

**MINUTES
OF THE COUNCIL MEETING OF THE CITY OF TEA TREE GULLY HELD ON
TUESDAY 30 JANUARY 2024 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.

2. Attendance Record:

2.1 Present

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

2.2 Apologies

Cr S Keane

2.3 Leave of Absence

Nil

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
Ilona Cooper	Manager Corporate Governance
Deana Taglierini	Coordinator, Governance
Greg Salmon	Manager Project Management Office
Erica Vidinis	Strategic Project & Stakeholder Manager
Ingrid Wilkshire	Manager City Strategy
Victoria Masterman	Lead – Precincts & Placemaking
Rosa Gagetti	Facilitator, Property & Projects
Tony Amato	Lead – Waste & Strategic Projects
Gabby D’Aloia	Manager Technical & Engineering Services

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

4 Attendees

3. Confirmation of Minutes to the Previous Meeting

Moved Cr Foreman, Seconded Cr Champion

That the Minutes of the Council Meeting held on 12 December 2023 be confirmed as a true and accurate record of proceedings.

Carried (360)

4. Public Forum - Nil

5. Deputations - Nil

6. Presentations - Nil

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 Local Government Participation and Election Review Discussion Paper for comment (D23/103897)

Moved Cr Champion

That Council provides a submission to the Local Government Association of SA and the Office of Local Government consultation on the 'Local Government Participation and Election Review Discussion Paper' as provided in Attachment 2 of the report.

Motion lapsed for want of a seconder

Moved Cr Lawrenson, Seconded Cr Sinclair

That Council defer this matter to a Council meeting in February 2024 subject to an Elected Member Workshop being held on the matter.

Carried Unanimously (361)

11.2 Review of Confidential Orders - January 2024 (D23/103463)

Moved Cr Foreman, Seconded Cr Zagladov

That having undertaken a review of current confidential retention orders, Council supports the continuation of all listed orders as provided in Attachment 1 of the report, noting that the City of Tea Tree Gully Australia Day Awards item dated 12 December 2023 has now been released as the trigger event has passed.

Carried Unanimously (362)

The Mayor sought leave of the meeting to bring forward the management report titled “Tilley Recreation Park Masterplan Community Engagement Outcomes”. Leave was granted.

11.3 Tilley Recreation Park Masterplan Community Engagement Outcomes (D24/1955)

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. Cr Foreman left the meeting at 7.13pm.

Moved Cr Hawkvelt, Seconded Cr Jones

That Council:

1. Notes the findings of the community engagement undertaken on the Draft Tilley Recreation Park Masterplan and the proposed changes to the Tilley Recreation Park Community Land Management Plan to facilitate the inclusion of a dog park in Attachment 1 of this report.
2. Endorses the amended Tilley Recreation Park Community Land Management Plan to facilitate the inclusion of a dog park in Attachment 2 of this report.
3. Endorses the Tilley Recreation Park Masterplan document in Attachment 3 of this report.

Carried Unanimously (363)

Cr Foreman was not present for the vote.

Cr Foreman re-entered the meeting at 7.19pm.

City Operations

11.4 Proposed alteration to Annual Business Plan 2023-24 - Capital Works Program for unsealed footpaths (D24/5605)

Moved Cr B Keane, Seconded Cr Sinclair

1. That Council approves the following changes to the Annual Business Plan 2023-24 Capital Works Program for unsealed footpaths program:
 - a. Removes the following footpaths from the program:
 - Tuscan Reserve, Golden Grove
 - Capulet Reserve, Modbury
 - Spring Crescent, Banksia Park
 - Marsha Reserve, Banksia Park noting this will be considered as part of the park upgrade with SA Water
 - Tilley Recreation Park, Surrey Downs
 - Hamilton Road (behind golf course), Fairview Park
 - Eastleigh Avenue to Wallsall Lane, Golden Grove
 - Target Hill Road, Greenwith
 - b. Includes the following footpaths to the program:
 - Elliston Reserve, Highbury
 - Bell Reserve, Highbury
 - River Torrens Linear Park, Dernancourt
 - Bentley Reserve, Holden Hill
 - Mitchell Reserve, Highbury
 - Verdant Reserve, Wynn Vale
2. That the proposed changes to the program result in an estimated surplus to the Capital Works program budget of \$60,000, proposed to be allocated as contingency or to other unsealed footpath projects (to be determined), according to priority.

