

**MINUTES OF THE COUNCIL MEETING OF THE CITY OF TEA TREE GULLY
HELD ON TUESDAY 26 JULY 2022 AT 7.01PM
IN THE COUNCIL CHAMBERS, 571 MONTAGUE ROAD, MODBURY**

1. Opening Prayer and Welcome

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

2. Attendance Record:

2.1 Present

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

2.2 Apologies

Cr P Field.

2.3 Leave of Absence

Nil

2.4 Record of Officers in Physical Attendance onsite

Mr J Moyle	Chief Executive Officer
Mr J Robbins	Acting Director Organisation Services & Excellence
Mrs C Neil	Director Community & Cultural Development
Mr A Sellars	Acting Director Assets & Environment
Mrs D Taglierini	Governance Advisor
Mrs I Wilkshire	Manager City Strategy
Mrs V Masterman	Team Leader Planning Strategy

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

10 Attendees

2.6 Record of Media in Physical Attendance

News Corp

3. Confirmation of Minutes to the Previous Meeting

Moved Cr Wyld, Seconded Cr Coleman

That the Minutes of the Council Meeting held on 12 July 2022 be confirmed as a true and accurate record of proceedings.

Carried Unanimously (1279)

4. Public Forum

Mr Alan Chamberlain spoke in relation to the management report titled “Community Engagement Outcomes Report Dry Creek Corridor Masterplan”.

5. Deputations - Nil

6. Presentations - Nil

7. Petitions - Nil

8. Declaration of Conflicts of Interests

Mayor Knight indicated he would be declaring a conflict of interest in relation to the management report titled “Code of Conduct Complaint against Mayor Kevin Knight”.

Cr Foreman indicated she would be declaring conflict of interest in relation to the management report titled “Community Engagement Outcomes Report Dry Creek Corridor Masterplan”.

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 - Nil

CEO Performance and Remuneration Review Committee - Nil

Traffic Management Safety Committee - Nil

12. Management Reports

Office of the Chief Executive Officer

12.1 Community Engagement Outcomes Report Dry Creek Corridor Masterplan (D22/52483)

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 committed to this funding as an election commitment. Cr Foreman dealt with this matter in a transparent and accountable way by leaving the meeting while the matter was discussed and voted on. Cr Foreman left the meeting at 7.09pm.

Moved Cr S Keane, Seconded Cr Petrie

That Council notes the Community Engagement Outcomes Report as outlined in Attachment 1 in the report titled “Community Engagement Outcomes Dry Creek Corridor Masterplan” and dated 26 July 2022 and that a draft Dry Creek Corridor Masterplan be prepared and presented to Council in 2023 after Council has received the report on Wynn Vale Dam Stage 2 Asset Audit.

Carried Unanimously (1280)

Cr Foreman was not present for the vote.

Cr Foreman re-entered the meeting at 7.15pm.

Assets & Environment - Nil

Organisational Services & Excellence

12.2 Code of Conduct Complaint against Mayor Kevin Knight (D22/47032)

Pursuant to sections 75 & 75A of the Local Government Act 1999, Mayor Knight declared an actual conflict of interest in relation to the matter on the basis that the matter was relating to him. Mayor Knight dealt with this 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 7.15pm.

Deputy Mayor Jones took the chair as Presiding Member at 7.16pm.

Moved Cr Foreman, Seconded Cr Lintvelt

That having considered the report titled “Code of Conduct Complaint against Mayor Kevin Knight” and dated 26 July 2022:

1. That Council notes that having investigated the alleged breach of the Code of Conduct for Council Members (Code), Ms Sue Porter from EMA Legal (as the External Investigator appointed by the LGA Governance Panel) finds that Mayor Knight, in relation to the allegations raised, has breached:
 - a. clause 2.2 of the Code in respect to Complaint C
 - b. clause 2.6 of the Code in respect to Complaint C
 - c. clause 2.7 of the Code in respect to Complaint A
 - d. clause 2.9 of the Code in respect to Complaint A
 and the reasons for these finding are outlined in the final Investigation Report provided as Attachment 1 to the report.
2. That having considered the final Investigation Report, Council makes a preliminary finding that Mayor Knight’s conduct was in breach of:
 - a. clause 2.2 of the Code in respect to Complaint C
 - b. clause 2.6 of the Code in respect to Complaint C
 - c. clause 2.7 of the Code in respect to Complaint A
 - d. clause 2.9 of the Code in respect to Complaint A
3. That Council informs Mayor Knight of its intention, subject to any comment he may wish to make, to request he make a public apology to Council for his conduct.
4. That Mayor Knight be invited to provide a written response to Council’s Chief Executive Officer, to present to Council, on Council’s preliminary findings and proposed action within five (5) business days of being advised of this decision and this response be presented to the next meeting of Council for Council to make a final determination.

