

**MINUTES  
OF THE COUNCIL MEETING OF THE CITY OF TEA TREE GULLY HELD ON  
TUESDAY 12 JULY 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, J Lintvelt, L Jones, R Unger, D Wyld, L Petrie, R Coleman, P Field and S Keane.

**2.2 Apologies**

Crs B Rankine and K Foreman.

**2.3 Leave of Absence**

Moved Cr Wyld, Seconded Cr Lintvelt

That Council grants leave of absence to:

- Cr Field for meetings between 4 and 21 August 2022 and
- Mayor Knight for the meeting dated 9 August 2022.

**Carried Unanimously (1268)**

**2.4 Record of Officers in Physical Attendance onsite**

Mr J Moyle	Chief Executive Officer
Mr J Robbins	Acting Director Organisation Services & Excellence
Mrs C Neil	Director Community & Cultural Development
Mr G D'Aloia	Acting Director Assets & Environment
Ms I Cooper	Manager Governance & Policy
Mrs D Taglierini	Governance Advisor
Mr T Amato	Acting Manager Customer & Communications

**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**

3 Attendees

**2.6 Record of Media in Physical Attendance**

Nil

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

Moved Cr B Keane, Seconded Cr Wyld

That the Minutes of the Council Meeting held on 28 June 2022 and Special Meeting of Council held on 5 July 2022 be confirmed as true and accurate records of proceedings.

**Carried Unanimously (1269)**

**4. Public Forum**

Mr Brad Cameron spoke in relation to the City of Tea Tree Gully Community Grants program.

**5. Deputations - Nil**

**6. Presentations - Nil**

**7. Petitions - Nil**

**8. Declaration of Conflicts of Interests**

Crs B Keane, S Keane and Mayor Knight indicated that they would be declaring a conflict of interest in the management report titled “Review of Confidential Orders – July 2022”.

Cr Wyld indicated that he would be declaring a conflict of interest in the notice of motion titled “Lyons Road, Holden Hill – SA Water Easement”.

**9. Adjourned Business – Nil**

**10. Motions Lying on the Table - Nil**

**11. 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**

**12. Management Reports**

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

**Assets & Environment - Nil**

**Organisational Services & Excellence**

**12.1 Review of Confidential Orders - July 2022 (D22/38579)**

*Pursuant to sections 73 & 74 of the Local Government Act 1999, Cr B Keane declared a material conflict of interest in relation to the matter on the basis that one of the items referred to in the report contains information relating to him. Cr B Keane dealt with the matter in a transparent and accountable way by leaving the meeting while the matter was discussed and voted on. Cr B Keane left the meeting at 7.08pm.*

*Cr Field left the meeting at 7.08pm.*

*Pursuant to sections 73 & 74 of the Local Government Act 1999, Cr S Keane declared a material conflict of interest in relation to the matter on the basis that one of the items referred to in the report contains information relating to her partner. Cr S Keane dealt with the matter in a transparent and accountable way by leaving the meeting while the matter was discussed and voted on. Cr S Keane left the meeting at 7.09pm.*

*Cr Field re-entered the meeting at 7.09pm.*

*Pursuant to sections 73 & 74 of the Local Government Act 1999, Mayor Knight declared a material conflict of interest in relation the matter on the basis that some of the items referred to in the report contain information relating to him. Mayor Knight dealt with the matter in a transparent and accountable way by leaving the meeting while the matter was discussed and voted on. Mayor Knight left the meeting at 7.09pm.*

*Deputy Mayor Jones took the chair as Presiding Member at 7.10pm.*

Moved Cr Unger, Seconded Cr Petrie

That the matter be adjourned to the end of the meeting to allow questions to be considered in confidence.

**Carried Unanimously (1270)**

*Mayor Knight, Crs B Keane and S Keane were not present for the vote.*

*Mayor Knight and Cr B Keane re-entered the meeting at 7.17pm.*

**Community & Cultural Development - Nil**

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

#### **13.1 Notice of Motion - Lyons Road, Holden Hill - SA Water Easement (Cr Coleman) (D22/50574)**

*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 dealt with this matter in a transparent and accountable way by leaving the meeting while the matter was discussed and voted on. Cr Wyld left the meeting at 7.15pm.*

*During the moving of the motion, Cr S Keane re-entered the meeting at 7.16pm.*

Moved Cr Coleman, Seconded Cr Field

That Council writes to the Honorable Ms Susan Close MP, Minister for Climate, Environment & Water to ask for the relevant government department(s) to review the request for the land at 212 Lyons Road, Holden Hill to be used for the future development of a motorhome parking facility on the basis that the existing easements in place are preserved and that any future development of the site must ensure full access to SA Water infrastructure at all times.

