

MINUTES

of

Ordinary Council Meeting



**Adelaide
Plains
Council**

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

HELD IN

**Council Chamber
Redbanks Road,
Mallala**

on

Monday 27 May 2019 at 6:00pm

A handwritten signature in black ink, appearing to be 'mw'.

The Acting Mayor formally declared the meeting open at 6:00pm.

1. ATTENDANCE RECORD

1.1 Present:

Acting Mayor Marcus Strudwicke	Mallala/Dublin Ward
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:

Acting Chief Executive Officer	Mr Robert Veitch
General Manager – Finance and Economic Development	Mr Rajith Udugampola
General Manager – Infrastructure and Environment	Mr Thomas Jones
Acting General Manager – Governance and Communications	Ms Alyssa Denicola
Acting General Manager – Development and Community	Ms Megan Lewis
Executive Assistant/Minute Taker	Ms Andrea Post

1.2 Apologies:

Nil

1.3 Leave of Absence:

Mayor Mark Wasley

1.4 Not Present:

Nil

mw

2. CONFIRMATION OF MINUTES

2.1 Confirmation of Council Minutes – Ordinary Council Meeting held on 23 April 2019

Moved Councillor Parker Seconded Councillor Daniele **2019/198**

“that the minutes of the Ordinary Council Meeting held on 23 April 2019 (MB Folios 16851 to 16867 inclusive), be accepted as read and confirmed.”

CARRIED

2.2 Confirmation of Council Minutes – Special Council Meeting held on 20 May 2019

Moved Councillor Boon Seconded Councillor Daniele **2019/199**

“that the minutes of the Special Council Meeting held on 20 May 2019 (MB Folios 16868 to 16872 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 15 minutes to facilitate ‘Public Open Forum’.

The meeting was suspended at 6:02pm.

Alvin Jenkin - Parham

- Community Engagement Forum on 15 April 2019 – commended Council in relation to the forum, and communication by Council Members and Administration following the event.
- Parham Action Group update – the Group has started planning future projects and may seek assistance from Council in the future.
- Horse Management – Mr Jenkin advised that he received an update from Council Administration that the matter would be dealt with as part of strategic planning focus, and requested that Council remain focused to achieve an outcome.

The meeting resumed at 6:05pm.

5. DECLARATION OF MEMBERS' INTEREST

Councillor Di Troia declared an interest in Item 15.4 – *Northern Adelaide Irrigation Scheme*, on the basis that he owns a property in the relevant area.

MW

6. ADJOURNED BUSINESS

Nil

7. MAYOR'S REPORT

7.1 Mayor's Report

Monday 29 April 2019

Meeting – Mayor, Chief Executive Officer – Various Matters

Meeting – Mayor, Deputy Mayor, Chief Executive Officer – Mayoral Duties Handover

Pre-Council Meeting – Chief Executive Officer, General Managers

Informal Gathering – Mallala Aged Living Portfolio

Informal Gathering – Confidential Briefing - Two Wells Educational Hub Value-Adding Horticulture Initiative

Ordinary Council Meeting

Wednesday 24 April 2019

Meeting – Regional Planning Board - Chief Executive Officers and Mayors

Thursday 25 April 2019

Anzac Day Ceremony – Mallala

Friday 26 April to Wednesday 29 May 2019 (Inclusive)

Leave of Absence

7.2 Acting Mayor's Report

Monday 29 April 2019

Meeting – Audit Committee

Thursday 2 May 2019

Meeting – Acting Mayor, Chief Executive Officer – Various Matters

LGA Workshop – Boundary Reform

Monday 6 May 2019

Radio Interview – ABC Port Pirie – Climate Change and Coastal Councils

Informal Gathering - Northern Adelaide Irrigation Scheme (NAIS) Briefing

Tuesday 7 May 2019

Meeting – Acting Mayor, Chief Executive Officer – Various Matters

Monday 20 May 2019

Strategic Planning and Economic Development Committee Meeting

Special Council Meeting

Tuesday 21 May 2019

Volunteer Celebrations – Gawler Cinema

8. REQUESTED DOCUMENTS/CORRESPONDENCE TO BE TABLED

Nil

9. DEPUTATIONS

9.1 Christopher Ratcliff gave a 10 minute deputation in relation to a potential public rail service from Adelaide to Salisbury, Virginia and Two Wells.

