

**MINUTES
OF THE COUNCIL MEETING OF THE CITY OF TEA TREE GULLY
HELD ON TUESDAY 19 JANUARY 2021 AT 7.00PM IN THE
COUNCIL CHAMBERS, 571 MONTAGUE ROAD, MODBURY**

1. Opening Prayer and Welcome

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

2. Attendance Record:

2.1 Present – Physical Attendance

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 and S Keane.

2.2 Apologies

A Schlueter.

2.3 Leave of Absence

Nil

2.4 Record of Officers in Physical Attendance onsite

Mr J Moyle	Chief Executive Officer
Mr R McMahon	Director Organisation Services & Excellence
Mrs C Neil	Director Community & Cultural Development
Mr T Harfield	Director Assets & Environment
Mrs D Taglierini	Governance Advisor
Mrs I Wilkshire	Manager City Strategy
Mrs V Masterman	Team Leader Planning Strategy
Mr G D'Aloia	Manager Civil Assets
Mr A Sellars	Manager Parks
Mr M Hannath	Supervisor Arboriculture & Biodiversity
Mr M Burke	Manager Building Assets & Environment
Mr J Herd	Environmental Sustainability Coordinator
Mr D Hill	Waste Services Officer
Mr J Foong	Water Resource Specialist

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

Mr R Hutchison	Team Leader Parks Assets
Ms C Tully	Team Leader Planning
Mrs E Graves	Manager Customer & Communication
Mr T Amato	Team Leader – Communications, Marketing & Events

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

6 Attendees

2.6 Record of Media in Physical Attendance

Messenger

3. Confirmation of Minutes to the Previous Meeting

Moved Cr S Keane, Seconded Cr Field

That the Minutes of the Council Meeting held on 8 December 2020 be confirmed as a true and accurate record of proceedings.

Carried Unanimously (703)

4. Mayor's Report - Nil

5. Public Forum

The following people spoke in relation to the management report titled "Outcomes of Engagement Solandra Reserve":

- Ms Helen Wildbore
- Dr Elizabeth Markic

Mr David Bataljin spoke in relation to the petition titled "Removal of Pine Trees in The Spinney Reserve - Adjacent 1 to 4 Bronzewing Place, Tea Tree Gully".

6. Deputations - Nil

7. Presentations - Nil

8. Petitions - Nil

8.1 Removal of Pine Trees in The Spinney Reserve - Adjacent 1 to 4 Bronzewing Place, Tea Tree Gully (D21/1125)

Council received the petition.

9. Declaration of Conflicts of Interests - Nil

10. Adjourned Business - Nil

11. Motions Lying on the Table - Nil

12. Committee Reports

Audit Committee - Nil

Policy and Strategic Development Committee - Nil

CEO Performance and Remuneration Review Committee - Nil

Traffic Management Safety Committee - Nil

13. Management Reports

Office of the Chief Executive Officer

13.1 Outcomes of Engagement Solandra Reserve (D20/110028)

Moved Cr Petrie, Seconded Cr Wyld

1. That Council, having considered the report titled "Outcomes of Engagement Solandra Reserve" and dated 19 January 2021, notes the Outcomes of Engagement Report provided as Attachment 4 to this report.
2. That Council endorses the amendment to the Modbury North Community Land Management Plan to include public toilets, shade structures and BBQs.
3. That Council authorises the construction of public toilets in Solandra Reserve to be funded from the current project budget allocated for the 2020-21 Financial Year and construction of the boardwalks be delayed for a future stage.
4. That Council endorses the proposed amendments to the draft concept design for Solandra Reserve as outlined in Section 2.14 in the report titled "Outcomes of Engagement Solandra Reserve" and dated 19 January 2021 and instructs staff to progress the project to the final stages of detailed design documentation and delivery.

Carried (704)

Cr Petrie called for a Division

The Mayor declared the vote set aside

The following members voted in the affirmative:

Crs Coleman, Field, Jones, B. Keane, S. Keane, Lintvelt, Petrie, Savvas, Unger and Wyld

The following members voted in the negative:

Cr Rankine

The Mayor declared the motion **carried**.

