

**MINUTES  
OF THE COUNCIL MEETING OF THE CITY OF TEA TREE GULLY HELD ON  
TUESDAY 23 NOVEMBER 2021 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, O Savvas, R Unger, D Wyld, L Petrie, R Coleman, P Field and S Keane.

**2.2 Apologies**

Cr B Rankine

**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
Miss M Lay	Governance & Risk Administration Officer
Ms F Birch	Manager Recreation and Leisure Services
Ms C Oborn	Recreation Planning and Facility Coordinator
Mr N Grainger	Manager City Development
Mr A Kelly	Group Coordinator Civil & Buildings Projects
Ms I Wilkshire	Manager City Strategy
Mr J Foong	Group Coordinator Water Waste & Environment

**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**

23 Attendees

## **2.6 Record of Media in Physical Attendance**

Nil

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

Moved Cr Field, Seconded Cr Wyld

That the Minutes of the Council Meeting held on 9 November 2021 and Special Meeting of Council held on 16 November 2021 be confirmed as true and accurate records of proceedings.

**Carried Unanimously (1038)**

## **4. Mayor's Report - Nil**

## **5. Public Forum**

The following people spoke in relation to the Notice of Motion titled 'Notice of Motion - Rescission Motion - 1335A North East Road Property Acquisition':

- Mr John Adams
- Mr Gary Rayment

## **6. Deputations**

### **6.1 Deputation - Hon John Dawkins MLC, President of the Legislative Council (D21/60998)**

The Hon John Dawkins MLC, President of the Legislative Council provided a deputation to formally thank Council before retiring from Office.

## 7. Presentations

### 7.1 Presentation - 1300KOALAZ Wildlife Hero awarded to the City of Tea Tree Gully (D21/91603)

Mr Thornton Harfield, Council's Director Assets & Environment presented a Certificate of Wildlife Hero to Council for the support to 1300KOALAZ in relation to the rescue and rehabilitation of sick, injured or orphaned koalas.

## 8. Petitions

### 8.1 Petition - Community opposition to the proposal of a two-storey child care centre - 67-69 Hamilton Road, Fairview Park (D21/93770)

Council received the petition.

## 9. Declaration of Conflicts of Interests - Nil

*The Mayor sought leave of the meeting to bring forward the following reports:*

- *'Notice of Motion – Rescission Motion – 1335A North East Road Property Acquisition (Cr Jones)'*
- *'Motion without Notice – Recycling Depot – 1272 North East Road, Tea Tree Gully (Cr Jones)'*
- *'Modbury Jets Amateur Football Club, Ladywood Reserve – Proposed facility upgrade'*

*Leave was granted.*

## 10. Notice(s) of Motions

### 10.1 Notice of Motion - Rescission Motion - 1335A North East Road Property Acquisition (Cr Jones) (D21/93599)

Moved Cr Jones, Seconded Cr Lintvelt

That the following part (parts 2 & 4) of resolution (No 344) from the Council meeting held on 14 July 2020 be rescinded, noting that Council's forward financial estimates will not be adversely impacted by this decision.

*"2. That the purchased land be excluded from the community land classification and retained as an operational land for the City of Tea Tree Gully until its future use is determined by a resolution of Council.*

*4. That in the event that a suitable parcel of land is not sold to fund the development and purchase price by April 2022 that the Council authorises the*

*Chief Executive Officer to sell 1335A North East Road Tea Tree Gully on the open market.”*

**Carried (1039)**

Moved Cr Jones, Seconded Cr Lintvelt

1. That the purchased land at 1335A North East Road, Tea Tree Gully be included in the community land classification and retained as community land.

*Leave of the meeting was sought with the consent of the mover and seconder to vary the motion to include an additional dot point 2 as follows:*

*‘That Council staff amend the North East Road Streetscape Concept map in the Tea Tree Gully Township Plan endorsed by Council on 9 November 2021 to include the following annotation for 1335A North East Road “Significant open space and vista to Tea Tree Gully Institute building”.*

*Leave was granted.*

Motion as varied

1. That the purchased land at 1335A North East Road, Tea Tree Gully be included in the community land classification and retained as community land.
2. That Council staff amend the North East Road Streetscape Concept map in the Tea Tree Gully Township Plan endorsed by Council on 9 November 2021 to include the following annotation for 1335A North East Road “Significant open space and vista to Tea Tree Gully Institute building”.