10. PRESENTATIONS/BRIEFINGS

Nil

11. PETITIONS

Nil

12. COMMITTEE MEETINGS

12.1 Audit Committee Meeting - 29 April 2019

Mr John Comrie gave a 19 minute presentation, and answered questions from Members, in relation to Mallala Community Wastewater Management Scheme annual service charge.

Moved Councillor Panella Seconded Councillor Parker **2019/ 200**

“that Council receives and notes the minutes of the Audit Committee Meeting held on 29 April 2019.”

CARRIED

12.1 Moved Councillor Panella Seconded Councillor Boon **2019/ 201**

“that Council endorses resolution 2019/010 of the Audit Committee, and in doing so acknowledges the progress made to complete the activities identified for the Audit Committee during the 2018/2019 Financial Year, with an additional item being added to the Work Plan to review Council’s Long Term Financial Performance Targets.”

CARRIED

12.1 Moved Councillor Boon Seconded Councillor Panella **2019/ 202**

“that Council notes resolution 2019/011 of the Audit Committee, and in doing so acknowledge the ability for Council to adjust the Mallala Community Wastewater Management Scheme annual service charge as part of the 2019/2020 budget based on the Essential Services Commission of South Australia CWMS pricing criteria after having due regard to the operating costs risks premium and cost of capital.”

CARRIED

- 12.2 Adelaide Plains Council Historical Committee Meeting – 1 May 2019
 Moved Councillor Panella Seconded Councillor Di Troia **2019/ 203**
“that Council receives and notes the minutes of the Adelaide Plains Council Historical Committee meeting held 1 May 2019.”

CARRIED

- 12.3 Strategic Planning and Economic Development Committee Meeting – 20 May 2019
 Moved Councillor Panella Seconded Councillor Boon **2019/ 204**
“that Council receives and notes the minutes of the Strategic Planning and Economic Development Committee meeting held 20 May 2019.”

CARRIED

- 12.3 Moved Councillor Lush Seconded Councillor Di Troia **2019/ 205**
“that Council endorses resolution 2019/002 of the Strategic Planning and Economic Development Committee, and in doing so:-
- 1. Adopts a strategic planning focus for the period September 2019 to March 2020; and**
 - 2. Acknowledges that resolutions of a strategic planning and tourism nature, together with service reviews, be workshopped and considered as part of the strategic planning focus September 2019 to March 2020.”**

CARRIED

13. SUBSIDIARY MEETINGS

- 13.1 Gawler River Floodplain Management Authority – Meeting held 18 April 2019
 Moved Councillor Keen Seconded Councillor Parker **2019/ 206**
“that Council receives and notes the minutes and key outcomes summary of the Gawler River Floodplain Management Authority meeting held on 18 April 2019.”

CARRIED

amw

The Acting Mayor sought leave of the meeting to bring forward Agenda Item 18 – *Motions on Notice*. Leave was granted.

18. MOTIONS WITHOUT NOTICE

18.1 Prudential Report – Council Civic Centre Two Wells

Moved Councillor Panella Seconded Councillor Boon **2019/ 207**

Councillor Panella raised a Point of Order on the basis that the motion does not specifically address the matter of office relocation. The Acting Mayor accepted the Point of Order, ruling that the debate should be limited to the subject matter of the motion.

“that:-

1. Council allocate up to \$10,000 in 2019/2020 budget for a prudential report investigating the risks and benefits of establishing a Council Civic Centre at Two Wells. The report to include:-
 - a. the identification of any current community and organisational deficiencies that exist through operating multiple sites; and
 - b. an analysis of financial and organisational efficiencies and benefits, internally and externally, in providing services to the community, of any future relocation of Council’s office; and
 - c. the identification of any risks associated with any future office relocation, including economic impact on the current Mallala township; and
 - d. recommendations on future strategic options for Council consideration; and
 - e. any other relevant information; and
2. Any recommendations from the prudential report be included in the strategic planning focus workshops in September 2019 to March 2020 for inclusion in Council’s future strategic plans.”

LOST

Councillor Panella called for a Division.

The Acting Mayor declared the vote set aside.

