

MINUTES OF THE COUNCIL MEETING OF THE CITY OF TEA TREE GULLY HELD ON TUESDAY 18 JANUARY 2022 AT 7.00PM VIA ELECTRONIC MEANS

1. Opening Prayer and Welcome

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

The Mayor welcomed Cr Foreman to Council. Cr Foreman made a brief personal statement.

The Mayor recognised the recent passing of former Mayor, Mr Bill Brassington on 31 December 2021.

2. Attendance Record:

2.1 Present (audio-visual link)

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

2.2 Apologies

Nil

2.3 Leave of Absence

Nil

2.4 Record of Officers in Physical Attendance onsite

Nil

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

Mr J Moyle	Chief Executive Officer
Mrs C Neil	Director Community & Cultural Development
Mr T Harfield	Director Assets & Environment
Ms I Cooper	Manager Governance and Policy
Miss M Lay	Governance & Risk Administration Officer
Ms J Short	Manager Organisation Development
Ms I Wilkshire	Manager City Strategy
Mr J Robbins	Manager Finance & Rating Operations

Mr A Kelly	Group Coordinator Civil & Buildings Projects
Mr M Zunic	Buildings Project Manager
Mr J Foong	Group Coordinator Waste Water & Environment
Mr J Herd	Environmental Sustainability Coordinator
Ms F Birch	Manager Recreation & Leisure Services
Ms L Watson	Community Safety Leader

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

2 Attendees

2.6 Record of Media in Physical Attendance

Nil

3. Confirmation of Minutes to the Previous Meeting

Moved Cr S Keane, Seconded Cr Field

That the Minutes of the Council Meeting held on 14 December 2021 be confirmed as a true and accurate record of proceedings.

Carried Unanimously (1081)

4. Mayor's Report - Nil

5. Public Forum

Matthew Else, Vice Chairman of the Tea Tree Gully Soccer Club spoke in relation to the management report titled 'External Grant Funding Offers'.

6. Deputations - Nil

The Mayor reported to the Council his decision to refuse to allow a deputation from Mr Emmanouel Pishas regarding St Agnes Fuel and Recycling on the basis of legal proceedings currently before the Environment Development Court at Council's request.

7. Presentations - Nil

8. Petitions - Nil

9. Declaration of Conflicts of Interests

Mayor Kevin Knight declared a conflict of interest in relation to the management report titled 'Review of Confidential Orders – January 2022'.

Cr Savvas declared a conflict of interest in relation to the management report titled 'External Grant Funding Offers'.

Cr Foreman declared a conflict of interest in relation to the management report titled 'Supplementary Election Corflutes'.

Crs B Keane and S Keane declared a conflict of interest in relation to the management report titled 'Review of Confidential Orders – January 2022'.

10. Adjourned Business - Nil

11. Motions Lying on the Table - Nil

12. Committee Reports

Service Review Committee - Nil

Audit Committee - Nil

Governance and Policy Committee

12.1 Recommendations from Governance and Policy Committee

Code of Practice for Meeting Procedures (D21/86915)

Moved Cr Wyld, Seconded Cr Petrie

That the "Code of Practice for Meeting Procedures" as reviewed by the Governance and Policy Committee on 15 December 2021 be adopted as amended and that any corresponding changes be reflected in the Petitions Management Policy.

Carried Unanimously (1082)

Code of Practice - Access to Council and Committee Meetings and Documents (D21/86938)

Moved Cr Wyld, Seconded Cr Petrie

That the “Code of Practice - Access to Council and Committee Meetings and Documents” as reviewed by the Governance and Policy Committee on 15 December 2021 be adopted.

Carried Unanimously (1083)

Internal Review of Council Decisions Policy (D21/90688)

Moved Cr Wyld, Seconded Cr Field

That the “Internal Review of Council Decisions Policy” as reviewed by the Governance and Policy Committee on 15 December 2021 be adopted.

Carried Unanimously (1084)

Register of Interests Policy (D21/103119)

Moved Cr Wyld, Seconded Cr Field

That the “Register of Interests Policy” as reviewed by the Governance and Policy Committee on 15 December 2021 be adopted.

Carried Unanimously (1085)

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 ‘External Grant Funding Offers’. Leave was granted.

