

MINUTES

OF THE COUNCIL MEETING OF THE CITY OF TEA TREE GULLY HELD ON TUESDAY 11 OCTOBER 2022 AT 7.01PM IN THE COUNCIL CHAMBERS, 571 MONTAGUE ROAD, MODBURY

1. Opening Prayer and Welcome

The Mayor read the Opening Prayer and Acknowledgement of Country Statement.

2. Attendance Record:

2.1 Present

His Worship Mayor K Knight, Crs B Rankine, B Keane, J Lintvelt, L Jones, R Unger, D Wyld, L Petrie, R Coleman, P Field, S Keane and K Foreman.

2.2 Apologies

Nil

2.3 Leave of Absence

Nil

2.4 Record of Officers in Physical Attendance onsite

Mr R McMahon	Chief Executive Officer
Mr J Robbins	General Manager Strategy & Finance
Ms S Blackwell	General Manager Corporate Services
Mrs F Birch	General Manager City Operations
Mr M Pereira	General Manager Community Services
Ms I Cooper	Manager Governance and Policy
Mrs M Marks	Governance & Risk Administration Officer
Miss K Barnes	Governance Administration Officer
Ms V Masterman	Team Leader Planning Strategy
Mr A Kelly	Group Coordinator, Civil & Buildings Projects
Mr G D'Aloia	Manager Civil Assets
Mr J Foong	Group Coordinator, Water Waste & Environment
Mr S Reid	Strategic Projects Manager
Ms R Gagetti	Property & Projects Facilitator
Mr G Salmon	Strategic Project & Stakeholder Manager
Mr T Amato	Acting Manager Customer & Communications
Ms P Hewett	Senior Events Officer

Ms Michaela Keirl

Events Officer

Record of Officers in Attendance via Electronic Means (audio-visual link)

Nil

2.5 Record of Number of Persons in the Public Gallery – Physical Attendance

3 Attendees

2.6 Record of Media in Physical Attendance

Nil

3. Confirmation of Minutes to the Previous Meeting

Moved Cr Wyld, Seconded Cr S Keane

That the Minutes of the Council Meeting held on 27 September 2022 be confirmed as a true and accurate record of proceedings.

Carried Unanimously (1342)

4. Public Forum - Nil

5. Deputations - Nil

6. Presentations

6.1 Presentation - Capital Works Update (D22/176475)

During the presentation, Cr Field entered the Public Gallery at 7.41pm and re-entered the meeting at 7.41pm.

The following staff provided progress updates on Council's capital works projects:

- Mr Justin Robbins, General Manager Strategy & Finance
- Mr Adam Kelly, Group Coordinator Civil Buildings & Projects
- Mr Jonathan Foong, Group Coordinator Water Waste & Environment,
- Mr Gabby D'Aloia, Manager Civil Assets
- Mr Scott Reid, Strategic Projects Manager and Mr Greg Salmon, Strategic Project & Stakeholder Manager .

Mayor Knight introduced the new General Managers of Council:

- Mr Justin Robbins, General Manager Strategy & Finance
- Ms Shelley Blackwell, General Manager Corporate Services
- Mrs Felicity Birch, General Manager City Operations
- Mr Michael Pereira, General Manager Community Services

6.2 Presentation - Major Events Program for 2022/23 (D22/176492)

During the presentation, Cr B Keane left the meeting at 8.03pm.

Mr Tony Amato, Acting Manager Customer & Communications provided an overview of the Major Events Program for 2022/23.

7. Petitions - Nil

8. Declaration of Conflicts of Interests - Nil

9. Adjourned Business – Nil

10. Motions Lying on the Table - Nil

11. Committee Reports

Service Review Committee - Nil

Audit Committee

11.1 Recommendations from the Audit Committee Meeting held on 28 September 2022

11.1 Draft Annual Report for the Financial Year ending 30 June 2022 (D22/174660)

During the moving of motion, Cr B Keane re-entered the meeting at 8.10pm.