Members voting in the affirmative: Councillors Boon, Daniele and Panella

Members voting in the negative: Councillors Di Troia, Keen, Lush, Maiolo and Parker

The Acting Mayor declared the motion **LOST**

18.2 Request for Roads to be Sealed – Two Wells Ward

Moved Councillor Daniele Seconded Councillor Boon **2019/ 208**

“that the below listed roads be sealed in the Two Wells Ward:-

1. Glover Road from Williams Road to Germantown Road (Priority);
2. Buckland Park Road from Main Highway to Halstead Road;
3. Coats Road from Williams Road to Germantown Road;
4. Tatura Avenue from Buckland Park Road to the Main Highway;
5. Middle Beach Road from the end of the bitumen to the beach; and
6. Hart Road from the Main Highway to Days Eggs company site.”

LOST

Councillor Daniele called for a division.

The Acting Mayor declared the vote set aside.

Members voting in the affirmative: Councillor Daniele.

Members voting in the negative: Councillors Boon, Di Troia, Keen, Lush, Maiolo, Panella and Parker.

The Acting Mayor declared the motion **LOST**

14. REPORTS FOR DECISION

14.1 2019/2020 Annual Business Plan, Budget and Long Term Financial Plan 2020-2029

Moved Councillor Parker Seconded Councillor Panella **2019/ 209**

“that Council, having considered Item 14.1 – 2019-2020 Annual Business Plan, Budget and Long Term Financial Plan 2020-2029, dated 27 May 2019, receives and notes the report and in doing so:-

1. Council has considered its draft Annual Business Plan and Budget for the 2019/2020 Financial Year and the updated draft Long Term Financial Plan for the period 2019/2020 to 2028/2029 and requests that Chief Executive Officer commence a period of public consultation in accordance with section 123 of the *Local Government Act 1999* in regard to its proposals for a period of not less than 21 days in order that Council is able to consider any feedback from members of the public with regard to its 2019/2020 budget and draft Long Term Financial Plan;
2. Acknowledges that a Special Meeting of Council will need to be called for Tuesday 11 June 2019 at 6:00pm in order to hear any public submissions for at least one (1) hour in accordance with section 123(4)(a)(i)(B) of the *Local Government Act 1999*; and
3. Requests that the Chief Executive Officer or his delegate prepare a report on submissions/presentations received during the public consultation period for Council consideration at a Special Meeting of Council to be held on Thursday 27 June 2019 at 6:30pm.”

CARRIED

14.2 Legatus Group – Draft Annual Business Plan and Budget 2019/2020

Moved Councillor Keen Seconded Councillor Boon **2019/ 210**

“that Council, having considered Item 14.2 – Legatus Group – Draft Annual Business Plan and Budget 2019/2020, dated 27 May 2019, receives and notes the report and in doing so instructs the Chief Executive Officer to advise the Legatus Group that Adelaide Plains Council has no objections with the Draft Annual Business Plan and Budget 2019/2020.”

CARRIED

MW

14.3 Gawler River Floodplain Management Authority – Draft 2019-2022 Business Plan and 2019/2020 Budget

Moved Councillor Keen Seconded Councillor Di Troia 2019/ 211

“that Council, having considered Item 14.3 – Gawler River Floodplain Management Authority – Draft 2019-2022 Business Plan and 2019/2020 Budget, dated 27 May 2019, receives and notes the report and in doing so:-

1. Endorses the Gawler River Floodplain Management Authority Draft Budget for 2019/2020 and 2019-2022 Business Plan; and
2. Subject to the adoption of its 2019/2020 Budget and Annual Business Plan, acknowledges that it will fund the requested Member Council contribution of \$48,826 to the Gawler River Floodplain Management Authority.”

CARRIED

14.4 2019 Floodplain Management Australia National Conference

Moved Councillor Keen Seconded Councillor Parker 2019/ 212

“that Council, having considered Item 14.4 - 2019 Floodplain Management Australia National Conference, dated 27 May 2019, receives and notes the report and in doing so:-

1. Instructs the Chief Executive Officer to apply for membership of Floodplain Management Australia at an annual cost of \$995.00; and
2. Instruct the Chief Executive Officer to, as part of his role on the Gawler River Floodplain Management Authority, write to the Executive and Member Councils encouraging them to attend the 2020 conference and apply for membership.”