13. Management Reports

Organisational Services & Excellence

13.1 External Grant Funding Offers (D22/2019)

Pursuant to sections 75 & 75A of the Local Government Act 1999, Cr Savvas declared an actual conflict of interest in relation to the matter on the basis that the South Australian Branch of the Australian Labor Party has announced funding commitments in relation to some of these projects, and Cr Savvas has been pre-selected as the Labor Candidate for the seat of Newland. Cr Savvas dealt with this matter in a transparent and accountable way by leaving the meeting while the matter was discussed and voted on. Cr Savvas left the meeting at 7.27pm.

Tea Tree Gully City Soccer Club, Surrey Downs

Moved Cr Jones, Seconded Cr Lintvelt

That Council:

1. Authorises Council's Chief Executive Officer to notify the Tea Tree Gully City Soccer Club that Council supports its acceptance of the grant offer for \$1.5m as set out in Attachment 2 of the report titled "External Grant Funding Offers" and dated 18 January 2022.
2. Approves a sum of \$1.795m, representing Council's contribution to the project, be allocated across three financial years, 2021/22, 2022/23 and 2023/24 and this allocation for be addressed in Council's Quarter 2 budget review for the financial year 2021/22 and in considering future years' budgets.
3. Requests the Tea Tree Gully City Soccer Club to transfer the grant sum of \$1.5m to the City of Tea Tree Gully for the purpose of Council project managing the work on Council owned property.
4. Requests a payment of \$50k from the Tea Tree Gully City Soccer Club as a financial contribution towards the clubroom and changeroom project works.
5. Provides a letter of support to the Tea Tree Gully City Soccer Club confirming that Council is prepared to be guarantor for a loan up to \$50k for this project, if required, on any terms determined by the Chief Executive Officer after assessment of the Tea Tree Gully City Soccer Club's financial position.

6. Authorises Council's Chief Executive Officer to sign any required documentation for any guarantee for Tea Tree Gully City Soccer Club against a loan of up to \$50k.

Carried (1086)

Cr Savvas was not present for the vote.

Modbury Sporting Club, Ridgehaven

Moved Cr Wyld, Seconded Cr Petrie

That Council:

1. Authorises Council's Chief Executive Officer to sign or otherwise authorise the signing of a grant funding agreement related to Council receiving a grant from the Office for Recreation, Sport and Racing for the sum of \$1.5m towards the Modbury Sporting Club, Ridgehaven facility and lighting upgrade as set out in Attachment 1 of the report titled "External Grant Funding Offers" and dated 18 January 2022.
2. Approves a sum of \$3.617m, representing Council's contribution to the project, be allocated across three financial years, 2021/22, 2022/23 and 2023/24 and this allocation for be addressed in Council's Quarter 2 budget review for the financial year 2021/22 and in considering future years' budgets.
3. That Council requests a payment of \$50,000 (excluding GST) from the Modbury Sporting Club as a financial contribution towards the lighting upgrade.

Carried (1087)

Cr Savvas was not present for the vote.

South Australian Districts Netball Association and Golden Grove Tennis Club, Golden Grove

Moved Cr B Keane, Seconded Cr Rankine

That Council:

1. Authorises Council's Chief Executive Officer to sign or otherwise authorise the signing of the grant funding agreement related to Council receiving a grant from the Office for Recreation, Sport and Racing for the sum of \$375k towards the South Australian Districts Netball Association and Golden

Grove Tennis Club, Golden Grove sports floodlighting upgrades as set out in Attachment 1 of the report titled “External Grant Funding Offers” and dated 18 January 2022.

2. Approves a sum of a sum of \$375k, representing Council’s 50% contribution to the project, be allocated across the two financial years, 2021/22 and 2022/23 and this allocation be addressed in Council’s Quarter 2 budget review for the financial year 2021/22 and in considering next year’s budget.
3. Requests a financial contribution (amount to be determined) from the South Australia District Netball Association and Golden Grove Tennis Club towards the sports floodlighting upgrades.
4. Authorises Council’s Chief Executive Officer to provide a letter of support to the South Australia District Netball Association and Golden Grove Tennis Club, confirming that Council is prepared to be guarantor for a loan, if required, on any terms determined by the Chief Executive Officer after assessment of the Association’s and Club’s financial positions.
5. Authorises Council’s Chief Executive Officer to sign any required documentation for any guarantee against a loan for the South Australia District Netball Association and Golden Grove Tennis Club.

