

**MINUTES OF THE COUNCIL MEETING OF THE CITY OF TEA TREE GULLY  
HELD ON TUESDAY 9 AUGUST 2022 AT 7.00PM  
IN THE COUNCIL CHAMBERS, 571 MONTAGUE ROAD, MODBURY**

**1. Opening Prayer and Welcome**

The Deputy Mayor read the Opening Prayer and Cr Foreman read the Acknowledgement of Country Statement.

**2. Attendance Record:**

**2.1 Present**

Deputy Mayor L Jones and Crs B Rankine, B Keane, J Lintvelt, R Unger, D Wyld, L Petrie, R Coleman, S Keane and K Foreman.

**2.2 Apologies**

Nil

**2.3 Leave of Absence**

His Worship Mayor K Knight and Cr P Field.

**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
Mr J Robbins	Manager Finance & Rating Operation
Ms R Gagetti	Property & Projects Facilitator
Mrs F Birch	Manager Recreation & Leisure Services
Ms C Oborn	Recreation Planning & Facility Coordinator
Mr D Hartzenberg	Group Coordinator, Operations, Fleet & Property Services

**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**

5 Attendees

**2.6 Record of Media in Physical Attendance**

Nil

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

Moved Cr Coleman, Seconded Cr S Keane

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

**Carried Unanimously (1287)**

**4. Public Forum - Nil**

**5. Deputations - Nil**

**6. Presentations - Nil**

**7. Petitions - Nil**

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

**9. Adjourned Business - Nil**

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

**11. Committee Reports**

**Service Review Committee - Nil**

## **Audit Committee**

### **11.1 Recommendations from the Audit Committee Meeting held on 27 July 2022**

#### **Fraud and Corruption Policy (D22/34475)**

Moved Cr Unger, Seconded Cr Coleman

That the “Fraud and Corruption Policy” as reviewed and renamed by the Audit Committee Meeting on 27 July 2022 be adopted.

**Carried Unanimously (1288)**

## **Governance and Policy Committee**

### **11.1 Recommendations from Governance and Policy Committee held on 25 July 2022**

#### **Sports Field Floodlighting Policy (D22/39733)**

Moved Cr Wyld, Seconded Cr Petrie

That the “Sports Field Floodlighting Policy” as reviewed by the Governance and Policy Committee on 25 July 2022 be adopted.

**Carried Unanimously (1289)**

#### **Leases and Licences to Sporting and Community Organisations Policy (D22/31509)**

Moved Cr Wyld, Seconded Cr Petrie

That the “Leases and Licences to Sporting and Community Organisations Policy” as reviewed by the Governance and Policy Committee on 25 July 2022 be adopted as amended.

**Carried Unanimously (1290)**

**Late Payment and Sale of Land for Non Payment of Council Rates Policy (D22/41655)**

Moved Cr Wyld, Seconded Cr Petrie

That the “Late Payment and Sale of Land for Non Payment of Council Rates Policy” as reviewed by the Governance and Policy Committee on 25 July 2022 be adopted.

**Carried Unanimously (1291)**

**Code of Practice for Meeting Procedures and Live-Streaming Options (D22/41261)**

Moved Cr Wyld, Seconded Cr Lintvelt

1. Adoption of Code of Practice for Meeting Procedures

That the “Code of Practice for Meeting Procedures and Live-Streaming Options” as reviewed by the Governance and Policy Committee on 25 July 2022 be adopted.

2. Options for Live-Streaming of Council Meetings

Option 1 –Live-Streaming of Council Meetings

That Council live-streams Council Meetings and the Code of Practice for Meeting Procedures be updated accordingly to reflect this change.

**Carried Unanimously (1292)**

**Code of Practice - Access to Council and Committee Meetings and Documents (D22/42123)**

Moved Cr Wyld, Seconded Cr Petrie

That the “Code of Practice - Access to Council and Committee Meetings and Documents” as reviewed by the Governance and Policy Committee on 25 July 2022 be adopted.

**Carried Unanimously (1293)**

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

**Traffic Management Safety Committee - Nil**

## 12. Management Reports

### Office of the Chief Executive Officer

#### **12.1 Outcome - Community Engagement - Unsolicited Proposal - Rafnix Pty Ltd (Supashock Advanced Technologies) Expansion - Community Land - 13 and 21-27 Valiant Road, Holden Hill (D22/55583)**

*During the moving of the motion, Cr Unger sought leave of the meeting for an extension of debating time. Leave was granted.*

