

**MINUTES
OF THE COUNCIL MEETING OF THE CITY OF TEA TREE GULLY HELD ON
TUESDAY 26 SEPTEMBER 2023 AT 7.03PM 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

Cr D Wyld

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
Kristyn Barnes	Governance Administration Officer
Dewald Hartzenberg	Manager Operations Support Services
Kim Ritter	Manager, Community Connections
Shannon Hockley	Manager People & Capability
Belinda Halling	Project Lead
Carly Didcote	Public Art Project Officer
Rick Gower	Manager Health & Recreation
Jeff Sharp	Facility Manager, Waterworld Aquatic Centre
Ingrid Wilkshire	Manager City Strategy
Victoria Masterman	Lead – Precincts & Placemaking
Jessica Lewig	Strategic Urban Planner
Rosa Gagetti	Property & Projects Facilitator

Jonathan Foong	Water Resource Specialist
Luke Edginton	Events Lead
Matthew Taylor	Lead, Community Wellbeing

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

1 Attendee

2.6 Record of Media in Physical Attendance

Nil

3. Confirmation of Minutes to the Previous Meeting

Moved Cr Drozdoff, Seconded Cr Champion

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

Carried Unanimously (254)

4. Public Forum

Keith Pilkington spoke in relation to the Greater Adelaide Regional Plan.

5. Deputations - Nil

6. Presentations

6.1 Presentation - Major Events Program for 2023-24 (D23/76631)

During the presentation, Cr Jones left the meeting at 7.13pm and re-entered at 7.15pm.

Luke Edginton, Events Lead provided an overview of the Major Events Program for 2023-24.

7. Petitions - Nil

8. Declaration of Conflicts of Interests - Nil

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

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

Code of Practice for Meeting Procedures (D23/45777)

Moved Cr Jones, Seconded Cr Zagladov

That the “Code of Practice for Meeting Procedures” as reviewed by the Governance and Policy Committee on 30 August 2023 be adopted subject to the removal of the following words “although Elected Members may ask questions for clarification at the discretion of the Presiding Member” and replaced with “Elected Members are permitted to ask questions in both the public forum and deputation section of Council meetings.” on page 7 of the policy.

Leave of the meeting was sought with the consent of the mover and seconder to vary the motion to add an additional paragraph as dot point 2. Leave was granted and the motion was varied.

Motion as varied

That the “Code of Practice for Meeting Procedures” as reviewed by the Governance and Policy Committee on 30 August 2023 be adopted subject to:

1. The removal of the following words “although Elected Members may ask questions for clarification at the discretion of the Presiding Member” and replaced with “Elected Members are permitted to ask questions in both the public forum and deputation section of Council meetings.” on page 7 of the policy.

2. That, in clause 2.3.4, the words ‘Traditional Ownership’ be replaced with ‘Traditional Custodianship’.

Carried Unanimously (255)

Citizenship Ceremony Policy (D23/58985)

Moved Cr Jones, Seconded Cr Champion

That the “Citizenship Ceremony Policy” as reviewed by the Governance and Policy Committee on 30 August 2023 be adopted as amended.

Leave of the meeting was sought to vary the motion to add the words ‘subject to the replacement of the word ‘will’ to the word ‘may’ under subheading 2.3 on page 2 of the policy. Leave was not granted on the basis that the mover did not give consent.

Amendment

Moved Cr Foreman

That the “Citizenship Ceremony Policy” as reviewed by the Governance and Policy Committee on 30 August 2023 be adopted as amended subject to the replacement of the word ‘will’ to the word ‘may’ under subheading 2.3 on page 2 of the policy

The Mayor disallowed the amendment on the basis that its intent was opposite to the original motion.

Leave of the meeting was sought with the consent of the mover and seconder to vary the motion to add dot point 1. Leave was granted and motion was varied.