Carried Unanimously (1088)

Cr Savvas was not present for the vote.

Moved Cr Unger, Seconded Cr Coleman

Greener Neighbourhoods Grants Program

1. That Council authorises Council’s Chief Executive Officer to sign the grant funding agreements related to Council receiving grants from the Office of the Minister for Environment and Water for the sum of \$200k towards the Golden Grove Road Stage 2 - Revegetation and Beautification, and \$200k towards the CWMS Transition Revegetation Project as set out in Attachment 3 of the report titled “External Grant Funding Offers” and dated 18 January 2022 and this allocation be addressed in Council’s Quarter 2 budget review for the financial year 2021/22 and in considering future years’ budget.

Other Grant Opportunities

2. That Council authorises Council's Chief Executive Officer to apply for any other grant funding opportunities to support the delivery of the projects identified within this report, "External Grant Funding Offers" and dated 18 January 2022 to offset Council's contributions.

Carried Unanimously (1089)

Cr Savvas was not present for the vote.

Cr Savvas re-entered the meeting at 8.26pm.

Office of the Chief Executive Officer

13.2 Notice of Intent to Acquire Council Land - Portion of Allotment (Reserve) 1001, The Grove Way, Golden Grove - Golden Grove Park N Ride Facility (D22/440)

Moved Cr S Keane, Seconded Cr Foreman

1. That Council acknowledges receipt of the "Notice of Intent to Acquire Land" pursuant to Section 10 of the Land Acquisition Act 1969 from the Commissioner of Highways for the Golden Grove Park N Ride facility as outlined in Attachment 1 of the Report titled "Notice of Intent to Acquire Council Land – Portion of Allotment (Reserve) 1001, The Grove Way, Golden Grove – Golden Grove Park N Ride facility" dated 18 January 2022 for the land parcel identified as portion of Allotment (Reserve) 1001 in Deposited Plan 115188 comprised in Certificate of Title 6197 Folio 460 and raises no objection to the proposal.
2. That Council authorises the Mayor and Chief Executive Officer to sign and seal the "Deed Granting Possession of the Land" once it is received by Council on the condition that it is consistent with the proposed acquisition as detailed in the Notice of Intent for portion of Allotment (Reserve) 1001 in Deposited Plan 115188 comprised in Certificate of Title 6187 Folio 460.
3. The Council resolves to not seek monetary compensation for the acquisition of the land set out in Attachment 1 of the Report titled "Notice of Intent to Acquire Council – Portion of Allotment (Reserve) 1001, The Grove Way, Golden Grove – Golden Grove Park N Ride facility" and dated 18 January 2022 as part of Council's further contribution to the Park N Ride project.

4. That Council resolves to amend the Golden Grove Pt 3 Community Land Management Plan to reflect the property boundary change resulting from the land acquisition, once the acquisition has been finalised and to incorporate balance of Allotment (Reserve) 1001, DP 115188, The Grove Way, Golden Grove in the Community Land Management Plan.
5. That Council authorises the amendment of the Golden Grove and Arts Centre (Hockey Ground) Community Land Management Plan to reflect the property boundary change resulting from the land acquisition affecting Allotment (Reserve) 1002, DP 115188, The Grove Way, Golden Grove, once the acquisition has been finalised.

Carried Unanimously (1090)

Assets & Environment

13.3 Proposal to undertake community engagement for the development of two (2) new toilets on the River Torrens Linear Park (D21/106791)

Moved Cr Field, Seconded Cr Coleman

That having considered the report entitled “Proposal to undertake community engagement for the development of two (2) new toilets on the River Torrens Linear Park” and dated 18 January 2022, Council;

1. Endorses community engagement as per the Community Engagement Strategy as set out in Attachment 2 of the abovementioned report.
2. Requests a report on the outcomes of the community engagement to be presented to a future Council meeting.

Carried Unanimously (1091)

13.4 Stormwater Infrastructure Management Planning and Associated Works (D21/108552)

Moved Cr Field, Seconded Cr Petrie

That having considered the report titled “Stormwater Infrastructure Management Planning and Associated Works” and dated 18 January 2022:

1. Council notes the challenges relating to the strategic management of stormwater in light of climate change and urban densification.

