

**MINUTES  
OF THE COUNCIL MEETING OF THE CITY OF TEA TREE GULLY HELD ON  
TUESDAY 23 AUGUST 2022 AT 7.00PM IN THE COUNCIL CHAMBERS, 571  
MONTAGUE ROAD, MODBURY**

**1. Opening Prayer and Welcome**

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

**2. Attendance Record:**

**2.1 Present**

Crs L Jones (*Deputy Mayor*), B Keane, J Lintvelt, R Unger, D Wyld, L Petrie, R Coleman, P Field, S Keane and K Foreman.

**2.2 Apologies**

His Worship Mayor K Knight and Cr B Rankine.

**2.3 Leave of Absence**

**Leave of Absence**

Moved Cr Field, Seconded Cr S Keane

That Council grants a leave of absence to Cr Rankine for the meetings dated 13 September 2022 and 27 September 2022.

**Carried Unanimously (1299)**

**2.4 Record of Officers in Physical Attendance onsite**

Mr J Moyle	Chief Executive Officer
Mr R McMahon	Director Organisation Services & Excellence
Mr J Robbins	Manager Finance & Rating Operations
Mrs M Marks	Governance & Risk Administration Officer
Ms C Leversedge	Manager Community Wellbeing
Ms F Birch	Manager Recreation and Leisure Services
Mr N Grainger	Manager City Development
Ms I Wilkshire	Manager City Strategy
Ms R Gagetti	Property & Projects Facilitator

Ms J Lewig	Strategic Urban Planner
Mr G D'Aloia	Manager Civil Assets
Mr R Hutchison	Team Leader Parks Assets
Mr T Amato	Acting Manager Customer & Communications
Mr J Foong	Group Coordinator, Water Waste & Environment

**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**

7 Attendees

**2.6 Record of Media in Physical Attendance**

Nil

**3. Confirmation of Minutes to the Previous Meeting**

Moved Cr Coleman, Seconded Cr Foreman

That the Minutes of the Council Meeting held on 9 August 2022 be confirmed as a true and accurate record of proceedings.

**Carried Unanimously (1300)**

**4. Public Forum - Nil**

**5. Deputations - Nil**

**6. Presentations**

**6.1 Presentation - Excellence in Regulatory Service Award from the South Australian Authorised Persons Association Awarded to the City of Tea Tree Gully Community Safety Team (D22/60672)**

The Excellence in Regulatory Service Award from The South Australian Authorised Persons Association was presented to Council.

**7. Petitions - Nil**

## **8. Declaration of Conflicts of Interests**

Cr Wyld indicated that he would be declaring a conflict of interest in relation to the management report titled 'Disposal of 13 Australia Avenue – Tender Recommendation'.

## **9. Adjourned Business - Nil**

## **10. Motions Lying on the Table - Nil**

## **11. Committee Reports**

**Service Review Committee - Nil**

**Audit Committee - Nil**

### **Governance and Policy Committee**

#### **11.1 Recommendations from Governance and Policy Committee held on 17 August 2022**

##### **Control of Election Signs Policy (D22/56520)**

Moved Cr Wyld, Seconded Cr Petrie

1. That the "Control of Election Signs Policy" as reviewed by the Governance and Policy Committee on 17 August 2022 be adopted.
2. That Council amends its Fees and Charges Register to reflect the following charges for the direct and indirect costs associated with the removal, storage, and return of impounded signs:
  - a. \$30 for the first ten signs
  - b. \$15 for subsequent signs past ten and up to thirty
  - c. \$5 for each sign over the first thirty signs.

**Carried Unanimously (1301)**

**Major Events Policy (D22/24865)**

Moved Cr Wyld, Seconded Cr S Keane

That the “Major Events Policy” as reviewed by the Governance and Policy Committee on 17 August 2022 be adopted as amended.

**Carried Unanimously (1302)**

**Sponsorship Policy (D22/24868)**

Moved Cr Wyld, Seconded Cr B Keane

That the “Sponsorship Policy” as reviewed by the Governance and Policy Committee on 17 August 2022 be adopted.