**Carried Unanimously (1040)**

*Cr S Keane left the meeting at 8.03pm.*

## **11. Motions without Notice**

### **11.1 Recycling Depot - 1272 North East Road, Tea Tree Gully (Cr Jones)**

*During the moving of the motion, Cr S Keane re-entered the meeting at 8.06pm.*

Moved Cr Jones, Seconded Cr Lintvelt

1. That Council’s Chief Executive Officer be authorised to lodge an appeal to the Environment Resources and Development Court against the planning decision for a change in the land use at 1272 North East Road Tea Tree Gully from an existing retail fuel outlet to mixed-use development comprising retail fuel outlet and a recycling centre, as the proposal is

seriously at variance with the policies in the Planning and Design Code as outlined in the Council report titled “Recycling Centre 1272 North East Road Tea Tree Gully” and dated 23 November 2021.

2. That Council’s Chief Executive Officer be authorised to proceed to the first (conference) stage, with a view to re-evaluating its position at the conclusion of the settlement conference (assuming that a settlement isn’t reached) as set out in Attachment 1 (Norman Waterhouse Lawyers Advice), of the Council report titled “Recycling Centre 1272 North East Road Tea Tree Gully” and dated 23 November 2021.
3. That Council’s Chief Executive Officer be authorised to obtain an independent review of the applicant’s Noise attenuation report to assist with re-evaluating its position at the conclusion of the settlement conference.

**Carried Unanimously (1041)**

## **12. Management Reports**

### **Community & Cultural Development**

#### **12.1 Modbury Jets Amateur Football Club, Ladywood Reserve - Proposed facility upgrade (D21/70781)**

*Pursuant to sections 75 & 75A of the Local Government Act 1999, Cr Savvas declared a perceived conflict of interest in relation to the matter on the basis that she is a candidate for the upcoming State Election for the seat of Newland. Cr Savvas dealt with this matter in a transparent and accountable way by leaving the meeting. Cr Savvas left the meeting and its close vicinity at 8.28pm while the matter was being discussed and voted on.*

Moved Cr Petrie, Seconded Cr Wyld

1. That Council having considered the report titled “Modbury Jets Amateur Football Club, Ladywood Reserve – Proposed Facility Upgrade” and dated 23 November 2021, based on preliminary cost estimates, supports:
  - a. The proposed upgrade Option A (new building at an estimated cost of \$2.05m) at the Modbury Jets Amateur Football Club, Ladywood Reserve as set out in the report titled “Modbury Jets Amateur Football Club – Proposed Facility Upgrade” and dated 23 November 2021.

- b. A financial contribution from Council towards Option A (new building) as set out in the report titled “Modbury Jets Amateur Football Club – Proposed Facility Upgrade’ and dated 23 November 2021, to be considered as part of a future years Capital Works program, and subject to a minimum 50% of the estimated project costs being received through external grant funding.
2. That Council requests the Chief Executive Officer to make grant funding submissions to future relevant funding opportunities to obtain a minimum 50% financial contribution towards the project.
3. That Council acknowledges the previous financial contribution of \$90k from Modbury Jets Amateur Football Club towards improvements at Ladywood Reserve, in lieu of a further capital contribution towards Option A (new building).
4. That Council considers the construction of the proposed car parking, (estimated to be of the order of \$275k) as set out in the report titled “Modbury Jets Amateur Football Club – Proposed Facility Upgrade” and dated 23 November 2021, and a sum of \$275k be considered as part of the draft 2022-2023 Financial Year Capital Works Program; noting that if included in the 2022-2023 Financial Year Capital Works Program a further report will be returned to Council for consideration regarding commencing community engagement against the Community Land Management Plan for the Ladywood Reserve, Modbury North.

**Carried Unanimously (1042)**

*Cr Savvas was not present for the vote.*

*Cr Savvas re-entered the meeting at 8.38pm.*

**Adjournment of Meeting at 8.38pm**

Moved Cr Wyld, Seconded Cr S Keane

That the meeting be adjourned for a short break.

**Carried Unanimously (1043)**

The meeting resumed at 8.44pm.

