

**MINUTES OF THE COUNCIL MEETING OF THE CITY OF TEA TREE GULLY
HELD ON TUESDAY 14 JUNE 2022 AT 7.00PM
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 J Moyle	Chief Executive Officer
Mr R McMahon	Director Organisation Services & Excellence
Mrs C Neil	Director Community & Cultural Development
Mr T Harfield	Director Assets & Environment
Ms I Cooper	Manager Governance and Policy
Mrs D Taglierini	Governance Advisor
Mrs F Birch	Manager Recreation & Leisure Services
Ms C Oborn	Recreation Planning & Facility Coordinator
Mr J Robbins	Manager Finance & Rating Services
Mrs R Baines	Team Leader Financial Accounting
Mr G Salmon	Strategic Project & Stakeholder Manager
Mrs I Wilkshire	Manager City Strategy
Mrs V Masterman	Team Leader Planning Strategy
Mrs R Gagetti	Projects & Property Facilitator
Mr A Edityanto	Urban and Landscape Planner (Design)
Mr J Foong	Group Coordinator, Water Waste & Environment

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

Mr R McMahon Director Organisation Services & Excellence

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

27 Attendees

2.6 Record of Media in Physical Attendance

Nil

Adjournment of Meeting at 7.02pm

Moved Cr Petrie, Seconded Cr Foreman

That the meeting be adjourned to allow for the Special Meeting of Council’s Audit Committee to occur.

Carried (1228)

The Council meeting resumed at 8.14pm.

3. Confirmation of Minutes to the Previous Meeting

Moved Cr S Keane, Seconded Cr Coleman

That the Minutes of the Council Meeting held on 24 May 2022 be confirmed as a true and accurate record of proceedings.

Carried Unanimously (1229)

4. Public Forum

Ms Tammy Page spoke in relation to the management report titled “2022 State Election Commitments – Grant Funding Opportunities”.

5. Deputations

5.1 Deputation - Luke Harris - Leda Court, Modbury Heights - Parking conditions (D22/41299)

Mr Luke Harris presented a deputation in relation to a Petition lodged regarding traffic management along Leda Court, Modbury Heights in reference to the Traffic Safety Review for the area.

5.2 Deputation - Shaun Evans - Facility Upgrades - Golden Grove Central Districts Baseball Club (D22/44078)

Mr Shaun Evans provided a deputation in relation to proposed facility upgrades to the Golden Grove Central Districts Baseball Club and a related grant approval matter for the same project.

6. Presentations - Nil

7. Petitions

7.1 Petition - Leda Court, Modbury Heights - Modbury Heights Traffic Safety Review - Parking conditions (D22/40453)

Council received the petition.

8. Declaration of Conflicts of Interests

Cr Wyld indicated that he would declare a conflict of interest in the management report titled “2022 State Election Commitments – Grant Funding Opportunities”.

Cr Foreman indicated that she would declare a conflict of interest in the management report titled “Memorial Oval, Tea Tree Gully – Dogs On/Off Leash Trial Update”.

9. Adjourned Business - Nil

10. Motions Lying on the Table - Nil

11. Committee Reports

Service Review Committee - Nil

Audit Committee

11.1 Community Wastewater Management System (CWMS) Final Prudential Report

Pursuant to sections 73 & 74 of the Local Government Act 1999, Crs Jones and Lintvelt declared a material conflict of interest in relation to this matter on the basis that they have a Community Wastewater Management System (CWMS) connection on their properties. Crs Jones and Lintvelt left the meeting and its close vicinity at 8.43pm while the matter was being discussed and voted on.

Moved Cr Field, Seconded Cr Unger

That Council, having considered the Audit Committee report titled “Community Wastewater Management System (CWMS) Final Prudential Report” including its various attachments and dated 14 June 2022 resolves to:

1. Receive the Updated CWMS Prudential Report as detailed in Attachment 4 “Prudential Report - Sustainable Sewers Program Final Report June 2022” of the abovementioned report and acknowledges that it has been provided with sufficient information to satisfy the requirements of Section 48 of the Local Government Act 1999 and Council’s Prudential Management Policy.
2. Authorise Council’s Chief Executive Officer to continue with negotiations with SA Water to finalise and sign the “Asset Transfer Agreement” in accordance with Attachment 7 of the abovementioned report, noting that the Council acknowledges that in signing the Asset Transfer Agreement, included in Attachment 7, the Chief Executive Officer will extinguish the Transition Management Agreement between SA Water and Council dated 11 February 2022 included in Attachment 6 of this report.
3. Request Council’s Chief Executive Officer to write to the Premier of South Australia and to the Minister for Environment and Water to thank them their commitment to ensuring that Council’s CWMS system is transferred to SA Water from 1 July 2022.
4. Authorise Council’s Chief Executive Officer to extinguish and make redundant the Community Wastewater Management System (CWMS) easements from 1 July 2022 as the system is decommissioned.

Carried Unanimously (1230)

Crs Jones and Lintvelt were not present for the vote.

Crs Jones and Lintvelt re-entered the meeting at 9.05pm.

Governance and Policy Committee - Nil

CEO Performance and Remuneration Review Committee - Nil

Traffic Management Safety Committee - Nil

The Mayor sought leave of the meeting to bring forward the management report titled “2022 State Election Commitments – Grant Funding Opportunities”. Leave was granted.

12. Management Reports

12.1 2022 State Election Commitments - Grant Funding Opportunities (D22/42434)

Modbury Sporting Club, Ridgehaven

Moved Cr Wyld, Seconded Cr Petrie

That Council:

1. Authorises Council’s Chief Executive Officer to sign the grant funding agreement related to Council receiving a grant from the Office for Recreation, Sport and Racing for the sum of \$2,500,000 towards the Modbury Sporting Club clubroom development as set out in Attachment 5 of the report titled “2022 State Election Commitments - Grant Funding Opportunities” and dated 14 June 2022.
2. Approves Council’s financial contribution to the Clubroom redevelopment to reduce to \$1,125,000, with \$30,000 already reflected in the 2021-22 Capital Works Budget and the balance of \$1,095,000 to be reflected in the final 2022-23 Annual Business Plan & Capital Works Program.

Carried Unanimously (1231)

Pursuant to sections 75 & 75A of the Local Government Act 1999, Cr Wyld declared an actual conflict of interest in relation to the matter on the basis of his personal obligation to comply with the Development Assessment Panel's Member's Code of Conduct, which arises by virtue under the Planning, Development and Infrastructure Act 2016. Participation in this item would be at odds with his obligations under that code. Cr Wyld left the meeting and its close vicinity at 9.12pm while the matters was discussed and voted on.

Golden Grove Central Districts Baseball Club

Moved Cr Unger, Seconded Cr Lintvelt

That Council:

1. Authorises Council's Chief Executive Officer to sign the grant funding agreement related to Council receiving a grant from the Office for Recreation, Sport and Racing for the sum of \$180,000 towards the construction of an Indoor Training Facility at Illyarrie Reserve, Surrey Downs as set out in Attachment 1 of the report titled "2022 State Election Commitments - Grant Funding Opportunities" and dated 14 June 2022.
2. Approves a sum of \$180,000 representing Council's contribution to the project, be allocated in the 2023-24 financial year capital works program.
3. Authorises Council's Chief Executive Officer to obtain a financial contribution (sum yet to be determined) from the Golden Grove Central Districts Baseball Club towards the facility development.
4. Provides a letter of support to the Golden Grove Central Districts Baseball Club confirming that Council is prepared to be guarantor for a loan up to a maximum of \$50,000 for the project listed in the abovementioned report, if required, on any terms determined by Council's Chief Executive Officer after assessment of the Golden Grove Central Districts Baseball Clubs financial position.
5. Authorises Council's Chief Executive Officer to sign any required documentation for any guarantee against a loan of up to \$50,000 for Golden Grove Central Districts Baseball Club.
6. That a site assessment be undertaken prior to the construction of the indoor training facility, to assess the feasibility of other facility improvements for Illyarrie Reserve, Surrey Downs (i.e. potential new clubroom building, expansion of the top baseball diamond and the placement of the proposed indoor training facility along with any requirements for Community Engagement and development approvals etc.), and a report be returned to Council no later than December 2022.

Carried Unanimously (1232)

Cr Wyld was not present for the vote.