Motion as varied

That the ‘Citizenship Ceremony Policy’ as reviewed by the Governance and Policy Committee on 30 August 2023 be adopted subject to the following amendment:

1. That, in clause 2.1.6, the word ‘scripts’ be replaced with ‘required speech content’.

Carried (256)

CEO Performance Review Committee - Nil

12. Management Reports

Office of the Chief Executive Officer

12.1 Review of Council's Delegations 2023 including Variations to Delegations Register (D23/35814)

Moved Cr B Keane, Seconded Cr Champion

That having considered the report titled 'Review of Council's Delegations 2023 including Variations to Delegations Register' and dated 26 September 2023, Council:

Review of the Delegations Register (Attachment 1)

1. Notes the review of the delegations register in accordance with section 44(6a) of the Local Government Act 1999 as provided as Attachment 1.

Delegations made under the Local Government Act 1999 (Attachments 2-5)

2. Endorses the following variations to Council's delegations made to Council employees in accordance with section 44(1) of the Local Government Act 1999:

2.1 Delegations made to Council Employees

In exercise of the power contained in section 44 of the *Local Government Act 1999* the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Attachment 2-5 of the report are hereby delegated this day, 26 September 2023, to the persons occupying the positions of Chief Executive Officer, General Manager Corporate Services, General Manager City Operations, General Manager Community Services, General Manager Strategy and Finance (or person(s) 'acting' in the above mentioned positions) except where otherwise indicated in the Attachment, subject to the conditions and/or limitations specified herein or in the Schedule of Conditions in each proposed Instrument of Delegation:

- Burial and Cremation Act 2013 (Attachment 2)
- Expiation of Offences Act 1996 (Attachment 3)
- Local Government Act 1999 (Attachment 4)
- Road Traffic Act 1961 (Attachment 5)

- 2.2 Such powers and functions may be further delegated by the persons occupying the positions of Chief Executive Officer, General Manager Corporate Services, General Manager City Operations, General Manager

Community Services, General Manager Strategy and Finance (or person(s) 'acting' in the above mentioned positions) in accordance with section 44 and 101 of the *Local Government Act 1999* as they see fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegations.

3. Instrument of Delegation under the Planning Development and Infrastructure Act 2016 (Attachment 6-7)

3.1 In exercise of the power contained in Section 100 of the *Planning, Development and Infrastructure Act 2016* the powers and functions under the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder contained in the proposed Instrument of Delegation contained in Attachment 6-7 of the report are hereby delegated this day 26 September 2023 to the persons occupying the positions Chief Executive Officer, General Manager Corporate Services, General Manager City Operations, General Manager Community Services, General Manager Strategy and Finance (or person(s) 'acting' in the above mentioned positions) except where otherwise indicated in the Attachment, subject to the conditions and/or limitations, if any, specified herein.

3.2 Such powers and functions may be further delegated by the persons occupying the positions Chief Executive Officer, General Manager Corporate Services, General Manager City Operations, General Manager Community Services, General Manager Strategy and Finance (or person(s) 'acting' in the above-mentioned positions) as they see fit, unless otherwise indicated herein or in each such proposed Instrument of Delegation in accordance with Section 100(2)(c) of the *Planning, Development and Infrastructure Act 2016*.

Carried Unanimously (257)

City Operations - Nil

Corporate Services

12.2 White Ribbon Day Activities November 2023 (D23/75062)

Moved Cr S Keane, Seconded Cr Foreman

That Council approves the use of \$2,350 to host a White Ribbon community morning tea and art installation in Civic Park as set out in Attachment 1 of the report titled 'White Ribbon Day November 2023' and dated 26 September 2023.

Carried Unanimously (258)

Strategy & Finance

12.3 Upgrade options for Courtyard Reserve playground, Wynn Vale (D23/56499)

During the moving of the motion, Cr Drozdoff left the meeting at 8.19pm.

Moved Cr S Keane, Seconded Cr Foreman

That Council having considered the report titled "Upgrade options for Courtyard Reserve Playground, Wynn Vale" and dated 26 September 2023:

1. Notes the Outcomes of Investigations Report as provided in Attachment 1.
2. Endorses the following upgrades to Courtyard Reserve for consideration in the Draft Annual Business Plan for the 2024-2025 financial year:
 - a) Relocation of the existing playground and two pieces of playground equipment from Vista Reserve to the area shaded by the established tree canopy at Courtyard Reserve
 - b) Installation of a new drinking fountain.
 - c) Other minor improvements including landscaping that enhance the amenity of the reserve and streetscape.
3. Notes that a new playspace at Wynn Vale Recreation Reserve will be considered as part of the Playground Guide review to be presented to Council by 30 June 2024.

