MINUTES OF THE COUNCIL MEETING
OF THE CITY OF TEA TREE GULLY
HELD ON TUESDAY 14 APRIL 2020 AT 7.09PM
IN THE COUNCIL CHAMBERS, 571 MONTAGUE ROAD, MODBURY

1. Opening Prayer and Welcome

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

2. Attendance Record:

2.1 Present – Physical Attendance

Acting Mayor D Wyld, Crs L Jones, R Unger, and A Schlueter.

Present - Attendance via Electronic Means (audio-visual link)

Crs B Rankine, O Savvas, B Keane, J Lintvelt, L Petrie, R Coleman, P Field and S Keane.

2.2 Apologies

Nil

2.3 Leave of Absence

His Worship Mayor K Knight.

2.4 Record of Officers in Physical Attendance

Mr J Moyle Chief Executive Officer
Mr R McMahon Director Organisational Services & Excellence
Ms I Cooper Manager Business Continuity & Governance (Team B)
Mrs D Taglierini Governance Advisor
Mrs J Crammond Business Analyst
Mr A May Network Administrator

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

Mrs C Neil Director Community & Cultural Development
Mr T Harfield Director Assets & Environment
Mr J Robbins Manager Finance & Rating Operations
Ms C Leversedge Manager Community Development & Environmental Health (Team A)
Mr W Richards Manager Organisational Services & IT Solutions (Team B)
Mrs A Dinevski Manager Business Continuity & Governance (Team A)
Mr S Reid Strategic Projects Manager
Mr G D’Alloia Manager Civil Assets & Water Operations (Team A)
Mr R Hutchison Team Leader Park Assets
Mr N Mason Business Solutions Team Leader
Mr B Tonkin ITS Program Manager
2.5 Record of Number of Persons in the Public Gallery

4 Attendees

2.6 Record of Media in Attendance

Nil

3. Management Reports

Office of the Chief Executive Officer

3.1 Electronic Participation in Council Meetings (D20/31357)

Moved Cr Field, Seconded Cr B Keane

That Council, having considered the report entitled “Electronic Participation in Council Meetings” and dated 14 April 2020:

1. Alters Council’s “Code of Practice for Meeting Procedures” to facilitate participation by members in Council and Committee meetings by electronic means by including the provisions as outlined in Attachment 2 of the report.

2. Alters Council’s “Code of Practice - Access to Council and Committee Meetings and Documents” to facilitate participation by members in Council and Committee meetings by electronic means by including the provisions outlined in Attachment 3 of the report.

3. Alters Council’s “Informal Gatherings Policy” to facilitate participation by members in informal gatherings by electronic means by including the provisions outlined in Attachment 4 of the report.

4. Alters Council’s “Committee Structure – Terms of Reference and Membership” to facilitate participation by members of Council’s section 41 Committees by electronic means, notwithstanding any other provision in the Terms of Reference to the contrary, for the period Notice No 1 (pursuant to section 302B of the Local Government Act 1999) has effect.

Carried Unanimously (397)
4. Confirmation of Minutes to the Previous Meeting

Moved Cr S Keane, Seconded Cr Field

That the Minutes of the Council Meeting held on 24 March 2020 be confirmed as a true and accurate record of proceedings.

Carried Unanimously (398)

5. Mayor’s Report

Council received the Acting Mayor’s report.

6. Public Forum

Ms Kathryn Walsh spoke in relation to the Notice of Motion on this meeting agenda entitled “Upgrade to McArdle Reserve Playground”.

7. Deputations - Nil

8. Presentations - Nil

9. Petitions - Nil

9.1 Dogs Off Leash - River Torrens Linear Park (D20/27961)

Council received the petition regarding Dogs Off Leash – River Torrens Linear Park.

10. Declaration of Conflicts of Interests


11. Adjourned Business - Nil

12. Motions Lying on the Table

12.1 Matter laying on the Table - Traffic Management Feasibility - 1316 North East Road Tea Tree Gully (St Agnes Estate) (D20/29889)
13. Committee Reports

Audit Committee - Nil

Policy and Strategic Development Committee - Nil

CEO Performance and Remuneration Review Committee - Nil

Traffic Management Safety Committee - Nil

The Acting Mayor sought leave of the meeting to bring forward the Notice of Motion entitled “Upgrade to McArdle Reserve Playground”. Leave was granted.