CARRIED

14.5 Section 41 Committee Independent Members Sitting Fees

Moved Councillor Parker Seconded Councillor Boon 2019/ 213

“that Council, having considered Item 14.5 – Section 41 Committee Independent Members Sitting Fees, dated 27 May 2019, receives and notes the report and in doing so:-

1. Acknowledges the high calibre and specialist expertise of the current Independent Members of Council's Section 41 Committees; and
2. Endorses the following Section 41 Committee Independent Member sitting fees (excl. of GST), effective from 1 July 2019:-
 - a. Independent Chairperson \$ 1,000
 - b. Independent Member (non-Chairperson) \$ 600.”

CARRIED

14.6 Business Council – Charter and Membership Composition

Moved Councillor Lush Seconded Councillor Keen 2019/ 214

“that Council, having considered Item 14.6 – Business Council – Terms of Reference, dated 27 May 2019 receives and notes the report and in doing so:-

- 1. Instructs the Chief Executive Officer to formally present the draft Charter and membership composition to the local business sector within Adelaide Plains Council for consideration and advancement; and**
- 2. Pledges its ongoing support to the establishment of an independent Business Council on the Adelaide Plains through the allocation of administrative resources in conjunction with RDA Barossa, Gawler, Light and Adelaide Plains Council.”**

CARRIED

14.7 By-Law Review 2019 – Public Consultation

Moved Councillor Lush Seconded Councillor Keen 2019/ 215

“that:-

- 1. Council endorse draft By-law No 1 – Permits and Penalties, draft By-law No 2 – Local Government Land, draft By-law No 3 – Roads, draft By-law No 4 – Dogs and draft By-law No 5 Moveable Signs as attached to the report entitled By-law Review 2019 – Public Consultation for the purposes of public consultation in accordance with Section 249 of the *Local Government Act 1999*; and**
- 2. The Chief Executive Officer be authorised to make copies of the draft By-laws available for public inspection without charge at the principal office of the Council during ordinary office hours; and**
- 3. The Chief Executive Officer be authorised to publish notice informing the public of the availability of the draft By-laws in The Bunyip and Plains Producer newspapers; and**
- 4. In the exercise of the powers contained in Section 246(5) of the *Local Government Act 1999*, unless varied by subsequent resolution, expiation fees for a breach of a Council By-Law be hereby set at \$140.00.”**

CARRIED

14.8 Two Wells Stormwater Levee

Moved Councillor Panella Seconded Councillor Boon 2019/ 216

Councillor Daniele declared an interest in Item 14.8 – *Two Wells Stormwater Levee* on the basis that he owns an adjoining property. Having declared an interest, Councillor Daniele left the meeting at 7:26pm.

“that the Council, having considered Item 14.8 – Two Wells Stormwater Levee, dated 27 May 2019, receives and notes the report and in doing so acknowledges the acceptance of the grant offer from the Stormwater Management Authority of \$30,000 and carries forward Council’s 1:1 co-contribution from the 2018/19 budget to deliver the project.”

CARRIED

Councillor Daniele returned to the meeting at 7:29pm.

14.9 Policy Introduction – Vehicle Crossover Policy and Specification

Moved Councillor Parker Seconded Councillor Panella 2019/ 217

“that Council, having considered Item 14.9 – *Vehicle Crossover Policy and Specification*, dated 27 May 2019, receives and notes the report and in doing so:-

1. Adopts the proposed Vehicle Crossover Policy as presented at Attachment 1 to this Report; and
2. Endorses the Adelaide Plains Council Vehicle Crossover Specification as presented at Attachment 2 to this Report.”

CARRIED

14.10 Proposed Discretionary Fees and Charges for 2019/2020

Moved Councillor Boon Seconded Councillor Panella 2019/ 218

“that Council, having considered Item 14.10 – Proposed *Discretionary Fees & Charges for 2019/2020*, dated 27 May 2019, receives and notes the report and in doing so adopts the draft Schedule of Discretionary Fees and Charges for the 2019/2020 Financial Year as provided at Attachment 1 to this Report subject to the deletion of waste disposal concession fees for waste disposal:-

- ‘Light truck up to 2 tonne with Standard Sides’; and
- ‘Light truck up to 2 tonne with raised sides’.”