**Carried Unanimously (1303)**

**Cemeteries Management Policy (D22/59954)**

Moved Cr Wyld, Seconded Cr Unger

That the “Cemeteries Management Policy” as reviewed by the Governance and Policy Committee on 17 August 2022 be adopted as amended.

**Carried Unanimously (1304)**

**Community Wastewater Management System Infrastructure Management Policy (D22/7317)**

Moved Cr Wyld, Seconded Cr Lintvelt

That the “Community Wastewater Management System Infrastructure Management Policy” as reviewed by the Governance and Policy Committee on 17 August 2022 be revoked.

**Carried Unanimously (1305)**

**Recycled Water Policy (D22/61170)**

Moved Cr Wyld, Seconded Cr S Keane

That the “Recycled Water Policy” as reviewed by the Governance and Policy Committee on 17 August 2022 be adopted.

**Carried Unanimously (1306)**

**CEO Performance and Remuneration Review Committee - Nil**

**Traffic Management Safety Committee - Nil**

## **12. Management Reports**

**Office of the Chief Executive Officer - Nil**

### **Assets & Environment**

#### **12.1 Outcomes of the Cloth Nappies and Reusable Sanitary Items Rebate Trial (D22/50581)**

Moved Cr Lintvelt, Seconded Cr Field

That Council, having considered the report titled “Outcome of the Cloth Nappies and Reusable Sanitary Items Rebate Trial” and dated 23 August 2022:

1. Notes the outcomes relating to the Cloth Nappies and Reusable Sanitary Items Trial; and
2. Commences an ongoing program to provide rebates for Cloth Nappies and Reusable Sanitary Items with the following principles:
  - a. An allocation of \$20,000 from Council’s existing waste management operational budgets and commencement during the 2022-23 Financial Year;
  - b. That Council provides a 50% rebate, with a per claim and per household limit to be set at \$150 per each Cloth Nappies claim;
  - c. That Council provides a 50% rebate, with a per claim and per household limit to be set at \$50 for eligible Reusable Sanitary Items claim;
  - d. The program be reviewed annually and reported to Council;
  - e. Council staff seek grant funding that may become available to support the program; and
  - f. These principles be incorporated into Council’s Waste Management Policy.

**Carried Unanimously (1307)**

**12.2 2022-23 Blackspot Funding Deed for modifications to the roundabout at the intersection of Kelly Road and Wright Road, Modbury (D22/61363)**

Moved Cr Unger, Seconded Cr Coleman

That Council enters into a funding agreement with the Commissioner of Highways, and the Mayor and Council's Chief Executive Officer be authorised to sign and affix Council's seal on the Funding Deed which is provided in Appendix 1 of the report titled "2022-23 Blackspot Funding Deed for modifications to the roundabout at the intersection of Kelly Road and Wright Road, Modbury" and dated 23 August 2022.

**Carried Unanimously (1308)**

**12.3 Golden Grove Park and Ride, Golden Grove - Request for roads to be vested in Council (D22/100831)**

Moved Cr S Keane, Seconded Cr Foreman

1. That the Chief Executive Officer requests Council's lawyer to write to the Department for Infrastructure and Transport seeking further clarification on the mechanism by which the Department for Infrastructure and Transport can require the roads surrounding the Golden Grove Park and Ride to be vested in the Council.
2. That a report be provided to Council, at a future meeting, with further information on whether the Council is obligated to accept the roads surrounding the Golden Grove Park and Ride vesting in Council and if so, any negotiated outcomes, including recommendations on the mechanism to vest the roads in Council.