14. Notice of Motion

14.1 Notice of Motion - Upgrade to McArdle Reserve Playground (Cr Rankine) (D20/33663)

Moved Cr Rankine, Seconded Cr B Keane

1. That the classification of McArdle Reserve Playground be changed in the Council endorsed Playspace Guide from Local to Neighbourhood.

2. That the play equipment that has been ordered and contracted to be installed at McArdle Reserve instead be installed at Cobbler Creek West Reserve, 31-32 Olympiad Court, Golden Grove.

3. That the contracted landscape and park improvement works currently contracted to be completed at McArdle Reserve also be transferred to Cobbler Creek West Reserve, 31-32 Olympiad Court to facilitate the installation of the purchased playground equipment.

4. That $200,000 be allocated, for consideration, in the draft business plan 2020-2021 for the replacement and upgrade of McArdle Reserve playground and associated landscape and park improvement works.

Carried (399)
15. **Management Reports**

**Office of the Chief Executive Officer**

**15.1 Consultation on Greater Adelaide Region Organisation of Councils (GAROC) Strategic Plan 2019-23 and draft Annual Business Plan 2020-21 (D20/26626)**

Moved Cr Field, Seconded Cr Jones

1. That having considered the report entitled “Consultation on Greater Adelaide Region Organisation of Councils (GAROC) Strategic Plan 2019-23 and draft Annual Business Plan 2020-21” and dated 14 April 2020, Council advises the Local Government Association and GAROC that while the City of Tea Tree Gully would like the opportunity to provide feedback on these documents, given the current situation surrounding COVID-19, Council needs to focus on the delivery of critical functions and/or essential services and requests that this matter be deferred for a period of time (e.g. 6 to 12 months).

2. A future Plan should include a greater focus on:
   a. Internal efficiency, continuous improvement and cost reduction in the delivery of services by councils to the rate payer.
   b. A review of disaster management preparedness by councils to identify learnings from the COVID19 experience.
   c. Digital delivery of council services to ensure changes implemented in the COVID19 emergency are not lost and are built on.
   d. A review of council services following the COVID19 emergency as the demand for council services may change following the emergency.

   Carried Unanimously (400)

**Assets & Environment** - Nil

**Organisational Services & Excellence** - Nil
Community & Cultural Development

15.2 Draft Disability Access and Inclusion Plan 2020-2024 - Proposal to Undertake Community Engagement (D20/21940)

Moved Cr Field, Seconded Cr Petrie


Carried Unanimously (401)

16. Notice(s) of Motions

16.1 Notice of Motion - COVID-19 Impact and Budget Measures (Cr Jones) (D20/32482)

Moved Cr Jones, Seconded Cr Field

1. That Council notes the regular updates given to Council from the Chief Executive Officer regarding measures taken so far to manage the impact on COVID-19 on the community and our staff.

2. That Council advises the Chief Executive Officer that it is its preference to prepare the draft the 2020/2021 Annual Business Plan/Budget with a 0% general rate increase (excluding growth) and no increase to fees and charges (unless required by state government legislation or commercial agreements).

3. Requests the Chief Executive Officer to include in its budget workshops before the adoption of the 2020/2021 budget, the following matters:
   - The impact of a 0% general rate (excluding growth) increase
   - The impact of no user charges (unless required by state government legislation or commercial agreements)
   - Strategies to manage the impact of this proposal to the long term financial plan
   - Identify service levels and other operating costs that can be reduced to achieve a rate rise freeze of 0%.
4. The Chief Executive Officer be encouraged to work with the State and Federal Government’s to seek funding for external grants to help Council offset this proposal and to identify other capital works initiatives to stimulate local CTTG and South Australian economy.