Moved Cr Unger, Seconded Cr Wyld

1. That Council notes the report entitled “Outcome – Community Engagement – Unsolicited Proposal – Rafnix Pty Ltd (Supashock) Expansion - Community Land - 13 and 21-27 Valiant Road, Holden Hill” and dated 9 August 2022 that outlines the responses received from the community engagement as detailed in Attachment 1 to the report.
2. That Council seeks the consent of the Minister for Planning to revoke the Community Land classification on land described as Lot 16 in Deposited Plan 9917 within Certificate of Title 5274/794 – 13 Valiant Road, Holden Hill and Lot 22 in Deposited Plan 9918 within Certificate of Title 5274/798 – 21-27 Valiant Road, Holden Hill provided that Rafnix Pty Ltd formally accepts the valuation prepared by McGees Property Valuers dated 6 June 2022 as the purchase price of \$685,000 (plus GST) for land situated at 13 Valiant Road, Holden Hill and \$685,000 (plus GST) for land situated at 21-27 Valiant Road, Holden Hill.
3. That this Council report “Outcome – Community Engagement – Unsolicited Proposal – Rafnix Pty Ltd (Supashock) Expansion - Community Land - 13 and 21-27 Valiant Road, Holden Hill” and dated 9 August 2022 be used as the basis of the submission to the Minister and a further report be presented to Council advising of the Minister’s decision in relation to this matter once it is received.
4. That Council indicates, that subject to approval from the Minister as referred to in item 2 above, it intends to sell the land described as Lot 16 in Deposited Plan 9917 within Certificate of Title 5274/794 – 13 Valiant Road, Holden Hill and Lot 22 in Deposited Plan 9918 within Certificate of Title 5274/798 – 21-27 Valiant Road, Holden Hill to Rafnix Pty Ltd for the market value of \$1,370,000 (plus GST), to construct a car park associated with the proposed development by Supashock Advanced Technologies to its operations at 2-6 Ardtornish Street, Holden Hill and the disposal process be commenced following the revocation of the community land classification.

5. Should the sale of the land proceed it is to include a Deed with a caveat over the two subject land titles for Council to have first option to purchase the land back at an agreed value.
6. That the proceeds from the sale of land be used to fund dedicated projects within the suburb of Holden Hill.
7. That the Community Land Management Plan for the land described as Lot 16 in Deposited Plan 9917 within Certificate of Title 5274/794 – 13 Valiant Road, Holden Hill and Lot 22 in Deposited Plan 9918 within Certificate of Title 5274/798 – 21-27 Valiant Road, Holden Hill be amended to include the short-term lease of the land to be used as a car park provided Development approval is granted for the expansion at 2-6 Ardtornish Street, Holden Hill and the car park at 13 and 21-27 Valiant Road, Holden Hill.
8. That pursuant to Section 202 of the Local Government Act 1999, the Chief Executive Officer be delegated the authority to grant a short-term lease to Rafnix Pty Ltd over the land situated at 13 and 21-27 Valiant Road, Holden Hill contained within Certificates of Title 5274/794 and 5274/798 to construct a car park associated with the proposed development by Supashock Advanced Technologies at 2-6 Ardtornish Street, Holden Hill to include the following terms and conditions:
  - a. An annual lease fee of 6% of the independent valuation for year two after an initial 12-month lease free moratorium to allow for the establishment of the car park including landscaping improvements etc.
  - b. The permitted use is for activities associated with construction and occupation of the car park.
  - c. The car park is for the use of staff and visitors associated with the Supashock Advanced Technologies operations at 2-6 Ardtornish Street, Holden Hill.
  - d. Access to the land is not authorised until the issue of Development Approval pursuant to the Planning, Development & Infrastructure Act 2016.
  - e. The period of the lease is for a maximum of two (2) years to commence from the date of occupation or lease execution, whichever occurs first.
  - f. A sunset clause be included to provide Council with the right to terminate the lease if development approval is not forthcoming within twelve months from the date of the lease document.
  - g. The car park construction is to be in accordance with the general concept plan displayed during the community engagement period and in accordance with Development Approval issued pursuant to the Planning Development & Infrastructure Act 2016, whichever provides the most suitable tree lined buffer between the western side of the car park and Valiant Road and includes water sensitive urban design all to be to the satisfaction of the Chief Executive Officer or delegate.

- h. The car park use on 21-27 Valiant Road Holden Hill is not permitted during the hours of 10pm and 7am on any day. This is to minimise noise and inconvenience to residents to the south west of the proposed car parking site and
- i. Other terms and conditions deemed appropriate by the Chief Executive Officer or delegate.