**Carried Unanimously (1309)**

**Organisational Services & Excellence - Nil**

## Community & Cultural Development

### 12.4 Community Grants - Round 1 - 2022-2023 (D22/56826)

Moved Cr B Keane, Seconded Cr Foreman

1. That having considered the report titled “Community Grants - Round 1 - 2022-2023” and dated 23 August 2022, Council approves community grant funding from Council’s Community Grants Budget to be allocated as follows:
  - Carelink Ministries Inc (King's Baptist Church) - \$3,000
  - Dernancourt Community Garden Inc - \$2,000
  - Golden Grove Lutheran Church - \$1,000
  - Golden Grove Netball Club - \$1,200
  - Golden Grove Scout Group - \$1,000
  - Golden Grove Tennis Club Inc - \$2,000
  - Greenwith Uniting Church - \$3,685
  - Hope Valley Cricket Club - \$2,000
  - Modbury South Primary School - \$2,000
  - North East Zodiac Netball Club - \$1,200
  - North Eastern Sports Shooting Club Inc - \$1,200
  - Northern Healthcare Volunteer Association - \$3,000
  - Pioneer Court Community Garden - \$3,000
  - Tango Netball Club - \$1,200
  - Tea Tree Gully Gem and Mineral Club Inc - \$3,000
  - Tea Tree Gully Uniting Church - \$3,000
  - The Salvation Army - Golden Grove - \$3,000
  - Villagehood Australia Inc - \$6,000

**Carried Unanimously (1310)**

### 12.5 Modbury Park and Ride 100-112 Smart Road Modbury (D22/55072)

*Mr John Moyle, Chief Executive Officer declared a conflict of interest in relation to the matter and left the meeting while it was discussed and voted on.*

Moved Cr Unger, Seconded Cr Field

1. That Council authorises the person occupying the position of Director Community & Cultural Development (or person(s) ‘acting’ in the position) as Council’s nominated delegate to write, on behalf of Council, to the State Commission Assessment Panel and the applicant (Department for Infrastructure and Transport) indicating that Council supports the concept of the construction of a Park ‘n’ Ride at 100-112 Smart Road Modbury as set out in the report titled “Modbury Park and Ride 100-112 Smart Road Modbury” and dated 23 August 2022.

2. That Council's written response to the State Commission Assessment Panel also include additional comments consistent with the matters set out in Attachment 2 of the report titled "Modbury Park and Ride 100-112 Smart Road Modbury" and dated 23 August 2022.
3. That Council's nominated delegate negotiate and enter into any agreements or documentation necessary to facilitate the construction of Park 'n' Ride at 100-112 Smart Road Modbury as set out in the report titled "Modbury Park and Ride 100-112 Smart Road Modbury" and dated 23 August 2022.

**Carried Unanimously (1311)**

### **12.6 North East Hockey Club Incorporated - Operating Grant (D22/59997)**

Moved Cr S Keane, Seconded Cr Foreman

That Council having considered the report titled "North East Hockey Club Incorporated – Operating Grant" and dated 23 August 2022, supports the allocation of an Operating Grant totaling \$28,124 (exclusive of GST) to the North East Hockey Club, to be allocated from an existing 2022-23 Financial Year operating budget.

**Carried Unanimously (1312)**

### **Appointment of Chair**

Moved Cr Wyld, Seconded Cr S Keane

That Cr Unger be appointed to preside over the meeting whilst the item titled "Notice of Motion – Consideration to urban infill and residential allotments" is considered and until the conclusion of "Other Business".

**Carried Unanimously (1313)**

*Cr Unger took Chair at 8.09pm.*

## **13. Notice(s) of Motions**

### **13.1 Notice of Motion - Consideration to urban infill and residential allotments (Cr Jones) (D22/87705)**

Moved Cr Jones, Seconded Cr Coleman

That Council requests the Chief Executive Officer to provide a report back to Council detailing what appropriate action can be taken to address limiting



residential allotment sizes with a view of informing Council in order for Council to consider formally writing to the State Planning Commission requesting that the size of new residential allotments be limited to a minimum block size to take into consideration challenges that many communities are currently experiencing in relation to urban infill in local streets such as traffic and parking issues, neighbours loss of privacy, waste and sewerage issues and any other relevant issues that staff deem appropriate to include.