**Carried Unanimously (1271)**

*Cr Wyld was not present for the vote.*

*Cr Wyld re-entered the meeting at 7.22pm.*

### **13.2 Notice of Motion - Electric Vehicle Charging Stations (Cr Jones) (D22/50644)**

Moved Cr Jones, Seconded Cr Lintvelt

That a report be brought to a Council meeting prior to the end of this current term of Council in relation to Electric Vehicle (EV) Charging Stations that addresses:

1. The current situation regarding existing known available EV Charging stations around our City that is publicly accessible and any associated comments including location and costs to access
2. Identifying any obvious gaps in EV Charging Stations around our City
3. Identifying potential locations for new EV Charging Stations
4. Estimated costs of installing EV Charging stations identified
5. The pros and cons of Council supporting the installation of EV Charging Stations around our City either on private property or in public spaces
6. Any opportunities to access government programmes including grant funds for the installation of EV Charging Stations in our City
7. How any new Council supported EV Charging Stations might be funded either directly by Council or in partnership with third parties

*Leave of the meeting was sought with the consent of the mover and seconder to remove dot point 7 of the motion. Leave was granted.*

Motion as varied

That a report be brought to a Council meeting prior to the end of this current term of Council in relation to Electric Vehicle (EV) Charging Stations that addresses:

1. The current situation regarding existing known available EV Charging stations around our City that is publicly accessible and any associated comments including location and costs to access
2. Identifying any obvious gaps in EV Charging Stations around our City
3. Identifying potential locations for new EV Charging Stations
4. Estimated costs of installing EV Charging stations identified
5. The pros and cons of Council supporting the installation of EV Charging Stations around our City either on private property or in public spaces
6. Any opportunities to access government programmes including grant funds for the installation of EV Charging Stations in our City

**Carried Unanimously (1272)**

**13.3 Notice of Motion - Establishment of Sister Relationship between City of Tea Tree Gully and City in the Ukraine (Cr Lintvelt) (D22/50654)**

*During the moving of the motion, Cr Lintvelt sought leave of the meeting to play a short video relating to the motion. Leave was granted.*

Moved Cr Lintvelt, Seconded Cr Petrie

1. That Council supports the concept of the City of Tea Tree Gully establishing a sister city or friendship city relationship with a suitable city in the Ukraine
2. That Council writes to the Ukrainian Ambassador to Australia to commence the process of identifying a suitable Ukrainian city
3. That a report with further details including be returned to Council once a suitable Ukrainian city has been identified so that Council may formally consider the matter
4. That Council writes to the City of Asakuchi to advise of the City of Tea Tree Gully's intention to establish a second sister city or friendship city relationship and to

reaffirm that the City of Tea Tree Gully remains committed to the existing sister city relationship with the City of Asakuchi.

*Leave of the meeting was sought with the consent of the mover and seconder to vary dot point 1 of the motion to remove the word “the” before “Ukraine”. Leave was granted.*

Motion as varied

1. That Council supports the concept of the City of Tea Tree Gully establishing a sister city or friendship city relationship with a suitable city in Ukraine
2. That Council writes to the Ukrainian Ambassador to Australia to commence the process of identifying a suitable Ukrainian city
3. That a report with further details including be returned to Council once a suitable Ukrainian city has been identified so that Council may formally consider the matter
4. That Council writes to the City of Asakuchi to advise of the City of Tea Tree Gully’s intention to establish a second sister city or friendship city relationship and to reaffirm that the City of Tea Tree Gully remains committed to the existing sister city relationship with the City of Asakuchi.

**Carried Unanimously (1273)**

**14. Motions without Notice - Nil**

**15. Questions on Notice - Nil**

**16. Questions without Notice - Nil**

**17. Mayor’s Report - Nil**

**18. Council Delegates and Activities Report**

**18.1 Cr Coleman - Delegates Report - Registration for Murray Darling Association Meeting on 23 June 2022**

Council received the delegates report from Cr Coleman.

