

**MINUTES  
OF THE COUNCIL MEETING OF THE CITY OF TEA TREE GULLY HELD ON  
TUESDAY 10 MAY 2022 AT 7.01PM 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 Keane, L Jones, R Unger, D Wyld, L Petrie, R Coleman, P Field, S Keane and K Foreman.

**2.2 Apologies**

Crs J Lintvelt and B Rankine.

**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
Mrs M Marks	Governance & Risk Administration Officer
Mr N Grainger	Manager City Development
Ms F Birch	Manager Recreation & Leisure Services
Mr J Robbins	Manager Finance & Rating Operations
Ms R Baines	Team Leader Financial Accounting

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

Ms I Cooper	Manager Governance & Policy
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**2.5 Record of Number of Persons in the Public Gallery – Physical Attendance**

2 Attendees

## **2.6 Record of Media in Physical Attendance**

Nil

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

Moved Cr Wyld, Seconded Cr Coleman

That the Minutes of the Council Meeting held on 26 April 2022 be confirmed as a true and accurate record of proceedings.

**Carried Unanimously (1208)**

## **4. Public Forum**

Mr Ashley Thompson spoke in relation to the Notice of Motion titled 'Investigating the Future Upgrade of the Precinct incorporating the Golden Grove Recreation and Arts Centre, Golden Grove Hockey Pitch surround, associated car park and pedestrian connections'.

## **5. Deputations - Nil**

## **6. Presentations - Nil**

## **7. Petitions - Nil**

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

*The Mayor sought leave of the meeting to bring forward the Notice of Motion titled 'Investigating the Future Upgrade of the Precinct incorporating the Golden Grove Recreation and Arts Centre, Golden Grove Hockey Pitch surround, associated car park and pedestrian connections'. Leave was granted.*

## **9. Notice(s) of Motions**

### **9.1 Notice of Motion - Investigating the Future Upgrade of the Precinct incorporating the Golden Grove Recreation and Arts Centre, Golden Grove Hockey Pitch surround, associated car park and pedestrian connections (Cr S Keane) (D22/33110)**

Moved Cr S Keane, Seconded Cr Foreman

1. That Council prepares a feasibility report and whole of site master plan investigating the future upgrade of the Precinct incorporating the Golden Grove Recreation and Arts Centre, Golden Grove Hockey Pitch surround, associated car park and pedestrian connections and links with adjacent educational institutions and businesses, to enable the preparation of a concept design and costing estimate for consideration as future site works.
2. That Council allocates the appropriate funding in the 2022-23 financial year budget for the preparation of a whole of site master plan, concept design and costing estimate.
3. That the draft master plan, concept plan and estimated costing be presented back to Council for consideration by no later than April 2023.

**Carried Unanimously (1209)**

## **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 - Nil**

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

**Traffic Management Safety Committee - Nil**

### **13. Management Reports**

**Office of the Chief Executive Officer - Nil**

**Assets & Environment - Nil**

**Organisational Services & Excellence**

#### **13.1 Variations to Delegations Register - Various Updates to Legislation - Review of Delegations Framework - May 2022 (D22/27775)**

Moved Cr B Keane, Seconded Cr Petrie

That Council makes the following amendments to its Delegations Register:

1. Delegations made under Local Government Act 1999 (Attachments 1 – 13)

That Council endorses the following variations to Council's delegations made to Council employees in accordance with section 44(1) of the Local Government Act 1999:

1.1 – Delegations made to Council Employees

In exercise of the power contained in section 44 of the *Local Government Act 1999* the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Attachment 1-13 of the report titled "Variations to Delegations Register - Various Updates to Legislation - Review of Delegations Framework - May 2022" are hereby delegated this day, 10 May 2022, to the persons occupying the positions of Chief Executive Officer, Director Assets & Environment, Director Organisational Services & Excellence, Director Community & Cultural Development (or person(s) 'acting' in the above mentioned positions) except where otherwise indicated in the Attachment, subject to the conditions and/or limitations specified herein or in the Schedule of Conditions in each proposed Instrument of Delegation:

- Fines Enforcement and Debt Recovery Act 2017 (Attachment 1)
- Fire and Emergency Services Act 2005 (Attachment 2)
- Heavy Vehicle National Law (schedule to the Heavy Vehicle National Law (South Australia) Act 2013) (Attachment 3)

