

**MINUTES OF THE COUNCIL MEETING
OF THE CITY OF TEA TREE GULLY
HELD ON TUESDAY 11 MAY 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.

A minute of silence was held to reflect and recognise the contribution of Council's former Mayor Lesley Purdom AM.

The Mayor sought leave of the meeting to bring forward the Notice of Motion titled 'Passing of Council's Former Mayor, Lesley Purdom AM and Appreciation of her Service'. Leave was granted.

2. Notice of Motion(s)

2.1 Notice of Motion - Passing of Council's Former Mayor, Lesley Purdom AM and Appreciation of her Service (Cr B Keane) (D21/30794)

Moved Cr B Keane, Seconded Cr Coleman

That Council recognises the passing of our former City of Tea Tree Gully Mayor, Lesley Purdom AM on 28 April 2021 and honours her contribution to the City by reflecting and appreciating her 27 years of dignified service as:

- a. Council's first female Mayor for 12 and a half years
- b. Alderman for 8 years
- c. Councillor for 7 years (Ridgehaven, Drumminor and Steventon Wards)
- d. A highly respected community member and volunteer in the community in many different capacities
- e. A Mayor that brought dignity and respect in the chambers and to the position of Mayor.

Carried Unanimously (848)

3. Attendance Record:

3.1 Present

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, S Keane and A Schlueter.

3.2 Apologies

Nil

3.3 Leave of Absence

Nil

3.4 Record of Officers in Physical Attendance onsite

Mr J Moyle	Chief Executive Officer
Mr R McMahon	Director Organisation Services & Excellence
Mr N Grainger	Acting Director Community & Cultural Development
Mr T Harfield	Director Assets & Environment
Ms I Cooper	Manager Governance & Policy
Mrs D Taglierini	Governance Advisor
Mr J Robbins	Manager Finance & Rating Operations
Ms R Baines	Team Leader Financial Accounting
Ms I Wilkshire	Manager City Strategy
Ms C Gill	Senior Strategy Planner
Mr D Jury	Strategic Initiatives Facilitator
Mrs E Graves	Manager Customer & Communications
Mr T Amato	Team Leader Communication Marketing and Events
Mrs D Wundke	Events Coordinator
Ms A Rowe	Events Officer
Ms C Oborn	Recreation Planning & Facility Coordinator
Mr M Hannath	Supervisor Arboriculture & Biodiversity
Mr B Seamark	City Arborist

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

Mrs A Nes	Media Advisor
Ms A Ashford	Marketing Coordinator

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

14 Attendees

3.6 Record of Media in Physical Attendance

Nil

4. Confirmation of Minutes to the Previous Meeting

Moved Cr S Keane, Seconded Cr Savvas

That the Minutes of the Council Meeting held on 27 April 2021 and Special Meeting of Council held on 4 May 2021 be confirmed as true and accurate records of proceedings.

Carried Unanimously (849)

5. Mayor's Report

Mayor Knight provided a verbal report in relation to an article in the Advertiser on 11 May 2021 by Mr Caleb Bond.

During the verbal report:

- *Cr Unger left the meeting at 7.15pm and re-entered the meeting at 7.16pm*
- *Cr Rankine left the meeting at 7.18pm and re-entered the meeting at 7.18pm*

Cr Wyld raised a point of order on the basis that the Mayor's verbal report was not related to the Mayor's official activities, and therefore not in accordance with Council's Code of Practice for Meeting Procedures and the Local Government (Procedures at Meetings) Regulations 2013. Mayor Knight upheld the point of order and concluded his verbal report.

Mayor Knight left for the remainder of the meeting at 7.19pm.

Crs Lintvelt, Petrie and Savvas left the meeting at 7.20pm

Deputy Mayor Jones took the chair as Presiding Member at 7.20pm.

6. Appointment of Chair

Moved Cr Field, Seconded Cr Wyld

That Cr Wyld be appointed to preside over the meeting until Deputy Mayor Jones re-enters the meeting.

Carried Unanimously (850)

Crs Lintvelt, Savvas and Petrie were not present for the vote.

Cr Jones left the meeting at 7.22pm and Cr Wyld took the chair as Presiding Member at 7.23pm.

Adjournment of Meeting at 7.23pm

Moved Cr Unger, Seconded Cr S Keane

That the meeting be adjourned for a five minute break.

Carried Unanimously (851)

Deputy Mayor Jones and Cr Lintvelt were not present for the vote.

The meeting resumed at 7.28pm.

Deputy Mayor Jones, Crs Savvas and S Keane were not present at the resumption of the meeting.