Carried (259)

Cr Drozdoff was not present for the vote

12.4 Reusable Nappy and Sanitary Items Rebate Program Update for the 2022-2023 Financial Year (D23/75156)

Moved Cr Hawkvelt, Seconded Cr Sinclair

Having considered the report titled “Reusable Nappy and Sanitary Items Rebate Program for the 2022-2023 Financial Year” and dated 26 September 2023:

1. Council notes the community and environmental outcomes from the Reusable Nappy and Sanitary Items Rebate Program and continues to endorse the program.
2. That Council requests the Governance and Policy Committee consider how to embed the Reusable Nappy and Sanitary Items Rebate Program into relevant policies and waste to landfill avoidance rebate programs at its next meeting in November 2023.

Carried Unanimously (260)

Cr Drozdoff was not present for the vote

Community Services

12.5 Wellbeing SA Grant funding opportunity for Harpers Field (D23/72396)

Moved Cr Hawkvelt, Seconded Cr B Keane

That having considered the report titled “Wellbeing SA Grant Funding opportunity for Harpers Field” and dated 26 September 2023, Council:

1. Approves the Chief Executive Officer to make a grant application for “the wellbeing hub” grant as detailed in the report.
2. Authorises the Chief Executive Officer to sign the Grant Deed as necessary to execute an agreement with the Minister for Health and Wellbeing or any other relevant grant funding body if the grant application is successful.

Carried Unanimously (261)

Cr Drozdoff was not present for the vote

12.6 Temporary Increase to Waterworld Opening Season for 2024 and 2025 (D23/74069)

During the debate, Cr Drozdoff re-entered the meeting at 8.31pm.

Moved Cr S Keane, Seconded Cr Foreman

That Council having considered the report titled “Temporary Increase to Waterworld Opening Season for 2024 and 2025” and dated 26 September 2023:

1. Endorses an increase the opening season of Waterworld for both the 2024 and 2025 Seasons as detailed in the report subject to:
 - a. The negotiation of an agreement with the Office for Recreation, Sport and Racing subject to no (net) cost to Council
 - b. Any other terms and conditions the CEO determines as relevant
2. That the CEO be authorised to sign any agreement.

Carried Unanimously (262)

13. Notice(s) of Motions

13.1 Notice of Motion - Envirocare Sunday (Cr Lucas Jones) (D23/76136)

Moved Cr Jones, Seconded Cr Hawkvelt

That Council:

1. Request the CEO to bring back a report detailing costs and other relevant information to introduce an Envirocare service 2 weekends a month for the months of February, March, April, May, June, July, August, September, October and November.
2. Council notes this would be an increase from 1 weekend a month.
3. Council requests a report be brought back by the first meeting in November to allow for consideration to be included in the Council budget.
4. Any other relevant information.

Carried Unanimously (263)

14. Motions without Notice - Nil

15. Questions on Notice - Nil

16. Questions without Notice

16.1 Question on Notice – Beautification Works on Grand Junction Road

Moved Cr Lawrenson, Seconded Cr Champion

That Cr Lawrenson’s question without notice and answer be included in the minutes.

Carried Unanimously (264)

Question:

When does Council expect for the Grand Junction Road beautification works to commence, noting that works were scheduled to commence a number of months ago?

Answer:

Council has had some challenges obtaining Department of Infrastructure and Transport’s final approval due to some issues raised in their second review. Council is currently addressing those issues and expect the works to commence at the latest by mid next month.

Cr Champion asked a question in regards to Elliston Reserve.

Cr Lawrenson asked a question in regards to International Men’s day.

Cr Drozdoff asked a question in regards to the Road and Cycle Safety Centre.

Cr Zagladov asked a question in regards to the State Government’s medium strip maintenance on North East Road.

Cr Unger asked a question in regards to the Bay to Birdwood sponsorship.

Cr B Keane left the meeting at 8.55pm.

17. Mayor’s Report - Nil

18. Council Delegates and Activities Report – Nil

19. Information Reports

The following Information reports were received at the meeting:

19.1 Civic Park Precinct Development Opportunities Plan (D23/74131)

19.2 Call for Nominations - Nominate for the Dog and Cat Management Board (D23/74249)

19.3 Revegetation of natural open space 2024 (D23/74526)

19.4 Change to Australia Post Services at Modbury Post Shop (D23/75996)

During the moving of the motion, Cr B Keane re-entered the meeting at 9.01pm.

