

**MINUTES OF THE COUNCIL MEETING OF THE CITY OF TEA TREE
GULLY HELD ON TUESDAY 22 JUNE 2021 AT 7.00PM
IN THE COUNCIL CHAMBERS, 571 MONTAGUE ROAD, MODBURY**

1. Opening Prayer and Welcome

Appointment of Chair

Moved Cr Field, Seconded Cr Petrie

That Cr Lintvelt be appointed as Presiding Member of this meeting for the duration of the meeting.

Carried Unanimously (896)

Cr Lintvelt took the chair as Presiding Member at 7.03pm.

The Presiding Member read the Opening Prayer and Acknowledgement of Country Statement.

2. Attendance Record:

2.1 Present

Crs J Lintvelt (*Presiding Member*), B Rankine, B Keane, O Savvas, D Wyld, L Petrie, R Coleman, P Field, S Keane and A Schlueter.

2.2 Apologies

His Worship Mayor K Knight, Crs R Unger and L Jones

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
Ms I Cooper	Manager Governance & Policy
Mrs D Taglierini	Governance Advisor
Mrs F Birch	Manager Recreation Leisure & Community Safety
Ms C Oborn	Recreation Planning & Facility Coordinator
Mrs I Wilkshire	Manager City Strategy
Mrs C Gill	Senior Strategy Planner
Mr D Jury	Strategic Initiatives Facilitator
Mr A Sellars	Manager Parks
Ms S Koolen	Technical Officer, Biodiversity
Mr J Robbins	Manager Finance & Rating Operations
Mr J Foong	Group Coordinator Water, Waste & Environment

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

8 Attendees

2.6 Record of Media in Physical Attendance

Nil

3. Confirmation of Minutes to the Previous Meeting

Moved Cr Coleman, Seconded Cr Petrie

That the Minutes of the Council Meeting held on 8 June 2021 be confirmed as a true and accurate record of proceedings.

Carried Unanimously (897)

4. Mayor’s Report - Nil

5. Public Forum

Mr Jeff McCormack spoke in relation to the management report titled “External Grant Funding Offers and Opportunities”.

6. Deputations - Nil

7. Presentations - Nil

8. Petitions - Nil

9. Declaration of Conflicts of Interests - Nil

The Presiding Member sought leave of the meeting to bring forward the following reports:

- *Recognition of Historical Significance of Dernancourt*
 - *External Grant Funding Offers and Opportunities*
- Leave was granted.*

10. Management Reports

Office of the Chief Executive Officer

10.1 Recognition of Historical Significance of Dernancourt (D21/41745)

Moved Cr Coleman, Seconded Cr Field

That Council:

1. Supports the principle of the installation of a brick entry wall style memorial with attached plaques as per Option A in the report titled "Recognition of Historical Significance of Dernancourt" and dated 22 June 2021, that details the history behind the naming of the suburb of Dernancourt.
2. Supports the preferred location for the brick entry style memorial mentioned in point 1 above to be adjacent to the River Torrens Linear Park pathway, east of Lower North East Road, Dernancourt as detailed in the report titled "Recognition of Historical Significance of Dernancourt" and dated 22 June 2021.
3. Authorises the Chief Executive Officer to create and implement a Community Engagement Strategy for the community engagement process as outlined in the report titled "Recognition of Historical Significance of Dernancourt" and dated 22 June 2021 and that the outcomes of engagement be presented to Council for further consideration.

Carried Unanimously (898)

Community & Cultural Development

10.2 External Grant Funding Offers and Opportunities (D21/42468)

Modbury Soccer Club, Ridgehaven

Moved Cr Petrie, Seconded Cr Wyld

That Council:

1. Authorises Council's Chief Executive Officer to sign the grant funding agreement related to Council receiving a grant from the Office for Recreation, Sport and Racing for the sum of \$671k towards the Modbury Soccer Club, Ridgehaven facility upgrade as set out in Attachment 1 of the report titled "External Grant Funding Offers and Opportunities" and dated 22 June 2021.
2. Approves a sum of \$596k, representing Council's contribution to the project, be allocated in the 2021-22 financial year capital works program .
3. Requests a payment of \$75,000 (excluding GST) from the Modbury Soccer Club as a financial contribution towards the facility upgrade.
4. Provides a letter of support to the Modbury Soccer Club confirming that Council is prepared to be guarantor for a loan up to \$75k for the projects listed in the abovementioned report, if required, on any terms determined by Council's Chief Executive Officer after assessment of the Modbury Soccer Club's financial position.

