

**MINUTES
OF THE COUNCIL MEETING OF THE CITY OF TEA TREE GULLY HELD ON
TUESDAY 22 AUGUST 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 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

Cr Wyld previously sought a leave of absence

2.4 Record of Officers in Attendance (physical or electronic)

Ryan McMahon	Chief Executive Officer
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
Matthew Taylor	Interim Manager Community Wellbeing
Greg Salmon	Manager Project Management Office
Federico Palombella	Strategic Building Project Lead
Erica Vidinis	Strategic Project & Stakeholder Manager
Jonathan Foong	Water Resource Specialist
Olivia Harvey	Manager Customer and Communications
Laura Watson	Manager Community Safety
Nathan Grainger	Manager City Development

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

59 Attendees

2.6 Record of Media in Physical Attendance

Nil

3. Confirmation of Minutes to the Previous Meeting

Moved Cr Champion, Seconded Cr Foreman

That the Minutes of the Council Meeting held on 8 August 2023 be confirmed as a true and accurate record of proceedings.

Carried Unanimously (228)

4. Public Forum

The Mayor sought leave of the meeting to extend the public forum session time and allow all public forum requests to be heard by the meeting, including those that did not meet the criteria as outlined in Council's Code of Practice for Meeting Procedures. Leave was granted.

Shaun Evans, Terry Boswell and Henry Bell all spoke in relation the management report titled 'Community Engagement Outcomes - Surrey Downs: Illyarrie Reserve Community Land Management Plan Amendment'.

Ruth Pilkington and Pauline Govig spoke in relation to the management report titled 'Community Engagement Outcomes - Cat Management'.

5. Deputations

Deputation Request Approval

Moved Cr S Keane, Seconded Cr Zagladov

That Council approves to hear the deputations requests from Helen Wright and Evonne Moore regarding the management report titled “Community Engagement Outcomes - Cat Management” although the deputations did not meet the criteria as outlined in Council’s Code of Practice for Meeting Procedures.

Carried (229)

5.1 Deputation - Hermione Farmer and Virginie Ducruc (D23/60791)

Hermione Farmer and Virginie Ducruc provided a deputation in relation to the management report titled ‘Community Engagement Outcomes - Cat Management’.

5.2 Deputation - Helen Wright (D23/60794)

Helen Wright provided a deputation in relation to the management report titled ‘Community Engagement Outcomes - Cat Management’.

5.3 Deputation - Evonne Moore (D23/60795)

Evonne Moore provided a deputation in relation to the management report titled ‘Community Engagement Outcomes - Cat Management’.

6. Presentations

6.1 Presentation - Cat Management Community Engagement Outcomes (D23/63405)

During the presentation, Cr Jones left the meeting at 7.53pm and re-entered at 7.56pm.

Laura Watson, Manager Community Safety provided an overview of the Cat Management Community Engagement Outcomes.

6.2 Presentation - Illyarrie Reserve Indoor Facility Community Engagement Outcomes (D23/63406)

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 7.58pm.

Greg Salmon, Manager Project Management Office provided an overview of the Illyarrie Reserve Indoor Facility Community Engagement Outcomes.

Cr Foreman re-entered the meeting at 8.04pm.

Cr Drozdoff left the meeting 8.04pm.

7. Petitions - Nil

8. Declaration of Conflicts of Interests

Cr Foreman indicated she would be declaring a conflict of interest in relation to the management report titled 'Community Engagement Outcomes - Surrey Downs: Illyarrie Reserve Community Land Management Plan Amendment'.

9. Adjourned Business - Nil

10. Motions Lying on the Table - Nil

11. Committee Reports

Service Review Committee - Nil

Audit & Risk Committee - Nil

Governance & Policy Committee - Nil

CEO Performance Review Committee – Refer to Confidential Item 22.1

12. Management Reports

Office of the Chief Executive Officer - Nil

City Operations - Nil

Corporate Services

12.1 Tree City of the World Recognition (D23/47966)

During the debate, Cr Jones left the meeting at 8.22pm and re-entered the meeting 8.24pm.