2. Council supports the preparation of a Dry Creek Catchment Stormwater Management Plan (DCCSMP) and an allocation of \$150,000 to substantially commence the DCCSMP when considering the draft Annual Business Plan for 2022-2023 and another \$150,000 to complete the DCCSMP when considering the draft Annual Business Plan 2023-2024.
3. That Council supports the preparation of an Integrated Water Cycle Management Plan (IWCMP) and an allocation of \$150,000 to commence the IWCMP when considering the draft Annual Business Plan for 2023-2024 and another \$100,000 to complete the IWCMP when considering the draft Annual Business Plan for 2024-2025.
4. That Council authorises the Chief Executive Officer to submit grant applications to the Stormwater Management Authority to assist with the development of Catchment Stormwater Management Plans for Dry Creek, Cobbler Creek and River Torrens.
5. That Council supports the principle of hydraulic assessments of Council's stormwater systems for the Dry Creek, Cobbler Creek and River Torrens Catchments and the installation of equipment necessary which includes flow monitors and rain gauges and the allocation of \$80,000 when considering the draft Annual Business Plan for 2022-2023 and a further \$160,000 when considering the draft Annual Business Plans for 2023-2024 and 2024-2025 to complete the hydraulic assessment works.
6. That Council supports the principle of having an ongoing Creek Rehabilitation Program and the allocation of \$200,000 each year when considering the draft Annual Business Plans from 2022-2023 to 2026-2027.

Carried Unanimously (1092)

13.5 Adoption of Green Adelaide's Best Practice Operating Procedure for Water Affecting Activities (D21/108555)

Moved Cr Field, Seconded Cr S Keane

That having considered the report titled "Adoption of Green Adelaide's Best Practice Operating Procedure for Water Affecting Activities" and dated 18 January 2022, that Council:

1. Adopts the Green Adelaide's Best Practice Operating Procedure for Water Affecting Activities

2. Having adopted the Green Adelaide's Best Practice Operating Procedure for Water Affecting Activities, requests Council's Chief Executive Officer to write to Green Adelaide informing them of Council's decision on this matter
3. Authorises Council's Chief Executive Officer to amend the Dry Creek Biodiversity Plan 2021 and any other similar Council endorsed Plan or Policy to reflect this adopted level of work practices for water affecting activities.

Carried Unanimously (1093)

Organisational Services & Excellence

13.6 Variations to Delegations Register - Various Updates to Legislation - Review of Delegations Framework (D21/86780)

Moved Cr Field, Seconded Cr Foreman

That Council makes the following amendments to its Delegations Register:

1. Delegations made under Local Government Act 1999

That Council endorses the following variations to Council's delegations made to Council employees in accordance with section 44(1) of the Local Government Act 1999:

1.1 – Delegations made to Council Employees

In exercise of the power contained in section 44 of the *Local Government Act 1999* the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Attachment 1-8 of the report titled "Variation to Delegations Register – Various Updates to Legislation – Review of Delegations Framework" are hereby delegated this day, 18 January 2022, to the persons occupying the positions of Chief Executive Officer, Director Assets & Environment, Director Organisational Services & Excellence, Director Community & Cultural Development (or person(s) 'acting' in the above mentioned positions) except where otherwise indicated in the Attachment, subject to the conditions and/or limitations specified herein or in the Schedule of Conditions in each proposed Instrument of Delegation:

- Electricity (Principles of Vegetation Clearance) Regulations 2021 (Attachment 1)
- Environment Protection Regulations 2009 (Attachment 2)
- Fire and Emergency Services Act 2005 (Attachment 3)

- Independent Commission Against Corruption Act 2012 (Attachment 4)
- Local Government (General) Regulations 2013 (Attachment 5)
- Local Government Act 1999 (Attachment 6)
- Ombudsman Act 1972 (Attachment 7)
- South Australia Public Health (Legionella) Regulations 2013 (Attachment 8)

Such powers and functions may be further delegated by the persons occupying the positions of Chief Executive Officer, Director Assets & Environment, Director Organisational Services & Excellence, Director Community & Cultural Development (or person(s) 'acting' in the above mentioned positions) in accordance with section 44 and 101 of the *Local Government Act 1999* as they see fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegations.

