

MINUTES OF THE COUNCIL MEETING OF THE CITY OF TEA TREE GULLY HELD ON TUESDAY 28 JUNE 2022 AT 7.02PM 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 (*entered 7.17pm*), B Keane, J Lintvelt, L Jones, R Unger, D Wyld, R Coleman, S Keane and K Foreman.

2.2 Apologies

Cr L Petrie

2.3 Leave of Absence

Leave of Absence

Moved Cr Jones, Seconded Cr S Keane

That Council grants a leave of absence to Cr Field for the Council meeting dated 28 June 2022 and the Special Meeting of Council dated 5 July 2022.

Carried Unanimously (1247)

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
Ms I Cooper	Manager Governance & Policy
Mrs M Marks	Governance & Risk Administration Officer
Ms I Wilkshire	Manager City Strategy
Ms V Masterman	Team Leader Planning Strategy
Mr G D'Aloia	Manager Civil Assets
Mr J Foong	Group Coordinator, Water Waste & Environment
Ms R Baines	Acting Manager Finance & Rating Operations

Ms F Birch	Manager Recreation and Leisure Services
Mr A Kelly	Group Coordinator Civil & Buildings Projects

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

Mr T Harfield	Director Assets & Environment
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2.5 Record of Number of Persons in the Public Gallery – Physical Attendance

1 Attendee

2.6 Record of Media in Physical Attendance

Nil

3. Confirmation of Minutes to the Previous Meeting

Moved Cr Wyld, Seconded Cr Foreman

That the Minutes of the Council Meeting held on 14 June 2022 be confirmed as a true and accurate record of proceedings.

Carried Unanimously (1248)

4. Public Forum - Nil

5. Deputations - Nil

6. Presentations - Nil

7. Petitions - Nil

8. Declaration of Conflicts of Interests

Cr Foreman declared a conflict of interest in relation to the management report titled '2022 State Election Commitment – Grant Funding Opportunity – Wynn Vale Dam Open Space Upgrades'.

Cr Wyld declared a conflict of interest in relation to the management report titled 'Harpers Field Community Building and Clubrooms Redevelopment Section 48 Prudential Report'.

9. Adjourned Business

9.1 Adjourned Business - Maxlay Reserve Open Space Upgrades - Concept Plan - Council Meeting - 14 June 2022 (D22/45964)

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.

Carried Unanimously (1249)

10. Motions Lying on the Table - Nil

11. Committee Reports

Service Review Committee - Nil

Audit Committee - Refer to confidential item

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 2022 State Election Commitment - Grant Funding Opportunity - Wynn Vale Dam Open Space Upgrades (D22/46992)

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 Lintvelt

- 1 That Council having considered the report titled “2022 State Election Commitment – Grant Funding Opportunity – Wynn Vale Dam Open Space Upgrades” and dated 28 June 2022, Council accepts the grant funding offer of \$1,100,000 from the Community Infrastructure Grants Program through the Department for Infrastructure and Transport
- 2 That Council authorises the Chief Executive Officer to sign the Grant Deed with the Department for Infrastructure and Transport for \$1,100,000.
- 3 That the project be included in the draft Annual Business Plan for the 2022-2023 financial year at an amount of \$200,000 with the balance of \$900,000 to be included in the 2023-2024 capital works budget, noting that this is a fully funded grant offer with no direct financial contribution required from Council.

Carried Unanimously (1250)

Cr Foreman was not present for the vote.

Cr Foreman re-entered the meeting at 7.16pm.

Assets & Environment - Nil

Organisational Services & Excellence - Nil

Community & Cultural Development - Nil

13. Notice(s) of Motions

13.1 Notice of Motion - Public Lighting Policy Review - Governance and Policy Committee Meeting - July 2022 (Cr Lintvelt) (D22/46747)

During the moving of the motion, Cr Rankine entered the meeting at 7.17pm.

Moved Cr Lintvelt, Seconded Cr Jones

That Council refers the Public Lighting Policy to the July 2022 meeting of the Governance and Policy Committee for review with particular consideration of the rollout of LED lighting and to consider options for the application of light shields where required.

Carried Unanimously (1251)

14. Motions without Notice - Nil

15. Questions on Notice - Nil

16. Questions without Notice

Cr Lintvelt asked a question in relation to the Community Wastewater Management System (CWMS) handover with SA Water on 1 July 2022.

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 Australian Fire Danger Rating System (D22/34549)

19.2 SA Flood Warning Consultative Committee - Call for Nominations (D22/46298)

Moved Cr Wyld, Seconded Cr Coleman

That Council nominates Mr Jonathan Foong, Group Coordinator Water Waste & Environment, for the position on the SA Flood Warning Consultative Committee.

Carried Unanimously (1252)

20. Status Report on Resolutions - Nil

21. Other Business

Mayor Knight acknowledged Modbury Soccer Club qualifying for the Federation Cup Final and Australia Cup Round of 32.