- Independent Commission Against Corruption Act 2012 (Attachment 4)
- Landscape South Australia Act 2019 (Attachment 5)
- Liquor Licensing Act 1997 (Attachment 6)
- Local Government (Elections) Act 1999 (Attachment 7)
- Local Government (General) Regulations 2013 (Attachment 8)
- Local Government (Procedures at Meetings) Regulations 2013 (Attachment 9)
- Local Government Act 1999 (Attachment 10)
- Ombudsman Act 1972 (Attachment 11)
- State Records Act 1997 (Attachment 12)
- Water Industry Act 2012 (Attachment 13)

Such powers and functions may be further delegated by the persons occupying the positions of Chief Executive Officer, Director Assets & Environment, Director Organisational Services & Excellence, Director Community & Cultural Development (or person(s) 'acting' in the above mentioned positions) in accordance with section 44 and 101 of the *Local Government Act 1999* as they see fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegations.

## 2. Instrument of Delegation under the Planning Development and Infrastructure Act 2016 (Attachment 14)

- 2.1 In exercise of the power contained in Section 100 of the *Planning, Development and Infrastructure Act 2016* the powers and functions under the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder contained in the proposed Instrument of Delegation contained in Attachments 9-10 of the report titled "Variations to Delegations Register - Various Updates to Legislation - Review of Delegations Framework - May 2022" are hereby delegated this 10 of May 2022 to the persons occupying the positions of Chief Executive Officer, Director Assets & Environment, Director Organisational Services & Excellence, Director Community & Cultural Development (or person(s) 'acting' in the above mentioned positions) except where otherwise indicated in the Attachment, subject to the conditions and/or limitations, if any, specified herein.
- 2.2 Such powers and functions may be further delegated by the persons occupying the positions of Chief Executive Officer, Director Assets & Environment, Director Organisational Services & Excellence, Director Community & Cultural Development (or person(s) 'acting' in the above-mentioned positions) as they see fit, unless otherwise indicated herein or in each such proposed Instrument of Delegation in accordance with

Section 100(2)(c) of the *Planning, Development and Infrastructure Act 2016*.

**Carried Unanimously (1210)**

### **13.2 Treasury Report on Council Funding Document Execution (D22/35213)**

Moved Cr Field, Seconded Cr Unger

That having considered the report titled “Treasury Report on Council Funding Document Execution” dated 10 May 2022 and in line with the Council resolution from 12 April 2022, Council pursuant to Section 44 (3)(c) of the Local Government Act 1999 authorises the execution of the Convertible Cash Advance Debenture (CAD) loan agreement (provided in Attachment 1) and the Variation Agreement (provided in Attachment 2) including:

- a) Authorising the Chief Executive Officer to sign
- b) Authorising the Mayor to sign
- c) Affixing The Common Seal of City of Tea Tree Gully.

**Carried Unanimously (1211)**

**Community & Cultural Development - Nil**

## **14. Motions without Notice**

### **14.1 Construction of a brick style entry wall memorial detailing the history behind the naming of the suburb of Dernancourt (Cr Coleman)**

Moved Cr Coleman, Seconded Cr Field

1. That, based on the Community Engagement outcomes from 14 September 2021 (which showed overwhelming support for the Construction of a brick style entry wall memorial detailing the history behind the naming of the suburb of Dernancourt), and the associated Information report received on 10 May 2022, Council notes the following:
  - a. Council has allocated \$40,000 in the 2022-23 financial year draft Capital Works Program for the construction of the Dernancourt Memorial wall
  - b. Council has been unsuccessful to obtain external grant funding for the project following two applications for grants

- c. Council has received support for the project from the Mayor of The Municipal Council of Dernancourt, France including the donation of some soil from the battleground in Dernancourt, France for inclusion in the wall
- d. the Department of Agriculture, Water and the Environment will not grant consent for the soil to be transported to us until our Council formally confirms that we are proceeding with memorial wall project in Dernancourt
- e. a commemorative soil ceremony is planned to be conducted in Dernancourt, France on 4 July 2022 where the soil sample will be extracted from the battlefield grounds, prior to shipping it to Australia.

Council authorises the Chief Executive Officer to commence the project at the earliest opportunity on the basis that the \$40,000 for the project will be included in the adopted Capital Works Program for 2022-23.

- 2. That Council's Chief Executive Officer be requested to write to the Department of Agriculture, Water and the Environment confirming that Council is committed to delivering this "construction of a brick style entry wall memorial detailing the history behind the naming of the suburb of Dernancourt" project in 2022-23.

