

**MINUTES
OF THE COUNCIL MEETING OF THE CITY OF TEA TREE GULLY
HELD ON TUESDAY 24 AUGUST 2021 AT 7.02PM
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, B Keane, J Lintvelt, L Jones, O Savvas, R Unger, D Wyld, L Petrie, R Coleman, P Field, S Keane and A Schlueter.

2.2 Apologies

Nil

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
Mrs C Neil	Director Community & Cultural Development
Mr T Harfield	Director Assets & Environment
Miss M Lay	Governance & Risk Administration Officer
Ms I Wilkshire	Manager City Strategy
Ms R Gagetti	Property & Projects Facilitator
Mr G D'Aloia	Manager Civil Assets
Mr J Robbins	Manager Finance & Rating Operations

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

Ms I Cooper	Manager Governance & Policy
Ms F Birch	Manager Recreation, Leisure and & Community Safety
Mr N Dennis	Facility Manager Waterworld

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

3 Attendees

2.6 Record of Media in Physical Attendance

Nil

3. Confirmation of Minutes to the Previous Meeting

Moved Cr S Keane, Seconded Cr Field

That the Minutes of the Council Meeting held on 10 August 2021 be confirmed as a true and accurate record of proceedings.

Carried Unanimously (953)

4. Mayor’s Report - Nil

5. Public Forum

Ms Monika Quattrocchi of Monika’s Organics spoke in relation to the proposed rezoning of the Rural Living Zone at Golden Grove, in which Council provided in principle support to commence preliminary investigations at its meeting on 27 July 2021.

6. Deputations - Nil

7. Presentations - Nil

8. Petitions - Nil

9. Declaration of Conflicts of Interests

Cr Schlueter declared a conflict of interest in the management report titled 'Elected Member Absence – Three Consecutive Council Meetings'.

Cr Wyld declared a conflict of interest in the management and information reports titled:

- 'Lease over portion of Reserve – 68 Valley Road, Hope Valley – proposed Telecommunications Tower'
- 'Disposal of 13 Australia Avenue – shortlisted respondents for Stage 2 tender process'

10. Adjourned Business - Nil

11. Motions Lying on the Table - Nil

12. Committee Reports

Service Review Committee - Nil

Audit Committee - Nil

Governance and Policy Committee

12.1 Recommendations from Governance and Policy Committee on 18 August 2021

Proposed Terms of Reference for the Establishment of an Assets and Environment Committee (D21/24788)

Moved Cr Wyld, Seconded Cr Field

That having considered the report titled "Proposed Terms of Reference for the Establishment of an Assets and Environment Committee" and dated 18 August 2021, Council does not proceed with the establishment of an Assets and Environment Committee in this term of Council.

Carried Unanimously (954)

Waterworld Management Policy (D21/29139)

Moved Cr Wyld, Seconded Cr Petrie

That the “Waterworld Management Policy” as reviewed by the Governance and Policy Committee on 18 August 2021 be adopted with the following amendment:

- Boxing Day / Proclamation Day to be listed as a day when Waterworld is closed, in addition to Christmas Day and Good Friday already listed.

Carried Unanimously (955)

Sponsorship Policy (D21/44851)

Moved Cr Wyld, Seconded Cr Unger

That the “Sponsorship Policy” as reviewed by the Governance and Policy Committee on 18 August 2021 be adopted.

Carried Unanimously (956)

Major Events Policy (D21/61157)

Moved Cr Wyld, Seconded Cr Field

That the “Major Events Policy” as reviewed by the Governance and Policy Committee on 18 August 2021 be adopted as amended.

Carried Unanimously (957)

Council Photographs Policy (D21/61185)

Moved Cr Wyld, Seconded Cr Petrie

That the “Council Photographs Policy” as reviewed by the Governance and Policy Committee on 18 August 2021 be adopted as amended.

Carried Unanimously (958)

Petition Management Policy (D21/28407)

Moved Cr Wyld, Seconded Cr Petrie

That the “Petition Management Policy” as reviewed by the Governance and Policy Committee on 18 August 2021 be adopted as amended.

Carried (959)

CEO Performance and Remuneration Review Committee - Nil

Traffic Management Safety Committee - Nil

13. Management Reports

Office of the Chief Executive Officer

13.1 Elected Member Absence - Three Consecutive Council Meetings (D21/61188)

Pursuant to sections 73 & 74 of the Local Government Act 1999, Cr Schlueter declared a material conflict of interest in relation to this matter on the basis that the report pertains to her. Cr Schlueter left the meeting at 7.31pm while the matter was being discussed and voted on.

Formal Meeting Procedures Suspended at 7.34pm

Moved Cr Savvas, Seconded Cr Jones

That Council temporarily suspend the formal meeting procedures to allow free and open discussion on the matter until the Council is in a position to make a decision.

Carried Unanimously (960)

Cr Schlueter was not present for the vote.

Following the informal discussion the Mayor determined that the period of suspension should be brought to an end and formal meeting procedures were resumed at 8.10pm.