Moved Cr Lawrenson, Seconded Cr Hawkvelt

That having considered the report titled 'Tree City of the World Recognition' and dated 22 August 2023, Council endorse the City of Tea Tree Gully's application for global recognition as a City that is committed to our tree canopy and value of trees.

Carried (230)

Cr Drozdoff was not present for the vote.

Strategy & Finance

12.2 Community Engagement Outcomes - Surrey Downs: Illyarrie Reserve Community Land Management Plan Amendment (D23/57731)

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 8.32pm.

During the moving of the motion:

- *Cr Drozdoff re-entered the meeting at 8.38pm.*
- *The Mayor sought leave of the meeting to allow Cr Jones an additional 1 minute of debating time. Leave was granted.*

Moved Cr Jones, Seconded Cr Hawkvelt

That Council, having considered the report titled 'Community Engagement Outcomes – Surrey Downs: Illyarrie Reserve Community Land Management Plan Amendment' and dated 22 August 2023:

1. Notes the findings of the community engagement undertaken on the proposed changes to the Illyarrie Reserve Recreation Park Community Land Management Plan, to incorporate an additional training facility contained in Attachment 1 of this report.
2. Acknowledges that there may be a more suitable alternative location on the reserve which will minimize the visual impact for a number of neighbouring residents, reduce impact on usable open space, and still allows for the benefit of replacing the existing outdoor training facility with a new indoor facility which will reduce noise impact on local residents.
3. Endorses the proposed alternative location as shown in Attachment 2 of this report for an Indoor Training Facility at Illyarrie Reserve noting the solution will cost up to an additional \$100,000.
4. Approves community engagement be undertaken to consider an amendment to the Community Land Management Plan for Illyarrie Reserve for the proposed new training facility. The engagement is to be undertaken in accordance with the Community Engagement Strategy in Attachment 2 of this report, Section 198 of the Local Government Act, and Council's Community Engagement Public Consultation Policy.

5. Endorses the development of a plan for open space improvements to the upper eastern portion of Illyarrie Reserve that complements and integrates with the existing playground, picnic area, and community centre.
6. Requests CEO to engage with the Golden Grove Baseball Club committee to seek their views on their future plans and aspirations for the current site and any other potential future location(s) and incorporate this feedback with the outcomes of the next round of proposed community engagement which will be presented at the council meeting where the community engagement outcomes are considered.

Carried Unanimously (231)

Cr Foreman was not present for the vote.

Cr Champion left the meeting at 8.41pm.

Cr Foreman re-entered the meeting 8.41pm.

The Mayor sought leave of the meeting to bring forward the management report titled 'Community Engagement Outcomes - Cat Management'. Leave was granted.

Cr Champion re-entered the meeting at 8.43pm.

Community Services

12.3 Community Engagement Outcomes - Cat Management (D23/61166)

During the moving of the motion, the Mayor sought leave of the meeting to allow Cr Hawkvelt an additional 5 minutes of debating time. Leave was granted.

During the seconding of the motion, the Mayor sought leave of the meeting to allow Cr Unger an additional 5 minutes of debating time. Leave was granted.

Moved Cr Hawkvelt, Seconded Cr Unger

That Council, having considered the report titled "Community Engagement Outcomes - Cat Management" and dated 22 August 2023:

1. Request the CEO write to the Minister for Climate, Environment and Water stating:
 - a. Council remain supportive of Statewide Cat Management legislation;
 - b. Eighty percent (80%) of survey respondents are supportive of having rules or legislation to address cat management and control within the City of Tea Tree Gully;
 - c. Council awaits the draft legislation; and

- d. Provides a copy of the “Community Engagement Outcomes Report - Cat Management” (inclusive of verbatim comments).
2. Upon receipt of the draft legislation, responds to the appropriate entity with data from the Community Engagement Process on Cat Management in the City of Tea Tree Gully.
3. Awaits any further decisions on Cat Management for the City of Tea Tree Gully until the proposed legislation is passed through both houses of the South Australian Parliament with the purpose of not duplicating or contradicting any incoming laws or regulations.
4. If Cat Management legislation is not progressed by within 12 months, a report back to Council be presented with draft By-laws and a further community engagement strategy for consideration.