5. Authorises Council's Chief Executive Officer to sign any required documentation for any guarantee against a loan of up to \$75k for Modbury Soccer Club.

Carried Unanimously (899)

Modbury Tennis Club, Ridgehaven and Tango Netball Club, Hope Valley

Moved Cr Savvas, Seconded Cr Petrie

That Council:

1. Authorises Council's Chief Executive Officer to sign the grant funding agreement related to Council receiving a grant from the Office for Recreation, Sport and Racing for the sum of \$143k towards the Modbury Tennis Club, Ridgehaven and Tango Netball Club, Hope Valley sports floodlighting upgrades as set out in Attachment 2 of the report titled "External Grant Funding Offers and Opportunities" and dated 22 June 2021.
2. Approves a sum of a sum of \$113k, representing Council's contribution to the project, be allocated in the 2021-22 financial year capital works program.
3. Requests a payment of \$20k (Excluding GST) from the Modbury Tennis Club as a financial contribution towards the sports floodlighting upgrade at Ashley Avenue, Ridgehaven.
4. Authorises Council's Chief Executive Officer to provide a letter of support to the Modbury Tennis Club, confirming that Council is prepared to be guarantor for a loan up to \$20k for this project, if required, on any terms determined by the Chief Executive Officer after assessment of the Modbury Tennis Club's financial position.
5. Authorises Council's Chief Executive Officer to sign any required documentation for any guarantee against a loan of up to \$20k for Modbury Tennis Club.
6. Requests a payment of up to \$12k from the Tango Netball Club as a financial contribution towards the sports floodlighting upgrade at Heysen Avenue, Hope Valley
7. Authorises Council's Chief Executive Officer to provide a letter of support to the Tango Netball Club, confirming that Council is prepared to be guarantor for a loan up to \$12k for this project, if required, on any terms determined by the Chief Executive Officer after assessment of the Tango Netball Club's financial position
8. Authorises Council's Chief Executive Officer to sign any required documentation for any guarantee against a loan of up to \$12k for Tango Netball Club.

Carried Unanimously (900)

Modbury Bowling Club, Ridgehaven

Moved Cr Petrie, Seconded Cr Wyld

That Council:

1. Authorises Council's Chief Executive Officer to notify the Modbury Bowling Club that Council support its acceptance of the grant offer for \$739,250 and Council's financial contribution of up to \$750k towards this project in the 2021-22 financial year capital works program as set out in Attachment 3 of the report titled "External Grant Funding Offers and Opportunities" and dated 22 June 2021.
2. Requests the Modbury Bowling Club to transfer the grant sum of \$739,250 to the City of Tea Tree Gully for the purpose of Council project managing the work on Council owned property.
3. Requests a payment of \$100k from the Modbury Bowling Club as a financial contribution towards the shade structure and associated works.
4. Provides a letter of support to the Modbury Bowling Club confirming that Council is prepared to be guarantor for a loan up to \$100k for this project, if required, on any terms determined by the Chief Executive Officer after assessment of the Modbury Bowling Club's financial position.
5. Authorises Council's Chief Executive Officer authorises to sign any required documentation for any guarantee for Modbury Bowling Club against a loan of up to \$100k.

Carried Unanimously (901)

Modbury Tennis Club, Ridgehaven - additional grant application

Moved Cr Petrie, Seconded Cr Wyld

That Council Supports the Modbury Tennis Club submitting a grant application to the Office for Recreation, Sport and Racing seeking a State Government contribution of \$125k towards the upgrade to four tennis courts located at Ashley Avenue, Ridgehaven and confirms in principle support for a financial contribution from Council of \$60k towards this project's purpose to be considered as part of the 2022-23 financial year capital works program should the application be successful.

Carried Unanimously (902)

Draft Annual Business Plan for 2021-22 variations

Moved Cr Field, Seconded Cr Petrie

That having considered the report titled “External Grant Funding Offers and Opportunities” and dated 22 June 2021, Council instructs the Chief Executive Officer to amend the Annual Business Plan & Capital Works Program for 2021-22 to include the Capital Expenditure and Capital Revenue associated with each project as set out in the financial section of the abovementioned report and in accordance with the related resolutions from the Council meeting dated 22 June 2021.

