

**MINUTES OF THE COUNCIL MEETING
OF THE CITY OF TEA TREE GULLY HELD ON TUESDAY 13 JULY 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.

2. Attendance Record:

2.1 Present

His Worship Mayor K Knight, Crs B Rankine (*entered at 7.01pm*), B Keane, J Lintvelt, L Jones, R Unger, D Wyld, L Petrie, R Coleman and S Keane.

2.2 Apologies

Crs P Field, O Savvas and A Schlueter.

2.3 Leave of Absence

Nil

2.4 Record of Officers in Physical Attendance onsite

Mr J Moyle	Chief Executive Officer
Mr R McMahon	Director Organisation Services & Excellence
Mr T Harfield	Director Assets & Environment
Ms I Cooper	Manager Governance & Policy
Mrs D Taglierini	Governance Advisor
Mrs F Birch	Manager Recreation, Leisure & Community Safety
Ms C Oborn	Recreation, Planning & Facility Coordinator
Mr G D'Aloia	Manager Civil Assets
Mr J Foong	Group Coordinator Water, Waste & Environment
Mr J Robbins	Manager Finance & Rating Operations

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

Nil

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

12 Attendees

Cr Rankine entered the meeting at 7.01pm.

2.6 Record of Media in Physical Attendance

Nil

3. Confirmation of Minutes to the Previous Meeting

Moved Cr Coleman, Seconded Cr S Keane

That the Minutes of the Council Meeting held on 22 June 2021 and Special Meeting of Council held on 29 June 2021 be confirmed as true and accurate records of proceedings.

Carried Unanimously (927)

4. Mayor's Report - Nil

5. Public Forum

Ms Janet Snider spoke in relation to the management report titled “Hargrave Reserve – Removal of Cricket Pitch – Outcomes of Community Engagement”.

6. Deputations

6.1 Deputation - Modbury Jets Amateur Football Club Chairman, Mr Daren Cross - Facility Upgrade at Ladywood Reserve, Modbury North (D21/48693)

Mr Daren Cross, Chairman of Modbury Jets Amateur Football Club presented on a facility upgrade at Ladywood Reserve, Modbury North.

7. Presentations - Nil

8. Petitions - Nil

9. Declaration of Conflicts of Interests

Crs Jones and Lintvelt declared a conflict of interest in the management report titled “Council’s Response to SA Water’s Sustainable Sewer Transition Plan”.

The Mayor sought leave of the meeting to bring forward the following reports:

Notice of Motion

- *Modbury Jets Amateur Football Club, Ladywood Reserve – Installation of inclusive Change Rooms, Toilet Facility and Additional Car Parking*

Management Reports

- *Hargrave Reserve – Removal of Cricket Pitch – Outcomes of Community Engagement*
- *Council’s Response to SA Water’s Sustainable Sewer transition Plan*

Leave was granted.

10. Notice(s) of Motion

10.1 Notice of Motion - Modbury Jets Amateur Football Club, Ladywood Reserve - Installation of Inclusive Change Rooms, Toilet Facility and Additional Car Parking (Cr Petrie) (D21/48628)

Moved Cr Petrie, Seconded Cr Wyld

1. That Council investigates the installation of two compliant and inclusive change-rooms, new or upgraded toilets to the club room, including a Disability Discrimination Act compliant toilet facility, Disability Discrimination Act access to the premise and surrounds, and additional car parking, at the Modbury Jets Amateur Football Club, Ladywood Reserve, and that a sum of \$10,000 be included in the 2021-2022 Financial Year Budget to obtain a concept design and costing estimate, which will inform the future construction budget required to upgrade the facility.
2. That a report be presented back to Council for consideration no later than October 2021.

Carried Unanimously (928)