Cr S Keane re-entered the meeting at 7.29pm.

7. Public Forum

Mrs Jayne Kelly spoke in relation to the Notice of Motion titled 'Council to Remove Regulated Street Tree located at 50 Park Land Drive Wynn Vale'.

Mr Glen Edwards spoke in relation to the Petition report titled 'Castle Eaton Reserve – Cleaning of Waterfall in Spring Hill Garden, Golden Grover'.

During the public forum, Deputy Mayor Jones and Cr Savvas re-entered the meeting at 7.34pm.

Deputy Mayor Jones took the chair as Presiding Member at 7.34pm.

8. Deputations

8.1 Deputation - Upgrade to Modbury Sports & Community Club Facilities and Oval Lighting (D21/31170)

Mr Greg Byles, President and Mr Scott Vassal, Member of Modbury Sports & Community Club provided a deputation in relation to facility upgrades, including oval lighting.

9. Presentations

9.1 Presentation - Recent Awards (D21/31643)

Ms Ilona Cooper, Council's Manager Governance & Policy presented a recent Risk Management Incentive Award received by Council from the Local Government Association Mutual Liability Scheme

Mr John Moyle, Council's Chief Executive Officer, presented an award for Tennis SA's for the "Most Outstanding Council or Government Department".

10. Petitions

10.1 Petition - Installation of a Footpath on Wongabeena Drive, Surrey Downs (D21/29745)

Council received the petition.

10.2 Petition - Castle Eaton Reserve - Cleaning of Waterfall in Spring Hill Garden, Golden Grove (D21/30745)

Council received the petition.

11. Declaration of Conflicts of Interests

Cr Wyld declared a conflict of interest in the notice of motion titled "Council to Remove Regulated Street Tree Located at 50 Park Lake Drive Wynn Vale".

The Deputy Mayor sought leave of the meeting to bring forward the following notice of motions:

- *'Building Concept Plan - Modbury Sports and Community Club'*
- *'Sports Field Floodlighting - Modbury Sports and Community Club'*
- *'Council to Remove Regulated Street Tree Located at 50 Park Lake Drive Wynn Vale'*.

Leave was granted.

12. Notice of Motion(s)

12.1 Notice of Motion - Building Concept Plan - Modbury Sports and Community Club (Cr Wyld) (D21/31787)

Moved Cr Wyld, Seconded Cr Petrie

1. That Council investigates the installation of four compliant and inclusive change-rooms, new or upgraded toilets to the upper level of the club room and including a Disability Discrimination Act compliant toilet facility, internal access provisions between the two floors of the clubroom, a compliant canteen / barbecue facility, expanded undercover viewing area, and playground structure at the Modbury Sports and Community Club Inc., and that a sum of \$15,000 be included in the 2020-2021 Financial Year Budget to obtain a concept design and costing estimate, which will inform the future construction budget required to install the amenities.
2. That a report be presented back to Council for consideration no later than July 2021.

Carried Unanimously (852)

12.2 Notice of Motion - Sports Field Floodlighting - Modbury Sports and Community Club (Cr Wyld) (D21/31789)

Moved Cr Wyld, Seconded Cr Petrie

1. That Council supports an upgrade to the sports field floodlighting at Modbury Oval and allocates a sum of \$100,000 in the 2021-2022 Financial Year Capital works budget.
2. That the Chief Executive Officer be authorised to request a financial contribution of up to 50% of the project cost from Dr Richard Harvey, Member for Newland and Mr Tony Zappia MP, Member for Makin.
3. That Council requests a contribution towards the floodlighting upgrade from Modbury Sports and Community Club Incorporated.

4. The Chief Executive Officer be authorised to provide a letter of support to Modbury Sports and Community Club Incorporated, if required, confirming that Council is prepared to be guarantor for a loan to the club up to the sum of \$75,000.

Carried Unanimously (853)

12.3 Notice of Motion - Council to Remove Regulated Street Tree Located at 50 Park Lake Drive Wynn Vale (Cr Schlueter) (D21/31797)

Pursuant to sections 75 & 75A of the Local Government Act 1999, Cr Wyld declared an actual conflict of interest in relation to the matter on the basis of his personal obligation to comply with the Development Assessment Panel's Member's Code of Conduct, which arises by virtue under the Planning, Development and Infrastructure Act 2016. Participation in this item would be at odds with his obligations under that code. Cr Wyld left the meeting at 8.17pm while the matter was being discussed and voted on.