Carried Unanimously (1281)

Mayor Knight was not present for the vote.

Mayor Knight re-entered the meeting at 7.35pm.

12.3 LGA Consultation - Behavioural Management Framework (D22/49457)

Moved Cr S Keane, Seconded Cr Petrie

1. That Council having considered the report titled “LGA Consultation – Behavioural Management Framework” and dated 26 July 2022, endorses Council’s submission to the Local Government Association as provided in Attachment 2 of the report.
2. That Council notes that the relevant Minister intends to make a proposed transitional regulation mandating the LGA’s proposed Behavioural Management Policy on all councils from the election of the new Council in November 2022, which is likely to remain in place until a council adopts their own Behavioural Management Policy (which will replace Council’s existing ‘Process for Handling Code of Conduct Complaints against Council Members’).

Carried Unanimously (1282)

12.4 Call for Nominations - Greater Adelaide Regional Organisation of Councils (GAROC) (D22/52151)

Moved Cr Unger, Seconded Cr Coleman

That Council defers this matter until the Council meeting on 9 August 2022 for consideration.

Carried Unanimously (1283)

Community & Cultural Development - Nil

13. Notice(s) of Motions - Nil

14. Motions without Notice - Nil

15. Questions on Notice - Nil

16. Questions without Notice - Nil

17. Mayor's Report - Nil

18. Council Delegates and Activities Report - Nil

19. Information Reports

The following Information reports were received at the meeting:

19.1 Continuous Improvement - 2022 - Fourth Quarter Update (D22/38757)

19.2 Reconciliation Update (D22/49699)

19.3 Elected Member Training and Development - Approval of Applications under CEO Delegation - 1 January to 30 June 2022 (D22/49200)

19.4 Allowances for Members of Local Government - Remuneration Tribunal SA Determinations 2022 (D22/52569)

19.5 Private Parking Areas (Shopping Centre Parking Areas) Amendment Bill 2022 Information Report (D22/54676)

20. Status Report on Resolutions - Nil

21. Other Business

Mayor Knight congratulated Modbury Jets on their win last week in Perth and their win on the weekend, just gone

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

22.1 Draft LGA Training Standards Consultation and Elected Member Training and Development Plan for 2022-2023 (D22/38504)

Recommendation for Moving into Camera

Moved Cr S Keane, 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 Draft LGA Training Standards Consultation and Elected Member Training and Development Plan for 2022-2023.
2. That the Council is satisfied that pursuant to section 90(3) (j)(i) and (j)(ii) of the Local Government Act 1999, the information 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 release of this information would divulge information provided on a confidential basis by a public authority, being the Local Government Association (LGA) before it is provided to the Minister for Local Government for approval.
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 Council should to be able to communicate on a confidential basis with the LGA about proposed training standards for council members and thereby act cooperatively with the LGA in achieving positive outcomes for the local government sector.

Carried Unanimously (1284)

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

Mr J Moyle, Mr J Robbins, Mrs C Neil, Mr A Sellars and Mrs D Taglierini.

22.1 Draft LGA Training Standards Consultation and Elected Member Training and Development Plan for 2022-2023 (D22/38504)

Moved Cr Petrie, Seconded Cr S Keane

1. Consultation for LGA Training Standards for Council Members

That Council, having considered the report titled “Draft LGA Training Standards Consultation and Elected Member Training and Development Plan for 2022-2023” and dated 26 July 2022, endorses Council’s submission to the Local Government Association as provided in Attachment 2 of the report.

2. Elected Member Training and Development Plan for 2022-2023

- a. That Council authorises the Chief Executive Officer to prepare and consider the Elected Member Training and Development Plan for 2022-2023 noting that the consultation for the proposed LGA Training Standards will impact this Plan being provided to Council for consideration in a timely manner.
- b. That in preparing the plan, the Council supports the following approach to be taken into account:
 - i. These sessions will be called Elected Member Workshops and where scheduled, will generally be held on the first and/or third Tuesday of a month (depending on the Council and Committee meeting schedule endorsed by the newly elected Council) noting that the Chief Executive Officer has discretion to cancel or include additional Workshops if required
 - ii. Elected Member Workshops will not occur on the first Tuesday in November and be limited during the months of December or January, unless specifically required.

Carried Unanimously (1285)

Retention of confidential documents:

Moved Cr S Keane, Seconded Cr Foreman

1. That having considered the agenda item titled “Draft LGA Training Standards Consultation and Elected Member Training and Development Plan for 2022-2023” and dated 26 July 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 attachments relevant to this item be retained in confidence (except providing them to the LGA as part of the consultation process) until 31 August 2022 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 (1286)

23. Date of Next Ordinary Meeting

9 August 2022

The Mayor declared the meeting closed at 7.57pm.

Confirmed.....
Mayor 9 August 2022