

# MINUTES

of the

## **Special Meeting of the Audit Committee**



Held, pursuant to the provisions of the  
*Local Government Act 1999*

**by electronic means**

on

**Tuesday 31 January 2023 at 4.30pm**

The Chairperson formally declared the meeting open at 4.36pm.

## **1 ACKNOWLEDGEMENT OF COUNTRY**

The Committee acknowledges that we meet on the traditional country of the Kurna people of the Adelaide Plains and pays respect to elders past, present and emerging. We recognise and respect their cultural heritage, beliefs and relationship with the land and we acknowledge that they are of continuing importance to the Kurna people living today.

## **2 ATTENDANCE RECORD**

### **2.1 Present**

Mr Alan Rushbrook (Chairperson)  
Mr Peter Fairlie-Jones  
Mayor Mark Wasley  
Deputy Mayor Marcus Strudwicke  
Councillor Margherita Panella

### **Also in Attendance**

Chief Executive Officer	Mr James Miller
General Manager – Finance and Business	Mr Rajith Udugampola
General Manager – Governance and Executive Office	Ms Sheree Schenk
General Manager – Development and Community	Mr Darren Starr
General Manager – Infrastructure and Environment	Mr Thomas Jones
Administration and Executive Support Officer/Minute Taker	Ms Stacie Shrubsole
Administration Support Officer – Infrastructure and Environment	Ms Lauren Bywaters
Information Technology Support Officer	Mr Sean Murphy
Managing Director, Powell & Co Pty Ltd	Mr David Powell
Principal, Alinea Group	Mr Ben Koop

## **3 BUSINESS ARISING**

Nil



**4 DECLARATION OF MEMBERS' INTEREST**

Nil

**5 QUESTIONS WITHOUT NOTICE**

Nil

**6 MOTIONS WITHOUT NOTICE**

Nil

**7 URGENT BUSINESS**

Nil

**8 CONFIDENTIAL ITEMS****8.1 TWO WELLS TOWN CENTRE – MARKET ENGAGEMENT****COMMITTEE RESOLUTION 2023/001**

Moved: Deputy Mayor Strudwicke

Seconded: Mayor Wasley

“that:

1. Pursuant to section 90(2) of the *Local Government Act 1999*, the Audit Committee orders that all members of the public, except Chief Executive Officer, General Manager – Governance and Executive Office (for such duration as permitted by the Chairperson), General Manager – Development and Community (for such duration as permitted by the Chairperson), General Manager – Finance and Business, General Manager – Infrastructure and Environment, Administration and Executive Support Officer / Minute Taker, and Administration Support Officer – Infrastructure and Environment, David Powell of Powell & Co and Ben Koop of Alinea Group (for such duration as permitted by the Chairperson) be excluded from attendance at the meeting of Council for Agenda Item 8.1 – *Two Wells Town Centre – Market Engagement*;
2. The Audit Committee is satisfied that pursuant to of the *Local Government Act 1999*, Item 8.1 – *Two Wells Town Centre – Market Engagement* concerns information of a confidential nature, the disclosure of which would involve the unreasonable disclosure of 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
3. The Audit Committee is satisfied that the principle that Committee meetings should be conducted in a place open to the public has been outweighed by the need to keep the information, matter and discussion confidential.”

**CARRIED**

At 4.40pm, General Manager – Governance and Executive Office, General Manager – Development and Community, General Manager – Finance and Business, General Manager – Infrastructure and Environment and Mr Ben Koop disconnected from the meeting.



At 4.44pm, the Chairperson sought probity advice from Mr David Powell, Managing Director of Powell & Co Pty Ltd. Mr Powell provided an 11-minute briefing to the Committee.

At 4.56pm, General Manager – Governance and Executive Office, General Manager – Development and Community, General Manager – Finance and Business, General Manager – Infrastructure and Environment and Mr Ben Koop reconnected to the meeting.

The Chief Executive Officer gave a 5-minute presentation regarding Item 8.1 – *Two Wells Town Centre – Market Engagement*, and in doing so, formally tabled the 'Evaluation Report Two Wells – Town Centre' dated January 2023.

At 5.04pm, Mr David Powell disconnected from the meeting, and did not reconnect.

General Manager – Development and Community and Mr Ben Koop gave a 46-minute presentation in relation to *Two Wells Town Centre – Expression of Interest Process Overview*, including questions from the Committee.

## 8.1 TWO WELLS TOWN CENTRE - MARKET ENGAGEMENT

### COMMITTEE RESOLUTION 2023/002

Moved: Mayor Wasley

Seconded: Mr Fairlie-Jones

"that the Audit Committee, having considered Item 8.1 – *Two Wells Town Centre – Market Engagement*, dated 31 January 2023, receives and notes the report and in doing so acknowledges:-

1. The 'Evaluation Report Two Wells – Town Centre' dated January 2023 tabled by the Chief Executive Officer at the meeting; and
2. That the Chief Executive Officer will bring a further report back to the Audit Committee, together with a Prudential Report, at a subsequent meeting where shortlisted consortia will be narrowed down to a preferred proponent(s)."

CARRIED

### COMMITTEE RESOLUTION 2023/003

Moved: Deputy Mayor Strudwicke

Seconded: Mr Fairlie-Jones

"that:

1. The staff report, Attachment 1 and Attachment 2 pertaining to Item 8.1 – *Two Wells Town Centre – Market Engagement* remain confidential and not available for public inspection until further order of the Council except such disclosure as the Chief Executive Officer determines necessary or appropriate for the purpose of furthering the discussions or actions contemplated;
2. Pursuant to section 91(9)(a) of the *Local Government Act 1999*, the confidentiality of the matter will be reviewed every 12 months; and
3. Pursuant to section 91(9)(c) of the *Local Government Act 1999*, the Council delegates the power to revoke this confidentiality order to the Chief Executive Officer.'

CARRIED

**9 NEXT MEETING**

4.30pm on Monday 13 February 2023.

**10 CLOSURE**

There being no further business, the Chairperson declared the meeting closed at 5.55pm.

**The minutes of this meeting were confirmed at the Audit Committee Meeting held on 13 February 2023.**

  
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**CHAIRPERSON**