13.2 Review of Confidential Orders - January 2021 (D20/106045)

Moved Cr Wyld, Seconded Cr Petrie

That having undertaken a review of current confidential orders as detailed in Attachment 1 of the report titled "Review of Confidential Orders – January 2021" and dated 19 January 2021, Council supports the continuation of all listed orders subject to the following two orders being released:

1. Report, Attachments and Item 3 of the minutes titled "Complaint lodged by Mr Kevin Knight against Chief Executive Officer" and dated 29 June 2020.
2. Paragraph 5 of the minutes titled "Council's Principal Spokesperson and Nominated Delegate" and dated 25 February 2020.

Formal Motion

Moved Cr Lintvelt, Seconded Cr Coleman

That the matter be adjourned to the end of the meeting to enable the matter to be considered in confidence.

Carried Unanimously (705)

13.3 Consultation on Greater Adelaide Regional Organisation of Councils (GAROC) Annual Business Plan 2021-22 (D21/2069)

Moved Cr Field, Seconded Cr S Keane

That Council notes the report titled "Consultation of Greater Adelaide Regional Organisation of Councils (GAROC) Annual Business Plan 2021-22", dated 19 January 2021 and authorises Council's Chief Executive Officer to respond to the Local Government Association / GAROC as outlined in the report.

Carried Unanimously (706)

Assets & Environment

13.4 Tea Tree Gully Gymsports - Proposed Building Expansion and Carpark Upgrade (D21/852)

Moved Cr Jones, Seconded Cr Lintvelt

That Council, having considered the report titled "Tea Tree Gully Gymsports – Proposed Building Expansion and Carpark Upgrade" and dated 19 January 2021, agrees to an extension of time for a Council report to be provided containing updated preliminary designs and costings for this potential project no later than 30 April 2021.

Carried Unanimously (707)

Organisational Services & Excellence

13.5 Request for Lease - Vodafone Network Pty Ltd - Pertaringa Oval, Steventon Drive, Banksia Park Being a Portion of Allotment 6 (88 Elizabeth Street, Banksia Park) (D20/104602)

Moved Cr Field, Seconded Cr Wyld

1. That Council having undertaken public consultation in accordance with Section 202 of the Local Government Act 1999 and considered the community's responses, now in accordance with Section 201 of the Act, grants a 20 year lease for a portion of land situated at Allotment 6, 88 Elizabeth Street, Banksia Park, Certificate of Title Volume 5891, Folio 983, for the purpose of retaining the existing telecommunications station with a view to upgrading the facility to industry standards for the life of the lease.
2. That the lease be for a term of 20 years, with an initial lease fee commencing at \$9,200 per annum per annum with 3 percent annual increases and market rent reviews every 5 years with additional terms and conditions that the Chief Executive Officer deems appropriate for this agreement.
3. That Council's Chief Executive Officer be authorised to sign any relevant lease agreements to effect this decision.

Carried Unanimously (708)

13.6 SA Power Network - New Easement - Richardson Reserve, Wynn Vale (D20/107046)

Moved Cr S Keane, Seconded Cr Wyld

That have considered the report titled "SA Power Network - New Easement - Richardson Reserve, Wynn Vale" and dated 19 January 2021 that Council:

1. Pursuant to Section 201 of the Local Government Act 1999, Council grants an easement to SA Power Networks over a portion of Certificate of Title Volume 5555 Folio 864 Allotment (Reserve) 803 in deposited Plan 22355 Easement to modify an existing electricity supply connection at Lot 803 Richardson Drive Wynn Vale as approximately described in Attachment 1 of the report for electricity purposes.
2. Accepts costs associated with the registering of the easement as part of the new Multi-use Building and facility upgrade at Richardson Reserve Wynn Vale.
3. Authorises Council's Mayor and Chief Executive Officer to sign and seal all relevant documents to give effect of this decision, including the Agreement in Attachment 2 of the abovementioned report.