Hope Valley Sporting Club

Moved Cr Field, Seconded Cr Coleman

That Council:

1. Authorises Council's Chief Executive Officer to sign the grant funding agreement related to Council receiving a grant from the Office for Recreation, Sport and Racing for the sum of \$1,200,000 towards the clubroom deck extension, new storage sheds, renewed cricket training facilities, interchange benches, spectator shade and seating and a children's play area at the Hope Valley Sporting Club, Hope Valley as set out in Attachment 2 of the report titled "2022 State Election Commitments - Grant Funding Opportunities" and dated 14 June 2022.
2. Notes that this grant offer does not require any financial contribution from Council but prior to any works commencing Council be provided with a schedule of works with budget estimates relating to this grant along with any needs for community engagement or development approvals etc.

Carried Unanimously (1233)

Cr Wyld was not present for the vote.

Tea Tree Gully Gymsports

Moved Cr Jones, Seconded Cr Lintvelt

That Council:

1. Authorises Council's Chief Executive Officer to sign the grant funding agreement related to Council receiving a grant from the Office for Recreation, Sport and Racing for the sum of \$3,500,000 towards the construction of a new club building and associated site infrastructure at the Banksia Park Sports Area, Banksia Park as set out in Attachment 3 of the report titled "2022 State Election Commitments - Grant Funding Opportunities" and dated 14 June 2022.
2. Approves a sum of \$3,500,000, representing Council's contribution to the project, be allocated across the 2023-24 and 2024-25 capital works programs.

3. Authorises Council's Chief Executive Officer to obtain an initial financial contribution of \$200,000 from Tea Tree Gully Gymsports towards the facility development, representing the difference between the project estimates and the grant offer plus Council's matched financial commitment.
4. Provides a letter of support to Tea Tree Gully Gymsports confirming that Council is prepared to be guarantor for a loan up to a maximum of \$200k for the project listed in the abovementioned report, if required, on any terms determined by Council's Chief Executive Officer after assessment of the Tea Tree Gully Gymsports financial position.
5. Authorises Council's Chief Executive Officer to sign any required documentation for any guarantee against a loan of up to \$200,000 for Tea Tree Gully Gymsports.

Carried Unanimously (1234)

Cr Wyld was not present for the vote.

Tea Tree Gully Tennis Club

Moved Cr Jones, Seconded Cr Lintvelt

That Council:

1. Authorises Council's Chief Executive Officer to sign the grant funding agreement related to Council receiving a grant from the Office for Recreation, Sport and Racing for the sum of \$2,750,000 towards the construction of a new clubroom and associated site infrastructure at the Banksia Park Sports Area, Banksia Park as set out in Attachment 4 of the report titled "2022 State Election Commitments - Grant Funding Opportunities" and dated 14 June 2022.
2. Approves a sum of \$2,750,000, representing Council's contribution to the project, be allocated across the 2023-24 and 2024-25 capital works programs.
3. Authorises Council's Chief Executive Officer to obtain a financial contribution of \$100,000 from Tea Tree Gully Tennis Club towards the facility development.
4. Provides a letter of support to Tea Tree Gully Tennis Club confirming that Council is prepared to be guarantor for a loan up to \$100,000 for the project listed in the abovementioned report, if required, on any terms determined

by Council's Chief Executive Officer after assessment of the Tea Tree Gully Tennis Club's financial position.

5. Authorises Council's Chief Executive Officer to sign any required documentation for any guarantee against a loan of up to \$100,000 for Tea Tree Gully Tennis Club.

Carried Unanimously (1235)

Cr Wyld was not present for the vote.

Tea Tree Gully District Football and District Cricket Clubs

Moved Cr Lintvelt, Seconded Cr Jones

That Council:

1. Authorises Council's Chief Executive Officer to sign the grant funding agreement related to Council receiving a grant from the Office for Recreation, Sport and Racing for the sum of \$150,000 to develop a master plan for the Tea Tree Gully District Football Club and the Tea Tree Gully District Cricket Club at the Banksia Park Sports Area, Banksia Park as set out in Attachment 6 of the report titled "2022 State Election Commitments - Grant Funding Opportunities" and dated 14 June 2022.
2. Requests the draft Master Plan be returned to Council no later than April 2023 and noting this grant offer does not require any financial contribution from Council.

