

**MINUTES  
OF THE COUNCIL MEETING OF THE CITY OF TEA TREE GULLY  
HELD ON TUESDAY 9 NOVEMBER 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, B Keane, J Lintvelt, L Jones, O Savvas, R Unger, D Wyld, L Petrie, R Coleman, P Field and S Keane.

**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
Ms I Cooper	Manager Governance & Policy
Mrs D Taglierini	Governance Advisor
Mrs I Wilkshire	Manager City Strategy
Mrs V Masterman	Team Leader Planning Strategy
Mrs C Gill	Senior Strategy Planner
Mr J Robbins	Manager Finance & Rating Operations
Mrs R Baines	Team Leader Financial Accounting
Mrs F Birch	Manager Recreation & Leisure Services
Ms L Watson	Community Safety Leader
Mr A Sellars	Manager Parks
Mr G D'Aloia	Manager Civil Assets
Mr R Hutchison	Team Leader Park Assets
Mr J Foong	Group Coordinator Waste, Water and Environment

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

Mr J Herd, Environmental Sustainability Coordinator

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

5 Attendees

**2.6 Record of Media in Physical Attendance**

Nil

**3. Confirmation of Minutes to the Previous Meeting**

Moved Cr B Keane, Seconded Cr Unger

That the Minutes of the Council Meeting held on 26 October 2021 be confirmed as a true and accurate record of proceedings.

**Carried Unanimously (1020)**

**4. Mayor's Report - Nil**

**5. Public Forum - Nil**

**6. Deputations**

Ms Tracy Katsoura spoke in relation to the petition relating to “Request for the Construction of a Fire Track and Buffer Zone – Fire Prevention at Range Road North, Upper Hermitage”.

**7. Presentations - Nil**

## **8. Petitions**

### **8.1 Petition - Request for the construction of a fire track and buffer zone - Fire prevention at Range Road North, Upper Hermitage (D21/87825)**

Council received the petition.

## **9. Declaration of Conflicts of Interests - Nil**

*The Mayor sought leave of the meeting to bring forward the Notice of Motion titled “Fire Prevention Track - Range Road North, Upper Hermitage”. Leave was granted.*

## **10. Notice(s) of Motion**

### **10.1 Notice of Motion - Fire Prevention Track - Range Road North, Upper Hermitage (Cr Jones) (D21/89305)**

Moved Cr Jones, Seconded Cr Lintvelt

1. That Council requests the Chief Executive Officer to bring back a report to Council outlining the process that is required for the potential installation (and/or maintenance) of a fire track to be installed on private land through property CT6003/519 on Range Road North, including any relevant permissions or approvals that would need to be granted and any engagement required with relevant stakeholders.
2. That Council requests this report be brought back to a Council meeting by no later than December 2021.

**Carried Unanimously (1021)**

## **11. Adjourned Business - Nil**

## **12. Motions Lying on the Table - Nil**

### **13. Committee Reports**

**Service Review Committee - Nil**

**Audit Committee - Nil**

**Governance and Policy Committee - Nil**

**CEO Performance and Remuneration Review Committee - Nil**

**Traffic Management Safety Committee - Nil**

### **14. Management Reports**

**Office of the Chief Executive Officer**

#### **14.1 Updated Tea Tree Gully Township Precinct Plan (D21/69083)**

Moved Cr Lintvelt, Seconded Cr Jones

1. That having considered the report titled “Updated Tea Tree Gully Township Precinct Plan” and dated 9 November 2021, Council endorses the *Tea Tree Gully Township Precinct Plan – 2021 Update* as provided in Attachment 1 of this report.
2. That Council authorises the Chief Executive Officer to make any minor grammatical or other changes to the *Tea Tree Gully Township Precinct Plan – 2021 Update* document provided that the changes made do not alter the intent of any directions, actions or initiatives outlined in the Plan.

**Carried Unanimously (1022)**

## **14.2 Dry Creek Corridor Concept Plan Stage 2 Community Engagement Strategy (D21/88167)**

Moved Cr S Keane, Seconded Cr Petrie

1. That Council endorses the Community Engagement Strategy and key messages for engagement as outlined in Attachment 1 in the report titled “Dry Creek Corridor Concept Plan Stage 2 Community Engagement Strategy” and dated 9 November 2021.
2. That a report on the outcomes of the community engagement and a draft concept plan will be presented to Council at a future meeting.
3. That Council endorses the amendment to the Modbury Heights Community Land Management Plan for Lot 50, Kingfisher Reserve as set out in the report titled “Dry Creek Corridor Concept Plan Stage 2 Community Engagement Strategy” and dated 9 November 2021 (including Attachment 2).

