

MINUTES
OF THE COUNCIL MEETING OF THE CITY OF TEA TREE GULLY HELD ON
TUESDAY 28 NOVEMBER 2023 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

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

2.2 Apologies

Nil

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
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
Tony Amato	Lead – Waste & Strategic Projects
Dewald Hartszenberg	Manager Operations Support Services
Chris Campbell	Coordinator Quality & Innovation
Darren Hill	Team Leader, Operations Assessment
Gabby D'Aloia	Technical & Engineering Services

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

7 Attendees

3. Confirmation of Minutes to the Previous Meeting

Moved Cr Champion, Seconded Cr Sinclair

That the Minutes of the Council Meeting held on 14 November 2023 be confirmed as a true and accurate record of proceedings.

Carried Unanimously (314)

4. Public Forum

Trish Chapman and Joe Scinto spoke in relation to the management report titled ‘Community Engagement Outcome - Unsolicited Proposal - Acquire Portion Kimberley Reserve, Modbury North’.

5. Deputations

5.1 Deputation – George Francesco Belperio (10 minutes)

George Francesco Belperio provided a deputation in relation to the management report titled ‘Community Engagement Outcome – Draft Community Land Management Plans – Sporting and Community sites’.

6. Presentations - Nil

7. Petitions - Nil

8. Adjourned Business - Nil

9. Motions Lying on the Table - Nil

Leave of the meeting was sought to bring forward the management reports titled:

- ‘Governance and Policy Committee and Council Assessment Panel Membership Vacancies’
- ‘Community Engagement Outcome - Unsolicited Proposal - lease and subsequent sale to Rafnix Pty Ltd (Supashock) - portion 962-974 Grand Junction Road, Holden Hill’
- ‘Community Engagement Outcome - Unsolicited Proposal - Acquire Portion Kimberley Reserve, Modbury North’
- ‘Community Engagement Outcome - Draft Community Land Management Plans - Sporting and Community sites’.

Leave was not granted.

Leave of the meeting was sought to bring forward the management reports titled:

- ‘Community Engagement Outcome - Unsolicited Proposal - lease and subsequent sale to Rafnix Pty Ltd (Supashock) - portion 962-974 Grand Junction Road, Holden Hill’
- ‘Community Engagement Outcome - Unsolicited Proposal - Acquire Portion Kimberley Reserve, Modbury North’.

Leave was granted.

10. Management Reports

Strategy & Finance

10.1 Community Engagement Outcome - Unsolicited Proposal - lease and subsequent sale to Rafnix Pty Ltd (Supashock) - portion 962-974 Grand Junction Road, Holden Hill (D23/87515)

Moved Cr Unger, Seconded Cr Zagladov

That having considered the report titled “Community Engagement Outcome - Unsolicited Proposal - lease and subsequent sale to Rafnix Pty Ltd (Supashock) - portion 962-974 Grand Junction Road, Holden Hill” and dated 28 November 2023, Council:

1. Notes the outcomes from community engagement outlined in Attachment 1 titled “Community Outcomes Report – Proposed short-term lease & sale of a portion of land on Grand Junction Road, Holden Hill” dated November 2023.
2. Pursuant to Section 202 of the Local Government Act 1999, grants a lease to Rafnix Pty Ltd to construct a driveway, retaining wall and fence over 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, for up to 18 months for an annual fee of \$8,200 (plus GST), and the CEO be authorised to finalise and execute the lease document on behalf of Council.

