

**MINUTES
OF THE COUNCIL MEETING OF THE CITY OF TEA TREE GULLY HELD ON
TUESDAY 12 DECEMBER 2023 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.

Declaration of Office Ceremony for the recently Elected Council Member for Drumminor Ward

Jan Hannaford administered the declaration of office to newly elected Councillor for Drumminor Ward, Cr Lyn Petrie.

2. Attendance Record:

2.1 Present

Her Worship Mayor M Ryan, Crs T Sinclair, B Keane, J Hawkvelt, L Jones, R Unger, I Zagladov, L Petrie, K Drozdoff, B Lawrenson, M Champion, S Keane and K Foreman.

2.2 Apologies

Nil

2.3 Leave of Absence

Nil

2.4 Record of Officers in Attendance (physical or electronic)

Ryan McMahon	Chief Executive Officer
Justin Robbins	General Manager Strategy & Finance
Leisha Bond	General Manager Corporate Services
Felicity Birch	General Manager City Operations
Michael Pereira	General Manager Community Services
Deana Taglierini	Coordinator, Governance
Gabby D'Aloia	Manager Technical & Engineering Services
Olivia Harvey	Manager Customer and Communications
Ingrid Wilkshire	Manager City Strategy
Victoria Masterman	Lead – Precincts & Placemaking
Rebecca Baines	Manager Finance & Rating Services

Erica Vidinis
Greg Salmon
Leo Wu

Strategic Project & Stakeholder Manager
Manager Project Management Office
Strategic Buildings Project Lead

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

11 Attendees

3. Confirmation of Minutes to the Previous Meeting

Moved Cr Drozdoff, Seconded Cr Champion

That the Minutes of the Council Meeting held on 28 November 2023 be confirmed as a true and accurate record of proceedings.

Carried Unanimously (340)

4. Public Forum - Nil

5. Deputations

5.1 Deputation - Tammy Page (D23/99555)

Tammy Page, President of Tea Tree Gully Gymsports Inc provided a deputation in relation to the Audit & Risk Committee report titled 'Tea Tree Gully Gymsports Redevelopment Section 48 Prudential Report'.

6. Presentations - Nil

7. Petitions - Nil

8. Adjourned Business - Nil

9. Motions Lying on the Table - Nil

10. Committee Reports

Service Review Committee - Nil

Audit & Risk Committee

10.1 Recommendations from the Audit & Risk Committee Meeting held on 6 December 2023

Community engagement outcomes on the draft Long Term Financial Plan 2025-2034 (D23/93493)

Moved Cr Zagladov, Seconded Cr Unger

That Council having considered the report titled “Community engagement outcomes on the draft Long Term Financial Plan 2025-2034” and dated 6 December 2023:

1. Notes the Community Engagement Outcomes Report in relation to the Draft Long Term Financial Plan 2025-2034 as detailed in Attachment 1.
2. Adopts the revised Long-Term Financial Plan for the Financial years from 2025-2034 as detailed in Attachment 2.

Carried Unanimously (341)

Tea Tree Gully Gymsports Redevelopment Section 48 Prudential Report (D23/96631)

Pursuant to sections 74 and 75B of the Local Government Act 1999 Cr Foreman declared a general conflict of interest in relation to the matter on the basis that her employer is involved in the funding of this project as part of their election commitments. Cr Foreman dealt with this matter in an accountable and transparent way by leaving the meeting. Cr Foreman left the meeting at 7.29pm.

Moved Cr Zagladov, Seconded Cr Hawkvelt

That having considered the report “Tea Tree Gully Gymsports Redevelopment Section 48 Prudential Report” and dated 6 December 2023, Council resolves:

1. The Prudential Report for the Tea Tree Gully Gymsports Redevelopment (Prudential Report) prepared by BRM Advisory (provided as Attachment 1) meets the criteria of Section 48 of the Local Government Act 1999.

2. To proceed with the Tea Tree Gully Gymsports Redevelopment project at a price consistent with the Prudential Report findings.
3. Notes that the additional \$2m Council contribution to this project will be funded through interest earned on the Grant Funding received and an allocation from the Strategic Buildings Provision within the Long Term Financial Plan. The addition allocation will not impact the current assumptions of the LTFP.