CARRIED

14.11 2018/2019 Third Budget Update

Moved Councillor Parker Seconded Councillor Boon 2019/ 219

“That Council, having considered Item 14.11 – *2018/2019 – Third Budget Update*, dated 27 May 2019, receives and notes the report and in doing so:-

1. Receives and note the project progress reports contained in Attachment 1 and Attachment 2 to this Report; and
2. Pursuant to Regulation 9 (1)(a) of the *Local Government (Financial Management) Regulations 2011*, adopts the revised 2018/2019 Budgeted Financial Statements as contained within Attachment 3 that has been updated following the Third Budget Update changes identified in Table 1, Table 2 and Table 3.”

CARRIED

15. REPORTS FOR INFORMATION

15.1 Council Resolutions – Status Report

Moved Councillor Panella Seconded Councillor Boon 2019/ 220

“that Council, having considered Item 15.1 – *Council Resolutions - Status Report*, dated 27 May 2019, receives and notes the report.”

CARRIED

- 15.2 Community Engagement Forum Held 15 April 2019
 Moved Councillor Panella Seconded Councillor Boon **2019/ 221**
“that Council, having considered Item 15.2 – Community Engagement Forum Held 15 April 2019, dated 27 May 2019, receives and notes the report.”
CARRIED
- 15.3 Legislative Update – Local Government Boundary Reform
 Moved Councillor Panella Seconded Councillor Daniele **2019/ 222**
“that Council, having considered Item 15.3 – Legislative Update – Local Government Boundary Reform, dated 27 May 2019, receives and notes the report.”
CARRIED
- 15.4 Northern Adelaide Irrigation Scheme
 Moved Councillor Panella Seconded Councillor Keen **2019/ 223**
“that Council, having considered Item 15.4 – Northern Adelaide Irrigation Scheme, dated 27 May 2019, receives and notes the report.”
CARRIED
- 15.5 Webb Beach Community Emergency Management Plan
 Moved Councillor Parker Seconded Councillor Keen **2019/ 224**
“that Council, having considered Item 15.5 – Webb Beach Community Emergency Management Plan, dated 27 May 2019, receives and notes the report.”
CARRIED
- 15.6 Moquet Lee Memorial Trust
 Moved Councillor Lush Seconded Councillor Boon **2019/ 225**
“that Council, having considered Item 15.6 – Moquet Lee Memorial Trust, dated 27 May 2019, receives and notes the report.”
CARRIED
- 15.7 ‘Eden’ Shed Approvals
 Moved Councillor Panella Seconded Councillor Daniele **2019/ 226**
“that Council, having considered Item 15.7 – ‘Eden’ Shed Approvals, dated 27 May 2019, receives and notes the report.”
CARRIED

- 15.8 Light, Gilbert, Wakefield Flood Warning Network Update
 Moved Councillor Di Troia Seconded Councillor Panella 2019/ 227
“that Council, having considered Item 15.8 – Light, Gilbert, Wakefield Flood Warning Network Update, dated 27 May 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*.

19. **MOTIONS WITHOUT NOTICE**

19.1 Proposed Closure of Broadband Tower

Moved Councillor Keen Seconded Councillor Di Troia 2019/ 228
“that the Chief Executive Officer write to Aussie Broadband Pty Ltd requesting that it defer the proposed closure of the Aussie Broadband tower in Council’s coastal area until after the NBN rollout, as closure would adversely impact Council’s vulnerable residents and ratepayers.”

CARRIED

19.2 Rail System Passenger Network from Salisbury to Two Wells

Moved Councillor Panella Seconded Councillor Di Troia 2019/ 229
“that the Chief Executive Officer writes to the City of Playford, Minister Stephan Knoll, Lanser Communities and the Hickinbotham Group to seek support for the standard gauge rail system passenger network from Salisbury to Two Wells to be considered and implemented.”

CARRIED

19.3 Development Applications

Moved Councillor Lush Seconded Councillor 2019/ 230
“that development applications to the APC be processed within 60 working days from the date of application and if not approved within the 60 days will be done so by inflection of time.”

Pursuant to Regulation 12(6) of the *Local Government (Procedures at Meetings) Regulations 2013*, the Acting Mayor did not accept the motion without notice, ruling that the motion should be dealt with by way of a written notice of motion at a subsequent meeting of Council.