2. Instrument of Delegation under the Planning Development and Infrastructure Act 2016 (Attachments 9-10)

- 2.1 In exercise of the power contained in Section 100 of the Planning, Development and Infrastructure Act 2016 the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the proposed Instrument of Delegation contained in Attachments 9-10 of the report titled "Variation to Delegations Register – Various Updates to Legislation – Review of Delegations Framework" are hereby delegated this 18 of January 2022 to the persons occupying the positions of Chief Executive Officer, Director Assets & Environment, Director Organisational Services & Excellence, Director Community & Cultural Development (or person(s) 'acting' in the above mentioned positions) except where otherwise indicated in the Attachment, subject to the conditions and/or limitations, if any, specified herein.
- 2.2 Such powers and functions may be further delegated by the persons occupying the positions of Chief Executive Officer, Director Assets & Environment, Director Organisational Services & Excellence, Director Community & Cultural Development (or person(s) 'acting' in the above mentioned positions) as they see fit, unless otherwise indicated herein or in each such proposed Instrument of Delegation in accordance with Section 100(2)(c) of the Planning, Development and Infrastructure Act 2016.

3. Instrument of Delegation under the Planning Development and Infrastructure Act 2016 (Attachment 11-12)

That having considered the report titled “Variation to Delegations Register – Various Updates to Legislation – Review of Delegations Framework” and dated 18 January 2022, that all delegations provided in Attachment 11-12 are hereby revoked.

Carried Unanimously (1094)

13.7 Review of Confidential Orders - January 2022 (D21/102450)

Pursuant to sections 75 & 75A of the Local Government Act 1999, Cr B Keane declared a material conflict of interest in relation to the matter on the basis that one of the items referred to in the report contains information relating to him. Cr B Keane dealt with the matter in a transparent and accountable way by leaving the meeting while the matter was discussed and voted on. Cr B Keane left the meeting at 8.55pm.

Pursuant to sections 75 & 75A of the Local Government Act 1999, Cr S Keane declared a material conflict of interest in relation to the matter on the basis that one of the items referred to in the report contains information relating to her partner. Cr S Keane dealt with the matter in a transparent and accountable way by leaving the meeting while the matter was discussed and voted on. Cr S Keane left the meeting at 8.56pm.

Pursuant to sections 75 & 75A of the Local Government Act 1999, Mayor Knight declared an actual conflict of interest in relation the matter on the basis that some of the items referred to in the report contain information relating to him. Mayor Knight dealt with the matter in a transparent and accountable way by leaving the meeting while the matter was discussed and voted on. Mayor Knight left the meeting at 8.56pm.

[Note: Mr John Moyle, Chief Executive Officer, also declared a conflict of interest and left the meeting at 8.56pm]

Deputy Mayor Jones took the chair as Presiding Member at 8.57pm.

Moved Cr Field, Seconded Cr Unger

That having undertaken a review of current confidential orders as detailed in Attachment 1 of the report titled ‘Review of Confidential Orders – January 2022’ and dated 18 January 2022, Council supports the continuation of all listed orders.

Carried Unanimously (1095)

Mayor Knight and Crs B Keane and S Keane were not present for the vote.

Mayor Knight re-entered the meeting at 9.05pm.

Crs B Keane and S Keane re-entered the meeting at 9.07pm.

Community & Cultural Development

13.8 By-Law Implementation (D21/102588)

Moved Cr B Keane, Seconded Cr S Keane

That having considered the report titled 'By-Law Implementation' and dated 18 January 2022, Council resolves:

1. Pursuant to Section 246(3)(g) of the Local Government Act 1999, Council notes the maximum penalty for an alleged offence against a provision of any 2021 Council By-law, will be, upon the by-laws' commencement, \$1,250.
2. Pursuant to Section 246(5)(b) of the *Local Government Act 1999*, and Section 38 of the Legislation Interpretation Act 2021, Council sets the expiation fees for an alleged offence against a provision of the 2021 Council By-laws as follows:

By-law	Upon By-law Commencement
<ul style="list-style-type: none"> • <i>Permits and Penalties By-law 2021</i> • <i>Roads By-law 2021</i> • <i>Local Government Land By-law 2021</i> • <i>Dogs By-law 2021</i> • <i>Moveable Signs By-law 2021</i> • <i>Waste Management By-law 2021</i> 	\$312.50

3. In exercise of the power contained in Section 44 of the *Local Government Act 1999*, the powers and functions under the following By-laws and specified in the proposed Instruments of Delegation contained in Attachments A – E of the report titled are hereby delegated to the person occupying the office of Chief Executive Officer subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation:

- i. *Permits and Penalties By-law 2021* (Attachment A);

- ii. *Roads By-law 2021* (Attachment B);
- iii. *Local Government Land By-law 2021* (Attachment C);
- iv. *Dogs By-law 2021* (Attachment D); and
- v. *Waste Management By-law 2021* (Attachment E)

Carried Unanimously (1096)

14. Notice(s) of Motions - Nil

15. Motions without Notice

15.1 Motion without Notice - Audit Committee Meeting Date Correction - 9 February 2022

Moved Cr Field, Seconded Cr Unger

That Council reschedules the February Audit Committee meeting from Thursday, 10 February 2022 to Wednesday, 9 February 2022.

Carried Unanimously (1097)

16. Questions on Notice - Nil

17. Questions without Notice - Nil

18. Council Delegates and Activities Report - Nil

19. Information Reports

The following Information reports were received at the meeting:

19.1 Compassionate Communities Program update (D21/103996)

19.2 Disability Access and Inclusion Plan Achievements in 2021 (D21/104003)

19.3 Hillcott Ward Supplementary Election Results (D21/105836)

19.4 Outcome of Environment and Food Production Areas Boundary Review (D21/107772)

19.5 Policies adopted by the Governance and Policy Committee under Delegation - 15 December 2021 (D21/108442)

19.6 Australian Local Government Association - National General Assembly - Federal Election Priorities (D22/1561)

20. Status Report on Resolutions

20.1 Status Report on Council Resolutions (D22/1628)

Council received the Status Report on Council Resolutions.

21. Other Business - Nil

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

The Mayor sought leave of the meeting to bring forward the management report titled 'Supplementary Election Corflutes'. Leave was granted.

22.1. Supplementary Election Corflutes (D22/952)

Recommendation for Moving into Camera

Pursuant to sections 75 & 75A of the Local Government Act 1999, Cr Foreman declared a perceived conflict of interest in relation to the matter on the basis that Cr Foreman was a candidate for the Hillcott Ward supplementary election, prior to being elected. Cr Foreman dealt with this matter in a transparent and accountable way by leaving the meeting while the matter was being discussed and voted on. Cr Foreman left the meeting at 9.23pm.

Moved Cr S Keane, Seconded Cr Lintvelt

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 Supplementary Election Corflutes.
2. That the Council is satisfied that pursuant to section 90(3)(h) of the Act, the information be received, discussed or considered in relation to this item is:
 - legal advice, being advice from Council's solicitors.
3. That the Council is satisfied that the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter by the need to keep the discussion of this matter confidential because Council wishes to discuss its confidential legal advice in confidence and to maintain its legal professional privilege over its confidential legal advice.

Carried Unanimously (1098)

Cr Foreman was not present for the vote.

The following individuals remained at the meeting for the following item:

Mr J Moyle, Mr T Harfield, Ms C Neil, Ms J Short, Ms I Cooper, Miss M Lay, Mr J Foong, Mr J Herd, Mr Justin Robbins Ms L Watson and Mr D Mazzachi (Norman Waterhouse Lawyers).

22.2 Supplementary Election Corflutes (D22/952)

Confidential Page Removed

The Confidential Resolution No 1100 has been withdrawn from the public minute record in accordance with Resolution No 1101.

Retention of confidential documents:

Moved Cr S Keane, Seconded Cr Lintvelt

1. That having considered the agenda item entitled Supplementary Election Corflutes and dated 18 January 2022 in confidence under section 90(2) & (3)(h) of the Local Government Act 1999:
 - legal advice, being confidential legal advice from Council's solicitors over which Council wishes to maintain legal professional privilege

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 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.
2. That the 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 (1101)

Cr Foreman was not present for the vote.