3. Authorises the amendment of the Holden Hill Community Land Management Plan – O-Bahn South to include the lease to Rafnix Pty Ltd of 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.
4. Seeks the consent of the Minister for Local Government to revoke the community land classification on portion of allotment 18 in Deposited Plan 9917 described in Certificate of Title Volume 5274 Folio 796 located at 962-974 Grand Junction Road, Holden Hill as indicated in Figure 1 in this Report, provided that Rafnix Pty Ltd formally accepts the valuation prepared by Liquid Pacific Asset Consultants on 25 October 2023 as the purchase price of \$205,000 (plus GST) for the subject land.
5. Indicates its intention to sell the land described therein for the market value of \$205,000 (plus GST) to Rafnix Pty Ltd, subject to approval from the Minister referred to in item 4 above, and commence the disposal process following the revocation of the community land classification with all associated costs to be met by Rafnix Pty Ltd.
6. Includes with the submission to the Minister for Local Government, the Report titled “Community Engagement Outcome - Unsolicited Proposal – Lease and Subsequent Sale to Rafnix Pty Ltd (Supashock) – Portion 962-974 Grand Junction Road, Holden Hill” dated 28 November 2023 and the report prepared pursuant to Section 194 of the Local Government Act 1999 (Attachment 4), and a further report be presented to Council advising of the Minister’s decision.
7. Resolves that any proceeds from the potential sale of the subject land be allocated for upgrades and improvements to the public realm in the Holden Hill area.

Carried Unanimously (315)

10.2 Community Engagement Outcome - Unsolicited Proposal - Acquire Portion Kimberley Reserve, Modbury North (D23/77468)

During the moving of the motion, Cr Jones left the meeting at 7.47pm and re-entered the meeting at 7.49pm during the seconding of the motion.

During the debate, Cr Lawrenson left the meeting at 8.14pm and re-entered the meeting at 8.17pm.

Moved Cr Drozdoff, Seconded Cr Sinclair

That having considered the Report titled “Community Engagement Outcome - Unsolicited Proposal – Acquire Portion Kimberley Reserve, Modbury North” and dated 28 November 2023, Council:

1. Notes the outcomes from community engagement outlined in Attachment 1 titled “Community Engagement Outcomes Report – Proposed sale of a portion of Kimberley Reserve” dated September 2023.
2. Seeks the consent of the Minister for Local Government to revoke the community land classification on portion of the land described as Allotment 49 in DP9814 within Certificate of Title Volume 5111, Folio 510 located at 6-8 Kimberley Avenue, Modbury North, indicated in Attachment 2, provided that Oasis (Modbury North) Pty Ltd formally accepts the valuation prepared by McGees Property Valuers dated 8 June 2023 as the purchase price of \$315,000 (plus GST) for the subject land.
3. Indicates its intention to sell the land described therein for the market value of \$315,000 (plus GST) to Oasis (Modbury North) Pty Ltd, subject to approval from the Minister referred to in item 2 above, and commence the disposal process following the revocation of the community land classification with all associated costs to be met by Oasis (Modbury North) Pty Ltd.
4. Resolves that any proceeds from the potential sale of the subject land be allocated for upgrades and improvements to Kimberley Reserve including the construction of indented carparks in the local area.
5. Resolves that the Council Report “Community Engagement Outcome - Unsolicited Proposal – Acquire Portion Kimberley Reserve, Modbury North” dated 28 November 2023, including all Attachments, be submitted to the Minister and a further report be presented to Council advising of the Minister’s decision.
6. That pending approval from the Minister, the CEO be authorised to enter into a Land Management Agreement or other appropriate instrument of agreement with the developer to limit the number of dwellings to a maximum of 5, with the agreement to be extinguished upon the construction of the dwellings.

Cr Lawrenson sought consent of the mover and seconder to vary the motion in two parts:

- 1. Change the limit to the number of dwellings to a maximum of 3*
- 2. Amend the purchase price to \$375,000.*

The mover and seconder did not consent to vary the motion for the first point, however consented to vary the motion for the second point. Leave of the meeting was sought and the motion was varied to incorporate point 2.