Carried Unanimously (402)

17. Motions without Notice - Nil

18. Questions on Notice - Nil

19. Questions without Notice - Nil


21. Information Reports

The following Information reports were received at the meeting:

21.1 Elected Member Training and Development - Approval of Applications under CEO Delegation - January to March 2020 (D20/10706)

21.2 Winding up of Council Solutions (D20/32985)

Cr Savvas left the meeting at 8.33pm.

21.3 Regional Landscape Levy Contribution 2020/2021 (D20/33414)

During the moving of the motion,
- Cr Savvas re-entered the meeting at 8.37pm
- Cr Field left the meeting at 8.39pm and re-entered at 8.40pm.

Moved Cr Jones, Seconded Cr Field

That Council writes to Green Adelaide, Minister for Transport, Infrastructure and Local Government and Minister for Environment to express its significant concern in relation to the request for our Council’s Regional Landscape levy to be increased in 2020-21 by 1.5% and requests that it be revised to 0% in support of all ratepayers during Covid-19.

Carried Unanimously (403)
22. Status Report on Resolutions

22.1 Status Report on Council Resolutions (D20/32688)
Council received the Status Report on Council Resolutions

23. Other Business

Cr Savvas expressed well wishes to Cr Lintvelt as the due date for her baby was approaching.

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

24.1. Banksia Park Sports Area - Construction of multipurpose sports courts (D20/31672)

Recommendation for Moving into Camera

Moved Cr Savvas, 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 Banksia Park Sports Area - Construction of multipurpose sports courts.

2. That the Council is satisfied that pursuant to section 90(3)(b)(i), (b)(ii), (d)(i), (d)(ii) and k 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; AND
     o The disclosure of the included information would directly impact Council’s ability to negotiate the best value for money for the community.
   - 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
     o on the basis that release of this information has the ability to compromise the relevant company’s ability to contract with third parties.
   - 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.
     o on the basis that the information provides the tender responses and evaluation for the contracted works.
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 (404)

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 D Taglierini, Mr A May, Mrs J Crammond, Mrs A Dinevski, Mr S Reid, Mr G D’Aloia, Mr N Mason and Mr J Robbins.
24.1 Banksia Park Sports Area - Construction of multipurpose sports courts (all)

Moved Cr Jones, Seconded Cr Lintvelt

That Council, having considered the report entitled “Banksia Park Sports Area - Construction of Multipurpose Sports Courts” and dated 14 April 2020:

a. Awards a contract to Greenplay Australia Pty Ltd for the construction of six (6) multipurpose sports courts and supporting infrastructure (including the car park construction) at Banksia Park Sports Area for the sum of $1,142,765 (excluding GST)

b. Allocates an additional $460,000 in the 2020/21 Annual Business Plan for the completion of this part of the project.

c. Expresses its disappointment that, following confirmation of the actual tendered amount for the project, the State Government has not agreed to match its original intention of funding the project with Council on a 50/50 shared basis, thus leaving Council to fund 72% of the project and the State Government with 28% and that this information be incorporated into all project advertising material relating to the Tea Tree Gully Sports Hub.

Leave of the meeting was sought with the consent of the mover and seconder to vary the motion for:

- dot point a. to remove the word “not” before “including the car park construction”
- dot point a. to amend the amount from $961,290 to $1,142,765
- dot point b. to amend the amount from $257,000 to $460,000.

Leave was granted.

Motion as varied

That Council, having considered the report entitled “Banksia Park Sports Area - Construction of Multipurpose Sports Courts” and dated 14 April 2020:

a. Awards a contract to Greenplay Australia Pty Ltd for the construction of six (6) multipurpose sports courts and supporting infrastructure (including the car park construction) at Banksia Park Sports Area for the sum of $1,142,765 (excluding GST)

b. Allocates an additional $460,000 in the 2020/21 Annual Business Plan for the completion of this part of the project.

c. Expresses its disappointment that, following confirmation of the actual tendered amount for the project, the State Government has not agreed to match its original intention of funding the project with Council on a 50/50 shared basis, thus leaving Council to fund 72% of the project and the State Government with 28% and that this information be incorporated into all project advertising material relating to the Tea Tree Gully Sports Hub.
Amendment

Moved Cr Unger, Seconded Cr Savvas

That Council, having considered the report entitled "Banksia Park Sports Area - Construction of Multipurpose Sports Courts" and dated 14 April 2020:

a. Awards a contract to Greenplay Australia Pty Ltd for the construction of six (6) multipurpose sports courts and supporting infrastructure (including the car park construction) at Banksia Park Sports Area for the sum of $1,142,765 (excluding GST)

b. Allocates an additional $460,000 in the 2020/21 Annual Business Plan for the completion of this part of the project.