Leave of the meeting was sought for Cr Schlueter to re-enter the meeting temporarily to provide a personal explanation about why a written response wasn't provided by the nominated timeframe. Leave was granted.

Adjournment of Meeting at 8.12pm

Moved Cr Field, Seconded Cr Petrie

That the meeting be adjourned for a short break.

Carried Unanimously (961)

Cr Schlueter was not present for the vote.

The meeting resumed at 8.17pm.

Cr Schlueter re-entered the meeting at 8.17pm to provide a personal explanation about why a written response wasn't provided by the nominated timeframe. At the conclusion of her personal explanation, Cr Schlueter left the meeting at 8.18pm as per her material conflict of interest declaration while the matter was being discussed at voted on.

Moved Cr Unger, Seconded Cr Wyld

That having considered the report titled "Elected Member Absence - Three Consecutive Council Meetings" and dated 24 August 2021, Council exercises its power under section 54(1)(d) of the *Local Government Act 1999* to remove Cr Alicia Schlueter from office on the grounds that she has been absent for three (3) consecutive Council meetings (namely 13 July 2021, 27 July 2021 and 10 August 2021) without the leave of the Council.

Carried (962)

Cr Schlueter was not present for the vote.

Moved Cr Jones, Seconded Cr B Keane

That Council includes Cr Schlueter's written submission that was tabled at the Council Meeting on 24 August 2021 as an attachment to these Minutes.

Carried Unanimously (963)

Cr Schlueter was not present for the vote.

Adjournment of Meeting at 8.37pm

Moved Cr S Keane, Seconded Cr Field

That the meeting be adjourned for a short break whilst Cr Schlueter collects her personal possessions and vacates the Chamber.

Carried Unanimously (964)

Cr Schlueter was not present for the vote.

The meeting resumed at 8.43pm and Cr Schlueter left for the remainder of the meeting.

13.2 Lease over portion of Reserve - 68 Valley Road, Hope Valley - proposed Telecommunications Tower (D21/43500)

Pursuant to sections 75 & 75A of the Local Government Act 1999, Cr Wyld declared an actual conflict of interest in relation to this 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 and its close vicinity at 8.45pm while this matter was being discussed and voted on.

Moved Cr Field, Seconded Cr Coleman

1. That Council undertakes community engagement in accordance with Attachment 3 of the report titled “Lease over portion of Reserve - 68 Valley Road, Hope Valley - Proposed Telecommunications Tower” and dated 24 August 2021 in relation to Council potentially granting a 10 year lease with two further options of five years each to Telstra Corporation Limited for a portion of land described as Allotment 3 Filed Plan 131691, Certificate of Title Volume 5861 Folio 387, located at 68 Valley Road, Hope Valley, for the purpose of constructing a 30 metre shrouded monopole and associated infrastructure.
2. That a report outlining the outcomes of the consultation be presented to Council for further consideration.

Carried Unanimously (965)

Cr Wyld was not present for the vote.

Cr Wyld re-entered the meeting at 8.48pm.

Assets & Environment

13.3 South Australia's Road Safety Strategy 2031 - Opportunity to provide a submission (D21/63054)

Moved Cr Jones, Seconded Cr Coleman

That Council notes the development of South Australia’s Road Safety Strategy 2031 as included in Attachment 3 of the report titled “South Australia’s Road Safety Strategy 2031 – Opportunity to provide a submission” and dated 24 August 2021 and accordingly:

- a) Supports the key focus areas and strategies contained in the strategy; and
- b) Supports the intention to develop a rolling three-year action plan, updated annually, to sit alongside the Strategy, which will set out the actions to be taken to give effect to the priorities, as well as responsibilities and timeframes for implementation; and
- c) Resolves not to make any submission relating to the South Australia’s Road Safety Strategy 2031.

Carried Unanimously (966)

Organisational Services & Excellence

13.4 Grant Opportunities (D21/62374)

Moved Cr Field, Seconded Cr Savvas

1. That Council, having considered the report titled “Grant opportunities” and dated 24 August 2021, authorises the Chief Executive Officer (CEO) to make a submission to the Greener Neighbourhoods Grant Program as detailed in table 1 of this report.
2. That Council authorises the CEO to execute the grant deed for the \$54,065 contribution from the Department for Infrastructure and Transport for a Bike Lane extension on Montague Road Modbury between Fairleigh Avenue and North East Road as contained in Attachment 1 of the abovementioned report which will be incorporated into existing planned works by Council in this vicinity.
3. That Council authorises the CEO to vary the ‘grant program source’ of the grant application, if it is considered a more favourable outcome for Council might be achieved, subject to Council’s contribution remaining unchanged for the associated grant application.

Carried Unanimously (967)

Community & Cultural Development - Nil

14. Notice(s) of Motions - Nil

15. Motions without Notice - Nil

16. Questions on Notice - Nil

17. Questions without Notice

Cr Petrie asked a questions about the progress of the prudential report for the Community Wastewater Management System (CWMS) transition to SA Water.