11. Management Reports

Community & Cultural Development

11.1 Hargrave Reserve - Removal of Cricket Pitch - Outcomes of Community Engagement (D21/46473)

Moved Cr S Keane, Seconded Cr Coleman

1. That Council notes the Community Engagement Outcomes Report provided as Attachment 2 of the report titled “Hargrave Reserve – Removal of Cricket Pitch – Outcomes of Community Engagement” and dated 13 July 2021.
2. That Council, having considered the report entitled “Hargrave Reserve – Removal of Cricket Pitch – Outcomes of Community Engagement” and dated 13 July 2021 does not support the removal of the cricket pitch at Hargrave Reserve, Modbury Heights.
3. That the Community Land Management Plan for Modbury Heights, and incorporating Hargrave Reserve, be updated to reflect a cricket pitch being located at Hargrave Reserve, Modbury Heights.
4. That Council, in relation to By-law No.3 – Local Government Land, supports the use of Hargrave Reserve, Modbury Heights for organised regular athletic sport (as distinct from organised social play which is exempt from these by-law restrictions), subject to an approved hire agreement being entered into and when the reserve is not being used by Valley View Eagles Softball Club, and the following restricted hours of use when it is not to be hired:
 - a) Before 10am or after 3pm on Sundays
 - b) After 7pm Mondays to Fridays
 - c) Before 9am or after 5pm on Saturdays
5. It is noted that the Valley View Eagles Softball Club is exempt from the restrictions of use identified in 4 above as they have preexisting approval for seasonal hire with Council.
6. That signage be erected at Hargrave Reserve promoting the modified use of Hargrave Reserve, Modbury Heights for organised regular athletic activity.

Amendment

Moved Cr Unger, Seconded Cr Jones

1. That Council notes the Community Engagement Outcomes Report provided as Attachment 2 of the report titled “Hargrave Reserve – Removal of Cricket Pitch – Outcomes of Community Engagement” and dated 13 July 2021.
2. That Council, having considered the report entitled “Hargrave Reserve – Removal of Cricket Pitch – Outcomes of Community Engagement” and dated 13 July 2021 does not support the removal of the cricket pitch at Hargrave Reserve, Modbury Heights.
3. That the Community Land Management Plan for Modbury Heights, and incorporating Hargrave Reserve, be updated to reflect a cricket pitch being located at Hargrave Reserve, Modbury Heights.
4. That Council, in relation to By-law No.3 – Local Government Land, supports the use of Hargrave Reserve, Modbury Heights for organised regular athletic sport (as distinct from organised social play which is exempt from these by-law restrictions), subject to an approved hire agreement being entered into and when the reserve is not being used by Valley View Eagles Softball Club.

Lost

Original Motion

1. That Council notes the Community Engagement Outcomes Report provided as Attachment 2 of the report titled “Hargrave Reserve – Removal of Cricket Pitch – Outcomes of Community Engagement” and dated 13 July 2021.
2. That Council, having considered the report entitled “Hargrave Reserve – Removal of Cricket Pitch – Outcomes of Community Engagement” and dated 13 July 2021 does not support the removal of the cricket pitch at Hargrave Reserve, Modbury Heights.
3. That the Community Land Management Plan for Modbury Heights, and incorporating Hargrave Reserve, be updated to reflect a cricket pitch being located at Hargrave Reserve, Modbury Heights.
4. That Council, in relation to By-law No.3 – Local Government Land, supports the use of Hargrave Reserve, Modbury Heights for organised regular athletic sport (as distinct from organised social play which is exempt from these by-law restrictions), subject to an approved hire agreement being entered into and when the reserve is not being used by Valley View Eagles Softball Club, and the following restricted hours of use when it is not to be hired:

- a) Before 10am or after 3pm on Sundays
 - b) After 7pm Mondays to Fridays
 - c) Before 9am or after 5pm on Saturdays
- 5 It is noted that the Valley View Eagles Softball Club is exempt from the restrictions of use identified in 4 above as they have preexisting approval for seasonal hire with Council.
6. That signage be erected at Hargrave Reserve promoting the modified use of Hargrave Reserve, Modbury Heights for organised regular athletic activity.

Carried (929)

Organisational Services and Excellence

11.2 Council's Response to SA Water's Sustainable Sewer Transition Plan (D21/47727)

Pursuant to sections 75 & 75A of the Local Government Act 1999, Crs Jones and Lintvelt declared an actual conflict of interest in relation to this matter on the basis that they both have a Community Wastewater Management System (CWMS) connection on their properties. Crs Jones and Lintvelt left the meeting and its close vicinity at 8.00pm while the matter was being discussed and voted on.

Moved Cr Wyld, Seconded Cr Unger

That Council, having considered the report titled "Council's Response to SA Water's Sustainable Sewer Transition Plan" and dated 13 July 2021, Council:

1. Advises SA Water that Council will not provide agreement to proceed with the transition plan at this time noting that it may breach our legal obligations to consider a Prudential Report prior to reaching an agreement.
2. Acknowledges that Council's prudential advisor and staff are preparing a preliminary initial report for Council's consideration over the next few weeks.
3. Requests the Council's staff continue to negotiate and present options to clarify the transition arrangements to ensure all currently connected Community Wastewater Management Scheme properties are transferred to become SA Water customers from or before 1 July 2022.

