

MINUTES
OF THE COUNCIL MEETING OF THE CITY OF TEA TREE GULLY HELD ON TUESDAY 22
MARCH 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 Rankine, B Keane, J Lintvelt, L Jones, R Unger, D Wyld, L Petrie, R Coleman, P Field, S Keane and K Foreman.

2.2 Apologies

Nil

2.3 Leave of Absence

Cr Olivia Savvas

2.4 Record of Officers in Physical Attendance onsite

Mr R McMahon	Acting Chief Executive Officer
Mrs C Neil	Director Community & Cultural Development
Mr T Harfield	Director Assets & Environment
Ms J Short	Acting Director Organisation Services & Excellence
Ms I Cooper	Manager Governance & Policy
Ms I Wilkshire	Manager City Strategy
Ms V Masterman	Team Leader Planning Strategy
Ms C Gill	Senior Strategy Planner
Ms L Watson	Community Safety Leader
Mr G Salmon	Strategic Project & Stakeholder Manager
Mr R Hutchison	Team Leader Parks Assets
Ms C Gustafson	Acting Executive Assistant

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 Wyld, Seconded Cr Field

That the Minutes of the Council Meeting held on 8 March 2022 be confirmed as a true and accurate record of proceedings.

Carried Unanimously (1165)

4. Public Forum - Nil

5. Deputations - Nil

6. Presentations - Nil

7. Petitions - Nil

8. Declaration of Conflicts of Interests

Cr Foreman declared a conflict of interest in relation to the management report titled 'Supplementary Election Corflutes'.

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

12.1 Proposed application to the Power Line Environment Committee to underground lines on North East Road in Tea Tree Gully Township (D22/19141)

Moved Cr Lintvelt, Seconded Cr Jones

1. That Council, having considered the report titled “Proposed application to the Power Line Environment Committee to underground lines on North East Road in Tea Tree Gully Township” dated 22 March 2022, requests the Chief Executive Officer to prepare an application to the PLEC to underground power lines on North East Road from its intersection with Church Street to 1358 North East Road Tea Tree Gully.
2. Council authorises the Chief Executive Officer to sign all relevant documentation relating to the funding application and, if the application is successful, to effect the funding where project costs can be accommodated within the budget.

Carried Unanimously (1166)

12.2 Golden Grove Code Amendment - proposal for developer-led code amendment (D22/19893)

Formal Meeting Procedures Suspended at 7.15pm

Moved Cr Unger, Seconded Cr Field

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

Carried Unanimously (1167)

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 7.39pm.

Cr Jones was not in his seat at the resumption of formal meeting procedures.

During the debate, Cr Jones re-entered the meeting at 7.46pm.

Moved Cr Rankine, Seconded Cr Wyld

1. That Council notes that YAS Property & Development Pty Ltd has sought approval from the Minister for Planning to initiate a developer-led Golden Grove Neighbourhood and Commercial Code Amendment as outlined in Attachment 2 of the report titled “Golden Grove Code Amendment – Proposal for Developer-led Code Amendment” dated 22 March 2022 and that if approved, will render the Council-led Golden Grove (Rural Living Zone to Neighbourhood-Type Zone) Code Amendment obsolete.
2. That Council requests the Chief Executive Officer to write to the Minister for Planning requesting that the Golden Grove (Rural Living Zone to Neighbourhood-Type Zone) Code Amendment be withdrawn if the Proposal to Initiate a developer-led Golden Grove Neighbourhood and Commercial Code Amendment is approved by the Minister.
3. That Council staff continue to work with the developer on progressing investigations, drafting a combined Code Amendment and determining infrastructure requirements which will be presented to Council for consideration prior to engagement with the community.
4. That Council requests the Chief Executive Officer to review the current Funding Agreement between the Council and YAS Property & Development Pty Ltd and authorises the Chief Executive Officer to sign an amended agreement that reflects the new arrangement for a combined developer-led

Code Amendment, noting that the agreement will be prepared by Council's lawyers and protecting Council's interests.

Carried (1168)

Assets & Environment - Nil

Organisational Services & Excellence

12.3 Harpers Field Redevelopment Masterplan for Community Consultation (D22/19377)

Moved Cr Rankine, Seconded Cr B Keane

That Council having considered the report titled "Harpers Field Redevelopment Masterplan for Community Consultation" and dated 22 March 2022:

1. Council supports the proposed Harpers Field Draft Masterplan as set out in Attachment 1 of the abovementioned report.
2. Approves the release of the Harpers Field Redevelopment Masterplan for community consultation as per the Community Engagement Strategy as set out in Attachment 2 of the abovementioned report.
3. Receives a report on the outcomes of this community engagement to be presented to a future Council meeting.

Carried Unanimously (1169)

12.4 Elected Member Allowances Review 2022 - Submission to Remuneration Tribunal of South Australia (D22/15501)

Moved Cr Wyld, Seconded Cr Field

That Council, having considered the report titled 'Elected Member Allowances Review 2022 – Submission to Remuneration Tribunal of South Australia' and dated 22 March 2022, endorses Council's submission to the Remuneration Tribunal SA (RTSA) and Local Government Association of SA (LGA) as provided in Attachment 3 to the report.