**Carried Unanimously (1314)**

**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 - Nil**

**19. Information Reports**

The following Information reports were received at the meeting:

**19.1 Expert Panel Review of Planning Reforms (D22/60716)**

**19.2 ESCOSA Local Government Advice Scheme (D22/78980)**

**19.3 Quarter 4 Financial Year 2021-22 Strategic Plan 2025 KPI Status Report (D22/90052)**

**19.4 Update on application to Power Line Environment Committee to underground lines on North East Road in Tea Tree Gully Township (D22/97740)**

**19.5 Code of Conduct Complaint against Mayor Knight - Written Apology (D22/123888)**

## **20. Status Report on Resolutions - Nil**

## **21. Other Business**

### **21.1 Chief Executive Officer, John Moyle - Recognition of Service**

*Council presented Mr John Moyle, Chief Executive Officer, who will retire from Council on Friday 2 September 2022 with a certificate of service and acknowledged his contribution to the City of Tea Tree Gully.*

Moved Cr Jones, Seconded Cr Wyld

That Council recognises the significant contributions of Mr John Moyle, who will be retiring from the role of Chief Executive Officer of the City of Tea Tree Gully on 2 September 2022 noting that he has contributed:

- Over 40 years of Service in Local Government having commenced at the District Council of East Torrens in 1981
- 20 years of service having commenced in 2002 at the City of Tea Tree Gully including serving as Chief Executive Officer of the City of from Tea Tree Gully for 9 years and performed a number of other Roles at the City of Tea Tree Gully for 11 years, prior to becoming Chief Executive Officer, including Director Governance and Compliance

**Carried Unanimously (1315)**

Cr Field advised Council that he would not be nominating as an Elected Member for the City of Tea Tree Gully in the upcoming Local Government Elections.

Mr John Moyle, Chief Executive Officer provided an update regarding Supashock's acceptance of Council's evaluation and advised that works will proceed.

*Cr Jones took Chair at 9.08pm.*

*The Deputy Mayor sought leave of the meeting to bring forward the confidential report titled 'Playground and Reserve Upgrade Landscape Construction – Procurement Status'. Leave was granted.*

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

### **22.1. Playground and Reserve Upgrade Landscape Construction - Procurement Status (D22/62458)**

## **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 Playground and Reserve Upgrade Landscape Construction - Procurement Status.
2. That the Council is satisfied that pursuant to section 90(3) b (i), b (ii) and k of the Local Government Act 1999, the information 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 tenders for the supply of goods, the provision of services or the carrying out of works .
    - o 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
    - o that release of this information would compromise Council's ability to obtain the best outcome for Council and the community.
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 public release of this information would compromise Council's ability to obtain the best outcome for Council and the community.

**Carried Unanimously (1316)**

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

Mr J Moyle, Mr R McMahon, Mr J Robbins, Ms F Birch, Mr G D'Aloia, Mr R Hutchison, Mr N Grainger, Ms I Wilkshire, Mr J Foong and Mrs M Marks.

## **22.3 Playground and Reserve Upgrade Landscape Construction - Procurement Status (D22/62458)**

Moved Cr S Keane, Seconded Cr Foreman

That having considered the report titled “Playground and Reserve Upgrade Landscape Construction – Procurement Status” and dated 23 August, 2022 that Council reallocates a total of \$208,413 to fund identified funding short falls at the Alicante, Verdant, Kaplan and Kingfisher Reserve projects and that the reallocation of funds include:

1. Amending the Financial Year 2022-2023 Capital Works Program to allocate an additional \$208,414 to various playground related projects as follows:
  - a. \$17,970 to Alicante Reserve, Wynn Vale
  - b. \$67,186 to Verdant Reserve, Wynn Vale
  - c. \$70,196 to Kaplan Reserve, St Agnes
  - d. \$53,062 to Kingfisher Reserve, Modbury Heights.
2. Amending the Financial Year 2022-2023 Capital Works Program to reallocate funding of \$208,414 from the contingency items described below to the nominated projects detailed in item 1:
  - a. \$120,000 from the line “Playgrounds – contingency funds”, and
  - b. \$88,414 from the line “Tree Screens – contingency funds”