The Mayor sought leave of the meeting with the consent of the mover and seconder to vary the motion to add an additional dot point

“4. Requests a copy of the Tea Tree Gully Gym Sports annual report be presented to Council, effective from the completion of the building, and details of the TTG Gym Sports progress in relation to their commitment to provide additional support to City of Tea Tree Gully Council residents, as detailed in their letter received on 7 December 2024, also be included in this report to Council”.

Leave was granted and the motion was varied.

Motion as varied

That having considered the report “Tea Tree Gully Gymsports Redevelopment Section 48 Prudential Report” and dated 6 December 2023, Council resolves:

1. The Prudential Report for the Tea Tree Gully Gymsports Redevelopment (Prudential Report) prepared by BRM Advisory (provided as Attachment 1) meets the criteria of Section 48 of the Local Government Act 1999.
2. To proceed with the Tea Tree Gully Gymsports Redevelopment project at a price consistent with the Prudential Report findings.
3. Notes that the additional \$2m Council contribution to this project will be funded through interest earned on the Grant Funding received and an allocation from the Strategic Buildings Provision within the Long Term Financial Plan. The addition allocation will not impact the current assumptions of the LTFP.
4. Requests a copy of the Tea Tree Gully Gym Sports annual report be presented to Council, effective from the completion of the building, and details of the TTG Gym Sports progress in relation to their commitment to provide additional support to City of Tea Tree Gully Council residents, as detailed in their letter received on 7 December 2024, also be included in this report to Council.

Carried Unanimously (342)

Cr Foreman was not present for the vote.

Cr Foreman re-entered the meeting at 7.40pm.

Governance & Policy Committee - Nil

CEO Performance Review Committee - Nil

11. Management Reports

Office of the Chief Executive Officer - Nil

City Operations

11.1 Proposed alteration to the Annual Business Plan 2023-24, Roads to Recovery Program (D23/92734)

Moved Cr Lawrenson, Seconded Cr Foreman

That having considered the report titled “Proposed Alteration to the Annual Business Plan 2023–24, Roads to Recovery Program” and dated 12 December 2023, Council approves the following change to the Annual Business Plan 2023-24, Roads to Recovery Program:

1. Remove Surrey Farm Drive (The Golden Way to School entrance), Wynn Vale and
2. Include Kelly Road (Milne Road to Murrell Road), Modbury Heights.

Carried Unanimously (343)

11.2 Golden Grove Lions Club Native Bee and Butterfly Garden and Mural at Lot 50 (D23/97709)

Moved Cr S Keane, Seconded Cr Foreman

That having considered the report titled “Golden Grove Lions Club Native Bee and Butterfly Garden and Mural at Lot 50” and dated 12 December 2023, Council support the following:

1. The construction of a native bee and butterfly garden, mural and interpretive signage at Lot 50, Modbury Heights in partnership with the Golden Grove Lions Club.
2. Authorises Council’s Chief Executive Officer to accept \$15,000 from the Golden Grove Lions Club as a financial contribution towards the construction of the native bee and butterfly garden.

3. Supports a Council financial contribution of \$12,600 towards the garden project utilising existing operational budgets.
4. Authorises Council's Chief Executive Officer to provide a letter of support (if required) to the Golden Grove Lions Club, in support of their grant application seeking external funding towards the proposed mural and interpretive signage at Lot 50, Modbury Heights.

Carried Unanimously (344)

Cr Jones left the meeting at 7.46pm.

Corporate Services - Nil

Strategy & Finance

11.3 Upgrade options for Observation Reserve Playground, Highbury (D23/98589)

During the moving of the motion, Cr Jones re-entered the meeting at 7.47pm.

Moved Cr Champion, Seconded Cr Lawrenson

That Council having considered the report titled "Upgrade options for Observation Reserve Playground, Highbury" and dated 12 December 2023:

1. Receives the Outcomes of Investigations Report as provided as Attachment 1.
2. Considers the following upgrades to Observation Reserve as part of the Draft Annual Business Plan for the 2024-2025 financial year:
 - a. Installation of a new drinking fountain and picnic table in the shade of the existing tree canopy.
 - b. Costs for the two options for the installation of an additional swing, softfall and edging in the shade of the existing tree canopy be obtained and considered as part of the 2024/2025 financial year budget.