Motion as varied

That having considered the Report titled “Community Engagement Outcome - Unsolicited Proposal – Acquire Portion Kimberley Reserve, Modbury North” and dated 28 November 2023, Council:

1. Notes the outcomes from community engagement outlined in Attachment 1 titled “Community Engagement Outcomes Report – Proposed sale of a portion of Kimberley Reserve” dated September 2023.
2. Seeks the consent of the Minister for Local Government to revoke the community land classification on portion of the land described as Allotment 49 in DP9814 within Certificate of Title Volume 5111, Folio 510 located at 6-8 Kimberley Avenue, Modbury North, indicated in Attachment 2, provided that Oasis (Modbury North) Pty Ltd formally accepts the valuation prepared by McGees Property Valuers dated 8 June 2023, but determines a purchase price of \$375,000 (plus GST) for the subject land.
3. Indicates its intention to sell the land described therein for \$375,000 (plus GST) to Oasis (Modbury North) Pty Ltd, subject to approval from the Minister referred to in item 2 above, and commence the disposal process following the revocation of the community land classification with all associated costs to be met by Oasis (Modbury North) Pty Ltd.
4. Resolves that any proceeds from the potential sale of the subject land be allocated for upgrades and improvements to Kimberley Reserve including the construction of indented carparks in the local area.
5. Resolves that the Council Report “Community Engagement Outcome - Unsolicited Proposal – Acquire Portion Kimberley Reserve, Modbury North” dated 28 November 2023, including all Attachments, be submitted to the Minister and a further report be presented to Council advising of the Minister’s decision.
6. That pending approval from the Minister, the CEO be authorised to enter into a Land Management Agreement or other appropriate instrument of agreement with the developer to limit the number of dwellings to a maximum of 5, with the agreement to be extinguished upon the construction of the dwellings.

The Mayor sought leave of the meeting with the consent of the mover and seconder to vary the motion to add the words ‘or creation of the land titles’ to the end of paragraph 6. Leave was granted and the motion was varied.

Motion as varied

That having considered the Report titled “Community Engagement Outcome - Unsolicited Proposal – Acquire Portion Kimberley Reserve, Modbury North” and dated 28 November 2023, Council:

1. Notes the outcomes from community engagement outlined in Attachment 1 titled “Community Engagement Outcomes Report – Proposed sale of a portion of Kimberley Reserve” dated September 2023.
2. Seeks the consent of the Minister for Local Government to revoke the community land classification on portion of the land described as Allotment 49 in DP9814 within Certificate of Title Volume 5111, Folio 510 located at 6-8 Kimberley Avenue, Modbury North, indicated in Attachment 2, provided that Oasis (Modbury North) Pty Ltd formally accepts the valuation prepared by McGees Property Valuers dated 8 June 2023 but determines a purchase price of \$375,000 (plus GST) for the subject land.
3. Indicates its intention to sell the land described therein for \$375,000 (plus GST) to Oasis (Modbury North) Pty Ltd, subject to approval from the Minister referred to in item 2 above, and commence the disposal process following the revocation of the community land classification with all associated costs to be met by Oasis (Modbury North) Pty Ltd.
4. Resolves that any proceeds from the potential sale of the subject land be allocated for upgrades and improvements to Kimberley Reserve including the construction of indented carparks in the local area.
5. Resolves that the Council Report “Community Engagement Outcome - Unsolicited Proposal – Acquire Portion Kimberley Reserve, Modbury North” dated 28 November 2023, including all Attachments, be submitted to the Minister and a further report be presented to Council advising of the Minister’s decision.
6. That pending approval from the Minister, the CEO be authorised to enter into an Land Management Agreement or other appropriate instrument of agreement with the developer to limit the number of dwellings to a maximum of 5, with the agreement to be extinguished upon the construction of the dwellings or creation of the land titles.

Cr Zagladov sought consent of the mover and seconder to vary the motion to include the words “single story dwellings” in paragraph 6. The mover and seconder did not consent to vary the motion, therefore leave of the meeting was not sought.

Cr Jones sought consent of the mover and seconder to vary the motion to amend the purchase price back to \$315,000. The mover and seconder did not consent to vary the motion, therefore leave of the meeting was not sought.

