

# 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 23 November 2020 at 6.00pm**

The Mayor formally declared the meeting open at 6.01pm.

# **1. ATTENDANCE RECORD**

## **1.1 Present:**

Mayor Mark Wasley		<i>By audio-visual link</i>
Councillor John Lush	Mallala/Dublin Ward	<i>By audio-visual link</i>
Councillor Marcus Strudwicke	Mallala/Dublin Ward	<i>By audio-visual link</i>
Councillor Terry-Anne Keen	Mallala/Dublin Ward	<i>By audio-visual link</i>
Councillor Kay Boon	Two Wells Ward	<i>By audio-visual link</i>
Councillor Joe Daniele	Two Wells Ward	<i>By audio-visual link</i>
Councillor Frank Maiolo	Two Wells Ward	<i>By audio-visual link</i>
Councillor Brian Parker	Lewiston Ward	<i>By audio-visual link</i>
Councillor Margherita Panella	Lewiston Ward	<i>By audio-visual link</i>
Councillor Carmine Di Troia	Lewiston Ward	<i>By audio-visual link</i>

## **Also in Attendance by audio-visual link:**

Chief Executive Officer	Mr James Miller
General Manager – Governance and Executive Office	Ms Sheree Schenk
General Manager – Finance and Business	Mr Rajith Udugampola
General Manager – Infrastructure and Environment	Mr Thomas Jones
General Manager – Development and Community	Mr Darren Starr
Manager Governance and Administration	Ms Alyssa Denicola
Administration and Executive Support Officer/Minute Taker	Ms Stacie Shrubsole
Information Technology Support Officer	Mr Sean Murphy

## **1.2 Apologies:**

Nil

## 2. CONFIRMATION OF MINUTES

## 2.1 Confirmation of Council Minutes – Ordinary Council Meeting held on 26 October 2020

Moved	Councillor	Lush	Seconded	Councillor	Di Troia	<b>2020/ 381</b>
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**“that the minutes of the Ordinary Council Meeting held on 26 October 2020 (MB Folios 17223 to 17233 inclusive), be accepted as read and confirmed.”**

**CARRIED**

## 2.2 Confirmation of Council Minutes – Adjourned Ordinary Council Meeting held on 29 October 2020

Moved Councillor Keen                      Seconded Councillor Boon                      **2020/ 382**

**“that the minutes of the Adjourned Ordinary Council Meeting held on 29 October 2020 (MB Folios 17234 to 17239 inclusive), be accepted as read and confirmed.”**

**CARRIED**

## 2.3 Confirmation of Council Minutes – Special Council Meeting held on 19 November 2020

Moved Councillor Parker                      Seconded Councillor Daniele                      **2020/ 383**

**“that the minutes of the Special Council Meeting held on 19 November 2020 (MB Folios 17240 to 17243 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 at a Council Meeting held by electronic means during the COVID-19 public health emergency.

## 5. DECLARATION OF MEMBERS' INTEREST

Councillor Maiolo declared a perceived conflict of interest in relation to Item 21.3 - *Agrisano Holdings Pty Ltd – Draft Infrastructure Deed and Land Management Agreement Wasleys Road, Mallala* on the basis that he is a member of the Council Assessment Panel, and indicated his intention to leave the meeting prior to this item being considered.

## 6. ADJOURNED BUSINESS

Nil

## 7. MAYOR'S REPORT

7.1 Reporting Period – Thursday 22 October 2020 to Thursday 19 November 2020

### Thursday 22 October 2020

Meeting – Mayor/Chief Executive Officer/Mallala Lions Club

### Monday 26 October 2020

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

### Tuesday 27 October 2020

Meeting – Mayor/Chief Executive Officer/Executive Management Team

### Wednesday 28 October 2020

Local Government Association of SA – Annual General Meeting Mixer

### Thursday 29 October 2020

Local Government Association of SA – Annual General Meeting  
Ordinary Council Meeting – Reconvened