Carried Unanimously (345)

11.4 North East Road Tea Tree Gully Township Concept Plan and Grant Funding (D23/99054)

Pursuant to sections 74 and 75B of the Local Government Act 1999 Cr Jones declared a general conflict of interest in relation to the matter on the basis that he lives within a close vicinity of the concept plan zone. Cr Jones dealt with this matter in an accountable and transparent by remaining impartial and consider the item on its merits and make decisions in the public interest of the Community.

Moved Cr Jones

That Council, having considered the report titled “North East Road Tea Tree Gully Township Concept Plan and Grant Funding” and dated 12 December 2023:

1. Adopts the draft concept for North East Road from its intersection with Church Street to the eastern gateway to the Township, Tea Tree Gully as provided in Attachment 1 to assist with applying for external grant funding.
2. Authorises the CEO to apply for any other relevant external grant funding opportunities to support the upgrade
3. Should the grant application(s) be successful, authorises the Chief Executive Officer and Mayor to sign and seal (if required) the Grant Deed as required by the relevant grant funding body
5. Notes the Annual Business Plan in 2023-2024 contains an allocation of \$100k to progress the detailed design of the streetscape upgrades.
6. Considers the inclusion of \$1.8m in the Draft Annual Business Plan for 2024-25 to deliver an initial stage of the upgrade.
7. Notes that funding to deliver the balance of the project will be provided for in the forward estimates of the Long Term Financial Plan and be considered for inclusion in the Draft Annual Business Plan for 2025-26.

The Mayor sought leave of the meeting with the consent of the mover to vary the motion to:

- *add the additional words at the end of point one “with the exception of relocating the rotunda which should be retained in its current location”*
- *To add an additional point at dot point 2 “Staff meet with local residents who have previously indicated an interest in Gilmour Park and consider any feedback that may be received on the concept design contained in Attachment 1 for Gilmour Park (1335A North East Road) by 30 January 2024”.*

Leave was granted and the motion was varied.

Motion as varied

Moved Cr Jones, Seconded Cr Hawkvelt

That Council, having considered the report titled “North East Road Tea Tree Gully Township Concept Plan and Grant Funding” dated 12 December 2023:

1. Adopts the draft concept for North East Road from its intersection with Church Street to the eastern gateway to the Township, Tea Tree Gully as provided in Attachment 1 to assist with applying for external grant funding with the exception of relocating the rotunda which should be retained in its current location.
2. Staff meet with local residents who have previously indicated an interest in Gilmour Park and consider any feedback that may be received on the concept design contained in Attachment 1 for Gilmour Park (1335A North East Road) by 30 January 2024
3. Authorises the CEO to apply for any other relevant external grant funding opportunities to support the upgrade
4. Should the grant application(s) be successful, authorises the Chief Executive Officer and Mayor to sign and seal (if required) the Grant Deed as required by the relevant grant funding body
5. Notes the Annual Business Plan in 2023-2024 contains an allocation of \$100k to progress the detailed design of the streetscape upgrades.
6. Considers the inclusion of \$1.8m in the Draft Annual Business Plan for 2024-25 to deliver an initial stage of the upgrade.
7. Notes that funding to deliver the balance of the project will be provided for in the forward estimates of the Long Term Financial Plan and be considered for inclusion in the Draft Annual Business Plan for 2025-26.

The Mayor sought leave of the meeting with the consent of the mover and seconder to vary the motion to:

- *add the additional words at the end of point one “ and subject to extending the scope of works further down Perseverance Road”.*

Leave was granted and the motion was varied.

Motion as varied

That Council, having considered the report titled “North East Road Tea Tree Gully Township Concept Plan and Grant Funding” dated 12 December 2023:

1. Adopts the draft concept for North East Road from its intersection with Church Street to the eastern gateway to the Township, Tea Tree Gully as

provided in Attachment 1 to assist with applying for external grant funding with the exception of relocating the rotunda which should be retained in its current location and subject to extending the scope of works further down Perseverance Road.