Cr Jones raised a point of order on the basis that the Mayor did not provide:

- *The mover of the motion an opportunity for ‘right of reply’ prior to closing the debate; and*
- *All Elected Members an opportunity to speak to the motion.*

The Mayor did not uphold the point of order on the basis that:

- *In accordance with Council’s Code of Practice for Meeting Procedures, there was no opposition in the debate therefore the mover was not entitled to right of reply; and*
- *Elected Members were all provided the opportunity to speak to the motion and the Mayor was commencing the vote on the motion.*

Point of Order – Dissent Motion

Moved Cr Unger, Seconded Cr Hawkvelt

That the ruling by the Mayor on the point of order raised by Cr Jones in relation to the Mayor not providing:

- The mover of the motion an opportunity for ‘right of reply’ prior to closing the debate
- All Elected Members an opportunity to speak to the motion

be overruled and the point of order has no effect and be annulled.

Carried (232)

The ruling by the Mayor for the point of order has no effect and was annulled. Elected Members were then provided the opportunity to continue speaking to the motion.

During the debate, the Mayor sought leave of the meeting to allow Cr Jones an extension of debating time. Leave was granted.

Leave of the meeting was sought with the consent of the mover and seconder to vary the motion to remove the words “within 12 months” at paragraph 4 and insert “30 June 2024”. Leave was granted and the motion was varied.

Motion as varied

That Council, having considered the report titled “Community Engagement Outcomes - Cat Management” and dated 22 August 2023:

1. Request the CEO write to the Minister for Climate, Environment and Water stating:
 - a. Council remain supportive of Statewide Cat Management legislation;
 - b. Eighty percent (80%) of survey respondents are supportive of having rules or legislation to address cat management and control within the City of Tea Tree Gully;
 - c. Council awaits the draft legislation; and
 - d. Provides a copy of the “Community Engagement Outcomes Report - Cat Management” (inclusive of verbatim comments).
2. Upon receipt of the draft legislation, responds to the appropriate entity with data from the Community Engagement Process on Cat Management in the City of Tea Tree Gully.
3. Awaits any further decisions on Cat Management for the City of Tea Tree Gully until the proposed legislation is passed through both houses of the South Australian Parliament with the purpose of not duplicating or contradicting any incoming laws or regulations.
4. If Cat Management legislation is not progressed by 30 June 2024, a report back to Council be presented with draft By-laws and a further community engagement strategy for consideration.

Carried Unanimously (233)

Strategy & Finance

12.4 Building Flash Flood Forecasting and Warning System for Dry Creek Catchment (D23/61192)

During the debate, Cr Lawrenson left the meeting 9.31pm and re-entered the meeting at 9.33pm.

Moved Cr S Keane, Seconded Cr Foreman

That having considered the report titled “Building Flash Flood Forecasting and Warning System for Dry Creek Catchment” and dated 22 August 2023, Council supports the development of the flash flood forecasting and warning system for Dry Creek.

Carried Unanimously (234)

12.5 Harpers Field Redevelopment - Deed of Variation (D23/61962)

Moved Cr B Keane, Seconded Cr Sinclair

That in accordance with Section 38 of the Local Government Act 1999, the Mayor and Chief Executive Officer of Council be authorised to sign and affix Council’s common seal to the *Deed of Variation Local Government Infrastructure Partnership Program* in Attachment 1 of the report titled ‘Harpers Field Redevelopment – Deed of Variation’ and dated 22 August 2023.

Carried (235)

Community Services

12.6 Consideration of Autism Regulation Spaces (D23/53724)

Moved Cr Sinclair, Seconded Cr B Keane

That Council having considered the report titled “Consideration of Autism Regulation Spaces” and dated 22 August 2023, supports the following:

1. The inclusion of a regulation space as part of the whole of site review and re-design of Council’s Civic Centre including the allocation of future funds for any required building works in the first quarter budget review.
2. The establishment and maintenance of Autism regulation spaces for Council Major Events, Waterworld and at Community Centres during large events and activities.