### Friday 30 October 2020

Port Parham Social Club Dinner – Mayor/CEO

### Monday 2 November 2020

Drought Communities Programme Photographs – Mallala

### Thursday 5 November 2020

Informal Gathering

### Friday 6 November 2020

Meeting – Mayor/Chief Executive Officer – Various Matters

### Monday 9 November 2020

Regional Development Australia Barossa, Gawler, Light and Adelaide Plains Inc. – Annual Meeting

### Tuesday 10 November 2020

Interview – ABC Radio  
Interview – The Advertiser  
Interview – ABC Television

### Wednesday 11 November 2020

Remembrance Day Ceremony, Two Wells  
Meeting – Mayor/Chief Executive Officer – Various Matters

### Thursday 12 November 2020

Informal Gathering

### Friday 13 November 2020

Interview – ABC Radio

### Sunday 15 November 2020

Official Opening, Two Wells Bowling Club

Monday 16 November 2020  
Audit Committee Meeting

Thursday 19 November 2020  
Special Council Meeting

## 8. REQUESTED DOCUMENTS/CORRESPONDENCE TO BE TABLED

Nil

## 9. DEPUTATIONS

- 9.1 Mr Brenton Bell, spokesperson for Mallala and Districts Lions Club, gave a seven (7) minute deputation, including questions from Council Members, in relation to the relocation of the Mallala and Districts Lions Club.

Mayor Wasley sought leave of the meeting to hear the deputation by Mr Gerry Doyle and Mr James Hilditch, spokespersons for Agrisano Holdings Pty Ltd in relation to the Agrisano Land Management Agreement and Infrastructure Agreement, together with Item 21.3 – *Agrisano Holdings Pty Ltd – Draft Infrastructure Deed and Land Management Agreement Wasleys Road, Mallala*. Leave was granted.

## 10. PRESENTATIONS/BRIEFINGS

Nil

## 11. PETITIONS

Nil

## 12. COMMITTEE MEETINGS

- 12.1 Audit Committee Meeting – 16 November 2020  
Councillor Keen disconnected from the meeting at 6.24pm.  
Councillor Keen reconnected to the meeting 6.26pm.

Moved Councillor Parker                      Seconded Councillor Lush                      **2020/ 384**  
**“that Council receives and notes the minutes of the Audit Committee Meeting held 16 November 2020.”**

**CARRIED**

- 12.1 Moved Councillor Di Troia                      Seconded Councillor Parker                      **2020/ 385**  
**“that Council receives and notes the Audited Annual Financial Statements and notes forming part of the Annual Financial Statements for the 2019/2020 Financial Year.”**

**CARRIED**

- 12.1 Moved Councillor Strudwicke Seconded Councillor Parker **2020/ 386**  
**“that Council endorses resolution 2020/049 of the Audit Committee and in doing so formally adopts the Annual Financial Statements for the 2019/2020 Financial Year and authorises the same to be certified on behalf of Council by the Mayor and Chief Executive Officer.”**  
**CARRIED**
- 12.1 Moved Councillor Boon Seconded Councillor Lush **2020/ 387**  
**“that Council endorses resolution 2020/050 of the Audit Committee and in doing so notes that the Audit Committee has authorised the Audit Committee Chairperson to sign the Certification of Auditor Independence.”**  
**CARRIED**
- 12.1 Moved Councillor Strudwicke Seconded Councillor Parker **2020/ 388**  
**“that Council endorses resolution 2020/051 of the Audit Committee and in doing so acknowledges that Council’s Independent Auditor Mr David Papa of Bentleys SA Pty Ltd intends to issue an unqualified opinion in relation to the Financial Statements and the Internal Financial Controls of the Council for the 2019/2020 Financial Year.”**  
**CARRIED**
- 12.1 Moved Councillor Lush Seconded Councillor Boon **2020/ 389**  
**“that Council endorses resolution 2020/052 of the Audit Committee and in doing so acknowledges the progress made to complete the activities identified for the Audit Committee during 2020/2021 Financial Year, to also include resolution 2020/052 of the Audit Committee.”**  
**CARRIED**