Amendment

Moved Cr Jones, Seconded Cr S Keane

That having considered the Report titled “Community Engagement Outcome - Unsolicited Proposal – Acquire Portion Kimberley Reserve, Modbury North” and dated 28 November 2023, Council:

1. Notes the outcomes from community engagement outlined in Attachment 1 titled “Community Engagement Outcomes Report – Proposed sale of a portion of Kimberley Reserve” dated September 2023.
2. Seeks the consent of the Minister for Local Government to revoke the community land classification on portion of the land described as Allotment 49 in DP9814 within Certificate of Title Volume 5111, Folio 510 located at 6-8 Kimberley Avenue, Modbury North, indicated in Attachment 2, provided that Oasis (Modbury North) Pty Ltd formally accepts the valuation prepared by McGees Property Valuers dated 8 June 2023 as the purchase price of \$315,000 (plus GST) for the subject land.
3. Indicates its intention to sell the land described therein for the market value of \$315,000 (plus GST) to Oasis (Modbury North) Pty Ltd, subject to approval from the Minister referred to in item 2 above, and commence the disposal process following the revocation of the community land classification with all associated costs to be met by Oasis (Modbury North) Pty Ltd.
4. Resolves that any proceeds from the potential sale of the subject land be allocated for upgrades and improvements to Kimberley Reserve including the construction of indented carparks in the local area.
5. Resolves that the Council Report “Community Engagement Outcome - Unsolicited Proposal – Acquire Portion Kimberley Reserve, Modbury North” dated 28 November 2023, including all Attachments, be submitted to the Minister and a further report be presented to Council advising of the Minister’s decision.
6. That pending approval from the Minister, the CEO be authorised to enter into an Land Management Agreement or other appropriate instrument of agreement with the developer to limit the number of dwellings to a maximum of 5, with the agreement to be extinguished upon the construction of the dwellings or creation of the land titles.

Carried (316)Motion as amended

That having considered the Report titled “Community Engagement Outcome - Unsolicited Proposal – Acquire Portion Kimberley Reserve, Modbury North” and dated 28 November 2023, Council:

1. Notes the outcomes from community engagement outlined in Attachment 1 titled “Community Engagement Outcomes Report – Proposed sale of a portion of Kimberley Reserve” dated September 2023
2. Seeks the consent of the Minister for Local Government to revoke the community land classification on portion of the land described as Allotment 49 in DP9814 within Certificate of Title Volume 5111, Folio 510 located at 6-8 Kimberley Avenue, Modbury North, indicated in Attachment 2, provided that Oasis (Modbury North) Pty Ltd formally accepts the valuation prepared by McGees Property Valuers dated 8 June 2023 as the purchase price of \$315,000 (plus GST) for the subject land.
3. Indicates its intention to sell the land described therein for the market value of \$315,000 (plus GST) to Oasis (Modbury North) Pty Ltd, subject to approval from the Minister referred to in item 2 above, and commence the disposal process following the revocation of the community land classification with all associated costs to be met by Oasis (Modbury North) Pty Ltd.
4. Resolves that any proceeds from the potential sale of the subject land be allocated for upgrades and improvements to Kimberley Reserve including the construction of indented carparks in the local area.
5. Resolves that the Council Report “Community Engagement Outcome - Unsolicited Proposal – Acquire Portion Kimberley Reserve, Modbury North” dated 28 November 2023, including all Attachments, be submitted to the Minister and a further report be presented to Council advising of the Minister’s decision.
6. That pending approval from the Minister, the CEO be authorised to enter into an Land Management Agreement or other appropriate instrument of agreement with the developer to limit the number of dwellings to a maximum of 5, with the agreement to be extinguished upon the construction of the dwellings or creation of the land titles.

