

**MINUTES OF THE COUNCIL MEETING
OF THE CITY OF TEA TREE GULLY
HELD ON TUESDAY 26 APRIL 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 in Physical Attendance onsite

His Worship Mayor K Knight, Crs B Rankine, B Keane, L Jones, D Wyld, L Petrie, R Coleman, P Field, S Keane and K Foreman.

Present via Electronic Means (audio-visual link)

Cr J Lintvelt

2.2 Apologies

Cr R Unger

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
Mr T Harfield	Director Assets & Environment
Mrs D Taglierini	Governance Advisor
Mrs I Wilkshire	Manager City Strategy
Mrs R Baines	Team Leader Financial Accounting
Ms C Leversedge	Manager Community Wellbeing
Mr N Grainger	Manager City Development

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

9 Attendees

2.6 Record of Media in Physical Attendance

Nil

3. Confirmation of Minutes to the Previous Meeting

Moved Cr Foreman, Seconded Cr S Keane

That the Minutes of the Council Meeting held on 12 April 2022 be confirmed as a true and accurate record of proceedings.

Carried Unanimously (1198)

4. Public Forum - Nil

5. Deputations - Nil

6. Presentations

6.1 Northern Adelaide Health and Wellbeing Partnership (D22/31024)

Ms Melanie Schmidtke, Director Northern Adelaide Health and Wellbeing Partnership presented to Council on The Northern Adelaide Health and Wellbeing Partnership and its vision of creating a flourishing and vibrant health and wellbeing community for the North. Ms Schmidtke provided an overview on the proposed collaborative approach of the partnership which includes representatives from the Cities of Playford, Tea Tree Gully and Salisbury and other key stakeholders. The partnership's aim is to attract and increase research, health and wellbeing opportunities as well as economic benefit through employment and future growth.

7. Petitions - Nil

8. Declaration of Conflicts of Interests - Nil

The Mayor sought leave of the meeting to bring forward the management report titled "Northern Adelaide Health and Wellbeing Partnership". Leave was granted.

9. Management Reports

Community & Cultural Development

9.1 Northern Adelaide Health and Wellbeing Partnership (D22/29081)

Moved Cr S Keane, Seconded Cr Petrie

1. That Council, having considered the report titled “Northern Adelaide Health and Wellbeing Partnership” and dated 26 April 2022, notes and supports the draft Northern Adelaide Health and Wellbeing Partnership Memorandum of Understanding (MOU), provided as Attachment 1 to the report.
2. That the Chief Executive Officer or their nominated delegate be authorised to negotiate any amendments and sign the final version of the MOU.
3. That Council contributes \$20,000 to the Northern Adelaide Health and Wellbeing Partnership for the 2021-22 financial year from existing operational budget lines within the Community & Cultural Development portfolio.

Carried Unanimously (1199)

10. Adjourned Business - Nil

11. Motions Lying on the Table – Nil

Cr Coleman left the meeting at 7.17pm.

*The Mayor sought leave of the meeting to bring forward the management report titled “Notice of Motion - Discretionary Rebate for Retirement Villages and Independent Living Units”.
Leave was granted.*

12. Notice(s) of Motions

12.1 Notice of Motion - Discretionary Rebate for Retirement Villages and Independent Living Units (Cr Jones) (D22/31063)

During the moving of the motion, Cr Coleman re-entered the meeting at 7.19pm.

Moved Cr Jones, Seconded Cr Field

1. That Council includes as part of its draft 2022-2023 Annual Business Plan a 10% discretionary rebate under Section 166(1)(j) of the Local Government Act 1999 for Council rates for all properties categorised as Retirement Villages and Independent Living Units by the Valuer General.
2. That the rebate is only granted for each property after confirmation from the owner that the reduction will be handed directly to the residents of the Retirement/Lifestyle Villages.

Carried (1200)

Cr Jones called for a Division

The Mayor declared the vote set aside

The following members voted in the affirmative:

Crs Coleman, Field, Foreman, Jones, B Keane, S Keane, Lintvelt, Petrie and Wyld.

The following members voted in the negative:

Cr Rankine.

The Mayor declared the motion **carried**

Cr Jones left the meeting at 7.48pm.

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 - Nil

Assets & Environment - Nil

Organisational Services & Excellence

14.1 Draft Annual Business Plan for 2022-2023 for Community Engagement (D22/28994)

During the debate, Cr Jones re-entered the meeting at 7.52pm.

Moved Cr Field, Seconded Cr Coleman

That Council having considered the report titled “Draft Annual Business Plan for 2022-2023 for Community Engagement” and dated 26 April 2022:

1. Adopts the draft Annual Business Plan 2022-2023 for the purpose of public consultation as outlined in Attachment 1 of the abovementioned report noting that the publishing and formatting will be updated to incorporate minor changes and any resolutions of Council from this meeting.
2. Undertakes public consultation on the draft Annual Business Plan in accordance with the draft Annual Business Plan 2022-2023 Community Engagement Strategy outlined in Attachment 2 of the abovementioned report.

Carried (1201)

15. Motions without Notice - Nil

16. Questions on Notice - Nil

17. Questions without Notice

Cr Jones asked one question in relation to the costs Council has spent on investigations relating to Mayor Knight.