- 19.3 Moved Councillor Lush Seconded Councillor Di Troia 2019/ 231
“that the Chief Executive Officer brings back a report outlining processes that will bring certainty to specific timelines for processing building applications for various categories of development.”
CARRIED

20. URGENT BUSINESS

Nil

21. CONFIDENTIAL ITEMS

21.1 Aged Living Review

- Moved Councillor Keen Seconded Councillor Parker 2019/ 232
“that:-

1. Pursuant to section 90(2) of the *Local Government Act 1999*, the Council orders that all members of the public, except Acting Chief Executive Officer, General Manager – Finance and Economic Development, General Manager – Infrastructure and Environment, Acting General Manger – Governance and Communications, Acting General Manager – Development and Community and Executive Assistant/Minute Taker be excluded from attendance at the meeting of the Council for Agenda Item 21.1 – *Aged Living Review*;
2. Council is satisfied that pursuant to section 90(3)(d)(i) of the *Local Government Act 1999*, Item 21.1 – *Aged Living Review* concerns commercial information of a confidential nature, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information and confer a commercial advantage on a third party, and would, on balance, be contrary to the public interest; 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

Councillor Di Troia left the meeting at 8:04pm.

- 21.1 Moved Councillor Lush Seconded Councillor Panella 2019/ 233
“that Council, having considered Item 21.1 – *Aged Living Review*, dated 27 May 2019, receives and notes the report and in doing so authorises the Chief Executive Officer to appoint the services of URPS to undertake the Aged Living Review on behalf of Council.”

CARRIED

21.1 Moved Councillor Boon Seconded Councillor Keen 2019/ 234

"that Council, having considered the matter of Agenda Item 21.1 – *Aged Living Review* in confidence under sections 90(2) and 90(3)(d)(i) of the *Local Government Act 1999*, resolves that:-

1. The agenda item, report, Attachment 1, and any other associated information pertaining to Agenda Item 21.1 – *Aged Living Review*, and the minutes of this meeting in relation to the matter 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

21.2 Proposed Lease of Council Land – NBN Radio Network Base Station Update

Moved Councillor Keen Seconded Councillor Boon 2019/ 235

"that:-

1. Pursuant to section 90(2) of the *Local Government Act 1999*, the Council orders that all members of the public, except Acting Chief Executive Officer, Acting General Manager – Governance and Communications, Acting General Manager – Development and Community, General Manager – Infrastructure and Environment, General Manager – Finance and Economic Development and Executive Assistant/Minute Taker be excluded from attendance at the meeting of the Council for Agenda Item 21.2 - *Proposed Lease of Council Land – NBN Radio Network Base Station Update*;
2. Council is satisfied that, pursuant to section 90(3)(b) of the *Local Government Act 1999*, Item 21.2 – *Proposed Lease of Council Land – NBN Radio Network Base Station Update* concerns information of a confidential nature, the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council, being information relating to ongoing negotiations; 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

The Acting Mayor, with the 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 15 minutes to facilitate informal discussions in relation to Agenda Item 21.2 – *Proposed Lease of Council Land – NBN Radio Network Base Station*.

The meeting was suspended at 8:07pm.

Councillor Di Troia returned to the meeting at 8:08pm.

The meeting resumed at 8:25pm.

21.2 Moved Councillor Lush Seconded Councillor Di Troia **2019/ 236**

“that Council, having considered Item 21.2 – *Proposed Lease of Council Land – NBN Radio Network Base Station Update* dated 27 May 2019, receives and notes the report and in consideration of Resolution 2018/073 resolves to allocate the annual income payable by the NBN to the Thompson Beach Progress Association (TBPA) until 20 March 2026, when the TBPA lease is due for renewal.”

CARRIED

21.2 Moved Councillor Parker Seconded Councillor Keen **2019/ 237**

“that Council, having considered the matter of Agenda Item 21.2 in confidence under sections 90(2) and 90(3)(b) of the *Local Government Act 1999*, resolves:-

- 1. That the agenda item, report, Attachment 1 and any other associated information submitted to this meeting pertaining to Agenda Item 21.2 - *Proposed Lease of Council Land – NBN Radio Network Base Station Update* in relation to the matter 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 order 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