Carried Unanimously (903)

Adjournment of Meeting at 7.35pm

Moved Cr Wyld, Seconded Cr Field

That the meeting be adjourned for a short break.

Carried Unanimously (904)

The meeting resumed at 7.44pm.

11. Adjourned Business - Nil

12. Motions Lying on the Table - Nil

13. Committee Reports

Service Review Committee - Nil

Audit Committee - Nil

Policy and Strategic Development Committee

13.1 Recommendations from Policy and Strategic Development Committee on 16 June 2021

Policy and Strategic Development Committee – Self Assessment and Terms of Reference Review (D21/23844)

Moved Cr Wyld, Seconded Cr Petrie

That having considered the report titled “Policy and Strategic Development Committee – Self Assessment and Terms of Reference Review” and dated 16 June 2021, Council:

1. Notes the outcomes of the review of the Policy and Strategic Development Committee including the self-assessment results provided in Attachment 2 and as outlined in the report.
2. Adopts the reviewed Terms of Reference as provided in Attachment 3 of the report.
3. Amends the name of the Committee from “Policy and Strategic Development Committee” to “Governance and Policy Committee” to better reflect the revised terms of reference and the terms of reference be updated accordingly to reflect this decision.
4. 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 4 of the abovementioned report are hereby delegated from 22 June 2021, to the Policy Committee except where otherwise indicated in the Attachment, subject to the conditions and/or limitations specified herein or in the Schedule of Conditions in the following proposed Instrument of Delegation for the Local Government Act 1999.

Carried Unanimously (905)

Media Policy (D21/28139)

Moved Cr Wyld, Seconded Cr Petrie

That the “Media Policy” as reviewed by the Policy and Strategic Development Committee on 16 June 2021 be adopted.

Carried Unanimously (906)

Community Transport Charter Policy (D20/99361)

Moved Cr Wyld, Seconded Cr Petrie

That the “Community Transport Charter Policy” as reviewed by the Policy and Strategic Development Committee on 16 June 2021 be adopted.

Carried Unanimously (907)

Private Use of Council Vehicles Policy (D21/16493)

Moved Cr Wyld, Seconded Cr Field

That the "Private Use of Council Vehicles Policy" as reviewed by the Policy and Strategic Development Committee on 16 June 2021 be adopted.

Carried Unanimously (908)

CEO Performance and Remuneration Review Committee - Nil

Traffic Management Safety Committee - Nil

14. Management Reports

Office of the Chief Executive Officer

14.1 Tea Tree Gully Township Precinct Plan Review - Outcomes of Community Engagement and Extension of time (D21/41475)

Moved Cr Field, Seconded Cr Savvas

1. That Council receives and notes the report titled "Tea Tree Gully Township Precinct Plan Review – Outcomes of Community Engagement and Extension of Time" and dated 22 June 2021 that outlines the responses received from the community engagement on this matter as detailed in Attachment 2.
2. That a revised draft Tea Tree Gully Township Precinct Plan be prepared having regard to the community engagement responses on this matter and the outcomes of the traffic and parking study to be undertaken after the reopening of Memorial Drive, Tea Tree Gully, which is currently closed to a culvert replacement and associated roadworks project, and that the revised draft Plan be presented to Council no later than November 2021.

Carried Unanimously (909)

Assets & Environment

14.2 Dry Creek Corridor Biodiversity Plan 2021 (D21/38873)

During the moving the motion, Cr Rankine left the meeting at 7.56pm and re-entered the meeting at 7.58pm.

Moved Cr Petrie, Seconded Cr Wyld

That having considered the report titled "Dry Creek Corridor Biodiversity Plan 2021" dated 22 June 2021, Council endorses the Dry Creek Corridor Biodiversity Plan 2021 as provided in Attachment 1 of this report.

Carried Unanimously (910)

Organisational Services & Excellence - Nil

15. Notice(s) of Motions - Nil

16. Motions without Notice - Nil

17. Questions on Notice - Nil

18. Questions without Notice - Nil

19. Council Delegates and Activities Report

Cr Coleman attended the Murray Darling Association Region 7 Meeting on 17 June 2021 as Council's delegate.