Carried (317)

Cr Jones left the meeting at 8.43pm

The Mayor sought leave of the meeting to bring forward the management reports titled 'Community Engagement Outcome - Draft Community Land Management Plans - Sporting and Community sites'. Leave was granted.

10.3 Community Engagement Outcome - Draft Community Land Management Plans - Sporting and Community sites (D23/94251)

During the debate, Cr Jones re-entered the meeting at 8.45pm.

Moved Cr Champion, Seconded Cr B Keane

That having considered the report titled "Community Engagement Outcome – Draft Community Land Management Plans – Sporting and Community Sites" dated 28 November 2023, Council:

1. Notes the outcomes from community engagement outlined in Attachment 1 titled "Community engagement outcomes report – Draft Community Land Management Plans – Major Sporting & Community Sites" dated November 2023.
2. Amends the Modbury Heights Community Land Management Plan by removing reference to Hargrave Reserve pursuant to Section 198 of the Local Government Act 1999.
3. Adopts the Community Land Management Plans set out in Attachments 3 to 20 for the following Sporting and Community sites effectively revoking previous Community Land Management Plans:
 1. Banksia Sports Park
 2. Burregah Recreation Area
 3. Golden Grove Golden Fields
 4. Greenwith Reserve
 5. Greenwith Sports Park
 6. Hargrave Reserve
 7. Harpers Field
 8. Hope Valley Sports Area
 9. Illyarrie Reserve
 10. Ladywood Reserve
 11. Little Para Reserve
 12. Lyons Reserve
 13. Modbury Sports Area
 14. Richardson Oval
 15. Tea Tree Gully Sports Area
 16. Tilley Recreation Park
 17. Turramurra Recreation Centre
 18. Wynn Vale Recreation Area

4. Authorises the CEO to make editorial changes to the content of any of the Community Land Management Plans adopted in part 3 of this resolution, that may be identified during formatting of the documents and prior to publishing on Council's website, excluding changes that may amend the intent of any of the Community Land Management Plans.

Carried Unanimously (318)

Adjournment of Meeting at 9.00pm

Moved Cr Hawkvelt, Seconded Cr Champion

That the meeting be adjourned for a 10 minute break.

Carried Unanimously (319)

The meeting resumed at 9.11pm. Cr Sinclair provided her apologies and was not present for the remainder of the meeting.

11. Committee Reports

Service Review Committee - Nil

Audit & Risk Committee - Nil

Governance & Policy Committee

11.1 Recommendations from Governance and Policy Committee held on 22 November 2023

Waste Management Policy (D23/48025)

Moved Cr Jones, Seconded Cr Zagladov

That the "Waste Management Policy" as reviewed by the Governance and Policy Committee on 22 November 2023 be adopted as amended.

Carried Unanimously (320)

Community Safety Policy (D23/74678)

Moved Cr Jones, Seconded Cr Champion

That the “Community Safety Policy” as reviewed by the Governance and Policy Committee on 22 November 2023 be adopted as amended.

Carried Unanimously (321)

Footpath Policy (D23/74777)

Moved Cr Jones, Seconded Cr Champion

That the “Footpath Policy” as reviewed by the Governance and Policy Committee on 22 November 2023 be adopted as amended.

Carried Unanimously (322)

Waterworld Management Policy (D23/94552)

Moved Cr Jones, Seconded Cr Drozdoff

That the “Waterworld Management Policy” as reviewed by the Governance and Policy Committee on 22 November 2023 be adopted as amended.

Carried Unanimously (323)

Emergency Management Policy / Incident Management Policy (D23/80749)

Moved Cr Jones, Seconded Cr Zagladov

That the policy formerly known as “Emergency Management Policy” as reviewed by the Governance and Policy Committee on 22 November 2023 be renamed and adopted as amended as the “Incident Management Policy” (as provided in Attachment 1).

Carried (324)

Public Interest Disclosure Policy (D23/74727)

Moved Cr Jones, Seconded Cr Champion

That the “Public Interest Disclosure Policy” as reviewed by the Governance and Policy Committee on 22 November 2023 be adopted.