**Carried Unanimously (1294)**

### **Assets & Environment - Nil**

### **Organisational Services & Excellence**

#### **12.2 Code of Conduct Complaint against Mayor Kevin Knight - Final Determination (D22/58494)**

Moved Cr Petrie, Seconded Cr Lintvelt

That having considered the report titled “Code of Conduct Complaint against Mayor Kevin Knight – Final Determination” and dated 9 August 2022, Council:

1. Notes the written response received from Mayor Knight regarding Council’s Preliminary Findings and proposed actions from the Council meeting on 26 July 2022 (resolution no. 1281), provided as Attachment 1 to the report.
2. Makes a final determination that Mayor Knight’s conduct was in breach of:
  - a. clause 2.2 of the Code in respect to Complaint C
  - b. clause 2.6 of the Code in respect to Complaint C
  - c. clause 2.7 of the Code in respect to Complaint A
  - d. clause 2.9 of the Code in respect to Complaint A
3. Takes the action of requesting Mayor Knight to make a written public apology to Council for his conduct, which is to be delivered to the Chief Executive Officer by 5.00pm on 17 August 2022, to enable the apology to be presented to the next meeting of Council.

**Carried Unanimously (1295)**

### **12.3 Variations to Delegations Register - Various Updates to Legislation - Review of Delegations Framework - July 2022 (D22/55258)**

Moved Cr S Keane, Seconded Cr Petrie

That Council makes the following amendments to its Delegations Register:

#### 1. Delegations made under Local Government Act 1999 (Attachments 1 – 3)

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 1-3 of the report titled "Variations to Delegations Register - Various Updates to Legislation - Review of Delegations Framework - July 2022" are hereby delegated this day, 9 August 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:

- Local Government Act 1999 (Attachment 1)
- Disability Inclusion Act 2018 (Attachment 2)
- Road Traffic (Miscellaneous) Regulations 2014 (Attachment 3)

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 4)

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 Attachment 4 of the report titled “Variations to Delegations Register - Various Updates to Legislation - Review of Delegations Framework - July 2022” are hereby delegated this day 9 August 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 (1296)**

#### **12.4 Call for Nominations - Greater Adelaide Regional Organisation of Councils (GAROC) (D22/58440)**

*After the moving of the motion, Pursuant to sections 75 & 75A of the Local Government Act 1999 Cr Jones declared an actual conflict of interest in relation to this matter on the basis that he was being nominated for the position and indicated he would deal with this conflict of interest in a transparent and accountable way by remaining impartial and not enter into the debate relating to this matter and remain in the meeting while the matter was being discussed and vote on.*

Moved Cr Wyld, Seconded Cr Coleman

That Council submits Deputy Mayor Lucas Jones as its nomination for the North Regional Grouping of the Greater Adelaide Regional Organisation of Councils (GAROC).

**Carried Unanimously (1297)**

**Community & Cultural Development - Nil**

### 13. Notice(s) of Motions

#### 13.1 Notice of Motion - Waste reduction and recycling options for face masks and hard-to-recycle items (Cr Lintvelt) (D22/58255)

Moved Cr Lintvelt, Seconded Cr Foreman

That a report(s) be brought back to Council by the end of February 2023 that addresses the following matters relating to waste reduction and recycling including how each of the options may be funded:

1. The options available to Council to establish face mask recycling collection point(s) at the Civic Centre/ Library or other suitable locations. That the estimated cost and benefit of such a service be included in the responding report.
2. Some options available to Council of increasing capacity for drop-off point(s) of hard-to-recycle items that are recyclable, but not currently available through the existing yellow bin kerbside system or Council's at call hard waste collection services.
3. The outcome of consideration of the 'Recycle Smart' initiative currently being undertaken by City of West Torrens with a view of assessing if this is a viable option for the City of Tea Tree Gully with the report summarising this initiative identifying how it works, estimated costs, benefits, risks etc.
4. An update of the considerations relating to the Council resolution from 13 August 2019 where Council unanimously resolved:  
*“That the Review of Waste Management be expanded to include options on how the City of Tea Tree Gully can ban all or some single use plastics at all Council controlled facilities and to make the Council single use plastic free”*

**Carried Unanimously (1298)**

#### 14. Motions without Notice - Nil

#### 15. Questions on Notice - Nil

#### 16. Questions without Notice

Cr Wyld asked one question in relation to the Mayor's Report.

**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 Policies adopted by the Governance and Policy Committee under Delegation - 25 July 2022 (D22/58177)**

**20. Status Report on Resolutions**

**20.1 Status Report on Council Resolutions (D22/55045)**

Council received the Status Report on Council Resolutions

**21. Other Business**

Cr Coleman and Mr Moyle spoke in relation to the works commencing at River Torrens Linear Park for the Dernancourt Memorial which will be revealed on 31 August 2022.

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

**23. Date of Next Ordinary Meeting**

23 August 2022

The Deputy Mayor declared the meeting closed at 8.23pm.

Confirmed.....  
Mayor 23 August 2022