2. Staff meet with local residents who have previously indicated an interest in Gilmour Park and consider any feedback that may be received on the concept design contained in Attachment 1 for Gilmour Park (1335A North East Road) by 30 January 2024
3. Authorises the CEO to apply for any other relevant external grant funding opportunities to support the upgrade
4. Should the grant application(s) be successful, authorises the Chief Executive Officer and Mayor to sign and seal (if required) the Grant Deed as required by the relevant grant funding body
5. Notes the Annual Business Plan in 2023-2024 contains an allocation of \$100k to progress the detailed design of the streetscape upgrades.
6. Considers the inclusion of \$1.8m in the Draft Annual Business Plan for 2024-25 to deliver an initial stage of the upgrade.
7. Notes that funding to deliver the balance of the project will be provided for in the forward estimates of the Long Term Financial Plan and be considered for inclusion in the Draft Annual Business Plan for 2025-26.

Carried Unanimously (346)

Community Services - Nil

12. Notice(s) of Motions

12.1 Notice of Motion - Footpath at Keeble Street, St Agnes (Cr Zagladov) (D23/99689)

Moved Cr Zagladov, Seconded Cr Unger

That Council, taking into account the petition received by Council at its meeting on 13 December 2022 opposing construction to the footpath on Keeble Street, St Agnes, resolves as follows:

1. Delay any proposed construction of the footpath on Keeble Street, St Agnes until further decision of the Council.

2. Requests that the CEO arranges for staff to meet with ward councillors and any residents suggested by the ward councillors to discuss the matter further.
3. That a further report be brought back to Council for consideration, prior to any footpath construction

Carried Unanimously (347)

13. Motions without Notice - Nil

14. Questions on Notice - Nil

15. Questions without Notice - Nil

16. Mayor's Report, Council Delegates and Activities Report

Council received the Mayor's report.

17. Information Reports

The following Information reports were received at the meeting:

17.1 Call for Nominations - Nominate for the Libraries Board of SA (D23/97663)

After the moving of the motion, pursuant to sections 75 of the Local Government Act 1999, Cr Hawkvelt declared a material conflict of interest in relation to the matter on the basis that if appointed the position will attract an additional allowance. Cr Hawkvelt dealt with the matter in a transparent and accountable way by leaving the meeting while the matter was discussed and voted on. Cr Hawkvelt left the meeting at 8.25pm.

Moved Cr Jones,

That Council nominates Cr Jessica Hawkvelt as the nominee to the Libraries Board of SA.

The Mayor sought leave of the meeting with the consent of the mover to vary the motion to include Cr Tammie Sinclair as a nominee. Leave was granted and the motion was varied.

After the variation, pursuant to sections 75 of the Local Government Act 1999, Cr Sinclair declared a material conflict of interest in relation to the matter on the basis that if appointed the position will attract an additional allowance. Cr Sinclair dealt with the matter in a transparent and accountable way by leaving the meeting while the matter was discussed and voted on. Cr Sinclair left the meeting at 8.27pm.

Motion as varied

Moved Cr Jones, Seconded Cr S Keane

That Council nominates Crs Jessica Hawkvelt and Tammie Sinclair as the nominee to the Libraries Board of SA.

Carried Unanimously (348)

Crs Hawkvelt and Sinclair were not present for the vote.

Crs Hawkvelt and Sinclair re-entered the meeting at 8.30pm.

17.2 Elected Member Mandatory Training Requirements (D23/98326)

17.3 Drumminor Ward Councillor - Election Results (D23/100632)

18. Status Report on Resolutions

18.1 Status Report on Council Resolutions - Completed Actions (D23/98555)

Council received the Status Report on Council Resolutions - Completed Actions

18.2 Status Report on Council Resolutions - Pending Actions (D23/99144)

Council received the Status Report on Council Resolutions - Pending Actions

19. Other Business

19.1 Winners at Australian Tennis Awards

Moved Cr Hawkvelt,

That Council congratulates the Golden Grove Tennis Club for being the winner of the most Outstanding Tennis Club in Australia at the Australian Tennis Awards night on Monday 11 December 2023.

The Mayor sought leave of the meeting with the consent of the mover to vary the motion to include the words after in Australia “and the Torrens Valley Christian School as most Outstanding School in Australia”. Leave was granted and the motion was varied.