Carried Unanimously (1236)

Cr Wyld was not present for the vote.

Tilley Recreation Park Master Plan

Moved Cr Jones, Seconded Cr Lintvelt

That Council:

1. In noting that it is yet to formally receive a grant offer relating to a grant from the Office for Recreation, Sport and Racing for the sum of \$4,750,000 towards the implementation of the Tilley Recreation Park Master Plan as detailed in the report titled "2022 State Election Commitments - Grant Funding Opportunities" and dated 14 June 2022, authorises Council's Chief Executive Officer to accept the grant funding agreement, once received.

2. Approves a sum of \$3,250,000 representing Council's total contribution to the delivery of the Tilley Recreation Park Master Plan project, to be allocated in the 2021-22, 2022-23 and 2023-24 financial years capital works programs.

Carried Unanimously (1237)

Cr Wyld was not present for the vote.

Cr Wyld re-entered the meeting at 9.35pm.

Draft Annual Business Plan for 2022-23 variations

Moved Cr Field, Seconded Cr Unger

That having considered the report titled "2022 State Election Commitments - Grant Funding Opportunities" and dated 14 June 2022, Council instructs the Chief Executive Officer to amend the draft Annual Business Plan & Capital Works Program for 2022-23 to include the Capital Expenditure and Capital Revenue associated with each project as set out in the financial section of the abovementioned report and in accordance with the related resolutions from the Council meeting dated 14 June 2022.

Carried Unanimously (1238)

Office of the Chief Executive Officer

12.2 Maxlay Reserve Open Space Upgrades - Concept Plan (D22/42421)

During the debate, Cr Jones left the meeting at 10.02pm and re-entered the meeting at 10.05pm.

Moved Cr S Keane, Seconded Cr Foreman

1. That Council having considered the report titled "Maxlay Reserve Open Space Upgrades – Concept Plan" and dated 14 June 2022, endorses the amended concept plan for Maxlay Reserve as detailed in Attachment 2 and includes the updated plan in the Modbury Heights Precinct Plan 2016-2026 provided in Attachment 1 and this plan is to form the basis of the relevant Community Land Management Plan for Maxlay Reserve.
2. That Council endorses an amendment to the Playground Guide which was endorsed by Council at its meeting on 14 December 2021, to include the provision of a local level playground at Maxlay Reserve to be developed in the future at an unspecified time.

3. That staff explore opportunities for external funding to assist with the delivery of the various upgrades as proposed in the amended concept plans for Maxlay Reserve and request that an allocation of \$75,000 for the preparation of detailed designs for the site (including further site investigations) be considered during the 2022-23 budget reviews should savings be identified during the year.

Leave of the meeting was sought with the consent of the mover and seconder to vary dot point 3 of the motion to remove all wording after Maxlay Reserve. Leave was granted.

Motion as varied

1. That Council having considered the report titled “Maxlay Reserve Open Space Upgrades – Concept Plan” and dated 14 June 2022, endorses the amended concept plan for Maxlay Reserve as detailed in Attachment 2 and includes the updated plan in the Modbury Heights Precinct Plan 2016-2026 provided in Attachment 1 and this plan is to form the basis of the relevant Community Land Management Plan for Maxlay Reserve.
2. That Council endorses an amendment to the Playground Guide which was endorsed by Council at its meeting on 14 December 2021, to include the provision of a local level playground at Maxlay Reserve to be developed in the future at an unspecified time.
3. That staff explore opportunities for external funding to assist with the delivery of the various upgrades as proposed in the amended concept plans for Maxlay Reserve.

Formal Motion - Adjournment of Item

Moved Cr Unger, Seconded Cr Lintvelt

That the item be adjourned until the next ordinary meeting of Council to allow for questions about playgrounds to be answered by relevant staff.