4. Requests the Deputy Mayor to write to the Minister, Environment and Water to request an urgent meeting to address current unresolved matters which appear to be beyond SA Water's current authority in particular the acquisition of Council's Community Wastewater Management Scheme properties from or before 1 July 2022.
5. Requests the Deputy Mayor to write to the Leader of the Opposition to provide a copy of the letter sent to Minister, Environment and Water.
6. Requests the Deputy Mayor to write to all local members of parliament under the new electoral boundaries (to commence from the 2022 State Government elections) to advise them that it is Council's preference to modify the transition plan to accommodate point 3 above to avoid the need for all general ratepayers in the City of Tea Tree Gully to be levied an additional 2.5% rate rise to fund the additional operating costs and losses of the Community Wastewater Management Scheme throughout the duration of SA Water's proposed transition period which is currently planned to be over an 8 year period.

Carried Unanimously (930)

Cr Jones and Lintvelt re-entered the meeting at 8.15pm.

12. Adjourned Business - Nil

13. Motions Lying on the Table - Nil

14. Committee Reports

Service Review Committee - Nil

Audit Committee - Nil

Policy and Strategic Development Committee - Nil

CEO Performance and Remuneration Review Committee

14.1 Recommendations from the CEO Performance and Remuneration Review Committee Meeting held on 7 July 2021

Proposed CEO Key Performance Indicators (KPIs) for 2021-22 (D21/42526)

Moved Cr Jones, Seconded Cr Petrie

That Council adopts the Chief Executive Officer's (CEO's) Key Performance Indicators (KPIs) for the 2021-22 financial year provided in Attachment 2 to the report titled "Proposed CEO Key Performance Indicators (KPIs) for 2021-22" and dated 7 July 2021, subject to amending 'KPI 6 – Community Values Program' to include the additional words at the end "*including progressing documented Operational Service Levels (OSL's)*".

Carried Unanimously (931)

Traffic Management Safety Committee - Nil

15. Management Reports

Office of the Chief Executive Officer - Nil

Assets & Environment

15.1 Green Adelaide - Invitation to Support Programs (D21/45625)

Moved Cr Lintvelt, Seconded Cr B Keane

That Council, in considering the report, including the attachments, titled "Green Adelaide - Invitation to Support Programs" and dated 13 July 2021 resolves to:

1. Provide in-principle support for Adelaide becoming a National Park City subject to consideration of the following:
 - a. The development of a draft Vision, Charter and Action Plan for the consideration of councils
 - b. The endorsement of councils of the proposed governance structure that will ensure that an Adelaide National Park City is sustainable
 - c. The proposed governance structure cannot mandate financial contributions from councils
 - d. The proposed governance structure be funded by Green Adelaide without any additional financial contribution from councils

- e. This matter is to be brought back to Council for further consideration when there is sufficient detail for Council to consider.
2. Requests the Chief Executive Officer to nominate a suitable staff member to participate in the development of a draft charter for the Adelaide National Park City.
3. Endorses Council's participation in an Urban Heat Mapping and Canopy Cover Mapping project which is to be funded through Council's existing Environmental Projects operating budget at an estimated cost of \$10,000.

Carried Unanimously (932)

Organisational Services & Excellence

15.2 Feedback to State Government - Local Government Information Framework (D21/42353)

Moved Cr S Keane, Seconded Cr Unger

That having considered the report titled "Feedback to State Government – Local Government Information Framework" and dated 13 July 2021, Council provides feedback to the Office of Local Government as provided in Attachment 2 of the abovementioned report.

Carried Unanimously (933)

15.3 Review of Confidential Orders - July 2021 (D21/42893)

Moved Cr S Keane, Seconded Cr Lintvelt

That having undertaken a review of current confidential orders as detailed in Attachment 1 of the report entitled "Review of Confidential Orders – July 2021" and dated 13 July 2021, Council supports the continuation of all listed orders.

Carried Unanimously (934)

15.4 Variation to Delegations Register - Changes to Authorisations and Delegations under the Road Traffic Act 1961 (D21/46082)

Moved Cr Unger, Seconded Cr S Keane

That having considered the report titled "Variation to Delegations Register – Changes to Authorisations and Delegations under the Road Traffic Act 1961", Council:

- a. Makes the following additions to authorisations and delegations under the Road Traffic Act 1961 in accordance with the Instrument of General Approval and Delegation to Council dated 22 August 2013 from the Minister (provided in Attachment 1); and
- b. Authorises the person(s) outlined in Attachment 2 of this report.