Moved Cr Field, Seconded Cr Unger

That the draft Annual Report for the financial year ending 30 June 2022 as outlined in Attachment 1 to the report titled “Draft Annual Report for financial year ending 30 June 2022” and dated 28 September 2022 be adopted, noting that the final report may be refined by Council staff to incorporate minor changes.

Carried Unanimously (1343)

Governance and Policy Committee - Nil

CEO Performance and Remuneration Review Committee - Nil

Traffic Management Safety Committee - Nil

12. Management Reports

Office of the Chief Executive Officer

12.1 Partial Rescission - Land Management Agreement - Lot 903 the Golden Way - SA Power Networks and ER Fitch Pty Ltd (D22/176349)

Moved Cr Foreman, Seconded Cr S Keane

That pursuant to Section 38 of the Local Government Act 1999, the Mayor and the Chief Executive Officer be authorised to execute under Council Seal the “Deed of Partial Rescission of Land Management Agreement” referred to as Attachment 2 to the Report titled “Partial Rescission – Land Management Agreement – Lot 903 The Golden Way – SA Power Networks and ER Fitch Pty Ltd” and dated 11 October 2022.

Carried Unanimously (1344)

City Operations - Nil

Corporate Services - Nil

Community Services - Nil

Strategy & Finance – Nil

13. Notice(s) of Motions - Nil

14. Motions without Notice - Nil

15. Questions on Notice - Nil

16. Questions without Notice - Nil

17. Mayor's Report - Nil

18. Council Delegates and Activities Report

18.1 Cr Coleman - Delegates Report – Parafield Airport Consultative Committee

Council received the delegates report from Cr Coleman.

19. Information Reports

The following Information reports were received at the meeting:

19.1 Supporting Small Business 2021-2023 (D22/174618)

19.2 SA Ombudsman Annual Report 2021-22 (D22/178347)

19.3 Notice of Intention to Acquire - Right of Way - Lot 904 The Grove Way, CT6223/239 - Golden Grove Park N Ride Facility, The Grove Way, Golden Grove (D22/178844)

19.4 Notices of Acquisition - Portions of Lot 905 and Lot 1001 The Grove Way - Park N Ride Facility, Golden Grove (D22/178855)

20. Status Report on Resolutions

20.1 Status Report on Council Resolutions (D22/178337)

Council received the Status Report on Council Resolutions

21. Other Business

22. Section 90(2) Local Government Act 1999 – Confidential Items

22.1. Ooh Media Bus Shelter Agreement (D22/178803)

Recommendation for Moving into Camera

Moved Cr Field, Seconded Cr Coleman

1. *That pursuant to Section 90(2) of the Local Government Act 1999, the Council orders that the public (except staff on duty) be excluded from the meeting to enable discussion on the Ooh Media Bus Shelter Agreement.*
2. *That the Council is satisfied that pursuant to section 90(3)(b)(i), (b)(ii), (d)(i) and (d)(ii) of the Local Government Act 1999, the information to be received, discussed or considered in relation to this item is:*
 - *information 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; AND*
 - *information the disclosure of which would, on balance, be contrary to the public interest; AND*
 - *on the basis that the public release of this information would have the potential to impact the capacity for Council to negotiate the best value for money for Council and the Community.*
 - *commercial information of a confidential nature (not being a trade secret) the disclosure of which 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*
- *the disclosure of which would, on balance, be contrary to the public interest*
 - *It relates to information the disclosure of which could reasonably be expected to confer a commercial advantage to a person with who the third party is conducting or proposing to conduct business with as the report contains information relating to costs.*
3. *In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in the public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances on the basis that the need to keep this information confidential as release could jeopardise the commercial position of Council or the third party.*

Carried Unanimously (1345)

The following staff members on duty remained at the meeting for the following item:

Mr R McMahon, Ms I Cooper, Mrs M Marks, Ms K Barnes, Mr G D'Aloia, Ms S Blackwell, Mr J Robbins, Mr M Pereira and Mrs F Birch.