Carried (325)

Elected Member Support and Training Policy (D23/74697)

Moved Cr Jones, Seconded Cr Hawkvelt

That the “Elected Member Support and Training Policy ” as reviewed by the Governance and Policy Committee on 22 November 2023 be adopted as amended.

Carried Unanimously (326)

CEO Performance Review Committee - Nil

12. Management Reports

Office of the Chief Executive Officer

12.1 Appointment of Deputy Mayor - November 2023 to November 2024 (D23/94198)

After the moving of the motion, Cr Lawrenson raised a point of order on the basis that Cr Champion did not declare a conflict of interest on the basis that if appointed, the position will attract an additional allowance. The Mayor did not uphold the point of order on the basis that Cr Champion had not yet accepted the nomination and therefore did not need to declare a conflict of interest at that time.

After the moving of the motion, pursuant to sections 75 of the Local Government Act 1999, Cr Champion declared a material conflict of interest in relation to the matter on the basis that if appointed the position will attract an additional allowance. Cr Champion dealt with the matter in a transparent and accountable way by leaving the meeting while the matter was discussed and voted on. Cr Champion left the meeting at 9.33pm.

Moved Cr Drozdoff, Seconded Cr B Keane

That Council, in accordance with Section 51(4) of the Local Government Act 1999, appoint Councillor Marina Champion to the position of Deputy Mayor for the period of one year from 30 November 2023 until 11.59pm on 29 November 2024.

Lost

Cr Champion was not present for the vote.

Cr Champion re-entered the meeting at 9.38pm.

Rescission Motion - Deputy Mayor term of appointment

Moved Cr Jones, Seconded Cr Lawrenson

That the following resolution (No. 6) from the Council Meeting held on 29 November 2022 be rescinded:

“That Council, in accordance with Section 51(4) of the Local Government Act 1999, appoints a Councillor to the position of Deputy Mayor for a period of one (1) year.”

Cr Jones raised a point of order on the basis that the Mayor mentioned private matters of a former Councillor in a public setting. The Mayor advised that she was answering a Councillor’s question.

Carried (327)

Appointment of Deputy Mayor for 6 month period – 30 November 2023 to 11.59pm on 30 May 2024

After the moving of the motion, pursuant to sections 75 of the Local Government Act 1999, Cr Unger declared a material conflict of interest in relation to the matter on the basis that if appointed the position will attract an additional allowance. Cr Unger dealt with the matter in a transparent and accountable way by leaving the meeting while the matter was discussed and voted on. Cr Unger left the meeting at 9.55pm.

Moved Cr Jones, Seconded Cr Foreman

That Council, in accordance with Section 51(4) of the Local Government Act 1999, appoint Councillor Rob Unger to the position of Deputy Mayor for the period of Six month period from 30 November 2023 to 11.59pm on 30 May 2024.

Carried (328)

Cr Unger was not present for the vote.

Cr Unger re-entered the meeting at 10.08pm.

Appointment of Deputy Mayor for 6 month period – 31 May 2024 to 11.59pm on 29 November 2024

After the moving of the motion, pursuant to sections 75 of the Local Government Act 1999, Cr Hawkvelt declared a material conflict of interest in relation to the matter on the basis that if appointed the position will attract an additional allowance. Cr Hawkvelt dealt with the matter in a transparent and accountable

way by leaving the meeting while the matter was discussed and voted on. Cr Hawkvelt left the meeting at 10.08pm.

Moved Cr Jones, Seconded Cr Foreman

That Council, in accordance with Section 51(4) of the Local Government Act 1999, appoint Councillor Jessica Hawkvelt to the position of Deputy Mayor for the period of six month period from six month period from 31 May 2024 to 11.59pm on 29 November 2024.

Carried (329)

Cr Hawkvelt was not present for the vote.