### **13. SUBSIDIARY MEETINGS**

Nil

### **14. REPORTS FOR DECISION**

- 14.1 Draft Adelaide Plains Council Strategic Plan 2020-2024  
 Moved Councillor Parker Seconded Councillor Strudwicke **2020/ 390**  
**“that Council, having considered Item 14.1 – *Draft Adelaide Plains Council Strategic Plan 2020-2024*, dated 23 November 2020, receives and notes the report and in doing so acknowledges the extensive community engagement that Council has undertaken to date in relation to the development of its Draft Strategic Plan 2020-2024 and pursuant to section 122(6) of the Local Government Act 1999.”**  
**CARRIED**

- 14.1 Moved Councillor Keen Seconded Councillor Di Troia **2020/ 391**  
**“that Council, having considered Item 14.1 – Draft Adelaide Plains Council Strategic Plan 2020-2024, dated 23 November 2020 instructs the Chief Executive Officer to formally release the Draft Strategic Plan 2020-2024 (as presented at Attachment 1 to this Report) for public consultation from Wednesday 25 November 2020 until 5pm on Tuesday 22 December 2020 (28 days in total) in accordance with the Holmes Dyer engagement and consultation methodology (endorsed by Council on 23 September 2019), subject to any minor formatting or administrative edits as necessary the inclusion of the reference of the Light River and Coastal Settlement inundation under flooding on paragraph two on page 16 of the Draft Strategic Plan 2020-2024.”**  
**CARRIED**
- 14.2 Adelaide Plains Council Representation Review – Draft Representation Options Paper  
 Mr Craig Lowe of C L Rowe & Associates gave a two (2) minute briefing in relation to Item 14.2 – *Adelaide Plains Council Representation Review – Draft Representation Options Paper.*  
 Moved Councillor Daniele Seconded Councillor Strudwicke **2020/ 392**  
**“that Council, having considered Item 14.2 – *Adelaide Plains Council Representation Review – Draft Representation Options Paper*, dated 23 November 2020, receives and notes the report and in doing so endorses the Draft Representation Options Paper (Attachment 1 to this report) to be released for an initial six (6) week public consultation period in accordance with section 12(7) of the *Local Government Act 1999*.”**  
**CARRIED**
- 14.3 Annual Review of Confidential Items  
 Moved Councillor Boon Seconded Councillor Daniele **2020/ 393**  
**“that Council, having considered Item 14.3 – *Annual Review of Confidential Items*, dated 23 November 2020, receives and notes the report and acknowledges that a formal review of Council’s confidential items has been undertaken.”**  
**CARRIED**
- 14.3 Moved Councillor Daniele Seconded Councillor Di Troia **2020/ 394**  
**“that Council, having considered Item 14.3 – *Annual Review of Confidential Items*, dated 23 November 2020, resolves that the Section 91(7) of the *Local Government Act 1999* order made on 27 May 2019 in relation to Item 21.2 – Proposed Lease of Council Land – NBN Radio Network Base Station Update be revoked.”**  
**CARRIED**
- 14.3 Moved Councillor Daniele Seconded Councillor Keen **2020/ 395**  
**“that Council, having considered Item 14.3 – *Annual Review of Confidential Items*, dated 23 November 2020, resolves that the Section 91(7) of the *Local Government Act 1999* order made on 24 June 2019 in relation to Item 21.2 – Proposed Lease of Council Land – NBN Radio Network Base Station Update – June 2019 be revoked.”**  
**CARRIED**