During the report, Cr Rankine left the meeting at 8.10pm and re-entered at 8.11pm.

20. Information Reports

The following Information reports were received at the meeting:

20.1 Local Government Association Annual General Meeting - Proposed Items of Business - October 2021 (D21/40538)

20.2 Verge Mowing Update (D21/40665)

20.3 Natural Resources Committee Review - Native Vegetation Act 1991 (D21/42517)

21. Status Report on Resolutions - Nil

22. Other Business

Cr Coleman advised Council of the passing of Councillor Peter Jamieson from the City of Port Adelaide Enfield who was Council delegate on the Murray Darling Association Region 7 Committee. A minute of silence was held to recognise his contribution.

Cr Field advised Council in relation to the Community Wastewater Management System (CWMS) meeting that was held on 19 June 2021 with approximately 100 residents, SA Water and a number of Councillors in attendance.

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

23.1 Realignment of Community Wastewater Management System (CWMS) Pipe Servicing Properties on School Drive, Banksia Park (D21/42103)

Recommendation for Moving into Camera

Moved Cr Field, 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) be excluded from the meeting to enable discussion on the Realignment of Community Wastewater Management System (CWMS) Pipe Servicing Properties on School Drive, Banksia Park.
2. That the Council is satisfied that pursuant to section 90(3)(i) of the Act, 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 .
 - on the basis that depending on the decision of Council on this matter it has the potential to lead to litigation.
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 any information or decision of council could potentially lead to litigation.

Carried Unanimously (911)

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

Mr J Moyle, Mr R McMahon, Mr T Harfield, Mrs C Neil, Ms I Cooper, Mrs D Taglierini and Mr J Foong.

22.1 Realignment of Community Wastewater Management System (CWMS) Pipe Servicing Properties on School Drive, Banksia Park (D21/42103)

Mr Jonathan Foong, Council's Group Coordinator Water, Waste & Environment provided an introductory presentation to this report.

During the presentation, Cr Wyld left the meeting at 8.28pm and re-entered the meeting at 8.31pm.

Moved Cr Field, Seconded Cr Petrie

1. That Council rescind the resolution 823 of Council relating to Item 23.2, the Council Report titled "Options Report – Realignment of Community Wastewater Management System (CWMS) Pipe Servicing Properties on Schools Drive, Banksia Park" of Council meeting held 13 April 2021, namely:

"That having considered the report titled "Options Report - Realignment of Community Wastewater Management System (CWMS) Pipe Servicing Properties on Schools Drive, Banksia Park" and dated 13 April 2021, Council directs the Chief Executive Officer to proceed with:

- *Option 2 - Diversion of the CWMS pipe located in 30, 32, 34 and 36 Schools Drive, Banksia Park and for the capital work associated with Option 2 be funded by current 2020-2021 CWMS capital budget."*

and noting this street was previously incorrectly referred to as Schools Drive instead of School Drive.

2. That having considered the report titled "Realignment of Community Wastewater Management System (CWMS) Pipe Servicing Properties on School Drive, Banksia Park" and dated 22 June 2021, Council resolves to:
 - a. Proceed with the construction of Stage 1 of the realignment of the Community Wastewater Management System (CWMS) pipe as detailed in Figure 2 of this report.
 - b. Make a prudent decision if Stage 2 of the of the realignment of the Community Wastewater Management System (CWMS) pipe as detailed in Figure 2 of this report should occur if 36 School Drive, Banksia Park is developed and taking into consideration the sewer upgrade proposed in Stage 1 of the SA Water Sustainable Sewers Program.

Carried Unanimously (1)

Retention of confidential documents:

Moved Cr Field, Seconded Cr S Keane

1. That having considered the agenda item titled Realignment of Community Wastewater Management System (CWMS) Pipe Servicing Properties on School Drive, Banksia Park and dated 22 Jun 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 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 thereport, attachments and minutes relevant to this item be retained in confidence until such time as the works are completed 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 (913)

24. Date of Next Ordinary Meeting

13 July 2021

The Presiding Member declared the meeting closed at 8.44pm.

Confirmed.....
Presiding Member/Mayor 13 July 2021