Carried Unanimously (709)

13.7 Changes to Council's Principal Spokesperson and Nominated Delegate and Media Policy (D20/105644)

Moved Cr Field, Seconded Cr Unger

That having considered the report title "Changes to Council's Principal Spokesperson and Nominated Delegate and Media Policy" and dated 19 January 2021, Council resolves to:

- a) Continue to appoint the Deputy Mayor, as its principal spokesperson, in lieu of the Mayor,
- b) Appoint Cr Damian Wyld as Acting Principal Spokesperson in the absence of the Deputy Mayor, and
- c) That in the absence of both the Principal Spokesperson and Acting Spokesperson, the Deputy Mayor can nominate any other Elected Member at their discretion to be Council's Principal Spokesperson on a particular matter.
- d) That Council appoints the Chief Executive Officer as its principal spokesperson for all matters from the final declaration of the Council Periodic Elections until Council considers and appoints a Principal Spokesperson.
- e) That the amended Media Policy as provided in Attachment 1 be adopted by Council including any other relevant resolutions of Council at this meeting.

Carried Unanimously (710)

Community & Cultural Development

13.8 Golden Grove - Park and Ride Facility (D20/112527)

Moved Cr S Keane, Seconded Cr Rankine

1. That Council's Chief Executive Officer writes, on behalf of Council, to the State Commission Assessment Panel and the applicant (Department for Infrastructure and Transport) for Development Application Number 070/V034/20 indicating that Council supports the concept of the construction of an upgrade to the existing Park and Ride Facility at Golden Grove, **Lot 906 The Grove Way, Golden Grove**, which includes the construction of a multi-level car park building, bicycle facilities, reconfigured access and egress, upgraded bus shelters and bus access, landscaping and retaining walls as set out in the report titled "Golden Grove - Park and Ride Facility" and dated 19 January 2021.
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 "Golden Grove - Park and Ride Facility" and dated 19 January 2021 plus the additional items as follows:
 1. Council seeks an amendment to the car park design, or adaptability for future design, to include:
 1. provision for electric vehicle charging facilities with a potential for more to be added as the demand for these services increase,
 2. smart parking arrangements with vacancy/occupancy lighting indicators with green/red light indicators along with information about vacancies by an App being available to the public and displayed at physical entranceways

3. That Council authorises the Chief Executive Officer to negotiate and enter into any agreements or documentation necessary to facilitate the construction of upgrades to the existing Park and Ride Facility at Golden Grove, Lot 906 The Grove Way, Golden Grove, in accordance with Development Application Number 070/V034/20 taking into account the matters set out in Attachment 2 to the report titled "Golden Grove - Park and Ride Facility" and dated 19 January 2021.

Leave of the meeting was sought with the consent of the mover and seconder to vary the motion to include "and the applicant" in dot point 2 after "the State Commission Assessment Panel". Leave was granted.

1. That Council's Chief Executive Officer writes, on behalf of Council, to the State Commission Assessment Panel and the applicant (Department for Infrastructure and Transport) for Development Application Number 070/V034/20 indicating that Council supports the concept of the construction of an upgrade to the existing Park and Ride Facility at Golden Grove, **Lot 906 The Grove Way, Golden Grove**, which includes the construction of a multi-level car park building, bicycle facilities, reconfigured access and egress, upgraded bus shelters and bus access, landscaping and retaining walls as set out in the report titled "Golden Grove - Park and Ride Facility" and dated 19 January 2021.
2. That Council's written responses to the State Commission Assessment Panel and the applicant also include additional comments consistent with the matters set out in Attachment 2 of the report titled "Golden Grove - Park and Ride Facility" and dated 19 January 2021 plus the additional items as follows:
 1. Council seeks an amendment to the car park design, or adaptability for future design, to include:
 1. provision for electric vehicle charging facilities with a potential for more to be added as the demand for these services increase,
 2. smart parking arrangements with vacancy/occupancy lighting indicators with green/red light indicators along with information about vacancies by an App being available to the public and displayed at physical entranceways
3. That Council authorises the Chief Executive Officer to negotiate and enter into any agreements or documentation necessary to facilitate the construction of upgrades to the existing Park and Ride Facility at Golden Grove, Lot 906 The Grove Way, Golden Grove, in accordance with Development Application Number 070/V034/20 taking into account the matters set out in Attachment 2 to the report titled "Golden Grove - Park and Ride Facility" and dated 19 January 2021.