- 14.3 Moved Councillor Lush Seconded Councillor Boon 2020/ 396  
**“that Council, having considered Item 14.3 – Annual Review of Confidential Items, dated 23 November 2020, resolves that the Section 91(7) of the Local Government Act 1999 order made on 22 July 2019 in relation to Item 21.1 – Proposed Lease of Council Land – NBN Radio Network Base Station Update be revoked.”**  
**CARRIED**
- 14.3 Moved Councillor Keen Seconded Councillor Boon 2020/ 397  
**“that Council, having considered Item 14.3 – *Annual Review of Confidential Items*, dated 23 November 2020, resolves that the Section 91(7) of the *Local Government Act 1999* order made on 23 September 2019 in relation to Item 21.1 – Proposed Lease of Council Land – NBN Radio Network Base Station Update – September 2019 be revoked.”**  
**CARRIED**
- 14.3 Moved Councillor Parker Seconded Councillor Lush 2020/ 398  
**“that Council, having considered Item 14.3 – *Annual Review of Confidential Items*, dated 23 November 2020, resolves that the Section 91(7) of the *Local Government Act 1999* order made on 28 October 2019 in relation to Item 21.1 – Mallala Campground Lease Update be revoked.”**  
**CARRIED**
- 14.3 Moved Councillor Daniele Seconded Councillor Strudwicke 2020/ 399  
**“that Council, having considered Item 14.3 – *Annual Review of Confidential Items*, dated 23 November 2020, resolves that:**
1. Pursuant to Section 91(9)(a) of the *Local Government Act 1999*, having reviewed the confidential order made on 27 May 2019 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 Report and Attachment 1 relating to Item 21.1 – Aged Living Review dated 27 May 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 2019/233 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 Moved Councillor Parker Seconded Councillor Lush 2020/ 400  
**“that Council, having considered Item 14.3 – *Annual Review of Confidential Items*, dated 23 November 2020, resolves that:**
1. Pursuant to Section 91(9)(a) of the *Local Government Act 1999*, having reviewed the confidential order made on 4 July 2019 under Sections 90(2) and 90(3)(b) 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 Infrastructure and Environment Committee Item 4.1 – Rubble Supply dated 4 July 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 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 Moved Councillor Keen Seconded Councillor Lush 2020/ 401

"that Council, having considered Item 14.3 – *Annual Review of Confidential Items*, dated 23 November 2020, resolves that:

1. Pursuant to Section 91(9)(a) of the *Local Government Act 1999*, having reviewed the confidential order made on 24 February 2020 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 2 and Attachment 3 relating to Item 21.1 – Tourism and Economic Development Strategy dated 24 February 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 Attachment 1 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

14.4 Regional Public Health and Wellbeing Plan – Section 52 Progress Report

Moved Councillor Boon Seconded Councillor Daniele 2020/ 402

"that Council, having considered Item 14.4 – *Regional Public Health and Wellbeing Plan – Section 52 Progress Report*, dated 23 November 2020, receives and notes the report and in doing so adopts the biennial Regional Public Health and Wellbeing Plan Section 52 Report presented in Attachment 2, and authorises the submission of the report to the Chief Public Health Officer in association with the regional partners, as required by Section 52(1) of the *South Australian Public Health Act 2011*."

CARRIED

14.5 Infrastructure and Environment Committee – Independent Membership

Moved Councillor Keen Seconded Councillor Boon 2020/ 403

"that Council, having considered Item 14.5 – *Infrastructure and Environment Committee – Independent Membership*, dated 23 November 2020, receives and notes the report and in doing so, formally acknowledges, and thanks, Mr John Comrie for his contributions to Council as the Chairperson of the Infrastructure and Environment Committee for the period 2018-2021 and Chairperson of the Audit Committee for the period 2006-2018."