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

1. *An additional point 1 as follows  
‘That the scope of the Dry Creek Corridor Concept Plan be expanded to include Gilles Reserve situated on the southern side of Grand Junction Road, Gilles Plains.’*
2. *In point 2 add ‘and including Gilles Reserve, Gilles Plains’ at the end of the point.*

*Leave was granted.*

### Motion as varied

1. That the scope of the Dry Creek Corridor Concept Plan be expanded to include Gilles Reserve situated on the southern side of Grand Junction Road, Gilles Plains.
2. That Council endorses the Community Engagement Strategy and key messages for engagement as outlined in Attachment 1 in the report titled “Dry Creek Corridor Concept Plan Stage 2 Community Engagement Strategy” and dated 9 November 2021 and including Gilles Reserve, Gilles Plains.
3. That a report on the outcomes of the community engagement and a draft concept plan will be presented to Council at a future meeting.

4. That Council endorses the amendment to the Modbury Heights Community Land Management Plan for Lot 50, Kingfisher Reserve as set out in the report titled “Dry Creek Corridor Concept Plan Stage 2 Community Engagement Strategy” and dated 9 November 2021 (including Attachment 2).

**Carried Unanimously (1023)**

## **Assets & Environment**

### **14.3 Proposal to Undertake Community Engagement for the Development of a New Playground on Tarni Reserve, Fairview Park (D21/84512)**

Moved Cr Jones, Seconded Cr Lintvelt

That having considered the report titled “Proposal to Undertake Community Engagement for the Development of a New Playground on Tarni Reserve, Fairview Park” and dated 9 November 2021, Council;

1. Endorses community engagement as per the Community Engagement Strategy as set out in Attachment 1 of the abovementioned report.
2. Receives a report on the outcomes of this community engagement to be presented to a future Council meeting.

**Carried Unanimously (1024)**

### **14.4 Review of Fees and Charges relating to Tree Removal Costs and Tree Replacement Costs (D21/87291)**

Moved Cr B Keane, Seconded Cr Coleman

That the fees and charges for Tree Removal as stated in Council’s Fees and Charges Register 2021 – 2022 be amended to reflect the reviewed and current averaged costs as follows:

Size	Reviewed Fee	Previous Fee
Small tree less than three years old	\$0	\$420
Small tree older than three years and less than 300mm diameter	\$315	\$420
Medium tree between 300mm and 750mm diameter	\$880	\$440
Large tree greater than 750mm diameter	\$1,740	\$800

[Note: These fees will be used for the base cost where the Tree Amenity Valuation formula is used to remove a public tree in accordance with Council's Tree Management Policy.]

**Carried Unanimously (1025)**

#### **14.5 Container Deposit Scheme Review - Consultation Feedback (D21/87317)**

Moved Cr Field, Seconded Cr S Keane

That Council provides its response regarding the State Government's Container Deposit Scheme Review in accordance with Attachment 1 of the report titled "Container Deposit Scheme Review - Consultation Feedback" and dated 9 November 2021.

**Carried (1026)**

### **Organisational Services & Excellence**

#### **14.6 Quarter One Budget Review For Financial Year End 30 June 2022 (D21/72435)**

Moved Cr Field, Seconded Cr Wyld

That Council adopts the Quarter One Budget Review for the period 1 July 2021 to 30 June 2022, as detailed in Attachment 1 of the report entitled "Quarter One Budget Review for Financial Year End 30 June 2022" and dated 9 November 2021 which reflects a revised forecast surplus of \$5.834m subject to the following:

1. An amount of \$72k is added to project 210207 Mulkara Street, bridge renewal, Ridgehaven and a corresponding amount of \$72k is reduced from project 220169 Projects to be Grant Funded (to be determined).

**Carried Unanimously (1027)**

### **Community & Cultural Development - Nil**

**15. Notice(s) of Motions**

**15.1 Notice of Motion - Dogs On/Off leash - Memorial Oval, Tea Tree Gully (Cr Jones) (D21/89307)**

Moved Cr Jones, Seconded Cr Lintvelt

1. That Council request the Chief Executive Officer to prepare a report on the process and any considerations to enable Council to consider an amendment to the dog on/off leash conditions and existing Licence Agreement with the Minister for Education pertaining to the use of Memorial Oval, Tea Tree Gully.
2. That the report be returned to Council no later than December 2021.

**Carried Unanimously (1028)**

**16. Motions without Notice - Nil**

**17. Questions on Notice - Nil**

**18. Questions without Notice - Nil**

**19. Council Delegates and Activities Report - Nil**

**20. Information Reports**

The following Information reports were received at the meeting:

**20.1 Continuous Improvement - 2022 - First Quarter Update (D21/79852)**

**20.2 Quarter 1 Financial Year 2021-22 Strategic Plan 2025 KPI Status Report (D21/85449)**



**20.3 Information regarding feedback provided on the LGA's Proposed Community Engagement Charter and Policy (D21/86540)**

**20.4 Local Government Association - Ordinary General Meeting Item - Damage to Infrastructure caused by Developers and Builders update (D21/86741)**

**20.5 Policies adopted by the Governance and Policy Committee under Delegation - 20 October 2021 (D21/87592)**

**20.6 Animal Pound Location Update (D21/88204)**

**21. Status Report on Resolutions**

**21.1 Status Report on Council Resolutions (D21/83294)**

Council received the Status Report on Council Resolutions.

