

MINUTES

of

Special Council Meeting



**Adelaide
Plains
Council**

Pursuant to the provisions of Section 83 (2) of the
Local Government Act 1999

HELD IN

**Council Chambers
Old Port Wakefield Road,
Two Wells**

on

Monday, 26 February 2018 at 6:00pm

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

1. ATTENDANCE RECORD

1.1 Present:

Mayor A J (Tony) Flaherty OAM JP
 Councillor Eddie Stubing (from 6:11pm)
 Councillor P D (Joe) Daniele
 Councillor Marcus (S M) Strudwicke
 Councillor Stephen Jones
 Councillor Terry-Anne Keen
 Councillor Carmine Di Troia
 Councillor Margherita Panella

Also in Attendance:

Chief Executive Officer	Mr James Miller
General Manager, Development and Community	Mr Robert Veitch
General Manager, Finance and Economic Development	Mr Rajith Udugampola
Governance Support Officer	Mr Rob Adam
Principal – Norman Waterhouse Lawyers	Mr Peter Psaltis
Minute Secretary	Ms Andrea Post

1.2 Apologies:

Councillor Melville Lawrence

1.3 Not Present / Leave of Absence:

Councillor Karen McColl – Leave of Absence

2. ITEMS FOR DECISION

2.1 Adjourned Item - Proposed Lease of Council Land – NBN Radio Network Base Station

Moved Councillor Jones Seconded Councillor Keen **2018/ 073**

At this juncture, 6:11pm, Councillor Stubing entered the meeting.

Councillor Jones raised a Point of Order without drawing attention to an alleged breach of the Act or Regulations in relation to meeting procedures.

The Mayor did not make a ruling.

Councillor Strudwicke raised a Point of Order on the basis that the debate was closed.

The Mayor did not make a ruling.

Councillor Strudwicke raised a Point of Order on the basis that the debate was closed.

The Mayor accepted the Point of Order.

“that Council, having considered Item 2.1 – *Proposed Lease of Council Land – NBN Radio Network Base Station*, dated 26 February 2018, receives and notes the report and in doing so instructs the Chief Executive Officer (or delegate) to formally advise the Thompson Beach Progress Association (TBPA) Inc that Council provides in principle support to the notion of allocating the Association the proposed annual rental income of \$7,500 payable by NBN Co Ltd, subject to:-

- 1. Further liaison with the TBPA to amend their current lease agreement to remove the area required for NBN Co Ltd for the erection of a radio network base station; and**
- 2. Negotiations continuing between Council and NBN Co Ltd to finalise the terms and conditions of the proposed lease agreement as per Council Resolution 2017/283.”**

CARRIED

Councillor Jones called for a division:

The Mayor declared the vote set aside.

Members voting in the affirmative: Councillors Stubing, Panella, Jones, Daniele, Keen and Di Troia.

Members voting in the negative: Councillor Strudwicke.

The Mayor declared the motion CARRIED

2.2 Endorsement to use Council Logo – Northern Plains Food Festival

Councillor Keen declared an interest in item 2.2 – *Endorsement to use Council Logo – Northern Plains Food Festival*, as she is currently a member of the committee, although not in any executive position.

Moved Councillor Keen

Seconded Councillor Jones

2018/ 074

“that Council, having considered Item 2.2 – *Endorsement to use Council Logo – Northern Plains Food Festival*, dated 26 February 2018, receives and notes the report and in consideration of Council’s donation as per resolution 2017/296 and subsequent desire from the organisers of the event:-

- 1. Endorses the use of the Adelaide Plains Council corporate logo on promotional material for the Northern Plains Food Festival, and instructs the Chief Executive Officer (or delegate) to provide an electronic copy of the logo to the event organiser; and**

2. Endorses the listing of Adelaide Plains Council as a 'Silver Sponsor' on promotional material."

CARRIED

3. CONFIDENTIAL ITEMS

3.1 Crown Land – Old Port Wakefield Road, Two Wells

Moved Councillor Strudwicke Seconded Councillor Panella 2018/ 075

"that:-

- a) under the provisions of Section 90(2) of the *Local Government Act 1999*, an order be made that the public with the exception of Chief Executive Officer, General Manager – Development and Community, General Manager – Finance and Economic Development, Governance Support Officer, Mr Peter Psaltis - Principal, Norman Waterhouse Lawyers, and Minute Taker be excluded from attendance at the meeting of the Council in order to consider in confidence Item 3.1 – *Crown Land – Old Port Wakefield Road, Two Wells*;
- b) the Council is satisfied that it is necessary that the public be excluded to enable the Council to consider the report at the meeting:-
 - on the grounds provided by Section 90(3)(h), legal advice;

Accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential."

CARRIED

The Presiding Member sought and was granted leave of the meeting to suspend Part 2 of the *Local Government (Procedures at Meetings) Regulations 2013*, for a period of time sufficient to facilitate discussions relating to Item 3.1 – *Crown Land – Old Port Wakefield Road, Two Wells*. The meeting was suspended at 6:55pm.