Amendment

Moved Cr Jones, Seconded Cr Unger

1. That Council approves the following changes to the Annual Business Plan 2023-24 Capital Works Program for unsealed footpaths program:
 - a. Removes the following footpaths from the program:
 - Marsha Reserve, Banksia Park noting this will be considered as part of the park upgrade with SA Water
 - Tilley Recreation Park, Surrey Downs
 - Eastleigh Avenue to Wallsall Lane, Golden Grove
 - Target Hill Road, Greenwith

- b. Considers including the following footpaths to the draft 2024-25 Capital works program:
 - Elliston Reserve, Highbury
 - Bell Reserve, Highbury
 - River Torrens Linear Park, Dernancourt
 - Bentley Reserve, Holden Hill
 - Mitchell Reserve, Highbury
 - Verdant Reserve, Wynn Vale
2. That the proposed changes to the program and estimated surplus to the Capital Works program budget be allocated as contingency or to other unsealed footpath projects (to be determined), according to priority.

Carried (364)

The Mayor sought leave of the meeting with consent of the mover and seconder to vary the motion to include a new point 'b' which states "includes the following in the 2023-24 unsealed footpath program:

- *Mitchell Reserve, Highbury".*
- Leave was granted and the motion was varied.*

Motion as varied

1. That Council approves the following changes to the Annual Business Plan 2023-24 Capital Works Program for unsealed footpaths program:
 - a. Removes the following footpaths from the program:
 - Marsha Reserve, Banksia Park noting this will be considered as part of the park upgrade with SA Water
 - Tilley Recreation Park, Surrey Downs
 - Eastleigh Avenue to Wallsall Lane, Golden Grove
 - Target Hill Road, Greenwith
 - b. includes the following in the 2023-24 unsealed footpath program:
 - Mitchell Reserve, Highbury
 - c. Considers including the following footpaths to the draft 2024-25 Capital works program:
 - Elliston Reserve, Highbury
 - Bell Reserve, Highbury
 - River Torrens Linear Park, Dernancourt
 - Bentley Reserve, Holden Hill
 - Mitchell Reserve, Highbury
 - Verdant Reserve, Wynn Vale

2. That the proposed changes to the program and estimated surplus to the Capital Works program budget be allocated as contingency or to other unsealed footpath projects (to be determined), according to priority.

Carried (365)

11.5 O Bahn Linear Park South Watercourse Rehabilitation Application for Grant Funding (D24/6475)

During the debate, Cr Jones left the meeting at 7.54pm.

Moved Cr Lawrenson, Seconded Cr Champion

That Council:

- 2.1 Authorises the CEO to make an application to the Federal Government's Urban Rivers and Catchments Program 2023 to support the rehabilitation of the O-Bahn Linear Park South Reserve and the watercourse contained therein.
- 2.2 Authorises the CEO to apply for any other relevant external grant funding opportunities to support the rehabilitation.
- 2.3 Authorises the CEO and Mayor to sign and seal (if required) any grant deeds as required by relevant grant funding bodies.

Carried Unanimously (366)

Cr Jones was not present for the vote.

Cr Jones re-entered the meeting at 7.57pm.

Corporate Services - Nil

Strategy & Finance

11.6 Community Land Revocation - portion Kimberley Reserve - Ministerial approval (D24/6097)

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 of her personal obligation to comply with the Assessment Panel Members Code of Conduct, which arises by virtue of her membership on the Council Assessment Panel established under the Planning, Development and Infrastructure Act 2016. Participation in this item of business would be at odds with her obligations under that Code.. Cr Foreman dealt with this matter in an accountable and transparent way by leaving the meeting. Cr Foreman left the meeting at 7.59pm.