**Carried Unanimously (1212)**

**15. Questions on Notice - Nil**

**16. Questions without Notice**

**16.1 Questions without Notice - Investigation Costs relating to Mayor Kevin Knight for Previous 3 Years (Cr Jones) (D22/34908)**

The answers to the Questions without Notice from the Council meeting on 26 April 2022 were provided in the agenda of 10 May 2022.

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

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

## **19. Information Reports**

The following Information reports were received at the meeting:

### **19.1 Dernancourt Memorial Status Update (D22/33260)**

### **19.2 Recycling Centre Appeal - 1272 North East Road Tea Tree Gully (D22/35029)**

## **20. Status Report on Resolutions**

### **20.1 Status Report on Council Resolutions (D22/33251)**

Council received the Status Report on Council Resolutions.

## **21. Other Business**

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

### **22.1. Feedback on ESCOSA proposed framework and approach – Section 122 Strategic Management Plan Advice Scheme (D22/34205)**

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

Moved Cr Petrie, 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 Feedback on ESCOSA proposed framework and approach – Section 122 Strategic Management Plan Advice Scheme.
2. That the Council is satisfied that pursuant to section 90(3)(j) of the Local Government Act 1999, 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).

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 information has been provided on a confidential basis by a public authority, being the Local Government Association of SA (LGA).

**Carried Unanimously (1213)**

**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 M Marks, Mr J Robbins, Ms R Baines.

## **22.1 Feedback on ESCOSA proposed framework and approach – Section 122 Strategic Management Plan Advice Scheme (D22/34205)**

Moved Cr Petrie, Seconded Cr Field

That Council, having considered the report titled “Feedback on ESCOSA proposed framework and approach – Section 122 Strategic Management Plan Advice Scheme” and dated 10 May 2022, endorses the Local Government Association (LGA) advocacy position as detailed in Attachment 1 of the abovementioned report noting the following:

1. The scope of information requested by ESCOSA should be directly relevant to and used for the purpose of provision of advice regarding councils’ Long-Term Financial Plans, Infrastructure and Asset Management Plans and total revenue sources, in accordance with the requirements of section 122 of the Local Government Act 1999.
2. The first four years of operation of the scheme should be used to set a baseline for each council and then, using a risk-based approach, the scope of the review could be scaled up for a particular council if a need is identified. This is consistent with ESCOSA’s espoused “better regulation” approach, which it describes as being risk-based, proportionate to the problem that is being addressed and subject to continuous improvement and monitoring.
3. The period for which historical data is provided should reflect the timeframe anticipated within the proposed scheme, i.e. four years, and a request for historical information for a longer period is not supported.
4. The costs associated with the proposed scheme are far in excess of what was anticipated, and the scope of the proposed scheme should be reduced to address the unreasonable cost burden to ratepayers across the state.
5. The removal of the discretion provided in the Local Government Act 1999 for councils to determine the reasonable assumptions to be used in the development of their Long-term Financial Plans is strongly rejected. These assumptions may include consideration of the Local Government Price Index (which accounts for the costs of items usually purchased by councils as opposed to CPI which accounts for the costs of items usually purchased by households), endorsed Enterprise Bargaining Agreements, the ABS wage price index and other actual cost factors which collectively provide a more accurate representation of inflation pressures to be considered by councils.
6. The use of the term ‘CPI constrained’ will lead to unreasonable criticism of councils that justifiably increase rates greater than CPI and will have a practical

effect of capping council rates to the CPI rate. ‘Rate capping’ was not supported by Parliament. The assertion that councils should be CPI constrained is strongly rejected.

**Carried (1214)**

**Retention of confidential documents:**

Moved Cr Field, Seconded Cr Foreman

1. That having considered the agenda item titled “ Feedback on ESCOSA proposed framework and approach – Section 122 Strategic Management Plan Advice Scheme” and dated 10 May 2022 in confidence under section 90(2) & (3)(j) and Section 91(7) of the Local Government Act 1999:

- 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)

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 30 June 2022 or until the Council resolves otherwise, whichever occurs first.

2. That 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 (1215)**

**23. Date of Next Ordinary Meeting**

24 May 2022

The Mayor declared the meeting closed at 7.50pm.

Confirmed.....

Mayor 24 May 2022