**22. Other Business**

Mr Moyle, Chief Executive Officer (CEO) advised the Council that a letter had been received by the Mayor from the Hon David Speirs MP, Minister for Environment and Water relating to the Community Wastewater System (CWMS) System conversion and requesting a meeting with the Mayor and the CEO. This matter was reported to Council, noting the Mayor and CEO will attend the meeting to enable the continued consideration of this matter.

*During the discussion, a point of order was raised in relation to the Mayor disallowing Cr Petrie to ask a question in relation to the CWMS. The Mayor upheld the point of order on the basis that this matter ordinarily would be dealt with as a 'Question without Notice' rather than 'Other Business', however allowed Cr Petrie to ask her question regarding CWMS.*

## **23. Section 90(2) Local Government Act 1999 – Confidential Items**

### **23.1 Sale of Land for Non Payment of Council Rates (D21/88656)**

#### **Recommendation for Moving into Camera**

Moved Cr S 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 Sale of Land for Non Payment of Council Rates .
2. That the Council is satisfied that pursuant to section 90(3)(a) of the Act, the information be received, discussed or considered in relation to this item is:
  - information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) .
    - o on the basis that it relates to personal financial affairs of rate payers and is inappropriate to put pending private financials in the public domain prior to it being finalised, and;
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.
4. That the Council is satisfied that the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter by the need to keep the discussion of this matter confidential because it could impact the financial position of the relevant ratepayer.

**Carried Unanimously (1029)**

**The following staff members on duty remained at the meeting for the following item:**

Mr J Moyle, Mr R McMahon, Mrs C Neil, Mr T Harfield, Ms I Cooper, Mrs D Taglierini, Mr J Robbins and Mrs R Baines.

### **23.1 Sale of Land for Non Payment of Council Rates (D21/88656)**

Moved Cr B Keane, Seconded Cr Unger

1. That pursuant to Section 184 of the Local Government Act 1999, Council resume and proceed with the sale of land option provided for in the Act for Council to recover its long-term rate debts against the following assessment numbers:

- |          |          |
|----------|----------|
| • 10879  | • 123379 |
| • 11744  | • 163904 |
| • 21649  | • 172554 |
| • 34767  | • 184085 |
| • 39988  | • 210364 |
| • 62749  | • 530127 |
| • 91078  | • 701349 |
| • 103975 | • 707257 |
| • 117278 | • 922847 |
| • 122659 |          |

**Carried Unanimously (1030)**

**Retention of confidential documents:**

Moved Cr S Keane, Seconded Cr Unger

1. That having considered the agenda item titled “Sale of Land for Non Payment of Council Rates and dated 09 November 2021 in confidence under section 90(2) & (3) a and Section 91(7) of the Local Government Act 1999:
  - information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)
 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 until the debts have been settled or settlement of the properties has occurred 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 (1031)**

**23.2 Update relating to matters regarding Mayor Kevin Knight****Recommendation for Moving into Camera**

*Pursuant to sections 75 & 75A of the Local Government Act 1999, Mayor Knight declared an actual conflict of interest in relation to the matter on the basis that he may be involved in the matter. He dealt with the matter in a transparent and accountable way by leaving the meeting and its close vicinity while the matter was discussed and voted on. Mayor Knight left for the remainder of the meeting at 8.31pm.*

*Deputy Mayor Jones took the chair as Presiding Member at 8.31pm.*

Moved Cr Lintvelt, Seconded Cr Petrie

1. That pursuant to Section 90(2) of the Local Government Act 1999, Council orders that the public (except staff on duty) be excluded from the meeting to enable discussion on the update relating to matters regarding Mayor Kevin Knight.
2. That Council is satisfied that pursuant to section 90(3)(j)(i) and (j)(ii) of the Act, the information be received, discussed or considered in relation to this item is:

- information the disclosure of which would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Council, or a person engaged by the Council);
  - on the basis that a third party agency has directed Council for this information to not be publicly released.
- 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.
- 4. 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 members of the public are not to be included in matters involving third party agencies where this information has been requested to remain in confidence.

**Carried Unanimously (1032)**

**The following staff members on duty remained at the meeting for the following item:**

Mr J Moyle, Mr R McMahon, Mrs C Neil, Mr T Harfield, Ms I Cooper and Mrs D Taglierini

*While in confidence, the Deputy Mayor provided a verbal update to the Council on correspondence received from a third party authority dated 22 and 28 October 2021 regarding matter 2021/01843.*

**24. Date of Next Ordinary Meeting**

23 November 2021

The Deputy Mayor declared the meeting closed at 8.45pm.

Confirmed.....

Mayor 23 November 2021