3. The delivery of the other actions identified in this report to improve the social inclusion within our community.

Leave of the meeting was sought with the consent of the mover and seconder to vary the motion to remove the words “Autism” at paragraph 2. Leave was granted and the motion was varied.

Motion as varied

That Council having considered the report titled “Consideration of Autism Regulation Spaces” and dated 22 August 2023, supports the following:

1. The inclusion of a regulation space as part of the whole of site review and re-design of Council’s Civic Centre including the allocation of future funds for any required building works in the first quarter budget review.
2. The establishment and maintenance of regulation spaces for Council Major Events, Waterworld and at Community Centres during large events and activities.
3. The delivery of the other actions identified in this report to improve the social inclusion within our community.

Carried Unanimously (236)

13. Notice(s) of Motions - Nil

14. Motions without Notice - Nil

15. Questions on Notice - Nil

16. Questions without Notice - Nil

17. Mayor’s Report - Nil

18. Council Delegates and Activities Report – Nil

19. Information Reports - Nil

20. Status Report on Resolutions - Nil

21. Other Business

Cr Lawrenson congratulated the Highbury Primary School Debate Team on their achievement at the debate competition held on 22 August 2023.

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

22.1. Recommendations from the CEO Performance and Remuneration Review Committee Meeting held on 14 August 2023 (D23/63351)

Recommendation for Moving into Camera

Moved Cr Lawrenson, Seconded Cr Champion

1. That pursuant to Section 90(2) of the Local Government Act 1999, the Council orders that the public (except Coordinator Governance and Governance Administration Officer) be excluded from the meeting to enable discussion on the Recommendations from the CEO Performance and Remuneration Review Committee Meeting held on 14 August 2023.
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) .
 - relates to information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the Chief Executive Officer, in that details of his performance and remuneration review will be discussed, which are sensitive and are personal details that should only be known to those who have participated in the review process.
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 details of the

CEO's performance and remuneration may be prematurely disclosed before the details of the review have been discussed with the Chief Executive Officer or Council, and could therefore result in the release of inaccurate or misleading information.

Carried Unanimously (237)

Adjournment of Meeting at 9.54pm

Moved Cr Lawrenson, Seconded Cr S Keane

That the meeting be adjourned for a short break.

Carried Unanimously (1)

The meeting resumed at 10.03pm.

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

Deana Taglierini and Kristyn Barnes

22.1 Recommendations from the CEO Performance and Remuneration Review Committee Meeting held on 14 August 2023 (D23/63351)

Moved Cr Jones, Seconded Cr Sinclair

That having considered the report from the CEO Performance Review Committee titled “CEO Performance and Remuneration Review Outcomes 2022-23” and dated 14 August 2023, Council:

1. Notes the Chief Executive Officer’s (CEO’s) detailed performance appraisal report prepared by Hender Consulting, which is provided to members under separate cover, with findings summarised within the covering report.
2. Endorses a remuneration increase of 3% and for this to take effect from the anniversary date in accordance with the CEO’s employment agreement, in addition to an increase of the fuel reimbursement by \$1,000.
3. Authorises the Mayor in conjunction with the CEO to review and update the position description or employment agreement as required.

Carried Unanimously (2)

Retention of confidential documents:

Moved Cr Lawrenson, Seconded Cr Foreman

1. That having considered the agenda item titled Recommendations from the CEO Performance and Remuneration Review Committee Meeting held on 14 August 2023 and dated 22 August 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 the Chief Executive Officer

the Council pursuant to section 91(7) of the Act orders that the report and minutes relevant to this item be retained in confidence until:

- The Mayor and CEO have signed any correspondence related to the CEO employment agreement and the Total Employment Cost package (and these signed documents have been provided to the CEO); or
- The Council or Council resolves otherwise, whichever occurs first.

Carried Unanimously (240)

23. Date of Next Ordinary Meeting

12 September 2023

The Mayor declared the meeting closed at 10.31 pm.

Confirmed.....
Mayor 12 September 2023