18. Council Delegates and Activities Report

Cr Coleman attended the Parafield Airport Conference meeting on 19 August 2021. He also attended the Murray Darling Association meeting on 19 August 2021.

19. Information Reports

The following Information reports were received at the meeting:

19.1 Australian Service Excellence Standards (ASES) Accreditation Achieved (D21/54189)

19.2 Compassionate Communities Project (D21/54190)

19.3 2021 Volunteer Survey (D21/58673)

19.4 Quarter 4 Financial Year 2020-2021 Strategic Plan 2025 KPI Status Report (D21/61938)

20. Status Report on Resolutions - Nil

21. Other Business - Nil

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

22.1. Information Report - Disposal of 13 Australia Avenue - shortlisted respondents for Stage 2 tender process (D21/62924)

Recommendation for Moving into Camera

Pursuant to sections 75 & 75A of the Local Government Act 1999, Cr Wyld declared an actual conflict of interest in relation to this 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 and its close vicinity at 9.15pm while this matter was addressed.

Moved Cr S Keane, Seconded Cr Field

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 Disposal of 13 Australia Avenue - shortlisted respondents for Stage 2 tender process.
2. That the Council is satisfied that pursuant to section 90(3)(k) of the Act, the information be received, discussed or considered in relation to this item is: tenders for the supply of goods, the provision of services or the carrying out of works:
 - o on the basis that release of this information would compromise Council's ability to obtain the best outcome for Council and the community.
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 that the public release of this information would compromise Council's ability to obtain the best outcome for Council and the community.

Carried Unanimously (968)

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 and Miss M Lay.

Retention of confidential documents:

Moved Cr Lintvelt, Seconded Cr Unger

1. That having considered the agenda item titled Disposal of 13 Australia Avenue - shortlisted respondents for Stage 2 tender process and dated 24 August 2021 in confidence under section 90(2) & (3)(k) and Section 91(7) of the Local Government Act 1999:
 - 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 relevant to this item be retained in confidence until The report be retained in confidence

until the tender is awarded and contract signed by all parties or until the Council resolves otherwise, (whichever occurs first) and that this order be reviewed every 12 months at a minimum (if the confidentiality period is longer than 12 months in duration) or until 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 and reporting to the Elected Members of the revocation.

Carried Unanimously (969)

Cr Wyld re-entered the meeting at 9.16pm.

23. Date of Next Ordinary Meeting

14 September 2021

The Mayor declared the meeting closed at 9.16pm.

Confirmed.....
Mayor 14 September 2021

Attachment 1 – Cr Schlueter’s Written Submission

From: Cr Alicia Schlueter
Sent: Tuesday, 24 August 2021 6:42 PM
To: Moyle, John
Subject: Personal statement regarding item 13.1

Good evening John,

Can you please read this statement out on my behalf at tonight's Council meeting?

It was not my intention to miss the 3 Council meetings in a row, I had definately intended on attending the 10th of August 2021 meeting.

I missed the 13th of July meeting, as I got in my car to drive to Council and had sudden onset of excruciating back pain in my coxyx, having spent the entire day hard weeding my Council verge, I couldn't move for over an hour. The 27th of July meeting I was unwell with Laryngitis and Bronchitis. The 10th of July I was running a bit late, as I am had to change my outfit due to abdominal distension, driving to Council my abdominal pain got worse, I sat in the car for a little while, then came into the lobby, hoping the pain would subside. I messaged Mr Moyle and he came out to the foyer and explained that Cr Wyld, Cr Unger and Cr Rankine are here, Cr Rankine is sitting in the kitchen, sit where you like. I went through to the Banksia room, as I assumed that is where Cr Wyld and Cr Unger were sitting, as that is where we always sat for other electronic meetings. I tried logging and joining the meeting, unsuccessfully, Mr Moyle came through and checked how I was going and I explained I was unable to login. Being in pain and highly flustered by this stage, I was not thinking clearly and in hindsight, I should have walked next door into the Council chamber, so I could have been counted as present for the meeting and the Mayor could have seen my vote on the remaining motions.

I would like to remain on Council and see out my term of office. I like to representing our community and making decisions that benefit the entire community. I have lived in Hillcott Ward for over half my life. When I decided to nominate as a candidate, I did so as I was encouraged over the years, often being referred to as a "community minded person" by those around me, I have never saw nominating for Council as financial gain for myself or a stepping stone to a career opportunities. I am here because I genuinely want to be here.

I am an active member of this Council, I have never missed a Citizenship ceromoney, I am on 2 neighbourhood watch groups in Hillcott ward, regularly attend the Tea Tree Gully RSL, Chair the Tea Tree Gully community services forum, SADNA Board member, attend Council's Welcome dinners/morning teas, sit on the Tea Tree Gully dissability access and inclusion forum and sit on 4 Council subcommittees. I try to get to as many events in the Tea Tree Gully area as I can, including those not in my ward.

Kind regards
Alicia