CARRIED

- 14.5 Moved Councillor Lush Seconded Councillor Daniele **2020/ 404**  
**“that Council, having considered Item 14.5 – *Infrastructure and Environment Committee – Independent Membership*, dated 23 November 2020 appoints Mr Richard Dodson as an Independent Member of Council’s Infrastructure and Environment Committee for a duration of two years, from 1 January 2021 until 1 January 2023 (inclusive).”**  
**CARRIED**
- 14.5 Moved Councillor Maiolo Seconded Councillor Daniele **2020/ 405**  
**“that Council, having considered Item 14.5 – *Infrastructure and Environment Committee – Independent Membership*, dated 23 November 2020, instructs the Chief Executive Officer to undertake an Expressions Of Interest process for one (1) vacant independent member position on Council’s Infrastructure and Environment Committee and bring a report back to Council’s Ordinary Council Meeting in January 2021 in order for Council to consider appointing a second independent member to the Committee.”**  
**CARRIED**
- 14.6 Mallala Resource Recovery Centre – Twelve Month Closure Review  
 Moved Councillor Strudwicke Seconded Councillor Parker **2020/ 406**  
**“that Council, having considered Item 14.6 – *Mallala Resource Recovery Centre – Twelve Month Closure Review*, dated 23 November 2020, receives and notes the report and in doing so, instruct the Chief Executive Officer to permanently close the Mallala Resource Recovery Centre, and to continue operating the Two Wells Resource Recovery Centre.”**  
**CARRIED**
- 14.6 Moved Councillor Di Troia Seconded Councillor Strudwicke **2020/ 407**  
**“that Council, having considered Item 14.6 – *Mallala Resource Recovery Centre – Twelve Month Closure Review*, dated 23 November 2020, instructs the Chief Executive Officer to bring back a report to Council exploring future land use/disposal options in relation to the former Mallala Resource Recovery Centre site.”**  
**CARRIED**
- 14.7 2020/2021 – First Budget Update  
 Moved Councillor Daniele Seconded Councillor Maiolo **2020/ 408**  
**“that Council, having considered Item 14.7 – *2020/2021 – First Budget Update*, dated 23 November 2020, receives and notes the report and in doing so;**  
  1. **Receives and note the project progress reports contained in Attachment 1 and 2 to this Report;**
  2. **Pursuant to Regulation 9 (1)(a) of the *Local Government (Financial Management) Regulations 2011*, adopts the revised 2020/2021 Budgeted Financial Statements as contained within Attachment 3 that has been updated following the first budget review changes identified in Table 1 and Table 2: and**

3. Instruct Chief Executive Officer to allocate budget savings from operating and capital projects to other operating and capital projects where necessary earmarked for delivery in 2020/2021 Financial Year.”

**CARRIED**

## 15. REPORTS FOR INFORMATION

### 15.1 Council Resolutions – Status Report

Moved Councillor Boon Seconded Councillor Keen **2020/ 409**

**“that Council, having considered Item 15.1 – *Council Resolutions – Status Report*, dated 23 November 2020, receives and notes the report.”**

**CARRIED**

### 15.2 Infrastructure and Environment Department – Monthly Report – November 2020

Moved Councillor Keen Seconded Councillor Boon **2020/ 410**

**“that Council, having considered Item 15.2 – *Infrastructure and Environment Department – Monthly Report – November 2020*, dated 23 November 2020 receives and notes the report.”**

**CARRIED**

### 15.3 Drought Communities Programme – Monthly Report – November 2020

Moved Councillor Daniele Seconded Councillor Maiolo **2020/ 411**

**“that Council, having considered Item 15.3 – *Drought Communities Programme – Monthly Report – November 2020*, dated 23 November 2020 receives and notes the report.**

**CARRIED**

### 15.4 Planning Reform Update – November 2020

Moved Councillor Di Troia Seconded Councillor Lush **2020/ 412**

**“that Council, having considered Item 15.4 – *Planning Reform Update November 2020*, dated 23 November 2020, receives and notes the report.”**

**CARRIED**

### 15.5 Smoke Free Areas

Moved Councillor Keen Seconded Councillor Boon **2020/ 413**

**“that Council, having considered Item 15.5 – *Smoke Free Areas*, dated 23 November 2020, receives and notes the report and in doing so acknowledges that:**

1. Under the *Tobacco and E-Cigarette Products Act 1997* (the Act) and *Tobacco and E-Cigarette Products Regulations 2019* (the Regulations) the following areas are declared ‘smoke free’:
  - a. Enclosed public areas;
  - b. Outdoor dining areas;
  - c. Workplaces e.g. buildings or any part of a building;

- d. Public transport waiting areas
  - e. Shared areas;
  - f. Playgrounds;
- and require the installation of signage;

2. Having reviewed the Schedule of Relevant Public Areas (presented as Attachment 1 to this Report), all areas that are appropriate to be 'smoke free' are already covered under the Act and Regulations; and
3. There is currently no need to designate additional smoke free areas at this time."