Meeting Adjourned at 11.02pm

Moved Cr Wyld, Seconded Cr Field

That the meeting be adjourned for a short break.

Carried Unanimously (1102)

The meeting resumed at 11.09pm and Cr Foreman re-entered the meeting at this time.

22.2. Sale of land for Non Payment of Council Rates (D21/103909)

Recommendation for Moving into Camera

Moved Cr Foreman, Seconded Cr Petrie

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 Sale of land for Non Payment of Council Rates.
2. That the Council is satisfied that pursuant to section 90(3)(a) of the Act, the information be received, discussed or considered in relation to this item is:
 - information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) .
 - on the basis that it relates to personal financial affairs of rate payers and is inappropriate to put pending private financials in the public domain prior to it being finalised, and;
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 it could impact the financial position of the relevant ratepayer.
4. That the Council is satisfied that the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter by the need to keep the discussion of this matter confidential because it could impact the financial position of the relevant ratepayer.

Carried Unanimously (1103)

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

Mr J Moyle, Mr T Harfield, Ms C Neil, Ms J Short, Ms I Cooper, Miss M Lay, Mr J Robbins and Mr J Foong.

22.2 Sale of land for Non Payment of Council Rates (D21/103909)

Moved Cr Unger, Seconded Cr Lintvelt

That pursuant to Section 184 of the Local Government Act 1999, Council proceed with the sale of land option provided for in the Act for Council to recover its long-term rate debts against the following assessment numbers:

48426
123832
155431
705614
1058119
1058127

Carried Unanimously (1104)

Retention of confidential documents:

Moved Cr S Keane, Seconded Cr Field

1. That having considered the agenda item entitled Sale of land for Non Payment of Council Rates and dated 18 January 2022 in confidence under section 90(2) & (3)(a) and Section 91(7) of the Local Government Act 1999:
 - information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)

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 the debts have been settled or settlement of the properties has occurred 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 (1105)

22.3. Electricity Procurement (D22/1826)

Recommendation for Moving into Camera

Moved Cr Lintvelt, Seconded Cr Field

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
2. That the Council is satisfied that pursuant to section 90(3) (d)(i), (j)(ii) and (k) of the Act, the information be received, discussed or considered in relation to this item is:
 - 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
 - information the disclosure of which would, on balance, be contrary to the public interest; AND
 - tenders for the supply of goods, the provision of services or the carrying out of works;
 - o On the basis that this report contains references to a procurement process and financial details that are not suitable for public knowledge.
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 this report contains references to a procurement process and financial details that are not suitable for public knowledge.
4. That the Council is satisfied that the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter by the need to keep the discussion of this matter confidential because this report contains references to a procurement process and financial details that are not suitable for public knowledge.

Carried Unanimously (1106)

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

Mr J Moyle, Mr T Harfield, Ms C Neil, Ms J Short, Ms I Cooper, Miss M Lay, Mr J Robbins, Mr J Foong, Mr J Herd.

22.3 Electricity Procurement (D22/1826)

Moved Cr Field, Seconded Cr S Keane

That having considered the report titled “Electricity Procurement” and dated 18 January 2022, Council authorises Council’s Chief Executive Officer to sign the Agreement to Participate in Tender form (refer Attachment 2 of this report):

1. for all scenarios listed with a view to the tender outcome informing Council on its preferred approach; and
2. Council delegates authority to the Chief Executive Officer to procure future electricity supply contracts via Local Government Association Procurement, or via other procurement channels providing that the financial and environmental outcomes for Council are favorable compared to the FY 2021-22 baseline, with
3. a further report being provided to Council to advise of any procurement outcomes, or to seek further direction from Council.

Carried Unanimously (1107)

Retention of confidential documents:

Moved Cr S Keane, Seconded Cr Foreman

1. That having considered the agenda item entitled Electricity Procurement and dated 18 January 2022 in confidence under section 90(2) & (3)(d)(i), (j)(ii) and Section 91(7) of the Local Government Act 1999:
 - 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 information the disclosure of which would, on balance, be contrary to the public interest; AND tenders for the supply of goods, the provision of services or the carrying out of works

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 the relevant contract/s has/have been awarded and that this order be

reviewed on 31 May 2022 or 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.

