

MINUTES
OF THE COUNCIL MEETING OF THE CITY OF TEA TREE GULLY HELD ON
TUESDAY 12 SEPTEMBER 2023 AT 7.02PM 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 B Keane, J Hawkvelt, L Jones, I Zagladov, R Unger (arrived at 8.22pm), K Drozdoff, M Champion, S Keane and K Foreman.

2.2 Apologies

T Sinclair and B Lawrenson.

2.3 Leave of Absence

Cr Wyld 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
Ilona Cooper	Manager Corporate Governance
Kristyn Barnes	Governance Administration Officer
Rebecca Baines	Manager Finance & Rating Services
Ingrid Wilkshire	Manager City Strategy
Rosa Gagetti	Property & Projects Facilitator
Rick Gower	Manager Health & Recreation Services
Michelle Atkinson	Club Liaison Officer
Jeff Sharp	Facility Manager Waterworld Aquatic Centre
Matthew Taylor	Interim Manager Community Wellbeing

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

11 Attendees

2.6 Record of Media in Physical Attendance

Nil

3. Confirmation of Minutes to the Previous Meeting

Moved Cr B Keane, Seconded Cr Foreman

That the Minutes of the Council Meeting held on 22 August 2023 be confirmed as a true and accurate record of proceedings.

Carried Unanimously (241)

4. Public Forum

Ashley Thompson spoke in relation to the management report titled ‘Grant Funding Invitation – North East Hockey Club’.

Brian Emery spoke in relation to the management report titled ‘Kiwanis Club of Tea Tree Gully – Donation to the Road and Cycle Safety Centre’.

Craig Mousley spoke in relation to the management report titled ‘Grant Opportunities – Community Recreation and Sport Facilities Program 2023-24’.

5. Deputations - Nil

The Mayor sought leave of the meeting to move the presentation titled ‘Presentation – Audited Financial Statements 2022-2023’ to the Committee Reports, Audit & Risk Committee titled ‘Audited Financial Statements 2022-2023’. Leave was granted.

6. Presentations – refer to item 12.1 ‘Audited Financial Statements 2022-2023’

7. Petitions

7.1 Petition - Against Footpath on Sassafras Drive, Highbury (D23/66007)

Council received the Petition.

8. Declaration of Conflicts of Interests - Nil

The Mayor sought leave of the meeting to bring forward the management reports titled:

- *'Kiwanis Club of Tea Tree Gully – Donation to the Road and Cycle Safety Centre'*
- *'Grant Opportunities – Community Recreation and Sport Facilities Program 2023-24'; and*
- *'Grant Funding Invitation – North East Hockey Club' and 'Waterworld Aquatic Centre – Community Engagement and Concept Outcomes for Future Planning of the Centre'.*

Leave was granted.

9. Management Reports

Community Services

9.1 Kiwanis Club of Tea Tree Gully - Donation to the Road and Cycle Safety Centre (D23/62629)

Moved Cr Foreman, Seconded Cr Champion

That Council, having considered the report titled “Kiwanis Club of Tea Tree Gully – Donation to the Road and Cycle Safety Centre” and dated 12 September 2023, supports the following;

1. Accept the \$10,000 donation from the Kiwanis Club of Tea Tree Gully for the purpose of a shade structure and plaque at the Road Cycle Safety Centre.
2. Allocate \$15,000 contribution in the 2023/2024 budget towards a shade structure and plaque at the Road Cycle Safety Centre.
3. That the Mayor write to the Kiwanis Club of Tea Tree Gully on behalf of the Council to acknowledge their outstanding service to the City of Tea Tree Gully community which has extended been for 43 years from 1980 to 2023.

Carried Unanimously (242)

9.2 Grant Opportunities - Community Recreation and Sport Facilities Program 2023-24 (D23/63155)

Moved Cr S Keane, Seconded Cr Foreman

That having considered the report titled “Grant Opportunities – Community Recreation and Sport Facilities Program 2023-24” and dated 12 September 2023:

1. Council approves the Chief Executive Officer to make the following grant funding submissions to support the following community projects:
 - a. Supports and approves a grant application be submitted to the Community Recreation and Sport Facilities Program for the Burragah Sports Field Upgrade in the amount of \$500k and notes Council’s contribution of \$500k should it be successful.
 - b. Supports and approves a grant application be submitted to the Community Recreation and Sport Facilities Program by the Golden Grove Tennis Club Incorporated for an amount of \$500k to support the supply and installation of three tennis courts and resurface on existing court at Tilley Reserve and notes Council’s contribution of \$700k should it be successful.
 - c. Supports and approves a grant application be submitted to the Community Recreation and Sport Facilities Program by the Tea Tree Gully Athletics Club Incorporated in the amount of \$250k for upgrade to club room facility located at Bulkana Oval and notes Council’s contribution of \$250k should it be successful.
2. The Chief Executive Officer to provide a letter of support to Golden Grove Tennis Club Incorporated and the Tea Tree Gully Athletics Club Incorporated for the grant application.
3. In the event that any of the above grants are unsuccessful, authorises the Chief Executive Officer to support or apply for any other relevant grant programs under the same conditions endorsed in this report.
4. Council authorises the Chief Executive Officer and Mayor to sign and seal (if required) the Grant Deed as necessary as to execute the Deed with the Office for Recreation, Sport and Racing or any other relevant grant funding body.

Leave off the meeting was sought with the consent of the mover and seconder to vary the motion to remove paragraph 3. Leave was granted and the motion was varied.

Motion as varied

That having considered the report titled “Grant Opportunities – Community Recreation and Sport Facilities Program 2023-24” and dated 12 September 2023:

1. Council approves the Chief Executive Officer to make the following grant funding submissions to support the following community projects:
 - a. Supports and approves a grant application be submitted to the Community Recreation and Sport Facilities Program for the Burragah Sports Field Upgrade in the amount of \$500k and notes Council’s contribution of \$500k should it be successful.
 - b. Supports and approves a grant application be submitted to the Community Recreation and Sport Facilities Program by the Golden Grove Tennis Club Incorporated for an amount of \$500k to support the supply and installation of three tennis courts and resurface on existing court at Tilley Reserve and notes Council’s contribution of \$700k should it be successful.
 - c. Supports and approves a grant application be submitted to the Community Recreation and Sport Facilities Program by the Tea Tree Gully Athletics Club Incorporated in the amount of \$250k for upgrade to club room facility located at Bulkana Oval and notes Council’s contribution of \$250k should it be successful.
2. The Chief Executive Officer to provide a letter of support to Golden Grove Tennis Club Incorporated and the Tea Tree Gully Athletics Club Incorporated for the grant application.
3. Council authorises the Chief Executive Officer and Mayor to sign and seal (if required) the Grant Deed as necessary as to execute the Deed with the Office for Recreation, Sport and Racing or any other relevant grant funding body.

Leave off the meeting was sought with the consent of the mover and seconder to vary the motion to add the words “including lights” in subparagraph b. Leave was granted and the motion was varied.

Motion as varied

That having considered the report titled “Grant Opportunities – Community Recreation and Sport Facilities Program 2023-24” and dated 12 September 2023:

1. Council approves the Chief Executive Officer to make the following grant funding submissions to support the following community projects:
 - a. Supports and approves a grant application be submitted to the Community Recreation and Sport Facilities Program for the Burragah Sports Field Upgrade in the amount of \$500k and notes Council’s contribution of \$500k should it be successful.
 - b. Supports and approves a grant application be submitted to the Community Recreation and Sport Facilities Program by the Golden Grove Tennis Club Incorporated for an amount of \$500k to support the supply and installation of three tennis courts including lights and resurface on existing court at Tilley Reserve and notes Council’s contribution of \$700k should it be successful.
 - c. Supports and approves a grant application be submitted to the Community Recreation and Sport Facilities Program by the Tea Tree Gully Athletics Club Incorporated in the amount of \$250k for upgrade to club room facility located at Bulkana Oval and notes Council’s contribution of \$250k should it be successful.
2. The Chief Executive Officer to provide a letter of support to Golden Grove Tennis Club Incorporated and the Tea Tree Gully Athletics Club Incorporated for the grant application.
3. Council authorises the Chief Executive Officer and Mayor to sign and seal (if required) the Grant Deed as necessary as to execute the Deed with the Office for Recreation, Sport and Racing or any other relevant grant funding body.

Carried Unanimously (243)

9.3 Grant Funding Invitation - North East Hockey Club (D23/63435)

Moved Cr S Keane, Seconded Cr Foreman

That having considered the report titled “Investing in Our Communities Program 2022-23 – Grant Funding Invitation – North East Hockey Club” and dated 12 September 2023, Council:

1. Supports and approves a grant application be submitted to the Investing in Our Communities Program by the North East Hockey Club for an amount of \$500k as a contribution towards the installation of a synthetic warm-up and training area at Golden Grove.
2. Supports and approves a grant application be submitted to the Community Recreation and Sport Facilities Program by the North East Hockey Club for an amount of \$200k as a contribution towards the installation of a synthetic warm-up and training area at Golden Grove.
3. Notes Council’s contribution of \$100k should both grant applications be successful.
4. Notes any Council contribution will be included in the 2024-2025 Budget.
5. The Chief Executive Officer provide a letter of support to North East Hockey Club for the respective grant applications.
6. In the event any of the above grants are unsuccessful, authorises the Chief Executive Officer (or delegate) to support or apply for any other relevant grant programs under the same conditions endorsed in this report.
7. Council authorises the Chief Executive Officer and Mayor to sign and seal the Grant Deed as necessary as to execute the Deed with the Department of Infrastructure, Transport, Regional Development, Communications and the Arts for the Investing in Our Communities Program Grant.
8. Council authorises the Chief Executive Officer and Mayor to sign and seal the Grant Deed as necessary as to execute the Deed with the Office for Recreation, Sport and Racing for the Community Recreation and Sport Facilities Program Grant if successful.

Carried Unanimously (244)

9.4 Waterworld Aquatic Centre - Community Engagement and Concept Outcomes for Future Planning of the Centre (D23/67037)

Moved Cr Foreman, Seconded Cr S Keane

That having considered the concept titled “Waterworld Aquatic Centre – Community Engagement and Concept Outcomes for future planning of the centre” and dated 12 September 2023, Council:

1. Notes the findings of provided in Attachment 1 titled “Waterworld Aquatic Centre Future Planning - Community Engagement and High-level concept plan”, that options for expanding the Waterworld Facility to include additional indoor facilities, at this point in time, do not represent value for money and the costs outweigh the benefits.
2. Retains the current site as the location of Waterworld.
3. Endorses the CEO to focus the Waterworld Concept Plan on recommended improvements to the precinct including:
 - a. the upgraded 50m pool
 - b. upgraded 25m pool
 - c. pedestrian and vehicle movement infrastructure
 - d. upgraded splash pad
 - e. new changerooms and general amenity.
4. Notes that the CEO will undertake an asset lifespan assessment to determine the priorities of the above infrastructure improvements and will update the costings prior to the consideration of the 2024-25 draft capital works program.

Carried Unanimously (245)

10. Adjourned Business - Nil

11. Motions Lying on the Table - Nil

12. Committee Reports

Service Review Committee - Nil

Audit & Risk Committee

12.1 Recommendations from the Audit Committee Meeting held on 6 September 2023

Risk Management Policy (D23/66832)

During the moving of the motion, Cr S Keane left the meeting at 7.46 and re-entered the meeting at 7.48pm.

Moved Cr Zagladov, Seconded Cr Champion

That the “Risk Management Policy” as amended by the Audit & Risk Committee Meeting on 6 September 2023 be adopted.

Carried Unanimously (246)

Audited Financial Statements 2022-2023 (D23/64557)

Rebecca Baines, Manager Finance & Rating Services provided a presentation on the Audited Financial Statements 2022-2023.

Moved Cr Zagladov, Seconded Cr S Keane

That Council receives the audited financial statements for financial year ending 30 June 2023 as detailed in Attachment 1 to the Audit Committee report titled “Audited Financial Statements 2022-2023” and dated 6 September 2023.

Carried (247)

Governance & Policy Committee

12.2 Recommendations from Governance and Policy Committee held on 30 August 2023

Development Assessment Delegation Policy (D22/12247)

Moved Cr Jones, Seconded Cr Zagladov

That the “Development Assessment Delegation Policy ” as reviewed by the Governance and Policy Committee on 30 August 2023 be revoked.

Carried Unanimously (248)

CEO Performance Review Committee - Nil

13. Management Reports

Office of the Chief Executive Officer - Nil

City Operations - Nil

Corporate Services - Nil

Strategy & Finance

13.1 Draft Community Land Management Plans - Sporting and Community - Community Engagement (D23/63407)

Moved Cr Champion, Seconded Cr S Keane

That having considered the report titled “Draft Community Land Management Plans – Sporting and Community - Community Engagement” and dated 12 September 2023, Council:

1. Endorses the CLMP Framework as outlined in Attachment 1 of the Report and the CEO be authorised to adjust the framework where required to accommodate operational requirements.
2. Proceed with statutory community engagement required pursuant to the Local Government Act 1999 for the nineteen Community Land Management Plans for Sporting and Community facilities as Attachments 2 to 20 to the report.
3. Adopt the Community Engagement Strategy at Attachment 21 to the report for the statutory community engagement required for the preparation of new Community Land Management Plans.
4. Requests that a further report be presented to Council advising of the outcomes of the community engagement.