18. Mayor's Report - Nil

19. Council Delegates and Activities Report - Nil

20. Information Reports

The following Information reports were received at the meeting:

**20.1 Collaboration Agreement for the Future of Library funding: 2022-2026
(D22/26342)**

**20.2 Change in Approach to the 2022 Reconciliation in the North Event
(D22/27483)**

**20.3 The Jim Crawford Awards High Commendation - Innovation in Public
Libraries Awards (D22/30045)**

**20.4 Office for Recreation, Sport and Racing - Active Club Program Round 50 -
2021-2022 - Funding Recipients Located in the City of Tea Tree Gully
(D22/30132)**

**20.5 Continuous Improvement - 2022 - Second and Third Quarter Update
(D22/16292)**

**20.6 Independent Behavioural Standards Panel for Elected Members
(D22/29857)**

**20.7 Local Government Association (LGA) Ordinary General Meeting Outcomes -
April 2022 (D22/29995)**

**20.8 Local Government Association - Annual General Meeting - Proposed Items of
Business - October 2022 (D22/31080)**

21. Status Report on Resolutions - Nil

22. Other Business - Nil

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

22.1 Golden Grove Residential and Commercial Code Amendment (D22/31105)

Recommendation for Moving into Camera

Moved Cr S Keane, Seconded Cr Coleman

1. That pursuant to Section 90(2) of the Local Government Act, 1999 the Council orders that the public (except staff on duty and the developers and their consultants) be excluded from the meeting to enable discussion on the Golden Grove Residential and Commercial Code Amendment.
2. That the Council is satisfied that pursuant to section 90(3) (m) of the Local Government Act 1999, the information be received, discussed or considered in relation to this item is:
 - information relating to a proposal to prepare or amend a designated instrument under Part 5 Division 2 of the Planning, Development and Infrastructure Act 2016 before the draft instrument or amendment is released for public consultation under that Act .
 - o on the basis that the release of the information would pre-empt the Community Engagement process.
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 (1202)

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, Mrs I Wilkshire and Mr Maiorano (URPS consultant for YAS Property & Development Pty Ltd)

22.1 Golden Grove Residential and Commercial Code Amendment (D22/31105)

Moved Cr S Keane, Seconded Cr Petrie

That Council notes the report titled “Golden Grove Residential and Commercial Code Amendment” and dated 26 April 2022 and resolves to not form a view on the proposed rezoning and infrastructure upgrades at this point in time to enable consideration of the outcomes of engagement with the community and other key stakeholders.

Carried Unanimously (1203)

Retention of confidential documents:

Moved Cr Foreman, Seconded Cr B Keane

1. That having considered the agenda item titled “Golden Grove Residential and Commercial Code Amendment” and dated 26 April 2022 in confidence under section 90(2) & (3) (m) and Section 91(7) of the Local Government Act 1999:
 - information relating to a proposal to prepare or amend a designated instrument under Part 5 Division 2 of the Planning, Development and Infrastructure Act 2016 before the draft instrument or amendment is released for public consultation under that Act

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 community engagement commences in relation to the draft Code Amendment 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 (1204)

22.2. Recycling Centre Appeal - 1272 North East Road, Tea Tree Gully (D22/29681)

Recommendation for Moving into Camera

Moved Cr S Keane, Seconded Cr Coleman

1. That pursuant to Section 90(2) of the Local Government Act, 1999 the Council orders that the public (except staff on duty and Council's Lawyers) be excluded from the meeting to enable discussion on the Recycling Centre Appeal - 1272 North East Road, Tea Tree Gully.
2. That the Council is satisfied that pursuant to section 90(3) (h) and (i) of the Act, the information be received, discussed or considered in relation to this item is:
 - legal advice .
 - o on the basis that the public release of this information would impact Council's position.
 - AND 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 that the public release of this information would have the potential to impact the capacity for Council to negotiate an arrangement that is in the best interest of Council.
3. That 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 public release of this information would compromise Council's ability to obtain the best outcome for Council and the community.

Carried Unanimously (1205)

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 N Grainger and Council's lawyers Mr A Miegel.

22.2 Recycling Centre Appeal - 1272 North East Road, Tea Tree Gully (D22/29681)

Moved Cr Wyld, Seconded Cr Petrie

That having considered the report titled “Recycling Centre Appeal – 1272 North East Road, Tea Tree Gully” and dated 26 April 2022, Council;

1. Authorises Council’s Chief Executive Officer to resolve the appeal by way of a Court order granting planning consent subject to additional conditions being added to the consent.
2. Authorises Council’s Chief Executive Officer to agree to the conditions to be imposed on the proposed development.

Carried Unanimously (1206)

Retention of confidential documents:

Moved Cr Wyld, Seconded Cr S Keane

1. That having considered the agenda item titled “Recycling Centre Appeal - 1272 North East Road, Tea Tree Gully” and dated 8 March 2022 in confidence under section 90(2) & (3)-(h) and (i) and Section 91(7) of the Local Government Act 1999:
 - legal advice; AND
 - 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

the Council pursuant to section 91(7) of the Act orders that the report and the attachments relevant to this item be retained in confidence until the matter has been dealt with in the ERD court or an agreement between the two parties has been entered into 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 (1207)

23. Date of Next Ordinary Meeting

10 May 2022

The Mayor declared the meeting closed at 8.33 pm.

Confirmed.....
Mayor 10 May 2022