Carried Unanimously (711)

14. Notice(s) of Motions - Nil

15. Motions without Notice

15.1 Proposed Installation of a Swing at Tarni Reserve, Fairview Park

Moved Cr Jones, Seconded Cr Lintvelt

That a report be provided to Council, no later than April 2021, outlining the estimated costs to supply and install a free standing basket or tyre swing at Tarni Reserve, Fairview Park.

Carried Unanimously (712)

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 Community Wastewater Management System (CWMS) Quarter 2 Report (D20/110912)

19.2 Gallery Road - Guardrail Installation Update 2020-21 (D20/111903)

19.3 Summary of the Biennial Report Submission to Regional Public Health Plan - July 2018 - June 2020 (D20/112267)

19.4 Online Facilities Booking Solution (D21/1858)

19.5 Outcomes of Petition Relating to Save the Swing - Tarni Street, Fairview Park (D20/110647)

19.6 Alternative Water Supply Efficiency Measures (AWSEM) - Department of Environment and Water (D20/98459)

19.7 Elected Member Training and Development - Approval of Applications under CEO Delegation - October to December 2020 (D20/106044)

19.8 Call for Notices of Motions - 2021 National General Assembly of Local Government (D21/2223)

20. Status Report on Resolutions

20.1 Status Report on Council Resolutions (D21/2057)

Council received the Status Report on Council Resolutions.

21. Other Business - Nil

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

22.1 2021 City of Tea Tree Gully Australia Day Awards (D20/111251)

Recommendation for Moving into Camera

Moved Cr Field, Seconded Cr Coleman

1. That pursuant to Section 90(2) of the Local Government Act 1999, the Council orders that the public (except staff on duty) be excluded from the meeting to enable discussion on the 2021 City of Tea Tree Gully Australia Day Awards.
2. That the Council is satisfied that pursuant to section 90(3)(a) of the Act, the information to 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 any person (living or dead).
 - On the basis that details regarding nominees personal attributes and merits of the nominations may be discussed, which are details that should not be released outside the official ceremony that recognises their contribution to the City.
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.
4. 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 disclosure of details regarding the merits of the nominations may be prematurely released before the successful award recipients have been announced at the Australia Day Awards Ceremony, and could therefore result in the inappropriate release of information outside of the official ceremony that recognises their contribution to the City.

Carried Unanimously (713)

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

Mr J Moyle, Mr T Harfield, Mrs C Neil, Mr R McMahon, Mrs D Taglierini, Mr T Amato, Mrs E Graves, Mr M Burke, Mr J Herd and Mr D Hill.

Formal Meeting Procedures Suspended at 8.15pm

Moved Cr Field, Seconded Cr Coleman

That Council temporarily suspend the formal meeting procedures to allow free and open discussion on matter until Council has considered all the nominations.

Carried Unanimously (714)

Following the informal discussion the Mayor determined that the period of suspension should be brought to an end and formal meeting procedures were resumed at 8.45pm.

22.1 2021 City of Tea Tree Gully Australia Day Awards (D20/111251)

Moved Cr Wyld, Seconded Cr Keane.B

2021 City of Tea Tree Gully Outstanding Citizen Award

That Council awards the City of Tea Tree Gully's 2021 Outstanding Citizen Award to David George.