Cr Hawkvelt re-entered the meeting at 10.11pm.

12.2 Governance and Policy Committee and Council Assessment Panel Membership Vacancies (D23/94101)

Governance and Policy Committee – Appointment of Committee Member

Moved Cr Unger, Seconded Cr Hawkvelt

That Council appoints Cr Blake Lawrenson as a member of the Governance and Policy Committee until the end of the current term of Council in 2026 or until Council resolves otherwise

Carried Unanimously (330)

Governance and Policy Committee – Appointment of Presiding Member

After the moving of the motion, pursuant to sections 75 of the Local Government Act 1999, Cr Jones declared a material conflict of interest in relation to the matter on the basis that if appointed the position will attract an additional allowance. Cr Jones dealt with the matter in a transparent and accountable way by leaving the meeting while the matter was discussed and voted on. Cr Jones left the meeting at 10.16pm.

Moved Cr Foreman, Seconded Cr Hawkvelt

That Council appoints Cr Lucas Jones as Presiding Member of the Governance and Policy Committee until the end of the current term of Council in 2026 or until Council resolves otherwise.

Carried Unanimously (331)

Cr Jones was not present for the vote.

Cr Jones re-entered the meeting at 10.21pm.

Council Assessment Panel Elected Member Appointment

After the moving of the motion, pursuant to sections 75 of the Local Government Act 1999, Cr Foreman declared a material conflict of interest in relation to the matter on the basis that if appointed the position will attract an additional allowance. Cr Foreman dealt with the matter in a transparent and accountable way by leaving the meeting while the matter was discussed and voted on. Cr Foreman left the meeting at 10.22pm.

Moved Cr Jones, Seconded Cr Hawkvelt

That Council appoints Cr Kristianne Foreman as the elected Council representative of the Council Assessment Panel until the end of the current term of Council in 2026 or until Council resolves otherwise.

Carried Unanimously (332)

Cr Foreman was not present for the vote.

Cr Foreman re-entered the meeting at 10.28pm.

Council Assessment Panel Deputy Elected Member Appointment

After the moving of the motion, pursuant to sections 75 of the Local Government Act 1999, Cr Lawrenson declared a material conflict of interest in relation to the matter on the basis that if appointed the position may attract an additional allowance. Cr Lawrenson dealt with the matter in a transparent and accountable way by leaving the meeting while the matter was discussed and voted on. Cr Lawrenson left the meeting at 10.29pm.

Moved Cr Jones, Seconded Cr Unger

That Council appoint Cr Blake Lawrenson as Deputy Elected Member to the Council Assessment Panel until the end of the Council term or Council resolves otherwise.

Carried (333)

Cr Lawrenson was not present for the vote.

Cr Lawrenson re-entered the meeting at 10.34pm.

City Operations

12.3 Texas Reserve Drainage Improvements (D23/83596)

Moved Cr S Keane, Seconded Cr Foreman

That having considered the report titled “Texas Reserve Drainage Improvements” and dated 28 November 2023, Council supports the allocation of approximately \$10k from Council’s Stormwater Operations budget in the 2023-24 financial year to prevent the ponding of water in Texas Reserve, Wynn Vale.

Carried Unanimously (334)

12.4 EnviroCare Service Options (D23/95341)

Moved Cr Jones, Seconded Cr Hawkvelt

That having considered the report titled “EnviroCare Service Options” and dated 28 November 2023 Council considers an increase to the EnviroCare service as part of the 2024-25 financial year budget process, inclusive of the following:

- Four (4) additional Sunday events and 3 fewer Wednesday events
- Additional annual budget allocation of \$200k (adjusted annually for CPI)
- EnviroCare events not scheduled on long-weekends and planned in consideration of weather conditions and adjoining tenant operations (eg. TTG BMX Club)
- That a report be returned to Council in February 2025 providing details of the usage of the service for the proceeding period.