Moved Cr Schlueter, Seconded Cr Savvas

1. That Council having considered all the issues identified in the Internal Review report provided as (Attachment 1), Council invites the resident of 50 Park Lake Drive, Wynn Vale to lodge a development application to seek planning consent with a view to having the regulated street tree, believed to be *Eucalyptus sideroxylon subsp sideroxylon (Red Ironbark)*, adjacent to 50 Park Lake Drive, Wynn Vale, removed by Council at Council's cost, which Council approves if such development approval was obtained.
2. That Council plants two appropriate street trees in front of 50 Park Lake Drive, Wynn Vale, with a suitable species as approved by Council's Chief Executive Officer on the expert advice of a qualified Council arborist.
3. That Council invites the resident to submit an application for a second driveway to be installed onto their property at 50 Park Lake Drive, Wynn Vale, at their own expense, after a development approval for the removal of the regulated tree has been granted.

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

- *Delete 'which Council approves if such development approval was obtained' from point 1.*
- *Include 'That if Development Approval is granted' to the beginning of point 2.*
- *Delete 'after a development approval for the removal of the regulated tree has been granted' from point 3.*

Leave was granted.

Motion as varied

1. That Council having considered all the issues identified in the Internal Review report provided as (Attachment 1), Council invites the resident of 50 Park Lake Drive, Wynn Vale to lodge a development application to seek planning consent with a view to having the regulated street tree, believed to be *Eucalyptus sideroxylon subsp sideroxylon* (*Red Ironbark*), adjacent to 50 Park Lake Drive, Wynn Vale, removed by Council at Council's cost.
2. That if Development Approval is granted, Council plants two appropriate street trees in front of 50 Park Lake Drive, Wynn Vale, with a suitable species as approved by Council's Chief Executive Officer on the expert advice of a qualified Council arborist.
3. That Council invites the resident to submit an application for a second driveway to be installed onto their property at 50 Park Lake Drive, Wynn Vale, at their own expense.

Lost

Cr Wyld was not present for the vote.

Adjournment of Meeting at 9.07pm

Moved Cr Field, Seconded Cr S Keane

That the meeting be adjourned for a short break.

Carried Unanimously (854)

Cr Wyld was not present for the vote.

The meeting resumed at 9.27pm.

13. Adjourned Business - Nil

14. Motions Lying on the Table - Nil

15. Committee Reports

Service Review Committee - Nil

Audit Committee - Nil

Policy and Strategic Development Committee - Nil

CEO Performance and Remuneration Review Committee - Nil**Traffic Management Safety Committee - Nil****16. Management Reports**

The Deputy Mayor sought leave of the meeting to bring forward the management report titled 'Major and Activation Events for Financial Year 2021-22'. Leave was granted.

16.1 Major and Activation Events for Financial Year 2021-22 (D21/22296)

Moved Cr Wyld, Seconded Cr Field

That having considered the report entitled "Major and Activation Events for Financial Year 2021–22" and dated 11 May 2021 that:

1. Council approves the Event Program with a total budget allocation of \$238.7k noting that Civic Park Carols will be run as a 'live' event as per our 2019 event (subject to COVID-19 restrictions).
2. Council approves ANZAC Day Event to include live streaming with a budget allocation of \$20.5k.

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

- *Replace \$238.7K with \$469.5K in point 1.*
- *Include the words 'which is included in the above total' at the end of point 2.*

Leave was granted.

Motion as varied

That having considered the report entitled "Major and Activation Events for Financial Year 2021–22" and dated 11 May 2021 that:

1. Council approves the Event Program with a total budget allocation of \$469.5k noting that Civic Park Carols will be run as a 'live' event as per our 2019 event (subject to COVID-19 restrictions).
2. Council approves ANZAC Day Event to include live streaming with a budget allocation of \$20.5k which is included in the above total.

Carried Unanimously (855)

The Deputy Mayor sought leave of the meeting to bring forward agenda item titled 'Motions without Notice'. Leave was granted.

Cr Savvas left for the remainder of the meeting at 10.00pm.

17. Motions without Notice

17.1 Council's Response to Mayor Knight's Mayor Report 11 May 2021

Moved Cr Field, Seconded Cr Rankine

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 Council's response to Mayor Knight's Mayor Report dated 11 May 2021
2. That the Council is satisfied that pursuant to section 90(3)(h) and (i) of the Act, the information to be received, discussed or considered in relation to this item is:
 - legal advice
 - 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;
 - in order to discuss legal advice and any potential subsequent action to be taken by 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 release of this information could prejudice the legal position of the Council.