Carried Unanimously (1170)

12.5 Local Government Association Ordinary General Meeting - April 2022 Agenda Items (D22/19806)

Moved Cr Wyld, Seconded Cr Unger

That having considered the report titled “Local Government Association Ordinary General Meeting – April 2022 Agenda Items” and dated 22 March 2022, Council supports the Deputy Mayor as Council’s voting delegate at the Local Government Association (LGA) Ordinary General Meeting to be held on 8 April 2022, to cast the Council vote using his own discretion.

Carried Unanimously (1171)

12.6 Review of Confidential Order - Public Lighting (D22/19954)

Moved Cr B Keane, Seconded Cr Petrie

That having considered the report titled “Review of Confidential Order – Public Lighting” and dated 22 March 2022, Council amends the confidentiality order as indicated below:

1. *That having considered the agenda item titled ‘Public Lighting’ and dated 28 September 2021 in confidence under section 90(2) & (3)(i) and Section 91(7) of the Local Government Act 1999:*
 - *information relating to actual litigation, or litigation that the Council believes on reasonable grounds will take place, involving the Council or an employee of 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 conclusion of any associated legal proceedings and/or any relevant orders arising.

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 (1172)

Community & Cultural Development - Nil

13. Notice(s) of Motions - Nil

14. Motions without Notice - Nil

15. Questions on Notice - Nil

16. Questions without Notice

Cr Rankine asked questions regarding the North East Hockey Club pitch.

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 Update on Gallery 1855 activities and events (D22/14382)

19.2 Call for nominations - Libraries Board of SA (D22/16258)

19.3 Update on Outcomes of Range Road North, Upper Hermitage Petition (D22/18611)

19.4 Information Report on 2021 By Laws (D22/18900)

20. Status Report on Resolutions - Nil

21. Other Business

21.1 Congratulations to Cr Savvas

Moved Cr Jones, Seconded Cr Unger

1. That Council formally congratulates Cr Olivia Savvas on her election to State Parliament as the new member for Newland.
2. Council thanks Cr Savvas for her service to the community over the last 3.5 years.

Leave of the meeting was sought with the consent of the mover and seconder to vary the motion to add the words 'and looks forward to working with Olivia in her new role' at the end of point 2. Leave was granted.

Motion as varied

1. That Council formally congratulates Cr Olivia Savvas on her election to state parliament as the new member for Newland.
2. Council thanks Cr Savvas for her service to the community over the last 3.5 years, and looks forward to working with Olivia in her new role.

Carried Unanimously (1173)

Ms Cooper, Manager Governance & Policy, provided an overview of next steps as a result of the State election and vacancy in the Balmoral Ward.

Mr McMahon, Acting Chief Executive Officer, provided a summary of election funding commitments made by Labor during the State election, and the potential impact for the City.

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

22.1. Supplementary Election Corflutes (D22/18961)

Pursuant to sections 75 & 75A of the Local Government Act 1999, Cr Foreman declared a perceived conflict of interest in relation the matter on the basis that Cr Foreman was a candidate for the Hillcott Ward supplementary election, prior to being elected. Cr Foreman dealt with this matter in a transparent and accountable way by leaving the meeting while the matter was being discussed and voted on. Cr Foreman left the meeting at 9.08pm.

Recommendation for Moving into Camera

During the discussion, Cr S Keane left the meeting at 9.09pm and re-entered the meeting at 9.12pm.

Moved Cr Lintvelt, 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 report titled 'Supplementary Election Corflutes'.
2. That the Council is satisfied that pursuant to section 90(3)(i) of the Local Government Act 1999, the information be received, discussed or considered in relation to this item is:
 - information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council .
 - o on the basis that the information could jeopardise Council's position on the matter.
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 release of this information would jeopardise Council's position on the matter.

Carried Unanimously (1174)

Cr Foreman was not present for the vote.

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

Mr R McMahon, Mr T Harfield, Ms C Neil, Ms I Cooper, Ms C Gustafson, Ms J Short, Ms L Watson, Ms I Wilkshire, Ms V Masterman and Mr R Hutchison.

22.1 Supplementary Election Corflutes (D22/18961)

Moved Cr Petrie

That having considered the report titled “Supplementary Election Corflutes” and dated 22 March 2022 and the attached legal advice dated 4 March 2022, Council resolves:

That Council takes no action in respect of the contraventions of Section 226 of the Local Government Act 1999 at this time, with the exception of the current action recovery of 100% of the actual calculated costs in relation to the removal of the Election signage and any associated additional costs associated with the recovery/collection of these costs.

Motion lapsed for the want of a seconder

Moved Cr B Keane, Seconded Cr Wyld

That having considered the report titled “Supplementary Election Corflutes” and dated 22 March 2022 and the attached legal advice dated 4 March 2022, Council resolves:

That Council issues a caution to Mr Paul Barbaro.