**Carried Unanimously (1317)**

### **Retention of confidential documents:**

Moved Cr Wyld, Seconded Cr Foreman

1. That having considered the agenda item titled “Playground and Reserve Upgrade Landscape Construction - Procurement Status” and dated 23 August 2022 in confidence under section 90(2) & (3) (b)(i), (b)(ii) and (k) 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 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 projects are let 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 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 (1318)**

*The Deputy Mayor sought leave of the meeting to bring forward the confidential report titled 'Golden Grove Residential & Commercial Code Amendment and infrastructure deeds'. Leave was granted.*

## **22.2. Golden Grove Residential & Commercial Code Amendment and infrastructure deeds (D22/52154)**

### **Recommendation for Moving into Camera**

Moved Cr Field, Seconded Cr Foreman

1. That pursuant to Section 90(2) of the Local Government Act, 1999 the Council orders that the public (except staff on duty, Council's legal advisor and proponent and their agents (in the event that Council have questions of them)) be excluded from the meeting to enable discussion on the Golden Grove Residential & Commercial Code Amendment and infrastructure deeds.
2. That the Council is satisfied that pursuant to section 90(3) (d)(i), (d)(ii) and (m) of the Local Government Act 1999, 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
    - o On the basis that premature disclosure of this information could prejudice commercial negotiation with third parties which would in turn impact the ability for Council to negotiate the best outcome for the community.
  - information relating to a proposal to prepare or amend a designated instrument under Part 5 Division 2 of the Planning, Development and Infrastructure Act 2016 before the draft instrument or amendment is released for public consultation under that Act
    - o on the basis that the release of the information would pre-empt the Community Engagement process.

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 that the public release of this information would compromise Council's ability to obtain the best outcome for Council and the community.

**Carried Unanimously (1319)**

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

Mr J Moyle, Mr R McMahon, Mr J Robbins, Ms F Birch, Mr N Grainger, Ms I Wilkshire, Mr J Foong, Mrs M Marks.

## **22.2 Golden Grove Residential & Commercial Code Amendment and infrastructure deeds (D22/52154)**

*During the discussion and before the moving of the motion, Cr B Keane left the meeting at 9.37pm and re-entered the meeting at 9.44pm.*

A - Council recognises the current status of the two Code Amendment processes

Moved Cr B Keane, Seconded Cr Petrie

That Council notes at the time of considering this matter that the Minister has not yet approved the Proposal to Initiate the developer-led Golden Grove Residential and Commercial Code Amendments.

**Carried Unanimously (1320)**

B - Council considers in principle support for the concept of the use of Deeds

Moved Cr Petrie, Seconded Cr S Keane

That Council agrees in principle that infrastructure deeds are a suitable means to formalise the agreements between Council and the developer and instructs Council staff and lawyers to continue to work with the developer towards drafting the Code Amendment and finalising the Deeds for further consideration by Council.

**Carried Unanimously (1321)**

**Confidential Pages Removed**

The Confidential Resolution No 1322 has been withdrawn from the public minute record in accordance with Resolution No 1323.







**Retention of confidential documents:**

Moved Cr Field, Seconded Cr B Keane

1. That having considered the agenda item titled “Golden Grove Residential & Commercial Code Amendment and infrastructure deeds” and dated 23 August 2022 in confidence under section 90(2) & (3) (d)(i), (d) (ii) and (m) 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
  - the disclosure of which would, on balance, be contrary to the public interest; AND
  - information relating to a proposal to prepare or amend a designated instrument under Part 5 Division 2 of the Planning, Development and Infrastructure Act 2016 before the draft instrument or amendment is released for public consultation under that Act

the Council pursuant to section 91(7) of the Act orders that the report, attachments and minutes (excluding resolutions A and B) relevant to this item be retained in confidence (with exclusion to the proponent and their agents to enable the draft code amendment and confidential deed to be prepared with Council staff and lawyers) until:

  1. The draft Code Amendment is released by the proponent for community engagement in which case only the draft Code Amendment and relevant attachments will be released
  2. Council resolves to either not endorse the final deeds or the development deeds are extinguished following completion of the housing development in which case the deeds will be released
  3. 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 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 (1323)**

### **22.3. Disposal of 13 Australia Avenue - Tender Recommendation (D22/39485)**

#### **Recommendation for Moving into Camera**

Moved Cr Petrie, 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 Disposal of 13 Australia Avenue - Tender Recommendation.
2. That the Council is satisfied that pursuant to section 90(3) k of the Local Government Act 1999, the information be received, discussed or considered in relation to this item is:
  - tenders for the supply of goods, the provision of services or the carrying out of works.
    - o on the basis that the information provides the tender responses and evaluation for the contracted services.
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 public release of this information would compromise Council's ability to obtain the best outcome for Council and the community

**Carried Unanimously (1324)**

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

Mr J Moyle, Mr R McMahon, Mr J Robbins, Ms F Birch, Mr N Grainger, Ms I Wilkshire, Mr J Foong and Mrs M Marks.

### **22.3 Disposal of 13 Australia Avenue - Tender Recommendation (D22/39485)**

*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 dealt with this matter in a transparent and accountable way by leaving the meeting while the matter was discussed and voted on. Cr Wyld left the meeting at 10.32pm.*

Moved Cr Unger, Seconded Cr Field

That Council having considered the report titled "Disposal of 13 Australia Avenue - Tender Recommendation" and dated 23 August 2022:

- a. Resolves to enter into a Development Deed with Centina Group Pty Ltd which is provided as Attachment 2 of the report, for the sale (\$2.8 million (inclusive of GST)) and development of that portion of the land comprised in Certificate of Title Volume 5518 Folio 650 being proposed allotment "1" shown on the approved plan of division attached to the Deed at Annexure A subject to such minor corrections or amendments as are required to finalise the Deed or that the Chief Executive Officer considers necessary without changing the intended effect of the Deed;
- b. Authorises the Chief Executive Officer to negotiate, finalise and sign the contracts, licences and encumbrance referred to in or annexed to the Deed and such other documents as are required to effect the transactions contemplated in the Deed provided such documents are not inconsistent with the terms of the Deed;
- c. Authorises the Chief Executive Officer to approve the detailed design for the upgrade of Australia Reserve, provided such detailed design is not inconsistent with the approved concept plan;
- d. Authorises the Chief Executive Officer to enter into a construction contract or works agreement for the upgrade of Australia Reserve as contemplated by the approved Concept Plan endorsed by Council in January 2020 provided the final estimated costs for detailed design and construction are not more than 10% above the approved budget of \$500,000 (exclusive of GST);
- e. Authorises the Chief Executive Officer to make such decisions and take such actions as are required to effect the transactions contemplated in the Deed;

- f. Authorise the Mayor and Chief Executive Officer of Council to sign and affix Council's Common Seal to the Deed in Attachment 2 in accordance with Section 38 of the Local Government Act 1999; and
- g. Requests the Chief Executive Officer to amend 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 Australia Reserve, Modbury.

**Carried Unanimously (1325)**

*Cr Wyld was not present for the vote.*

**Retention of confidential documents:**

Moved Cr S Keane, Seconded Cr Unger

1. That having considered the agenda item titled " Disposal of 13 Australia Avenue - Tender Recommendation" and dated 23 August 2022 in confidence under section 90(2) & (3)(k) and Section 91(7) of the Local Government Act 1999:
  - tenders for the supply of goods, the provision of services or the carrying out of worksthe 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 contract is signed by both parties or the Council resolves otherwise whichever occurs first.
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 (1326)**

*Cr Wyld was not present for the vote.*

*Cr Wyld re-entered the meeting at 10.42pm.*

**23. Date of Next Ordinary Meeting**

13 September 2022

The Deputy Mayor declared the meeting closed at 10.42pm.

Confirmed.....  
Mayor 13 September 2022