Motion as varied

Moved Cr Hawkvelt, Seconded Cr Unger

That Council congratulates the Golden Grove Tennis Club for being the winner of the most Outstanding Tennis Club in Australia and the Torrens Valley Christian School as most Outstanding School in Australia at the Australian Tennis Awards night on Monday 11 December 2023.

The Mayor sought leave of the meeting with the consent of the mover and seconder to vary the motion to remove twice the words “in Australia”. Leave was granted and the motion was varied.

Motion as varied

That Council congratulates the Golden Grove Tennis Club for being the winner of the most Outstanding Tennis Club and the Torrens Valley Christian School as most Outstanding School at the Australian Tennis Awards night on Monday 11 December 2023.

Carried Unanimously (349)

Cr Jones thanked Felicity Birch, General Manager City Operations and her team on the outstanding work with maintaining Council verges during the peak season.

20. Confidential Items

20.1. Civic Centre Cafe (D23/98552)

Recommendation for Moving into Camera

Moved Cr Lawrenson, Seconded Cr Hawkvelt

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 Civic Centre Cafe.
2. That the Council is satisfied that pursuant to section 90(3)(b) of the Local Government Act 1999, the information to 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 the report includes details regarding negotiations and evaluations, which could compromise effective negotiation for achieving 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 early release of this information could compromise effective negotiation for achieving the best outcome for Council and the community.

Carried Unanimously (350)

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

Ryan McMahon, Justin Robbins, Felicity Birch, Leisha Bond, Michael Pereira, Deana Taglierini, Olivia Harvey, Rebecca Baines, Greg Salmon, Erica Vidinis and Leo Wu.

20.1 Civic Centre Cafe (D23/98552)

Confidential Page Removed

The Confidential Resolution No 351 and 352 has been withdrawn from the public minute record in accordance with Resolution No 353.

Retention of confidential documents:

Moved Cr Lawrenson, Seconded Cr S Keane

1. That having considered the agenda item titled “ Civic Centre Cafe” and dated 12 December 2023 in confidence under section 90(2) & (3) (b) 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 the contract is awarded and is signed by both parties 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 (353)

20.2. 2024 City of Tea Tree Gully Australia Day Awards (D23/99018)

Recommendation for Moving into Camera

Moved Cr Lawrenson, 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) be excluded from the meeting to enable discussion on the 2024 City of Tea Tree Gully Australia Day Awards.
2. That the Council is satisfied that pursuant to section 90(3) of the Local Government Act 1999, the information be received, discussed or considered in relation to this item is:
 - information relating to a proposed award recipient before the presentation of the award.
 - on the basis that it details proposed award recipients before the Australia Day Ceremony and that it 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. 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 this information should not be disclosed before the official Australia Day ceremony.

Carried Unanimously (354)

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

Ryan McMahon, Justin Robbins, Felicity Birch, Leisha Bond, Michael Pereira, Deana Taglierini, Olivia Harvey, Rebecca Baines, Greg Salmon, Erica Vidinis and Leo Wu.

20.2 2024 City of Tea Tree Gully Australia Day Awards (D23/99018)

Pursuant to sections 75 of the Local Government Act 1999, Cr Foreman declared a material conflict of interest in relation to the matter on the basis that one of the nominees was a relative. Cr Foreman dealt with the 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 9.03pm.

Suspension of Formal Meeting Procedures at 9.04pm.

The Mayor sought leave of the meeting to suspend formal meeting procedures to allow free discussion regarding award nominees. Leave was granted unanimously.

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 9.52pm.

Moved Cr Lawrenson, Seconded Cr B Keane

2024 City of Tea Tree Gully Outstanding Citizen Award

Shortlist of Nominations

That Council shortlists the following nominees for City of Tea Tree Gully's 2024 Outstanding Citizen Award:

- Christine Adams
- Joss Adele
- Craig Mousley
- Giuseppe (Joe) Petruzzella
- Jayden Bradbrook

Award Winner

That Council awards the City of Tea Tree Gully's 2024 Outstanding Citizen Award to Christine Adams.

Carried Unanimously (355)

Cr Foreman was not present for the vote.

Cr Foreman re-entered the meeting at 9.53pm.

Suspension of Formal Meeting Procedures at 9.53pm.