Carried Unanimously (335)

Cr Hawkvelt left the meeting at 10.54pm and did not return for the remainder of the meeting.

Corporate Services - Nil

Strategy & Finance

12.5 Quarter One Budget Review For Financial Year Ending 30 June 2024 (D23/93484)

Moved Cr Zagladov, Seconded Cr Unger

That Council adopts the Quarter One Budget Review for the period 1 July 2023 to 30 June 2024, as detailed in Attachment 1 and 2 of the report entitled

“Quarter One Budget Review for Financial Year Ending 30 June 2024” and dated 28 November 2023 which reflects a revised forecast surplus of \$5.395m.

Carried (336)

Community Services - Nil

13. Notice(s) of Motions - Nil

14. Motions without Notice - Nil

15. Questions on Notice

15.1 Question on Notice - Annual Business Plan (Cr Lucas Jones) (D23/94541)

The answer to the Question on Notice have been provided as Attachment 1.

Cr Jones left the meeting at 10.57pm.

16. Questions without Notice

Cr Lawrenson asked a questions in relation to a road in the hills being included in this years annual business plan.

Cr Foreman asked a question in regards to an improved way of notifying public forum speakers of their time limit for speaking.

17. Mayor’s Report, Council Delegates and Activities Report – Nil

Cr Jones re-entered the meeting at 10.59pm.

18. Information Reports

The following Information reports were received at the meeting:

18.1 Call for Nominations - Nominate for the Local Government Grants Commission (D23/93739)

18.2 Call for Nominations - Nominate for the Environment Protection Authority Board (D23/93758)

18.3 Call for Nominations - Nominate for the SA Heritage Council (D23/94903)

19. Status Report on Resolutions - Nil

20. Other Business

Cr Lawrenson made mention of the 1 year anniversary of their election.

21. Confidential Items

21.1. Rescission Motion - Tilley Recreation Park Clubroom Construction - Tender Recommendation (D23/96213)

Recommendation for Moving into Camera

Moved Cr Lawrenson, Seconded Cr S Keane

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 Rescission Motion - Tilley Recreation Park Clubroom Construction - Tender Recommendation.
2. That the Council is satisfied that pursuant to section 90(3)(k) of the Local Government Act 1999, 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.
 - on the basis that the report includes details regarding commercial negotiations and tender evaluations, which could compromise effective negotiation for achieving 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 early release of this information could compromise effective negotiation for achieving the best outcome for Council and the community.

Carried Unanimously (337)

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

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

20.1 Rescission Motion - Tilley Recreation Park Clubroom Construction - Tender Recommendation (D23/96213)

Confidential Page Removed

The Confidential Resolution No 338 has been withdrawn from the public minute record in accordance with Resolution No 339.

Retention of confidential documents:

Moved Cr Lawrenson, Seconded Cr Zagladov

1. That having considered the agenda item titled “ Rescission Motion - Tilley Recreation Park Clubroom Construction - Tender Recommendation” and dated 28 November 2023 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 worksthe 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 contract has been awarded and documentation signed by all relevant parties.
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 (339)

Cr Foreman was not present for the vote.

Cr Foreman re-entered the meeting at 11.11pm.

22. Date of Next Ordinary Meeting

12 December 2023

The Mayor declared the meeting closed at 11.11 pm.

Confirmed.....
Mayor 12 December 2023

Council Meeting -28 November 2023

Question on Notice – Annual Business Plan (Cr Lucas Jones) **D23/97209**



Cr Lucas Jones asked the following question on notice:

When was the last time a City of Tea Tree Gully owned road within the Hills section of our council was included in the Annual Business Plan?

Can the CEO advise where and how much?

Cr Lucas Jones
15 November 2023

Response:

Council re-surfaced (top-up gravel and recompact) an unsealed section of Hannaford Hump Road, in 2020/21 at a cost of \$55k. This road crosses over into Adelaide Hills Council at several locations.