Moved Cr Drozdoff, Seconded Cr Petrie

That Council:

1. Pursuant to Section 194 of the Local Government Act 1999 revokes the community land classification from portion of allotment 49 in Deposited Plan 9814 described in Certificate of Title Volume 5111 Folio 510 and located at 6-8 Kimberley Avenue, Modbury North as indicated in Figure 1 in this Report.
2. Authorises the Chief Executive Officer and the Mayor to sign all relevant documents to give effect to this decision relating to the land revocation and sale and transfer of the land to Oasis (Modbury North) Pty Ltd for the agreed purchase price of \$315,000 (exclusive of GST).
3. Authorises the removal of the portion of the reserve for sale from the Modbury North Community Land Management Plan following settlement.

Carried Unanimously (367)

Cr Foreman was not present for the vote.

Cr Foreman re-entered the meeting at 8.04pm

11.7 Community Land Revocation - portion 962-974 Grand Junction Road, Holden Hill - Ministerial approval (D24/1528)

Moved Cr Zagladov, Seconded Cr Unger

That Council:

1. Pursuant to Section 194 of the Local Government Act 1999 revokes the community land classification from portion of allotment 18 in Deposited Plan 9917 described in Certificate of Title Volume 5274 Folio 796 and located at 962-974 Grand Junction Road, Holden Hill as indicated in Figure 1 in this Report.
2. Authorises the Chief Executive Officer and the Mayor to sign all relevant documents to give effect to this decision relating to the land revocation and sale and transfer of the land to Rafnix Pty Ltd for the agreed purchase price of \$205,000 (exclusive of GST)
3. Authorises the removal of the portion of the reserve for sale from the Holden Hill Community Land Management Plan following settlement.

The Mayor sought leave of the meeting with consent of the mover and seconder to vary the motion to include the additional wording at the end of dot point 2 “, noting that Council is committed to re-investing the proceeds into the Holden Hill area”. Leave was granted.

Motion as Varied

That Council:

1. Pursuant to Section 194 of the Local Government Act 1999 revokes the community land classification from portion of allotment 18 in Deposited Plan 9917 described in Certificate of Title Volume 5274 Folio 796 and located at 962-974 Grand Junction Road, Holden Hill as indicated in Figure 1 in this Report.
2. Authorises the Chief Executive Officer and the Mayor to sign all relevant documents to give effect to this decision relating to the land revocation and sale and transfer of the land to Rafnix Pty Ltd for the agreed purchase price of \$205,000 (exclusive of GST), noting that Council is committed to re-investing the proceeds into the Holden Hill area.
3. Authorises the removal of the portion of the reserve for sale from the Holden Hill Community Land Management Plan following settlement.

Carried Unanimously (368)

11.8 Encroachments - Janlyn Reserve, Vista (D24/3329)

Moved Cr Jones, Seconded Cr Hawkvelt

That Council:

1. Resolves to progress with Option 4 (transfer plus easements) as detailed in report as the preferred approach to address the encroachments over Janlyn Reserve, Vista.
2. Authorises the CEO or his delegate to write to those affected property owners who will gain land from the proposed transaction, requesting in principle agreement for Council to transfer to them, at no cost to them, the portion of Janlyn Reserve, Vista occupied by the property owner (to be identified in a certified survey plan) and creation of an easement over land containing Council and SA Water infrastructure if required, subject to the Minister's approval to revoke the community land classification over Janlyn Reserve, Vista.
2. Authorises the CEO or his delegate to write to those affected property owners who will lose land from the proposed transaction, requesting in principle agreement for Council to adjust the property boundary adjacent Janlyn Reserve, Vista so it aligns with the existing fence alignment (to be identified in a certified survey plan), at no cost to them, with an offer of financial compensation equivalent to land value, subject to the Minister's approval to revoke the community land classification over Janlyn Reserve, Vista.
3. Requests a further report be provided to Council on the outcome of the initial consultation with affected property owners and confirmation of next steps.

Carried Unanimously (369)

11.9 Grant Funding Application Fairleigh Reserve, Modbury North, Dry Creek Corridor (D24/5163)

Moved Cr Champion, Seconded Cr Petrie

That Council:

1. Authorises the CEO to make an application to the State Government's Open Space Grant Program 2023-24 for an amount of \$500k (the maximum permitted) to support the upgrade of Fairleigh Reserve as detailed in Attachment 1.
2. Authorises the CEO to apply for any other relevant external grant funding opportunities to support the upgrade.
3. Authorises the Chief Executive Officer and Mayor to sign and seal (if required) any grant deeds as required by relevant grant funding bodies.
4. Considers the inclusion of \$700k in the Draft Annual Business Plan for 2024-25 to deliver the upgrade should grant funding be secured.

