

**MINUTES
OF THE COUNCIL MEETING OF THE CITY OF TEA TREE GULLY HELD ON
TUESDAY 10 OCTOBER 2023 AT 7.00PM IN THE COUNCIL CHAMBERS, 571
MONTAGUE ROAD, MODBURY**

1. Opening Prayer and Welcome

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

Cr S Keane entered the meeting at 7.01pm.

Cr Lawrenson left the meeting at 7.01pm.

2. Attendance Record:

2.1 Present

Her Worship Mayor M Ryan, Crs T Sinclair, B Keane, J Hawkvelt, L Jones, R Unger, I Zagladov, D Wyld, K Drozdoff, B Lawrenson, S Keane and K Foreman.

2.2 Apologies

Nil

2.3 Leave of Absence

Cr Champion previously sought a leave of absence.

2.4 Record of Officers in Attendance (physical or electronic)

Ryan McMahon	Chief Executive Officer
Justin Robbins	General Manager Strategy & Finance
Leisha Bond	General Manager Corporate Services
Felicity Birch	General Manager City Operations
Michael Pereira	General Manager Community Services
Deana Taglierini	Coordinator, Governance
Kristyn Barnes	Governance Administration Officer
Ingrid Wilkshire	Manager City Strategy
Victoria Masterman	Lead – Precincts & Placemaking
Erica Vidinis	Strategic Project & Stakeholder Manager
Leo Wu	Strategic Buildings Project Lead
Sonya Hedger	Executive Officer to the CEO & Leadership Support

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

1 Attendee

3. Confirmation of Minutes to the Previous Meeting

Moved Cr Foreman, Seconded Cr Drozdoff

That the Minutes of the Council Meeting held on 26 September 2023 be confirmed as a true and accurate record of proceedings.

Carried Unanimously (270)

Cr Lawrenson was not present for the vote.

4. Public Forum - Nil

5. Deputations - Nil

6. Presentations – Nil

Cr Lawrenson re-entered the meeting at 7.03pm.

7. Petitions - Nil

8. Adjourned Business - Nil

9. Motions Lying on the Table - Nil

10. Committee Reports

Service Review Committee - Nil

Audit & Risk Committee - Nil

Governance & Policy Committee - Nil

CEO Performance Review Committee - Nil

11. Management Reports

Office of the Chief Executive Officer

11.1 Annual Report for the Financial Year ending 30 June 2023 (D23/73722)

Moved Cr S Keane, Seconded Cr Wyld

That Council, having considered the report titled “Annual Report for financial year ending 30 June 2023” and dated 11 October 2023, adopts the Annual Report (provided as Attachment 1) for the financial year ending 30 June 2023, noting that the final report may be refined by Council staff to incorporate minor changes.

Carried Unanimously (271)

City Operations - Nil

Corporate Services - Nil

Strategy & Finance

11.2 Tilley Recreation Park Master Plan Community Engagement Plan (D23/74042)

Pursuant to sections 74 and 75B of the Local Government Act 1999 Cr Foreman declared a general conflict of interest in relation to the matter on the basis that her employer is involved in the funding of this project as part of their election commitments. Cr Foreman dealt with this matter in an accountable and transparent way by leaving the meeting while the matter was discussed and voted on. Cr Foreman left the meeting at 7.07pm.

Moved Cr Hawkvelt, Seconded Cr Jones

That Council having considered the report titled “Tilley Recreation Park Master Plan Community Engagement Plan” and dated 10 October 2023:

1. Approves community engagement to be undertaken:
 - a. on the Draft Tilley Recreation Park Master Plan (Attachment 1);
 - b. on amendments that would be required to the Community Land Management Plan (Attachment 3) to facilitate the inclusion of a dog park
 - c. in accordance with the Community Engagement Strategy as provided in Attachment 2 of this report.
2. Notes a report on the outcomes of the community engagement will be presented to Council at a future meeting.

Carried Unanimously (272)

Cr Foreman was not present for the vote.

Cr Foreman re-entered the meeting at 7.13pm.

11.3 Outcomes of Application to the Power Line Environment Committee to underground power lines in the Tea Tree Gully Township (D23/79145)

Pursuant to sections 74 and 75B of the Local Government Act 1999 Cr Jones declared a general conflict of interest in relation to the matter on the basis that part of the works being completed would occur on the street in which he resides. Cr Jones dealt with this matter in an accountable and transparent way by leaving the meeting while the matter was discussed and voted on. Cr Jones left the meeting at 7.14pm.

Moved Cr Hawkvelt, Seconded Cr Unger

That Council, having considered the report titled “Outcomes of application to the Power Line Environment Committee to underground power lines in the Tea Tree Gully Township” dated 10 October 2023:

1. Endorses the scope of works for Stage 1A and 1B to underground power lines on North East Road from its intersection with Church Street to 1358 North East Road, Tea Tree Gully
2. Endorses the allocation of \$552,261 from the FYE 2024 Capital Works Project, Projects to be Grant Funded (to be determined) for Stage 1A
3. Considers the inclusion of \$600,000 in the Draft Annual Business Plan for 2024-2025 financial year for Stage 1B

4. Notes the Annual Business Plan in 2023-2024 contains an allocation of \$100,000 for detailed design of the streetscape upgrades

Carried Unanimously (273)

Cr Jones was not present for the vote.