The Mayor sought leave of the meeting to suspend formal meeting procedures to allow free discussion regarding award nominees. Leave was granted unanimously.

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 9.58pm.

Moved Cr Lawrenson, Seconded Cr Champion

2024 City of Tea Tree Gully Outstanding Community Group Award

Shortlist of Nominations

That Council shortlists the following nominees for City of Tea Tree Gully's 2024 Outstanding Community Group Award:

- Technology for Ageing and Disability SA (TADSA)
- Tea Tree Gully Knit4Charities
- Tea Tree Gully Writers Group

Award Winner

That Council awards the City of Tea Tree Gully's 2024 Outstanding Community Group Award to Technology for Ageing and Disability SA (TADSA) .

The Mayor sought leave of the meeting with the consent of the mover and seconder to vary the motion to add an additional nominee to the shortlist North East Foothill Hounds and Co. The mover did not consent to the variation and leave was not granted.

Amendment

Moved Cr Unger, Seconded Cr S Keane

Shortlist of Nominations

That Council shortlists the following nominees for City of Tea Tree Gully's 2024 Outstanding Community Group Award:

- Technology for Ageing and Disability SA (TADSA)
- Tea Tree Gully Knit4Charities
- Tea Tree Gully Writers Group
- North East Foothill Hounds and Co
- Ridgehaven Calisthenics Club

Award Winner

That Council awards the City of Tea Tree Gully's 2024 Outstanding Community Group Award to Technology for Ageing and Disability SA (TADSA) .

Carried (356)

Motion as amended

Shortlist of Nominations

That Council shortlists the following nominees for City of Tea Tree Gully's 2024 Outstanding Community Group Award:

- Technology for Ageing and Disability SA (TADSA)
- Tea Tree Gully Knit4Charities
- Tea Tree Gully Writers Group
- North East Foothill Hounds and Co
- Ridgehaven Calisthenics Club

Award Winner

That Council awards the City of Tea Tree Gully's 2024 Outstanding Community Group Award to Technology for Ageing and Disability SA (TADSA)

Carried (357)

Retention of confidential documents:

Moved Cr S Keane, Seconded Cr Sinclair

1. That having considered the agenda item titled “ 2024 City of Tea Tree Gully Australia Day Awards” and dated 12 December 2023 in confidence under section 90(2) & (3) o and Section 91(7) of the Local Government Act 1999:
 - information relating to a proposed award recipient before the presentation of the award.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 2024 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 (358)

The Mayor sought leave of the meeting to move the confidential item titled “SACAT matter 2023/SA001373 - Mr Kevin Knight” to be considered after all other confidential items. Leave was granted. .

20.3 Recommendations from the Audit & Risk Committee Meeting held on 6 December 2023 (D23/100563)

Recommendation for the Award of Contract – Provision of External Audit Services (D23/93172)

Recommendation for Moving into Camera

Moved Cr Lawrenson, 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 Recommendations from the Audit & Risk Committee Meeting held on 6 December 2023.
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
 - on the basis that it is inappropriate to discuss awarding of services in a public domain prior to discussions with the preferred supplier.
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 is inappropriate to discuss awarding of services in a public domain prior to discussions with the preferred supplier.

Carried Unanimously (359)

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

Ryan McMahon, Justin Robbins, Felicity Birch, Leisha Bond, Michael Pereira, Deana Taglierini, Rebecca Baines, Greg Salmon, Erica Vidinis and Leo Wu.

20.3 Recommendation for the Award of Contract – Provision of External Audit Services (D23/93172)

Moved Cr Zagladov, Seconded Cr Unger

That having considered the report entitled “Recommendation for the Award of Contract – Provision of External Audit Services” and dated 6 December 2023, Council awards the contract for the provision of External Audit Services to Bentleys SA & NT.