Carried Unanimously (370)

Community Services - Nil

12. Notice(s) of Motions

12.1 Notice of Motion - Economic Development – Local Gift Cards (Cr Blake Lawrenson) (D24/5008)

Moved Cr Lawrenson, Seconded Cr Champion

1. That Council requests a report investigating options to implement a local gift card scheme considering:
 - a. the program used by the Campbelltown City Council;
 - b. interest in such a scheme by local businesses;
 - c. the types of business that the scheme could include;
 - d. the costs and risks to Council; and
 - e. the benefits to Council and the wider local community; and
 - f. any other information that the CEO deems relevant

make a recommendation as to whether to implement such a scheme in the City of Tea Tree Gully.

2. That the report be returned to Council in March 2024 including recommendations that can be considered for inclusion in future business planning and budgets.

Carried Unanimously (371)

13. Motions without Notice - Nil

14. Questions on Notice - Nil

15. Questions without Notice - Nil

16. Mayor's Report

Council received the Mayor's report.

17. Council Delegates and Activities Report

18. Information Reports

The following Information reports were received at the meeting:

18.1 Council Assessment Panel - Meeting Operating Procedures (D23/104015)

18.2 Parafield Airport Preliminary Draft Master Plan 2024 (D24/2035)

18.3 Local Government Association - Ordinary General Meeting - Proposed Items of Business - May 2024 (D24/4099)

Moved Cr Lawrenson, Seconded Cr Unger

That Council submits the following notice of motion to the LGA OGM:

That the Ordinary General Meeting requests the LGA to amend the LGA Constitution to:

1. Move appointment of the LGA President, GAROC and SAROC members away from the current local government election cycle.
2. Allow casual vacancies for the position of LGA President to be voted on by member councils, rather than the Board.

Carried Unanimously (372)

18.4 Proposed Single-use and Other Plastic Products Amendment Regulations - 2024 and 2025 items (D24/4594)

19. Status Report on Resolutions

19.1 Status Report on Council Resolutions - Pending Actions (D24/1931)

Council received the Status Report on Council Resolutions – Pending

19.2 Status Report on Council Resolutions - Completed Actions (D24/1932)

Council received the Status Report on Council Resolutions – Completed Actions

20. Other Business - Nil

21. Confidential Items

21.1. Park development - Australia Reserve, Modbury (D24/5584)

Recommendation for Moving into Camera

Moved Cr Foreman, Seconded Cr Champion

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 Park development - Australia Reserve, Modbury.
2. That the Council is satisfied that pursuant to section 90(3)(b) of the Local Government Act 1999, the information be received, discussed or considered in relation to this item is:
 - information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; AND information the disclosure of which would, on balance, be contrary to the public interest.
 - on the basis that the report discusses contractual arrangements and potential negotiations, in which release of this information could compromise the ability to negotiate the best outcome for Council and the community.
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 release of this information could compromise the ability to negotiate the best outcome for Council and the community.

Carried Unanimously (373)

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

Ryan McMahon, Justin Robbins, Michael Pereira, Leisha Bond, Leisha Bond, Ilona Cooper, Deana Taglierini and Ingrid Wilkshire.

21.1 Park development - Australia Reserve, Modbury (D24/5584)

Confidential Page Removed

The Confidential Resolution No 374 has been withdrawn from the public minute record in accordance with Resolution No 375.

Retention of confidential documents:

Moved Cr Foreman, Seconded Cr Sinclair

1. That having considered the agenda item titled “ Park development - Australia Reserve, Modbury” and dated 30 January 2024 in confidence under section 90(2) & (3)(b) and Section 91(7) of the Local Government Act 1999:
 - information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; AND
 - information the disclosure of which would, on balance, be contrary to the public interest

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 the:

- the completion of the upgrade of Australia Reserve; or
 - completion of stage 2 settlement; 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 (375)

22. Date of Next Ordinary Meeting

13 February 2024

The Mayor declared the meeting closed at 8.53pm.

Confirmed.....
13 February 2024