## **19. Information Reports**

The following Information reports were received at the meeting:

### **19.1 Community based Economic Development and Entrepreneurial Initiatives in coming months (D22/47257)**

### **19.2 Dog and Cat Management Board Grant Funding for Breeder Education and Compliance (D22/49326)**

### **19.3 Update: Arts and Culture Plan Community Engagement (D22/50122)**

### **19.4 Local Government Finance Authority (LGFA) Annual General Meeting (AGM) - 28 October 2022 (D22/50490)**

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

### **20.1 Status Report on Council Resolutions (D22/45942)**

Council received the Status Report on Council Resolutions

## **21. Other Business**

Mayor Knight acknowledged Modbury Soccer Club qualifying for the State Federation Cup Final.



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

### **22.1 Sale of Land for Non Payment of Council Rates (D22/47163)**

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

Moved Cr Field, Seconded Cr Petrie

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 Local Government Act 1999, 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.
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 it could impact the financial position of the relevant ratepayer.

**Carried Unanimously (1274)**

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

Mr J Moyle, Mr G D'Aloia, Mrs C Neil, Mr J Robbins, Ms I Cooper, Mrs D Taglierini and Mr T Amato.

**22.1 Sale of Land for Non Payment of Council Rates (D22/47163)**

Moved Cr Field, Seconded Cr Lintvelt

That pursuant to Section 184 of the Local Government Act 1999, Council proceeds 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:

- 64156
- 143528
- 608627

**Carried Unanimously (1275)**

**Retention of confidential documents:**

Moved Cr Field, Seconded Cr S Keane

1. That having considered the agenda item titled Sale of Land for Non Payment of Council Rates and dated 12 Jul 2022 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 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 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 (1276)**

## 22.2 Review of Confidential Orders – July 2022 (D22/38579)

### Recommendation for Moving into Camera

*Pursuant to sections 73 & 74 of the Local Government Act 1999, Cr B Keane declared a material conflict of interest in relation to the matter on the basis that one of the items referred to in the report contains information relating to him. Cr B Keane dealt with the matter in a transparent and accountable way by leaving the meeting while the matter was discussed and voted on. Cr B Keane left the meeting at 8.22pm.*

*Pursuant to sections 73 & 74 of the Local Government Act 1999, Cr S Keane declared a material conflict of interest in relation to the matter on the basis that one of the items referred to in the report contains information relating to her partner. Cr S Keane dealt with the matter in a transparent and accountable way by leaving the meeting while the matter was discussed and voted on. Cr S Keane left the meeting at 8.22pm.*

*Pursuant to sections 73 & 74 of the Local Government Act 1999, Mayor Knight declared a material conflict of interest in relation the matter on the basis that some of the items referred to in the report contain information relating to him. Mayor Knight dealt with the matter in a transparent and accountable way by leaving the meeting while the matter was discussed and voted on. Mayor Knight left the meeting at 8.22pm.*

*Deputy Mayor Jones took the chair as Presiding Member at 8.23pm.*

Moved Cr Unger, 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 Review of the Confidential Orders – July 2022.
2. That the Council is satisfied that pursuant to section 90(3) (b)(i) and (b)(ii) of the Local Government Act 1999, the information be received, discussed or considered in relation to this item is:
  - information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; AND
  - information the disclosure of which would, on balance, be contrary to the public interest .
    - on the basis release of this information would jeopardise Council's position.

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 it would compromise Council's position.

**Carried Unanimously (1277)**

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

Mr J Moyle, Mr G D'Aloia, Mrs C Neil, Mr J Robbins, Ms I Cooper, Mrs D Taglierini and Mr T Amato.

**22.2 Review of Confidential Orders - July 2022 (D22/38579)**

Suspension of Formal Meeting Procedures at 8.37pm

Moved Cr Field, Seconded Cr Unger

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

**Carried Unanimously (1278)**

*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 9.07pm.*

Moved Cr Petrie, Seconded Cr Field

1. That having undertaken a review of current confidential orders as detailed in Attachment 1 of the report titled "Review of Confidential Orders – July 2022" and dated 12 July 2022, Council supports the continuation of all listed orders with the exception of the following order being released:
  - 23 June 2020 - Options for Cost Recovery Associated with Acquisition of Strategic Land
2. That the Chief Executive Officer of Council seeks further advice as to whether the confidential order can be released on the report titled "Notice of Motion - Apology to Edinburgh Reserve Petition Group" and dated 8 June 2021.

**Carried Unanimously (1279)**

**23. Date of Next Ordinary Meeting**

26 July 2022

The Deputy Mayor declared the meeting closed at 9.10pm.

Confirmed.....  
Mayor 26 July 2022