22.1 Ooh Media Bus Shelter Agreement (D22/178803)

Moved Cr Field, Seconded Cr Petrie

That having considered the report titled "Ooh Media Bus Shelter Agreement" dated 11 October 2022, Council authorises the Chief Executive Officer enter into an agreement with Ooh Media for a further period of five years for bus shelters that display advertising at a rate of \$1,600 per annum for each bus stop shelter with the final commercial terms and conditions to be negotiated by the Chief Executive Officer.

Carried Unanimously (1346)

Retention of confidential documents:

Moved Cr S Keane, Seconded Cr Field

1. That having considered the agenda item titled “Ooh Media Bus Shelter Agreement” and dated 11 October 2022 in confidence under section 90(2) & (3) (b)(i), (b)(ii), (d)(i) and (d)(ii) and Section 91(7) of the Local Government Act 1999:
 - information 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; AND
 - information the disclosure of which would, on balance, be contrary to the public interest; AND
 - commercial information of a confidential nature (not being a trade secret) the disclosure of which 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
 - the disclosure of which would, on balance, be contrary to the public interest

the Council pursuant to section 91(7) of the Act orders that the report, attachments and minutes relevant to this item be retained in confidence until awarding of the contract has been signed by all relevant parties.
2. That Council gives the power pursuant to Section 91 of the Local Government Act 1999 to the Chief Executive Officer to revoke the order made under Section 91 (7) of the Local Government Act 1999 subject to the Chief Executive Officer consulting with the Mayor and reporting to the Elected Members of the revocation.

Carried Unanimously (1347)

22.2. Third Party Provisional Report - 2022/00900 (D22/179466)

Recommendation for Moving into Camera

Moved Cr Field, Seconded Cr S Keane

1. *That pursuant to Section 90(2) of the Local Government Act 1999, the Council orders that the public (except staff on duty) be excluded from the meeting to enable discussion on the Third Party Provisional Report - 2022/00900.*

2. *That the Council is satisfied that pursuant to section 90(3)(j) (i) and (j)(ii) of the Local Government Act 1999, the information to be received, discussed or considered in relation to this item is:*
 - *information the disclosure of which would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Council, or a person engaged by the Council); AND information the disclosure of which would, on balance, be contrary to the public interest .*
 - *on the basis that a third party agency has directed Council for this information to not be publicly released.*
3. *In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in the public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances on the basis that members of the public are not to be included in matters involving third party agencies where this information has been requested to remain in confidence.*

Carried Unanimously (1348)

The following staff members on duty remained at the meeting for the following item:

Mr R McMahon, Ms I Cooper, Mrs M Marks, Ms K Barnes, Ms S Blackwell, Mr J Robbins, Mr M Pereira, Mrs F Birch.

22.2 Third Party Provisional Report - 2022/00900 (D22/179466)

Confidential Page Removed

The Confidential Resolution No 1348 has been withdrawn from the public minute record in accordance with Resolution No 1349.

Retention of confidential documents:

Moved Cr Lintvelt, Seconded Cr Foreman

1. That having considered the agenda item titled “ Third Party Provisional Report - 2022/00900” and dated 11 October 2022 in confidence under section 90(2) & (3) (j)(i) and (j)(ii) and Section 91(7) of the Local Government Act 1999:
 - information the disclosure of which would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Council, or a person engaged by the Council); AND
 - information the disclosure of which would, on balance, be contrary to the public interest

the Council pursuant to section 91(7) of the Act orders that the report, attachments and minutes relevant to this item be retained in confidence until a further order of the Council.
2. That Council gives the power pursuant to Section 91 of the Local Government Act 1999 to the Chief Executive Officer to revoke the order made under Section 91 (7) of the Local Government Act 1999 subject to the Chief Executive Officer consulting with the Deputy Mayor and reporting to the Elected Members of the revocation.

Carried Unanimously (1350)

23. Date of Next Ordinary Meeting

25 October 2022

The Deputy Mayor declared the meeting closed at 9.09pm.

Confirmed.....
Mayor 25 October 2022