Carried Unanimously (360)

Retention of confidential documents:

Moved Cr Lawrenson, Seconded Cr Champion

1. That having considered the agenda item titled “Recommendations from the Audit & Risk Committee Meeting held on 6 December 2023” and dated 12 December 2023 in confidence under section 90(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 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 contract has been awarded 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 (361)

20.4 Tilley Recreation Park Clubroom Construction - Tender Recommendation (D23/99426)

Recommendation for Moving into Camera

Moved Cr Lawrenson, 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) be excluded from the meeting to enable discussion on the Tilley Recreation Park Clubroom Construction - Tender Recommendation.
2. That the Council is satisfied that pursuant to section 90(3)(b) and (k) of the Local Government Act 1999, the information to 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
 - tenders for the supply of goods, the provision of services or the carrying out of works; AND
 - information the disclosure of which would, on balance, be contrary to the public interest;
 - on the basis that the report includes details regarding commercial negotiations and tender evaluations, which could compromise effective negotiation for achieving 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 early release of this information could compromise effective negotiation for achieving the best outcome for Council and the community.

Carried Unanimously (362)

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

Ryan McMahon, Justin Robbins, Felicity Birch, Leisha Bond, Michael Pereira, Deana Taglierini, Greg Salmon, Erica Vidinis and Leo Wu.

20.4 Tilley Recreation Park Clubroom Construction - Tender Recommendation (D23/99426)

Pursuant to sections 74 and 75B of the Local Government Act 1999 Cr Foreman declared a general conflict of interest in relation to the matter on the basis that her employer is involved in the funding of this project as part of their election commitments. Cr Foreman dealt with this matter in an accountable and transparent way by leaving the meeting. Cr Foreman left the meeting at 10.12pm.

Moved Cr S Keane, Seconded Cr Jones

That Council having considered the report titled “Tilley Recreation Park Clubroom Construction – Tender Recommendation” dated 12 December 2023:

1. Approves the award of the Tilley Recreation Park Clubroom Construction to Sarah Constructions, subject to final negotiations and clarifications, for a value of no more than \$5,761,367
2. Approves the allocation of an additional \$545K from interest earned and saved funds which have been previously, and will continue to be, transferred in budget reviews to the building future fund capital works budget line as detailed in Table 1 of Section 3 of this report.

Carried Unanimously (363)

Cr Foreman was not present for the vote.

Retention of confidential documents:

Moved Cr Lawrenson, Seconded Cr S Keane

1. That having considered the agenda item titled “Tilley Recreation Park Clubroom Construction - Tender Recommendation” and dated 12 December 2023 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 once the tender has been awarded and contract signed. 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 (364)

Cr Foreman was not present for the vote.

Cr Foreman re-entered the meeting at 10.17pm

20.5. SACAT matter 2023/SA001373 - Mr Kevin Knight (D23/99869)**Recommendation for Moving into Camera**

Moved Cr Lawrenson, Seconded Cr Champion

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 SACAT matter 2023/SA001373 - Mr Kevin Knight.
2. That the Council is satisfied that pursuant to section 90(3)(i) of the Local Government Act 1999, the information be received, discussed or considered in relation to this item is:
 - information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council .
 - on the basis that public release of any litigation strategy or approach prior to the matter being resolved could compromise Council's ability to obtain an outcome satisfactory to the Council.
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 public release of any litigation strategy or approach prior to the matter being resolved could compromise Council's ability to obtain an outcome satisfactory to the Council.

Carried Unanimously (365)

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

Ryan McMahon, Justin Robbins, Felicity Birch, Leisha Bond, Michael Pereira and Deana Taglierini.

20.5 SACAT matter 2023/SA001373 - Mr Kevin Knight (D23/99869)

Confidential Page Removed

The Confidential Resolution No 366 has been withdrawn from the public minute record in accordance with Resolution No 367.

Retention of confidential documents:

Moved Cr S Keane, Seconded Cr Hawkvelt

1. That having considered the agenda item titled “ SACAT matter 2023/SA001373 - Mr Kevin Knight” and dated 12 December 2023 in confidence under section 90(2) & (3)(i) and Section 91(7) of the Local Government Act 1999:

- information relating to actual litigation, or litigation that the Council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council

the Council pursuant to section 91(7) of the Act orders that the report and minutes relevant to this item be retained in confidence (with the exception of those third parties impacted or involved in the SACAT matter) until the SACAT matter is finalised 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 (367)

21. Date of Next Ordinary Meeting

30 January 2024

The Mayor declared the meeting closed at 10.33pm.

Confirmed.....
Mayor 23 January 2024