Carried Unanimously (249)

13.2 Unsolicited Proposal - portion Reserve 962-974 Grand Junction Road, Holden Hill (D23/66416)

Moved Cr S Keane, Seconded Cr Foreman

That having considered the report titled “Unsolicited Proposal – Portion Reserve 962-974 Grand Junction Road, Holden Hill” and dated 12 September 2023”, Council:

1. Provides in-principle support for a short-term lease, community land revocation and potential disposal of portion of Allotment 18, DP9917 in Certificate of Title 5274/796, being the portion described in the report, pending community engagement and the outcome of negotiations with the proponent Rafnix Pty Ltd.
2. Advises the applicant that should this proposal be approved following community engagement, it will require existing landscaping on the Reserve to be retained other than in the area proposed for lease and subsequent purchase, and that the proponent submit a landscape plan as part of any agreement/approval to ensure the retaining wall and fence is screened from Grand Junction Road, to the satisfaction of the CEO.
3. Adopts the Community Engagement Strategy for the statutory consultation required under Sections 194 and 198 of the Local Government Act 1999 for the potential lease and disposal of the land and proposed amendment to the Community Land Management Plan as identified in Attachments 7 and 4 of the report .
4. Adopts Attachment 6 of the report, as the report required under Section 194(2) of the Local Government Act 1999 to be made publicly available during the community engagement period.
5. Requests that a further report be presented to Council advising of the outcomes of the community engagement.

Carried Unanimously (250)

14. Notice(s) of Motions - Nil

15. Motions without Notice - Nil

16. Questions on Notice - Nil

17. Questions without Notice

Cr Hawkvelt, Mayor Ryan and Cr Champion asked questions in regards to the Giant Pine Scale at Elliston Reserve and Hope Valley Reservoir.

18. Mayor's Report

Council received the Mayor's report.

19. Council Delegates and Activities Report – Nil

20. Information Reports

The following Information reports were received at the meeting:

20.1 Neighbourhood Event Grants (D23/66175)

20.2 10-20 Halls Road, Highbury Code Amendment - Proposal to Initiate approved by Minister (D23/66593)

20.3 Local Government Finance Authority (LGFA) Annual General Meeting (AGM) - 26 October 2023 (D23/67044)

20.4 Update on Council response to homelessness (D23/67450)

20.5 Relocation of Active Ageing Social Support Groups (D23/68958)

21. Status Report on Resolutions

21.1 Status Report on Council Resolutions - Pending Actions (D23/67313)

Council received the Status Report on Council Resolutions – Pending Actions.

21.2 Status Report on Council Resolutions - Completed Actions (D23/67316)

Council received the Status Report on Council Resolutions – Completed Actions.

22. Other Business

Mayor Ryan acknowledged the Winter 2023 Sporting Achievements within the City of Tea Tree Gully to date:

- Golden Grove Football Club – Division 6 Premiers
- Golden Grove Football Club – A grade in Grand Final on 23 September 2023 and will go to Division 1 no matter the outcome
- Golden Grove Football Club – both men’s B and D grade will be in the Grand Final on 23 September 2023
- Hope Valley Football Club – Women’s Division 3 Premiers
- Modbury Hawks Football Club - Men’s A Grade, Reserves, C3 and C8 teams in Grand Final on 23 September 2023
- Modbury Jets Amateurs – Men’s B grade and C2 Premiers
- Tea Tree Gully Soccer Club – Men’s Senior Division 8 League Championship Winners
- Golden Grove Netball Club – Women’s B1 and C2 Premiers
- Strikers Netball Club – Women’s A1 Premiers

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

23.1. Sale of Land for Non Payment of Council Rates (D23/56552)

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 Sale of Land for Non Payment of Council Rates.*
2. *That the Council is satisfied that pursuant to section 90(3)(a) of the Local Government Act 1999, 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 *On the basis that it relates to personal financial affairs of rate payers and is inappropriate to put pending private financials in the public domain prior to it being finalised.*
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 it could impact the financial position of the relevant ratepayer.*

Carried (251)

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

Ryan McMahon, Leisha Bond, Michael Pereira, Felicity Birch, Justin Robbins, Rebecca Baines, Ilona Cooper and Kristyn Barnes.

22.1 Sale of Land for Non Payment of Council Rates (D23/56552)

Confidential Page Removed

The Confidential Resolution No 252 has been withdrawn from the public minute record in accordance with Resolution No 251.

Retention of confidential documents:

Moved Cr Hawkvelt, Seconded Cr S Keane

1. That having considered the agenda item titled “ Sale of Land for Non Payment of Council Rates” and dated 12 September 2023 in confidence under section 90(2) & (3)(a) 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, attachments and minutes relevant to this item be retained in confidence until the debts have been settled or settlement of the properties has occurred 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 (253)

23. Date of Next Ordinary Meeting

26 September 2023

The Mayor declared the meeting closed at 8.33pm.

Confirmed.....
Mayor 26 September 2023