**13. Adjourned Business - Nil**

**14. Motions Lying on the Table – Nil**

## **15. 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**

## **16. Management Reports**

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

### **Assets & Environment**

#### **16.1 Adelaide Plains Draft Water Allocation Plan - Council Submission to the Department of Environment and Water (D21/91816)**

Moved Cr B Keane, Seconded Cr Coleman

Having considered the report titled “Adelaide Plains Draft Water Allocation Plan – Councils Submission to the Department of Environment and Water”, and dated 23 November 2021, Council authorises Council’s Chief Executive Officer to submit a response to the Department of Environment and Water with the comments shown in Tables 2 and 3 of the report before 28 November 2021.

**Carried Unanimously (1044)**

## Organisational Services & Excellence

### 16.2 Local Government Reform - Round 2 Regulations and Transitional Regulations - Feedback (D21/85003)

Moved Cr S Keane, Seconded Cr Petrie

That Council provides feedback to the Local Government Association SA and Office of Local Government on the Local Government Reform – Round 2 Regulations and Transitional Regulations, as provided in Attachment 1 to the report titled “Local Government Reform - Round 2 Regulations and Transitional Regulations - Feedback” and dated 23 November 2021.

**Carried Unanimously (1045)**

## Community & Cultural Development

### 16.3 Garrison Wargaming Club of South Australia Incorporated - Request to enter into a 5 year lease at Whinnen Reserve, St Agnes (D21/83968)

Moved Cr Unger, Seconded Cr Savvas

That Council grants a lease to Garrison Wargaming Club of South Australia Incorporated for the portion of land described as Lot 118 Whinnen Street, St Agnes (Certificate of Title - Volume 2681/Folio 27) and as outlined in the report titled “Garrison Wargaming Club of South Australia Incorporated - Request to enter into a 5 year lease at Whinnen Reserve, St Agnes” and dated 23 November 2021, with the following terms and conditions:

- a. The term of the lease shall be for a period of five (5) years
- b. The lease fee shall be initially \$1,454 per annum with annual CPI increases on the yearly anniversary date which is consistent with the criteria in Council’s “Leases and Licences to Sporting and Community Organisations Policy”
- c. Other terms and conditions as set out in accordance with Council’s “Leases and Licences to Sporting and Community Organisations Policy”
- d. Any other terms and conditions as deemed necessary by Council’s Chief Executive Officer that are required for this specific lease and site.

**Carried Unanimously (1046)**



#### **16.4 Tilley Recreation Park - Shipping Container Storage and Canteen/Bar Facility - Outcomes of Community Engagement (D21/86380)**

Moved Cr Jones, Seconded Cr Lintvelt

1. That Council, having considered the report entitled “Tilley Recreation Park – Shipping Container Storage and Canteen/Bar Facility – Outcome of Community Engagement” and dated 23 November 2021 supports a permanent storage, canteen/bar facility at Tilley Recreation Park, Surrey Downs.
2. That Council supports the Community Land Management Plan update provided as Attachment 4 of the report titled “Tilley Recreation Park – Shipping Container Storage and Canteen/Bar Facility – Outcome of Community Engagement” and dated 23 November 2021 reflecting the inclusion of a permanent storage, canteen/bar facility being located at Tilley Recreation Park, Surrey Downs for use by the Tea Tree Gully City Soccer Club.
3. That Council supports any other terms and conditions deemed necessary by Council’s Chief Executive Officer required to finalise approval for a permanent storage, canteen/bar facility being located at Tilley Recreation Park, Surrey Downs.

**Carried Unanimously (1047)**

#### **17. Questions on Notice - Nil**

#### **18. Questions without Notice**

Crs Petrie, Wyld, Jones, Field and Unger asked a series of questions in relation to the changes to the *Local Government Act 1999* regarding electoral signage. Council’s Chief Executive Officer provided a verbal response to these questions.

*Cr Field left the meeting at 9.18pm and re-entered the meeting at 9.22pm.*

#### **19. Council Delegates and Activities Report**

Cr Coleman attended the Parafield Airport Consultative Committee meeting and Murray Darling Association Region 7 meeting on 18 November 2021.

Cr S Keane and Deputy Mayor Cr Jones represented Council at the Modbury Heights Year 12 End of Year celebration at Sfera's on 17 November 2021.