CARRIED

## 15.6 Horse Float Parking – Parham

Moved Councillor Keen                      Seconded Councillor Parker                      **2020/ 414**

**"that Council, having considered Item 15.6 – Horse Float Parking - Parham, dated 23 November 2020, receives and notes the report."**

CARRIED

## 15.7 Two Wells Community Fund Fourth Round Outcomes

Moved Councillor Keen                      Seconded Councillor Boon                      **2020/ 415**

**"that Council, having considered Item 15.7 – Two Wells Community Fund Fourth Round Outcomes, dated 23 November 2020, 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

## 18.1 Rescind Resolution 2020/199 – Wheller Road Land Division

Moved Councillor Maiolo                      Seconded Councillor Panella                      **2020/ 416**

**"that the following Resolution be rescinded:**

***Resolution 2020/199:***

***"that Council, having considered Item 14.9 – Wheller Road Land Division, dated 22 June 2020, receives and notes the report and in doing so:***

1. Instructs the Chief Executive Officer to continue to pursue an Infrastructure Agreement with the applicant to detail the required infrastructure upgrades, being:

- 

23 November 2020

M. H. H. H.

2020/ 417

Councillor Strudwicke raised a Point of Order on the basis that motion 2020/417 did not constitute a formal motion. The Mayor accepted the Point of Order, ruling that motion 2020/417 did not fall within the ambit of a formal motion.

## 18.1 Rescind Resolution 2020/199 – Wheller Road Land Division

2020/ 416

**Resolution 2020/199:**

**LOST**

3. Instructs the Chief Executive Officer to continue to pursue an Infrastructure Agreement with the applicant to detail the required infrastructure upgrades, being:
  - upgrade to the existing portion of Wheller Road - 10m wide pavement with a 7.5m 14/7 two-coat spray seal and drainage swales on both sides of the road;
  - contribution to future upgrade/sealing of Coats Road - 100% contribution to the seal only component for 550m of 7.5m wide, 14/7 two-coat spray seal; and
4. Acknowledges that in the event that both parties are unable to enter into an Infrastructure Agreement for works external to the subject land, the likely recommendation to the Council Assessment Panel regarding the merits of the Development Application will be one for refusal.” ”

The Mayor declared the vote set aside.

Members voting in the Affirmative: Councillors Lush, Maiolo, Daniele, Panella and Di Troia.

Members voting in the Negative: Councillors Strudwicke, Parker, Boon and Keen.

The Mayor declared the motion **CARRIED**

**19. MOTIONS WITHOUT NOTICE**

19.1 Moved Councillor Lush Seconded Councillor Keen **2020/ 418**

**“that the Chief Executive Officer meet with the Mallala and Districts Lions Club and bring back a report outlining options for Council to consider, based on the Lions Club proposal as presented to Council by way of deputation address to the November 2020 Ordinary Meeting, to further expand the campground and all associated issues.”**