Carried (1175)

Cr Foreman was not present for the vote.

Retention of confidential documents:

Moved Cr S Keane, Seconded Cr Coleman

1. That having considered the agenda item titled “ Supplementary Election Corflutes” and dated 22 March 2022 in confidence under section 90(2) & (3)(i) and Section 91(7) of the Local Government Act 1999:
 - information relating to actual litigation, or litigation that the Council believes on reasonable grounds will take place, involving the council or an employee of the council

the Council pursuant to section 91(7) of the Act orders that the:

- report and attachments relevant to this item be retained in confidence until all aspects relating to this matter has been finalised
- the minutes be retained in confidence until the caution has been issued

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 (1176)

Cr Foreman was not present for the vote.

Cr Foreman re-entered the meeting at 10.07pm.

22.2. Edinburgh Reserve Inclusive Playspace - Procurement Status (D22/19267)

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 report titled ‘Edinburgh Reserve Inclusive Playspace - Procurement Status’.

2. That the Council is satisfied that pursuant to section 90(3)(b)(i), (b)(ii) and (k) of the Act, 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; AND
 - o on the basis that that the public release of this information would have the potential to impact the capacity for Council to negotiate the best value for money for Council.
 - 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 (1177)

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

Mr R McMahon, Mr T Harfield, Ms C Neil, Ms I Cooper, Ms C Gustafson, Ms J Short, Ms I Wilkshire, Ms V Masterman and Mr R Hutchison

22.2 Edinburgh Reserve Inclusive Playspace - Procurement Status (D22/19267)

During the discussion, Crs Jones and Field left the meeting at 10.14pm and re-entered the meeting at 10.16pm.

Moved Cr Petrie, Seconded Cr S Keane

That having considered the report titled “Edinburgh Reserve Inclusive Playspace - Procurement Status” and dated 22 March 2022 that Council allocate an additional \$370k to the Edinburgh Reserve Inclusive Playspace project comprising:

1. Amending the 2021-2022 Capital Works Program to allocate an additional \$110k to the project from the 2021/22 capital works program line named Projects to be Grant Funded (to be determined)
2. Committing a further \$260k as part of the 2022-2023 Annual Business Plan

Carried Unanimously (1178)

Retention of confidential documents:

Moved Cr Field, Seconded Cr Foreman

1. That having considered the agenda item titled “Edinburgh Reserve Inclusive Playspace - Procurement Status” and dated 22 March 2022 in confidence under section 90(2) & (3)(b)(i), (b)(ii) and (k) and Section 91(7) of the Local Government Act 1999:
 - 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; AND
 - 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, attachments and minutes relevant to this item be retained in confidence until the contract for the delivery of the Edinburgh Reserve Playspace is awarded and contractual documents between relevant parties have been signed 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 (1179)

22.3. City Beautification Project - Procurement Status (D22/19978)

Recommendation for Moving into Camera

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 report titled 'City Beautification Project - Procurement Status'.
2. That the Council is satisfied that pursuant to section 90(3)(b)(i), (b)(ii) and (k) of the Act, 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; AND
 - o on the basis that that the public release of this information would have the potential to impact the capacity for Council to negotiate the best value for money for Council.
 - 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 (1180)

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

Mr R McMahon, Mr T Harfield, Ms C Neil, Ms I Cooper, Ms C Gustafson, Ms J Short, Ms V Masterman and Mr R Hutchison

22.3 City Beautification Project - Procurement Status (D22/19978)

Moved Cr Foreman, Seconded Cr S Keane

That having considered the report titled “City Beautification Project – Procurement Status” and dated 22 March 2022 that Council:

1. Amend the 2021-2022 Capital Works Program to defer the Wynn Vale Drive Tree Screen (Linwood Plantation) renewal works and reallocate the \$100,000 budget allocation to the remaining tree screen sites being:
 - a. Grenfell Road (1 Planica Court to 18 Baraga Grove), Modbury Heights
 - b. The Golden Way (20 Hillrise Court to 11 Hillrise Court), Wynn Vale
 - c. Scarborough Plantation (Friendship Crescent to Keithcot Farm Drive), Wynn Vale
2. Commit \$122,000 as part of the 2022-2023 Annual Business Plan to enable a contract to be awarded for the Wynn Vale Drive Tree Screen (Linwood Plantation) renewal works.

Carried Unanimously (1181)

Retention of confidential documents:

Moved Cr Field, Seconded Cr Foreman

1. That having considered the agenda item titled “ City Beautification Project - Procurement Status” and dated 22 March 2022 in confidence under section 90(2) & (3) (b)(i), (b)(ii) and (k) and Section 91(7) of the Local Government Act 1999:

- 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; AND
- 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, attachments and minutes relevant to this item be retained in confidence until all contractual documents between relevant parties have been signed 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 (1182)

23. Date of Next Ordinary Meeting

12 April 2022

The Mayor declared the meeting closed at 10.26pm.

Confirmed.....

Mayor 12 April 2022