Motion

Moved Cr Jones, Seconded Cr Lintvelt

That Council, having considered the report entitled “Banksia Park Sports Area - Construction of Multipurpose Sports Courts” and dated 14 April 2020:

a) Awards a contract to Greenplay Australia Pty Ltd for the construction of six (6) multipurpose sports courts and supporting infrastructure (including the car park construction) at Banksia Park Sports Area for the sum of $1,142,765 (excluding GST)

b) Allocates an additional $460,000 in the 2020/21 Annual Business Plan for the completion of this part of the project.

c) Expresses its disappointment that, following confirmation of the actual tendered amount for the project, the State Government has not agreed to match its original intention of funding the project with Council on a 50/50 shared basis, thus leaving Council to fund 72% of the project and the State Government with 28% and that this information be incorporated into all project advertising material relating to the Tea Tree Gully Sports Hub.

Carried Unanimously (405)
Retention of confidential documents:

Moved Cr Field, Seconded Cr Coleman

1. That having considered the agenda item entitled Banksia Park Sports Area - Construction of multipurpose sports courts and dated 14 April 2020 in confidence under section 90(2) & (3)(b)(i), (b)(ii), (d)(i), (d)(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
   - 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 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 with the exception of those third parties impacted or involved until the contract is signed by both parties or a decision is made not to enter into a contract 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/Deputy Mayor and reporting to the Elected Members of the revocation.

   Carried Unanimously (406)

Pursuant to sections 75 &75A of the Local Government Act 1999, Cr Schlueter declared a material conflict of interest in relation matter on the basis that she is a member of the South Australian District Netball Association governing body that may receive a benefit or suffer a loss as a result of any Council decision on the matter. Cr Schlueter left the meeting and its close vicinity at 9.50pm.

Recommendation for Moving into Camera

Moved Cr B 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 Golden Fields Car Park Construction of the New Vehicular Access to the Golden Way - SA Districts Netball Association.

2. That the Council is satisfied that pursuant to section 90(3)(b)(i), (b)(ii), (d)(i), (d)(ii) and (k) 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; AND
     - The disclosure of the included information would directly impact Council’s ability to negotiate the best value for money for the community.
   - 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 the basis that release of this information has the ability to compromise the relevant company’s ability to contract with third parties.
   - 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 .
     - on the basis that the information provides the tender responses and evaluation for the contracted works.

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 (407)
Cr Schlueter 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 D Taglierini, Mr J Robbins, Mr G D’Aloia, Mrs A Dinevski, Mrs J Crammond and Mr A May.

24.2 Golden Fields Car Park Construction of the New Vehicular Access to the Golden Way - SA Districts Netball Association (D20/33872)

Moved Cr B Keane, Seconded Cr Rankine


Carried Unanimously (408)

Cr Schlueter was not present for the vote.
Retention of confidential documents:

Moved Cr S Keane, Seconded Cr Field

1. That having considered the agenda item entitled Golden Fields Car Park Construction of the New Vehicular Access to the Golden Way - SA Districts Netball Association and dated 14 April 2020 in confidence under section 90(2) & (3)(b)(i), (b)(ii), (d)(i), (d)(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
   • 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 works

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 until all relevant procurement processes are finalised 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/Deputy Mayor and reporting to the Elected Members of the revocation.

Carried Unanimously (409)

Cr Schlueter was not present for the vote.

25. Date of Next Ordinary Meeting

28 April 2020

The Acting Mayor declared the meeting closed at 10.05 pm.

Confirmed………………………………..

Mayor 28 April 2020