Carried Unanimously (856)

The full 'Mayor's Report prepared by Mayor Kevin Knight Tuesday 11th May 2021' was tabled at the meeting.

Suspension of Formal Meeting Procedures at 10.26pm

Moved Cr Unger, Seconded Cr Wyld

That Council temporarily suspend the formal meeting procedures to allow free and open discussion on matter until all questions have been answered.

Carried Unanimously (857)

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 11.03pm.

Moved Cr Field, Seconded Cr S Keane

That Council takes the following action as a result of Mayor Knight's partially delivered Mayor's Report, posting of the full Mayors Report on various social media platforms and on his website, and inability to remain in the Council meeting beyond the Mayor's report :

1. Requests that the CEO or delegate write to Mayor Knight immediately and request that he remove the Mayors Report and associated content from all social media pages and his website
2. Authorises the CEO or delegate to take any other action they deem appropriate to have Mayor Knight's publishing of this report removed
3. Requests Mayor Knight make a public apology within five (5) business days in relation to his Mayor's report from 11 May 2021 in which Mayor Knight raised irrelevant matters relating to his Council activities for the period, and questioned findings of multiple breaches of the Code of Conduct for Council Members that have been substantiated in a number of external investigation reports that were released publicly by the Council on 19 April 2021
4. Formally censures Mayor Knight for using his role of Presiding Member to deliver his Mayor's report in a manner that did not comply with the relevant section of Council's Code of Practice for Meeting Procedures
5. That in light of the fact that Council has important matters to focus on, reminds the Mayor that he has been asked to resign
6. Requests the Deputy Mayor to write to the Mayor to advise him of items 1-5 above and to express Council's disappointment at the lack of community leadership and respect demonstrated in Mayor Knight's behaviour.

Carried Unanimously (858)

Moved Cr Field, Seconded Cr B Keane

That in considering Mayor Knight's recent request for a leave of absence, the Council advises him that it is open to considering a leave of absence request from him from all official functions and duties.

The motion was carried on the casting vote of the Deputy Mayor (859)

Extension of Meeting Time at 11.21pm

Moved Cr Wyld, Seconded Cr Coleman

That the meeting continue until all items of business have been considered.

Carried Unanimously (860)

18. Management Reports

Office of the Chief Executive Officer

18.1 Radar Reserve Stormwater Easement (D21/27899)

During the moving of the motion,

- *Cr S Keane and B Keane left the meeting at 11.24pm and re-entered the meeting at 11.25pm*
- *Cr Rankine left for the remainder of the meeting at 11.26pm.*

Moved Cr Unger, Seconded Cr Field

1. That pursuant to Section 201(2)(d) of the Local Government Act 1999, Council grants an easement over portion of Allotment 114 in Deposited Plan 6832 comprised in Certificate of Title Volume 5502 Folio 97 otherwise known as Radar Reserve, St Agnes, in favour of Allotment 20 on Deposited Plan 34721 comprised in Certificate of Title Volume 5100 Folio 167, otherwise known as 118 Tolley Road, St Agnes, which seeks to grant the right of entry to maintain and repair the drainage infrastructure within the easement subject to any conditions Council's Chief Executive Officer deems appropriate for this matter.
2. That the Mayor and Chief Executive Officer be authorised to sign and seal all relevant documents to give effect of this decision.
3. That all costs associated with registering the easement be met by Council.

Carried Unanimously (861)

18.2 Recreational Vehicle Parking and Waste Water Disposal Point Including an Unsolicited Proposal on the Matter (D21/30019)

Moved Cr Coleman, Seconded Cr Field

1. That having considered the report titled "Recreational Vehicle Parking and Waste Water Disposal Point Including an Unsolicited Proposal on the matter" and dated 11 May 2021 Council resolves to support in principle the Unsolicited Proposal from Campervan and Motorhome Club of Australia to establish an RV Park at 212 Lyons Road Holden Hill subject to providing Council with a more detailed proposal and the outcomes of community engagement.
2. That Council request the Chief Executive Officer (CEO) to commence discussions with the Campervan and Motorhome Club of Australia (CMCA) for the possible sale or lease of 212 Lyons Road Holden Hill for the express purpose of the establishment and management of an RV Park and that the CMCA be requested to provide:
 - a. Detailed plans of their proposal
 - b. An operational management plan
 - c. Relevant approvals from SA Water
 - d. Any other information requested by the CEO
3. That the CEO obtain an independent valuation of the site with the cost of the valuation to be met by the CMCA.