21.3 Proposed Lease – Konzag Grains

Moved Councillor Keen

Seconded Councillor Boon

2019/ 238

“that:-

1. Pursuant to section 90(2) of the *Local Government Act 1999*, the Council orders that all members of the public, except Acting Chief Executive Officer, General Manager – Infrastructure and Environment, General Manager – Finance and Economic Development, Acting General Manager – Governance and Communications, Acting General Manager – Development and Community and Executive Assistant/Minute Taker be excluded from attendance at the meeting of the Council for Agenda Item 21.3 – *Proposed Lease – Konzag Grains*;
2. Council is satisfied that, pursuant to section 90(3)(b) of the *Local Government Act 1999*, Item 21.3 – *Proposed Lease – Konzag Grains* information of a confidential nature, the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council, being information relating to ongoing negotiations; 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

MW

21.3 Moved Councillor Panella Seconded Councillor Lush 2019/ 240

“that Council, having considered the matter of Agenda Item 21.3 – Proposed Lease – Konzag Grains in confidence under sections 90(2) and 90(3)(b) of the Local Government Act 1999, resolves that:-

1. The agenda item, report, Attachment 1, and any other associated information pertaining to Agenda Item 21.3 – Proposed Lease – Konzag Grains, and the minutes of this meeting in relation to the matter 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

21.4 Peregrine Corporation
 Moved Councillor Keen Seconded Councillor Panella 2019/ 241

“that:-

1. Pursuant to section 90(2) of the *Local Government Act 1999*, the Council orders that all members of the public, except Acting Chief Executive Officer, General Manager – Finance and Economic Development, General Manager – Infrastructure and Environment, Acting General Manger – Governance and Communications, Acting General Manager – Development and Community and Executive Assistant/Minute Taker be excluded from attendance at the meeting of the Council for Agenda Item 21.4 – *Peregrine Corporation*;
2. Council is satisfied that pursuant to section 90(3)(d)(i) of the *Local Government Act 1999*, Item 21.4 – *Peregrine Corporation* concerns commercial information of a confidential nature, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information and confer a commercial advantage on a third party, and would, on balance, be contrary to the public interest; 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

21.4 Moved Councillor Keen Seconded Councillor Parker 2019/243

“that Council, having considered the matter of Agenda Item 21.4 – *Peregrine Corporation* in confidence under sections 90(2) and 90(3)(d)(i) of the *Local Government Act 1999*, resolves that:-

- 1. The agenda item, report, Attachment 1, and any other associated information pertaining to Agenda Item 21.4 – *Peregrine Corporation*, and the minutes of this meeting in relation to the matter 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

21.5 Feltwell Cemetery, Mallala
Moved Councillor Keen Seconded Councillor Lush 2019/244

“that:-

- 1. Pursuant to section 90(2) of the *Local Government Act 1999*, the Council orders that all members of the public, except Acting Chief Executive Officer, General Manager – Finance and Economic Development, General Manager – Infrastructure and Environment, Acting General Manger – Governance and Communications, Acting General Manager – Development and Community and Executive Assistant/Minute Taker be excluded from attendance at the meeting of the Council for Agenda Item 21.5 – *Feltwell Cemetery, Mallala*;**
- 2. Council is satisfied that pursuant to section 90(3)(a) of the *Local Government Act 1999*, Item 21.5 – *Feltwell Cemetery, Mallala* concerns information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being a briefing by the General Manager – Infrastructure and Environment in relation to the Feltwell Cemetery matter; 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

21.6 Mallala Township Growth – Community Wastewater Management System

Moved Councillor Parker

Seconded Councillor Keen

2019/245

“that:-

1. Pursuant to section 90(2) of the *Local Government Act 1999*, the Council orders that all members of the public, except Acting Chief Executive Officer, General Manager – Finance and Economic Development, General Manager – Infrastructure and Environment, Acting General Manger – Governance and Communications, Acting General Manager – Development and Community and Executive Assistant/Minute Taker be excluded from attendance at the meeting of the Council for Agenda Item 21.6 – *Mallala Township Growth – Community Wastewater Management System*;
2. Council is satisfied that pursuant to section 90(3)(b) of the *Local Government Act 1999*, Item 21.6 – *Mallala Township Growth – Community Wastewater Management System* concerns information the disclosure of which could reasonably be expected to prejudice the commercial position of Council, being a briefing by the General Manager – Infrastructure and Environment in relation to ongoing negotiations with the proponent of the proposed Gracewood residential land release; 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

There being no further business, the Acting Mayor declared the meeting closed at 8:40pm.

Confirmed as a true record.

Mayor:

Date: 24/6/19