## **20. Information Reports**

The following Information reports were received at the meeting:

### **20.1 Local Government Association (LGA) Annual General Meeting Outcomes - October 2021 (D21/88009)**

### **20.2 Local Government Association - Ordinary General Meeting - Proposed Items of Business - April 2022 (D21/90382)**

### **20.3 Nominations sought for the Dog and Cat Management Board (D21/92604)**

## **21. Status Report on Resolutions - Nil**

## **22. Other Business - Nil**

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

### **23.1. Council Assessment Panel Membership (D21/92840)**

#### **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) be excluded from the meeting to enable discussion on the Council Assessment Panel Membership.
2. That the Council is satisfied that pursuant to section 90(3)(a) of the Act, 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 Relates to information the disclosure of which would involve the unreasonable disclosure of information concerning the applicants for the Independent Member positions on the Council Assessment Panel and their personal details, skills and attributes
    - o Is inappropriate to disclose the successful applicants before they have been notified
3. That the Council is satisfied that the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter by the need to keep the discussion of this matter confidential as the details of the successful candidates should not be prematurely made public until they have been notified of their appointment on the Panel.

**Carried Unanimously (1048)**

**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, Miss M Lay, Ms F Birch, Ms C Oborn, Mr J Foong, Mr A Kelly and Mr N Grainger.

### **22.1 Council Assessment Panel Membership (D21/92840)**

Moved Cr Wyld, Seconded Cr B Keane

#### **Appointment of Independent Member**

That Council appoints Mr Alex Mackenzie as the Independent Member to the Council Assessment Panel term until 1 November 2022.

#### **Appointment of Deputy Independent Member**

That Council appoints Mrs Nitsan Taylor as Deputy Independent Member to the Council Assessment Panel term until 1 November 2022.

**Carried Unanimously (1049)**

**Retention of confidential documents:**

Moved Cr S Keane, Seconded Cr Wyld

1. That having considered the agenda item titled 'Council Assessment Panel Membership' and dated 23 Nov 2021 in confidence under section 90(2) & (3) 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 and attachments relevant to this item be retained in confidence for 12 months 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 (1050)**

**23.2 Modbury Jets Soccer Club - Funding Requirements (D21/94509)****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 Modbury Jets Soccer Club - Funding Requirements.
2. That the Council is satisfied that pursuant to section 90(3)(k) of the Act, the information be received, discussed or considered in relation to this item is:
  - tenders for the supply of goods, the provision of services or the carrying out of works.
    - o Noting that this matter is currently out to tender and early disclosure of this information could impact Council's negotiating 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.

4. That the Council is satisfied that the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter by the need to keep the discussion of this matter confidential on the basis that early disclosure of this information could impact Council's negotiating position.

**Carried Unanimously (1051)**

**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, Miss M Lay, Ms F Birch, Ms C Oborn, Mr J Foong and Mr A Kelly.

### **23.2 Modbury Jets Soccer Club - Funding Requirements (D21/94509)**

*Pursuant to sections 75 & 75A of the Local Government Act 1999, Cr Savvas declared a perceived conflict of interest in relation to the matter on the basis that she is a candidate for the upcoming State Election for the seat of Newland. Cr Savvas dealt with this matter in a transparent and accountable way by leaving the meeting. Cr Savvas left the meeting and its close vicinity at 9.43pm while the matter was being discussed and voted on, and did not return for the remainder of the meeting.*

Moved Cr Petrie, Seconded Cr Wyld

That Council, having considered the report titled "Modbury Soccer Club – Facility Upgrades" and dated 23 November 2021:

- a. Awards a contract to Mykra Pty Ltd to construct and deliver facility upgrades at Modbury Soccer Club, Ridgheaven up to a sum of \$1,699,482 (excluding GST) as detailed in the report titled "Modbury Jets Soccer Club – Funding Requirements" and dated 23 November 2021.
- b. An amount of \$450k is added to project number 220186 'Modbury Soccer Club Upgrade' and a corresponding amount of \$450K is reduced from project number 210147 Building Future Project Fund.

**Carried Unanimously (2)**

*Cr Savvas was not present for the vote.*

**Retention of confidential documents:**

Moved Cr S Keane, Seconded Cr Petrie

1. That having considered the agenda item entitled Modbury Jets Soccer Club - Funding Requirements and dated 23 November 2021 in confidence under section 90(2) & (3)(k) and Section 91(7) of the Local Government Act 1999:
  - 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 appointment of the successful contractor, and acceptance from the contractor to commence the project 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 (1053)**

*Cr Savvas was not present for the vote.*

**25. Date of Next Ordinary Meeting**

14 December 2021

The Mayor declared the meeting closed at 9.53pm.

Confirmed.....  
Mayor 14 December 2021