**CARRIED**

**20. URGENT BUSINESS**

Nil

**21. CONFIDENTIAL ITEMS**

21.1 Crown Land, Two Wells

Moved Councillor Keen Seconded Councillor Strudwicke **2020/ 419**

**“that:**

- 1. Pursuant to section 90(2) of the Local Government Act 1999, Council orders that all members of the public, except Chief Executive Officer, General Manager – Governance and Executive Office, General Manager – Finance and Business, General Manager – Infrastructure and Environment, Manager Governance and Administration, Administration an Executive Support Officer/Minute Taker and Information Technology Support Officer be excluded from attendance at the meeting of Council for Agenda Item 21.1 – *Crown Land, Two Wells*;**
- 2. Council is satisfied that pursuant to section 90(3)(b) of the Local Government Act 1999, Item 21.1 – *Crown Land, 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 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 Di Troia **2020/ 421**
- “that Council, having considered the matter of Item 21.1 – *Crown Land, Two Wells* 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* 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 Cost Contributions Review Report, Southfront – Request from Gawler River Floodplain Management Authority to Access Confidential Report
- Moved Councillor Keen Seconded Councillor Parker **2020/ 422**
- “that:**
1. Pursuant to section 90(2) of the Local Government Act 1999, Council orders that all members of the public, except Chief Executive Officer, General Manager – Governance and Executive Office, General Manager – Finance and Business, General Manager – Infrastructure and Environment, Manager Governance and Administration, Administration and Executive Support Officer/Minute Taker and Information Technology Support Officer be excluded from attendance at the meeting of Council for Agenda Item 21.2 – *Cost Contributions Review Report, Southfront – Request from Gawler River Floodplain Management Authority to Access Confidential Report*;
  2. Council is satisfied that pursuant to section 90(3)(b) of the Local Government Act 1999, Item 21.2 – *Cost Contributions Review Report, Southfront – Request from Gawler River Floodplain Management Authority to Access Confidential Report* 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 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 Panella Seconded Councillor Keen **2020/ 423**
- “that Council, having considered Item 21.2 – *Cost Contributions Review Report, Southfront – Request from Gawler River Floodplain Management Authority to Access Confidential Report*, dated 23 November 2020, receives and notes the report and in doing so instructs the Chief Executive Officer to write to the Executive Officer of the Gawler River Floodplain Management Authority (GRFMA) and advise that Council will not release the full version of the Cost Contributions Review report, commissioned by Southfront, as to do so would prejudice Council’s commercial position through the release of data and funding models associated with the GRFMA Charter Review, currently underway.”**
- CARRIED UNANIMOUSLY**



21.2 Moved Councillor Lush Seconded Councillor Keen 2020/ 424

**“that Council, having considered the matter of Item 21.2 – *Cost Contributions Review Report, Southfront - Request from Gawler River Floodplain Management Authority to Access Confidential Report* in confidence under sections 90(2) and 90(3)(b) of the *Local Government Act 1999*, resolves that:**

- 1. The report and Attachment 3 pertaining to Item 21.2 – *Cost Contributions Review Report, Southfront - Request from Gawler River Floodplain Management Authority to Access Confidential Report* remain 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**

Deputation – Mr Gerry Doyle and Mr James Hilditch, Spokespersons for Agrisano Holdings Pty Ltd

Moved Councillor Keen Seconded Councillor Parker 2020/ 425

**“that:**

- 1. Pursuant to section 90(2) of the *Local Government Act 1999*, Council orders that all members of the public, except Chief Executive Officer, General Manager – Governance and Executive Office, General Manager – Finance and Business, General Manager – Infrastructure and Environment, Manager Governance and Administration, Administration and Executive Support Officer/Minute Taker, Information Technology Officer, Gerry Doyle – Spokesperson for Agrisano Holdings Pty Ltd and James Hilditch – Hilditch Lawyers be excluded from attendance at the meeting of Council for the deputation by Mr Gerry Doyle and Mr James Hilditch, spokespersons for Agrisano Holdings Pty Ltd in relation to the Agrisano Land Management Agreement and Infrastructure Agreement;**
- 2. Council is satisfied that pursuant to section 90(3)(i) of the *Local Government Act 1999*, Item the deputation by Mr Gerry Doyle and Mr James Hilditch concerns information that relates to actual and ongoing litigation, being appeal proceedings currently on foot, the disclosure of which would be contrary to the public interest on the basis that disclosure may prejudice the Council’s and the Appellant’s case;**
- 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 Maiolo, having declared a perceived conflict of interest on the basis that he is a member of the Council Assessment Panel, disconnected from the meeting at 8.46pm and did not return.

Mr Gerry Doyle and Mr James Hilditch, spokespersons for Agrisano Holdings Pty Ltd, gave a 12 minute deputation, including questions from Council Members, in relation to the Agrisano Land Management Agreement and Infrastructure Agreement.