Carried (1239)

Assets & Environment - Nil

Organisational Services & Excellence

12.3 Community Engagement Outcomes Report - Draft Annual Business Plan 2022-2023 (D22/39722)

Moved Cr Wyld, Seconded Cr Field

1. That Council notes the Community Engagement Outcomes Report in relation to the Draft Annual Business Plan 2022-2023 detailed in Attachment 1 of the report entitled “Community Engagement Outcomes Report - Draft Annual Business Plan 2022-2023” and dated 14 June 2022.
2. That Council instructs the Chief Executive Officer of Council to prepare the final Annual Business Plan and associated required financial reports for 2022-2023 for adoption consideration at the Special Meeting of Council to be held on 5 July 2022 based on the draft Annual Business Plan 2022-2023 as included in Attachment 2 noting that it will be updated to include the most recent financial estimates based on the third quarter budget review for financial year ending 30 June 2022, detailed changes listed under “2.2.1 Changes of financial estimates for 30 June 2023 and 2.2.2 Other changes” as detailed in the report entitled “Draft Annual Business Plan 2022-2023 - Community Engagement Outcomes Report” and dated 14 June 2022 and any relevant resolutions of this meeting subject to:
 - Amending the financial revenue estimates to ensure a 2.7% general rate increase excluding growth, rather than the originally proposed 3.0% rate increase excluding growth
 - Removal of the project named “Sport Field Floodlighting –To Be Determined TBA- \$374k”.
3. That Council authorises the Chief Executive Officer of Council to sign the Local Roads and Community Infrastructure Grant Agreement for Phase Three for the capital works detailed in Table Three of the report entitled “Community Engagement Outcomes Report - Draft Annual Business Plan 2022-2023” and dated 14 June 2022.

Carried Unanimously (1240)

Community & Cultural Development

12.4 Memorial Oval, Tea Tree Gully - Dogs On/Off Leash Trial Update (D22/39785)

Pursuant to sections 75 & 75A of the Local Government Act 1999, Cr Foreman declared an actual conflict of interest in relation to the matter on the basis that she is employed by the Minister for Education and Member for Wright who is referred to in the report and recommendation. Cr Foreman left the meeting and its close vicinity at 10.36pm while the matter was discussed and voted on.

During the debate, Cr Field left the meeting at 10.41pm and re-entered the meeting at 10.42pm.

Moved Cr Jones, Seconded Cr Lintvelt

1. That Council having considered the report titled “Memorial Oval, Tea Tree Gully – Dogs on/off leash trial update” and dated 14 June 2022, supports an extension of the trial period of dogs on or off leash on Memorial Oval, Tea Tree Gully subject to the existing trial conditions remaining in place, and including:
 - a. The extension of the trial period be from the conclusion of the current trial period of 30 June 2022 through to 23 December 2022.
 - b. All other conditions remain the same as per the decision of Council in the report titled “Memorial Oval, Tea Tree Gully – Dogs on/off leash and associated Licence Agreement” and dated 14 December 2021
 - c. Subject to the approval of the Minister for Education.
2. The Council requests the Chief Executive Officer to write to the Minister for Education, with a copy to be provided to the Tea Tree Gully Primary School Principal and Kathleen Mellor Preschool Kindergarten Director to confirm the extended trial period and associated conditions seeking the Minister’s formal approval of the extended trial as a variation to the current licence agreement.
3. That the Chief Executive Officer be requested to bring a report back to Council at the December 2022 Council meeting and prior to the conclusion of the extended trial period that reports on the outcomes of the trial and any recommended future proposal of dogs being permitted on and/or off leash at Memorial Oval, Tea Tree Gully.

Carried Unanimously (1241)

Cr Foreman was not present for the vote.

Cr Foreman re-entered the meeting at 10.49pm.

13. Notice(s) of Motions

13.1 Rescission Motion - Unsolicited Proposal - Rafnix Pty Ltd (Supashock) - 13 and 21-27 Valiant Road, Holden Hill (D22/42148)

Moved Cr Unger, Seconded Cr Field

Rescission Motion

That having considered resolution 1190 from the Council meeting held on 12 April 2022, Council rescinds the resolution:

“That Council resolves to:

