monthly Report – December 2019

Moved Councillor Panella

Seconded Councillor Maiolo

2019/ 528

"that Council, having considered Item 15.4 – Infrastructure and Environment Department – Monthly Report – December 2019, dated 16 December 2019, receives and notes the report."

CARRIED

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

Nil

## 19. MOTIONS WITHOUT NOTICE

#### 19.1 Motion Without Notice

Moved Councillor Lush Seconded Councillor Keen 2019/529

"that Members instruct the Chief Executive Officer to provide a letter of support to Port Parham Sports and Social Club in relation to their application to remove the restriction on the newly issued Liquor Licence which restricts liquor sales for consumption of the licenced premises to members only."

CARRIED

## 19.2 Motion Without Notice

Moved Councillor Panella Seconded Councillor Di Troia 2019/530

"that Council instructs the Chief Executive Officer to bring back a report covering all aspects required to advancing the pump track at Hart Reserve."

CARRIED

#### 19.3 Motion Without Notice

Moved Councillor Parker Seconded Councillor Boon 2019/531

"that Item 14.5 – Building Fire Safety Committee, dated 25 November 2019, be resumed."

CARRIED

## 19.3 Building Fire Safety Committee

Moved Councillor Keen Seconded Councillor Parker 2019/ 532

"that Council, having considered Item 14.5 – *Building Fire Safety Committee*, dated 25 November 2019, receives and notes the report and in doing so:-

- Endorses the re-establishment of the Adelaide Plains Council Building Fire Safety
  Committee as the appropriate authority in accordance with Section 71(18) and (19) of
  the Development Act 1993, with the following membership for a term of office ending
  30 June 2020:-
  - Peter Harmer a person who holds prescribed qualifications in building surveying
  - Julian Aggiss (and Joel Taggart, Darren Chapman, Kevin Churchward and Phil McDonough as deputy members) – persons nominated by the Chief Officer of the SA Country Fire Service

- Michael Essex (Building Officer) a person with expertise in the area of fire safety
- 2. Endorses the appointment of Peter Harmer as the Presiding Member of the Adelaide Plains Council Building Fire Safety Committee."

CARRIED

#### URGENT BUSINESS

Nil

#### 21. CONFIDENTIAL ITEMS

21.1 Australia Day Awards 2020

Moved Councillor Keen Seconded Councillor Boon 2019/533

"that:

- 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 Manger Governance
  and Executive Office, General Manager Development and Community, General
  Manager Finance and Business, General Manager Infrastructure and Environment,
  Manager Governance and Administration/Minute Taker, Manager Library and
  Community and Administration and Executive Support Officer be excluded from
  attendance at the meeting of the Council for Agenda Item 21.1 Australia Day Awards
  2020:
- 2. Council is satisfied that pursuant to section 90(3)(a) of the Local Government Act 1999, Item 21.1 Australia Day Awards 2020 concerns information of a confidential nature the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person, constituting information relevant to the nominees' potential to be awarded relevant Australia Day Awards and it would be unreasonable to disclose this information prior to the determination and announcement of the outcome of the Australia Day Awards; and
- 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 Parker Seconded Councillor Panella 2019/534

"that Council, having considered Item 21.1 – Australia Day Awards 2020, dated 16 December 2019, receives and notes the report."

CARRIED

The Mayor sought leave of the meeting to suspend the 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 21.1 – *Australia Day Awards 2020*. Leave was granted.

The meeting was suspended at 7.58pm.

The meeting resumed at 8.11pm.



21.1 Moved Councillor Daniele Seconded Councillor Panella 2019/535

"that Council, having considered Item 21.1 – Australia Day Awards 2020, dated 16 December 2019, determines Rae Corston as the recipient of the Citizen of the Year Award."

MOTION WITHDRAWN

The Mayor sought leave of the meeting to suspend the 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 21.1 – *Australia Day Awards 2020*. Leave was granted.

The meeting was suspended at 8.16pm.

The meeting resumed at 8.23pm.

21.1 Moved Councillor Daniele Seconded Councillor Panella 2019/ 536

"that Council, having considered Item 21.1 – Australia Day Awards 2020, dated 16 December 2019, determines Rae Corston as the recipient of the Citizen of the Year Award."

**CARRIED** 

21.1 Moved Councillor Keen Seconded Councillor Lush 2019/537

"that Council, having considered Item 21.1 – Australia Day Awards 2020, dated 16 December 2019, determines Pinery Fire Memorial Grand Opening as the recipient of the Community Event of the Year Award."

CARRIED

21.1 Moved Councillor Keen Seconded Councillor Boon 2019/538

"that Council, having considered Item 21.1 – Australia Day Awards 2020, dated 16 December 2019, determines Pinery Fire Memorial and History of Grace Plains as the recipient of the Community Project of the Year Award."

CARRIED

Having declared a material interest in Item 21.1 – Australia Day Awards 2020 on the basis that she is a member of one of the groups nominated for the Community Group of the Year Award, Councillor Boon left the meeting at 8.25pm.

21.1 Moved Councillor Parker Seconded Councillor Lush 2019/539

"that Council, having considered Item 21.1 – Australia Day Awards 2020, dated 16 December 2019, determines Two Wells Melodrama Group as the recipient of the Community Group of the Year Award."

CARRIED

Councillor Boon returned to the meeting at 8.26pm.



21.1 Moved Councillor Keen

Seconded Councillor Parker

2019/540

"that Council, having considered the matter of Agenda Item 21.1 – Australia Day Awards 2019 in confidence under sections 90(2) and 90(3)(a) of the Local Government Act 1999, resolves that:

- The staff report and the minutes pertaining to Agenda 21.1 Australia Day Awards 2020
  remain confidential and not available for public inspection until all nominees/award
  recipients have been advised of the outcome;
- 2. Attachments 1-13 pertaining to Agenda 21.1 Australia Day Awards 2020 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

## 21.2 Crown Land Investigations, Two Wells

Moved Councillor Parker Seconded Councillor Di Troia 2019/ 541

## "that:

- 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 – Development and Community, General Manager – Finance and Business, General Manager – Infrastructure and Environment, Manager Governance and Administration/Minute Taker and Administration, Manager Library and Community and Executive Support Officer be excluded from attendance at the meeting of Council for Agenda Item 21.2 – Crown Land Investigations Two Wells.
- 2. Council is satisfied that pursuant to section 90(3)(b) of the Local Government Act 1999, Item 21.2 Crown Land Investigations Two Wells concerns 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
- 3. Council is satisfied that the principle that Committee 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."



21.2 Moved Councillor Keen

Seconded Councillor Boon

2019/543

"that Council, having considered the matter of Agenda Item 21.2 – Crown Land Investigations, Two Wells in confidence under sections 90(2) and 90(3)(b) of the Local Government Act 1999, resolves that:

- The staff report, annexures and the minutes pertaining to Agenda 21.2 Crown Land Investigations, Two Wells remain 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

The Mayor formally acknowledged the efforts of Elected Members and Council Staff for 2019.

There being no further business, the Mayor declared the meeting closed 8.43pm.

Confirmed as a true record.

Mayor:				 	
	Deter	,	,		