Moved Cr Jones, Seconded Cr Unger

1. The Mayor on behalf of the Council writes to Australia Post outlining the City of Tea Tree Gully's opposition to the closure of the Modbury Post Office.
2. That Council formally requests Australia Post to reconsider their decision to close the Modbury Post office.

Leave of the meeting was sought with the consent of the mover and seconder to vary the motion to add an additional paragraph as dot point 3. Leave was granted and the motion was varied.

Motion as varied

1. The Mayor on behalf of the Council writes to Australia Post outlining the City of Tea Tree Gully's opposition to the closure of the Modbury Post Office.
2. That Council formally requests Australia Post to reconsider their decision to close the Modbury Post office.
3. Copy of the Mayor's correspondence be sent to the local State and Federal Members of Parliament.

Carried Unanimously (265)

20. Status Report on Resolutions - Nil

21. Other Business

Cr Lawrenson thanked staff for organising the Council Chamber and making it accessible for the Highbury Primary School year 3-6 students Voice members, House Leaders and debating team to attend on 11 September 2023 for a mock Council meeting.

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

22.1. Unsolicited Proposal - Common Equity Housing SA Ltd - Additional Housing - 500 Wright Road, Modbury (D22/59539)

Recommendation for Moving into Camera

Moved Cr S Keane, 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 Unsolicited Proposal - Common Equity Housing SA Ltd - Additional Housing - 500 Wright Road, Modbury.*
2. *That the Council is satisfied that pursuant to section 90(3) b (i) and b (ii) 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 public release of this information would have the potential to impact the capacity to compromise Council 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 Council achieving the best outcome for Council and the Community.

Carried Unanimously (266)

Adjournment of Meeting at 9.24pm

Moved Cr S Keane, Seconded Cr Lawrenson

That the meeting be adjourned for a 5 minute break.

Carried (267)

The meeting resumed at 9.36pm.

Adjournment of Meeting at 9.37pm

Moved Cr Lawrenson, Seconded Cr Champion

That the meeting be adjourned until Cr Drozdoff returns to the meeting or a maximum of 10 minutes.

Carried Unanimously (268)

Cr Drozdoff was not present for the vote.

Cr Drozdoff re-entered the meeting at 9.38pm.

The meeting resumed at 9.38pm.

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

Ryan McMahon, Justin Robbins, Felicity Birch, Michael Pereira, Leisha Bond, Ingrid Wilkshire, Rosa Gagetti and Kristyn Barnes

22.1 Unsolicited Proposal - Common Equity Housing SA Ltd - Additional Housing - 500 Wright Road, Modbury (D22/59539)

During the suspension of the formal meeting procedures, Cr Zagladov left the meeting at 10.42pm and re-entered the meeting during the debate at 10.50pm.

Suspension of Formal Meeting Procedures at 9.49pm.

The Mayor sought leave of the meeting to suspend formal meeting procedures to allow free and open discussion on the matter. Leave was granted by two-thirds of majority vote.

Following the informal discussion the Mayor determined that the period of suspension should be brought to an end and formal meeting procedures were resumed at 10.44pm.

Motion

Moved Cr Lawrenson, Seconded Cr Unger

That having considered the Report titled “Unsolicited Proposal – Common Equity Housing SA Ltd – Additional Housing – 500 Wright Road, Modbury” and dated 26 September 2023, Council:

1. Thanks Common Equity Housing SA Limited for their interest and advises them that at this stage Council does not support progressing negotiations for housing development on Council land at 500 Wright Road, Modbury, described in Certificate of Title Volume 5284 Folio 319 as set out in the Unsolicited Proposal referred to as Attachment 1 and the equity partnership scenario detailed in this Report on the basis that the development is not in the core business of Council and it is not an appropriate time for Council to invest in such a project.

Carried Unanimously (269)

23. Date of Next Ordinary Meeting

10 October 2023

The Mayor declared the meeting closed at 10.55pm.

Confirmed.....
Mayor 10 October 2023