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

The Mayor sought leave of the meeting to bring forward the management report titled 'Draft Annual Business Plan 2022-23 amendments'. Leave was granted.

22.1. Draft Annual Business Plan 2022-23 amendments (D22/46086)

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 and Council's legal representative) be excluded from the meeting to enable discussion on the Draft Annual Business Plan 2022-23 amendments .
2. That the Council is satisfied that pursuant to section 90(3)(d) and (h) 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

- legal advice;
 - o On the basis that premature disclosure of this information could prejudice commercial negotiation with third parties and the ability for Council to implement its proposed legal strategy, which would in turn impact the ability for Council to negotiate the best outcome for 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 by the need to keep the discussion of this matter confidential, on the basis that premature disclosure of this information could prejudice commercial negotiation with third parties and the ability for Council to implement its proposed legal strategy, which would in turn impact the ability for Council to negotiate the best outcome for the community.

Carried Unanimously (1253)

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

Mr J Moyle, Mr R McMahon, Mr T Harfield, Ms C Neil, Ms I Cooper, Mrs M Marks, Ms F Birch, Ms R Baines, Mr A Kelly, Mr G D'Aloia, Mr J Foong and Mr Jamie Watts (legal representative from Cowell Clarke).

22.2 Draft Annual Business Plan 2022-23 amendments (D22/46086)

Moved Cr S Keane, Seconded Cr Rankine

During the discussion, Cr Jones left the meeting at 8.06pm and re-entered the meeting at 8.07pm.

That Council having considered the report titled "Draft Annual Business Plan 2022-23 Amendments" and date 28 June 2022 approves:

1. A sum of \$800,000 to be included in the 2022-2023 financial years Annual Business Plan and Budget for the Golden Grove Hockey Pitch, with the funding being allocated by reducing the project named "Projects to be grant funded (to be determined)" by \$800,000.
2. An additional sum of \$160,000 be allocated to the Library shelf replacement project to complete this project in one year rather than staged over a three-year period with the funding being allocated by reducing the line item named "ERP

system (rating, property, Salesforce integration, works and assets, compliance)” by \$160,000.

Carried (1254)

Retention of confidential documents:

Moved Cr Foreman, Seconded Cr Coleman

1. That having considered the agenda item titled “ Draft Annual Business Plan 2022-23 amendments ” and dated 28 June 2022 in confidence under section 90(2) & (3)(d) and (h) 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
 - legal advice

the Council pursuant to section 91(7) of the Act orders that the report and attachments relevant to this item be retained in confidence until the conclusion of any legal proceedings 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 (1255)

22.2. Recommendations from the Audit Committee Meeting held on 14 June 2022 (D22/46868)

Recommendation for Moving into Camera

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 8.26pm.

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 Harpers Field Community Building and Clubrooms Redevelopment Section 48 Prudential Report.
2. That the Council is satisfied that pursuant to section 90(3) (b)(i) and (b)(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 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 .
 - on the basis that it would compromise a competitive tender process for the engagement of the building contractor.
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 would compromise a competitive tender process for the engagement of the building contractor.

Carried Unanimously (1256)

Cr Wyld was not present for the vote.

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

Mr J Moyle, Mr R McMahon, Mr T Harfield, Ms C Neil, Ms I Cooper, Mrs M Marks, Ms R Baines, Mr G D'Aloia, Mr J Foong and Ms I Wilkshire.

22.2 Recommendations from the Audit Committee Meeting held on 14 June 2022

Harpers Field Community Building and Clubrooms Redevelopment Section 48 Prudential Report (D22/37830)

Moved Cr Unger, Seconded Cr Rankine

That having considered the report “Harpers Field Community Building and Clubrooms Redevelopment Section 48 Prudential Report” and dated 14 June 2022 that Council resolves:

1. The Prudential Report for the Harpers Field Community Building and Clubrooms (Prudential Report) prepared by BRM Advisory meets the criteria of Section 48 of the Local Government Act 1999.
2. To proceed with the Harpers Field Community Building and Clubrooms redevelopment project at a price consistent with the Prudential Report findings.

Carried Unanimously (2)

Cr Wyld was not present for the vote.

Retention of confidential documents:

Moved Cr S Keane, Seconded Cr Coleman

1. That having considered the agenda item titled “Harpers Field Community Building and Clubrooms Redevelopment Section 48 Prudential Report” and dated 14 June 2022 in confidence under section 90(2) & (3) b (i) and b (ii) and Section 91(7) of the Local Government Act 1999:
 - information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; AND information the disclosure of which would, on balance, be contrary to the public interest

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 30 December 2022 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 Audit Committee resolves otherwise, whichever occurs first.

2. That Audit Committee 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 (1358)

Cr Wyld was not present for the vote.

Cr Wyld re-entered the meeting at 8.33pm.

23. Date of Next Ordinary Meeting

12 July 2022

The Mayor declared the meeting closed at 8.34pm.

Confirmed.....
Mayor 12 July 2022