- a. Provide “in principle” support to proceed with the potential lease of Allotment 16 in D9917 in Certificate of Title 5274/794 and Allotment 22 in D9918 in Certificate of Title 5274/798 of O-Bahn Linear Park South located at 13 and 21-27 Valiant Road, Holden Hill, as identified in Attachment 1 of the report titled “Unsolicited Proposal – Council Reserve – 13 and 21-27 Valiant Road, Holden Hill,” and dated 12 April 2022, pending the outcome of negotiations with Rafnix Pty Ltd.*
- b. Authorise the Chief Executive Officer to enter into a Deed of Undertaking with Rafnix Pty Ltd for the recovery of Council’s costs associated with the Community Land Management Plan amendment and drafting of a lease agreement for the land identified in Attachment 1 of the report titled “Unsolicited Proposal – Council Reserve – 13 and 21-27 Valiant Road, Holden Hill,” and dated 12 April 2022.*
- c. Authorise the Chief Executive Officer to prepare a lease agreement for the portion of O-Bahn Linear Park South identified in Attachment 1 of the report titled “Unsolicited Proposal – Council Reserve – 13 and 21-27 Valiant Road, Holden Hill,” and dated 12 April 2022, having negotiated the proposed terms with Rafnix Pty Ltd, and to present the draft agreement for Council’s further consideration.*
- d. Request the Chief Executive Officer to prepare a Community Engagement Strategy for the statutory consultation required under sections 198 and 202 of the Local Government Act 1999 for the amendment to the Community Land Management Plan and long-term lease of the land identified in Attachment 1 of the report titled “Unsolicited Proposal – Council Reserve – 13 and 21-27 Valiant Road, Holden Hill,” and dated 12 April 2022, and to present the strategy to Council for further consideration.*

- e. *Request the CEO to consult with SA Water regarding their requirements prior to a Community Engagement Strategy being presented to Council for consideration.*”

Carried Unanimously (1242)

New Motion

Moved Cr Unger, Seconded Cr Field

That Council:

1. Proceeds with Community Engagement for:
 - a. the potential disposal and
 - b. potential short term lease or a permit under Council’s Local Government Land By-Law No. 3 of Allotment 16 in D9917 in Certificate of Title 5274/794 and Allotment 22 in D9918 in Certificate of Title 5274/798 of O-Bahn Linear Park South located at 13 and 21-27 Valiant Road, Holden Hill, as identified in Attachment 1 of the report titled “Unsolicited Proposal – Council Reserve – 13 and 21-27 Valiant Road, Holden Hill,” and dated 12 April 2022, and
 - c. a variation to amend the Community Land Management Plan for Holden Hill as set out in Attachment 4 of this Notice of Motion entitled “Rescission Motion - Unsolicited Proposal - Rafnix Pty Ltd (Supashock) - 13 and 21-27 Valiant Road, Holden Hill” and dated 14 June 2022.
 - d. Subject to the Community Engagement strategy being varied to reflect a direct mail out area being contained to a maximum radius of 300m but retained to the area south of Grand Junction Road and east of North East Road

2. Authorises Council’s Chief Executive Officer to enter into a Deed of Undertaking with Rafnix Pty Ltd (Supashock) for the recovery of Council’s costs associated with the disposal of the land and the drafting of a lease agreement or permit (if required) for the land identified in Attachment 1 of the report titled “Unsolicited Proposal – Council Reserve – 13 and 21-27 Valiant Road, Holden Hill” and dated 12 April 2022.

3. Adopts the Community Engagement Strategy for the statutory consultation required under sections 194, 198 and 202 of the Local Government Act 1999 for the potential disposal of the land, amendments to the Community Land Management Plan and short term lease of the land or a Permit under Council’s Local Government Land By-Law No 3 as identified in Attachment 1 of the report titled “Unsolicited Proposal – Council Reserve – 13 and 21-27 Valiant Road, Holden Hill,” and dated 12 April 2022. The proposed Community Engagement Strategy is attached as Attachment 3 to the Notice of Motion titled “Rescission Motion - Unsolicited Proposal - Rafnix Pty Ltd

(Supashock) - 13 and 21-27 Valiant Road, Holden Hill” and dated 14 June 2022.

4. Notes that Council’s CEO has commenced consultation with SA Water regarding their requirements for access over their easement on the land.
5. Accepts that should this land transfer proceed after Community Engagement, the agreed value for the land and lease will be as provided by an independent valuation obtained by Council.
6. Requests the carpark plan as per Attachment 1 of this Notice of Motion titled “Rescission Motion - Unsolicited Proposal - Rafnix Pty Ltd (Supashock) - 13 and 21-27 Valiant Road, Holden Hill” dated 4 June 2022 be amended to the satisfaction of Council’s Chief Executive Officer, prior to being released for Community Engagement, to incorporate further landscape and Water Sensitivity Urban Design elements.