Cr Jones re-entered the meeting at 7.18pm.

Community Services - Nil

12. Notice(s) of Motions

12.1 Notice of Motion - Council Assessment Panel Meeting Times (Cr Blake Lawrenson) (D23/79572)

Moved Cr Foreman, Seconded Cr Lawrenson

That the Council Assessment Panel of the City of Tea Tree Gully be requested to consider holding ordinary meetings outside business hours and at a time similar to other Council Committees, on the basis that it is Council's view that to do so would provide better public assess and contribution through the representation process to prevent working members of our community being disadvantaged.

Leave of the meeting was sought by the mover in closing the debate to vary the motion to add a further sentence "That Council requests the Council Assessment Panel consider and respond to this motion at its next meeting".

Cr Wyld raised a point of order on the basis that Cr Lawrenson was closing the debate as the mover in reply which does not provide opportunity to introduce new content into the debate via variation or amendment. The Mayor upheld the point of order and did not allow the motion to be varied.

Cr Unger raised a point of order on the basis that he was of the view that the motion had been changed at some point in the meeting without leave of the meeting being granted and therefore was not reflective of the mover's motion. The Mayor did not uphold the point of order on the basis that the initial motion wording provided by the member was ultra vires, and that she had clarified with the mover and seconder at the time, that they were satisfied with the motion presented.

Leave of the meeting was sought to vary the motion to add a further sentence "Council would appreciate if the Council Assessment Panel would consider and respond to this motion at its next meeting". Leave of the meeting to vary the

motion was not granted, on the basis that the mover was closing the debate as the mover in reply and could not introduce new content via a variation.

Point of Order – Dissent Motion

Moved Cr Lawrenson

That the ruling by the Mayor to uphold the initial point of order raised by Cr Wyld regarding introducing new content as mover in reply, have no effect and be annulled on the basis that leave of the meeting can be sought for a variation at any time.

The motion for dissent was not allowed on the basis that debate as mover in reply had continued, and that the matter was required to be dealt with at the time of the point of order had been considered and ruled upon.

Cr Unger raised a point of order on the basis that as per regulation 14(2) Local Government (Procedures at Meetings) Regulations 2013, the Presiding Member must immediately put the question for leave to be granted and no debate will be allowed on that question for a variation to the motion. The Mayor did not uphold the point of order on the basis that a ruling had already been made regarding the variation.

Lost

Motion

Moved Cr Lawrenson, Seconded Cr Foreman

1. That the Council Assessment Panel of the City of Tea Tree Gully be requested to consider holding ordinary meetings outside business hours and at a time similar to other Council Committees, on the basis that it is Council's view that to do so would provide better public access and contribution through the representation process to prevent working members of our community being disadvantaged.
2. That the CEO advises the Council Assessment Panel that Council would appreciate if it could consider this at the next available meeting and requests the CEO to advise Council of the outcome.

Carried (274)

13. Motions without Notice - Nil

14. Questions on Notice - Nil

15. Questions without Notice -

Cr Sinclair asked questions in relation to the item 'Consideration of Autism Regulation Spaces' in the 'Status Report – Pending Actions'.

16. Mayor's Report, Council Delegates and Activities Report

Council received the Mayor's report.

17. Information Reports

The following Information reports were received at the meeting:

17.1 State of the City Report 2023 (D23/78618)

17.2 Residential Driveway Crossovers Design Standard and Code Amendment (D23/78934)

Cr Drozdoff left the meeting at 8.50pm.

Cr Zagladov left the meeting at 8.51pm.

17.3 Policies adopted by the Governance and Policy Committee under Delegation - 30 August 2023 (D23/79526)

17.4 Correspondence received from Australia Post regarding Modbury Post Shop closure (D23/81342)

18. Status Report on Resolutions

18.1 Status Report on Council Resolutions - Pending Actions (D23/78476)

Council received the Status Report on Council Resolutions – Pending Actions

18.2 Status Report on Council Resolutions - Completed Actions (D23/78544)

Council received the Status Report on Council Resolutions – Completed Actions

Cr Zagladov re-entered the meeting at 8.55pm.

21. Other Business

Cr Lawrenson asked questions in relation to Waterworld’s lifeguards recently winning an award. The General Manager Community Services, Michael Periera advised Council of the Lifeguard wining South Australian Lifeguard of the Year Award and Council congratulated the staff member on their achievement.

21.1 Council Assessment Panel Independent Member Selection Panel (Cr Lucas Jones)

Moved Cr Jones, Seconded Cr Lawrenson

That in implementation of the Council resolution 61 and dated 13 December 2022 Council requests the CEO appoint Cr Damian Wyld and Cr Rob Unger as members of the Selection Panel and Cr Kristianne Foreman as a proxy member.

Carried Unanimously (275)

22. Confidential Items - Nil

23. Date of Next Ordinary Meeting

24 October 2023

The Mayor declared the meeting closed at 8.58pm.

Confirmed.....
Mayor 24 October 2023