2. That the 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 (1108)

22.4. Chief Executive Officer's Employment (D22/2496)

Recommendation for Moving into Camera

Moved Cr Lintvelt, Seconded Cr Field

1. That pursuant to Section 90(2) of the Local Government Act 1999, the Council orders that the public with the exception of Manager Governance & Policy, Manager Organisational Development and Governance & Risk Administration Officer be excluded from the meeting to enable discussion on the Chief Executive Officer's Employment.
2. That the Council is satisfied that pursuant to section 90(3)(a) and (k) of the Act, the information be received, discussed or considered in relation to this item relates to:
 - information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the Chief Executive Officer, in that details of his employment contract will be discussed, which are potentially sensitive and personal details that should only be known to those who have participated in the discussion.
 - tenders / quotations for the provision of services are to be considered, noting that any decision should first be communicated to the preferred consultant prior to public release.
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:

- details of the CEO's employment contract and preferred consultant may be prematurely disclosed before being discussed with the Chief Executive Officer or consultants that provided submissions, which could therefore result in the release of inaccurate or misleading information to the public.

Carried Unanimously (1109)

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

Ms J Short, Ms I Cooper and Miss M Lay.

22.4 Chief Executive Officer's Employment (D22/2496)

Moved Cr Jones, Seconded Cr Savvas

1. That having considered the report titled 'Chief Executive Officer's Employment' and dated 18 January 2022, Council commence a Chief Executive Officer (CEO) recruitment process and:
 - (a) Endorses the CEO Position Description as provided in Attachment 1, noting that some amendments may be made in consultation with any appointed Recruitment Consultant.
 - (b) Endorses going to open market for recruitment of a CEO, for a fixed term of 5 years
 - (c) Endorses the establishment of a CEO Selection Panel, based on the Terms of Reference as provided in Attachment 2, which is to be updated to reflect any decisions of Council regarding membership
2. That Council appoints the following four Elected Members to the CEO Selection Panel:
 - (a) Cr Wyld
 - (b) Cr Petrie
 - (c) Cr Lintvelt
 - (d) Cr Jones
 - (e) Proxy only – Cr Field
3. That Council appoints Andrew Reed from Hender Consulting as the Recruitment Consultant and Independent Member for the CEO Selection Panel to assist the CEO recruitment and appointment process.
4. That Council appoints Cr Jones as Chairperson of the CEO Selection Panel.
5. Authorises the Chairperson of the CEO Selection Panel to negotiate the final terms and conditions and remuneration with the preferred applicant, with a report to be presented to Council for consideration.

6. Endorses a CEO recruitment budget of up to \$53,000, and authorises the Manager Organisational Development to expend these funds subject to consultation with the Chairperson of the CEO Selection Panel (noting that this amount may reduce by \$16,000 if interstate print advertisements are excluded).
7. Informs the current CEO, Mr John Moyle, that his contract end date will remain as 21 October 2022, or an alternative date to be negotiated between the Chairperson of the CEO Selection Panel and Mr John Moyle once a preferred applicant is selected.

Carried Unanimously (1110)

Retention of confidential documents:

Moved Cr Field, Seconded Cr Foreman

1. That having considered the agenda item entitled Chief Executive Officer's Employment and dated 18 Jan 2022 in confidence under section 90(2) & (3)(a),(k) and Section 91(7) of the Local Government Act 1999:
 - information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the Chief Executive Officer, in that details of his employment contract may be prematurely disclosed before having been discussed with the Chief Executive Officer and finalised by Council, and could therefore result in the untimely release of sensitive and or incomplete, inaccurate or misleading information.
 - tenders / quotations for the provision of services are to be considered, noting that any decision should first be communicated to the preferred consultant prior to public release.

the Council pursuant to section 91(7) of the Act orders that the report (including attachments) and minutes relevant to this item be retained in confidence and not available for public inspection (with the exception of informing recruitment consultants that lodged submissions of the outcome) until:

 - A decision on the current CEO's employment contract has been made and executed (agreed by both parties); or
 - Council resolves otherwise, whichever occurs first.
2. That the 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 (1111)

23. Date of Next Ordinary Meeting

8 February 2022

The Mayor declared the meeting closed at 11.50pm.

Confirmed.....

Mayor 8 February 2022