Carried Unanimously (1243)

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 Stormwater Management Authority - Nomination by the City of Tea Tree Gully (D22/40782)

19.2 Information on the Community Wellbeing Survey 2022 (D22/41397)

19.3 Joint Use Animal Pound - Pooraka Pound - Update on Joint Use Agreement and Progress of Project (D22/41821)

19.4 Overview of Recent Rainfall Events (D22/42812)

Cr Field left the meeting at 11.01pm and re-entered the meeting at 11.02pm.

20. Status Report on Resolutions

20.1 Status Report on Council Resolutions (D22/38748)

Council received the Status Report on Council Resolutions

21. Other Business - Nil

Pursuant to sections 73 & 74 of the Local Government Act 1999, Mayor Knight declared a material conflict of interest in relation to the matter on the basis that he may be involved in the matter. He dealt with the matter in a transparent and accountable way by leaving the meeting and its close vicinity for the remainder of the meeting. Mayor Knight left the meeting at 11.03pm.

Deputy Mayor Jones took the chair as Presiding Member at 11.04pm.

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

22.1. Correspondence from Ombudsman - Complaint relating to the Investigation Process for Third Party Referrals - 2021/06170 (D22/43795)

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 Correspondence from Ombudsman - Complaint relating to the Investigation Process for Third Party Referrals - 2021/06170.
2. That the Council is satisfied that pursuant to section 90(3)(j)(i) and (j)(ii) of the Act, the information 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.
 - o 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 to matters involving third party agencies where this information has been requested to remain in confidence.

Carried Unanimously (1244)

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

Mr J Moyle, Mr R McMahon, Mrs C Neil, Mr T Harfield, Ms I Cooper and Mrs D Taglierini.

22.1 Correspondence from Ombudsman - Complaint relating to the Investigation Process for Third Party Referrals - 2021/06170 (D22/43795)

Moved Cr S Keane, Seconded Cr Petrie

That having considered the report titled “Correspondence from Ombudsman - Complaint relating to the Investigation Process for Third Party Referrals” and dated 14 June 2022, Council:

Ombudsman correspondence

1. Notes the complaint made by Mayor Knight to the Ombudsman (ref: 2021/06170) whereby Mayor Knight raised concerns about external investigations undertaken by Norman Waterhouse Lawyers, concerning the Mayor’s alleged breaches of the Code of Conduct for Council Members.
2. Notes the outcome of the Ombudsman’s assessment of this complaint that it is not in the public interest to undertake an investigation, on the basis that it could not be reasonably be concluded that:
 - a. Ms D’Agostino and Norman Waterhouse were affected by a conflict of interest or bias, or could reasonably be perceived to be so affected, in their conduct of the investigations
 - b. the Council has ignored these concerns
 - c. Ms D’Agostino and Norman Waterhouse’s findings, and the council’s subsequent conclusions, were not sound because of the evidence that each relied upon.

Review of confidential orders

3. Having reviewed confidential order (resolution no. 577) from the Council meeting on 25 August 2020 titled “Third Party Referral Considerations”, resolves for the section 91(7) order be revoked in part to enable minutes number 573, 574 and 576 to be released from confidence.
4. That the Chief Executive Officer (or their nominated delegate) write to the Independent Commissioner Against Corruption, seeking authorisation to release the then Commissioner’s letter to Council dated 18 August 2020, which would enable further Council consideration of the full revocation of section 91(7) order (for resolution no. 577), to also include the release of the report and attachments.

Carried Unanimously (1245)

Retention of confidential documents:

Moved Cr S Keane, Seconded Cr Field

That having considered the agenda item titled “Correspondence from Ombudsman - Complaint relating to the Investigation Process for Third Party Referrals - 2021/06170” and dated 14 June 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 and attachment relevant to this item be retained in confidence until further order of the Council and that this order be reviewed every 12 months at a minimum (if the confidentiality period is longer than 12 months in duration) or until the Council resolves otherwise, whichever occurs first.

Carried Unanimously (1246)

23. Date of Next Ordinary Meeting

28 June 2022

The Presiding Member declared the meeting closed at 11.18pm.

Confirmed.....
Mayor 28 June 2022