It being 8.58pm, 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 Parker Seconded Councillor Lush **2020/ 426**

**“that the meeting be extended for 30 minutes.”**

**CARRIED**

21.3 Agrisano Holdings Pty Ltd – Draft Infrastructure Deed and Land Management Agreement Wasleys Road, Mallala

Moved Councillor Parker Seconded Councillor Lush **2020/ 427**

**“that:**

1. Pursuant to section 90(2) of the Local Government Act 1999, Council orders that all members of the public, except Chief Executive Officer, General Manager – Governance and Executive Office, General Manager – Finance and Business, General Manager – Infrastructure and Environment, Manager Governance and Administration, Administration and Executive Support Officer/Minute Taker and Information Technology Support Officer be excluded from attendance at the meeting of Council for Agenda Item 21.3 – *Agrisano Holdings Pty Ltd – Draft Infrastructure Deed and Land Management Agreement Wasleys Road, Mallala*;
2. Council is satisfied that pursuant to section 90(3)(i) of the Local Government Act 1999, Item 21.3 – *Agrisano Holdings Pty Ltd – Draft Infrastructure Deed and Land Management Agreement Wasleys Road, Mallala* concerns information that relates to actual and ongoing litigation, being appeal proceedings currently on foot, the disclosure of which would be contrary to the public interest on the basis that disclosure may prejudice the Council's and the Appellant's case;
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**

21.3 Moved Councillor Panella Seconded Councillor Strudwicke **2020/ 428**

**“that Council, having considered Item 21.3 – *Agrisano Holdings Pty Ltd – Draft Infrastructure Deed and Land Management Agreement*, dated 23 November 2020, receives and notes the report and in doing so instructs the Mayor and Chief Executive Officer, pursuant to sections 38 and 44 of the Local Government Act 1999 to execute under common seal the Land Management Agreement between (Attachment A) JOHN MAXWELL HOWARD MARSHMAN of 364 Carrington Street, Adelaide South Australia 5000 (“the Owner Lot 1”), HUMMOCK HILL PTY. LTD. (ACN: 007 906 176) of Level 1, 104 Frome Street, Adelaide South Australia 5000 (“the Owner Lot 2”), AGRISANO HOLDINGS PTY LTD (ACN: 630 271 788) of Level 7, 420 King William Street, Adelaide South Australia 5000 (“the Developer”) and ADELAIDE PLAINS COUNCIL of 2a Wasleys Road, Mallala South Australia 5502 (“the Council”) by affixing the common seal of Council in accordance with section 38 of the Local Government Act 1999.”**

**CARRIED**

- 21.3 Moved Councillor Panella Seconded Councillor Parker **2020/ 429**
- “that Council instructs the Mayor and Chief Executive Officer, pursuant to sections 38 and 44 of the Local Government Act 1999 to execute under common seal the Infrastructure Agreement between Agrisano Holdings Pty Ltd and Adelaide Plains Council (Attachment B) by affixing the common seal of Council in accordance with section 38 of the Local Government Act 1999.”**
- CARRIED**

- 21.3 Moved Councillor Panella Seconded Councillor Di Troia **2020/ 430**
- “that Council, having considered the matter of Item 21.3 – *Agrisano Holdings Pty Ltd – Draft Infrastructure Deed and Land Management Agreement Wasleys Road, Mallala* in confidence under sections 90(2) and 90(3)(i) of the Local Government Act 1999, resolves that:**
- 1. The report, Attachment 1 and Attachment 2 pertaining to Item 21.3 – *Agrisano Holdings Pty Ltd – Draft Infrastructure Deed and Land Management Agreement Wasleys Road, Mallala* remain confidential and not available for public inspection until such time as the appeal proceedings are finalised with the exception of providing a copy of the finalised Attachment 1 and Attachment 2 to Agrisano Pty Ltd and Ms Christine Musolino (the other parties to the appeal);**
  - 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**

There being no further business, the Mayor declared the meeting closed at 9.18pm.

Confirmed as a true record.



Mayor: .....

Date: 14 December 2020