2021 City of Tea Tree Gully Outstanding Community Group Award

That Council awards the City of Tea Tree Gully's 2021 Outstanding Community Group Award to Kiwanis Club of Modbury.

Carried Unanimously (715)

Retention of confidential documents:

Moved Cr S Keane, Seconded Cr Field

1. That having considered the agenda item titled 2021 City of Tea Tree Gully Australia Day Awards and dated 19 January 2021 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 award winners are publicly announced on Australia Day 2021.

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 (716)

22.2 Kerbside Recycling Contract - Tender Recommendation (D20/112405)**Recommendation for Moving into Camera**

Moved Cr S Keane, 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 Kerbside Recycling Contract - Tender Recommendation.
2. That the Council is satisfied that pursuant to section 90(3) (d)(i), (d)(ii) and (k) of the Local Government Act 1999, the information being received, discussed or considered in relation to this item is:
 - A tender for the supply of goods, the provision of services or the carrying out of works 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
 - on the basis that release of this information has the ability to compromise the relevant company's ability to appropriate contracts with third parties.
 - tenders for the supply of goods, the provision of services or the carrying out of services.
 - 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 (717)

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

Mr J Moyle, Mr T Harfield, Mrs C Neil, Mr R McMahon, Mrs D Taglierini, Mr T Amato, Mr M Burke, Mr J Herd and Mr D Hill.

22.2 Kerbside Recycling Contract - Tender Recommendation (D20/112405)

Moved Cr Field, Seconded Cr B Keane

That Council, having considered the report titled “Kerbside Recycling Contract – Tender Recommendation” and dated 19 January 2021 awards the contract for the Receipt and Processing of Kerbside Collected Recyclables for the City of Tea Tree Gully to East Waste Management Authority by acceding to their contract with Northern Adelaide Waste Management Authority for an initial term of 14 months, with extension provisions of three years up to six years.

Carried Unanimously (718)

Retention of confidential documents:

Moved Cr S Keane, Seconded Cr Field

1. That having considered the agenda item titled Kerbside Recycling Contract - Tender Recommendation and dated 19 January 2021 in confidence under section 90(2) & (3)(d)(i), (d)(ii) and (k) 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
 - 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 with the exception of those third parties impacted or involved until the contract is signed by both parties or 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 (719)

22.3 Kerbside Organics Contract – Tender Recommendation (D21/1372)

Recommendation for Moving into Camera

Moved Cr S Keane, 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 Kerbside Organics Contract – Tender Recommendation.
2. That the Council is satisfied that pursuant to section 90(3)(d)(i), (d)(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
 - the disclosure of which would, on balance, be contrary to the public interest; AND
 - on the basis that release of this information has the ability to compromise the relevant company's ability to appropriate contracts with third parties.
 - tenders for the supply of goods, the provision of services or the carrying out of services.
 - 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 (720)

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

Mr J Moyle, Mr T Harfield, Mrs C Neil, Mr R McMahon, Mrs D Taglierini, Mr T Amato, Mr M Burke, Mr J Herd and Mr D Hill.

22.3 Kerbside Organics Contract – Tender Recommendation (D21/1372)

During the discussion, Cr Savvas left the meeting at 9.17pm and returned at 9.21pm.

Moved Cr Field, Seconded Cr Unger

That Council having considered the report titled “Kerbside Organics Contract – Tender Recommendation” and dated 19 January 2021 awards the contract for Receipt and Processing of Kerbside Collected Organics for the City of Tea Tree Gully to the Jeffries Group as set out in the abovementioned report, for a term of five years, with extension provision of three years and in accordance with Council’s relevant tender documents and the related successful tender.

