



**Confidential Minutes of the Ordinary  
Council Meeting held on  
Tuesday 19 January 2021 in the Council  
Chambers, 3 Stuart Street, Melrose at  
4.30pm**

## **EXTRACT OF MINUTES**

### **8. CONFIDENTIAL ITEMS**

The Gallery had been cleared at the adjournment and the doors to the Chamber were subsequently closed.

#### **4.10 The Bluff and Go Kart Track**

A motion without notice was sought in order to consider agenda item 4.10 - The Bluff and Go Kart Track in confidence.

Moved           Cr Richards  
Seconded       Cr Prestridge

That:

1. pursuant to section 90(2) and 90(3)(b)(2) of the Local Government Act 1999 the Council orders that all members of the public, except Chief Executive Officer Sam Johnson, Manager Community & Economic Development Ebony Rodda, Manager Infrastructure & Regulatory Services Brenton Daw, Manager Corporate Services Craig Mudge and Manager Administrative Services Jacqui Kelleher, be excluded from attendance at the meeting for Agenda Item 4.10 The Bluff and Go Kart Track;
2. the Council is satisfied that, pursuant to section 90(3)(b)(2) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would on balance be contrary to the public interest; and
3. 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 because the disclosure of which to the public would demonstrate accountability and transparency of the Council's operations; and non-disclosure of this item at this time will enable Council to consider relevant information prior to making a decision in relation to any potential negotiations.

**Carried**  
[019-2021]

Moved           Cr Prestridge  
Seconded       Cr Keller

That Council receives and notes the report.

**Carried**  
[020-2021]

Moved           Cr Keller  
Seconded       Cr Richards

That Council:

1. approves "The Bluff" Project and associated works;
2. authorises the Chief Executive Officer and Manager Infrastructure & Regulatory Services to continue negotiations with the Department of Environment and Water for possible funding opportunities in relation to "The Bluff"; and
3. confirms the budget allocation for The Bluff as endorsed by Council in budget review #1 to complete "The Bluff".

**Carried**  
[021-2021]

Moved            Cr Keller  
Seconded        Cr Norton

That, having considered Agenda Item 4.10 – the Bluff and Go Kart Track in confidence under Sections 90(2) and 90(3)(b)(2) of the Local Government Act 1999, the Council, pursuant to Section 91(7) (b) of the Act orders that the discussion be retained in confidence until the next annual review of the confidential minutes register pursuant to section 91(9)(a) of the Local Government Act 1999.

**Carried**  
[022-2021]

### 8.1 Proposed Development – Port Germein

Moved            Cr Richards  
Seconded        Cr Prestridge

That:

1. pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public, except Chief Executive Officer Sam Johnson, Manager Community & Economic Development Ebony Rodda, Manager Infrastructure & Regulatory Services Brenton Daw, Manager Corporate Services Craig Mudge and Manager Administrative Services Jacqui Kelleher, be excluded from attendance at the meeting for Agenda Item 8.1 Proposed Development – Port Germein Land;
2. the Council is satisfied that, pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would involve 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, on balance be contrary to the public interest; and
3. 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 because of commercial in confidence.

**Carried**  
[023-2021]

Moved            Cr Nottle  
Seconded        Cr Richards

That Council receives and notes the report.

**Carried**  
[024-2021]

Moved            Cr Nottle  
Seconded        Cr Richards

That Council:

1. authorises the Chief Executive Officer to continue discussions with the South Australia Government for a potential purchase of 5 Mozart Street, Port Germein 5494 (CT 5755/801); and
2. requests a further report be provided to a future meeting of Council outlining potential purchase options and appropriate development details (including any appropriate commercial lease arrangements) in relation to 5 Mozart Street Port Germein 5494 (CT 5755/801).

Cr Nottle withdrew moving the motion.

Moved           Cr Prestridge  
Seconded       Cr Richards

That Council:

1. authorises the Chief Executive Officer to continue discussions with the South Australia Government for a potential purchase of 5 Mozart Street, Port Germein 5494 (CT 5755/801); and
2. requests a further report be provided to a future meeting of Council outlining potential purchase options and appropriate development details (including any appropriate commercial lease arrangements) in relation to 5 Mozart Street Port Germein 5494 (CT 5755/801).

**Carried**  
[025-2021]

Moved           Cr Norton  
Seconded       Cr Prestridge

That, having considered Agenda Item 8.1 Proposed Development – Port Germein Land; Section 484 in confidence under Sections 90(2) and 90(3)(d) of the Local Government Act 1999, the Council, pursuant to Section 91(7)(b) of the Act orders that all the discussion, report and minutes be retained in confidence until the next annual review of the confidential minutes register pursuant to section 91(9)(a) of the Local Government Act 1999, or the settlement of the land being 5 Mozart Street Port Germein 5494; whichever occurs first.

**Carried**  
[026-2021]

## **8.2 Provision of Banking Services**

Moved           Cr McCarthy  
Seconded       Cr Norton

That:

1. pursuant to Section 90(2) and 90(3)(b) of the Local Government Act 1999, the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because it relates to information the disclosure of which would involve the unreasonable disclosure of information which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct, business;
2. in weighing up the factors related to disclosure:
  - disclosure of this matter to the public would demonstrate accountability and transparency of the Council's operations; and
  - non-disclosure of this item at this time will enable the Council to make an informed decision regarding its options for the provision of banking services; and

3. pursuant to Section 90(2) of the Local Government Act 1999 it is recommended the Council orders that all members of the public be excluded, with the exception of Sam Johnson, Chief Executive Officer, Craig Mudge, Manager Corporate Services, Jacqui Kelleher, Manager Administrative Services, Brenton Daw, Manager Infrastructure and Regulatory Services and Ebony Rodda, Manager Community and Economic Development.

**Carried**  
[027-2021]

Moved            Cr Richards  
Seconded       Cr Norton

That Council receives and notes the report.

**Carried**  
[028-2021]

Moved            Cr Richards  
Seconded       Cr Prestridge

That Council:

1. authorises the Chief Executive Officer to enter into an agreement with the National Australia Bank for the provision of banking services to the Council;
2. authorises the Chief Executive Officer, Manager Corporate Services, Manager Administrative Services, Manager Infrastructure and Regulatory Services and the Manager Community and Economic Development as signatories with all accounts held with the National Australia Bank, with any two of the authorised persons to sign; and
3. approves the closure of the operating account held with Bank SA once all relevant transfers have occurred.

**Carried**  
[029-2021]

Moved            Cr Norton  
Seconded       Cr Keller

That having considered Agenda Item 8.2 Provision of Banking Services in confidence under Section 90(2) and 90(3)(b) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Local Government Act 1999 orders that the report and minutes be retained in confidence until the expiration of the contract for provision of banking services.

**Carried**  
[030-2021]