The meeting resumed at 7:18pm.

3.1 Moved Councillor Keen Seconded Councillor Stubing 2018/ 076

"that Council, having considered Item 3.1– *Crown Land – Old Port Wakefield Road, Two Wells*, dated 26 February 2018, receives and notes the report and in doing so:-

1. Instructs the Chief Executive Officer (or delegate) to continue to liaise with State Government, post the 2018 State election, with a view of seeking endorsement/support to fast track the unlocking of Crown Land in Two Wells to facilitate retail development; and
2. Instructs the Chief Executive Officer (or delegate) to continue to liaise with Renewal SA and with a view of seeking endorsement/support to fast track the unlocking of Crown Land in Two Wells to facilitate retail development."

CARRIED

Councillor Daniele called for a division:

The Mayor declared the vote set aside.

Members voting in the affirmative: Councillors Strudwicke, Di Troia, Keen, Stubing, Panella and Jones.

Members voting in the negative: Councillor Daniele.

The Mayor declared the motion CARRIED

3.1 Moved Councillor Strudwicke Seconded Councillor Stubing 2018/ 077

“that Council, having considered Item 3.1– *Crown Land – Old Port Wakefield Road, Two Wells*, dated 26 February 2018, instructs the Chief Executive Officer (or delegate) to:-

1. Communicate in writing to interested third parties advising that Council will take a transparent and fair approach with all such parties as this will promote probity; and
2. Seek further detail from interested third parties about the specific landholdings required, size of landholdings required, intended uses and intended approximate price per square metre. The Council can then better consider the level of commercial interest that exists.”

CARRIED

3.1 Moved Councillor Strudwicke Seconded Councillor Stubing 2018/ 078

“that Council, having considered Item 3.1– *Crown Land – Old Port Wakefield Road, Two Wells*, dated 26 February 2018, request that a confidential workshop be scheduled to provide Council Members with an education of the Two Wells Master Plan and that the workshop also include a focus of the implications of working with Renewal SA in fast tracking the unlocking of Crown Land at Two Wells.”

CARRIED

3.1 Moved Councillor Keen Seconded Councillor Di Troia 2018/ 079

“that:-

in accordance with Section 91(7) and Section 91(9) of the *Local Government Act 1999* and on the grounds that Item 3.1 – *Crown Land – Old Port Wakefield Road, Two Wells* for the Special meeting of the Council held on 26 February 2018, was discussed and considered in confidence pursuant to Section 90(3)(h) of the *Local Government Act 1999*, this meeting of the Council, does order that:

- (a) the agenda item, report and annexures and any other associated information submitted to this meeting and the minutes of this meeting in relation to the matter remain confidential and not available for public inspection until further order of Council;
- (b) the confidentiality of the matter be reviewed once in each 12 months; and

- (c) the Chief Executive Officer be delegated the authority to review and revoke all or part of the order herein pursuant to Section 91(9)(c) of the *Local Government Act 1999*.”

CARRIED

3.2 Junction Australia Ltd – Lease Agreement

Moved Councillor Stubing Seconded Councillor Di Troia 2018/ 080

“that:-

- a) under the provisions of Section 90(2) of the *Local Government Act 1999*, an order be made that the public with the exception of Chief Executive Officer, General Manager – Development and Community, General Manager – Finance and Economic Development, Governance Support Officer and Minute Taker be excluded from attendance at the meeting of the Council in order to consider in confidence Item 3.2 – *Junction Australia Ltd – Lease Agreement*;
- b) the Council is satisfied that it is necessary that the public be excluded to enable the Council to consider the report at the meeting:-
- on the grounds provided by Section 90(3)(a) and (d),
 - (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
 - (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which-
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (ii) would, on balance, be contrary to the public interest;

Accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.”

CARRIED

3.2 Moved Councillor Keen Seconded Councillor Strudwicke 2018/ 081

“that Council, having considered Item 3.2 – *Junction Australia Ltd – Lease Agreement*, 26 February 2018, receives and notes the report.”

CARRIED

3.2 Moved Councillor Keen Seconded Councillor Stubing 2018/ 082
“that:-

in accordance with Section 91(7) and Section 91(9) of the *Local Government Act 1999* and on the grounds that Item 3.2 – *Junction Australia Ltd – Lease Agreement* for the Special meeting of the Council held on 26 February 2018, was discussed and considered in confidence pursuant to Section 90(3)(a) and (d) of the *Local Government Act 1999*, this meeting of the Council, does order that:

- (a) the agenda item, report and annexures and any other associated information submitted to this meeting and the minutes of this meeting in relation to the matter remain confidential and not available for public inspection until further order of Council;
- (b) the confidentiality of the matter be reviewed once in each 12 months; and
- (c) the Chief Executive Officer be delegated the authority to review and revoke all or part of the order herein pursuant to Section 91(9)(c) of the *Local Government Act 1999*.”

CARRIED

There being no further business, the Mayor declared the meeting closed at 7:59pm.

Confirmed as a true record.

Mayor: 

Date: 19/3/18.