4. That a further report be provided to Council that contains a more detailed proposal, risk assessment and a draft community engagement strategy for Council's consideration.

Carried Unanimously (862)

Assets & Environment - Nil

Organisational Services & Excellence

18.3 Fees & Charges Register Financial Year Ending June 2022 (D21/29665)

Moved Cr Field, Seconded Cr Unger

1. That Council adopts the updated Fees and Charges Register as detailed in Attachment 1 of the report entitled "Fees & Charges Register Financial Year Ending June 2022" and dated 11 May 2021, noting that any statutory fees or charges in the register will be amended throughout the year as Council is informed of the changes.
2. That the fees and charges contained within the Register become effective from 1 July 2021 unless they are a statutory fee or charge with an alternate legislated commencement date.

Carried Unanimously (863)

18.4 Draft Capital Works Program for Financial Year Ending June 2022 (D21/29670)

Ms Rebecca Baines, Council's Team Leader Financial Accounting provided a presentation on the Draft Operating and Capital Works Budget for Financial Year Ending June 2022.

Moved Cr Field, Seconded Cr Coleman

That having considered the report entitled "Draft Capital Works Program for Financial Year ending 30 June 2022" and dated 11 May 2021 that Council:

- a. Sets funding allocation for Capital Works Program of \$23.714M (net of grants) for Financial Year Ending June 2022 noting a 2.7% general rate revenue increase, excluding growth, is required to fund this program.
- b. Approves the draft Capital Works Program for Financial Year Ending 30 June 2022 including all projects listed in Attachment 1 of the report entitled "Draft Capital Works Program for Financial Year ending 30 June 2022" and dated 1 May 2021 with the following amendments:

Project Category: New Footpath and Bus Stop DDA Upgrades

- Add new Project Wirilda Ave, Surrey Downs - \$100k

Project Category: City Beautification Works

- Reduce Project 210116 Beautification – Meadowvale Aged Friendly Precinct Modbury by \$100k from \$500k to \$400k
- Add new Project Solandra Reserve Boardwalk and associated works, Modbury North - \$100k

Project Category: Capital Buildings New/Upgrade

- Increase Project 220175 River Torrens Linear Park Toilet Block by \$190k from \$190k to \$380k to include the installation of a second toilet block

Project Category: Lighting

- Reduce Project 210212 Lighting – Streetlight Changeover to LED by \$190k from \$500k to \$310k
- Reduce Project 220099 Sports Lighting Renewals and Upgrade by \$100k from \$350k to \$250k
- Add new Project Sports Lighting Upgrade, Modbury Sporting Club, Modbury – Expenditure \$300k, Revenue \$200k

Project Category: Open Space – Sporting, Park and Playground Upgrades

- Add new Project Kaplan Reserve Playground, St Agnes - \$140k
- Remove Project 220119 Palomino Reserve Playground, Wynn Vale - \$140k

Project Category: Other

- Reduce Project 220170 Plant & Equipment Replacement Program expenditure by \$100k

Carried Unanimously (864)

18.5 Draft Operating Budget Financial Year Ending June 2022 (D21/30574)

Moved Cr Field, Seconded Cr Unger

That Council adopts the proposed draft Budget for Financial Year Ending June 2022, as detailed in Attachment 1 of the report entitled "Draft Budget for Financial Year Ending June 2022" and dated 11 May 2021 for inclusion in the draft Annual Business Plan 2021-2022.

Carried Unanimously (865)

Community & Cultural Development - Nil**19. Questions on Notice - Nil****20. Questions without Notice**

Cr Schlueter asked a question regarding Council's 'Get Growing Native Plant Sale'.

21. Council Delegates and Activities Report - Nil

22. Information Reports

The following information reports were received at the meeting:

22.1 Celebration of National Volunteer Week (17-23 May 2021) (D21/24735)

22.2 Review of Major and Activation Events for 2020-21 Financial Year (D21/22301)

22.3 Quarter 3 Financial Year 2020-2021 Strategic Plan 2025 KPI Status Report (D21/31302)

23. Status Report on Resolutions

23.1 Status Report on Council Resolutions (D21/30175)

Council received the Status Report on Council Resolutions

24. Other Business

Mr John Moyle advised the Council that he attended the funeral of Council's former Mayor Lesley Purdom AM and the appreciation from her family for Council's kind support and contribution during this time of bereavement.

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

26. Date of Next Ordinary Meeting

25 May 2021

The Deputy Mayor declared the meeting closed at 12.06am.

Confirmed.....
Mayor 25 May 2021