Carried Unanimously (721)

Retention of confidential documents:

Moved Cr S Keane, Seconded Cr Coleman

1. That having considered the agenda item titled Kerbside Organics Contract – Tender Recommendation and dated 19 January 2021 in confidence under section 90(2) & (3)(d)(i), (d)(ii) and (k) 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
- tenders for the supply of goods, the provision of services or the carrying out of services

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 with the exception of those third parties impacted or involved until the contract is signed by both parties or 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 (722)

The Mayor left for the remainder of the meeting at 9.24pm

Cr Jones took chair as Presiding Member at 9.25pm

Cr Field left the meeting at 9.25pm

Adjournment of Meeting at 9.26pm

Moved Cr Wyld, Seconded Cr Coleman

That the meeting be adjourned for a five minute break.

Carried Unanimously (723)

Cr Field was not present for the vote

The meeting resumed at 9.31pm.

22.4 Review of Confidential Orders - January 2021 (D20/106045)

Recommendation for Moving into Camera

Moved Cr S Keane, 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 on the Review of Confidential Orders – January 2021 regarding the Complaint lodged by Mr Kevin Knight against Chief Executive Officer.
2. That the Council is satisfied that pursuant to section 90(3)(a), (h) and (j)(i) 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); AND legal advice; AND 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) .
 - The matter deals with unproven allegations against an employee of the Council.
 - It includes advice received from Council’s lawyers on the matter.
 - It includes material provided to Council as part of a Third Party Referral.
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 allegations are unproven and the details above need to be considered in camera although Council’s final decision on the matter may be able to be released to the general public.

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 the matter deals with unproven allegations against an employee of the Council, it contains legal advice and material provided to Council as part of a Third Party Referral.

Carried Unanimously (724)

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

Mr T Harfield, Mrs C Neil, Mr R McMahon and Mrs D Taglierini.

22.4 Review of Confidential Orders - January 2021 (D20/106045)

Moved Cr Wyld, Seconded Cr Petrie

That having undertaken a review of current confidential orders as detailed in Attachment 1 of the report titled "Review of Confidential Orders – January 2021" and dated 19 January 2021, Council supports the continuation of all listed orders subject to the following two orders being released:

1. Report, Attachments and Item 3 of the minutes titled "Complaint lodged by Mr Kevin Knight against Chief Executive Officer" and dated 29 June 2020.
2. Paragraph 5 of the minutes titled "Council's Principal Spokesperson and Nominated Delegate" and dated 25 February 2020.

Formal Meeting Procedures Suspended at 9.43pm

Moved Cr Field, Seconded Cr Wyld

That Council temporarily suspend the formal meeting procedures to allow free and open discussion on review of confidential items until Council has considered all items.

Carried Unanimously (725)

Following the informal discussion the Deputy Mayor determined that the period of suspension should be brought to an end and formal meeting procedures were resumed at 10.13pm.

Motion

Moved Cr Wyld, Seconded Cr Petrie

That having undertaken a review of current confidential orders as detailed in Attachment 1 of the report titled "Review of Confidential Orders – January 2021" and dated 19 January 2021, Council supports the continuation of all listed orders subject to the following two orders being released:

1. Report, Attachments and Item 3 of the minutes titled "Complaint lodged by Mr Kevin Knight against Chief Executive Officer" and dated 29 June 2020.
2. Paragraph 5 of the minutes titled "Council's Principal Spokesperson and Nominated Delegate" and dated 25 February 2020.

Leave of the meeting was sought with the consent of the mover and seconder to vary the motion to remove dot point 1. Leave was granted.

That having undertaken a review of current confidential orders as detailed in Attachment 1 of the report titled “Review of Confidential Orders – January 2021” and dated 19 January 2021, Council supports the continuation of all listed orders subject to the following order being released:

- a. Paragraph 5 of the minutes titled “Council’s Principal Spokesperson and Nominated Delegate” and dated 25 February 2020.

Carried Unanimously (726)

Review of Confidential Orders

Moved Cr Wyld, Seconded Cr Field

That the Review of Confidential Orders be provided to Council for consideration after Council has considered any relevant investigations.

Carried Unanimously (727)

23. Date of Next Ordinary Meeting

9 February 2021

The Acting Mayor declared the meeting closed at 10.17pm.

Confirmed.....
Mayor 9 February 2021