Carried Unanimously (935)

Community & Cultural Development

16. Notice(s) of Motions

16.1 Notice of Motion - Park n Ride, Modbury Carpark Fees for Residents, Employees and Visitors (Cr Jones) (D21/48677)

Moved Cr Jones, Seconded Cr Lintvelt

That Council writes to the Minister for Infrastructure and Transport, Hon Corey Wingard MP requesting:

1. Further information from the State Government relating to the recently announced second Park n Ride at the Datacom car park in Modbury to clarify if the 400 car parks are available for public transport users only.
2. That the second Park n Ride at Modbury is free and of no charge to O-Bahn users in line with the recently announced park n rides at Paradise and Golden Grove.
3. That the current Park n Ride at Modbury has its fee structure changed so that O-Bahn users can use the car park free of charge in line with the Golden Grove and Paradise Park n Rides.

Leave of the meeting was sought with the consent of the mover and seconder to vary the motion to include the words "thanking the State Government for the announcement of a second Park n Ride at the Datacom car park in Modbury and" after the words "Hon Corey Wingard MP". Leave was granted.

Motion (as varied)

That Council writes to the Minister for Infrastructure and Transport, Hon Corey Wingard MP thanking the State Government for the announcement of a second Park n Ride at the Datacom car park in Modbury and requesting:

1. Further information from the State Government relating to the recently announced second Park n Ride at the Datacom car park in Modbury to clarify if the 400 car parks are available for public transport users only.

2. That the second Park n Ride at Modbury is free and of no charge to O-Bahn users in line with the recently announced park n rides at Paradise and Golden Grove.
3. That the current Park n Ride at Modbury has its fee structure changed so that O-Bahn users can use the car park free of charge in line with the Golden Grove and Paradise Park n Rides.

Amendment

Moved Cr Wyld, Seconded Cr Coleman

That Council writes to the Minister for Infrastructure and Transport, Hon Corey Wingard MP thanking the State Government for the announcement of a second Park n Ride at the Datacom car park in Modbury and requesting:

1. Further information from the State Government relating to the recently announced second Park n Ride at the Datacom car park in Modbury to clarify if the 400 car parks are available for public transport users only.
2. An explanation as to why Park n Ride facilities at Modbury may not be offered at no charge to O-Bahn users.

Carried (936)

Motion (as amended)

That Council writes to the Minister for Infrastructure and Transport, Hon Corey Wingard MP thanking the State Government for the announcement of a second Park n Ride at the Datacom car park in Modbury and requesting:

1. Further information from the State Government relating to the recently announced second Park n Ride at the Datacom car park in Modbury to clarify if the 400 car parks are available for public transport users only.
2. An explanation as to why Park n Ride facilities at Modbury may not be offered at no charge to O-Bahn users.

Carried Unanimously (937)

17. Motions without Notice - Nil

18. Questions on Notice - Nil

19. Questions without Notice - Nil

20. Council Delegates and Activities Report

Cr Coleman attended the Tea Tree Gully Lions Club Annual Handover on 16 June 2021.

Cr Rankine attended the opening of the new pitch at the North East Hockey Club Pitch on 10 July 2021.

21. Information Reports

The following Information reports were received at the meeting:

21.1 Memorial Drive Upgrade (D21/33056)

21.2 Elected Member Training and Development - Approval of Applications under CEO Delegation - April to June 2021 (D21/33699)

21.3 Policies adopted by the Policy and Strategic Development Committee under Delegation - 16 June 2021 (D21/44379)

21.4 Conclusion of Road Closure Process and disposal of Portion of Council Road Reserve - Hancock Road, Tea Tree Gully (D21/45247)

21.5 State Government land - surplus to requirements - 125A (Lot 50) Range Road North, Upper Hermitage (D21/46634)

21.6 Outcome of CMCA seeking SA Water Approval to develop 212 Lyons Road, Holden Hill for use as a Recreational Vehicle (RV) Park (D21/47144)

21.7 Community Wastewater Management System (CWMS) Quarter 4 Report 2021 (D21/47978)

22. Status Report on Resolutions

22.1 Status Report on Council Resolutions (D21/46931)

Council received the Status Report on Council Resolutions

23. Other Business - Nil

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

25. Date of Next Ordinary Meeting

27 July 2021

The Mayor declared the meeting closed at 9.21pm.

Confirmed.....
Mayor 27 July 2021